

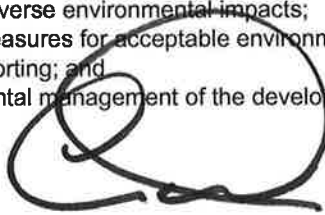
Development Consent

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

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

These conditions are required to:

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



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

23. December

2013

SCHEDULE 1

Application Number:	SSD-5465
Applicant:	LakeCoal Pty Limited
Consent Authority:	Minister for Planning and Infrastructure
Land:	See Appendix 1
Development:	Chain Valley Extension Project

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DEFINITIONS

Adaptive management	Adaptive management includes monitoring subsidence impacts and subsidence effects and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and designated ranges and in compliance with the conditions of this consent
Annual Review	The review required by Condition 4 of Schedule 6
Applicant	LakeCoal Pty Limited, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
Approved mine plan	The mine plan show in Appendix 3, as varied by any Extraction Plan approved under this consent
BCA	Building Code of Australia
Built features	Any building or work erected or constructed on land or water, and includes dwellings and infrastructure such as any formed road, street, path, walk, marina or driveway; any pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee
Coal haulage route	The route proposed in the EIS for haulage of coal by trucks between the site and Port Waratah Coal Services (as shown in Appendix 5).
Conditions of this consent	Conditions contained in Schedules 2 to 6 inclusive
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Delta Electricity	Delta Electricity, or future owners of the Vales Point Power Station
Department	Department of Planning and Infrastructure
Development	The development described in the EIS
Director-General	Director-General of the Department, or delegate
DPI Fisheries	Fisheries Division of the Department of Primary Industries
DRE	Division of Resources and Energy, within the Department of Trade & Investment, Regional Infrastructure & Services
EA	Environmental Assessment titled ' <i>Environmental Assessment – Chain Valley Colliery Domains 1 and 2 Continuation Project</i> ' dated July 2010 and associated response to submissions titled ' <i>Submissions Report – Chain Valley Colliery Domains 1 and 2 Continuation Project</i> ', dated 14 November 2011
EIS	Environmental Impact Statement titled ' <i>Chain Valley Colliery Mining Extension 1 Project</i> ' dated 28 May 2013, as modified by the response to submissions, titled ' <i>Chain Valley Colliery Mining Extension 1 Project Response to Submissions</i> ', dated August 2013, and the letter by EMM to the Applicant, dated 29 October 2013
Endangered population	As defined under the <i>Fisheries Management Act 1994</i>
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; landslides; damage to Aboriginal heritage sites; impacts on aquatic ecology; and ponding.
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act Executive Director Mineral Resources within DRE, or the equivalent role
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
First workings	Development of the main headings and gateroads in the underground mining area
Ha	Hectare
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>
High Water Mark Subsidence Barrier	The area of land defined: <ul style="list-style-type: none"> a) on the surface by the highwater level of Lake Macquarie and a point 2.44 metres in elevation above that highwater level; and b) in the seam, where it is intersected by lines: <ul style="list-style-type: none"> • drawn landwards from all points 2.44 metres elevation above the highwater level of Lake Macquarie; and

	<ul style="list-style-type: none"> drawn lakewards from the highwater level of Lake Macquarie, at an angle of 35 degrees from the vertical.
Incident	<p>A set of circumstances that:</p> <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 3 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
LMCC	Lake Macquarie City Council
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mining operations	Includes all extraction, processing, handling, storage and transportation of coal carried out on the site
Minister	Minister for Planning and Infrastructure, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
MSB	Mine Subsidence Board
NCC	Newcastle City Council
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
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
Peak hour periods	7 am to 9 am and 4:30 pm to 6 pm weekdays
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, Delta Electricity or a mining company (or its subsidiary)
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Reasonable costs	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of the Extraction Plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Road Maintenance Agreement	The document prepared by McCullough Robertson Lawyers and titled ' <i>Road Maintenance Agreement</i> ', signed by WSC on 1 July 2013 and by LakeCoal on 5 July 2013
ROM coal	Run-of-mine coal
RMS	Roads and Maritime Services
Safe, serviceable & repairable	Safe means no danger to users who are present; serviceable means available for its intended use; and repairable means damaged components can be repaired economically
Second workings	Extraction of coal by miniwall or pillar extraction methods
Site	All land within the Development Area (see Appendices 1, 2 and 3)
Statement of commitments	The Applicant's commitments in Appendix 9
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
Surface facilities sites	The Chain Valley Colliery surface facilities site; the Summerland Point ventilation shaft site; and any other site subject to existing or proposed surface disturbance associated with the development
Threatened Species	As defined under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
WSC	Wyong Shire Council

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

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

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

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site until 31 December 2027.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Director-General or the Executive Director Mineral Resources. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Extraction

6. The Applicant shall not extract more than 1.5 million tonnes of ROM coal from the site in any calendar year.

Coal Transport – Public Roads

7. The Applicant shall ensure that no laden coal trucks are dispatched from the site to public roads outside of the hours of 5:30 am to 5:30 pm, Monday to Friday, and not at all on Saturdays, Sundays or public holidays.
8. The Applicant shall not dispatch from the site more than:
 - (a) 660,000 tonnes of product coal in any calendar year to Port Waratah Coal Services for export;
 - (b) 180,000 tonnes of product coal in any calendar year to domestic customers other than Vales Point Power Station;
 - (c) a total of 270 laden coal trucks per day by public roads;
 - (d) a total of 32 laden coal trucks per hour; and
 - (e) an average of 16 laden coal trucks per hour by public roads during peak hour periods, calculated monthly, until the intersection of M1 Motorway and Sparks Road Interchange (East Side - unsignalised with stop sign) is upgraded to a signalised intersection.

Coal Transport – Vales Point Power Station

9. The Applicant shall ensure that only private roads are used for the transport of coal by truck to Vales Point Power Station, except in an emergency. In an emergency, product coal may be transported by public roads, with the prior written approval of the Director-General, and subject to any restrictions that the Director-General may impose.
10. The Applicant shall restrict the transport of coal by truck to the Vales Point Power Station between 10 pm and 5:30 am to:

- (a) 16 laden trucks per hour for the Spring and Autumn months; and
- (b) zero during Winter months.

PLANNING AGREEMENT

11. Within 12 months of the date of this consent, unless otherwise agreed by the Director-General, the Applicant shall enter into a planning agreement with the WSC in accordance with Division 6 of Part 4 of the EP&A Act that provides for payment to the WSC for community enhancement purposes.

The agreement must include provision for those matters set out in condition 12 below.

If there is any dispute between the Applicant and WSC relating to the preparation or implementation of the planning agreement, then either party may refer the matter to the Director-General for resolution.

COMMUNITY ENHANCEMENT

12. The Applicant shall pay WSC \$0.035 for each tonne of product coal dispatched from the site for the purposes of improving public infrastructure and providing community projects for the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park. Payments from the date of approval of project approval 10_0161 must be:
 - (a) based on weighbridge records of the quantity of product coal transported from the site;
 - (b) paid by the date required by the invoice issued by Council; and
 - (c) increased over the life of the project in accordance with the Australian Bureau of Statistics Consumer Price Index.

SURRENDER OF EXISTING PROJECT APPROVAL

13. Within 12 months of the date of this development consent, unless the Director-General agrees otherwise, the Applicant shall surrender its project approval for the Chain Valley Colliery Domains 1 & 2 Continuation Project (10_0161) to the satisfaction of the Director-General, in accordance with section 75YA of the EP&A Act.

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

14. Prior to the surrender of the existing project approval, the conditions of this consent (including any notes) shall prevail to the extent of any inconsistency with the conditions of the existing project approval (10_0161).

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

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

OPERATION OF PLANT AND EQUIPMENT

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

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

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

approval for the Chain Valley Colliery Domains 1 & 2 Continuation Project (10_0161) continue to apply to the development, until revised strategies, plans or programs required under the terms of this development consent are approved by the Director-General.

Notes:

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

ROAD MAINTENANCE CONTRIBUTION

19. The Applicant must pay Road Maintenance Fees to WSC in accordance with its Road Maintenance Agreement with WSC.
-

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Monitoring of Coal Transport

1. The Applicant shall:
 - (a) keep accurate records of the amount of coal transported from the site (on a weekly basis); and
 - (b) make these records publicly available on its website at the end of each calendar quarter.

