

**From:** [Casey Joshua](#)  
**To:** [Matthew Sprott](#)  
**Cc:** [Mike Young \(DPE-DASP\)](#); [Steve Barry](#)  
**Subject:** Maxwell Underground Project - Conditions  
**Date:** Wednesday, 16 December 2020 2:56:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[201216\\_Maxwell Recommended Conditions\\_IPC suggested amendments \(excl appendices\).docx](#)

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Dear Matthew,

I am writing to you regarding the draft condition amendments suggested by the Commission for the Maxwell Underground Coal Mine Project. I have attached the suggested amendments in the form of a mark-up of the Department's recommended conditions. Figures and maps towards the end of the document have been removed to allow for easier emailing.

The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions. Given the requirement that the Commission determine the Project by 23 December 2020, the Commission respectfully requests that the Department's advice be provided by 3.00pm on Friday, 18 December 2020 ahead of a Panel meeting shortly thereafter.

The Commission has no issue with the Department consulting with other parts of the Department or the NSW Government as required, provided confidentiality is impressed on everyone consulted. The Commission requests that the applicant not be informed of any matter relating to this request for advice, including the fact that this advice is being sought.

Please let me know if you would like to discuss any aspect of this request for advice.

Kind regards,

**Casey Joshua | Principal Case Manager**

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**New South Wales Government**  
**Independent Planning Commission**

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# Development Consent

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

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

These conditions are required to:

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

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

Sydney

2020

### SCHEDULE 1

**Application Number:** SSD 9526  
**Applicant:** Maxwell Ventures (Management) Pty Ltd  
**Consent Authority:** The Independent Planning Commission of NSW  
**Site:** The land defined in Appendix 1  
**Development:** Maxwell Underground Coal Mine Project

## TABLE OF CONTENTS

<b>DEFINITIONS</b>	<b>III</b>	
<b>PART A</b>	<b>ADMINISTRATIVE CONDITIONS</b>	<b>7</b>
	Obligation to Minimise Harm to the Environment	7
	Terms of Consent	7
	Limits of Consent	7
	Notification of Commencement	8
	Surrender of Existing Consents or Approvals	8
	Planning Agreement	8
	Community Consultative Committee	8
	Evidence of Consultation	8
	Application of Existing Management Plans	9
	Staging, Combining and Updating Strategies, Plans or Programs	9
	Protection of Public Infrastructure	9
	Demolition	9
	Structural Adequacy	9
	Operation of Plant and Equipment	9
	Compliance	9
	Applicability of Guidelines	10
	Crown Land	10
<b>PART B</b>	<b>SPECIFIC ENVIRONMENTAL CONDITIONS</b>	<b>11</b>
	Noise and Blasting	11
	Air Quality and Greenhouse Gas	13
	Meteorological Monitoring	15
	Water	16
	Biodiversity	20
	Heritage	24
	Visual	25
	Waste	25
	Dangerous Goods	26
	Bushfire Management	26
	Exploration Activities and Surface Infrastructure	26
	Rehabilitation	27
	Transport	30
<b>PART C</b>	<b>SPECIFIC ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING</b>	<b>33</b>
	Subsidence	33
<b>PART D</b>	<b>ADDITIONAL PROCEDURES</b>	<b>38</b>
	Mitigation Upon Request	38
	Notification of Landowners/Tenants	38
	Notification of Exceedances	38
	Independent Review	38
<b>PART E</b>	<b>ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>	<b>40</b>
	Environmental Management	40
	Revision of Strategies, Plans and Programs	41
	Reporting and Auditing	41
	Access to Information	42
<b>APPENDIX 1</b>	<b>SCHEDULE OF LAND</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX 2</b>	<b>DEVELOPMENT LAYOUT PLANS</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX 3</b>	<b>RECEIVER LOCATIONS</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX 4</b>	<b>HERITAGE SITES</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX 5</b>	<b>REHABILITATION PLANS</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX 6</b>	<b>GENERAL TERMS OF APPLICANT'S PA OFFER</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>

## DEFINITIONS

<a href="#">Aboriginal Affairs NSW</a>	<a href="#">Aboriginal Affairs Branch of the Department of Premier and Cabinet</a>
<b>Aboriginal object / Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>AEP</b>	Annual Event Probability
<b>Annual Review</b>	The review required by condition E11
<b>Applicant</b>	Maxwell Ventures (Management) Pty Ltd, or any person carrying out any development under this consent
<b>Approved mine plan</b>	The indicative underground mine plan in Figure 5 in Appendix 2
<b>ARI</b>	Average Recurrence Interval
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BCD</b>	Biodiversity & Conservation Division within the Department
<b>BCT</b>	Biodiversity Conservation Trust
<b>BAM</b>	<i>Biodiversity Assessment Method</i>
<b>Built features</b>	Includes 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
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community consultative committee required by condition A21
<b>CEEC</b>	Critically endangered ecological community, as defined under the BC Act
<b>CHPP</b>	Coal Handling and Preparation Plant
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	All physical works to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent. This includes the establishment of the MEA, construction of the access road and overland conveyor between the MEA and CHPP, upgrading of plant and infrastructure at the Maxwell Infrastructure site, and the realignment of Edderton Road, but does not include preparatory works described in Section 3.4.2 of the EIS
<b>Council</b>	Muswellbrook Shire Council
<b>CPI</b>	Consumer Price Index
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A14
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
<b>Development Application Area</b>	The area shown as such in Figure 1 in Appendix 1
<b>Development Layout</b>	The indicative development layout depicted in the figures in Appendix 2
<b>DPIE Crown Lands</b>	Crown Lands Group within the Department
<b>DPIE Water</b>	Water Group within the Department
<b>EAs</b>	The Environmental Assessments titled:

	<ul style="list-style-type: none"> <li>• <i>Drayton Mine Extension Environmental Assessment, Volumes 1 and 2</i>, dated August 2007, including the response to submissions, dated November 2007;</li> <li>• <i>Project Approval Modification Environmental Assessment</i> (including its Statement of Commitments), dated July 2009, and the response to submissions dated September 2009; and</li> <li>• <i>East pit tailings emplacement &amp; explosives storage facility environmental assessment</i> dated July 2011, and Response to Submissions dated 3 November 2011, and Preliminary Hazard Analysis dated November 2011</li> </ul>
<b>EEC</b>	Endangered ecological community, as defined under the BC Act
<b>EIS</b>	The Environmental Impact Statement titled <i>Maxwell Project – Environmental Impact Statement</i> prepared by Resource Strategies Pty Ltd, submitted with the development application, including the Applicant's Submissions Report and additional information dated 10 December 2019, 11 December 2019, 20 January 2020, 30 January 2020, 28 February 2020, 30 April 2020, 30 April 2020, 1 June 2020, 9 June 2020 and 15 June 2020 provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Environmental consequences</b>	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
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>First workings</b>	Development of main headings, longwall gate roads, related cut throughs and other workings for mine access and ventilation
<b>GDE</b>	Groundwater Dependent Ecosystem
<b>Heritage NSW</b>	Heritage Branch of the Department of Premier and Cabinet
<b>Heritage item</b>	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> <li>• the NP&amp;W Act</li> <li>• the State Heritage Register under the <i>Heritage Act 1977</i>;</li> <li>• a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>;</li> <li>• a Local Environmental Plan under the EP&amp;A Act;</li> <li>• the World Heritage List;</li> <li>• the National Heritage List or Commonwealth Heritage List under the EPBC Act; or</li> <li>• anything identified as a heritage item under the conditions of this consent</li> </ul>
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
<b>Livestock</b>	Any animal kept or traded as a source of income, including horses and cattle
<b>Material harm</b>	Is harm to the environment that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> </ul>

- results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

This definition excludes "harm" that is authorised under either this consent or any other statutory approval

<b>Maxwell Infrastructure</b>	The area shown in Figure 4 in Appendix 2
<b>MEG</b>	Mining, Exploration and Geoscience within Regional NSW
<b>MEA</b>	Mine Entry Area as shown conceptually in Figure 3 in Appendix 2
<b>Mine Owned Land</b>	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Mine water</b>	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Mining operations</b>	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material
<b>Minister</b>	NSW Minister for Planning and Public Spaces, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>Mt Arthur Coal Complex</b>	The combined open cut and underground coal mining operations permitted under MP 06_0062, MP 06_0091, or any subsequent development consent for mining operations at the Mt Arthur Coal Mine granted by the Minister (or delegate) or the Independent Planning Commission of NSW
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>'Non-road' mobile equipment</b>	<b>diesel</b> Has the same meaning as in any EPL for the carrying out of the development on the site
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>Over-dimensional</b>	Over-mass, over-size or over-length vehicles
<b>PA</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Privately-owned land</b>	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary)
<b>Public infrastructure</b>	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2009</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Remediation</b>	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact

