

## Project Approval

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

I approve **the development** referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

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 on-going environmental management of **the development**.

The Hon Kristina Keneally MP  
Minister for Planning

Sydney

Signed: 24 March 2009

#### SCHEDULE 1

<b>Development Application:</b>	06_0261
<b>Applicant:</b>	HV Operations PTY LTD
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Development:</b>	Hunter Valley Operations South Coal Project

Blue type represents December 2009 modification  
Red type represents 3 February 2012 modification  
Green type represents 31 October 2012 modification  
Purple type represents 31 October 2012 modification  
Light blue type represents 28 February 2018 modification  
Green type represents 26 November 2021 modification  
Orange type represents 27 May 2022 modification

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

# CONSOLIDATED CONSENT

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## DEFINITIONS

Annual Review Applicant	The review required by condition 4 of Schedule 5 HV Operations PTY LTD, or any person carrying out any development under this consent
Approved Disturbance Area Ashton Open Cut Mine	The area identified as such within Figure 1 of Appendix 2 Ashton Open Cut Mine as approved under project approval MP 08_0182 for the Ashton South East Open Cut Project, as modified
BCA	Building Code of Australia
BCD	Biodiversity & Conservation Division within the Department
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Conditions of this consent	Conditions contained in Schedules 2 to 5 (inclusive) of this document
Council	Singleton Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department Development	NSW Department of Planning and Environment The development described within the documents listed in condition 2 of Schedule 2
Development Layout	The general layout of the development, as shown in Figure 1 of Appendix 2
DPE Water	Water Group within the Department
DSC	Dams Safety Committee
EA	Environmental assessment titled <i>Hunter Valley Operations South Coal Project Environmental Assessment Report, Volumes 1, 2 and 3</i> , dated January 2008, including the response to submissions, titled <i>HVO South Coal Project Response to Submissions Report</i> dated 10 July 2008 and 15 September 2008
EA (Mod 1)	Environmental Assessment titled <i>Raising of Lake James Dam</i> , dated October 2009, and the response to submissions (including its Statement of Commitments) dated November 2009
EA (Mod 2)	Environmental Assessment titled <i>Proposed Modification to HVO South Project</i> , dated May 2010, and the response to submissions dated August 2010
EA (Mod 3)	Environmental Assessment titled <i>HVO South Project Approval – Modification 4 – Administrative Omissions and Clarifications [sic]</i> , dated 26 September 2012
EA (Mod 4)	Environmental Assessment titled <i>HVO South Project Approval – Modification 5 – Dedication of Lands for Offsets [sic]</i> , dated 26 September 2012
EA (Mod 5)	Environmental Assessment titled <i>Hunter Valley Operations South – Modification 5 – Environmental Assessment</i> dated February 2017, the <i>Response to submissions</i> dated June 2017
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 <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW within the Department
HVGC	Hunter Valley Gliding Club Co-operative Limited
HVO	The Applicant's mining complex known as Hunter Valley Operations
HVO North	The Applicant's activities and facilities at its HVO mining complex located north of the Hunter River
HVO South	The Applicant's activities and facilities at its HVO mining complex located south of the Hunter River
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none"><li>causes, or threatens to cause material harm to the environment, or</li><li>results in non-compliance with this consent</li></ul>
Land	Has the same meaning as the definition of the term in section 4 the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Lemington underground mine workings	The underground mine workings identified in Appendix 2 Figure 1A
LCPP	Lemington coal preparation plant
Material harm	Is harm to the environment that: <ul style="list-style-type: none"><li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li><li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all</li></ul>

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	reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
	This definition excludes “harm” that is authorised under either this consent or any other statutory approval
Mine water	Water that accumulates within active mining areas, coal reject emplacement areas, tailings dams and infrastructure areas (excluding sedimentation dams)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining Operations	The removal and emplacement of topsoil and overburden, and the extraction, processing, and transportation of coal carried out on site
Minister	NSW Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Report (MOD 6)	Modification Report titled <i>Proposed Modular Ammonium Nitrate Emulsion Plan Modification Report</i> dated July 2021 and the <i>Submissions Report</i> dated September 2021
Modification Report (MOD 7)	Modification Report titled <i>MTW/HVO Lemington Underground Mine Water Storage Project, Modification Report</i> dated September 2021 and the <i>Submissions Report</i> dated December 2021, and associated response titled <i>MTW-HVO Lemington Underground Water Storage Modifications (MP06_0261 MOD 7 AND SSD-6464 MOD 2) – Response To Additional Information Request</i> dated 15 March 2022.
Negligible	Small and unimportant, such as to be not worth considering
NPWS	National Parks and Wildlife Service
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOHSC	National Occupational Health and Safety Commission
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Planning Secretary	Planning Secretary of the Department, or nominee
Privately-owned land	Land that is not owned by a public authority, or a mining company (or its subsidiary)
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Resources Regulator	NSW Resources Regulator
Riverview South East Extension Area	As described in the EA and as identified as Area 3 in Figure 5.1 of the EA (previously referred to as the Glider Pit)
ROM	Run-of-Mine
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Site	The land listed in Appendix 1 and outlined in pink in Figure 1 of Appendix 1
Statement of Commitments	The Applicant’s commitments in Chapter 16 of EA (Mod 5)
TfNSW	Transport for NSW
Wambo Mine	Wambo Mine as approved under development consent DA 305-7-2003, as modified, and its associated rail facilities as approved under development consent DA 177-8-2004, as modified
Warkworth Mine	Warkworth Mine as approved under development consent SSD-6464 for the Warkworth Continuation Project, as modified
Warkworth Mine EIS	The Environmental Impact Statement titled <i>Warkworth Continuation Project 2014 Environmental Impact Statement</i> (6 volumes) dated June 2014, and associated response to submissions titled <i>Warkworth Continuation 2014 Response to Submissions</i> (2 volumes) dated 10 November 2014, and associated response titled <i>Warkworth Continuation 2014 Response to Planning Assessment review report</i> dated 20 March 2015

