

MOUNT PLEASANT OPERATION ENVIRONMENTAL MANAGEMENT STRATEGY

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Mr Klay Marchant
MACH Energy Australia Pty Ltd
GPO Box 94
Brisbane QLD 4001

Dear Mr Marchant

**Mount Pleasant Operation (DA 92/97)
Environmental Management Strategy**

I refer to your email dated 13 September 2017 submitting a revised Environmental Management Strategy for the Mount Pleasant Operation, in accordance with condition 1 of Schedule 5 of DA 92/97.

The Department has reviewed this strategy and considers that it meets the relevant conditions of consent. As such, the Secretary has approved this strategy.

Should you have any enquiries in relation to this matter, please contact Megan Dawson at the details above.

Yours sincerely

Howard Reed

18.9.17

Director Resource Assessments
as nominee for the Secretary

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1 INTRODUCTION

The Mount Pleasant Operation (MPO) area is located in the Upper Hunter Valley of New South Wales (NSW) north-west of Muswellbrook and approximately 50 kilometres (km) north-west of Singleton (Figure 1). The villages of Aberdeen and Kayuga are located approximately 5 km north northeast and 1 km north of the MPO Mining Lease boundary, respectively.

The development application for the MPO was made in 1997. This was supported by an Environmental Impact Statement (EIS) prepared by Environmental Resources Management (ERM) Mitchell McCotter (ERM Mitchell McCotter, 1997). On 22 December 1999, the then Minister for Urban Affairs and Planning granted Development Consent DA 92/97 to Coal & Allied Operations Pty Ltd. This allowed for the “Construction and operation of an open cut coal mine, coal preparation plant, transport and rail loading facilities and associated facilities” at Mount Pleasant. The consent allowed for the extraction of 197 million tonnes (Mt) of run of mine (ROM) coal over a 21-year period, at a rate of up to 10.5 Mt of ROM coal per year.

The MPO Modification (MOD 1) was submitted for approval on 19 May 2010, with a supporting Environmental Assessment (EA) prepared by EMGA Mitchell McLennan (EMGA Mitchell McLennan, 2010), with the following changes proposed:

- The provision of an infrastructure envelope for siting the mine infrastructure.
- The provision of an optional conveyor/service corridor linking the MPO facilities with the Muswellbrook-Ulan Rail Line.
- Modification of the existing Development Consent DA 92/97 boundaries to accommodate the optional conveyor/service corridor and minor administrative boundary changes.

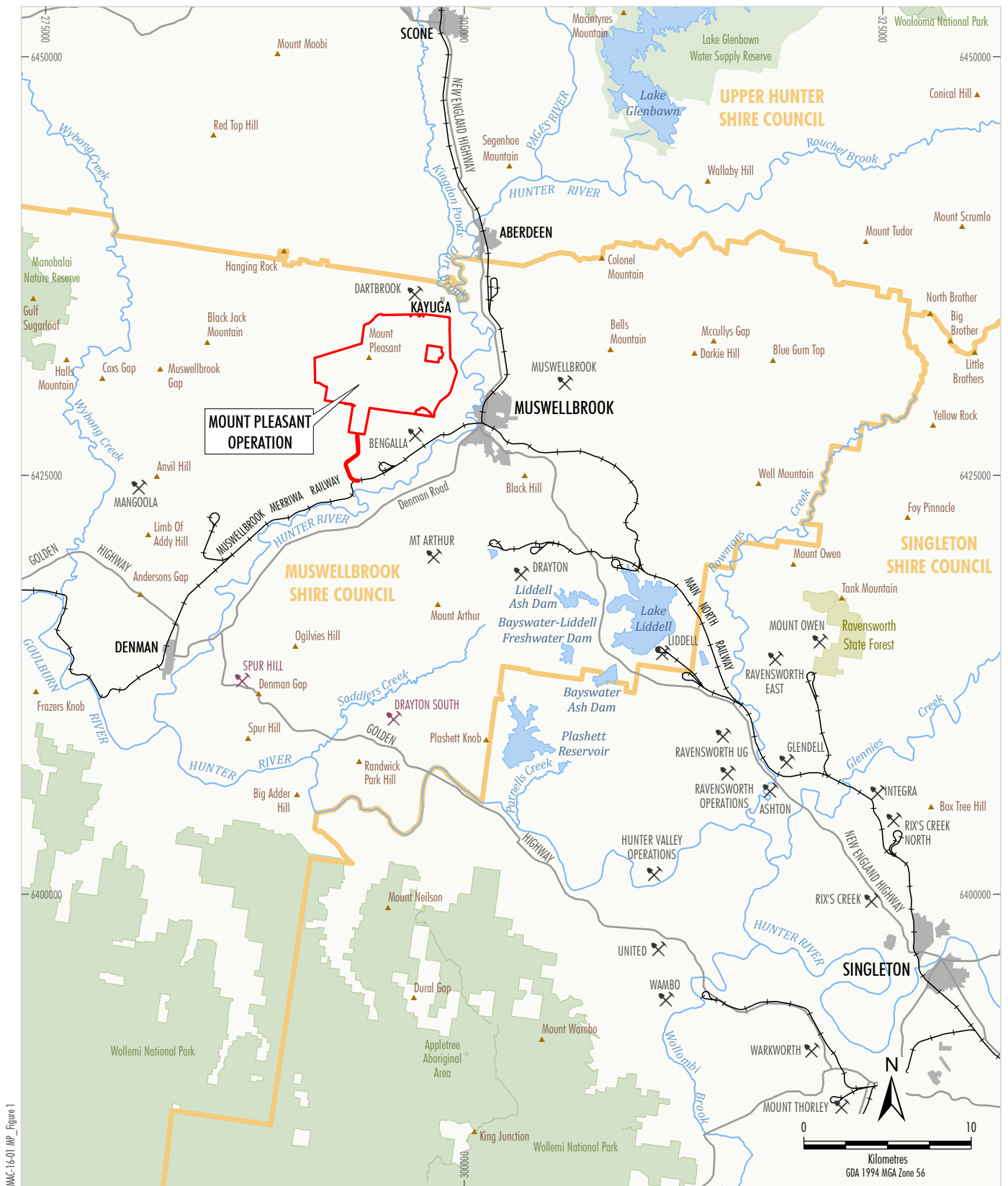
MOD 1 was approved on 19 September 2011.

The MPO South Pit Haul Road Modification (MOD 2) was submitted for approval on 30 January 2017 with a supporting EA prepared by MACH Energy Australia Pty Ltd (MACH Energy) (MACH Energy, 2017).

MOD 2 proposed to realign an indicative internal haul road to enable more efficient access to the South Pit open cut, with no other material changes to the approved MPO.

MOD 2 was approved on 29 March 2017.

The proponent of the MPO is MACH Energy. MACH Energy purchased the MPO from Coal & Allied Operations Pty Ltd on 26 January 2016 and the acquisition was completed in August 2016.



IMC-16-01_MP_Figure 1

Figure 1

1.1 SITE CONTACTS

The relevant site contacts for the MPO are provided in Table 1.

Table 1
Site Contacts

Position	Contact Name – At September 2017*
General Manager Operations	Phillip Price
Environmental Superintendent	Klay Marchant
Construction Manager	Bruce Birchall
External Relations Manager	Julie Fletcher
Health and Safety Superintendent	Beth Viertel
Community Hotline / Contact Number	1800 886 889

* Personnel may change over time

1.2 Previous Versions

A previous version of the EMS was submitted by Coal & Allied Operations Pty Ltd (Coal & Allied) and approved on 23 July 2012. The previous EMS covered a number of Coal & Allied's operations in the Hunter Valley.

1.3 Current Version

This version of the EMS has been prepared to replace the existing EMS described in Section 1.2 for the Mount Pleasant Operation. The EMS has also been prepared in response to a request from the NSW Department of Planning and Environment (DP&E) received 10 July 2017.

2 PURPOSE AND SCOPE

The Environmental Management Strategy (EMS) has been prepared by MACH Energy to satisfy the requirements of Condition 1, Schedule 5 under Development Consent DA 92/97.

The objectives of the EMS are to fulfil the relevant conditions in Development Consent DA 92/97 by providing a strategic framework for environmental management of the MPO including all environmental management plans (EMPs), strategies and programs prepared for the MPO. The EMS establishes the overarching framework for the monitoring and environmental management of activities undertaken at the MPO. The EMS incorporates the principles of continuous improvement and is consistent with the five pillars of ISO 14001: Environmental Management Systems, represented in Figure 2.

The key EMPs, strategies and programs required at the MPO are:

- EMS;
- Noise Management Plan (NMP);
- Blast Management Plan (BMP);
- Air Quality and Greenhouse Gas Management Plan (AQGGMP);
- Water Management Plan (WMP), incorporating: Site Water Balance (SWB), Erosion and Sediment Control Plan (ESCP), Surface Water Management Plan (SWMP), Groundwater Management Plan (GWMP) and Surface and Ground Water Response Plan (SGWRP);
- Biodiversity Management Plan (BioMP);
- Aboriginal Heritage Conservation Strategy;
- Aboriginal Heritage Management Plan (AHMP);
- Landscape Management Plan (LMP);
- Waste Management Plan (WasteMP);
- Rehabilitation Strategy; and
- Rehabilitation Management Plan (RMP).

An overview of the interaction of the plans required under Development Consent DA 92/97 and other relevant licences and leases is illustrated on Figure 3.

The EMS has been prepared to assist those undertaking the works on site to apply appropriate environmental management measures. Where there is any conflict between the provisions of the EMS and the contractual obligations of any mining contractor, the contractor shall first request clarification from MACH Energy prior to implementing that element of the EMS over which the ambiguity is identified. In the case of any real or perceived ambiguity between elements of the EMS and statutory requirements, the statutory requirements are to take precedence.

All works (including construction, operations and maintenance) and other related activities (e.g. monitoring and biodiversity offset activities) consistent with Development Consent DA 92/97 are covered by the EMS. The EMS does not cover exploration activities outside of the Schedule of Land in Appendix 1 of Development Consent DA 92/97 and Mining Lease (ML) boundaries. Such exploration is subject to separate regulatory requirements.

The EMS is a public document providing information for operations personnel, contractors, and community and government stakeholders. The document is available on the MACH Energy Website (<http://machenergyaustralia.com.au/>).

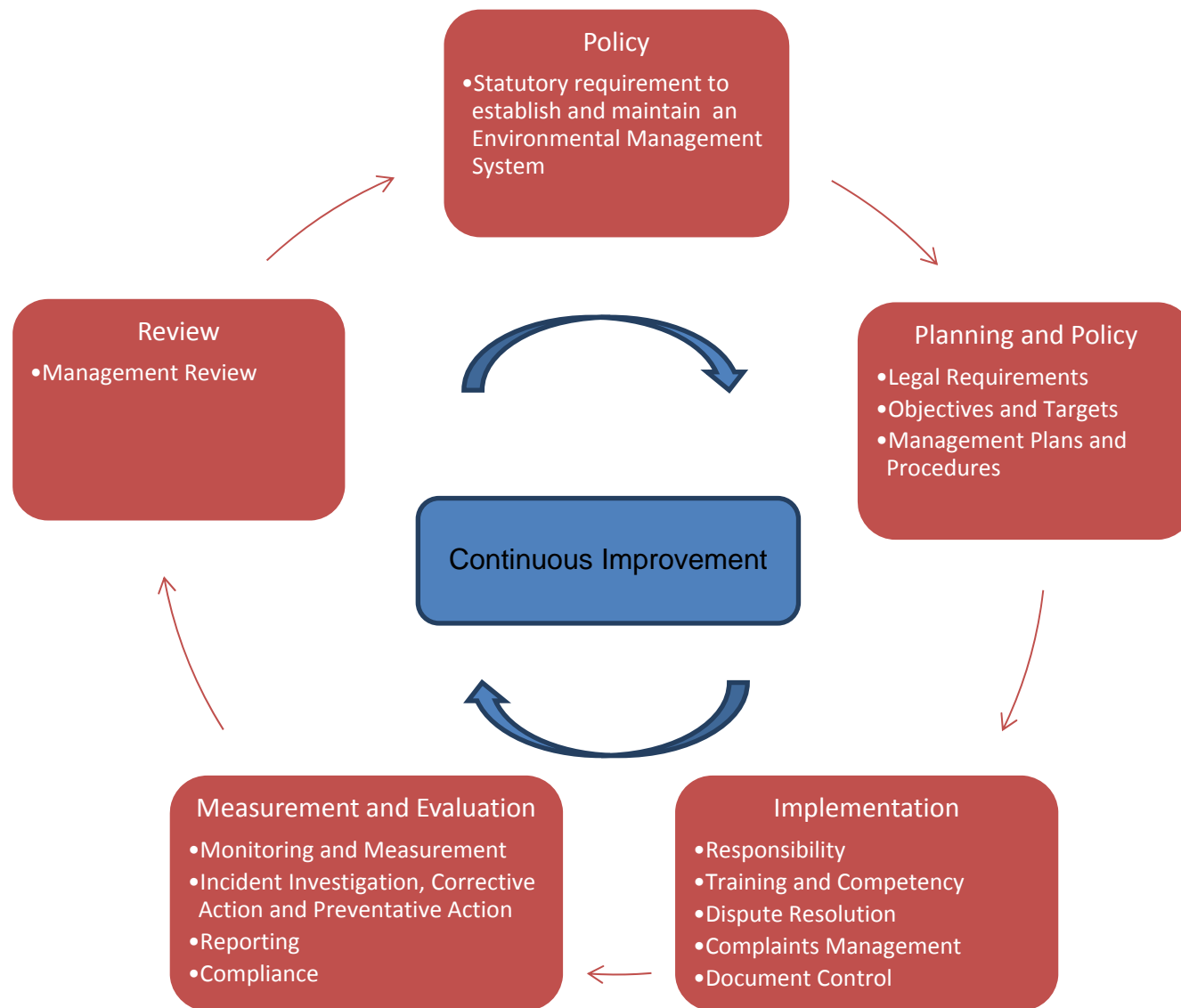
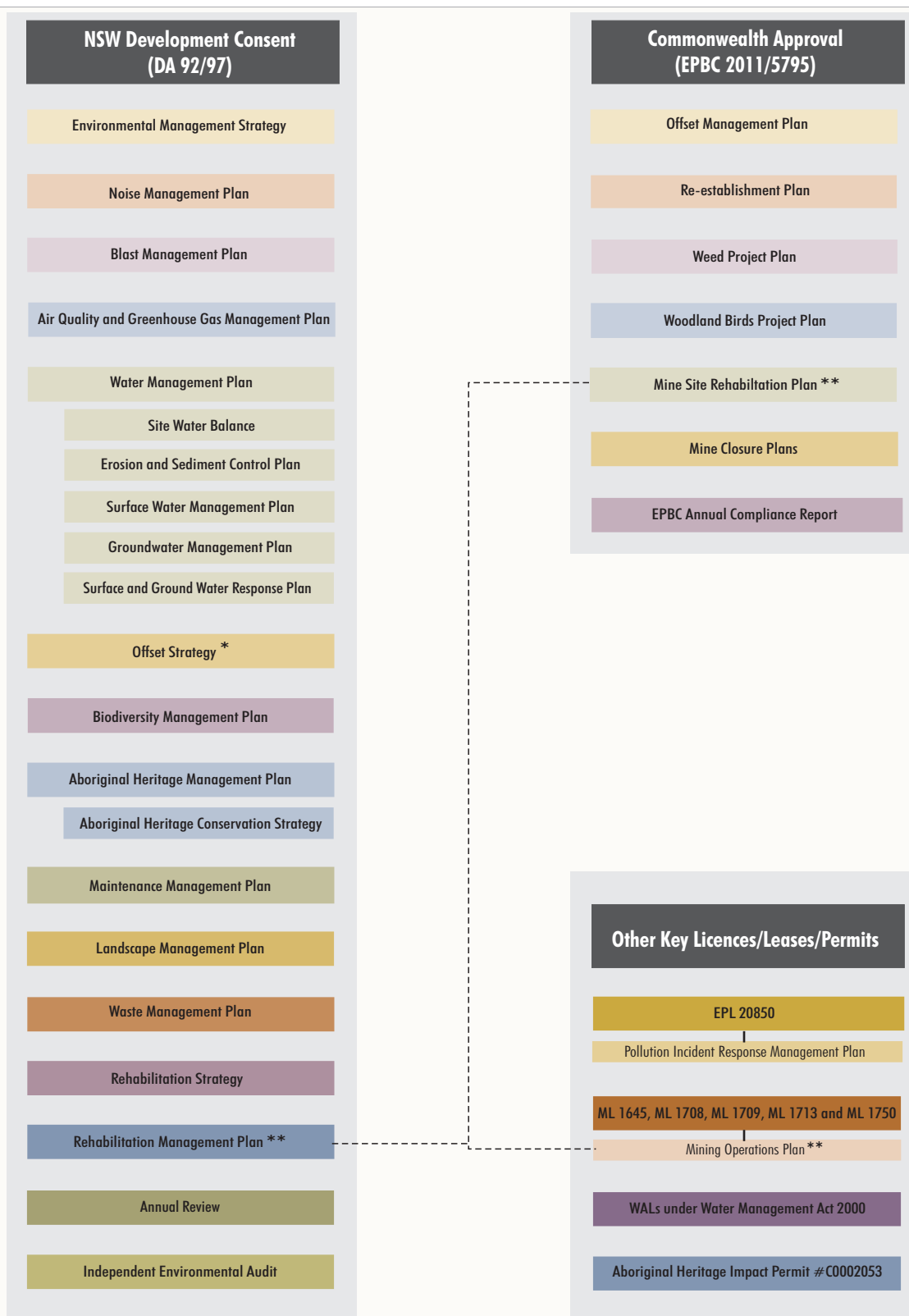


Figure 2: MACH Energy Environmental Management Principles



Notes:

- * In accordance with Condition 29, Schedule 3 of Development Consent (DA 92/97), this Offset Strategy is not required if MACH Energy Australia Pty Ltd does not carry out any development in the conveyor/service corridor.
- ** The approved Mining Operations Plan has been developed to meet the requirements for a Rehabilitation Management Plan (Condition 56, Schedule 3 of Development Consent [DA 92/97]). The Mine Site Rehabilitation Plan (Conditions 19 and 20 of EPBC 2011/5795) may be incorporated into the Mining Operations Plan.