<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent, including dwellings offering overnight accommodation within the Coolmore and Woodlands Thoroughbred Studs and the Hollydene Estate
<b>Resources Regulator</b>	NSW Resources Regulator within Regional NSW
<b>RFS</b>	NSW Rural Fire Service
<b>ROM</b>	Run-of-mine
<b>SA NSW</b>	Subsidence Advisory NSW
<b>Second Workings</b>	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
<b>Site</b>	The land defined in Appendix 1
<b>Steep slope</b>	An area of land having a gradient between 1 in 3 (33% or 18.3°) and 2 in 1 (200% or 63.4°)
<b>Subsidence</b>	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
<b>Subsidence Area</b>	The land area within the predicted extent of conventional subsidence, as shown in Figure 2 in Appendix 2
<b>Subsidence effects</b>	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
<b>Subsidence impacts</b>	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 subsidence and surface depressions or troughs
<b>Thomas Mitchell Contributions Study</b>	<b>Drive</b> The Contributions Study prepared by GHD titled, " <i>Thomas Mitchell Drive Contributions Study, May 2015</i> " as amended by the supplementary report dated August 2018 (or its latest version as amended from time to time)
<b>TfNSW</b>	Transport for New South Wales
<b>Underground mining operations</b>	The carrying out of underground mining, including the extraction, processing, stockpiling and transportation of coal on the site and the emplacement of coarse/fine reject material resulting from underground mining



## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
  - in accordance with all written directions of the Planning Secretary;
  - generally in accordance with the EIS and EAs; and
  - generally in accordance with the Development Layout in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Mining operations

- A5. First workings and second workings may only be carried out within the area covered by the approved mine plan.
- A6. Mining operations may be carried out on the site until 30 June 2047.

**Note:** Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

- Mining operations and rehabilitation are also regulated under the Mining Act 1992.

##### Coal Extraction, Processing and Transport

- A7. A maximum of 8 million tonnes of ROM coal may be extracted from or processed on the site in any calendar year.
- A8. The Applicant may transport ROM coal from the MEA to the CHPP by truck for a period of no more than 3 calendar years following the date of commencement of first workings under condition A13(c) of this Schedule.
- The Applicant may only extend the period of time permitted under this condition for the transportation of ROM coal from the MEA to the CHPP by truck with the written approval of the Planning Secretary.
- A9. The Applicant must seal the full length of the access road between the MEA and the CHPP, to the satisfaction of the Planning Secretary and by no later than 12 months after the date of commencement of first workings as notified under condition A14(c) of this Schedule.
- A10. Product coal may only be transported from the site by rail.

**Note:** the loading and transportation of coal via the rail loop and Antiene Rail spur is subject to a separate development consent (DA 106-04-00).

##### Hours of Operation

- A11. The Applicant may undertake mining operations 24 hours a day, 7 days a week.

##### Identification of Approved Disturbance Area

- A12. Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas.

**Note:** Disturbance may occur outside of the approved disturbance areas, provided those activities are authorised under an Exploration Activities and Minor Surface Infrastructure Management Plan which has been approved by the Planning Secretary under condition B74.

#### NOTIFICATION OF COMMENCEMENT

- A13. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least two weeks before that date:
- commencing development under this consent;
  - commencing construction under this consent;
  - commencing first workings under this consent;
  - commencing second workings (including commencement of longwall extraction);
  - cessation of mining operations; and
  - any period of suspension of mining operations and/or processing (i.e. care and maintenance).
- A14. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A15. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for the Drayton Mine Extension Project (MP 06\_0202) dated 1 February 2008 in accordance with the EP&A Regulation.
- A16. Upon the commencement of development under this consent, and before the surrender of MP 06\_0202 as required under condition A16, the conditions of this consent prevail to the extent of any inconsistency with the conditions of MP 06\_0202.

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

#### PLANNING AGREEMENT

- A17. Within six months of the date of ~~commencement of construction as notified under condition A13(b)~~ this grant of development consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with Council in accordance with:
- Division 7.1 of Part 7 of the EP&A Act; and
  - the terms of the Applicant's offer to Council in Appendix 6.
- A18. If the Applicant and Council do not enter into a PA within the timeframe under condition A17, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Council of \$5.09 Million which is to be paid in equal annual instalments over a period of 10 years. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the *Muswellbrook Shire Council Section 94A Development Contributions Plan 2010*.
- A19. If there is any dispute between the Applicant and Council in regards to conditions A17 and A18 then either party may refer the matter to the Planning Secretary for resolution.

#### COMMUNITY CONSULTATIVE COMMITTEE

- A20. Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2019)*. The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.
- Notes:**
- The CCC is an advisory committee only.
  - In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, affected stakeholder groups (including the Coolmore and Woodlands thoroughbred horse studs) and the local community.

- A21. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any CCC previously established under MP 06\_0202.

#### EVIDENCE OF CONSULTATION

- A22. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document; and
  - provide details of the consultation undertaken to the Department, including:

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **APPLICATION OF EXISTING MANAGEMENT PLANS**

A23. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under MP 06\_0202, to the satisfaction of the Planning Secretary.

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

A24. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
- (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.

A25. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A26. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

A27. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

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

<sup>a</sup>*This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the Mining Act 1992.*

#### **DEMOLITION**

A28. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### **STRUCTURAL ADEQUACY**

A29. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

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

A30. All plant and equipment used on site, or to monitor the performance of the development must be:

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

#### **COMPLIANCE**

A31. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **APPLICABILITY OF GUIDELINES**

- A32. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.
- A33. Notwithstanding Condition A32, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **CROWN LAND**

- A34. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads.

**Notes:**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE AND BLASTING

#### Noise Criteria

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

**Table 1: Noise criteria dB(A)**

Receiver Id	Day		Evening	Night	
	Leq <sub>(15 min)</sub> dB(A) (Years 1 to 3)	Leq <sub>(15 min)</sub> dB(A) (Year 4 onwards)	Leq <sub>(15 min)</sub> dB(A)	Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)
390, 398, 402 <sup>b</sup>	44	42	39	39	52
425, 427	40	40	37	37	52
399	42	40	37	37	52
400	41	40	36	36	52
403 <sup>b</sup>	44	43	40	40	52
411 <sup>b</sup>	45	43	41	41	52
418	44	42	39	39	52
419, 420, 539	42	40	38	38	52
421, 424	41	40	38	38	52
423	42	40	39	39	52
538 <sup>b</sup>	42	41	38	38	52
All other privately-owned properties	40	40	35	35	52

<sup>a</sup> The Noise Assessment Locations referred to in Table 1 are shown in Appendix 3

<sup>b</sup> Identified receivers are eligible for noise mitigation under condition D1 of this Schedule

- B2. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017). The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B26 and as defined in Part D of the Noise Policy for Industry (EPA, 2017) apply to the noise criteria in Table 1.
- B3. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Noise Operating Conditions

- B4. The Applicant must:
- take all reasonable steps to minimise noise from the development, including low frequency noise and other audible characteristics, as well as road and rail noise associated with the development;
  - make all reasonable and feasible endeavours to coordinate noise management with nearby mines (in particular, the Mt Arthur Coal Complex) to minimise cumulative noise impacts;
  - operate a comprehensive noise management system using a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
  - take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;
  - carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
  - regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

#### Blasting Criteria

- B5. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 2.

**Table 2: Blasting criteria**

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land <sup>a</sup>	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
Electricity Transmission Lines	-	50	0%
Public Roads	-	100	0%
All other infrastructure, including the Liddell Ash Dam Wall	-	50	0%

<sup>a</sup> includes any residence at the Coolmore or Woodlands Thoroughbred Studs or the Hollydene Estate

- B6. The blasting criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant land, residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

**Blasting Hours**

- B7. The Applicant must only carry out blasting on the site between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.

**Blasting Frequency**

- B8. The Applicant may carry out a maximum of:
- (a) 2 single blast events<sup>a</sup> a day; and
  - (b) 8 single blast events<sup>a</sup> a week, averaged over a calendar year.
- B9. Conditions B7 and B8 do not apply to single blast events<sup>a</sup> that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

<sup>a</sup> Within conditions B7 and B8, 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.