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## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

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

### Terms of Approval

2. The Applicant must carry out the development generally in accordance with the:
  - (a) EA;
  - (b) statement of commitments;
  - (c) EA (Mod1);
  - (d) EA (Mod 2);
  - (e) EA (Mod 3);
  - (f) EA (Mod 4);
  - (g) EA (Mod 5);
  - (h) Modification Report (MOD 6);
  - (i) Modification Report (MOD 7); and
  - (j) development layout.
- 2A. The Applicant must carry out the development in accordance with the conditions of this consent.
3. If there is any inconsistency between the documents listed in condition 2, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant must comply with any reasonable and feasible requirement/s of the Planning Secretary arising from the Department's assessment of:
  - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this consent; and
  - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

### Limits on Approval

5. Mining operations may take place for a period of 21 years from the date of this consent.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out any additional undertakings to the satisfaction of both the Planning Secretary and the Resources Regulator. 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 those additional undertakings have been carried out satisfactorily.*
6. The Applicant must not extract more than 20 million tonnes of ROM coal a year from the site.

### Management Plans/Monitoring Programs

7. Deleted
8. The Applicant must ensure that monitoring programs, management plans and the Environmental Management Strategy, as in existence at the date of this consent in December 2008, continue to be implemented (to the satisfaction of the Planning Secretary) until replaced by monitoring programs and management plans approved in accordance with the conditions of this consent.

### Surrender of Consents

9. Within 12 months of the date of this consent, the Applicant must surrender all existing development consents and existing use rights associated with HVO South's mining operations and related facilities in accordance with clause 97 of the EP&A Regulation.
- 9A. Deleted

### Structural Adequacy

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

Notes:

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

## Demolition

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

## Operation of Plant and Equipment

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

## Development Contributions

13. Within 12 months from the date of **this consent** (unless otherwise agreed by the **Planning Secretary**), the **Applicant must** enter into an agreement with Singleton Council to provide development contributions to Council for **the development**, in accordance with Division 6 of Part 4 of the EP&A Act.

If the **Applicant** and Council cannot agree on the level or composition of the development contributions, then either party may refer the matter to the **Planning Secretary** for resolution.

## Dispute Resolution

14. In the event that the **Applicant** and the Council or a Government agency, other than the Department, cannot agree on the specification or requirements of **this consent**, the matter shall be referred by either party to the **Planning Secretary** for resolution, whose determination of the disagreement shall be final and binding on the parties.

## Evidence of Consultation

15. Where conditions of **this consent** require a document to be prepared in consultation with an identified party, the **Applicant must**:
  - (a) consult with the relevant party prior to submitting the subject document to the **Planning Secretary** for approval; and
  - (b) provide details of the consultation undertaken including:
    - a description of how matters raised by those consulted have been resolved to the satisfaction of both the **Applicant** and the party consulted; and
    - details of any disagreement remaining between the party consulted and the **Applicant** and how the **Applicant** has addressed the matters not resolved.

## Compliance

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

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## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### ACQUISITION OF AFFECTED PROPERTIES

#### Acquisition Upon Request

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 7-9 of schedule 4.

Table 1: Land subject to acquisition upon request

16 - Algie	38 - Henderson
32 - Algie (Curlewis)	45 - Kelly
Keys (vacant land - Lot 2 DP 770905 and Lot 84 DP 753792)	

#### Notes:

- The land numbers are as described in the EA, except the one with an asterisk which is as described in EA (Mod 5), and as shown in Appendix 4.
- Land numbers 16, 32, 38, 45 and Keys are now mine-owned.
- Keys vacant lots are now consolidated as a single lot, Lot 84 DP 1124139.
- Land number 45 is referenced as 77 in EA (Mod 5). The Applicant is only required to acquire land number 45 if the owner of this land no longer has voluntary land acquisition rights under the planning approvals for Wambo Mine or Warkworth Mine.

### NOISE

#### Noise Impact Assessment Criteria

- The Applicant must ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land, or on more than 25% of any privately-owned land.

Table 2: Noise impact assessment criteria dB(A)

Land Number / Receiver	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
Hunter Valley Gliding Club (when in use)	55	55	55	
7– Stapleton (Cheshunt East)	41	41	41	45
10 – Moses (Wandewoi)	37	37	37	45
<b>Maison Dieu residences</b>				
16 – Algie				
32 – Algie (Curlewis)	42	42	42	45
5 – Bowman, 47 – Moxey, 61 – Shearer and all other land on Shearer's Lane	41	41	41	45
34 – Ernst	40	40	40	45
50 – Nelson				
24 – Clifton and Edwards and residences located within 250 metres of this residence, not otherwise listed in this table	40	40	40	45
Maison Dieu residences within 1 kilometre of Shearers Lane, not otherwise listed in this table	39	39	39	45
127* – Riley	37	37	37	45
All other Maison Dieu residences	35	35	35	45
<b>Jerrys Plains Road residences</b>				

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Land Number / Receiver	Day	Evening	Night	Night
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1}(1 \text{ minute})$
36 – Smith (ex Garland)	40	40	40	45
4 – Muller				
31 – Cooper (Kilburnie)				
310* – Northcote	39	39	39	45
312* – Carmody				
463* – Carter				
3 – Elisnore				
317* – Gee	38	38	38	45
434* – Murphy				
436* – Skinner	37	37	37	45
321* – Hayes	36	36	36	45
All Jerrys Plains Road residences, not otherwise listed in this table	35	35	35	45
<b>Warkworth residences</b>				
38 - Henderson	48	48	48	45
23 – Hawkes (Springwood)	43	43	43	45
45 – Kelly and all other privately-owned land in Warkworth village	43	43	43	45
All other privately-owned land	35	35	35	45

However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement.