Road Works

2. The Proponent shall upgrade the Ruttleys Road and Construction Road intersection within 6 months of the date of this consent, unless the Director-General directs otherwise, by:
 - (a) installing additional signage on and adjacent to Construction Road prior to the intersection;
 - (b) repairing the surface of Construction Road as required and ensuring the edge seal of the left turn lane is of sufficient width to accommodate coal trucks;
 - (c) installing or replacing “Stop” signs in accordance with Austroads guidelines;
 - (d) repainting road line markings and raised pavements associated with this intersection; and
 - (e) installing barriers to prevent trucks parking on the gravel area adjacent to the intersection and the electricity substation located in the vicinity of this intersection.

The design and construction of these works must be undertaken in consultation with, and to the relevant satisfaction of, WSC, RMS and Delta Electricity and to the satisfaction of the Director-General.

Road Transport Protocol

3. The Applicant shall prepare and implement a Road Transport Protocol to the satisfaction of the Director-General. This protocol shall:
 - (a) be prepared in consultation with RMS, NCC, WSC, DRE and CCC and submitted to the Director-General for approval within 6 months of the date of this consent;
 - (b) describe the designated haulage routes to be used (as shown in Appendix 5); the maximum number of road movements proposed and the haulage hours permitted under this consent;
 - (c) include a Traffic Management Plan, which includes:
 - procedures to ensure that drivers adhere to the designated haulage routes;
 - measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule, especially during the morning peak hour;
 - contingency plans to apply when (for example) the designated haulage route is disrupted, including procedures for notifying relevant agencies and affected communities of the need to implement such contingency plans;
 - procedures to ensure that all haulage vehicles associated with the development are clearly distinguishable as Chain Valley Colliery coal haulage trucks;
 - details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site;
 - measures to ensure that the provisions of the Traffic Management Plan are implemented, eg driver training in the heavy vehicle driver's Code of Conduct and contractual agreements with heavy vehicle operators; and
 - procedures for ensuring compliance with and enforcement of the heavy vehicle driver's Code of Conduct;
 - (d) include a Code of Conduct for heavy vehicle drivers that addresses:
 - travelling speeds;
 - instructions to avoid grouping or convoying of trucks;
 - instructions to drivers not to overtake each other on the haulage route, as far as practicable, and to maintain appropriate distances between vehicles;
 - instruction to drivers to adhere to the designated haulage routes;
 - instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations; and
 - appropriate penalties for infringements of the Code.

Independent Traffic Audit

4. Prior to 31 March 2014, and every 12 months thereafter, unless the Director-General directs otherwise, the Applicant shall commission a suitably qualified person, whose appointment has been approved by the Director-General, to conduct an Independent Traffic Audit of the development. This audit must:
 - (a) be undertaken without prior notice to the Applicant, and in consultation with RMS, NCC, WSC and the CCC;

- (b) assess the impact of the development on the performance and safety of the road network, including a review of:
 - haulage records;
 - accident records on the haulage route, infringements relating to the code of conduct and any incidents involving haulage vehicles;
 - community complaints register; and
 - (c) assess the effectiveness of the Road Transport Protocol; and, if necessary, recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts.
5. Within 1 month of receiving the audit report, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the report to the Director-General, with a detailed response to any of the recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report.

A summary of the audit report must be included in the Annual Review.

Alternative Coal Transport Options

6. Prior to 31 December 2014, and every three years thereafter, the Proponent shall prepare and submit to the Director-General for approval, a study of the reasonable and feasible options to reduce or eliminate the use of public roads to transport coal from the development. The assessment must include:
 - (a) an analysis of the capital, construction and operating costs of the alternative transport options; and
 - (b) quantified social and environmental impacts associated with road and rail transport.

NOISE

Noise Impact Assessment Criteria

7. The Applicant shall ensure that the noise generated by the development at any residence on privately-owned land does not exceed the criteria for the location in Table 1 nearest to that residence.

Table 1: Noise Criteria dB(A)

Location	Day	Evening	Night	
	$L_{Aeq}(15 \text{ min})$	$L_{Aeq}(15 \text{ min})$	$L_{Aeq}(15 \text{ min})$	$L_{A1}(1 \text{ min})$
R8	38	38	38	45
R11	49	49	49	54
R12	49	49	49	53
R13	43	43	43	49
R15	36	36	36	45
R19	37	37	37	45
R22	46	46	46	46
all other privately-owned land	35	35	35	45

Notes:

- To interpret the locations referred to in Table 1, see Appendix 6 and the EIS; and
- Noise generated by the development is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 8 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

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

Operating Conditions

8. The Applicant shall:
 - (a) implement best management practice, including all reasonable and feasible noise mitigation measures, to minimise the construction, operational and transport noise generated by the development;
 - (b) regularly assess the noise monitoring and meteorological data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent;
 - (c) minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 8);
 - (d) use its best endeavours to achieve the long-term noise goals in Table 2, where reasonable and feasible, and report on progress towards achieving these goals in each Annual Review;

- (e) carry out a comprehensive noise audit of the development in conjunction with each independent environmental audit; and
 - (f) prepare an action plan to implement any additional reasonable and feasible onsite noise mitigation measures identified by each audit;
- to the satisfaction of the Director-General.

Table 2: Long-term Noise Goals dB(A)

Location	Day	Evening	Night
	$L_{Aeq}(15\text{ min})$	$L_{Aeq}(15\text{ min})$	$L_{Aeq}(15\text{ min})$
R11 – R13	41	41	41
R22	40	40	40

Notes:

- To interpret the locations referred to in Table 2, see Appendix 6 and the EIS; and
- Noise generated by the development is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 8 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

Noise Management Plan

9. The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with the EPA and submitted to the Director-General for approval within 4 months of the date of this consent, unless otherwise agreed by the Director-General;
 - (b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent;
 - (c) describe the proposed noise management system in detail including the mitigation measures that would be implemented to minimise noise during construction and operations, including on and off site road noise generated by vehicles associated with the development; and
 - (d) include a monitoring program that:
 - uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent;
 - evaluates and reports on:
 - the effectiveness of the on-site noise management system; and
 - compliance against the noise operating conditions; and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

AIR QUALITY

Odour

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

Air Quality Criteria

11. The Applicant shall implement all reasonable and feasible mitigation measures to ensure that the particulate emissions generated by the development do not exceed the criteria listed in Tables 3, 4 and 5 at any residence on privately-owned land.

Table 3: Long-term criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 $\mu\text{g}/\text{m}^3$
Particulate matter < 10 μm (PM ₁₀)	Annual	^a 30 $\mu\text{g}/\text{m}^3$

Table 4: Short-term criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 μm (PM ₁₀)	24 hour	^a 50 $\mu\text{g}/\text{m}^3$

Table 5: Long-term criteria for deposited dust

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

Notes for Tables 3 to 5:

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

Operating Conditions

12. The Applicant shall:
- implement best practice air quality management at the site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the development;
 - implement best practice management to minimise the risk of spontaneous combustion and related emissions;
 - implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
 - operate an air quality management system on site to ensure compliance with the relevant conditions of this consent;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 3-5 above);
 - regularly assess the air quality monitoring data, and modify operations on site to ensure compliance with the relevant conditions of this consent,
- to the satisfaction of the Director-General.

Air Quality Management Plan

13. The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with the EPA, and submitted to the Director-General for approval within 6 months of the date of this consent;
 - describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
 - describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site;
 - describe the proposed on-site air quality management system; and
 - include an air quality monitoring program that:
 - is capable of evaluating the operating conditions of this consent;
 - evaluates and reports on:
 - the effectiveness of the air quality management system; and
 - compliance against the air quality operating conditions;
 - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

METEOROLOGICAL MONITORING

14. During the life of the development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy, unless a suitable alternative is approved by the Director-General following consultation with the EPA.

SOIL & WATER

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

Water Supply

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

Water Pollution

16. Unless an EPL authorises otherwise, the Applicant shall comply with Section 120 of the POEO Act.

Sewage Management

17. The Proponent shall manage on-site sewage in accordance with *NSW Environmental Guidelines: Use of Effluent by Irrigation* (DEC 2004) and the *National Guidelines for Sewerage Systems - Effluent Management* (ANZECC 1997) or its latest version, to the satisfaction of EPA.