**Blast Operating Conditions**

- B10. The Applicant must:
- (a) take all reasonable steps to:
    - (i) ensure the safety of people and livestock from the blasting impacts of the development;
    - (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
    - (iii) minimise blast-related dust and fume emissions;
  - (b) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site;
  - (c) make all reasonable and feasible efforts to co-ordinate the timing of blasting at the site with any nearby mines (including Mt Arthur Coal Complex) to minimise cumulative blasting impacts;
  - (d) carry out blast monitoring, if required by a written direction issued by the Planning Secretary, to determine whether the development is complying with the relevant conditions of this consent.
- B11. The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:
- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or

- (b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan required under condition B12(e) of this Schedule to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

**Noise and Blasting Management Plan**

B12. The Applicant must prepare a Noise and Blasting Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) describe the measures to be implemented to ensure:
  - (i) compliance with the noise criteria and operating conditions in this consent;
  - (ii) best practice noise management is being employed;
  - (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions;
- (c) describe the noise management system in detail;
- (d) include a noise monitoring program that:
  - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
  - (ii) monitors noise at the nearest and/or most affected residences;
  - (iii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
  - (iv) adequately supports the noise management system;
  - (v) includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and
  - (vi) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event; and
- (e) include a Blast Management Plan that:
  - (i) is prepared in consultation with the Coolmore and Woodlands Thoroughbred Studs;
  - (ii) describes the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
  - (iii) includes public notification procedures to enable members of the public, particularly surrounding residents and the Coolmore and Woodlands Thoroughbred Studs, to get up-to-date information on upcoming blasting events; and
  - (iv) includes a protocol for investigating and responding to blast-related complaints.

B13. The Applicant must not commence construction until the Noise and Blasting Management Plan is approved by the Planning Secretary.

B14. The Applicant must implement the Noise and Blasting Management Plan as approved by the Planning Secretary.

**AIR QUALITY AND GREENHOUSE GAS**

**Odour**

B15. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

**Air Quality Criteria**

B16. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land.

**Table 3:** Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>

	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>	
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>	
<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

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

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

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

<sup>d</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.

B17. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Mine-owned Land

B18. Particulate matter emissions generated by the development must not exceed the criteria listed in Table 3 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

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

#### Air Quality Operating Conditions

B19. The Applicant must:

- (a) take all reasonable steps to:
  - (i) minimise odour, fume, and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
  - (ii) manage and minimise the risk of spontaneous combustion;
  - (iii) improve energy efficiency and reduce fugitive greenhouse gas emissions of the development;
  - (iv) implement greenhouse gas abatement measures (including beneficial reuse and/or flaring) with respect to methane produced by underground coal mining;
  - (v) minimise visible off-site air pollution generated by the development; and
  - (vi) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) ensure that 'non-road' mobile diesel equipment used in undertaking the development complies with any applicable exhaust emission standards specified under an EPL, unless otherwise agreed by the EPA;
- (c) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);
- (e) make all reasonable and feasible endeavours to co-ordinate air quality management on the site with the air quality management at nearby mines (particularly the Mt Arthur Coal Complex) to minimise cumulative air quality impacts;
- (f) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (g) regularly assess the air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent.



### Spontaneous Combustion Management Plan

- B20. The Applicant must prepare a Spontaneous Combustion Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with the Resources Regulator; and
  - (c) describe the measures to be implemented to minimise the risk of spontaneous combustion on the site.
- B21. The Applicant must not commence construction until the Spontaneous Combustion Management Plan is approved by the Planning Secretary.
- B22. The Applicant must implement the Spontaneous Combustion Management Plan as approved by the Planning Secretary.

### Air Quality and Greenhouse Gas Management Plan

- B23. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) describe the measures to be implemented to ensure:
    - (i) compliance with the air quality criteria and operating conditions in this consent;
    - (ii) best practice management is being employed (including in respect of energy efficiency and the minimisation of greenhouse gas emissions from the site); and
    - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
  - (c) describe the air quality management system in detail;
  - (d) include a Centralised Gas Management Plan which describes the measures to be implemented to:
    - (i) maximise the beneficial use of methane produced by underground coal mining where reasonable and feasible; and
    - (ii) ensure that air quality impacts on nearby residences associated with the flaring or venting of gases produced by underground coal mining are minimised to the greatest extent practicable; and
  - (e) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that:
    - (i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
    - (ii) adequately supports the air quality management system;
    - (iii) includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and
    - (iv) includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident.

**Note:** "Methane produced by underground coal mining" does not include methane within mine ventilation air.

- B24. The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.
- B25. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

### METEOROLOGICAL MONITORING

- B26. Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
  - (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

## WATER

### Water Supply

B27. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

B28. The Applicant must report on water captured, intercepted or extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

**Note:** Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and following mine closure.

### Compensatory Water Supply

B29. Prior to commencing extraction of ROM coal under this consent, the Applicant must notify owners of licensed privately-owned groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development.

B30. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.

B31. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B32. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

B33. If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

**Note:**

- The Water Management Plan (see condition B42) is required to include trigger levels for investigating potentially adverse impacts on water supplies.
- The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.

B34. In the event of any complaint relating to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or the provision of an alternative long-term supply of water as required under conditions B30 and B31, to the satisfaction of the Planning Secretary.

### Off-site Water Discharges and Transfers

B35. The Applicant must ensure that all water discharges from the site comply with:

- (a) discharge limits (both volume and quality) set for the development in any EPL; and
- (b) the relevant provisions of the POEO Act.

B36. The Applicant must implement all reasonable and feasible measures to avoid off-site discharges from the Access Road Dam or the Rail Loop Dam. However, should discharges from these dams be required, any such discharge may only be undertaken in accordance with the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

B37. The Applicant may receive water from and/or transfer water to, the Mt Arthur Coal Complex.

B38. The Applicant may, with the written approval of the Planning Secretary, receive water from and/or transfer water to, other mining and/or industrial operations in the vicinity of the development.

**Note:**

- Prior to the granting of written approval by the Planning Secretary, the Applicant must demonstrate that all necessary approvals and licences have been obtained for the sharing of water.

B39. The Applicant may, with the written approval of the Planning Secretary, integrate components of the site water management system with the water management system for the Mt Arthur Coal Complex.

### Water Management Performance Measures

B40. The Applicant must ensure that the development complies with the performance measures in Table 4.

**Table 4:** Water management performance measures

<b>Feature</b>	<b>Performance Measure</b>
Water management – General	<ul style="list-style-type: none"> <li>• Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems</li> <li>• Minimise the use of clean and potable water on the site</li> <li>• Maximise water recycling, reuse and sharing opportunities</li> <li>• Maximise the capture and reuse of mine water and dirty water to meet operational demands for water</li> <li>• Minimise the use of make-up water from external sources</li> <li>• Design, install, operate and maintain water management systems in a proper and efficient manner</li> <li>• Minimise risks to the receiving environment and downstream water users</li> </ul>
Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>• Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including: <ul style="list-style-type: none"> <li>– negligible change in groundwater levels;</li> <li>– negligible change in groundwater quality; and</li> <li>– negligible impact to other groundwater users</li> </ul> </li> </ul>
Saddlers Creek, Saltwater Creek and Hunter River aquatic and riparian ecosystems	<ul style="list-style-type: none"> <li>• Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c).</li> <li>• Negligible decline in baseline channel stability</li> <li>• Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> </ul>
Erosion and sediment control works	<ul style="list-style-type: none"> <li>• Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book (Landcom, 2004)</i>, <i>Volume 2A: Installation of Services (DECC, 2008)</i>, <i>Volume 2C: Unsealed Roads (DECC, 2008)</i>, <i>Volume 2D: Main Road Construction (DECC, 2008)</i> and <i>Volume 2E: Mines and Quarries (DECC, 2008)</i></li> <li>• Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>• Design, install and maintain any new creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003).</li> <li>• Ensure all works on waterfront land are consistent with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> </ul>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</li> <li>• Maximise as far as reasonable the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>
Sediment dams	<ul style="list-style-type: none"> <li>• Design, install and/or maintain sediment dams to avoid off-site discharges to surface waters, except as may be permitted under conditions B35 and B36</li> <li>• Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004)</i> and <i>2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul>
Mine water storages	<ul style="list-style-type: none"> <li>• Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>• Ensure adequate freeboards within all mine water storage dams and voids at all times to minimise the risk of discharge to surface waters</li> <li>• New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>
Brine management	<ul style="list-style-type: none"> <li>• Brine storage facilities are designed to store a 100 year ARI 72 hour storm event</li> <li>• Brine storage dam<sup>a</sup> is suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>
Reject management	<ul style="list-style-type: none"> <li>• Restrict any new emplacement of tailings and CHPP reject material to the East Void</li> </ul>

Feature	Performance Measure
	<ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the Maxwell Infrastructure area</li> <li>Manage CHPP reject material in a manner that is consistent with the document/s listed in condition A2(c)</li> </ul>
Overburden emplacements	<ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>

<sup>a</sup> This performance measure relates to the Brine Dam at the MEA and not to the East Void

B41. The performance measures in Table 4 apply to the entire site, including all landforms constructed under previous development consents. However, these performance measures do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable and non-polluting landform.