#### Notes:

- Noise impacts at HVCG are to be assessed in the immediate vicinity of its residential facilities and/or clubhouse. Noise impact assessment limits are only applicable during times of use that have been notified by HVGC to the Applicant.
- The receiver references are as described in the EA, except those with an asterisk which are as described in EA (Mod 5), and as shown in Appendix 4.
- Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (2000, or its latest version).
- The noise limits in Table 2 are to be applied in accordance with the limitations and requirements set out in Appendix 4A.
- Receivers 7, 10, 16, 32, 38, 23, 4, 36, 45, 310, 312 and 463 are now mine-owned.

### 3. Deleted

#### Additional Noise Mitigation Measures

#### 4. Upon receiving a written request from:

- an owner of land listed in Table 1 (unless the landowner has requested acquisition or where a negotiated noise agreement established under this consent is in place); or
- an owner of land listed in Table 4 (except where a negotiated noise agreement established under this consent is in place)

the Applicant must implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence on the land in consultation with the landowner. These measures must be consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government, 2014), as amended, and proportionate to the level of predicted impact.

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

Within 3 months from the date of this consent, the Applicant must notify all applicable landowners that they are entitled to receive noise mitigation measures, to the satisfaction of the Planning Secretary.

Table 4: Land subject to additional noise mitigation upon request

7– Stapleton (Cheshunt East)
<b>Maison Dieu residences</b>
17 – Algie
5 – Bowman, 47 – Moxey, 61 – Shearer and all other land on Shearer's Lane

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34 – Ernst 50 – Nelson
24 – Clifton and Edwards and residences located within 250 metres of this residence, not otherwise listed in this table
Maison Dieu residences within 1 kilometre of Shearers Lane
<b>Jerrys Plains Road residences</b>
36 – Smith (ex Garland)
3 – Elisnore, 4 – Muller, 31 – Cooper (Kilburnie)
310* – Northcote, 312* – Carmody, 317* – Gee and 463* – Carter
<b>Warkworth residences</b>
All privately-owned Warkworth residences

## Notes:

- The land numbers and receiver references are as described in the EA, except those with an asterisk which are as described in EA (Mod 5), and as shown in Appendix 4.
- Land numbers 4, 7, 17, 24, 36, 310, 312 and 463 are now mine-owned.

## Operating Conditions

5. The Applicant must:
- take all reasonable steps to minimise construction, operational, low frequency, road and on-site rail noise of the development;
  - take all reasonable steps to minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 4);
  - operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
  - carry out regular noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
  - regularly assess the noise monitoring data, and modify or stop operations on the site to comply with the relevant conditions of this consent, to the satisfaction of the Planning Secretary.

## Noise Management Plan

6. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be submitted to the Planning Secretary for approval within 3 months of the determination of Modification 5, unless otherwise agreed by the Planning Secretary;
  - be prepared in consultation with the EPA by a suitably qualified and experienced person/s;
  - describe the measures to be implemented to ensure:
    - compliance with the noise criteria and operating conditions in this consent;
    - best practice management is being employed; and
    - the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply;
  - describe the noise management system in detail; and
  - include a monitoring program that:
    - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
    - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
    - adequately supports the noise management system; and
    - includes a protocol for identifying noise incidents and notifying the Department and relevant stakeholders of any such incident; and
  - include a protocol that has been prepared in consultation with the owners of nearby mines to minimise cumulative noise impacts.

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

## BLASTING AND VIBRATION

### Airblast Overpressure Impact Assessment Criteria

7. The Applicant must ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 6 at any residence on privately-owned land.

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Table 6: Airblast overpressure impact assessment criteria

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

However, if the Applicant has a written negotiated blast agreement with the owner of the relevant residence on privately-owned land, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the airblast overpressure level in Table 6 in accordance with the negotiated agreement.

## Ground Vibration Impact Assessment Criteria

8. The Applicant must ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 7, at any residence on privately-owned land.

Table 7: Ground vibration impact assessment criteria

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

Note: Vibration must be measured in accordance with applicable guidelines, including EPA's Assessing Vibration: A Technical Guideline (2006).

However, if the Applicant has a written negotiated blast agreement with the owner of the relevant residence on privately-owned land, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the ground vibration level in Table 7 in accordance with the negotiated agreement.

9. For St Philip's Church and the outbuildings at Archerfield, the Applicant must ensure that ground vibration peak particle velocity generated by the development does not exceed 5 mm/s, or as otherwise approved by the Planning Secretary.

## Blasting Hours

10. The Applicant must only carry out blasting on site between 7 am and 6 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Planning Secretary.