Water Management Plan

18. The Proponent shall prepare and implement a Water Management Plan for the surface facilities sites to the satisfaction of the Director-General. This plan must be prepared in consultation with NOW and EPA, by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General, and submitted to the Director-General for approval within 6 months of the date of this consent. This plan must include:
 - (a) a comprehensive water balance for the development that includes details of:
 - sources and security of water supply;
 - water make in the underground workings;
 - water transfers from the underground operations to the surface;
 - water use; and
 - any water discharges;
 - (b) management plans for the surface facilities sites, that include:
 - a detailed description of water management systems for each site, including:
 - clean water diversion systems;
 - erosion and sediment controls; and
 - any water storages;
 - measures to minimise potable water use and to reuse and recycle water;
 - measures to manage acid sulfate soils, if encountered;
 - activities that would involve ground disturbance at the site; and
 - monitoring and reporting procedures.
 - (c) a Surface Water Management Plan which:
 - includes baseline data on surface water flows and quality of Swindles Creek;
 - details surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on surface water resources or surface water quality;
 - provides a program to monitor:
 - surface water discharges;
 - surface water flows and quality; and
 - channel stability;
 - (d) a Ground Water Monitoring Program which includes a program to:
 - monitor and report groundwater inflows to underground workings;
 - predict, manage and monitor impacts to nearby groundwater bores on privately-owned land that may be impacted by the development; and
 - (e) a detailed review of surface water management at the site, with particular reference to the water storages within the dirty water management system, to:
 - determine whether the capacity, integrity, retention time and management of the dirty water storages (particularly the final Pollution Control Dam) are sufficient to ensure that water discharged from the site meets the EPL limits and surface water impact assessment criteria within the Surface Water Management Plan; and
 - propose any appropriate changes to the surface water management system.

Note: The Director-General may require the Applicant to implement upgrades and other changes identified under paragraph (e), in accordance with condition 4 of schedule 2.

BIODIVERSITY

Biodiversity Enhancement Strategy

19. The Applicant shall implement a Biodiversity Enhancement Strategy as described in the EIS and summarised in Table 6, in consultation with OEH, and to the satisfaction of the Director-General.

Table 6: Summary of the Biodiversity Enhancement Strategy

Area	Offset Type	Minimum Size/Amount
Biodiversity Enhancement Area	Enhancement and restoration measures, including weed and rubbish removal, return of natural hydrological regime and regeneration with native endemic species.	3 ha (in total) of Swamp Sclerophyll Floodplain Forest and Swamp Oak Floodplain Forest endangered ecological communities within the surface facilities sites

Note: To identify the Biodiversity Enhancement Area referred to in Table 6 see the applicable figures in Appendix 7.

Biodiversity Management Plan

20. The Applicant shall prepare and implement a Biodiversity Management Plan for the surface facilities sites, for all areas that are not, or will not, be subject to condition 7 of schedule 4, to the satisfaction of the Director-General. This plan must:
- be prepared by a suitably qualified person approved by the Director-General; in consultation with OEH, and submitted to the Director-General within 6 months of the date of this consent;
 - establish baseline data for the existing habitat in the Biodiversity Enhancement Area and elsewhere on the site;
 - describe the short, medium, and long term measures that would be implemented to:
 - manage the impacts of clearing vegetation;
 - manage the remnant vegetation and habitat in the Biodiversity Enhancement Area and elsewhere on the site; and
 - implement the Biodiversity Enhancement Strategy, including detailed performance and completion criteria;
 - include a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
 - identify the potential risks to the successful implementation of the Biodiversity Enhancement Strategy, and the contingency measures that would be implemented to mitigate these risks; and
 - include details of who would be responsible for monitoring, reviewing, and implementing the plan.

HERITAGE

Heritage Management Plan

21. The Proponent shall prepare and implement a Heritage Management Plan for the development to the satisfaction of the Director-General. This Plan must:
- be prepared in consultation with any relevant Aboriginal stakeholders;
 - be submitted to the Director-General for approval within 6 months of the date of this consent;
 - include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - detail the responsibilities of all stakeholders; and
 - include programs/procedures and management measures for:
 - the ongoing monitoring of site 45-7-0189 at Summerland Point;
 - managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols;
 - ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal heritage within the site; (including procedures for keeping records of this);
 - appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and
 - ensuring relevant workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions.

VISUAL

Visual Amenity and Lighting

22. The Applicant shall:
- (a) minimise visual impacts, and particularly the off-site lighting impacts, of the Surface facilities sites;
 - (b) take all reasonable and feasible measures to further mitigate off-site lighting impacts from the development; and
 - (c) ensure that all external lighting associated on site complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

WASTE

23. The Applicant shall:
- (a) minimise and monitor the waste generated by the development;
 - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
 - (c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.

BUSHFIRE MANAGEMENT

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

REHABILITATION

Rehabilitation Objectives

25. The Applicant shall rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and comply with the objectives in Table 7.

Table 7: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	<ul style="list-style-type: none">• Safe, stable and non-polluting.• Final land use compatible with surrounding land uses.
Surface infrastructure	<ul style="list-style-type: none">• To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise.
Portals and ventilation shafts	<ul style="list-style-type: none">• To be decommissioned and made safe and stable.• Retain habitat for threatened species (eg bats), where practicable.
Other land affected by the development	<ul style="list-style-type: none">• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:<ul style="list-style-type: none">– local native plant species (unless the Executive Director Mineral Resources agrees otherwise); and– a landform consistent with the surrounding environment.
Built features damaged by mining operations	<ul style="list-style-type: none">• Repair to pre-mining condition or equivalent unless:<ul style="list-style-type: none">– the owner agrees otherwise; or– the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.
Community	<ul style="list-style-type: none">• Ensure public safety.• Minimise the adverse socio-economic effects associated with mine closure.

Notes:

- These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by underground mining taking place after the granting of project approval MP 10_0161, and to all development surface infrastructure that is part of the development, whether constructed prior to or following the date of this consent.
- Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of project approval (MP 10_0161) may be subject to the requirements of other approvals (eg under a mining lease or a Subsidence Management Plan approval).

Progressive Rehabilitation

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

Rehabilitation Management Plan

27. The Applicant shall prepare and implement a Rehabilitation Management Plan for the development, in consultation with OEH, NOW, WSC, LMCC, and the CCC, and to the satisfaction of the Executive Director Mineral Resources. This plan must:
- (a) be submitted to the Director-General and the Executive Director Mineral Resources for approval within 12 months of the date of approval of this development consent;
 - (b) be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in the EIS and in Table 7;
 - (c) describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 7;
 - (d) describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;
 - (e) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; and
 - (f) be integrated with the other management plans required under this consent.

Note: The Rehabilitation Management Plan should address all land impacted by the development whether prior to, or following, the date of this consent.

SCHEDULE 4 ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING

SUBSIDENCE

- The Proponent shall ensure that vertical subsidence within the High Water Mark Subsidence Barrier and within seagrass beds is limited to a maximum of 20 millimetres (mm).

Performance Measures – Natural Environment

- The Applicant shall ensure that the development does not cause any exceedance of the performance measures in Table 8 to the satisfaction of the Director-General.

Table 8: Subsidence Impact Performance Measures – Natural and Heritage Features

Biodiversity	
Threatened species or endangered populations	Negligible environmental consequences
Seagrass beds	Negligible environmental consequences including: <ul style="list-style-type: none"> <i>negligible</i> change in the size and distribution of seagrass beds; <i>negligible</i> change in the functioning of seagrass beds; and <i>negligible</i> change to the composition or distribution of seagrass species within seagrass beds.
Benthic communities	Minor environmental consequences, including minor changes to species composition and/or distribution.
Mine workings	
First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences	To remain long-term stable and non-subsiding.
Second workings	To be carried out only in accordance with an approved Extraction Plan.

Notes:

- The Applicant will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see Condition 7 below).
- Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.
- The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of approval of this consent.

Offsets

- If the Applicant exceeds the performance measures in Table 8 and the Director-General determines that:
 - it is not reasonable or feasible to remediate the impact or environmental consequence; or
 - the remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;
then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence to the satisfaction of the Director-General.

Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.

Performance Measures – Built Features

- The Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 9, to the satisfaction of the Director-General.

Table 9: Subsidence Impact Performance Measures – Built Features

Built Features	Performance Measure
Trinity Point Marina Development Other built features	<ul style="list-style-type: none"> Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully

	<ul style="list-style-type: none"> compensated. Damage must be fully repaired, replaced or fully compensated.
Public Safety	
Public Safety.	Negligible additional risk.

Notes:

- The Applicant will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or a Public Safety Management Plan (see Condition 7 below).*
- Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Director-General will be the final arbiter.*
- The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this development consent.*
- Requirements regarding safety or serviceability do not preclude preventative actions or mitigation being taken prior to or during mining in order to achieve or maintain these outcomes.*
- Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961.*

- Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the subsidence performance measures in Table 9 is to be settled by the Director-General, following consultation with the MSB and the Executive Director Mineral Resources. Any decision by the Director-General shall be final and not subject to further dispute resolution under this consent.