Figure 3

3 COMMITMENT AND LEADERSHIP

Environmental management is an integral part of MACH Energy. Achieving effective environmental and community management requires responsible and proactive leadership. MACH Energy's Environmental Policy (ENV Policy) will provide the governing principles for environmental and community management. The ENV Policy is provided in Appendix A.

Managers at the MPO will demonstrate commitment by:

- implementing the principles outlined in the ENV Policy;
- endorsing and implementing the EMS;
- making personnel aware of their responsibilities in relation to the policy;
- ensuring the ENV Policy is readily accessible and is displayed in prominent locations; and
- appropriately resourcing implementation and review of the EMS.

Management at the MPO must demonstrate visible and proactive leadership through their commitment to achieving the EMS objectives and goals of the ENV Policy.

The prevention and management of the potential and actual impacts from MPO activities will be achieved through:

- taking a systematic approach;
- taking preventive action in preference to reactive correction;
- proactive attention to environmental issues by all people in the organisation; and
- innovative changes to the way we work in order to continually improve our environmental performance.

The EMS has been approved by the MACH Energy management team.

4 PLANNING AND POLICY

MACH Energy's statutory obligations are contained in:

- the conditions of Development Consent DA 92/97;
- the conditions of Commonwealth Approval EPBC 2011/5795;
- relevant licences (including Environment Protection Licence [EPL] 20850), permits and MLs (ML 1645, ML 1708, ML 1709, ML 1713 and ML 1750); and
- other relevant legislation.

Obligations relevant to the EMS are described in Sections 4.1 to 4.4.

4.1 EP&A ACT DEVELOPMENT CONSENT

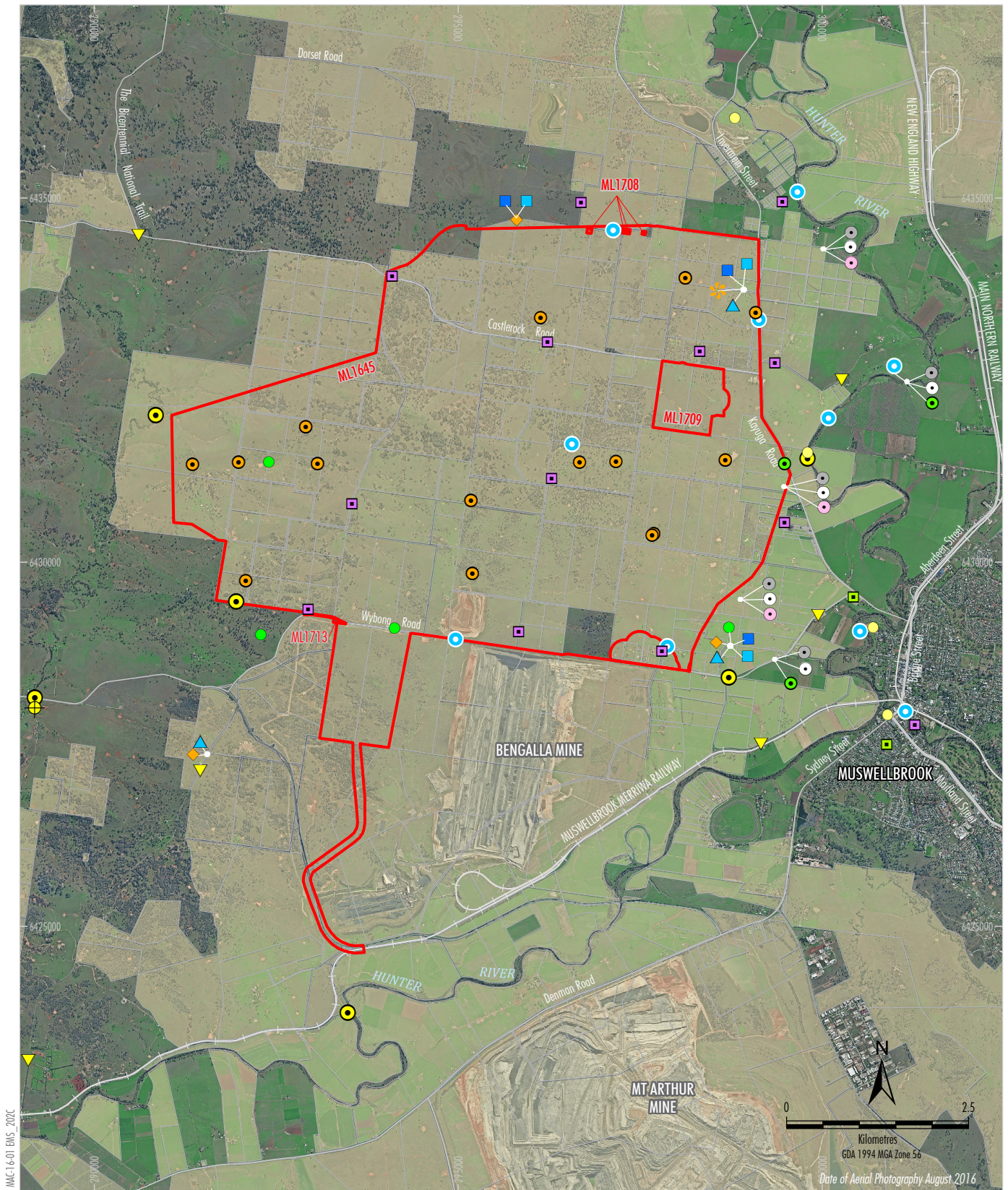
The EMS provides a strategic overview of environmental management at the MPO, and has been prepared by MACH Energy in compliance with the requirements of Condition 1, Schedule 5 of Development Consent DA 92/97.

Table 2 presents these requirements and indicates where they are addressed within the EMS.

Table 2
Specific Development Consent Conditions

Condition 1, Schedule 5	Section
1. If the Secretary requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:	This document.
(a) be submitted to the Secretary for approval prior to carrying out any development on site;	
(b) provide the strategic framework for environmental management of the development;	Sections 3 and 4
(c) identify the statutory approvals that apply to the development;	Section 4
(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;	Section 5.1 and Appendix B
(e) describe the procedures that would be implemented to:	
• keep the local community and relevant agencies informed about the operation and environmental performance of the development;	Section 5.3
• receive, handle, respond to, and record complaints;	Section 5.4
• resolve any disputes that may arise during the course of the development;	Section 5.5
• respond to any non-compliance;	Section 6.2
• respond to emergencies; and	Section 5.2
(a) include:	
• copies of any strategies, plans and programs approved under the conditions of this consents; and	Refer to EMPs (Appendix C)
• a clear plan depicting all the monitoring to be carried out in relation to the development.	Figure 4

Note: MACH Energy received written direction from the Secretary's nominee (dated 10 July 2017) to prepare the EMS by 31 July 2017.



LEGEND

- | | | | |
|---|-----------------------------------|---|--|
| | Mining Lease Boundary | ▼ | Attended Noise Monitoring Site |
| | Mine Owned | ▲ | Real-Time Noise Monitoring Site |
| <u>Environmental Monitoring Sites</u> | | | |
| | Standpipe | ◆ | Weather Mast |
| | Standpipe - Alluvium | ✱ | Weather Station |
| | Planned Standpipe - Coal Seam | ● | Blast Monitoring Site (Vibration/Overpressure) |
| | Planned Standpipe - Interburden | ■ | Air Quality - High Volume Sampler |
| | Planned Standpipe - Alluvium | ■ | Air Quality - Palas Fidas |
| | Surface Water Monitoring Site | | Dust Deposition Gauge |
| | New Surface Water Monitoring Site | | Upper Hunter Air Quality Monitoring Network |
| | Stream Health Monitoring Site | | |
| | New Stream Health Monitoring Site | | |

Source: NSW Land & Property Information (2013); NSW Division of Resources & Energy (2016); MACH Energy (2016)

MACHEnergy
MOUNT PLEASANT OPERATION
Indicative Environmental
Monitoring Locations

Figure 4

4.2 COMMONWEALTH GOVERNMENT APPROVALS

The Commonwealth Approval relevant to the MPO is EPBC 2011/5795 granted 29 February 2012 (and variations dated 21 February 2013, 22 May 2014, 18 June 2015 and 12 May 2016).

4.3 LICENCES, PERMITS AND LEASES

In addition to Development Consent DA 92/97 and Commonwealth Approval EPBC 2011/5795, activities at the MPO will be conducted in accordance with a number of licences, permits and leases which have been issued or are pending issue.

Key licences, permits and leases pertaining to the MPO include:

- ML 1645, ML 1708, ML 1709, ML 1713 and ML 1750 issued under Part 5 of the *NSW Mining Act, 1992*.
- Various Water Access Licences issued under the *Water Management Act, 2000*.
- Discharge credits held under the *NSW Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation, 2002*.
- EPL 20850 issued under Part 3 of the *NSW Protection of the Environment Operations Act, 1997* by the NSW Environment Protection Authority (EPA).
- Mining Operations Plan (MOP) approved by the Division of Resources and Energy.

ML 1645, ML 1708, ML 1709, ML 1713 and ML 1750 do not contain any conditions requiring the preparation of the EMS. Notwithstanding, they do contain conditions relevant to environmental management and reporting at the MPO.

4.4 OTHER LEGISLATION

Other legislation that may be applicable to the MPO includes, but is not limited to, the:

- *Crown Lands Act, 1989*;
- *Fisheries Management Act, 1994*;
- *Heritage Act, 1977*;
- *Mine Subsidence Compensation Act, 1961*;
- *Mining Act, 1992*;
- *National Parks and Wildlife Act, 1974*;
- *Native Vegetation Act, 2003*;
- *Protection of the Environment Operations Act, 1997*;
- *Roads Act, 1993*;
- *Threatened Species Conservation Act, 1995*;
- *Water Management Act, 2000*;
- *Work Health and Safety Act, 2011*; and
- *Work Health and Safety (Mines) Act, 2013*.

5 IMPLEMENTATION – MOUNT PLEASANT OPERATION ENVIRONMENTAL MANAGEMENT STRUCTURE

An overview of the environmental management structure at the MPO is provided on Figure 3.

5.1 ROLES AND RESPONSIBILITIES

A combination of MACH Energy employees and mining contractor staff are responsible for environmental management at the MPO. The roles and responsibilities of members of the site including the environmental management team are provided in Appendix B.

All employees and contractors working at the MPO are accountable for:

- complying with relevant legislation;
- complying with the EMS;
- communicating any information they become aware of in relation to environmental management; and
- taking actions to prevent and mitigate environmental impacts.

Accountabilities for environmental management are defined in the EMS to ensure personnel and contractors at Mount Pleasant Operation are aware of their roles and responsibilities.

5.2 ENVIRONMENTAL EMERGENCIES

MACH Energy maintains a Pollution Incident Response Management Plan (PIRMP) that relates to its operations. The PIRMP outlines the process for responding to environmental emergencies in a timely and effective manner and adopting appropriate measures for the control and recovery from emergencies. Where appropriate, environmental emergency response procedures will be integrated with on site emergency response plans.

An Emergency Response Team will coordinate and respond to emergency situations and accidents, and undertake rescues as required. Preparedness for emergencies by staff, personnel, contractors and service providers will be undertaken in accordance with on site training requirements whereby personnel will be appropriately trained in the use of emergency response equipment and procedures, and will be made aware of their responsibilities should such an event occur.

Reporting of incidents will be undertaken in accordance with the protocol outlined in Section 6.3.

5.3 INFORMATION DISSEMINATION

Community Consultative Committee

In accordance with Condition 6, Schedule 5 of Development Consent DA 92/97, a Community Consultative Committee (CCC) has been established. The CCC will be operated in general accordance with the Community Consultative Committee Guidelines for State Significant Developments (Department of Planning and Environment, 2016)¹.

In accordance with Condition 6, Schedule 5 of Development Consent DA 92/97, the membership of the CCC will continue to be comprised of an independent chair and appropriate representation from MACH Energy, affected councils, recognised environmental groups and the general community. The CCC will meet at least twice a year.

In accordance with Condition 11, Schedule 5 of Development Consent DA 92/97, a copy of the minutes of the CCC meetings will be made available on the MACH Energy website.

MACH Energy Australia Website

In accordance with Condition 11, Schedule 5 of Development Consent DA 92/97, the MACH Energy website will be maintained as a tool for the provision of information to stakeholders and interested parties about the operation and environmental performance of the MPO. The following information will be available on the MACH Energy website:

- the Environmental Impact Statement (EIS) (1997), MOD 1 EA and MOD 2 EA;
- all current statutory approvals for the development;
- approved strategies, plans or programs required under the conditions of Development Consent DA 92/97;
- a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of Development Consent DA 92/97;
- a complaints register, which is updated on a monthly basis;
- minutes of CCC meetings;
- the annual reviews (over the last 5 years);
- any independent environmental audit, and MACH Energy's response to the recommendations in any audit; and
- any other matter required by the Secretary of the DP&E.

Information available on the MACH Energy website will be updated as required by Development Consent DA 92/97.

¹ Department of Planning and Environment (2016) *Community Consultative Committee Guidelines for State Significant Developments*.

Internal Communication

Environmental management documentation developed and retained by MACH Energy will be filed in accordance with the document register and made available to relevant MACH Energy employees and mining contractor staff.

Environmental management and performance will be communicated to staff, contractors and visitors through:

- toolbox training, formal training, memos, weekly/daily planning meetings;
- induction and orientation processes;
- incident or near miss communications;
- site inspections and auditing; and
- communication sessions.

5.4 COMPLAINTS MANAGEMENT

MACH Energy will maintain a Community Hotline (1800 886 889) that is dedicated to the receipt of community complaints, enquiries or information. The Community Hotline will be publicly advertised in a variety of MACH Energy's public communication tools and will be available during construction and operating hours, to receive any complaints or enquiries from neighbouring residents or other stakeholders.