## Operating Conditions

11. During mining operations on site, the Applicant must implement best blasting practice to:
- protect the safety of people, property, public infrastructure, and livestock;
  - minimise the dust and fume emissions from blasting at the development;
  - minimise the frequency and duration of any road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;
  - use all reasonable efforts to co-ordinate the timing of blasting at the site with any nearby mines to minimise cumulative blasting impacts; and
  - carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent,
- to the satisfaction of the Planning Secretary.
12. The Applicant may carry out a maximum of:
- 3 blasts a day; and
  - 15 blasts a week, on the site.

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

Notes:

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- For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.

13. The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the Applicant has:
- a written agreement with the owner/s of the relevant public road or land to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
  - demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.
14. Deleted

## Public Notice

15. During mining operations on site, the Applicant must:
- notify the landowner/occupier of any residence within 2 kilometres of the mining area who registers an interest in being notified about the blasting schedule at the mine, or any other landowner nominated by the Planning Secretary;
  - operate a blasting hotline, or alternate system agreed to by the Planning Secretary, to enable the public to get up-to-date information on the blasting schedule at the development;
  - advertise the blasting hotline number in a local newspaper at least 4 times each year; and
  - publish an up-to-date blasting schedule on its website to the satisfaction of the Planning Secretary.

## Property Inspections

16. At least 3 months prior to blasting within 2 kilometres of any privately-owned land, or any other landowner nominated by the Planning Secretary, the Applicant must advise applicable landowners that they are entitled to a structural property inspection.

If the Applicant receives a written request for a structural property inspection from the landowner, the Applicant must within 2 months of receiving this request and prior to blasting within 2 kilometres of the property:

- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
- give the landowner a copy of the property inspection report.

*Note: This condition does not operate so as to prevent blasting within the first 3 months of this consent as consents applying to the site contain similar provisions for the inspection or residences potentially affected by blasting operations.*

## Property Investigations

17. If any landowner of privately-owned land within 2 kilometres of blasting operations, or any other landowner nominated by the Planning Secretary, claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the development, the Applicant must within 3 months of receiving this claim:

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

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

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

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

## Blast Management Plan

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

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- (a) be submitted to the **Planning Secretary** for approval within 3 months of the determination of Modification 5, unless otherwise agreed by the **Planning Secretary**;
- (b) be prepared in consultation with the EPA by a suitably qualified and experienced person/s;
- (c) describe the measures to be implemented to ensure compliance with the blasting criteria and conditions of **this consent**;
- (d) include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant roads authorities and includes provisions for:
  - minimising the duration of closures, both on a per event basis and weekly basis;
  - avoiding peak traffic periods as far as reasonable; and
  - co-ordinating with nearby mines to minimise the cumulative effect of road closures;
- (e) propose and justify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant); and
- (f) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of **this consent**.

The Applicant must implement the Blast Management Plan as approved by the **Planning Secretary**.

## AIR QUALITY

### Air Quality Impact Assessment Criteria

19. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the air quality impact assessment criteria listed in Table 8 at any residence on privately-owned land, the Hunter Valley Gliding Club (when in use) or on more than 25 percent of any privately-owned land.

Table 8: Air quality impact assessment criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a, c 25 µg/m <sup>3</sup>
	24 hour	b 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	a, c 8 µg/m <sup>3</sup>
	24 hour	b 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	a, c 90 µg/m <sup>3</sup>

#### Notes:

- Air quality impacts at HVGC are to be assessed in the immediate vicinity of its residential facilities and/or clubhouse. Air quality limits are only applicable during times of use that have been notified by HVGC to the Applicant.
- a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
- b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
- c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the **Planning Secretary**.

However, if the Applicant has a written negotiated air quality agreement with any landowner or HVGC to exceed the air quality limits in Table 8 and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the air quality limits in Table 8 in accordance with the negotiated air quality agreement.

20. Deleted

### Additional Air Quality Impact Mitigation Measures

21. Upon receiving a written request from:
  - an owner of land listed in Table 1 (unless the landowner has requested acquisition); or
  - an owner of land listed in Table 14
 the Applicant must implement reasonable and feasible air quality impact mitigation measures (such as air conditioning, first flush drinking water collection systems etc) at any residence on the land, in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2014), as amended, and proportionate to the level of predicted impact.

However, if the Applicant has an air quality agreement with the owner of any land listed in Table 1 or Table 14 and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant does not have to implement such measures.

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

Within 3 months of the date of this consent, the Applicant must notify all applicable landowners that they are entitled to receive air quality impact mitigation measures, to the satisfaction of the Planning Secretary.

Table 14: Land subject to additional air quality impact mitigation upon request

7 – Stapleton (Cheshunt East)	34 – Ernst
24 – Clifton and Edwards and residences located within 250 metres of this residence.	50 – Nelson
471* – Bowman	56 – Edwards

Notes:

- The land numbers are as described in the EA, except the one with an asterisk which is as described in EA (Mod 5), and as shown in Appendix 4.
- Land number 7 and 24 are now mine-owned.

## Mine-owned Land

- 21A. Particulate matter emissions generated by the development must not exceed the criteria listed in Table 8 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 4 of this consent;
  - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
  - air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate emissions at the residence; and
  - data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

## Operating Conditions

22. The Applicant must:
- take all reasonable steps to minimise odour, fume, spontaneous combustion, greenhouse gas and dust (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development;
  - minimise any visible off-site air pollution generated by the development;
  - minimise to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site at any given point in time;
  - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
  - carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent;
  - regularly assess the air quality monitoring data, and modify or stop operations on the 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 c to Table 8 above); and
  - use all reasonable efforts to co-ordinate air quality management on the site with the air quality management at nearby mines to minimise cumulative air quality impacts, to the satisfaction of the Planning Secretary.