#### Water Management Plan

B42. Prior to the commencement of construction activities, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with DPIE Water;
- (c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);
- (d) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;
- (e) include a:
  - (i) **Site Water Balance** that includes details of:
    - predicted annual inflows to and outflows from the site;
    - sources and security of water supply for the life of the development (including authorised entitlements and licences);
    - water storage capacity;
    - water use and management on the site, including any water sharing arrangements permitted under condition B37 and B38 of this Schedule;
    - licensed discharge points and limits; and
    - reporting procedures, including the annual preparation of a site water balance;
  - (ii) **Salt Balance** that includes details of:
    - sources of saline material on the site;
    - saline material and saline water management on the site;
    - measures to minimise discharge of saline water from the site; and
    - reporting procedures, including the annual preparation of an updated salt balance;
  - (iii) **Erosion and Sediment Control Plan** that:
    - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
    - identifies activities that could cause soil erosion or generate sediment;
    - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
    - describes the location, function and capacity of erosion and sediment control structures; and
    - describes what measures would be implemented to maintain (and if necessary, decommission) the structures over time;
  - (iv) **Surface Water Management Plan** that includes:
    - detailed baseline data on channel stability, water flows and water quality in the sections or parts of watercourses and/or water bodies potentially impacted by the development (including Saddlers Creek, Saltwater Creek, Ramrod Creek and the Hunter River);

- a detailed description of the surface water management system, including a Brine Management Plan as described in the Submissions Report in the EIS;
  - details of any water sharing arrangements permitted under condition B37 and B38 of this Schedule;
  - detailed plans, design objectives and performance criteria for water management infrastructure including:
    - any approved creek diversions or restoration works associated with the development;
    - water run-off diversions and catch drains;
    - erosion and sediment controls;
    - any water storages, including mine water management systems;
    - tailings and brine transfer and storage infrastructure; and
    - reinstated drainage networks on rehabilitated areas of the site;
  - surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development for:
    - water supply for other water users;
    - downstream surface water flows and quality, including site-specific trigger levels for molybdenum, selenium, antimony and arsenic;
    - stream and riparian vegetation health; and
    - post-mining water pollution from rehabilitated areas of the site;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - impacts on water supply for other water users;
    - surface water inflows, outflows and storage volumes, to inform the Site Water Balance;
    - the effectiveness of the surface water management system, and the measures in the Erosion and Sediment Control Plan;
    - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
    - a trigger action response plan to respond to any exceedances of the performance measures in Table 4, and to repair, mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to affected water users under condition B30 of this Schedule; and
- (v) **Groundwater Management Plan** that includes:
- detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores and the condition of GDEs potentially impacted by the development;
  - a program to periodically review and update data regarding groundwater levels, yield and quality at privately-owned groundwater bores in the vicinity of the development;
  - a detailed description of the groundwater management system, including a commitment to install additional shallow monitoring bores within the Saddlers Creek alluvium, in consultation with DPIE Water;
  - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on:
    - regional and local aquifers (alluvial and hard rock); and
    - licensed privately-owned groundwater bores;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 4 and the performance criteria of this plan;
    - water loss/seepage from water storages into the groundwater system, including seepage from the final voids;
    - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
    - impacts on water supply for other water users;
    - impacts on GDEs (including Swamp Oak Forest and stygofauna);
    - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; and

- the effectiveness of the groundwater management system;
- reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
- a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development;
- a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions;
- a program to undertake further hydraulic testing of the fault in the vicinity of Saddlers Creek within the first three years of mining operations and incorporate the results into subsequent reviews of the groundwater model; and
- a plan to respond to any exceedances of the performance measures.

B43. The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.

B44. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

#### BIODIVERSITY

##### Maxwell Infrastructure Biodiversity Offset Areas

B45. The Applicant must:

- (a) protect and maintain the Drayton Wildlife Refuge; and
- (b) protect, maintain and enhance the Northern Offset Area,

as shown in Figure 11 in Appendix 5 and as described in the EIS.

B46. The Applicant must establish, maintain and protect the Southern Offset Area, as summarised in Table 5 and shown conceptually in Figure 11 in Appendix 5.

**Table 5:** Southern Offset Area requirements

Area	Offset Type	Minimum Size (ha)
Southern Offset Area	Narrow-leaved Ironbark Woodland	26
	Spotted-Gum-Grey Box Open Forest Woodland	19
	Forest Red Gum Open Forest and Woodland (Hunter Lowland Redgum Forest EEC) <sup>a</sup>	15
	Yellow Box and Grey Gum Woodland (White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions CEEC) <sup>a</sup>	24
	Rehabilitated woodland/pasture	4

<sup>a</sup> Identified vegetation communities must be established to a level that meets the listing criteria for the relevant EEC or CEEC as defined under the BC Act.

##### Maxwell Underground Biodiversity Credit Requirements

B47. Prior to commencing construction under this consent, ~~or other timeframe agreed by the Planning Secretary,~~ the Applicant must retire the biodiversity credits specified in Table 6 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

**Table 6:** Biodiversity credit requirements (Stage One)

Credit Type	Credits Required
Ecosystem Credits	

Credit Type	Credits Required
PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Woodland)	9
PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Derived Native Grassland)	59
PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a,c</sup>	216
PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>a,c</sup>	971
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	21
PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland) <sup>c</sup>	45
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Woodland) <sup>c</sup>	15
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	14
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	184
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)	6
PCT1604 Narrow-leaved Ironbark – Grey Box – Spotted Gum Shrub – Grass Woodland of the Central and Upper Hunter <sup>c</sup>	44
PCT1604 Woodland Rehabilitation	214
<b>Species Credits</b>	
Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	1,474
Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>c,d</sup>	1,114
Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	229
Tesselate Everlasting ( <i>Ozothamnus tessellatus</i> ) <sup>c,d</sup>	217
Austral Toadflax ( <i>Thesium australe</i> ) <sup>c,d</sup>	34
Pink-tailed Legless Lizard <sup>c</sup>	382
Striped Legless Lizard <sup>c</sup>	1,126
Squirrel Glider	524
Southern Myotis	9

<sup>a</sup> Commensurate with White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act

<sup>b</sup> Commensurate with Central Hunter Valley Eucalypt Forest and Woodland CEEC under the EPBC Act

<sup>c</sup> Under clause 6.6A of the Biodiversity Conservation Regulation 2017, variation rules do not apply to the identified species or community and the required credits must be retired on a like-for-like basis

<sup>d</sup> Total credit requirements have been calculated based on assumed presence of this species and may be reduced under condition B49

B48. Prior to commencing any works associated with the realignment of Edderton Road, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 7 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

**Table 7: Biodiversity Offset Requirements (Stage Two)**

Credit Type	Credits Required
<b>Ecosystem Credits</b>	
PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a,c</sup>	2
PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>a, c</sup>	45
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	2
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Derived Native Grassland)	24
PCT1731 Swamp Oak – Weeping Grass Grassy Riparian Forest of the Hunter Valley	4
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	26
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	51
<b>Species Credits</b>	
Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	157
Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>c,d</sup>	98
Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	57
Tesselate Everlasting ( <i>Ozothamnus tessellatus</i> ) <sup>c,d</sup>	5
Pink-tailed Legless Lizard <sup>c</sup>	41
Striped Legless Lizard <sup>c</sup>	99
Squirrel Glider	33
Southern Myotis	36

<sup>a</sup> Commensurate with White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act

<sup>b</sup> Commensurate with Central Hunter Valley Eucalypt Forest and Woodland CEEC under the EPBC Act

<sup>c</sup> Under clause 6.6A of the Biodiversity Conservation Regulation 2017, variation rules do not apply to the identified species or community and the required credits must be retired on a like-for-like basis

<sup>d</sup> Total credit requirements have been calculated based on assumed presence of this species and may be reduced under condition B49

B49. The biodiversity credit requirements outlined in conditions B47 and B48 for *Diuris tricolor*; *Prasophyllum petilum*; *Pterostylis chaetophora*; *Ozothamnus tessellatus* and *Thesium australe*, may be reduced if the Applicant demonstrates, to the satisfaction of the Planning Secretary, that the credit requirements in Table 6 and/or Table 7 do not accurately reflect the extent of impacts on these species as a result of the development. Any request from the Applicant to reduce these credit requirements must:

- (a) be in writing and addressed to the Planning Secretary; and
- (b) be supported by an expert report or survey report outlining the findings of additional surveys, which has been prepared:
  - (i) by a suitably qualified and experienced person/s;<sup>a,b</sup>
  - (ii) in accordance with the BAM;
  - (iii) in consultation with Council; and
  - (iv) in consultation with BCD,



to the satisfaction of the Planning Secretary.

<sup>a</sup> In the case of an expert report, a 'suitably qualified and experienced person' means a person who meets the relevant requirements outlined in section 6.5.2 of the BAM

<sup>b</sup> In this case of a survey report, a 'suitably qualified and experienced person' means an accredited person as defined in section 1.6 of the BC Act.