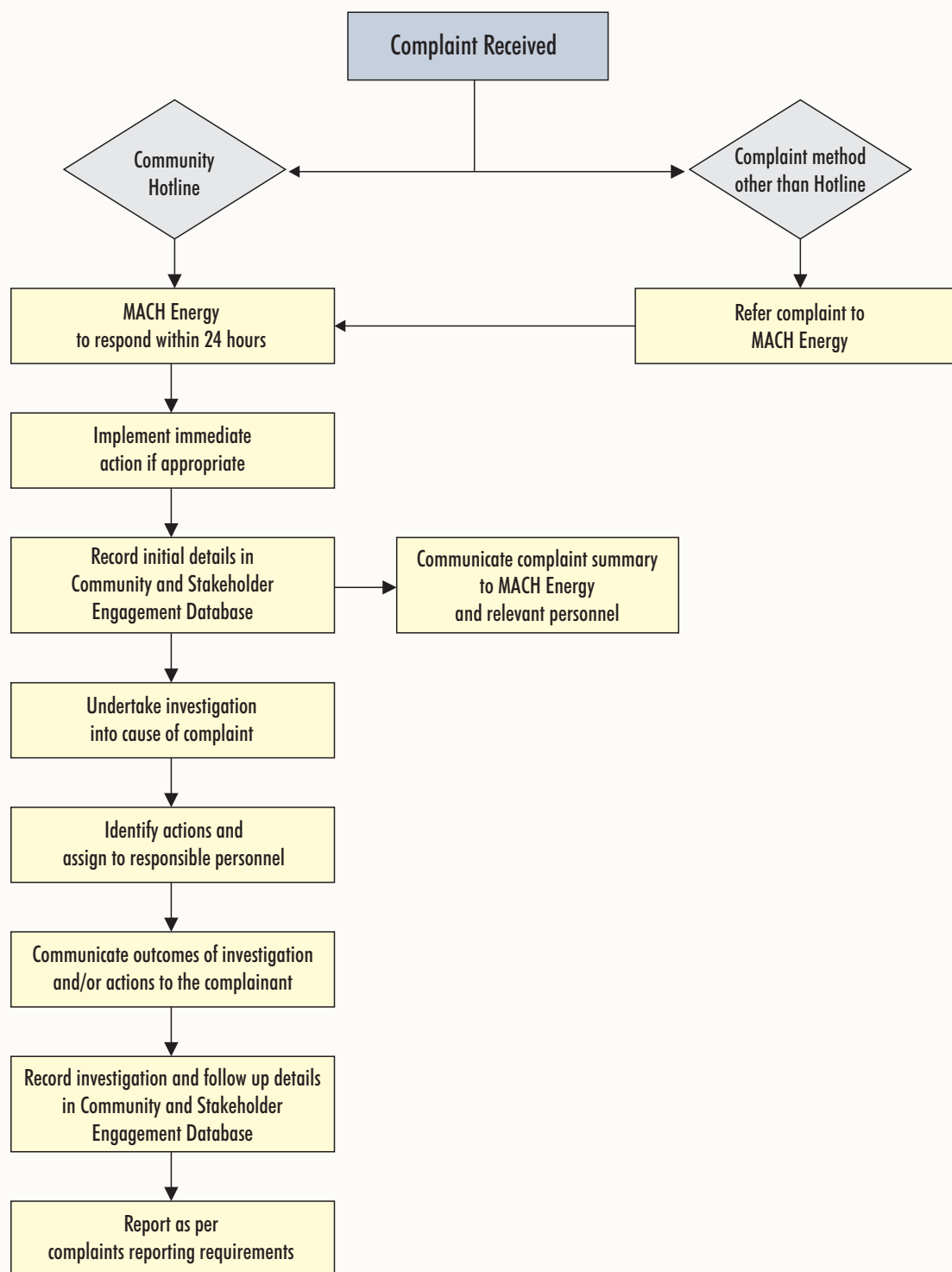
MACH Energy has developed a procedure that outlines its commitment to receiving, responding to and maintaining a record of phone calls from the community. This procedure is supported by a Community and Stakeholder Engagement Database.

The following details will be recorded in the Community and Stakeholder Engagement Database:

- the date and time of the contact;
- the method by which engagement was made;
- any personal details provided or, if no such details were provided, a note to that effect;
- the nature of the contact;
- relevant monitoring results and meteorological data at the time of the contact;
- the actions taken by MACH Energy in relation to the contact, including any follow-up that is required with the person contacting the MPO; and
- if no action was taken by MACH Energy, the reasons why no action was taken.

In the event of a complaint, investigations will commence within 24 hours of contact to ensure the likely cause of the complaint is determined (e.g. considering meteorological conditions and nature of mining activities) and, where possible and/or required, mitigating actions are executed. This investigation will be used to develop appropriate mitigation measures which will be presented to the party who contacted the MPO. Consideration will also be given to how adjustments to existing management/operational approaches could be applied across the MPO.

An overview of the community complaint response process is detailed in Figure 5. In accordance with Condition 11, Schedule 5 of Development Consent DA 92/97, the Community and Stakeholder Engagement Database will be updated monthly and made available on the MACH Energy website. Complaints will also be reported in the Annual Review.



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Figure 5

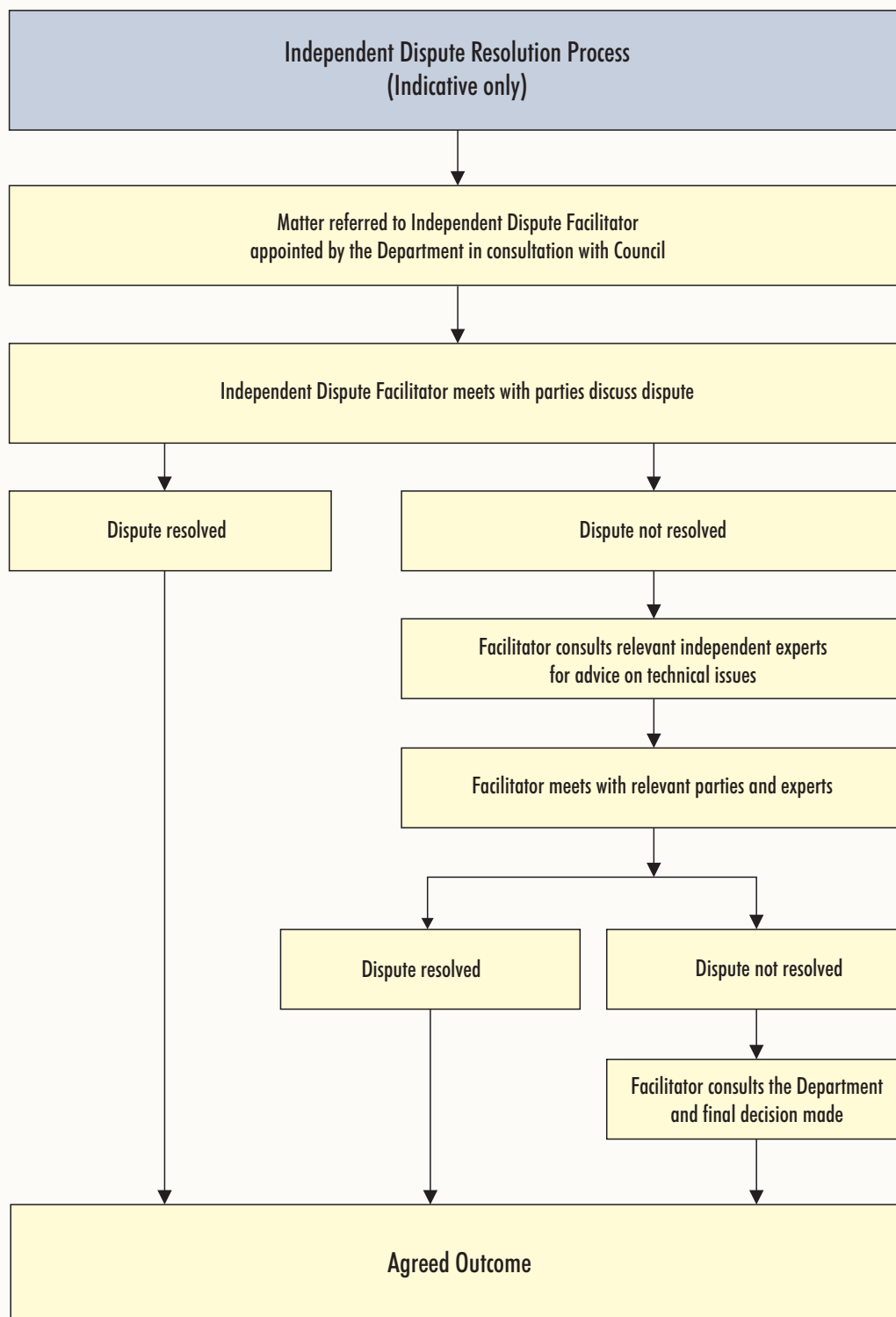
5.5 DISPUTE RESOLUTION

In the event of a disagreement between MACH Energy and a member of the community, the External Relations Manager will undertake the necessary liaison to reach a resolution. Should resolution of the dispute not be reached through this primary process, either party may refer the matter to the Secretary of the DP&E for resolution.

In accordance with Development Consent DA 92/97 the dispute resolution process will be conducted using the Independent Dispute Resolution Process (Figure 6).

The Secretary of the DP&E, where required, can provide conflict resolution in the following situations:

- Upon receiving a written request from the owner of any residence on the land listed in Table 1 or Table 2 of Conditions 1 and 2, Schedule 3 of Development Consent DA 92/97, MACH Energy is required to implement additional noise and/or dust mitigation measures (such as double-glazing, insulation, air filters, first flush roof water drainage system and/or air conditioning) at the residence in consultation with the landowner. If within three months of receiving this request from the owner, MACH Energy 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 Secretary for resolution.
- In accordance with Condition 13, Schedule 3 of Development Consent DA 92/97, if MACH Energy receives a written request from the owner of any privately-owned land within 2 km of the approved open cut mining pit/s on site, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within two months of receiving this request, MACH Energy shall commission a suitably qualified, experienced and independent person to undertake a property inspection. The property inspection will be conducted in order to establish the baseline condition of the buildings and/or structures on the land and to identify any measures that should be implemented to minimise the potential blasting impacts of the development on these buildings or structures.
- In accordance with Condition 14, Schedule 3 of Development Consent DA 92/97, if the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within two months of receiving this claim, MACH Energy is required to commission a suitably qualified, experienced and independent person to investigate the claim, and to provide a copy of the property investigation report to the landowner. If MACH Energy or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.
- In accordance with Condition 27, Schedule 3 of Development Consent DA 92/97, MACH Energy is required to provide a long-term compensatory water supply as soon as practicable after the loss is identified to any landowner of privately-owned land whose water entitlements are adversely and directed impacted (other than an impact that is negligible) as a result of the MPO, in consultation with the Department of Primary Industries – Water, and to the satisfaction of the Secretary of the DP&E. If MACH Energy and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.
- In accordance with Condition 39, Schedule 3 of Development Consent DA 92/97, and if required, MACH Energy shall undertake construction works to the satisfaction of Muswellbrook Shire Council and/or Roads and Maritime Services (RMS). If there is any dispute between MACH Energy and Muswellbrook Shire Council or the RMS in relation to the funding or upgrade works, then any of the parties may refer the matter to the Secretary for resolution.



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Figure 6

- In accordance with Condition 46, Schedule 3 of Development Consent DA 92/97, upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct view of the mining operations on site, MACH Energy shall implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimizing the visibility of the mining operations from the residence. If within three months of receiving this request from the owner, MACH Energy and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of the measures, then either party may refer the matter to the Secretary for resolution².
- The provision for independent review (Conditions 3, 4 and 5, Schedule 4 of Development Consent DA 92/97) offers dispute resolution. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 3 of Development Consent DA 92/97, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.
- In accordance with Condition 6, Schedule 4 of Development Consent DA 92/97, within three months of receiving a written request from a landowner with acquisition rights, MACH Energy shall make a binding written offer to the landowner. However, if at the end of this period, MACH Energy and the landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

5.6 TRAINING

It is the responsibility of MACH Energy to employ people that are appropriately trained, competent and have an appropriate level of experience and understanding to undertake their work in a manner that minimises impacts on the environment and community. In addition, a component of the site specific induction is to promote and provide all employees and contractors with general environmental awareness training.

A register of training records and competencies will be maintained and kept up to date in a MPO Training Register.

Visitors Induction

Visitors to the MPO will undergo a visitor's induction, which will outline the overarching environmental, health and safety requirements. The nominated MACH Energy contact will be responsible for the actions and conduct of their visitors and will reinforce the MPO environmental requirements.

At all times, visitors will be accompanied by the nominated MACH Energy contact unless specific direction is provided and the visitor will be restricted from performing certain work duties on site.

Site Induction

Prior to commencing any work duties on site, all personnel will undergo a site specific induction. The site specific induction includes a detailed summary of the MPO as well as associated health, safety, environment and community requirements. The induction also includes a comprehensive understanding of the MPO environmental impacts and aspects with a focus on the relevant legislation and legal responsibilities applicable to site.

² Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than three kilometres from the mining operations.

Task Specific Training

Occasions may arise where employees or contractors are required to undertake training in specific environmental management duties (i.e. use of air quality monitoring equipment, or use of real-time response protocols). A training needs analysis will identify where these instances occur.

5.7 DOCUMENT CONTROL

All MACH Energy documentation will follow a standard document template, including:

- identification of document need;
- assigning author, unique identifier and header/footer requirements;
- document approval; and
- document review.

5.8 RECORDS MANAGEMENT

A copy of any document that includes data or records will be kept and maintained by MACH Energy to demonstrate compliance with relevant legislation, leases, licences, approvals, and any other document that governs operations at the MPO. The Environmental Superintendent will be responsible for the management of any necessary environmental records.

6 MEASUREMENT AND EVALUATION

A list of EMPs required at the MPO is provided in Section 2. These plans will be reviewed, and if necessary, revised within 3 months of the submission of an annual review, incident report, independent audit or any modification to the Project Approvals, in accordance with Condition 4, Schedule 5 of Development Consent DA 92/97.

Monitoring for all parameters nominated in Development Consent DA 92/97 and Commonwealth Approval EPBC 2011/5795 will be comprehensively addressed within the EMPs developed to successfully manage each key issue identified.

The Annual Review and the Mining Operations Plan support these plans.

In addition, Condition 9, Schedule 5 of Development Consent DA 92/97 requires MACH to commission and pay the full cost of an Independent Environmental Audit by the end of March 2014, and every three years thereafter. In January 2014, Coal & Allied Operations Pty Ltd requested that Condition 9, Schedule 5 of Development Consent DA 92/97 be amended on the basis that the mine was not yet operating. In January 2014, the Department of Planning and Infrastructure (now DP&E) approved the request, on the terms that:

- A one-on-one compliance review be undertaken by the end of March 2014.
- Further one-on-one reviews be undertaken every three years from March 2014 whilst construction works for the mine are yet to commence.
- Should construction commence, then a full Independent Environmental Audit will be undertaken within 12 months of the date of commencement and every 3 years thereafter, as described in Condition 9, Schedule 5. This timing was subsequently modified, as described in the paragraph below.

In accordance with the conditions provided by the DP&E on 7 July 2017, MACH Energy will commission, commence and pay the full cost of an Independent Environmental Audit by 30 November 2017 and submit a copy of the audit report to the Secretary and any other NSW Government agency that requests it within 12 weeks of commencing the audit. An Independent Environmental Audit will also be undertaken every three years thereafter.

Required EMPs, strategies and programs are summarised in Table 3 and the requirements of individual EMPs necessary under Development Consent DA 92/97 are detailed in Appendix D. The Environmental Superintendent will be responsible for implementation of all EMPs in Table 3.

6.1 REPORTING

In accordance with Condition 2, Schedule 5 of Development Consent DA 92/97, MACH Energy has developed protocols for managing and reporting the following:

- incidents;
- complaints;
- non-compliances with statutory requirements; and
- exceedances of the impact assessment criteria and/or performance criteria.

Environmental reporting requirements including timing, submission and distribution method are summarised in Table 4. In accordance with Condition 8, Schedule 5 of Development Consent DA 92/97, MACH Energy will provide regular reporting on the environmental performance of the MPO on the MACH Energy website.

Table 3
Summary of Required Environmental Management Strategies, Plans and Programs

Plan	EMP Framework
Environmental Management Strategy*	<ul style="list-style-type: none"> The objective of this document is to outline the strategic framework for environmental management at the MPO.
Noise Management Plan*	<ul style="list-style-type: none"> Identification of relevant criteria, monitoring locations, monitoring frequency and operating conditions. Describes the measures that would be implemented to ensure compliance, including a real-time noise management system that employs both reactive and proactive mitigation measures. Includes a noise monitoring program and a protocol for managing cumulative noise impacts.
Blast Management Plan*	<ul style="list-style-type: none"> Identification of relevant blasting and vibration criteria, monitoring methods and program, protection of infrastructure, property inspections, stakeholder consultation, reporting. Describes the measures that would be implemented to ensure compliance. Includes a road closure management plan, blast monitoring program and a protocol for managing cumulative blasting impacts.
Air Quality and Greenhouse Gas Management Plan*	<ul style="list-style-type: none"> Identification of relevant criteria, monitoring methods and program. Describes the measures that would be implemented to ensure compliance, including a real-time air quality management system that employs both reactive and proactive mitigation measures. Describes the methods to evaluate compliance against criteria, operating conditions, effectiveness of the system and defines protocol for identification of incidents and notification of relevant parties of their occurrence. Includes an air quality monitoring program and a protocol for managing cumulative air quality impacts.
Water Management Plan*	<ul style="list-style-type: none"> Includes a site water balance, erosion and sediment control plan, surface water management plan, groundwater management plan and a surface and groundwater response plan. Outlines the performance criteria for compliance with Water Management Performance Measures.
Biodiversity Management Plan*	<ul style="list-style-type: none"> Identification of relevant criteria, monitoring methods and program. Includes a description of the short, medium and long term measures to be implemented, a detailed description of measures to be implemented over the next 3 years and a program to monitor and report on the effectiveness of these measures. Describes the potential risks to successful revegetation and the contingency measures that will be implemented to mitigate these risks.
Aboriginal Heritage Management Plan*	<ul style="list-style-type: none"> Describes the measures that would be implemented for management and protection of known and unknown heritage items, access arrangements to heritage items and ongoing consultation with stakeholders. Includes a detailed plan for implementation of the approved Aboriginal Heritage Conservation Strategy.
Aboriginal Heritage Conservation Strategy*	<ul style="list-style-type: none"> Provides for the establishment, management and conservation of an Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site.