## Air Quality Management Plan

23. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be submitted to the Planning Secretary for approval within 3 months of the determination of Modification 5, unless otherwise agreed by the Planning Secretary;
  - be prepared in consultation with the EPA by a suitably qualified and experienced person/s;
  - describe the measures to be implemented to ensure:
    - compliance with the air quality criteria and operating conditions in this consent;
    - best practice management is being employed; and
    - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;

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- (d) describe the air quality management system in detail; and
- (e) include an air quality monitoring program that:
  - uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
  - adequately supports the air quality management system; and
  - a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents;
- (f) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise cumulative air quality impacts.

The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.

## METEOROLOGICAL MONITORING

24. During the life of the development, the Applicant must ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* guideline.

## SURFACE AND GROUND WATER

### Discharge Limits

25. The Applicant must only discharge mine water from the site in accordance with the provisions of an EPL, section 120 of the *Protection of the Environment Operations Act 1997* or the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

### Protection of Watercourses

26. The Applicant must:
- (a) ensure mining operations do not interfere with the stability of the Hunter River, Wollombi Brook and creek lines located outside the area of mining operations;
  - (b) to the south of the Hunter River, retain a buffer zone of 150 metres, or less if agreed by the Planning Secretary following consultation with DPE Water, from the edge of open cut pits and the high bank of the Hunter River and its connected alluvium, excepting the area of the site adjacent to the Hobden Gully levee;
  - (c) ensure negligible environmental consequences to the Hunter River alluvial aquifer and the Wollombi Brook alluvial aquifer beyond those predicted for the development; and
  - (d) during water transfers into the Lemington underground mine workings, retain a maximum fill level of 30m AHD in the Lemington underground mine workings or retain a buffer zone of 10m between the base of the Hunter River alluvium and the Lemington underground mine workings fill level, whichever gives the greater vertical separation.

### Water Supply

- 26A. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

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

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development. The Applicant must surrender sufficient water entitlements upon cessation of rehabilitation activities to ensure that post closure water take impacts are sufficiently accounted for.*

### Compensatory Water Supply

- 26B. The Applicant must provide compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.

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

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

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

Notes:

- The Water Management Plan (see condition 27 below) is required to include trigger levels for investigating potentially adverse impacts on water supplies.
- The burden of proof that any loss of surface water or groundwater access is not due to the development rests with the Applicant.

## Water Transfers

26C. The Applicant may receive water from, and transfer water to, neighbouring mines including HVO North, Warkworth/ Mt Thorley and Wambo mines.

## Water Management Plan

27. The Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared in consultation with DPE Water by a suitably qualified expert whose appointment has been approved by the Planning Secretary;
  - (b) be submitted to the Planning Secretary for approval within 6 months of this consent or otherwise agreed by the Planning Secretary; and
  - (c) include:
    - a site water balance, which includes details of sources and security of water supply, on site water use and management and off site water transfers, investigates and describes measures to minimise water use by the development and a methodology to quantify the annual groundwater inflow into the Lemington underground mine workings during the period water is to be stored and extracted, and the ongoing maximum annual groundwater inflow after these activities have ceased;
    - an erosion and sediment control plan for surface works on the site that is consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
    - a program for review of groundwater modelling that includes assessment of the effect of short and long-term changes to groundwater quality and mobilisation of salts;
    - a surface water monitoring program that includes:
      - detailed baseline data of surface water flows and quality in the watercourses that could be affected by the development, including the Hunter River and Wollombi Brook;
      - a detailed description of the surface water management system;
      - details of water licensing requirements for all water storages;
      - details of licensed discharge points and limits;
      - detailed design objectives and performance measures for erosion and sediment control works, water storages, water diversions, sediment dams, emplacement areas, backfilled voids and the final void;
      - surface water impact assessment criteria, including trigger levels for investigating potentially adverse surface water impacts of the development;
      - a program to monitor potentially adverse impacts of the development on surface water flows and quality, flooding, stream and riparian vegetation health, including monitoring controlled and uncontrolled discharges and seepage/leachate from the site; and
      - a plan to respond to any exceedances of the performance criteria or surface water impact assessment criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
    - a groundwater monitoring program that includes:
      - additional baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, which could be affected by the development;
      - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development;
      - a program to monitor:
        - groundwater inflows to the open cut mining operations;
        - impacts of the development on the region's aquifers, any groundwater bores, and surrounding watercourses, and in particular, the Hunter River and Wollombi Brook and adjacent alluvium; and
        - impacts of the development on groundwater dependent ecosystems, riparian vegetation and River Red Gum populations; and
      - a plan to respond to any exceedances of the groundwater impact assessment criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
    - a program to periodically update and validate the water balance and groundwater model for the development and compare monitoring results with modelled predictions, unless otherwise agreed by the Planning Secretary.

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

## Groundwater Impacts Report

28. The Applicant must provide an annual report of alluvial and hard rock buffer groundwater levels. This report must:
- be provided to DPE Water and the Department in the Annual Review each year following the reporting period;
  - include interpreted drawdown levels resulting from existing and/or ongoing mining operations of the development; and
  - account for any drawdown loss of alluvial groundwater or river flows to the satisfaction of the Planning Secretary.
- 28A. The Applicant must design and construct Lake James (as described in the documents listed in condition 2(c) of schedule 2) to the satisfaction of the DSC. The final dam design, as submitted to DSC, must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam.