Multi-Seam Mining Feasibility Investigation

- Prior to the submission of an Extraction Plan for Miniwalls 41 to 45 in Chain Valley Bay, the Applicant must prepare a detailed Multi-Seam Mining Feasibility Investigation to the satisfaction of the Director-General. This plan must:
 - be prepared in consultation with DRE by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
 - assess the extent of the soft claystone floor/roof conditions within former workings in the Great Northern and Wallarah Seams;
 - assess the stability of remnant coal pillars within former workings in the Great Northern and Wallarah Seams;
 - give particular consideration to the risks of irregular subsidence, pillar run and long-term subsidence leading to subsidence outside of the predicted angle of draw;
 - include revised multi-seam subsidence predictions for the proposed second workings; and
 - recommend final design of the second workings and any necessary adaptive management measures.

Extraction Plan

- The Applicant shall prepare and implement an Extraction Plan for all second workings on site, to the satisfaction of the Director-General. Each Extraction Plan must:
 - be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
 - be approved by the Director-General before the Applicant carries out any second workings covered by the plan;
 - include detailed plans of existing and proposed first and second workings and any associated surface development, including any applicable adaptive management measures;
 - include detailed performance indicators for each of the performance measures in Tables 8 and 9;
 - provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent;
 - describe the measures that would be implemented to ensure compliance with the performance measures in Tables 8 and 9, and manage or remediate any impacts and/or environmental consequences;
 - include a Built Features Management Plan, which has been prepared in consultation with DRE and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which
 - addresses in appropriate detail all items of public infrastructure and other public infrastructure and all classes of other built features;
 - has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;

- recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate all predicted impacts on potentially affected built features in a timely manner; and;
- (h) include a Benthic Communities Management Plan, which has been prepared in consultation with OEH, LMCC, and DPI Fisheries, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on benthic communities, and which includes:
 - surveys of the lake bed to enable contours to be produced and changes in depth following subsidence to be accurately measured;
 - benthic species surveys within the area subject to second workings, as well as control sites outside the area subject to second workings (at similar depths) to establish baseline data on species number and composition within the communities;
 - a program of ongoing seasonal monitoring of benthic species in both control and impact sites;
 - development of a model to predict likely impact of increased depth and associated subsidence impacts and effects, including but not limited to light reduction and sediment disturbance, on benthic species number and benthic communities composition, incorporating the monitoring and survey data collected; and
 - updating the model every 2 years using the most recent monitoring and survey data;
- (i) include a Seagrass Management Plan, which has been prepared in consultation with OEH, LMCC, and DPI Fisheries, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on seagrass beds, and which includes:
 - a program of ongoing monitoring of seagrasses in both control and impact sites; and
 - a program to predict and manage subsidence impacts and environmental consequences to seagrass beds to ensure the performance measures in Table 8 are met;
- (j) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety;
- (k) include a Subsidence Monitoring Program which has been prepared in consultation with DRE, to:
 - provide data to assist with the management of the risks associated with subsidence;
 - validates the subsidence predictions;
 - analyses the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - informs the contingency plan and adaptive management process;
- (l) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 8 and 9, or where any such exceedance appears likely;
- (m) include appropriate revisions to the Rehabilitation Management Plan required under Condition 28 of Schedule 3; and
- (n) include a program to collect sufficient baseline data for future Extraction Plans.

Notes:

- *To identify the underground mining areas approved under this consent referred to in this condition, see Appendix 3.*
- *This condition does not limit secondary extraction under a Subsidence Management Plan approved as at the date of this consent.*

8. The Applicant shall ensure that the management plans required under conditions 7(g)-(j) above include:
 - (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this consent; and
 - (b) a detailed description of the measures that would be implemented to remediate predicted impacts.

First Workings

9. The Applicant shall not carry out first workings on site that are not generally in accordance with the approved mine plan without written approval of the Director-General.

Payment of Reasonable Costs

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

SCHEDULE 5 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any relevant air quality criteria in Schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

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

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

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
 - if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Director-General and landowner a copy of the independent review.
-

SCHEDULE 6

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:
 - (a) be submitted to the Director-General for approval within 7 months of the date of this consent;
 - (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 required to be carried out under the conditions of this consent.

Adaptive Management

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

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

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

Management Plan Requirements

3. The Applicant shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, 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 and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and

- exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

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

Annual Review

4. By the end of March each year, or other timing as may be agreed by the Director-General, the Applicant shall review the environmental performance of the development to the satisfaction of the Director-General. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the EIS;
 - (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

5. Within 3 months of:
 - (a) the submission of an annual review under Condition 4 above;
 - (b) the submission of an incident report under Condition 7 below;
 - (c) the submission of an audit report under Condition 9 below; or
 - (d) any modification to the conditions of this consent, (unless the conditions require otherwise),
 the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director-General.

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

Community Consultative Committee

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

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*
- *In operating the CCC, the Department will accept the continued representation from existing CCC members.*

REPORTING

Incident Reporting

7. The Applicant shall immediately notify the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant shall notify the Director-General and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

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

INDEPENDENT ENVIRONMENTAL AUDIT

9. By the end of February 2016 (or other such timing as agreed by the Director-General), and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

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

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

ACCESS TO INFORMATION

11. The Applicant shall:
 - (a) make copies of the following publicly available on its website:
 - the EIS;
 - all current statutory approvals for the development;
 - all 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 (updated monthly);
 - minutes of CCC meetings;
 - the Annual Reviews of the development;
 - any Independent Environmental Audit, and any other audit, and the Applicant's response to the recommendations in these audits;
 - any other matter required by the Director-General; and
 - (b) keep this information up-to-date, to the satisfaction of the Director-General.
-

**APPENDIX 1
SCHEDULE OF LAND**

Notes:	
1.	All proposed secondary extraction for the Project (Mining Extension 1) is to occur under Lake Macquarie.
2.	The surface facilities for the Colliery are limited to "pit top area" adjacent to Vales Point Power Station, and the "ventilation shaft site" at Summerland Point.
3.	Refer to Figure 1.2 of the Environmental Impact Statement for the Site.

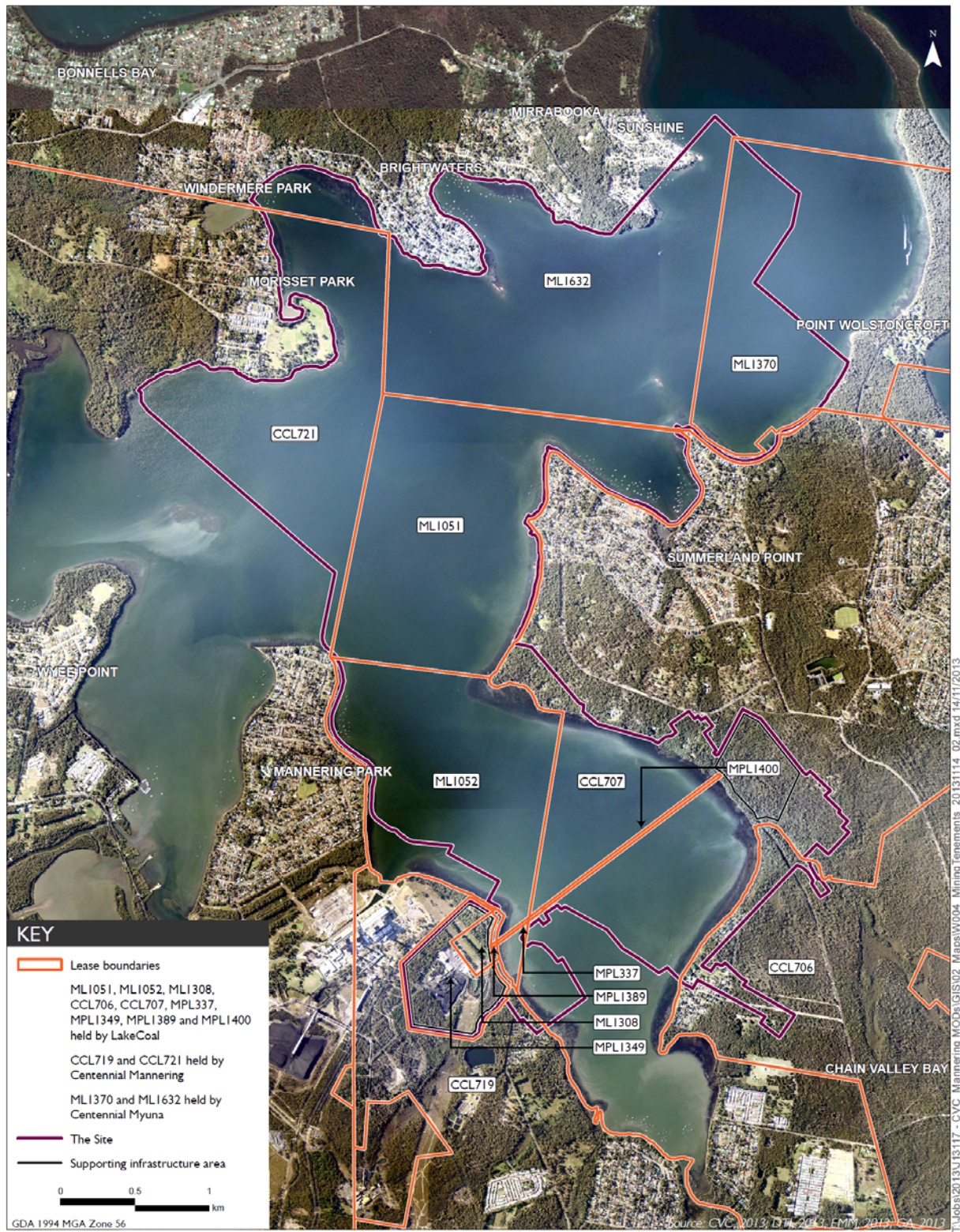
Project Related Surface Facilities			
Pit Top Area		Ventilation shaft site	
Lot	Deposited Plan	Lot	Deposited Plan
A	379918	1	226133
B	379918		
C	349733		
A	187570		
1B	339441		