Table 3 (continued)
Summary of Required Environmental Management Strategies, Plans and Programs

Plan	EMP Framework
Maintenance Management Plan*	<ul style="list-style-type: none"> Describes maintenance works for the roads and intersections between the Bengalla mine main entrance and the MPO main entrance.
Landscape Management Plan*	<ul style="list-style-type: none"> Provides for the establishment of trees and shrubs and/or the construction of mounding or bunding. Includes details of the visual appearance of buildings, structures, facilities or works, aimed at blending with the surrounding landscape.
Waste Management Plan*	<ul style="list-style-type: none"> Describes the measures that would be implemented to avoid, minimise, reuse and recycle all waste streams. Includes a fines emplacement plan and a program to evaluate the fines emplacement plan and methods.
Rehabilitation Strategy*	<ul style="list-style-type: none"> Investigates options for the future use of the site upon completion of mining. Describe and justify the proposed rehabilitation strategy for the site. Define rehabilitation objectives for the area as well as the proposed completion criteria.
Rehabilitation Management Plan*	<ul style="list-style-type: none"> Describes the measures that would be implemented to rehabilitate the site and implement the rehabilitation strategy.
Pollution Incident Response Management Plan [#]	<ul style="list-style-type: none"> Outlines the reporting, management and communication to the general community of pollution incidents.

* Requirement of Development Consent DA 92/97.

[#] Requirement of the *Protection of the Environment Operations Act, 1997*.

Table 4
Mount Pleasant Operation Reporting Requirements

Report	Frequency	Distribution	Distribution Method	Responsibility for Data Collection and Preparation	Responsibility for Submission
Incident Report	As required – see Section 6.3	DP&E Other relevant agencies	Email	Environmental Superintendent	General Manager Operations
Annual Review (incorporating Annual Environmental Management Report)	Annually (by the end of March each year)	DP&E	Email and Website	Environmental Superintendent	General Manager Operations
Hunter River Salinity Trading Scheme Annual Report ¹	Annually ¹	EPA	Email and Website	Environmental Superintendent	General Manager Operations
National Pollutant Inventory Report	Annually (for the period 1 July to 30 June)	DEE	Email	Environmental Superintendent	General Manager Operations
National Greenhouse and Energy Report	Annually (for the period 1 July to 30 June)	DEE	Website	Environmental Superintendent	General Manager Operations
Annual Return	Annually (for the period 1 January to 31 December)	EPA	Email and Post	Environmental Superintendent	General Manager Operations
EPBC Act Compliance Report	Annually (within three months of the anniversary of the date of commencement) ²	DEE	Email and Website	Environmental Superintendent	General Manager Operations

DEE – Commonwealth Department of the Environment and Energy, EPA – NSW Environment Protection Authority.

¹ Reporting to be in accordance with EPL 20850.

² MACH Energy substantially commenced the MPO on 25 November 2016.

6.2 COMPLIANCE

Compliance at the MPO is to be achieved via:

- adherence to Development Consent DA 92/97, EPBC Approval 2011/5795, licence and ML conditions, and corporate policies;
- annual compliance reporting in the Annual Review;
- review of the EMPs within three months of an Annual Review, a reported incident, an Independent Environmental Audit or modifications to the conditions of the current approval;
- compliance auditing (both internal and external);
- identification of performance against objectives and targets; and
- implementation of corrective procedures/strategies following complaint or monitoring inspection and identification and approval from necessary authorities and stakeholders.

A protocol for the managing and reporting of non-compliances with statutory requirements has been developed as a component of the EMS and is described below.

Compliance with all approvals, plans and procedures will be the responsibility of all personnel (staff and contractors) employed on or in association with the MPO.

The Environmental Superintendent will undertake regular inspections, internal audits and initiate directions identifying any remediation/rectification work required, and areas of actual or potential non-compliance.

As described in Section 6.3, MACH Energy will notify the Secretary of the DP&E and any other relevant agencies of any incident associated with the MPO that causes or threatens to cause material harm to the environment that is not trivial immediately after MACH Energy becomes aware of the incident. Within seven days of becoming aware of the incident, MACH Energy will provide the Secretary of the DP&E and any other relevant agencies with a detailed report on the incident.

In addition, within two weeks of obtaining monitoring results showing an exceedance of the criteria detailed in Development Consent DA 92/97 and completion of the protocol for determining if an exceedance is a non-compliance (as outlined in each management plan), MACH Energy shall, in accordance with Condition 1, Schedule 4 of Development Consent DA 92/97:

- notify affected landowners and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the MPO is complying with the relevant criteria; and/or
- in the event of an exceedance of the air quality criteria, send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

Any non-compliances identified will be reported in the Annual Review. The Annual Review will be made publicly available on the MACH Energy website in accordance with Condition 11, Schedule 5 of Development Consent DA 92/97.

6.3 INCIDENTS

An incident is defined as a set of circumstances that causes or threatens to cause material harm to the environment and/or breaches or exceeds the limits or performance measures/criteria in Development Consent DA 92/97.

In the event that review of monitoring data indicates that an incident associated with the MPO occurs, which causes or threatens to cause material harm to the environment, the incident will be managed in accordance with relevant regulatory approvals and statutory obligations.

The reporting of incidents will be conducted in accordance with Condition 7, Schedule 5 of Development Consent DA 92/97 and in accordance with the protocol for industry notification of pollution incidents under Part 5.7 of the *Protection of the Environment Operations Act, 1997*. MACH Energy will notify the Secretary of the DP&E and any other relevant agencies, in accordance with the PIRMP, immediately after the authorised person becomes aware of the incident which causes or threatens to cause material harm to the environment.

Within seven days of the date of the incident, MACH Energy will provide the Secretary of the DP&E and any other relevant agencies with a detailed report on the incident. The report will:

- describe the date, time and nature of the incident;
- identify the cause (or likely cause) of the incident;
- describe what action has been taken to date; and
- describe the proposed measures to address the incident.

Within two weeks of obtaining monitoring results showing a validated exceedance of the criteria detailed in Development Consent DA 92/97, MACH Energy shall, in accordance with Condition 2, Schedule 4 of Development Consent DA 92/97, notify affected landowners and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the MPO is complying with the relevant criteria.

7 REVIEW

The Environmental Superintendent will undertake regular inspections, internal audits and initiate directions identifying any remediation/rectification work required, and areas of actual or potential non-compliance.

Annual Review

In accordance with Condition 3, Schedule 5 of Development Consent DA 92/97, MACH Energy will review and evaluate the environmental performance of the MPO by the end of March each year or other such timing as agreed by the Secretary of the DP&E.

The Annual Review will:

- describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
- include a comprehensive review of the monitoring results and complaints records of the MPO over the past year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EIS;
- identify any non-compliances over the past year, and describe what actions were (or are being) taken to ensure compliance;
- identify any trends in monitoring data over the life of the MPO;
- identify any discrepancies between the predicted and actual impacts of the MPO, and analyse the potential cause of any significant discrepancies; and
- describe what measures will be implemented over the next year to improve the environmental performance of the MPO.

The Annual Review will be made publicly available on the MACH Energy website in accordance with Condition 11, Schedule 5 of Development Consent DA 92/97.

Independent Environmental Audit

In accordance with the conditions provided by the DP&E on 7 July 2017, MACH Energy will commission, commence and pay the full cost of an Independent Environmental Audit by 30 November 2017 and submit a copy of the audit report to the Secretary and any other NSW Government agency that requests it within 12 weeks of commencing the audit. An Independent Environmental Audit will also be undertaken every three years thereafter.

A copy of the Independent Environmental Audit will be provided to the Secretary of the DP&E and made available on the MACH Energy website. The Independent Environmental Audit will be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary of the DP&E.

APPENDIX A
ENVIRONMENTAL POLICY

Environmental Policy

MACH Energy Australia - Environmental Policy

MACH Energy is committed to achieving an excellent standard of environmental performance from all its business activities.

MACH Energy expects an active commitment to, and accountability for the environment from its workers. MACH Energy will conduct its operation in a lawful manner and manage expectations for how environmental matters are integrated into our business.

We will:

- Identify and manage environmental risks
- Integrate environmental management into all facets of its business.
- Facilitate the provision of resources and training to workers necessary to achieve our objectives.
- Comply with all applicable legislation, regulations and standards.
- Inform workers about this Policy and made aware of their environmental responsibilities.
- Strive for continual improvement in environmental performance.
- Be accountable for our actions.
- Report annually to stakeholders and the community on the Company's environmental performance.
- Engage and communicate with key stakeholders.

We recognise and value The World Bank's three pillars of sustainable development – economic growth, environmental stewardship and social inclusion. Key project decisions and behaviour reflect considerations for global policy, while integrating domestic political and mining sector strategies. MACH Energy strives to be productive while protecting key natural assets through an interest for minimising damage; reviewing supply chain efficiencies and promoting a culture that seeks innovative solutions. Progress has been made in planning and monitoring modelling which in turn has informed choices made about enhancing mining methods and undertaking progressive rehabilitation efforts. Finding ways to continually make advances in environmental sustainability is embedded in the way we conduct our business.

Scott Winter
Managing Director

26 October 2016

APPENDIX B

SITE ENVIRONMENTAL MANAGEMENT – ROLES AND RESPONSIBILITIES

Site Environmental Management – Roles and Responsibilities

Role	Responsibility
General Manager Operations	<ul style="list-style-type: none"> Perform in an overview role to provide strategic direction. Provide adequate resources to implement and support the requirements of the Environmental Management Strategy (EMS). Ensure overall compliance of the Mount Pleasant Operation (MPO) with legislation and approvals. Provide support for the development of strategies, systems and plans to address all legal requirements associated with the MPO.
Department Managers	<ul style="list-style-type: none"> Assess environmental aspects and impacts of the operation during mine planning process and during the risk assessment process. Coordinate activities under their supervision in accordance with the EMS and related sub-plans, procedures, and programs. Consider past environmental performance when engaging contractors. Participate in reviews of the EMS.
External Relations Manager	<ul style="list-style-type: none"> Assist with the response to incidents. Assist with the notification and reporting of incidents. Manage external government and community consultation. Manage communications with Bengalla Mine.
Environmental Superintendent	<ul style="list-style-type: none"> Manage the implementation of Environmental Management Plans (EMPs), approvals, licences and permits. Manage internal auditing and regulatory reporting (including the Annual Review). Manage and drive progressive rehabilitation planning, development and reporting. Support staff environmental training. Responsible for obtaining necessary environmental approvals. Develop corrective action management plans for any non-compliance in consultation with the relevant area manager. Coordinate the development, communication, implementation and maintenance of management plans and environmental monitoring programs and regularly review environmental monitoring data for compliance with relevant criteria.
Department Supervisors	<ul style="list-style-type: none"> Responsible for site environmental monitoring. Responsible for implementation and compliance with EMPs. Provide support for Environmental Superintendent's responsibilities. Provide support and advice to the operation including department managers and general staff and contractors. Undertake regular site inspections and audits to maintain compliance with the EMPs and legislative requirements relating to the MPO. Oversee activities undertaken at the MPO to assist in managing environmental aspects in accordance with the MPO management and legislative requirements. Implementation of corrective actions arising from environmental incidents and audit. Coordinate the activities of specialist sub-consultants and project personnel for environmental assessment/monitoring/auditing responsibilities in accordance with the MPO Management Systems.
Safety and Training Department	<ul style="list-style-type: none"> Maintain the Emergency Response Team. Maintain records of training. Maintain Emergency Response Plans. Maintain chemical registers.
All Employees and Contractors	<ul style="list-style-type: none"> All general employees trained in environmental procedures and protocols as part of the induction process and regular site meetings. All general employees responsible for immediately reporting environmental incidents. All general employees responsible for undertaking works in an environmentally sound manner and in accordance with EMPs and site commitments.

APPENDIX C

ENVIRONMENTAL MANAGEMENT PLANS REQUIRED UNDER DEVELOPMENT CONSENT DA 92/97

[Available on the MACH Energy Website]

<http://machenergyaustralia.com.au/>

APPENDIX D
DEVELOPMENT CONSENT DA 92/97

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (UNAMENDED)

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTION 91**

I, the Minister for Urban Affairs and Planning, pursuant to Section 101 of the unamended Environmental Planning and Assessment Act, 1979 ("the Act"), determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

- (i) minimise the adverse impact the development may cause through water and air pollution, noise and visual disturbance;
- (ii) provide for environmental monitoring and reporting; and
- (iii) set requirements for infrastructure provision.

Signed

Andrew Refshauge
Minister for Urban Affairs and Planning

Sydney, 22 December 1999 File No. N95/00147

Red text represents MOD 1 dated 19 September 2011

Blue text represents MOD 2 dated 29 March 2017

SCHEDULE 1

Development Application:	DA 92/97
Applicant:	MACH Energy Australia Pty Ltd
Consent Authority:	Minister for Urban Affairs and Planning
Land:	See Appendix 1
Development:	Construction and operation of the Mt Pleasant open cut coal mine and associated infrastructure

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DEFINITIONS

Aboriginal stakeholders	Wonnarua Local Aboriginal Land Council, Wonnarua Tribal Council and any other relevant Aboriginal groups
Annual review	The review required by condition 3 of Schedule 5
Applicant	MACH Energy Australia Pty Ltd, or any person/s who rely on this consent to carry out development that is subject to this consent
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Conveyor/service corridor	The conveyor and supporting infrastructure located within the area shown in blue on the Project Layout Plan
Council	Muswellbrook Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the documents listed in condition 2 of Schedule 2
DPI	Department of Primary Industries
DPI Water	Department of Primary Industries - Water
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
EA (MOD 1)	The Environmental Assessment for the Mt Pleasant Project Modification prepared by EMGA Mitchell McLennan, dated October 2010; the associated response to submissions, dated December 2010; and the addendum to the environmental assessment, dated 31 August 2011
EA (MOD 2)	The Environmental Assessment titled <i>Mount Pleasant Operation (DA 92/97) – South Pit Haul Road Modification</i> prepared by MACH Energy Australia Pty Ltd dated 30 January 2017
EIS	The Environmental Impact Statement for the Mt Pleasant Mine, prepared by ERM Mitchell McCotter and dated September 1997, as modified by the Applicant's submissions to the Commission of Inquiry into the establishment and operation of the Mt Pleasant Mine
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 2-5 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this modification
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with coal or carbonaceous material
Mining operations	Includes the removal of overburden and the extraction, processing, handling, storage and transportation of coal
Minister	Minister for Planning, or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the development
NAG	Noise assessment group, see the figure in Appendix 6 for more detail
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
OEH	Office of Environment and Heritage
Offset strategy	The strategy required by condition 29 of Schedule 3 of this approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, gas supply, drainage, sewerage, telephony, telecommunications etc
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided,

Rehabilitation	community views and the nature and extent of potential improvements The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
Remediation	Activities associated with partially or fully repairing the impacts and/or environmental consequences of the development
ROM	Run-of-mine
RMD	Resources and Mining Division within the Department
RMS	Roads and Maritime Services
SANSW	Subsidence Advisory NSW
Secretary	Secretary of the Department, or nominee
Site	The land listed in Appendix 1
Southern catchment	The catchment located in the south west corner of the site and identified in Figure 12 of the EIS as the active fines emplacement
Statement of commitments	The Applicant's commitments in Appendix 3

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS, EA (MOD 1), EA (MOD 2) and project layout plan; and
 - (b) in accordance with the Statement of Commitments and conditions of this consent.

Notes:

- The project layout plan is shown in Appendix 2.
- The Statement of Commitments is reproduced in Appendix 3.

3. If there is any inconsistency between the documents listed in condition 2(a) of Schedule 2, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency with the documents listed in condition 2(a) of Schedule 2 or the Statement of Commitments.
4. The Applicant **must** comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Applicant in accordance with this consent (including any stages of these documents);
 - (aa) any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and
 - (b) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site until 22 December 2020.

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

Coal Extraction

6. The Applicant **must** not extract more than 10.5 million tonnes of ROM coal from the site in a calendar year.

Coal Transport

7. The Applicant **must** transport all coal from the site by either (but not both):
 - (a) conveyor to the Bengalla mine; or
 - (b) rail via an on-site rail loop.

Prior to the construction of the coal transport infrastructure on site, the Applicant **must** notify the Secretary of the coal transport option chosen.