B50. The Applicant must ensure that the Biodiversity Offset Strategy and the Rehabilitation Strategy for the development focus on the regeneration, enhancement and/or re-establishment of:

- (a) the following vegetation communities:
  - (i) *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions* CEEC;
  - (ii) *Central Hunter Grey Box-Iron Bark Woodland in the NSW North Coast and Sydney Basin Bioregions* CEEC; and
- (b) habitat and/or foraging resources for other significant and/or threatened flora and fauna species, including:
  - (i) Pink-tailed Legless Lizard;
  - (ii) Striped Legless Lizard;
  - (iii) Swift Parrot; and
  - (iv) Regent Honeyeater.

**Notes:**

- Identified species and communities are as defined under the BC Act.

**Biodiversity Management Plan**

B51. The Applicant must prepare a Biodiversity Management Plan for all areas of the development, that are not, or will not, be subject to condition C8(g)(iv), to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with BCD [and Council](#);
- (c) describe the short, medium, and long term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site and in the Maxwell Infrastructure Biodiversity Offset Areas required under conditions B45 and B46;
- (d) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B82;
- (e) include detailed performance and completion criteria for evaluating the performance of the Maxwell Infrastructure Biodiversity Offset Areas required under conditions B45 and B46 and include triggers for remedial action, where these performance or completion criteria are not met;
- (f) describe the measures to be implemented to:
  - (i) fulfil or build upon the commitments outlined in the Offset Strategy dated June 2016 with respect to the Drayton Wildlife Refuge and North Offset Area;
  - (ii) satisfy the requirements of condition B46 of this Schedule with respect to the Southern Offset Area; and
  - (iii) manage and respond to spontaneous combustion risks on vegetation establishment within the Southern Offset Area, including replanting or the provision of compensatory offsets, if needed;
- (g) describe the measures to be implemented within the approved disturbance areas to:
  - (i) minimise the amount of clearing;
  - (ii) minimise impacts on fauna, including undertaking pre-clearance surveys;
  - (iii) provide for the salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004), where feasible; and
  - (iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
- (h) describe the measures to be implemented on the site to:
  - (i) minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;
  - (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;

- (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
  - (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species;
  - (v) manage any potential conflicts with Aboriginal heritage values;
  - (vi) protect vegetation and fauna habitat outside of the approved disturbance areas;
  - (vii) manage the collection and propagation of seed from the local area;
  - (viii) control weeds, including measures to avoid and mitigate the spread of weeds;
  - (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
  - (x) control erosion;
  - (xi) manage any grazing and agriculture;
  - (xii) control access to vegetated or revegetated areas; and
  - (xiii) manage bushfire hazards;
  - (i) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes;
  - (j) identify the potential risks to the successful implementation of the Biodiversity Management Plan, and include a description of the contingency measures to be implemented to mitigate against these risks; and
  - (k) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
- B52. The Applicant must not commence construction until the Biodiversity Management Plan is approved by the Planning Secretary.
- B53. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

**Note:** *The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated site.*

## HERITAGE

### Protection of Aboriginal Heritage

- B54. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item, beyond those predicted in the document/s listed in condition A2(c).

**Note:** *Identified heritage items are shown in Figure 8 in Appendix 4*

- B55. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.
- B56. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

### Aboriginal Cultural Heritage Management Plan

- B57. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with [Aboriginal Affairs NSW](#), Heritage NSW and Registered Aboriginal Parties;
  - (c) describe the measures to be implemented on the site or within any offset area to:
    - (i) comply with conditions B54 and B55 of this Schedule;
    - (ii) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
    - (iii) protect, monitor and manage identified Aboriginal objects and Aboriginal places (including AHIMS Site #37-2-1954 and the previously recorded location of AHIMS Site #37-2-1955) in accordance with the commitments made in the document/s listed in condition A2(c);
    - (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
    - (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, in accordance with the commitments made in the document/s listed in condition A2(c), over the life of the development;

**Commented [CJ1]:** Additional consultation requirement to address ethnographic and anthropological aspects of Aboriginal Cultural Heritage Management (specifically the widespread nature of the massacre)

- (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to visit Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
- (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
- (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B58. The Applicant must not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.

B59. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

## **VISUAL**

### **Visual Amenity and Lighting**

- B60. The Applicant must:
- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
  - (b) take all reasonable steps to shield views of mining operations and associated equipment from users of public roads and privately-owned residences;
  - (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
  - (d) ensure mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
  - (e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 2019 – Control of Obtrusive Effects of Outdoor Lighting*; and
  - (f) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

### **Visual Impact Management Plan**

B61. The Applicant must prepare a Visual Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) describe the measures to be implemented to minimise the visual and off-site lighting impacts of the development (including the construction phase);
- (b) include a landscaping strategy to minimise views of the development from key vantage points in the public and/or private domain, which includes:
  - (i) the establishment and maintenance of tree screens to shield views of the MEA from Edderton Road to the greatest extent practicable; and
  - (ii) the establishment of tree screens along the eastern and/or southern boundaries of Edderton Homestead, upon request by the landowner or tenant, and subject to the agreement of both the landowner and tenant; and
- (c) include a program to monitor, maintain and report on the effectiveness of visual impact mitigation measures, to the satisfaction of the Planning Secretary.

**Note:** *The location of Edderton Homestead is shown in Figure 9 in Appendix 4*

B62. The Applicant must not commence construction until the Visual Impact Management Plan is approved by the Planning Secretary.

B63. The Applicant must implement the Visual Impact Management Plan as approved by the Planning Secretary.

## **WASTE**

- B64. The Applicant must:
- (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;
  - (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
  - (c) dispose of all waste at appropriately licensed waste facilities or as permitted in an applicable EPL;
  - (d) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
  - (e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E11.

- B65. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.
- B66. The Applicant must implement the Bioremediation Management Plan for the Maxwell Infrastructure site dated April 2014 (or latest version approved by the Planning Secretary), to the satisfaction of the Planning Secretary.
- B67. Prior to commencing construction under this consent, the Applicant must prepare a Contaminated Materials Protocol to the satisfaction of the Planning Secretary. This protocol must describe the procedures to be implemented in the event that potentially contaminated material is identified during construction, including:
- (a) procedures for the testing, removal and disposal of potentially contaminated material; and
  - (b) measures to ensure compliance with the requirements of SafeWork NSW and relevant guidelines.
- B68. The Applicant must implement the Contaminated Materials Protocol as approved by the Planning Secretary.

#### **DANGEROUS GOODS**

- B69. The Applicant must ensure that the storage, handling and transport of:
- (a) dangerous goods is carried out in accordance with the relevant Australian Standards, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
  - (b) explosives are managed in accordance with the requirements of the Resources Regulator.

#### **BUSHFIRE MANAGEMENT**

- B70. The Applicant must:
- (a) ensure that the development:
    - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline; and
    - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
  - (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.
- B71. Prior to commencing construction under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:
- (a) contact person and 24 hour contact phone number;
  - (b) schedule and description of proposed bushfire mitigation works, including:
    - (i) location of managed and unmanaged vegetation within the site;
    - (ii) location of water supply; and
    - (iii) internal access roads;
  - (c) plan identifying the location and storage of bulk flammable liquids and materials;
  - (d) 'hot works' management plan, including:
    - (i) circumstances when 'hot works' are limited or prohibited; and
    - (ii) safety measures to be implemented when 'hot works' are being conducted; and
  - (e) emergency/evacuation plan in accordance with the *Guidelines for the Preparation of Emergency/Evacuation Plans* (RFS) and Australian Standard *AS3745 Planning for Emergencies in Facilities*.
- B72. The Applicant must implement the Bushfire Management Plan in consultation with RFS.

#### **EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE**

##### **Exploration Activities and Minor Surface Infrastructure Management Plan**

- B73. Prior to carrying out exploration activities associated with the underground mining operations under this consent that would cause temporary surface disturbance or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Resources Regulator, BCD, Heritage NSW and owners of potentially affected built features;
  - (c) include a description of the measures to be implemented for:
    - (i) managing exploration activities;
    - (ii) managing construction and operation of minor surface infrastructure and associated access tracks;
    - (iii) consulting with and compensating affected landowners;

- (iv) assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;
- (v) avoiding (where possible), or minimising environmental impacts and impacts on key infrastructure, including the Plashett Reservoir;
- (vi) avoiding (where possible), or minimising impacts on threatened species, populations or their habitats and EECs/CEECs;
- (vii) minimising clearance and disturbance of native vegetation;
- (viii) minimising and managing erosion and sedimentation; and
- (ix) rehabilitating disturbed areas.