All other areas within the Site			
Lot	Deposited Plan	Lot	Deposited Plan
7339	1167067	20	708344
7330	1148105	19	708344
593	727722	18	708344
594	727722	17	708344
D	349733	34	714879
1	410653	33	714879
23	708344	32	714879
21	708344	31	714879
2	1043151	64	31306
426	755266	65	31306
427	755266	66	31306
136	755266	67	31306
2	515214	68	31306
1	515214	69	31306
1	214300	70	31306
2	214300	71	31306
167	755266	72	31306
1	388154	73	31306
144	661695	74	31306
19	25593	75	31306
20	25593	76	31306
21	25593	77	31306
22	25593	78	31306
23	25593	79	31306
24	25593	139	31306
25	25593	140	31306
26	25593	141	31306
27	25593	142	31306
58	31306	143	31306
59	31306	144	31306
60	31306	145	31306
61	31306	146	31306
62	31306	147	31306
63	31306	148	31306
149	31306	175	31306
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168	13123

182	31306
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48	31322
78	31322
4	981106
3	981104
11	13120
12	13120
13	13120
14	13120
15	13120
16	13120
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29	13123
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31	13123

APPENDIX 2 DEVELOPMENT AREA

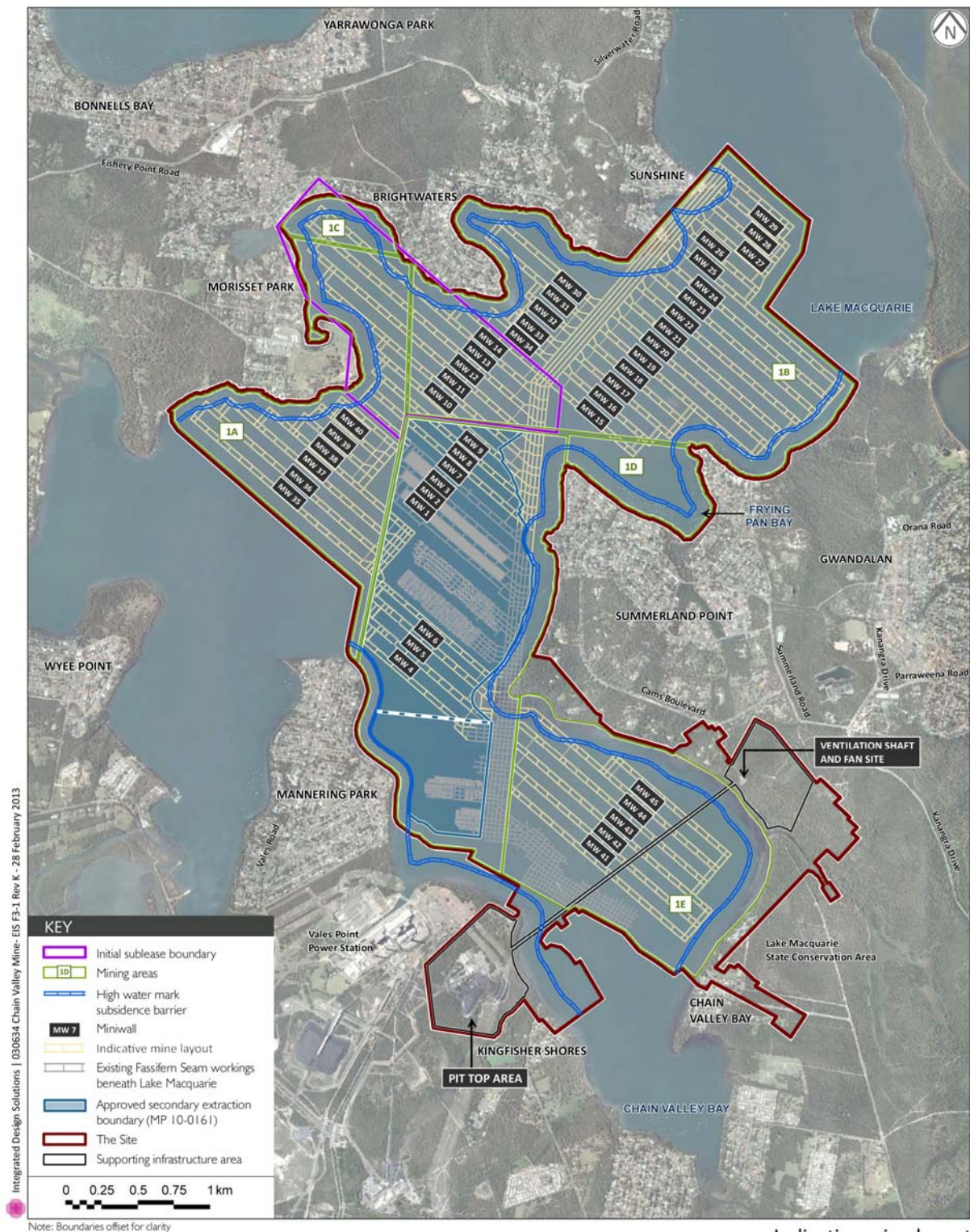


Mining tenements and tenement holders applicable to the Site
Chain Valley Colliery Mining Extension I Project - Environmental Impact Statement

Figure 2.5

Figure 1: Chain Valley Extension Project – Development Application Area (The Site)

APPENDIX 3 DEVELOPMENT LAYOUT



Indicative mine layout

Chain Valley Colliery Mining Extension I Project - Environmental Impact Statement