8. If the Applicant decides to develop the conveyor/service corridor to the Bengalla mine, then the Applicant **must**:
 - (a) ensure that the final design of the conveyor/service corridor includes all reasonable and feasible measures to avoid and/or minimise the impacts on threatened species, endangered ecological communities, and Aboriginal objects with medium to high significance; and
 - (b) submit detailed plans of the development in the conveyor/service corridor to the Secretary for approval.

Following approval, the Applicant **must** implement the detailed plans to the satisfaction of the Secretary.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

10. The Applicant **must** ensure that all demolition work on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

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

Note: This condition does not include matters that are expressly provided for in the conditions of this consent, such as the maintenance of public roads.

OPERATION OF PLANT AND EQUIPMENT

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

13. Deleted

PLANNING AGREEMENT

14. By the end of March 2012, unless otherwise agreed by the Secretary, the Applicant **must** enter into a planning agreement with Council in accordance with:
 - (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of the Applicant's offer dated 14 February 2011, which is summarised in Appendix 4.

This agreement must provide for annual payments to be made to Council with the first period for payment commencing upon the commencement of development on the site.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant **must** acquire the land in accordance with the procedures in conditions 6-7 of [Schedule 4](#).

Table 1: Land subject to acquisition upon request

Receiver	Receiver
43, 44 – J.B. Moore	143, 161, 237 – J.S. & N.M. Lonergan
45 – B.A. & T.E. Strachan	147 – M.J. & R.G. Adnum
47 – B.L. & M.L. Bates	156 – J.E. & J.L. Lonergan
67 – J.M. Simpson	158 – J.M. Hoath
96 – R.P. Grey	159, 236 – J.E. & M.S. Ducey
101 – C. Austin	129 – R.M. & S.D. Farrell
102 – A. Mather	130 – M.J. Farrell
107 – B.L. Wilton	135, 309 – K.J. & G.M. Yore
108 – J.S. Gibson	146 – C.R. & N.J. Hoath
112 – B.D. Barry	153 – G.M. Casey
118 – J. & C. Hayes	157 – R.B. Parkinson & S.A. Peberdy
120, 308 – D.L. & P.A. Moore	229 – C. Horne
121 – C & J.M. Moore	263 – R.R. & J.M. Hamilton
137, 138 A – D.H. MacIntyre	C – P.M. Yore
D – S. Yore	

Notes:

- To identify the locations referred to in Table 1, see the figures in Appendix 5; and
- All land is noise affected, except receiver 67 which is air quality affected.

ADDITIONAL NOISE AND DUST MITIGATION UPON REQUEST

- Upon receiving a written request from the owner of any residence on the land listed in Table 1 or Table 2, the Applicant **must** implement additional noise and/or dust mitigation measures (such as double-glazing, insulation, air filters, first flush roof water drainage system and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible and related to the noise and/or dust impacts on the residence.

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 [Secretary](#) for resolution.

Table 2: Land where additional noise mitigation measures are available on request

Receiver	Receiver
68 – Googe	203 – Millard
74 – Sormaz	205 – Dapkos Pty Ltd
77 – Purser	231 – Wicks
78, 80 – W.J. Adnum	240 – MacIntyre
79 – W.J. & D.W. Adnum	242 – Raphael
86, 290 – Cowtime Investments Pty Ltd	257 – Lane
139 – Upton	258 – Ellis
140 – Dapkos Pty Limited	259 – Peel
154 – Standing	279 – Parkinson

Note: To identify the locations referred to in Table 2, see the figures in Appendix 5.

NOISE

Noise Criteria

- Except for the noise-affected land referred to in Table 1, the Applicant **must** ensure that the noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 3: Noise criteria dB(A)

Location		Day	Evening	Night	
		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)
NAG 1	260, 261	37	37	37	45
	258	40	40	40	45
	259	39	39	39	45
	All other privately-owned land	35	35	35	45
NAG 2	272	36	36	36	45
	All other privately-owned land	35	35	35	45
NAG 3	139, 154, 240	40	40	40	45
	241	39	39	39	45
	All other privately-owned land	35	35	35	45
NAG 4	169	36	36	36	45
	All other privately-owned land	35	35	35	45
NAG 5	All privately-owned land	41	40	39	45
NAG 6	205	41	41	41	45
	203, 242	40	40	40	45
	202	39	39	39	45
	204	38	38	38	45
	All other privately-owned land	37	37	37	45
NAG 7	68, 74, 279	43	42	42	45
	86, 290	42	42	42	45
	77	42	41	41	45
	79, 80, 231	41	41	41	45
	78	41	40	40	45
	All other privately-owned land	40	37	37	45
NAG 8	35	42	41	41	45
	289	41	40	40	45
	23, 84	40	40	40	45
	All other privately-owned land	41	39	39	45
NAG 9	All privately-owned land	39	38	37	45
NAG 10	All privately-owned land	35	35	35	45
NAG 11	All privately-owned land	37	36	35	45
All other privately-owned land		35	35	35	45

Notes:

- To identify the locations referred to in Table 3, see the figures in Appendices 5 and 6.
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.

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

Noise Acquisition Criteria

- If the noise generated by the development exceeds the criteria in Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant **must** acquire the land in accordance with the procedures in conditions 6-7 of [Schedule 4](#).

Table 4: Noise acquisition criteria dB(A)

Location	Day	Evening	Night
	L_{Aeq}(15min)	L_{Aeq}(15min)	L_{Aeq}(15min)
All privately-owned land in NAG 1, NAG 2, NAG 3, NAG 4, and NAG 10	40	40	40
All privately-owned land in NAG 5	46	45	44
All privately-owned land in NAG 6	42	42	42
All privately-owned land in NAG 7	45	42	42
All privately-owned land in NAG 8	46	44	44
All privately-owned land in NAG 9	44	43	42
All privately-owned land in NAG 11	42	41	40
All other privately-owned land	40	40	40

Notes:

- To identify the locations referred to in Table 4, see the figures in Appendices 5 and 6;
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy; and
- For this condition to apply, the exceedances of the criteria must be systematic.

Cumulative Noise Criteria

- Except for the noise-affected land referred to in Table 1, the Applicant **must** implement all reasonable and feasible measures to ensure that the noise generated by the development combined with the noise generated by other mines in the area does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 5: Cumulative noise criteria dB(A) L_{Aeq} (period)

Location	Day	Evening	Night
NAG 8, 9	55	45	40
All other privately-owned land	50	45	40

Notes:

- To identify the locations referred to in Table 5, see the figures in Appendices 5 and 6; and
- Cumulative noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Cumulative Noise Acquisition Criteria

- If the noise generated by the development combined with the noise generated by other mines in the area exceeds the criteria in Table 6 at any residence on privately-owned land or on more than 25 percent of privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant **must** acquire the land on as equitable basis as possible with the relevant mines in accordance with the procedures in conditions 6-7 of [Schedule 4](#).

Table 6: Cumulative noise acquisition criteria dB(A) L_{Aeq} (period)

Location	Day	Evening	Night
NAG 8, 9	60	50	45
All other privately-owned land	55	50	45

Notes:

- To identify the locations referred to in Table 6, see the figures in Appendices 5 and 6;
- Cumulative noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy; and
- For this condition to apply, the exceedances of the criteria must be systematic.

Rail Noise

- The Applicant **must** ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142).

Noise Operating Conditions

8. The Applicant **must**:
- (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the **construction**, operational, low frequency, and rail noise generated by the development;
 - (b) minimise the noise impacts of the development during temperature inversions;
 - (c) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
 - (d) co-ordinate the noise management on site with the noise management at nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines, to the satisfaction of the **Secretary**.

Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.

Noise Management Plan

9. The Applicant **must** prepare a Noise Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be submitted to the **Secretary** for approval prior to carrying out any development on site;
 - (b) describe the noise mitigation measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time noise management system that employs both reactive and proactive mitigation measures;
 - (c) include a noise monitoring program that:
 - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
 - includes a protocol for determining exceedances of the relevant conditions of this consent; and
 - (d) include a protocol that has been prepared in consultation with the owners of the nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines.

The Applicant **must** implement the approved management plan as approved from time to time by the **Secretary**.

BLASTING

Blasting Criteria

10. The Applicant **must** ensure that the blasting on the site does not cause exceedances of the criteria in Table 7.

Table 7: Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months
Historic heritage sites	-	10	0%
All public infrastructure	-	50	0%

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner or infrastructure provider/owner, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Hours

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

Blasting Frequency

12. Unless otherwise agreed by the **Secretary**, the Applicant may carry out a maximum of:
- (a) 1 blast a day; and
 - (b) 5 blasts a week, averaged over any calendar year; for the development.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blasts required to ensure the safety of the mine or its workers.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

Property Inspections

13. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s on site, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant **must**:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:
 - establish the baseline condition of the buildings and/or structures on the land, or update the previous property inspection report;
 - identify any measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.

Property Investigations

14. If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Applicant **must**:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property investigation report, either party may refer the matter to the Secretary for resolution.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant **must** repair the damages to the satisfaction of the Secretary.

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

Blast Operating Conditions

15. The Applicant **must**:
- (a) implement best blasting management practice on site to:
 - protect the safety of people and livestock in the surrounding area;
 - protect public or private infrastructure/property in the surrounding area;
 - minimise the dust and fume emissions of the blasting on site; and
 - minimise blasting impacts on heritage items in the vicinity of the site;
 - (b) co-ordinate the blasting on site with the blasting at nearby mines (including the Bengalla mine) to minimise the cumulative blasting impacts of the mines; and
 - (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Secretary.
16. The Applicant **must** not undertake blasting within 500 metres of:
- (a) a public road without the approval of Council; and
 - (b) any land outside the site not owned by the Applicant, unless:
 - the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or
 - the Applicant has:
 - demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land.

Blast Management Plan

17. The Applicant **must** prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval prior to carrying out any blasting on site;
 - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;
 - (c) include a road closure management plan, prepared in consultation with Council;
 - (d) include a blast monitoring program for evaluating compliance with the relevant conditions of approval; and
 - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Bengalla mine) for minimising and managing cumulative blasting impacts of the mines.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

AIR QUALITY & GREENHOUSE GAS

Odour

18. The Applicant **must** ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.

Greenhouse Gas Emissions

19. The Applicant **must** implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.

Air Quality Criteria

20. Except for the air quality-affected land referred to in Table 1, 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 exceed the criteria listed in Tables 8, 9 or 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 8: Long term criteria for particulate matter

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

Table 9: Short term criterion for particulate matter

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

Table 10: Long term criteria for deposited dust

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

Notes to Tables 8-10:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

21. Deleted

Air Quality Operating Conditions

22. The Applicant **must**:

- (a) implement best practice air quality management, including all reasonable and feasible measures to minimise the odour, fume and dust emissions of the development;
- (b) minimise visible air pollution generated by the development;
- (c) minimise, where reasonable and feasible, the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d above under Tables 8-10);
- (e) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
- (f) co-ordinate the air quality management on site with the air quality management at nearby mines (including the Bengalla mine) to minimise cumulative air quality impacts from the mines, to the satisfaction of the Secretary.

Air Quality and Greenhouse Gas Management Plan

23. The Applicant **must** prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval prior to carrying out any development on site;
 - (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time air quality management system that employs reactive and proactive mitigation measures;
 - (c) include an air quality monitoring program that:
 - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;
 - includes PM_{2.5} monitoring (although this obligation could be satisfied by the regional air quality monitoring network if sufficient justification is provided);
 - includes a protocol for determining exceedances of the relevant conditions of this consent; and
 - (d) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative air quality impacts of the mines.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

METEOROLOGICAL MONITORING

24. For the life of the development, the Applicant **must** ensure that there is a meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in NSW* guideline; and
 - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, or as otherwise approved by the Secretary.

SOIL & WATER

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain water licences for the development.

Water Supply

25. The Applicant **must** ensure that it has sufficient water for all stages of development, and if necessary, adjust the scale of mining operations on site, to match its available water supply to the satisfaction of the Secretary.

Water Discharges

26. The Applicant **must** ensure that any surface water discharges from the site comply with the:
- (a) discharge limits (both volume and quality) set for the development in any EPL; or
 - (b) relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Compensatory Water Supply

27. The Applicant **must** provide compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely and directly impacted (other than an impact that is negligible) as a result of the development, in consultation with DPI Water, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributed 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.

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

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

Water Management Plan

28. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with DPI Water and EPA, and be submitted to the Secretary for approval prior to carrying out any development on site. The plan must include:

- (a) a Site Water Balance, which must:
 - include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site;
 - any off-site water transfers; and
 - investigate and implement all reasonable and feasible measures to minimise water use by the development;
- (b) an Erosion and Sediment Control Plan, which must:
 - identify activities that could cause soil erosion, generate sediment or affect flooding;
 - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage any flood risk;
 - describe the location, function, and capacity of erosion and sediment control structures;
 - describe what measures would be implemented to maintain the structures over time;
- (c) a Surface Water Management Plan, which must include:
 - detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development;
 - surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts;
 - a program to monitor surface water flows and quality in the watercourses that could be affected by the project; and
 - reporting procedures for the results of the monitoring program;
- (d) a Groundwater Management Plan, which must include:
 - detailed plans, including design objectives and performance criteria, for the design and management of the proposed final voids;
 - detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
 - groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program to monitor and assess:
 - groundwater inflows to the mining operations;
 - impacts on regional and local (including alluvial) aquifers;
 - impacts on the groundwater supply of potentially affected landowners;
 - impacts on groundwater dependent ecosystems and riparian vegetation;
- (e) a Surface and Ground Water Response Plan, which must include:
 - a response protocol for any exceedances of the surface water and groundwater assessment criteria;
 - measures to offset the loss of any baseflow to watercourses caused by the development;
 - measures to prevent, minimise or offset groundwater leakage from alluvial aquifers caused by the development;
 - measures to compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
 - measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

BIODIVERSITY

Offset Strategy

29. The Applicant must prepare an offset strategy for the development to the satisfaction of the Secretary. This strategy must:

- (a) be prepared in consultation with OEH;

- (b) be submitted to the **Secretary** for approval prior to carrying out any development in the conveyor/service corridor;
- (c) offset the biodiversity impacts of the development in the conveyor/service corridor; and
- (d) focus on the re-establishment of:
 - significant and/or threatened flora communities and/or species; and
 - habitat for significant and/or threatened fauna species.

This offset strategy is not required if the Applicant does not carry out any development in the conveyor/service corridor.

The Applicant must implement the approved strategy as approved from time to time by the **Secretary**.

Note: The offset strategy may be combined with any similar offset strategy required for the development under Commonwealth legislation, or the Aboriginal cultural heritage conservation area/s described in condition 33 below, subject to suitably offsetting the impacts of the conveyor/service corridor.

Long Term Security of Offset

30. Within 2 years of the approval of the offset strategy, the Applicant **must** demonstrate to the satisfaction of the **Secretary** that it has made suitable arrangements to provide appropriate long term security for the offset area/s in the offset strategy.

Conservation Bond

31. Within 6 months of the approval of the offset strategy, the Applicant **must** lodge a conservation bond with the Department to ensure that the offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan (see below).

The sum of the bond **must** be determined by:

- (a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and
- (b) employing a suitably qualified, **independent and experienced person** to verify the calculated costs.

The calculation of the Conservation Bond **must** be submitted to the Department for approval at least 1 month prior to the lodgement of the bond.

The Conservation Bond **must** be reviewed and if required, an updated bond **must** be lodged with the Department within 3 months following:

- (a) an update or revision to the Biodiversity Management Plan;
- (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or
- (c) in response to a request by the **Secretary**.

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

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

With the agreement of the **Secretary**, this bond may be combined with rehabilitation security deposit administered by the Minister for Resources.

Biodiversity Management Plan

32. The Applicant **must** prepare a Biodiversity Management Plan for the development to the satisfaction of the **Secretary**. This plan **must**:
 - (a) be prepared in consultation with OEH and Council, and be submitted to the **Secretary** for approval prior to carrying out any development on site;
 - (b) include:
 - a description of the short, medium, and long term measures that would be implemented to:
 - manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and
 - implement the offset strategy (if and when applicable), including detailed performance and completion criteria;
 - a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
 - implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;

- maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources;
- protecting vegetation and soil outside the disturbance areas;
- rehabilitating creeks and drainage lines on the site, to minimise net loss of stream length and aquatic habitat;
- managing salinity;
- conserving and reusing topsoil;
- undertaking pre-clearance surveys;
- managing impacts on fauna;
- landscaping the site and along public roads to minimise visual and lighting impacts;
- collecting and propagating seed;
- salvaging and reusing material from the site for habitat enhancement;
- salvaging, transplanting and/or propagating threatened flora and native grassland;
- controlling weeds and feral pests;
- managing grazing and agriculture on site;
- controlling access; and
- bushfire management;
- a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

HERITAGE

Note: Under the National Parks and Wildlife Act 1974 or the Heritage Act 1977, the Applicant is required to obtain approvals for any impacts to Aboriginal objects and/or significant relics.