B74. The Applicant must not carry out exploration activities associated with the underground mining operations under this consent that cause temporary surface disturbance, or construct and/or upgrade minor surface infrastructure on the site, until the Exploration Activities and Minor Surface Infrastructure Management Plan is approved by the Planning Secretary.

B75. The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.

## REHABILITATION

### Rehabilitation Objectives

B76. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the document/s listed in condition A2(c) (and shown conceptually in the Rehabilitation Plans in Appendix 5), and must comply with the objectives in Table 8.

**Table 8:** Rehabilitation objectives

Feature	Objective <sup>a</sup>
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit <u>proper and apt to satisfy for</u> the intended post-mining land use/s <u>set out in the EIS and EAs and, insofar as the former Drayton Mine site is concerned, no less favourable than the standard provided for in the Rehabilitation and Offset Management Plan dated 2013 provided that where, despite that document, a reference site has not been determined, a reference site is proposed by the Applicant after consultation with the Council.</u></li> <li>• Achieve the final landform and post-mining land use/s</li> <li>• <u>Minimise post-mining environmental impacts</u></li> </ul>
Woodland Biodiversity Corridors, including the Southern Offset Area	<ul style="list-style-type: none"> <li>• Establish self-sustaining native woodland ecosystems as described in the document/s listed in condition A2(c) and in Table 5<sup>b</sup></li> <li>• Establish local plant community types, with a particular focus on the CEECs listed in condition B50 of this Schedule</li> <li>• Establish habitat, feed and foraging resources for threatened fauna species</li> <li>• Facilitate local vegetation connectivity and wildlife corridors, particularly with respect to the adjacent Mt Arthur Coal Complex</li> </ul>
Areas proposed for agricultural or pastoral use	<ul style="list-style-type: none"> <li>• Establish/restore grassland areas to support sustainable agricultural activities</li> <li>• Use species found in the local area that are suitable for pasture production</li> <li>• Achieve land and soil capabilities that are suitable for the intended final land use</li> <li>• Located adjacent to surrounding agricultural land, where practicable</li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>• Stable and sustainable for the intended post-mining land use/s</li> <li>• Compatible with surrounding topography to minimise visual impacts</li> <li>• Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion</li> </ul>
Final voids	<ul style="list-style-type: none"> <li>• Reject emplacements are suitably capped and rehabilitated</li> <li>• Designed as long term groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final voids (see condition B79)</li> <li>• Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>- the size and depth;</li> </ul> </li> </ul>

Feature	Objective <sup>a</sup>
	<ul style="list-style-type: none"> <li>- surface evaporation in void lakes;</li> <li>- the drainage catchment;</li> <li>- any high wall instability risk; and</li> <li>- the risk of spillover into the downstream environment;</li> <li>- the risk of flood interaction;</li> <li>• Maximise potential for beneficial reuse, where practicable</li> </ul>
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Resource Regulator <u>and Council both</u> agree otherwise</li> <li>• All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul>
Portals and vent shafts of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul>
Underground mining area <sup>c</sup>	<ul style="list-style-type: none"> <li>• No decline in land and soil capability</li> </ul>
Watercourses subject to mine water discharges and/or subsidence impacts or environmental consequences that are greater than negligible <sup>d</sup>	<ul style="list-style-type: none"> <li>• Hydraulically and geomorphologically stable</li> <li>• Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>• Water retained on the site is fit for the intended post-mining land use/s</li> <li>• Water management is consistent with the regional catchment management strategy</li> </ul>
Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>- owner agrees otherwise; or</li> <li>- damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i></li> </ul> </li> </ul>
Steep slopes	<ul style="list-style-type: none"> <li>• No additional risk to public safety compared to prior to mining</li> </ul>
<u>Existing Edderton Road alignment</u>	<ul style="list-style-type: none"> <li>• <u>All road and associated infrastructure to be removed unless otherwise agreed with Council</u></li> <li>• <u>Alignment to be rehabilitated to a standard compatible with the adjacent land use(s)</u></li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise adverse socio-economic effects associated with mine closure</li> </ul>

<sup>a</sup> These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by all underground mining of the development and to all surface infrastructure components of the development.

<sup>b</sup> The requirements in Table 5 apply to the Southern Offset Area only

<sup>c</sup> In Table 8, the 'underground mining area' means the subsidence area

<sup>d</sup> Where remediation of watercourses is likely to cause subsidence impacts or environmental consequences greater than those that require rehabilitation, alternative equivalent works may be undertaken within the affected watercourse

B77. The rehabilitation objectives in Table 8 apply to the entire site, including all ~~landforms constructed~~ disturbance under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed ~~under~~ consistent with previous consents, except where those earthworks are required for the establishment of a stable, non-polluting and free-draining landform.

#### Progressive Rehabilitation

B78. The Applicant must rehabilitate<sup>a</sup> the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

<sup>a</sup> Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.

### Rehabilitation Strategy

- B79. The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with the Resources Regulator, DPIE Water, BCD and Council;
  - (c) build upon the Rehabilitation Objectives in Table 8, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
  - (d) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
  - (e) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B51 and the Visual Impact Management Plan referred to in condition B61;
  - (f) describe the interim stabilisation procedures and temporary vegetation strategies to be used on site to reasonably minimise the area exposed for dust generation;
  - (g) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
  - (h) include indicative mine plans and scheduling for life-of-mine rehabilitation showing each rehabilitation domain;
  - (i) include details of target vegetation communities and species to be established within the proposed revegetation areas;
  - (j) investigate opportunities to refine and improve the final landform and final void outcomes over time, including any opportunities to:
    - (i) reduce the number and size of final voids; and
    - (ii) minimise surface evaporation in the East Void;
  - (k) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:
    - (i) align with regional and local strategic land use planning objectives and outcomes;
    - (ii) support a sustainable future for the local community;
    - (iii) utilise existing mining infrastructure, where practicable; and
    - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
  - (l) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes, including the establishment of a post-mining working group generally as described in the EIS [and a requirement that the Applicant join and actively participate in Council's Standing Committee on Industrial Closures, when requested to do so by Council](#);
  - (m) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
  - (n) include a program to:
    - (i) report on the outcomes of investigations required under paragraphs (j) and (k); and
    - (ii) review and update this strategy,at least every three years.
- B80. The Applicant must not commence first workings until the Rehabilitation Strategy is approved by the Planning Secretary.
- B81. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

### Rehabilitation Management Plan

- B82. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This plan must:
- (a) include a life of mine rehabilitation and mining schedule which outlines the key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;
  - (b) include Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan;

- (c) include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions, including actions to be undertaken in the event that vegetation establishment is impacted by spontaneous combustion;
- (d) include an overview of the identified risks to achieving successful rehabilitation;
- (e) describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 8 and to address the identified risks;
- (f) include a program to monitor, independently audit and report on progress against the criteria in paragraph (a) and the effectiveness of the measures in paragraph (e);
- (g) describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and
- (h) outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.

## TRANSPORT

### Monitoring of Coal Transport

- B83. The Applicant must:
- (a) keep accurate records of the:
    - (i) amount of coal transported from the site (on a daily basis); and
    - (ii) date and time of each train movement generated by the development; and
  - (b) publish these results in the Annual Review.

### Road Maintenance

- B84. The Applicant must:
- (a) prepare a pre-dilapidation survey of the transport route prior to the commencement of any construction or decommissioning works, or other timeframe agreed by the applicable roads authority;
  - (b) prepare a post-dilapidation survey of the transport route within 1 month of the completion of construction or decommissioning works, or other timeframe agreed by the applicable roads authority; and
  - (c) rehabilitate and/or make good any development-related damage identified in the post-dilapidation survey prepared under paragraph (b) within 2 months of completing the post-dilapidation survey, or other timing as may be agreed by the applicable roads authority,
- to the satisfaction of the applicable roads authority.

#### Notes:

- *Prior to the upgrading of the intersection of Thomas Mitchell Drive and Denman Road, in this condition, the 'transport route' refers to Thomas Mitchell Drive between the site access and the New England Highway (including the highway intersection)*
- *Following the upgrading of the intersection of Thomas Mitchell Drive and Denman Road, in this condition, the 'transport route' refers to Thomas Mitchell Drive and its intersections with Denman Road and the New England Highway*

- B85. If the construction and/or decommissioning of the development is to be staged, the obligations in condition B84 apply to each stage.
- B86. If there is a dispute about the scope of any remedial works or the implementation of the works, then either party may refer the matter to the Planning Secretary for resolution.

### Restriction on Transport Routes

- B87. No direct access to or from the development is permitted via Edderton Road or the Golden Highway, except where required to ensure the safety of the mine, its workers or the general public, for land management purposes, environmental monitoring, works associated with the realignment of Edderton Road or where approved in writing by the Planning Secretary.