## REHABILITATION AND LANDSCAPE

### Biodiversity Offset Strategy

29. The Applicant must implement the biodiversity offset strategy as described in the Warkworth Mine EIS, summarised in Table 15 below and shown conceptually in Appendix 5, to the satisfaction of the Planning Secretary.

Table 15: Summary of the Biodiversity Offset Strategy

Area	Offset Type	Minimum Size (hectares)
Goulburn River Biodiversity Area	Existing vegetation to be enhanced (Narrow leaved ironbark woodland)	140

Note: This 140 ha of vegetation in the Goulburn River Biodiversity Area is additional to the 1,063 ha of vegetation to be offset on this property for Warkworth Mine. The biodiversity offset strategy may be integrated with the similar strategy for Warkworth Mine.

### Long Term Security of Offset

- 29A. By the end of June 2018, unless the Planning Secretary agrees otherwise, the Applicant must secure the offset area identified in condition 29 under an in perpetuity conservation mechanism to the satisfaction of the Planning Secretary, such as a Conservation Agreement under the National Parks and Wildlife Act 1974, BioBanking Agreement under the Threatened Species Conservation Act 1995, BioBanking Stewardship Agreement or Conservation Agreement under the Biodiversity Conservation Act 2016 or by incorporating the land into the Goulburn River National Park (if agreed by NPWS). This conservation mechanism may be combined with any similar mechanism required for Warkworth Mine.

### Offsets for Warkworth Mine

- 29B. The Applicant must not undertake any mining operations or development within the Southern Biodiversity Area or Northern Biodiversity Area as indicated on the plan in Appendix 10, other than any conservation-related activity under an approved Biodiversity Management Plan under either this consent or similar plan required for Warkworth Mine, or the development and use of water management infrastructure (including existing infrastructure) as described in the Modification Report (Mod 7).

Note: The Southern Biodiversity Area and Northern Biodiversity Area form part of the biodiversity offset strategy for Warkworth Mine.

### River Red Gum Restoration Strategy

30. Within 12 months of the date of this consent, or otherwise agreed by the Planning Secretary, the Applicant must review, revise and provide a timetable for the implementation of the HVO River Red Gum Strategy for the Hunter River and Wollombi Brook river red gum populations (as shown in Appendix 8), in consultation with DPE Water and BCD, and to the satisfaction of the Planning Secretary. This strategy must be prepared by suitably qualified expert/s, and must include:
- the conservation and restoration objectives for the river red gum populations;
  - a description of the short, medium and long term measures that would be implemented to conserve and restore the river red gum populations (including measures to address matters which affect the long term health and sustainability of the river red gums such as surface and ground water supply, and controlling weeds, livestock and feral animals); and

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- (c) detailed assessment and completion criteria for the conservation and restoration of the river red gum populations.

## Hunter Lowland Red Gum Forest

31. The Applicant must protect all stands of the Hunter Lowland Red Gum Forest (also identified as Hunter Floodplain Red Gum Woodland Complex in the EA) endangered ecological community within the site, and adjacent lands under the control of the Applicant, as shown in Appendix 8, to the satisfaction of the Planning Secretary.

## Habitat Management Areas

32. Deleted

## Strategic Study Contribution

33. If, during the development, the Department or the BCD commissions a strategic study into the regional vegetation corridor stretching from the Wollemi National Park to the Barrington Tops National Park, then the Applicant must contribute a reasonable amount, up to \$10,000, towards the completion of this study.

## Biodiversity Management Plan

- 33A. The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:
- (a) be submitted to the Planning Secretary for approval within 3 months of the determination of Modification 5, unless otherwise agreed by the Planning Secretary;
  - (b) be prepared in consultation with the BCD by a suitably qualified and experienced person/s;
  - (c) describe the short, medium, and long term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site and implement the Biodiversity Offset Strategy (see condition 29);
  - (d) describe the measures to be undertaken to avoid the Southern Biodiversity Area or Northern Biodiversity Area located within the site (see condition 29B);
  - (e) incorporate the River Red Gum Strategy (see condition 30);
  - (f) describe the measures to be undertaken to protect the Hunter Lowland Red Gum Forest endangered ecological community (see condition 31);
  - (g) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and include triggers for remedial action, where these performance or completion criteria are not met;
  - (h) include a detailed description of the measures to be implemented on the site and in the biodiversity area/s for:
    - protecting vegetation and fauna habitat outside the approved disturbance area on the site;
    - enhancing the quality of existing vegetation, vegetation connectivity and fauna habitat on the site and in the offset areas;
    - minimising clearing and avoid unnecessary disturbance;
    - maximising the salvage of resources within the approved disturbance area for beneficial reuse;
    - collecting and propagate seed;
    - utilising vegetation for visual screening of the site;
    - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - managing salinity;
    - controlling weeds and feral pests;
    - controlling erosion;
    - managing grazing and agriculture on the site;
    - controlling access; and
    - manage bushfire hazards;
  - (i) be integrated with rehabilitation for the site;
  - (j) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance and completion criteria, and any progressive improvements that could be implemented to improve biodiversity outcomes;
  - (k) monitor and report on the impacts of the development on groundwater dependent ecosystems and riparian vegetation consistent with the Groundwater Monitoring Program, and identify trigger levels for the remediation of any material impacts to these ecosystems;
  - (l) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate against these risks; and
  - (m) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

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

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*Note: Management measures relating to the Biodiversity Offset Strategy may be addressed via equivalent measures required as part of the long term security arrangement under condition 29A.*

## Progressive Rehabilitation

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

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

## Rehabilitation Objectives

35. The Applicant must rehabilitate the site in accordance with the provisions under the Mining Act 1992 and must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition 2 of Schedule 2 (and shown conceptually in the figure in Appendix 6), and comply with the objectives in Table 16.