Aboriginal Heritage Conservation Strategy

33. The Applicant **must** prepare an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Secretary. This strategy must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with OEH and the Aboriginal stakeholders;
 - (c) be submitted to the Secretary for approval prior to carrying out any development on site;
 - (d) provide for the establishment and conservation of an off-site Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site;
 - (e) describe the measures that would be implemented to provide appropriate long term security for the proposed Aboriginal cultural heritage conservation areas; and
 - (f) include an action plan for the implementation of the strategy.

The detailed measures for the implementation of the strategy are to be outlined in the Heritage Management Plan (see condition 36).

The Applicant must implement the approved strategy as approved from time to time by the Secretary.

Note: The Aboriginal cultural heritage conservation area/s may be combined with any similar offset/conservation area required for the development under Commonwealth legislation, subject to suitably offsetting the cultural heritage impacts of the development.

34. Within 2 years of the approval of the Aboriginal Heritage Conservation Strategy, the Applicant **must** demonstrate to the satisfaction of the Secretary, that it has made suitable arrangements to provide appropriate long term security for the Aboriginal cultural heritage conservation area/s in the Aboriginal Heritage Conservation Strategy.

Oral History

35. By the end of December 2013, the Applicant **must** prepare a detailed history of the Mount Pleasant locality to the satisfaction of the Secretary. This history must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with the OEH, the local history society, local community (including former residents as far as is practicable), and Aboriginal stakeholders;

- (c) be prepared in accordance with the relevant the relevant Heritage Council of NSW guidelines; and
- (d) include detailed historical research as well as an oral history.

Aboriginal Heritage Management Plan

36. The Applicant **must** prepare a Aboriginal Heritage Management Plan for the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with OEH and the Aboriginal stakeholders by suitably qualified and experienced persons whose appointment has been endorsed by the **Secretary**;
 - (b) be submitted to the **Secretary** for approval prior to carrying out any development on site;
 - (c) include:
 - a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy (required under condition 34);
 - a description of the measures that would be implemented to:
 - comply with the requirements of any Aboriginal Heritage Impact Permit issued for the development, including any approved archaeological testing and salvage program;
 - store the Aboriginal objects salvaged, both during construction and in the long term;
 - protect, monitor and/or manage all Aboriginal objects on site until the impacts of the development on these objects is unavoidable;
 - minimise the blasting impacts of the development on Aboriginal objects in the vicinity of the site;
 - manage the discovery of any human remains or previously unidentified Aboriginal objects on site;
 - enable Aboriginal stakeholders to get reasonable access to the site during the development;
 - ensure Aboriginal stakeholders are consulted about the conservation and management of Aboriginal cultural heritage on site; and
 - ensure construction personnel receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.

The Applicant must implement the approved management plan as approved from time to time by the **Secretary**.

TRANSPORT

Relocation of Rail Loop or Conveyor/Service Corridor

37. Prior to carrying out any development on site, the Applicant **must** enter into an agreement with the Minister for Resources, in consultation with the operators of the Bengalla Mine, so that if in the future the Bengalla mining operation is to extend further to the west, the Applicant **must** undertake to relocate the Mount Pleasant rail loop or the conveyor/service corridor. Any relocation may require a further approval.

Road Works

38. The Applicant **must**, at its own expense:
- (a) construct a bridge to carry the Bengalla Link Road over the proposed Mount Pleasant rail loop, in consultation with the operators of the Bengalla Mine;
 - (b) construct the Mount Pleasant Northern Link Road to Dorset Road, prior to the closure of Castlerock Road;
 - (c) construct the Mount Pleasant Western Link Road (generally in accordance with Council's Western Roads Strategy) from the intersection of the Bengalla Link Road to the intersection of the Mount Pleasant Northern Link Road, prior to the closure of Wybong Road;
 - (d) construct the Mount Pleasant Mine Access Road;
 - (e) upgrade the Wybong Road from the Bengalla Link Road to the Mount Pleasant Mine Access Road; and
 - (f) construct an overpass or underpass across Wybong Road, or other means of crossing Wybong Road, should a construction road be proposed, to the satisfaction of Council.
39. Should the following intersections be required, the Applicant **must** undertake construction works at:
- (a) the intersection of the Western Link Road and access to the mine site;
 - (b) the intersection of the Bengalla Link Road and the Western Link Road;
 - (c) the intersection of the Castlerock/Mount Pleasant Northern Link Road and the Western Link Road; and
 - (d) the intersection of the Mount Pleasant Northern Link Road and Kayuga Road, to the satisfaction of Council and/or **RMS**.

If there is any dispute between the Applicant and Council or **RMS** in relation to the funding or upgrade works, then any of the parties may refer the matter to the **Secretary** for resolution.

40. The Applicant **must**:
- (a) prepare a detailed schedule outlining the timing of the road construction works required by conditions 38 and 39 by the end of December 2011; and
 - (b) update this schedule annually, to the satisfaction of Council.

Road Maintenance

41. During the development, the Applicant **must** maintain the roads and intersections between the Bengalla Mine main entrance and the Mt Pleasant Mine main entrance, including:
- (a) part of the Bengalla Link Road;
 - (b) part of the Wybong Road; and
 - (c) part of the Mount Pleasant Western Link Road.

The Applicant **must** develop a Maintenance Management Plan in respect of these roads, to the satisfaction of Council.

Road Access and Signage

42. The Applicant **must** ensure that as far as possible the preferred mine access road route, as described in the EIS, is the only route used by employees and contractors travelling to the mine site from Muswellbrook.
43. The Applicant **must** maintain signs and give at least 24 hours notice of temporary road closures. The location and wording of the signs are to be approved by Council. A protocol is to be established, in consultation with the emergency service providers and Council, to permit the passage of emergency vehicles during road closures.

Monitoring of Coal Transport

44. The Applicant **must**:
- (a) keep records of the:
 - amount of coal transported from the site (on a monthly basis); and
 - date and time of each train movement generated by the development; and
 - (b) make these records available on its website at the end of each calendar year.

VISUAL

Visual Amenity and Lighting

45. The Applicant **must**:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
 - (b) ensure no outdoor lights shine above the horizontal; and
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* or its latest version,
- to the satisfaction of the **Secretary**.

Additional Visual Mitigation Measures

46. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct view of the mining operations on site, the Applicant **must** implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the mining operations from the residence.

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 **Secretary** for resolution.

*Note: Except in exceptional circumstances, the **Secretary** will not require additional visual impact mitigation to be undertaken for residences that are more than 3 kilometres from the mining operations.*

Landscape Management Plan

47. The Applicant **must** prepare a Landscape Management Plan to mitigate the visual impacts of the development to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared in consultation with Council, and submitted to the **Secretary** for approval prior to carrying out any development on site;

- (b) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding:
 - along the access road to the mine site;
 - around the water storage dams and coal preparation plant;
 - at other areas identified as necessary for the maintenance of satisfactory visual amenity; and
- (c) include details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications), aimed at blending as far as possible with the surrounding landscape.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

BUSHFIRE MANAGEMENT

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

WASTE

Waste Minimisation & Disposal

49. The Applicant must:
- (a) minimise the waste (including coal reject) generated by the development;
 - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of in a lawful manner.

On-site Sewage

50. The Applicant must ensure that all sewage generated on site is treated and disposed of to the satisfaction of Council.

Disposal of Fine Rejects

51. The Applicant must not emplace fine rejects in the southern catchment without the written approval of the Secretary.

Waste Management Plan

52. The Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with DPI Water and RMD, and submitted to the Secretary for approval prior to carrying any development on site;
 - (b) describe the measures that would be implemented to avoid, minimise, reuse and recycle all waste streams generated by the development;
 - (c) include a fines emplacement plan; and
 - (d) a program to evaluate the fines emplacement plan and methods, with a view to emplacing fines within active mining areas.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

REHABILITATION

Rehabilitation Objectives

53. The Applicant must rehabilitate the site to the satisfaction of RMD. This rehabilitation must be generally consistent with the proposed rehabilitation strategy depicted conceptually in the figure in Appendix 7, and comply with the objectives in Table 14.

Table 14: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole), including the final void	Safe, stable & non-polluting
Surface infrastructure	To be decommissioned and removed, unless RMD agrees otherwise
Land forms	To be set under condition 54 below
Land use	To be set under condition 54 below

Rehabilitation Strategy

54. Prior to commencing any development on the site, the Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Secretary. This strategy must:
- (a) be prepared in consultation with relevant stakeholders, including RMD, DPI Water, Council and the CCC;
 - (b) investigate options for the future use of the site upon the completion of mining;
 - (c) describe and justify the proposed rehabilitation strategy for the site; and
 - (d) define the rehabilitation objectives for the area, as well as the proposed completion criteria for this rehabilitation.

The Applicant must implement the approved strategy as approved from time to time by the Secretary.

Progressive Rehabilitation

55. The Applicant must carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.

Rehabilitation Management Plan

56. The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of RMD. This plan must:
- (a) be prepared in consultation with the Department, DPI Water, Council and the CCC;
 - (b) be submitted to RMD for approval, within 3 months of approval of the Rehabilitation Strategy;
 - (c) be prepared in accordance with any relevant RMD guideline;
 - (d) describe the measures that would be implemented to rehabilitate the site and implement the rehabilitation strategy (see condition 54); and
 - (e) build, to the maximum extent practicable, on the other management plans required under this consent.

The Applicant must implement the approved management plan as approved from time to time by RMD.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. By the end of December 2011, the Applicant **must**:
 - (a) notify in writing the owners of:
 - the land listed in Table 1 of **Schedule 3** that they have the right to require the Applicant to acquire their land at any stage of the development;
 - any residence on the noise-affected land in Table 1 or Table 2 of **Schedule 3** that they are entitled to ask for additional noise mitigation measures to be installed at their residence at any stage of the development;
 - any residences on the air quality-affected land listed in Table 1 that they are entitled to ask for additional air quality mitigation measures to be installed at their residence at any stage of the development;
 - any privately-owned land within 2 kilometres of the approved open cut mining pit on the site that they are entitled to ask for an inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection updated; and
 - (b) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the documents listed in condition 2(a) of **Schedule 2** identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in **Schedule 3** at any time during the life of the development.
- 1A. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant **must**:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary.
2. As soon as practicable after obtaining monitoring results showing:
 - (a) exceedance of the relevant criteria in **Schedule 3**, the Applicant **must** notify the affected landowner and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is complying with the relevant criteria again; and/or
 - (b) an exceedance of the relevant criteria of **Schedule 3**, the Applicant **must** send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

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

If the **Secretary** is not satisfied that an independent review is warranted, the **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.

If the **Secretary** is satisfied that an independent review is warranted, then within 2 months of the **Secretary's** decision, the Applicant **must**:

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the **Secretary**, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the development is complying with the relevant criteria; and
 - if the development is not complying with these criteria then:
 - determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;
 - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the **Secretary** and landowner a copy of the independent review.
4. Deleted
 5. Deleted

LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant **must** make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional mitigation measures required under condition 2 of [Schedule 3](#);
 - (b) the reasonable costs associated with:
 - relocating within the Muswellbrook, Singleton or Scone local government area, or to any other local government area determined by the [Secretary](#); and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

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

Upon receiving such a request, the [Secretary](#) shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

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

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

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

Within 14 days of this determination, the Applicant **must** make a binding written offer to the landowner to purchase the land at a price not less than the [Secretary's](#) determination.

If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the [Secretary](#) determines otherwise.

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

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

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

The Applicant must implement the approved strategy as approved from time to time by the Secretary.

Adaptive Management

- 1A. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

Management Plan Requirements

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

- (h) a protocol for periodic review of the plan.

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

Annual Review

3. By the end of March each year (or other such timing as agreed by the Secretary), the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

4. Within 3 months of:
- (a) the submission of an annual review under condition 3 above;
 - (b) the submission of an incident report under condition 7 below;
 - (c) the submission of an audit under condition 9 below; and
 - (d) any modification to the conditions of this consent,
- the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

Within 4 weeks of conducting any such review, the Applicant must advise the Secretary of the outcomes of the review, and submit any revised documents for the approval of the Secretary.

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

Updating & Staging Strategies, Plans or Programs

- 4A. The Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:

- While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

Management of Cumulative Impacts

5. In conjunction with the owners of the nearby mines (including the Bengalla mine), the Applicant must use its best endeavours to minimise the cumulative impacts of the development on the surrounding area to the satisfaction of the Secretary.

Note: Nothing in this consent is to be construed as requiring the Applicant to act in a manner which is contrary to the Trade Practices Act 1974.

Community Consultative Committee

6. The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Department's

Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.

REPORTING

Incident Reporting

7. The Applicant must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent, and to the satisfaction of the Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

9. By the end of March 2014, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies and the CCC;
 - (c) assess the environmental performance of the development and whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease or necessary water licences (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals (including whether the development has met or is trended towards the progressive performance and completion criteria detailed in these strategies, plans or programs);
 - (e) if necessary, recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.
- Notes:*

 - This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.
10. Within 12 weeks of commencing any audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW Government agency that requests it, together with its response to any recommendations contained in the audit report and a timetable for the implementation of these recommendations, as required. The Applicant must implement the audit report recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

11. The Applicant must:
 - (a) make the following information publicly available on its website:
 - the documents listed in condition 2(a) of Schedule 2;
 - all current statutory approvals for the development;
 - approved strategies, plans and programs required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual reviews (over the last 5 years);
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - any other matter required by the Secretary; and
 - (b) keep this information up to date, to the satisfaction of the Secretary.
-

APPENDIX 1 SCHEDULE OF LAND

Mount Pleasant Project Schedule of Lands				
LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
11		112742		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
1		911212		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
12		659924		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
13		750926		ANGLO COAL (DARTBROOK) PTY LIMITED, MARUBENI THERMAL COAL PTY LIMITED, SSANGYONG RESOURCES PTY LIMITED
7		1051153		ANGLO COAL (DARTBROOK) PTY LTD, MARUBENI THERMAL COAL PTY LTD, SSANGYONG RESOURCES PTY LIMITED
1453		628493		ANGLO COAL (DARTBROOK) PTY LTD, MARUBENI THERMAL COAL PTY LTD, SSANGYONG RESOURCES PTY LIMITED
1		213293		BENGALLA MINING COMPANY LIMITED
1		629491		BENGALLA MINING COMPANY LIMITED
5		801249		BENGALLA MINING COMPANY LIMITED
27		745897		BENGALLA MINING COMPANY LIMITED
29		731706		BENGALLA MINING COMPANY LIMITED
261		561919		BENGALLA MINING COMPANY PTY. LIMITED
1		742324		BRUCE LEONARD BATES, MARY LLEWELLYN BATES
3		236668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
5		560963		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
16		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
18		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
20		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
21		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
22		776758		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
22		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
24		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
25		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
26		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
27		1072668		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
A		925975		CNA BENGALLA INVESTMENTS PTY LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
1		1072667		CNA BENGALLA INVESTMENTS PTY LIMITED, WESFARMERS BENGALLA LIMITED, TAIPOWER BENGALLA PTY LIMITED, MITSUI BENGALLA INVESTMENT PTY LTD
1	1	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
1	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
1	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
1	4	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
1		634490		COAL & ALLIED OPERATIONS PTY LIMITED*
1		104563		COAL & ALLIED OPERATIONS PTY LIMITED*
1		944232		COAL & ALLIED OPERATIONS PTY LIMITED*
1		1100374		COAL & ALLIED OPERATIONS PTY LIMITED*
1		312392		COAL & ALLIED OPERATIONS PTY LIMITED*
1		998239		COAL & ALLIED OPERATIONS PTY LIMITED*
1		998477		COAL & ALLIED OPERATIONS PTY LIMITED*
1		194043		COAL & ALLIED OPERATIONS PTY LIMITED*
1		114090		COAL & ALLIED OPERATIONS PTY LIMITED*
1		706645		COAL & ALLIED OPERATIONS PTY LIMITED*
1		744333		COAL & ALLIED OPERATIONS PTY LIMITED*
1		544039		COAL & ALLIED OPERATIONS PTY LIMITED*
1		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
1		1081385		COAL & ALLIED OPERATIONS PTY LIMITED*
1		318999		COAL & ALLIED OPERATIONS PTY LIMITED*
1		1080962		COAL & ALLIED OPERATIONS PTY LIMITED*
1		915913	CNA POSSESSORY TITLE FOLLOWING WATTS SALE – NAME ON TITLE DAVID SMALL	COAL & ALLIED OPERATIONS PTY LIMITED*

LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
1		905281	NAME ON TITLE W E WHITE & J HUTCHINSON. RESIDUE IN TITLE IN NAME OF MARY ANNE HORNE. TITLE NOTE SUBJ TO THE PAYMENT OF TESTATRIX'S (THE WITHIN NAMED M A HORNE'S) DEBTS AND FUNERAL AND TESTAMENTARY EXPENSES - CNA POSSESSORY TITLE FOLLOWING WATTS SALE	COAL & ALLIED OPERATIONS PTY LIMITED*
1		2770		COAL & ALLIED OPERATIONS PTY LIMITED*
1		780673		COAL & ALLIED OPERATIONS PTY LIMITED*
1		2770		COAL & ALLIED OPERATIONS PTY LIMITED*
2	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
2	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
2	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
2		634490		COAL & ALLIED OPERATIONS PTY LIMITED*
2		104563		COAL & ALLIED OPERATIONS PTY LIMITED*
2		915913		COAL & ALLIED OPERATIONS PTY LIMITED*
2		998239		COAL & ALLIED OPERATIONS PTY LIMITED*
2		801249		COAL & ALLIED OPERATIONS PTY LIMITED*
2		998477		COAL & ALLIED OPERATIONS PTY LIMITED*
2		194043		COAL & ALLIED OPERATIONS PTY LIMITED*
2		114090		COAL & ALLIED OPERATIONS PTY LIMITED*
2		706645		COAL & ALLIED OPERATIONS PTY LIMITED*
2		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
2		1081385		COAL & ALLIED OPERATIONS PTY LIMITED*
2		780673		COAL & ALLIED OPERATIONS PTY LIMITED*
2		629491		COAL & ALLIED OPERATIONS PTY LIMITED*
3	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
3	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
3		998239		COAL & ALLIED OPERATIONS PTY LIMITED*
3		998477		COAL & ALLIED OPERATIONS PTY LIMITED*
3		194043		COAL & ALLIED OPERATIONS PTY LIMITED*
3		791576		COAL & ALLIED OPERATIONS PTY LIMITED*
3		629491		COAL & ALLIED OPERATIONS PTY LIMITED*
3		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
4	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
4	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
4	4	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
4	29	758554		COAL & ALLIED OPERATIONS PTY LIMITED*
4		801249		COAL & ALLIED OPERATIONS PTY LIMITED*
5	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
5	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
5	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
5		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
6	1	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
6	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
6	3	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
6		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
6		749716		COAL & ALLIED OPERATIONS PTY LIMITED*
6		821183		COAL & ALLIED OPERATIONS PTY LIMITED*
7	2	192121		COAL & ALLIED OPERATIONS PTY LIMITED*
7		821183		COAL & ALLIED OPERATIONS PTY LIMITED*
7		749716		COAL & ALLIED OPERATIONS PTY LIMITED*
8		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
9		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
10		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
11		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
12		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
12		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
13		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
13		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
14	8	2770		COAL & ALLIED OPERATIONS PTY LIMITED*
14		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
14		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
15		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
15		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
15		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
16		255048		COAL & ALLIED OPERATIONS PTY LIMITED*
16		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
16		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
17		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
17		2770		COAL & ALLIED OPERATIONS PTY LIMITED*
18		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
19		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
19		112742		COAL & ALLIED OPERATIONS PTY LIMITED*
20		112742		COAL & ALLIED OPERATIONS PTY LIMITED*

LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
256		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
258		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
259		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
260		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
261		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
262		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
263		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
264		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
265		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
268		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
268		567444		COAL & ALLIED OPERATIONS PTY LIMITED*
269		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
270		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
271		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
272		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
273		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
274		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
275		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
276		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
278		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
279		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
280		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
280		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
282		750926		COAL & ALLIED OPERATIONS PTY LIMITED*
A		432713		COAL & ALLIED OPERATIONS PTY LIMITED*
A		174071		COAL & ALLIED OPERATIONS PTY LIMITED*
B		432713		COAL & ALLIED OPERATIONS PTY LIMITED*
B		174071		COAL & ALLIED OPERATIONS PTY LIMITED*
3	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH*
4	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH*
5	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH*
6	28	758554		COLIN RODNEY HOATH, NERIDA JOAN HOATH*
				CROWN LAND - CLOSED ROAD SOUTH SIDE 242//750926
				CROWN LAND - NE CORNER 2//915913
				CROWN LAND - SOUTH OF 44//750926
				CROWN LAND - NORTH SIDE 2//915913
				CROWN LAND - NORTH SIDE 2//915913
			ENCLOSURE PERMIT 45233 - CNA	CROWN ROAD*
			ENCLOSURE PERMIT 409840 WAS LONERGAN	CROWN ROAD*
			ENCLOSURE PERMIT 45292 WAS WATTS	CROWN ROAD*
			ENCLOSURE PERMIT 45237 - CNA	CROWN ROAD*
			ENCLOSURE PERMIT 160063 - CNA	CROWN ROAD*
			ENCLOSURE PERMIT 45292 WAS WATTS	CROWN ROAD*
20		747226		DAPKOS PTY. LIMITED
7		112742		DOROTHY RUBY BLUFORD
1	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
1	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
1	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
2	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
2	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
2	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
3	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
3	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
4	5	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
4	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
4	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
5	4	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
5	6	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
5	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
6	8	2770		DOUGAL HAMISH HAMILTON MACINTYRE*
2	4	2770		GAVIN MICHAEL CASEY
86		750926		GAVIN MICHAEL CASEY
94		665393		GAVIN MICHAEL CASEY
152		750926		GAVIN MICHAEL CASEY
153		750926		GAVIN MICHAEL CASEY
154		750926		GAVIN MICHAEL CASEY
3	1	2770		JAMES STEPHEN LONERGAN
1	1	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
1	2	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
4	1	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
4	2	2770		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
9		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
10		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
22		870608		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN

LOT	SECTION	DP	COMMENTS	PROPERTY OWNER
73		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
74		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
200		750926		JAMES STEPHEN LONERGAN, NELLIE MARIA LONERGAN
1		655691		JONATHON BUCHANAN MOORE
164		635272		KEITH JOSEPH YORE, GEORGINA MASKERY YORE*
269		567444		KERRIE MAREE LEE
3	29	758554		MAXWELL JOHN ADNUM, ROBERT GEORGE ADNUM
7		236668		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
8		236668		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
8		821183		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
24		742543		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
41		792447		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
43		792447		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
92		620639		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
111		551930		MCDA BENGALLA INVESTMENT PTY. LIMITED, TAIPOWER BENGALLA PTY LIMITED, WESFARMERS BENGALLA LIMITED, PEABODY BENGALLA INVESTMENTS PTY. LIMITED
2		791576		MICHAEL JOHN FARRELL*
1		1143545		MUSWELLBROOK SHIRE COUNCIL
266		750926		MUSWELLBROOK SHIRE COUNCIL
8		1072668		ROAD
9		1072668		ROAD
10		1072668		ROAD
11		1072668		ROAD
12		1072668		ROAD
17		1072668		ROAD
19		1072668		ROAD
1		791576		RODNEY MICHAEL FARRELL, SYLVIA DIANNE FARRELL*
12		1112792		ROSEBROOK PTY LIMITED*
13		1112792		ROSEBROOK PTY LIMITED*
14		1112792		ROSEBROOK PTY LIMITED*
15		1112792		ROSEBROOK PTY LIMITED*
16		1112792		ROSEBROOK PTY LIMITED*
1		401237		ROSEBROOK PTY. LIMITED*
7001		93329		THE STATE OF NEW SOUTH WALES
1		906668		THE TRUSTEES OF CHURCH PROPERTY FOR THE DIOCESE OF NEWCASTLE*
				HUNTER RIVER
				VARIOUS COUNCIL AND CROWN PUBLIC AND UNFORMED ROADS

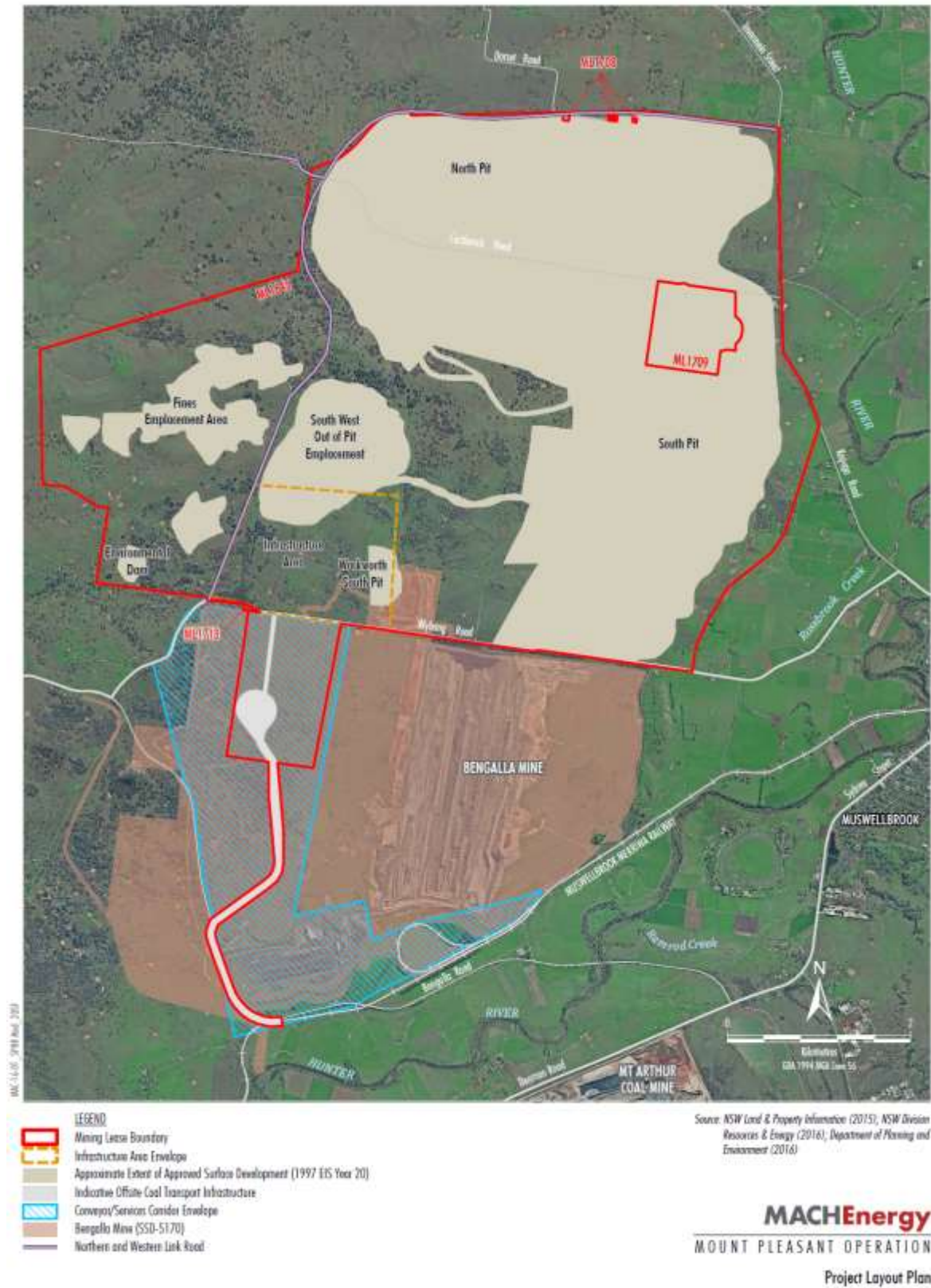
NOTE:

BOUNDARIES USED HAVE BEEN COMPILED FROM VARIOUS SOURCES INCLUDING THE LPMA DCDB, HAVE NOT BEEN SURVEYED AND SHOULD BE CONSIDERED APPROXIMATE ONLY.

AS BOUNDARIES HAVE NOT BEEN SURVEYED HISTORICAL UNIDENTIFIED RESIDUES OF TITLES MAY EXIST OWNERSHIP AS SEARCHED THROUGH LPI FEBRUARY 2010

* MACH ENERGY AUSTRALIA PTY LTD IS THE BENEFICIAL OWNER OF THIS LAND IN WHOLE OR IN PART

APPENDIX 2 PROJECT LAYOUT PLAN



APPENDIX 3 STATEMENT OF COMMITMENTS

Environmental aspect	Commitment
Noise and vibration	<ul style="list-style-type: none"> A NMP will be prepared in accordance with the development consent. The NMP will be extended to include management of potential noise emissions associated with the construction of the conveyor. The plan will also consider pro-active and predictive modelling and management, and protocols for managing noise during adverse meteorological conditions. Noise monitoring will continue to be undertaken in accordance with the development consent. Implementation of the following feasible and reasonable mitigation measures: <ul style="list-style-type: none"> a cover and a shield on the western side of the conveyor at locations where the conveyor would be at ground level. Where the conveyor is elevated, it will be completely enclosed; plant will operate in less exposed areas during the more sensitive night period; procurement of new and best available technology plant; provision of noise suppression on all mobile plant. It anticipated that the noise suppression technology will require an outlay of capital expenditure of between \$15M and \$20M; and updating the comprehensive operational noise management plan to include real-time back to base noise monitoring using the best available technology. The Applicant is committed to working with its communities and extend the opportunity for upfront acquisition upon request to the additional 13 properties affected under adverse conditions.
Ecology	<ul style="list-style-type: none"> During the construction phase pre-clearance surveys of relevant forest and woodland areas for threatened flora and fauna species will be undertaken. Details of the rehabilitation of the infrastructure area and conveyor/service corridor (should this option be pursued) upon decommissioning will be provided in the REMP. Ecological management for the Mount Pleasant Project will be undertaken in accordance with the existing development consent.
Air quality	<ul style="list-style-type: none"> Air quality management for the Mount Pleasant Project will be undertaken in accordance with the Air Quality Management Plan which is a requirement under the existing development consent.
Aboriginal cultural heritage	<ul style="list-style-type: none"> Aboriginal cultural heritage management will continue to be undertaken in accordance with relevant Applicant procedures. Site avoidance will be considered as part of the detailed design process to determine the final location for the siting of the infrastructure within the infrastructure envelope and the alignment of the optional conveyor/service corridor. Where site avoidance is impossible, cultural heritage management approaches that are set out in the CHMP for the Mount Pleasant Project area will be applied. This will include lodging an application for the relevant AHIPs under section 90 of the NPW Act. A field inspection of both the infrastructure and conveyor/service corridor envelopes will be conducted with Aboriginal stakeholders to finalise the design, alignment and protective management measures and to identify any unavoidable impacts associated with the proposed modifications. Aboriginal cultural heritage sites that cannot be avoided will be mitigated by standard salvage collection measures in accordance with the Aboriginal Heritage Management Plan, following the issue of an AHIP (section 90, NPW Act). The Aboriginal Heritage Management Plan will be revised to include the

Environmental aspect	Commitment
	proposed modifications and any requirements specified by the regulator.
	<ul style="list-style-type: none"> Any mitigation salvage will be staged over time based upon mine operation plan requirements and the zoning regime of the CHMP. All cultural materials collected will be stored in a storage facility to be established at the Mount Pleasant Project or VCA under an approved Care and Control Permit. All cultural heritage sites not affected by the proposed development will be managed in situ in accordance with the Aboriginal Heritage Management Plan procedures for long-term protective management and to minimise future development disturbance. Sites that are assessed as vulnerable to damage due to the proximity to roads and tracks or other operational infrastructure will be appropriately buffered and barricaded in accordance with existing site protection protocols including monitoring protocols.
Visual amenity	<ul style="list-style-type: none"> Visual amenity management will be undertaken in accordance with the development consent, which requires the preparation of a Landscape Management Plan. Lighting management will be undertaken in accordance with the development consent, including preparation of an engineering report regarding light emissions.
Surface water	<ul style="list-style-type: none"> Water management for the proposed modifications will be incorporated into the Water Management System for the Mount Pleasant Project. These features will include the design of the catch drain and dam locations required for the final alignment of the optional conveyor/service corridor.
Other environmental aspects	<ul style="list-style-type: none"> The final alignment of the optional conveyor/service corridor will be incorporated into the Soil Stripping Plan and the Erosion and Sediment Control Management Plan. All other aspects will be managed in accordance with Mount Pleasant Project environmental management system, and the relevant environmental licensing and development consent requirements.
Operational Management	<ul style="list-style-type: none"> Should the conveyor/service corridor be pursued, a Plan of Management will be prepared in consultation with Bengalla Mine in order to manage activities associated with the facilities at Bengalla Rail Spur. The Plan of Management would include: <ul style="list-style-type: none"> details of responsibilities for Bengalla Mine and Mount Pleasant Project; commitments regarding compliance with relevant and respective development consents; and details of management protocols to be performed by Bengalla Mine and Mount Pleasant Project ensuring compliance with consent conditions.