### Thomas Mitchell Drive

- B88. After the commencement of construction (as notified under condition A13(b)), the Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive, and the upgrade of the Thomas Mitchell Drive/Denman Road intersection, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Thomas Mitchell Drive Contributions Study, unless otherwise agreed with the Planning Secretary.

For Thomas Mitchell Drive, the contributions must:

- (a) be paid to Council by the end of the financial year in which construction commences for the upgrade works; and



- (b) be paid to Council in accordance with the maintenance schedule established in accordance with the Thomas Mitchell Drive Contributions Study during the life of the development (commencing from the year construction commences as notified under condition A13(b)),

unless otherwise agreed with Council.

For the Thomas Mitchell Drive/Denman Road intersection, the contributions must be paid to the relevant road authority undertaking the works (or if another mining company is undertaking the works, to that mining company) within three months of the completion of the intersection upgrade works to the satisfaction of TfNSW and Council, unless otherwise agreed with the Planning Secretary.

The Applicant must also reimburse Council for any revision to the relevant aspects of the Thomas Mitchell Drive Contributions Study as it relates to or is impacted upon by the Development, in addition to any contributions payable by the Applicant as a result of such revision(s).

**Note:**

- If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.

**Edderton Road Realignment**

B89. The Applicant must:

- construct the Edderton Road realignment to the following standard:
  - 7 m wide sealed carriageway;
  - 1 m wide sealed shoulders on each side; and
  - 1 m wide unsealed shoulders on each side;
- decommission the existing intersection of Edderton Road and the Golden Highway;
- construct the new intersection of Edderton Road and the Golden Highway with Channelised Right-Turn (CHR) and Auxiliary Left Turn (AUL) treatments;
- ensure that sight distances at the intersection of Edderton Road and the Golden Highway comply with the requirements of relevant Austroads guidelines; and
- design and construct the new Saddlers Creek crossing to a two-lane rural road standard, capable of providing flood-free access during a 1 in 100-year AEP flood event,

to the satisfaction of the relevant roads authorities.

**Notes:**

- The realignment works identified above include all road furniture and safety requirements required to meet relevant road standards, to the satisfaction of the relevant roads authorities.
- If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.
- As road works are required on the Golden Highway, TfNSW will require the Applicant to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW may exercise its separate powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act.

B90. Unless otherwise agreed by the Planning Secretary, the Applicant must not commence second workings in the Arrowfield or Bowfield Seams until the realignment of Edderton Road and the associated upgrading of the Saddlers Creek Crossing is completed to the satisfaction of the Planning Secretary.

**Traffic Management Plan**

B91. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- be prepared in consultation with TfNSW and Council;
- include details of all transport routes and traffic types to be used for development-related traffic;
- include a protocol for undertaking pre and post-dilapidation surveys and repairing any roads identified in the dilapidation surveys to have been damaged during construction and/or decommissioning works;
- include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during the construction and operational phases of the development, including:
  - staggering shift changes with other mining operations in the locality, where practicable, to minimise impacts during AM and PM peak traffic periods;
  - notifying the local community about development-related traffic impacts;

- (iii) temporary traffic controls, including detours and signage (where required);
  - (iv) responding to any emergency repair requirements or maintenance during construction and/or decommissioning;
  - (v) a traffic management system for managing any over-dimensional vehicles; and
  - (vi) minimising potential for conflict with school buses;
- (f) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
- (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to the designated transport routes;
  - (iii) implement safe driving practices; and
  - (iv) avoid the intersection of Thomas Mitchell Drive and Denman Road (particularly during AM and PM peak traffic periods), where practicable, until the planned intersection upgrade is completed.

B92. The Applicant must not commence construction until the Traffic Management Plan is approved by the Planning Secretary.

B93. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

**Social Impact Management Plan**

B94. The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders, including the Coolmore and Woodlands Thoroughbred Studs;
- (c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;
- (d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;
- (e) identify and build upon adaptive management and mitigation measures outlined in the EIS to avoid, minimise, and/or mitigate negative social impacts, including specific measures to minimise strain on local affordable housing supplies and essential services;
- (f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;
- (g) include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and
- (h) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.

B95. The Applicant must not commence first workings until the Social Impact Management Plan is approved by the Planning Secretary.

B96. The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.

**PART C SPECIFIC ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING**

**SUBSIDENCE**

**Performance Measures – Natural and Heritage Features etc.**

C1. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 9.

**Table 9: Subsidence impact performance measures – natural and heritage features etc**

<b>Feature</b>	<b>Performance Measures</b>
<b>Water Resources</b>	
All watercourses within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation), than predicted in the document/s listed in condition A2(c)</li> </ul>
Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:                             <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> <li>Negligible impacts to GDEs as a result of the development, beyond those predicted in the document/s listed in condition A2(c)</li> </ul>
<b>Land</b>	
All land within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> </ul>
All land outside the Subsidence Area	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>
<b>Biodiversity</b>	
Threatened species, threatened populations, or endangered ecological communities	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> <li>Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</li> </ul>
<b>Heritage sites</b>	
Aboriginal cultural heritage sites shown in Figure 8 in Appendix 4	<ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c)</li> </ul>
Historic Homesteads identified as 'Historic Heritage Sites' in Figure 9 in Appendix 4	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>
<b>Mine workings</b>	
First workings	<ul style="list-style-type: none"> <li>To remain long term stable and non-subsiding</li> </ul>
Second workings	<ul style="list-style-type: none"> <li>To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</li> </ul>

**Notes:**

- These performance measures apply to all mining taking place after the date of this consent.
- The Applicant is 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 CB).

C2. Measurement and monitoring of compliance with performance measures and performance indicators in this consent 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 and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Planning Secretary will be the final arbiter.

**Additional Offsets**

C3. If the Applicant exceeds the performance measures in Table 9 and the Planning Secretary determines that:

- it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or
- remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence,

then the Applicant must provide an offset<sup>a</sup> to compensate for the subsidence impact or environmental consequence, that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCD and/or Heritage NSW and to the satisfaction of the Planning Secretary.

<sup>a</sup> Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence

C4. The offset<sup>a</sup> required under condition C3 must give priority to like-for-like physical environmental offsets, but may also consider other offsets under the Biodiversity Offsets Scheme of the BC Act, such as the Biodiversity Conservation Fund established by BCT, or funding or implementing supplementary measures, such as:

- (a) actions outlined in threatened species recovery programs;
- (b) actions that contribute to threat abatement programs;
- (c) biodiversity research and survey programs; and/or
- (d) rehabilitating degraded habitat.

<sup>a</sup> Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence

**Performance Measures – Built Features**

C5. The Applicant must ensure that the development meets the performance measures in Table 10.

**Table 10: Subsidence impact performance measures – built features.**

Feature	Performance Measures
<b>Key Public Infrastructure</b>	
<ul style="list-style-type: none"> <li>• Edderton Road (including associated culverts and drainage structures)</li> <li>• Electricity transmission and distribution lines, poles and towers within the Subsidence Area</li> </ul>	<ul style="list-style-type: none"> <li>• Always safe and serviceable</li> <li>• Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>
<ul style="list-style-type: none"> <li>• Golden Highway (including the Edderton Road intersection and the Bowmans Crossing Bridge)</li> <li>• All other public infrastructure (including electricity infrastructure located outside the Subsidence Area)</li> </ul>	<ul style="list-style-type: none"> <li>• Negligible subsidence impacts</li> <li>• Always safe and serviceable</li> <li>• Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>
<b>Other Built Features</b>	
<ul style="list-style-type: none"> <li>• Privately-owned residences</li> <li>• Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences</li> </ul>	<ul style="list-style-type: none"> <li>• Negligible subsidence impacts</li> <li>• Always safe</li> <li>• Serviceability should be maintained wherever practicable</li> <li>• Loss of serviceability must be fully compensated</li> <li>• Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated</li> </ul>
<b>Public safety</b>	
<ul style="list-style-type: none"> <li>• Public Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Negligible additional risk.</li> </ul>

**Notes:**

- These performance measures apply to all mining taking place after the date of this consent.
- The Applicant is required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C8).
- Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining.
- Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.

C6. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 10 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.

**First Workings**

C7. The Applicant may carry out first workings within the underground mining area of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first

workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.