Figure 3.1

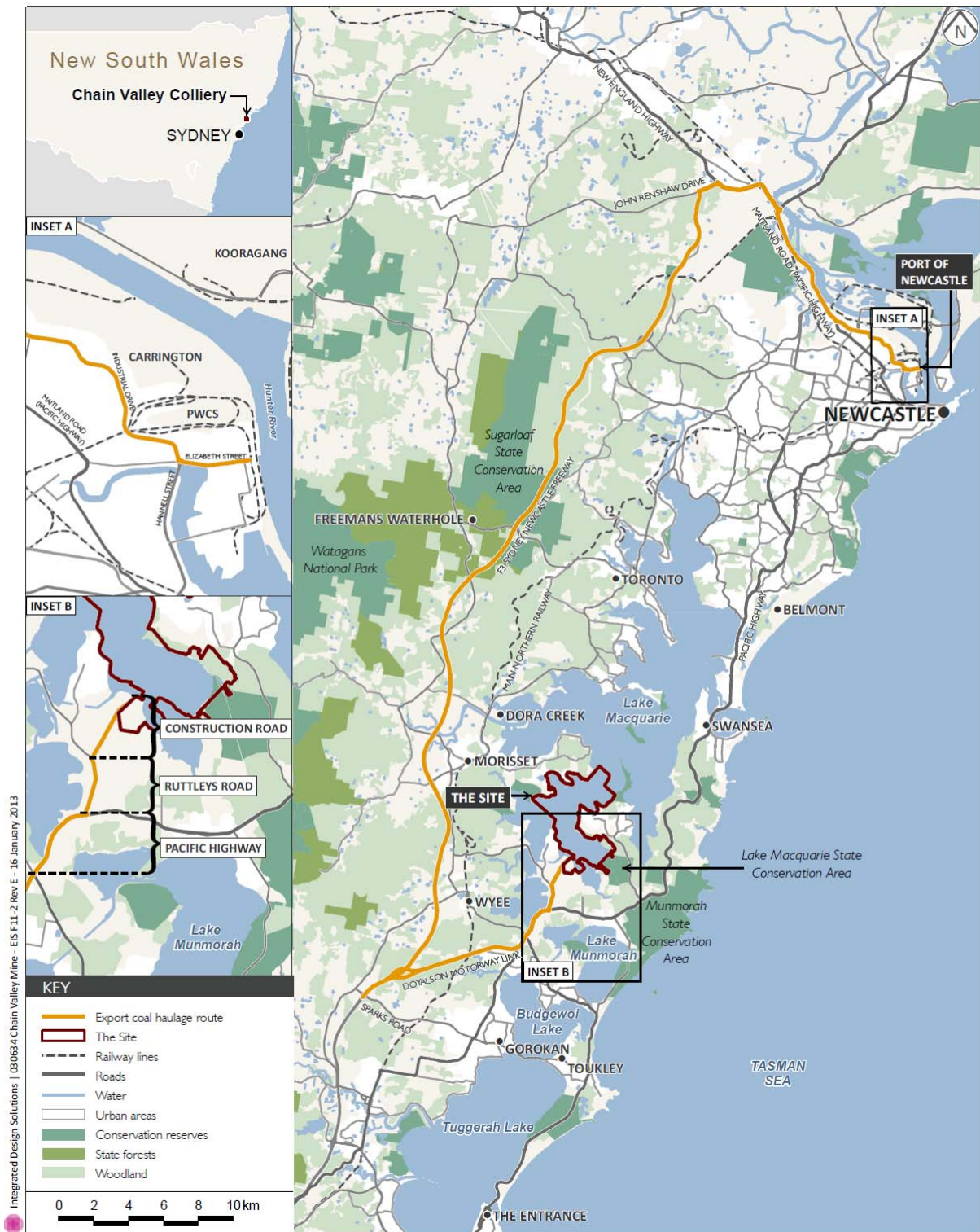
Figure 1: General Layout of the Chain Valley Extension Project

APPENDIX 4 SURFACE FACILITIES SITES



Figure 1: General Arrangement of the Chain Valley Colliery surface facilities site

APPENDIX 5 COAL HAULAGE ROUTE – PUBLIC ROADS

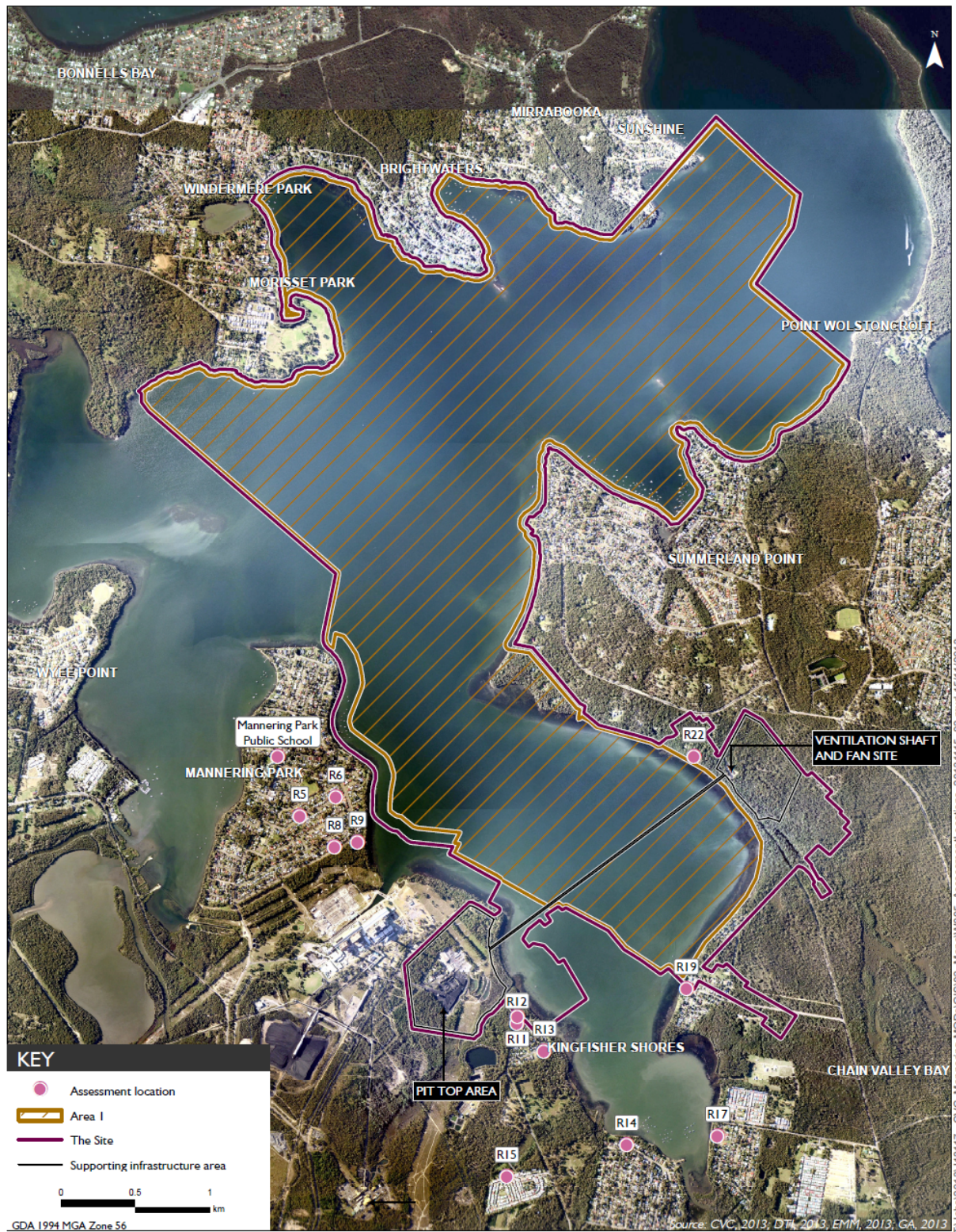


Export coal haulage route

Chain Valley Colliery Mining Extension | Project - Environmental Impact Statement