Table 16: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Fit for the intended post-mining land use/s</li> </ul>
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>Establish self-sustaining native woodland ecosystems characteristic of vegetation communities found in the local area</li> </ul>
Areas proposed for agricultural land	<ul style="list-style-type: none"> <li>Establish/restore grassland areas to support sustainable agricultural activities</li> <li>Achieve the nominated land capability classification</li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>Stable and sustainable for the intended post-mining land use/s</li> <li>Integrated with surrounding natural landforms</li> <li>Incorporate micro-relief and drainage lines that are consistent with surrounding topography, to the greatest extent practicable</li> <li>Maximise surface water drainage to the natural environment (excluding final void catchment)</li> <li>Protect and maintain, to the greatest extent practicable, existing views of the Wollemi National Park and associated escarpments for residences of Maison Dieu</li> </ul>
Final void	<ul style="list-style-type: none"> <li>Designed as long term groundwater sink to maximise ground water flows across backfilled pits to the final void</li> <li>Minimise to the greatest extent practicable:                             <ul style="list-style-type: none"> <li>the size and depth of final voids;</li> <li>the drainage catchment of final voids;</li> <li>any high wall instability risk; and</li> <li>the risk of flood interaction</li> </ul> </li> </ul>
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>Decommissioned and removed, unless the Resources Regulator agrees otherwise</li> </ul>
Rehabilitation materials	<ul style="list-style-type: none"> <li>Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and used as rehabilitation resources, to the greatest extent practicable</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>Water retained on the site is fit for the intended post-mining land use/s</li> <li>Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>
Community	<ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise adverse socio-economic effects associated with mine closure</li> </ul>

*Note: The rehabilitation objectives detailed in Table 16 apply to the entire site; however, they do not require any additional earthmoving works to be undertaken to landforms that have been constructed under previous approvals or prior to the approval of Modification 5.*

## Rehabilitation Management Plan

36. The Applicant must prepare a Rehabilitation Management Plan for the development in accordance with the provisions under the Mining Act 1992, and carry out the development in accordance with this plan. This plan

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must:

- (a) be prepared by suitably qualified expert/s;
- (b) be prepared in consultation with the Department, **DPE Water**, and Council by a suitably qualified and experienced person/s;
- (c) be submitted for approval within 3 months of the determination of Modification 5, unless otherwise approved by the **Planning Secretary**;
- (d) be prepared in accordance with any relevant **Resources Regulator** Guideline;
- (e) describe how the rehabilitation of the site would achieve the objectives identified in Table 16 and be integrated with the measures in the Biodiversity Management Plan;
- (f) include detailed performance and completion criteria for evaluating the performance of progressive and final rehabilitation and include triggers for remedial action, where these performance or completion criteria are not met;
- (g) describe the measures to be implemented to meet the performance and completion criteria, to ensure compliance with the relevant conditions of **this consent** and to address all aspects of rehabilitation including mine closure, final landform (including the final void), final land use/s, and water management in the final landform;
- (g) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise exposed areas;
- (h) include a program to monitor, independently audit and report on the effectiveness of the rehabilitation measures, and progress against the performance and completion criteria;
- (i) identify the potential risks to the successful implementation of rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks; and
- (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

37. *Deleted*

38. *Deleted*

## Conservation and Biodiversity Offset Implementation Bond

39. By the end of March 2013, the **Applicant must** lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

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

- (a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and
- (b) employing a suitably qualified quantity surveyor to verify the calculated costs.

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

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

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

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

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

With the agreement of the **Planning Secretary**, this bond may be combined with rehabilitation security deposit administered by the **Resources Regulator**, and may be combined with bonds in respect of offsets required for **Warkworth Mine**.

## ABORIGINAL HERITAGE

### Aboriginal Heritage Management Plan

40. The **Applicant must** prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the **Planning Secretary**. The Plan must:
- (a) be prepared in consultation with **Heritage NSW** and the Aboriginal community;
  - (b) be submitted to the **Planning Secretary** for approval within 12 months of **this consent** or as otherwise agreed by the **Planning Secretary**; and
  - (c) include:

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- measures to be taken to avoid impacts to Aboriginal cultural heritage values at all stages of **the development**. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community;
- a program for the recording, salvage and surface collection of Aboriginal objects/sites within the site;
- a program for the conservation of the other Aboriginal objects/sites within the site, including measures to secure, analyse and record the objects/sites;
- definition of restricted access zones to protect Sites 26-44, 47-58, 84-100, 102-104 and 107-109 from disturbance;
- measures to ensure potential impacts to Sites 26-44, 47-58 and 107-109 by the proposed rail spur and loop are avoided;
- measures to provide for the controlled collection of Sites 1-24, 59-79, 80-83, 101 and 105-106, where avoidance of impacts by planned mining and infrastructure activities is not possible;
- provision for a long term 'keeping place' and care and control plan for any Aboriginal objects recovered from the site;
- provisions for Aboriginal cultural heritage awareness training for all HVO South employees, and as a component of mine site inductions for contractors working at HVO South;
- a description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during **the development**;
- a protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites; and
- a protocol for the regular review of the Plan's effectiveness.