**Note:** *The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.*

#### Extraction Plan

C8. The Applicant must prepare an Extraction Plan for all second workings on the site of the development to the satisfaction of the Planning Secretary. Each Extraction Plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the Resources Regulator, DPIE Water and SANSW;
- (c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;
- (d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;
- (e) 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;
- (f) describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 9 and Table 10, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B76;
- (g) include a:
  - (i) **Subsidence Monitoring Program** which has been prepared in consultation with the Resources Regulator to:
    - describe the ongoing conventional and non-conventional subsidence monitoring program;
    - provide data to assist with the management of risks associated with conventional and non-conventional subsidence;
    - validate the conventional and non-conventional subsidence predictions;
    - analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
    - inform the adaptive management process;
  - (ii) **Built Features Management Plan** which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features, and which:
    - has been prepared in consultation with the owners of potentially affected features;
    - addresses in appropriate detail all items of key public infrastructure (with particular consideration of public roads (including any associated bridges and culverts) transmission lines and towers (including angle towers)), other public infrastructure and all classes of other built features;
    - recommends appropriate pre-mining mitigation measures to reduce subsidence impacts;
    - recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate predicted impacts on potentially affected built features in a timely manner; and
    - in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or an alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure;
  - (iii) **Water Management Plan** which has been prepared in consultation with DPIE Water, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including:
    - detailed baseline data on:
      - surface water flows and quality in watercourses and/or water bodies that could be affected by subsidence, including the Hunter River, Saddlers Creek and Saltwater Creek; and
      - groundwater levels, yield and quality in the region, including for privately-owned licensed bores;

- specific measures to stabilise the existing knickpoint on stream b2(1) within the subsidence area (as described in the EIS), including a timeframe for the implementation of stabilisation measures and a program to monitor the effectiveness of those measures;
  - a strategy to enhance and maintain riparian vegetation within the subsidence area to strengthen the resilience of stream ecosystems to subsidence effects;
  - detailed surface and groundwater impact assessment criteria, including specific trigger levels for:
    - investigating any potentially adverse impacts on water resources or water quality;
    - active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and
    - providing compensatory water supply to affected water users under condition B30 of this Schedule;
  - a surface water monitoring program to monitor and report on:
    - stream flows and quality;
    - stream and riparian vegetation health (including riparian vegetation along Saddlers Creek and Saltwater Creek);
    - channel and bank stability; and
    - the effectiveness of remediation measures in controlling geomorphic and erosional impacts;
  - a groundwater monitoring program to monitor and report on:
    - groundwater inflows to the underground mining operations;
    - the height of groundwater depressurisation;
    - background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site;
    - permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and
    - impacts of the development on GDEs (including Swamp Oak Forest and stygofauna);
  - a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat;
  - a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and
  - a plan to respond to any exceedances of the surface water and groundwater assessment criteria;
- (iv) **Biodiversity Management Plan** which:
- has been prepared in consultation with BCD, in accordance with the *Biodiversity Assessment Operational Manual: Stage 2* (BCD 2019c);
  - establishes baseline data for threatened species, populations and their habitats and riparian vegetation within the subsidence area and adjacent to Saddlers Creek and Saltwater Creek in the vicinity of the development, including water table depth, vegetation condition, stream morphology and threatened species habitat;
  - provides for the adaptive management of potential impacts and 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, EECs/CEECs and GDEs; and
  - provides for the active management of identified populations or previously recorded locations of *Diuris tricolor* within the subsidence area;
- (v) **Land Management Plan** which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on steep slopes, informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s;
- (vi) **Heritage Management Plan** which has been prepared in consultation with Heritage NSW and relevant stakeholders for heritage items which provides for the management of potential environmental consequences of the proposed second workings on Aboriginal cultural heritage and historic heritage values and includes all requirements under conditions B54 to B57 inclusive and having regard to the subsidence impact performance measures in Table 9;
- (vii) **Public Safety Management Plan** which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;
- (viii) **Trigger Action Response Plan/s** addressing all features in Table 9 and Table 10, which contain:
- appropriate triggers to warn of increased risk of exceedance of any performance measure;
  - specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded;

- an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and
- adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 9 and/or Table 10, or where any such exceedance appears likely; and

(ix) **Contingency Plan** that expressly provides for:

- adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 9 and Table 10, or where any such exceedance appears likely;
- an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- proposes appropriate revisions to the Rehabilitation Management Plan required under condition B82; and
- includes a program to collect sufficient baseline data for future Extraction Plans.

C9. The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.

C10. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

#### **Impacts on Public Roads and Infrastructure**

C11. Prior to the completion of the Edderton Road realignment, as required under conditions B89 and B90 of this Schedule, the Applicant must not undertake any second workings within 500 m of Edderton Road until a Built Features Management Plan has been approved by the Planning Secretary in respect of those second workings. This Plan must:

- be prepared in consultation with Council, TfNSW and key users of Edderton Road (including the Coolmore and Woodlands Thoroughbred Stud);
- address the requirements of condition C8(g)(ii) of this Schedule;
- include a 24-hour surveillance and monitoring program to identify and repair damage as soon as practicable; and
- describe measures to be implemented to:
  - notify key road users of the commencement of second workings in the vicinity of Edderton Road; and
  - minimise potential disruption to road users.

C12. The Applicant must not undertake any second workings within 1.2 km of the Bowmans Crossing Bridge over the Hunter River until:

- a structural assessment of the bridge is undertaken by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; and
- a Built Features Management Plan has been prepared in respect of any second workings which:
  - has been prepared in consultation with TfNSW and Council;
  - addresses the requirements of condition C8(g)(ii) of this Schedule;
  - incorporates any recommendations arising from the structural assessment required under paragraph (a) above to maintain the structural integrity of the bridge during second workings; and
  - has been approved by the Planning Secretary.

#### **Payment of Reasonable Costs**

C13. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.

## PART D ADDITIONAL PROCEDURES

### MITIGATION UPON REQUEST

- D1. Upon receiving a written request for mitigation from the owner of any residence on the privately-owned land<sup>a</sup> listed in Table 11, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2014). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

**Table 11:** Land subject to additional mitigation upon request

Mitigation Basis	Land
Noise	402, 403, 411 and 538

<sup>a</sup> The locations of the land referred to in Table 11 are shown in Figure 6 in Appendix 3.

- D2. 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 Planning Secretary for resolution.

### NOTIFICATION OF LANDOWNERS/TENANTS

- D3. Within one month of the date of this consent, the Applicant must:
- notify in writing the owner of:
    - the residences on the land listed in Table 11 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and
    - any privately-owned land within 3 kilometres of the underground portal at the MEA that they are entitled to ask the Applicant for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
  - notify the tenants of any mine-owned land of their rights under this consent; and
  - send a copy of the fact sheet entitled *"Mine Dust and You"* (NSW Health, 2017) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B16 at any time during the life of the development.
- D4. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
- advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled *"Mine Dust and You"* (NSW Health, 2017); and
  - advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary.

### NOTIFICATION OF EXCEEDANCES

- D5. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.
- D6. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled *"Mine Dust and You"* (NSW Health, 2017).

### INDEPENDENT REVIEW

- D7. If a landowner considers the development to be exceeding any relevant air quality or noise criterion in Part B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- D8. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- D9. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:



- (i) consult with the landowner to determine their concerns;
  - (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in PART B or PART C; and
  - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
- (b) give the Planning Secretary and landowner a copy of the independent review; and
  - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

Recommended

## PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- E1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- E2. The Applicant must not commence construction until the Environmental Management Strategy is approved by the Planning Secretary.
- E3. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

#### Adaptive Management

- E4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

#### Management Plan Requirements

- E5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) a summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to condition E5(d);
  - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;

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

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

- E6. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- E7. Within three months of:
- (a) the submission of an incident report under condition E9;
  - (b) the submission of an Annual Review under condition E11;
  - (c) the submission of an Independent Environmental Audit under condition E13;
  - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
  - (e) notification of a change in development phase under condition A14;

The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

- E8. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

#### REPORTING AND AUDITING

##### Incident Notification

- E9. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name) and set out the location and nature of the incident.

##### Non-Compliance Notification

- E10. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

##### Annual Review

- E11. By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the document/s listed in condition A2(c).
  - (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;

- (d) evaluate and report on:
  - (i) the effectiveness of the noise and air quality management systems; and
  - (ii) compliance with the performance measures, criteria and operating conditions of this consent;
- (e) identify any trends in the monitoring data over the life of the development;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

E12. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

#### **Independent Environmental Audit**

E13. Within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
- (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
- (c) be carried out in consultation with the relevant agencies and the CCC;
- (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
- (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
- (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
- (g) be conducted and reported to the satisfaction of the Planning Secretary.

E14. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

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

E15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

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

E16. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

#### **ACCESS TO INFORMATION**

E17. Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
  - (i) the documents referred to in condition A2(c) of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;

- (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - (v) minutes of CCC meetings;
  - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vii) 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;
  - (viii) a summary of the current phase and progress of the development;
  - (ix) contact details to enquire about the development or to make a complaint;
  - (x) a complaints register, updated monthly;
  - (xi) the Annual Reviews of the development;
  - (xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDICES REMOVED FOR EMAILING

Recommended