Figure 1: Export Coal Haulage Route

APPENDIX 6 NOISE RECEIVER LOCATIONS

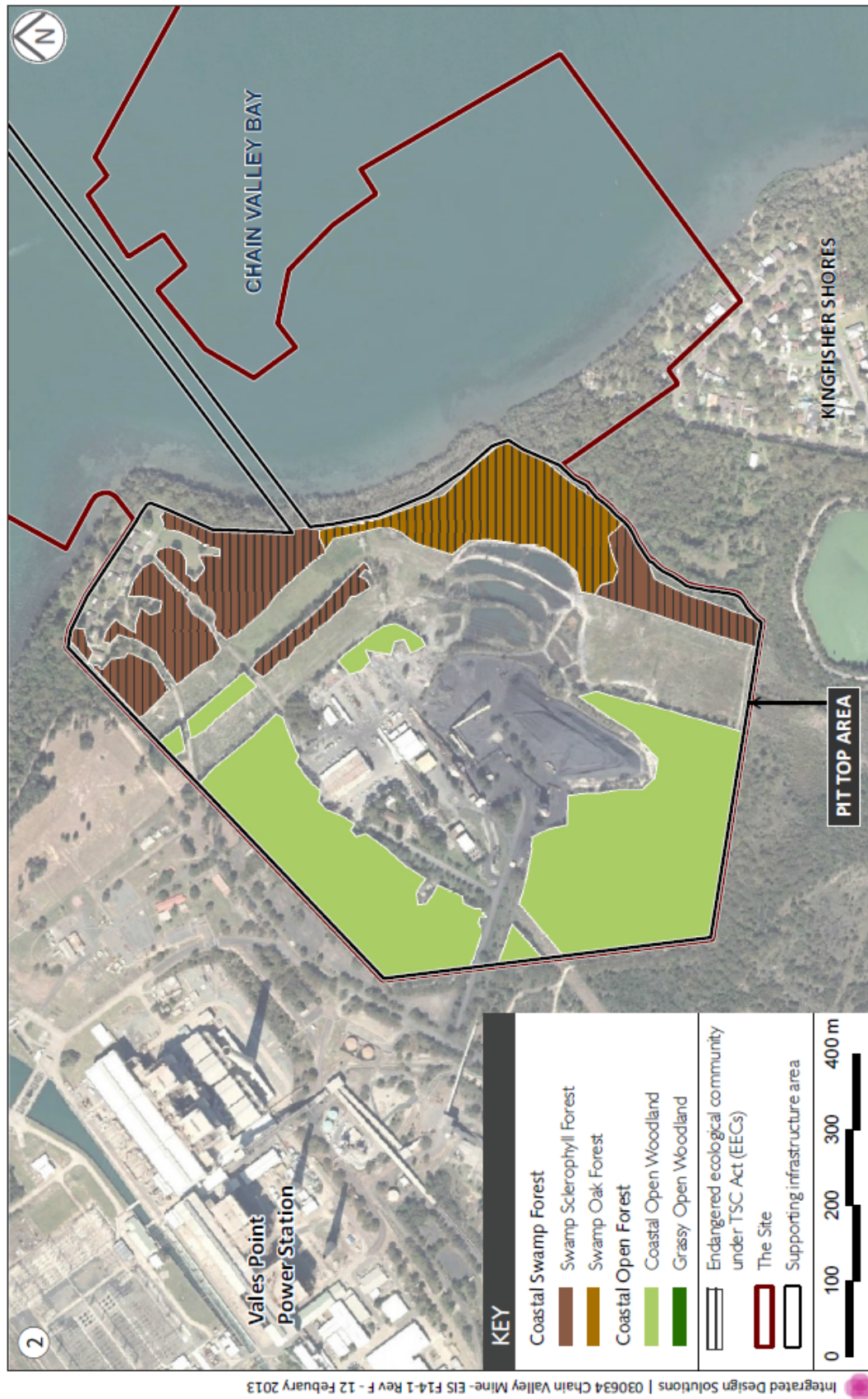


Assessment locations
Chain Valley Colliery Mining Extension I Project -
Noise Impact Assessment

Figure 3.1

Figure 1: Noise Receiver Locations

APPENDIX 7 BIODIVERSITY ENHANCEMENT AREA



Terrestrial vegetation communities and EECs
within the Colliery's supporting infrastructure areas

Chain Valley Colliery Mining Extension | Project - Environmental Impact Statement



Figure 1: Location of the Biodiversity Enhancement Area, shown in red and orange hatching

APPENDIX 8 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

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

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station described in condition 15 of schedule 3.

Compliance Monitoring

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

APPENDIX 9 STATEMENT OF COMMITMENTS

Item	Commitment
Groundwater	<p>In addition to the management and mitigation measures undertaken at the Colliery for groundwater as described in the WMP, the following commitments specific to the Proposal will be undertaken. Some commitments are already undertaken under the WMP. LakeCoal will:</p> <ul style="list-style-type: none"> • assess whether abnormal or significant groundwater inflow changes occur in the active panels; • maintain the water flow monitoring appliances used to measure pumped water volumes to and from the Colliery in good working order; • maintain and plot records of daily total Colliery water pumping and annually communicate an interpretation of the findings within the Annual Review. A copy of the Annual Review will be supplied to NOW; • measure water levels and quality within private bores, where access is possible, in relevant areas to assess if any adverse effects occur due to subsidence from the Proposal; and • develop groundwater assessment criteria and triggers, response protocols and contingency measures. <p>Although it is not anticipated that private bore yields would be impacted due to subsidence, should such a situation arise, LakeCoal would provide an alternative water supply until the impacted bore recovers.</p> <p>Any monitored or reported adverse impacts on the yield, saturated thickness or quality of a private registered bore will be investigated by LakeCoal. In the event of a groundwater level drop of over 2 m for a period of two months or more, a notable increase in iron hydroxide, or an adverse change in salinity as a consequence of subsidence, LakeCoal will enter into negotiations with the affected landowners and the Mine Subsidence Board with the intent of formulating an agreement which provides for one, or a combination of:</p> <ul style="list-style-type: none"> • re-establishment of saturated thickness in the affected bore(s) through bore deepening; • establishment of additional bores to provide a yield at least equivalent to the affected bore prior to mining; • provision of access to alternative sources of water; and/or • compensation to reflect increased water extraction costs (e.g., due to lowering pumps or installation of additional or alternative pumping equipment).
Item	Commitment
Surface water	<p>Management and monitoring of surface water will continue to be undertaken in accordance with the Colliery's WMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> • limit the main underground pumps to a maximum pump out rate of 10.5 ML/day within 12 months of approval; • request an amendment of EPL 1770 to include a condition on the daily discharge volume limit stating that "Exceedence of the volume limit for Point 1 is permitted only if the discharge from Point 1 occurs solely as a result of rainfall at the premises exceeding 10 mm during the 24 hours immediately prior to commencement of the discharge"; • undertake daily measurements of discharge volumes and report publically on a monthly basis via LakeCoal's website; • continue collection of baseline water quality data to aid in the development of appropriate discharge water quality trigger values; • engage a suitably qualified expert to conduct an assessment of the metals contained within discharge water in accordance with the ANZECC water quality guidelines and provide this assessment to the EPA by 31 December 2013; • investigate water saving measures to minimise the amount of potable water required from WSC for Colliery operations; • quantify the groundwater storage capacity in the Great Northern and Wallarah Seams; • continue effluent monitoring regime of receiving soils from the AWTS in accordance with the parameters and testing frequencies identified in the Colliery's WMP. The results of this monitoring program will be reviewed by a suitably qualified expert and used to determine the appropriateness of the existing irrigation area to receive this effluent; • develop a program to monitor creek line channel stability and the health of riparian vegetation within Swindles Creek. Monitoring will be undertaken in accordance with Section 8.5.2 of the Surface Water Impact Assessment (EIS Appendix E) and incorporated into the Colliery's WMP or Biodiversity Management Plan; and • record monitoring data in accordance with the Colliery's WMP and EPL 1770. Monitoring data will be interpreted as it is received to ensure appropriate operational guidance on monitoring water quality within desired parameters. Results of water quality monitoring will be reported in the Annual Review and made available to the CCC, as well as Wyong and Lake Macquarie Councils.
Item	Commitment
Noise	<p>Management and monitoring of noise will continue to be undertaken in accordance with the Colliery's NMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> • continue attended compliance monitoring on site which will be used to identify potential hot spots and primary noise sources; • continue real-time noise monitoring alerts to site personnel to enable implementation of any required rapid noise management initiatives; • manage potential non-compliance through a noise complaint handling and response system, including the identification of responsible sources to enable targeted remedial action; • assess if further noise mitigation options for the ventilation fans are reasonable and feasible following the receipt of attenuation proposals; and • discuss potential management measures or agreement options with the landowner at 275 Cams Boulevard, following receipt of proposals from acoustics specialists. <p>In addition to the above, LakeCoal is committed to the progressive implementation of feasible measures to target long term noise goals which are designed to reduce noise emissions from the Colliery. Long term options for investigation include:</p> <ul style="list-style-type: none"> • modification to belt/movement alarms; • investigation of surface conveyor and coal preparation equipment, to determine if noise reductions are possible; • identifying sound attenuation options for the surface bulldozer and front end loader; • strategic placement of acoustic barriers; • attenuation for the surface screener/shaker; • installation of quiet rollers for surface conveyor belts; • acoustic treatments around compressors; and • the use of a conveyor stacker for product coal stockpiling.