(Note: References to [abbreviations](#), tables, sections, figures and appendices are references to the EA MOD 1)

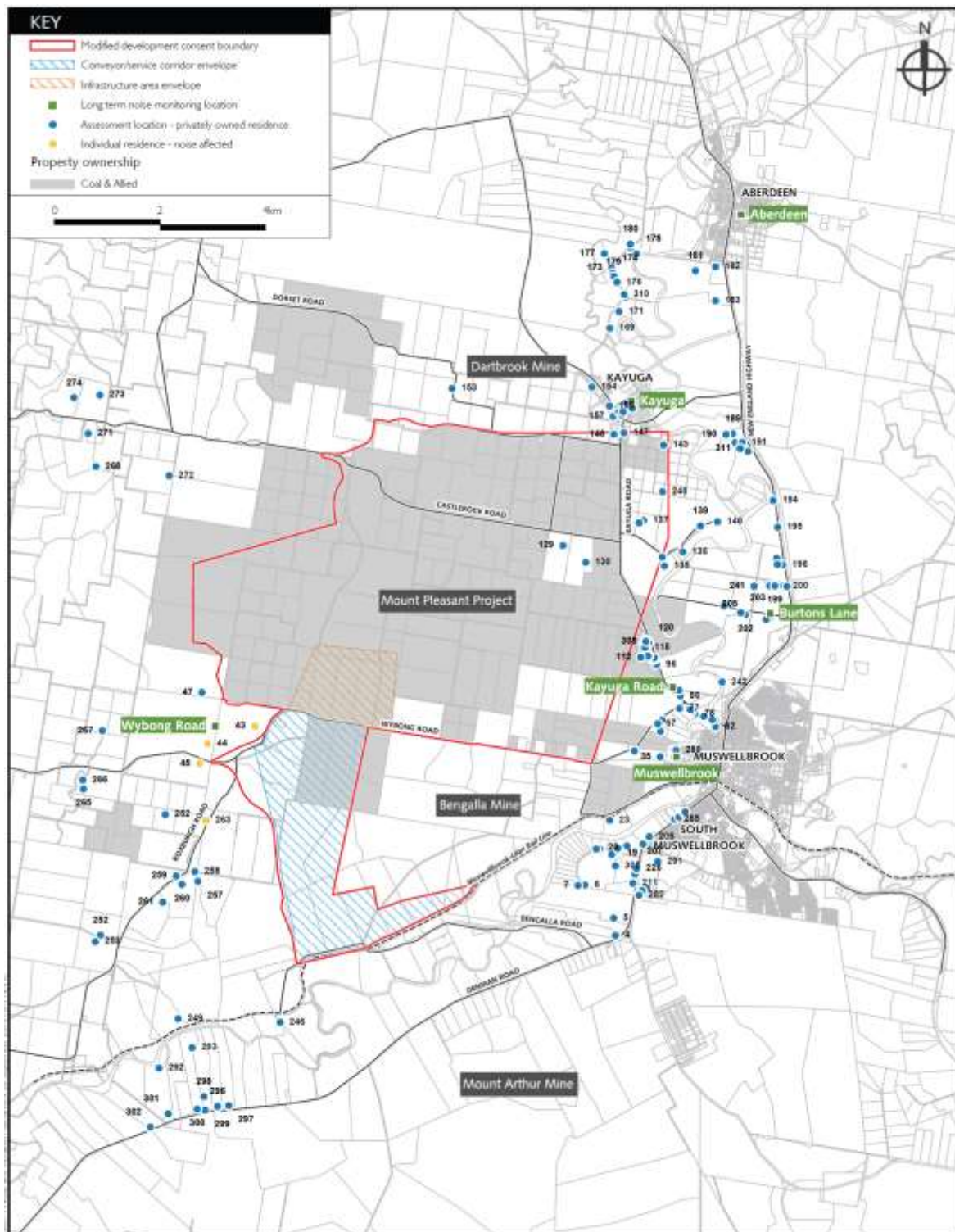
APPENDIX 4 GENERAL TERMS FOR THE PLANNING AGREEMENT

The Applicant undertakes to make the following Development Contributions:

Note: where indicated in the following table CPI will be applied to the payment on each anniversary of the payment with the payment being increased in line with the CPI for the previous 12 month period.

Column 1	Column 2
Item	Development Contribution
Proposed Mt Pleasant Community Contribution	\$500,000 per annum (indexed annually according to CPI). A community representative committee will be established, including Applicant representatives, to make recommendations to Council regarding these community contributions.
Council Road Maintenance Costs	Costs associated with the maintenance of roads, as reasonably apportioned to the use of the road by Mount Pleasant, up to a maximum annual payment of \$220,000 per annum (indexed according to CPI). This contribution will be made for the recurrent road maintenance to be used at Councils discretion for that purpose.
Environmental Officer	The Applicant to make contributions to an Environmental Officer, up to a maximum of \$20,000 per annum (indexed annually according to CPI).
Apprenticeships	The Applicant to use its best endeavours to engage 4 apprentices per year for the life of the mine sourced from residents within the Muswellbrook Shire and Aberdeen.

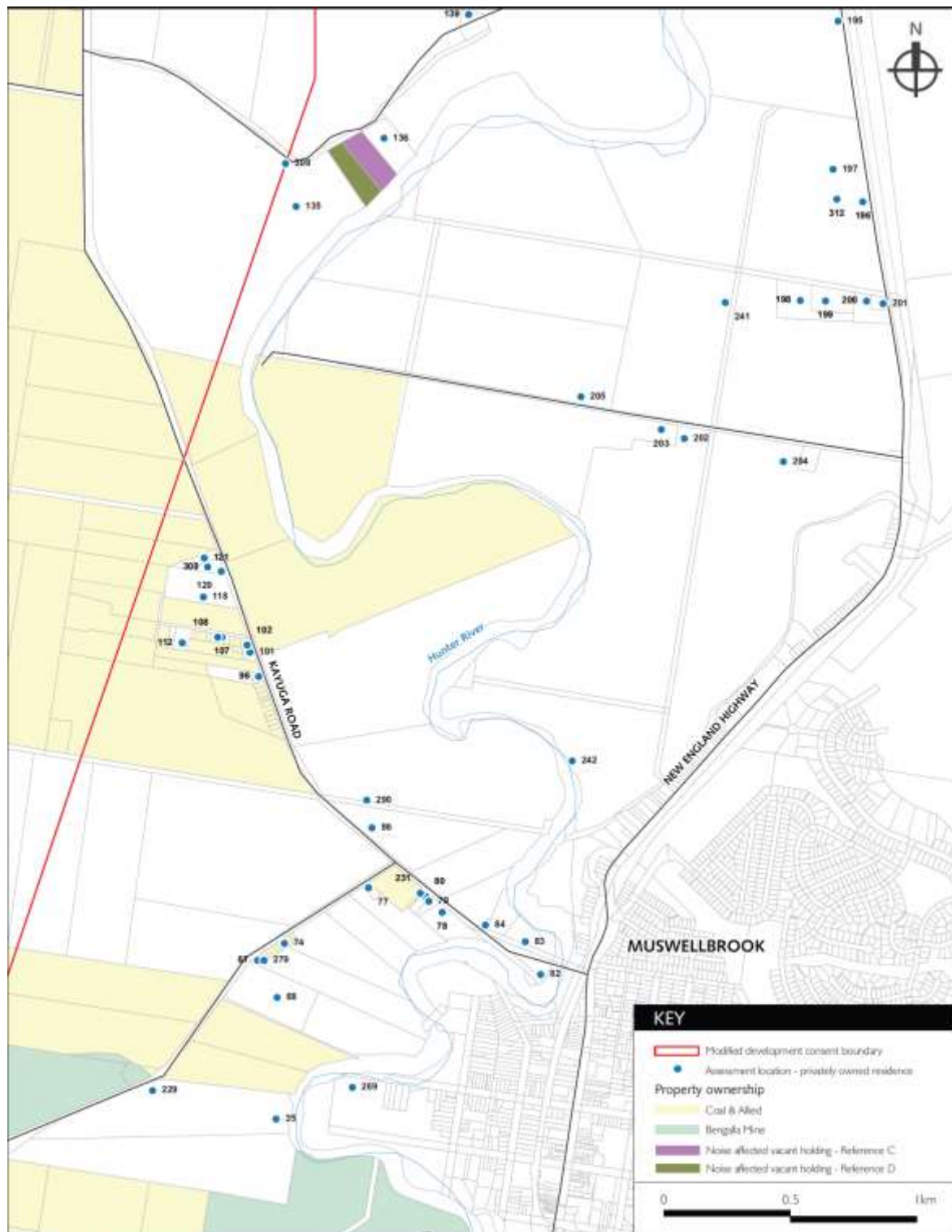
APPENDIX 5 RECEIVER LOCATION PLANS



**COAL
& ALLIED**

Proposed Modifications Noise Assessment and Affected Properties

Mount Pleasant Project Modification

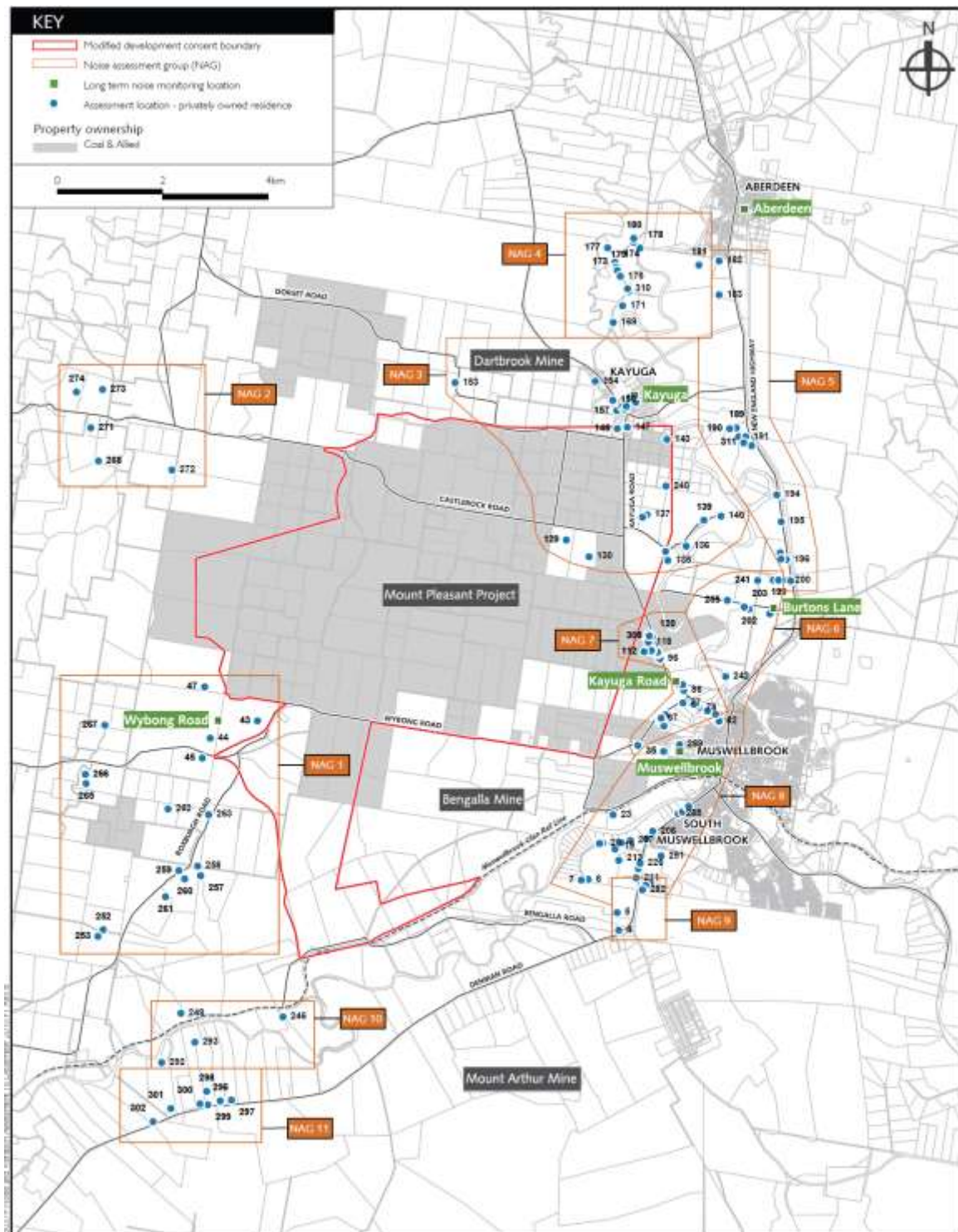


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&
ALLIED**
Managed by Rio Tinto Coal Australia

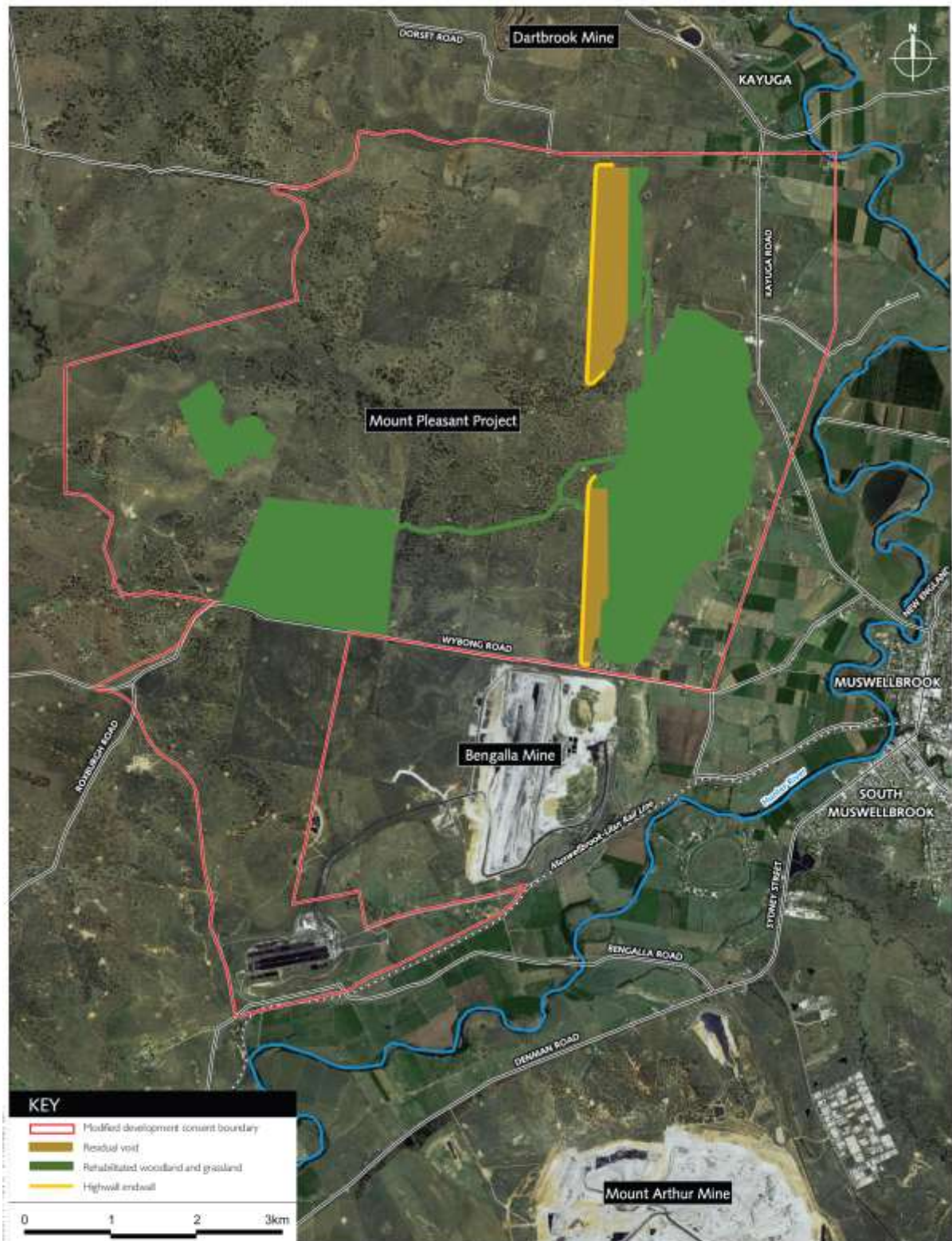
Property Ownership and Residence Locations - Muswellbrook

Mount Pleasant Project Modification - Vacant Land Noise Assessment

APPENDIX 6 NOISE ASSESSMENT GROUPS



APPENDIX 7 CONCEPTUAL FINAL LANDFORM – YEAR 6



Indicative Final Landform Year 6 Closure Scenario
Mount Pleasant Project Modification

FIGURE 1