Item	Commitment
Air quality and greenhouse gases	<p>Management and monitoring of air quality and greenhouse gases will continue to be undertaken in accordance with the Colliery's AQGHGMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> investigate the use of a stacker to replace hauling between current conveyor system and stockpiles; undertake GHG monitoring comprising measurement of carbon dioxide and methane at the ventilation shaft and fans site; and record and report annual diesel, oil, grease, acetylene and electricity use to fulfil National Greenhouse and Energy Reporting Scheme requirements.
Traffic and transport	<p>Management and monitoring of traffic and transport will continue to be undertaken in accordance with the Colliery's RTP. In addition, LakeCoal will continue to investigate alternative options for transporting export coal to the PWCS, specifically the preferred rail transport option, requiring the construction of a private haul road to the VPPS coal unloading facility and associated infrastructure upgrades. In addition, LakeCoal will:</p> <ul style="list-style-type: none"> provide a detailed feasibility report of rail transport options to DP&I as part of the next coal transport options report to be submitted, by 31 December 2014. Should the report identify that coal transport via rail is feasible, and subject to obtaining necessary agreements, LakeCoal will prepare and lodge an application to modify the relevant approval so as to permit the installation and operation of facilities necessary to undertake rail transport of coal to PWCS; discuss the potential to utilise proposed rail loading facilities associated with the Wallarah 2 Coal Project, following this project receiving approval; and investigate options to reduce peak hour traffic would be investigated including potentially limiting the peak hourly volumes of the Colliery truck traffic which would be permitted to travel via this intersection should the Colliery not be using rail transport for export coal by five years from the granting of development consent. Alternatively, a pro rata financial contribution to the cost of installing traffic signals at the southbound intersection of the F3 and Sparks Road interchange could be made commensurate with the percentage of Colliery generated traffic using the intersection.
Subsidence	<p>Management and monitoring of subsidence will continue to be undertaken in accordance with the Colliery's SMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> undertake annual bathymetric surveys of the lake bed to determine actual subsidence and undertake a comparison with predicted levels. Should measured subsidence significantly exceed predicted levels, LakeCoal will review future panel designs to limit future impacts to acceptable levels; and complete an annual subsidence report and make this report publically available on the Colliery's website.
Item	Commitment
Marine ecology	<p>Management and monitoring of marine ecology will continue to be undertaken in accordance with the Colliery's BCMP and SGMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> revise the BCMP to include the sampling locations in the assessment of the Proposal; revise the BCMP to incorporate monitoring sites within the creek; undertake seasonal surveys (spring and autumn) for the Site as required under the BCMP; commission additional independent sampling and analysis to validate results obtained during monitoring, and review future panel design if impacts due to subsidence are determined to be moderate or greater; revise the SGMP to include the transect locations utilised in the assessment of the Proposal; continue annual seagrass surveys/monitoring; continue annual subsidence surveys (bathymetric surveys) and land based surveys; include results from the BCMP and SGMP within the Colliery's Annual Review; make the Annual Review and annual subsidence surveys available on the Colliery's website; and have a suitably qualified marine scientist update the BCMP to incorporate monitoring sites within Swindles Creek (inclusive of sediment and macro-invertebrate monitoring).
Terrestrial ecology	<p>In addition to the management and mitigation measures undertaken at the Colliery for terrestrial ecology as described in the BMP, the following commitments specific to the Proposal will be undertaken. Some commitments are already undertaken under the BMP. LakeCoal will:</p> <ul style="list-style-type: none"> undertake the design of the dam embankment and spillway works in consultation with an ecologist to minimise potential impacts on the Swamp Oak Floodplain Forest EEC; ensure pre-clearing surveys are undertaken by an ecologist to minimise the potential impact to fauna and significant vegetation prior to clearing works being undertaken within the embankment and spillway area;
Item	Commitment
	<ul style="list-style-type: none"> clearly delineate the clearing footprint and cordon off surrounding vegetation as a 'no go' zone during works to the dam embankment and spillway; minimise disturbance areas where possible by ensuring all stockpiling of materials, parking of machinery etc, is undertaken in previously cleared areas; ensure that, wherever possible, dead standing timber and fallen timber will be avoided by any clearing works, or if required to be removed, be relocated into suitable habitat areas nearby; ensure all equipment used for the earthworks associated with the dam embankment and spillway will be cleaned of excess soil potentially containing pathogens and weed seeds prior to entering the Site; install sediment fencing surrounding the proposed earthwork areas, in accordance with a site-specific erosion and sediment control plan for the works; ensure that in the event that sedimentation dam water is released from Dam 10 prior to the works being undertaken, it will be undertaken in a controlled manner over a number of days to ensure that the release does not result in significant erosion and sedimentation to the Swamp Oak Floodplain Forest; remove and continually control noxious weeds from the pit top area, allowing for natural regeneration of vegetation; monitor weed invasion as part of the Colliery's BMP; monitor the condition of the EEC areas in accordance with the Colliery's BMP; engage a suitable qualified ecologist to undertake targeted surveys for the Wallum Froglet in line with the DECC (2009) survey guidelines during the next planned annual BMP monitoring effort in suitable weather. If the Wallum Froglet is identified, it will be included in the Colliery's annual monitoring program; and continue the management and monitoring of flora and fauna in accordance with the BMP for the life of the mine, including: <ul style="list-style-type: none"> the condition and composition of the Swamp Oak Floodplain Forest area; the condition of vegetation adjacent to the ventilation shaft and fans; the location and distribution of weed infestations; and the abundance and distribution of feral animal use.

Item	Commitment
	<ul style="list-style-type: none"> The improvement and enhancement of the Swamp Oak Forest and Swamp Sclerophyll Forest will be included in an update of the BMP for the existing operations which will be undertaken within 12 months of approval. This will form the basis for the compensatory habitat package to offset potential impacts on endangered ecological communities. Rehabilitation methods will be devised in accordance with the Saltwater Wetlands Rehabilitation Manual (DECC 2008) as required, in accordance with the condition monitoring under the BMP. Rehabilitation methods may include: <ul style="list-style-type: none"> restoration of natural flow regimes; rubbish and litter removal; control and removal of competitive introduced species to allow for regeneration of native species; and revegetation where natural regeneration processes are interrupted.
Heritage	<p>Management and monitoring of heritage will continue to be undertaken in accordance with the Colliery's HMP, which will be reviewed and updated in consultation with the RAPs, as required, to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> update the HMP following approval of the Proposal to include the extended area to which it relates, including baseline monitoring for registered Aboriginal sites 45-7-0154 and 45-7-0157 identified above Area 1 at least three months prior to mining near the sites, and follow-up inspections at intervals consistent with the current monitoring or at a period determined in the updated HMP; complete a due diligence site inspection of the area to be disturbed by the sediment dam embankment and spillway upgrade prior to commencement of works in these areas;
Item	Commitment
	<ul style="list-style-type: none"> ensure that should unanticipated Aboriginal or historic heritage artefacts be found during dam embankment and diversion works, work will cease and the site assessed by an archaeologist; and ensure that in the unlikely event that skeletal remains are found during dam embankment and diversion works, work will cease immediately in the area and the NSW Police Coroner called to determine if the material is of Aboriginal origin. OEH and relevant Aboriginal community stakeholders will be notified if the remains are positively identified as being of Aboriginal origin to determine their appropriate management prior to works recommencing.
Wastes	Management and monitoring of waste will continue to be undertaken in accordance with the Colliery's Waste Management Standard. In addition, LakeCoal will continue to try and improve its waste volumes and waste management practices in line with its objective for 60% of all wastes generated at the Colliery (excluding wastewater) to be recyclable or reusable.
Hazards	Management and monitoring of hazards will continue in accordance with the Colliery's existing hazard management measures. Periodic review of the effectiveness of existing measures will occur in accordance with the Colliery's safety management system and additional measures implemented as warranted.
Visual	Management and monitoring of visual impacts will continue to be undertaken in accordance with the Colliery's existing commitment. In addition, LakeCoal will ensure additional surface lighting at the Colliery complies with <i>AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> .
Soil	<p>Management and monitoring of soils will continue to be undertaken in accordance with the Colliery's WMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> prevent disturbance of ASS where practicable during any construction activities; prepare an ASSMP where there is potential that ASS will be disturbed; test and handle any ASS disturbed in accordance with the ASSMP and treat or dispose of to an appropriately licensed facility; limit the area of any disturbance at the surface infrastructure sites and period of exposure; implement site management procedures such as watering of disturbed areas and unsecured stockpiles; ensure relevant licences and management plans are in place for the correct storage and handling of hydrocarbons; maintain suitable bunding around all hazardous liquid storage areas;
Item	Commitment
	<ul style="list-style-type: none"> maintain oil separation facilities on the wash down sump for the treatment of oily water; and remove all waste oil from site and dispose via a licensed external waste collection company.
Rehabilitation and mine closure	Rehabilitation will be undertaken in accordance with the Colliery's RMP and the MOP in force at the time. Detailed management and monitoring Proposals for final rehabilitation will be included within a Mine Closure Plan to be prepared at least two years prior to cessation of mining activities.
Economic	LakeCoal will contribute \$0.035/t of coal from the Colliery into a dedicated community fund to improve public infrastructure and for the provision of community projects in the surrounding communities of Chain Valley Bay, Mannering Park, Summerland Point and Gwandalan.
Social	<p>LakeCoal will continue to implement management measures and monitoring programs to prevent or minimise negative impacts and enhance positive impacts in accordance with its Environment and Community Policy. LakeCoal will:</p> <ul style="list-style-type: none"> maintain open and constructive communication with affected individuals and groups; participate in the CCC; provide environmental monitoring data and other relevant information in a timely manner via the LakeCoal website; be responsive to community issues and actual and/or perceived impacts from the Colliery's activities; work in partnership with stakeholders to address community needs;
Item	Commitment
	<ul style="list-style-type: none"> ensure effective management of LakeCoal's social impacts; liaise regularly with relevant government agencies and councils; provide regular Colliery updates with landowners and local residents through the CCC; continue payments, throughout the life of the Proposal, to the community fund established; and consider individual sponsorship opportunities throughout the life of the Proposal.
Other	LakeCoal will commit to only carrying out mining operations in the extension areas consistent with the development consent granted pursuant to this Proposal.