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

*Notes:*

- The Aboriginal cultural heritage sites and site numbers referenced in this condition are provided in Section 12 and Annex M of the EA.

## TRANSPORT AND UTILITIES

### Monitoring of Coal Transport

41. The Applicant must keep records of the amount of coal transported from the site each year, and include these records in the **Annual Review**.

### Coal Haulage Limits

42. The Applicant must not transport coal from **the development** by public roads, unless otherwise approved by the Planning Secretary.

### Relocation of Comleroi Road

43. The Applicant must:
- (a) prior to construction, consult with all road users and Council about the proposed road works and their timing;
  - (b) develop and implement procedures for road closures and diversions to be undertaken during the construction of the relocated road; and
  - (c) construct the relocated section of the road to the satisfaction of Council.

### Jerrys Plains Road Heavy Equipment Crossing

44. Prior to the relocation of any heavy equipment, to or from **the development**, that would require Jerrys Plains Road to be closed to public traffic, the Applicant must obtain approval for each planned road closure from TfNSW and then undertake each transfer of equipment across Jerrys Plains Road in accordance with any approval obtained from TfNSW for this purpose.

### Coal Conveyor to HVO North

45. The Applicant must design and construct the conveyor to HVO North to the satisfaction of the Resources Regulator and DPE Water. A copy of all final documentation must be provided to the Planning Secretary within 6 months of the completion of its construction.

46. Deleted

# CONSOLIDATED CONSENT

## Hunter Valley Gliding Club Co-operative Limited

47. While HVGC continues to use its facilities within the site, the Applicant must maintain an agreement with HVGC to address the potential impact of the mine on the use and operation of HVGC's facilities, including the potential impacts to the flight paths from dragline operations. This agreement must take into consideration the impacts of the dragline position on:
- useable length of the runway;
  - interference with flight paths; and
  - guidelines of the Civil Aviation Safety Authority.

*Note: This condition shall cease to operate if both parties agree to terminate the agreement and the need for an agreement.*

48. The Applicant must not conduct any activity associated with the development above the obstacle limitation surface (OLS) as shown in Figure 2.3 of the HVO South Coal Project Response to Submissions Report (July 2008) unless agreed with HVGC.
49. The Applicant must develop an Amenity Management Plan for HVGC's facilities within the site. This Plan must:
- (a) be prepared in consultation with HVGC;
  - (b) be submitted to the Planning Secretary for approval 6 months prior to the commencement of mining in the Riverview South East Extension Area, or otherwise agreed by the Planning Secretary;
  - (c) include a risk assessment to identify those circumstances most likely to generate impacts from mining operations on gliding activities and use of the club's residential facilities;
  - (d) include details of any proposed modifications to the HVO South mine plan to mitigate the potential impacts identified in the risk assessment required under paragraph (c);
  - (e) identify and implement management measures for mining activities to ensure that air safety impacts are minimised and the OLS limits in condition 48 are adhered to;
  - (f) identify and implement management measures for mining activities to ensure that air quality and noise emissions meet respective impact assessment criteria, or obtain written agreement from HVGC to exceed these criteria;
  - (g) include a program to monitor and report on the effectiveness of the mine plan modifications required under paragraph (d) and the management measures required under paragraphs (e) and (f); and
  - (h) include notification procedures for prior notification of potentially disruptive activities at either HVO South or the HVGC site and procedures for notifying HVGC of any exceedances of the relevant impact assessment criteria and/or OLS limits at HVO South,
- to the satisfaction of the Planning Secretary.

If the Applicant and HVGC cannot agree on the level or composition of the Amenity Management plan, then either party may refer the matter to the Planning Secretary for resolution.

Should HVGC cease to operate its facilities at the site, the Applicant's obligations under this condition shall cease.

The Amenity Management Plan, must be reviewed in consultation with HVGC and if necessary updated, prior to the commencement of mining in South Lemington Pit 2.

## VISUAL AMENITY

### Lighting Emissions

50. The Applicant must:
- (a) ensure no external lights shine above the horizontal;
  - (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version, and
  - (c) take all practicable measures to mitigate off-site lighting impacts from the development to the satisfaction of the Planning Secretary.

### Visual Impact Mitigation

51. Within 12 months of this consent, or otherwise agreed by the Planning Secretary, the Applicant must prepare a visual impact mitigation report for the development to the satisfaction of the Planning Secretary. This report must:
- (a) be prepared in consultation with Council;
  - (b) identify the privately-owned residences and public roads that are likely to experience significant additional visual impacts from the development during its operation; and
  - (c) describe (in general terms) the mitigation measures that could be implemented to reduce the visibility of the mine from these residences and roads.

# CONSOLIDATED CONSENT

52. Within 3 months of the **Planning Secretary** approving this report, the **Applicant must** advise all owners of residences identified in the report that they are entitled to mitigation measures to reduce the visibility of the mine from their properties and reach agreement with Council about mitigation measures (if any) to be implemented for public roads. If the **Applicant** and Council cannot agree about these measures, the matter **must** be referred by either party to the **Planning Secretary** for resolution.

*Note: The additional visual impact mitigation measures must be aimed at reducing the visibility of the mine from significantly affected residences and do not necessarily require measures to reduce visibility of the mine from other locations on the affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).*

## GREENHOUSE & ENERGY EFFICIENCY

53. The **Applicant must** implement all reasonable and feasible measures to minimise greenhouse gas emissions from the development to the satisfaction of the **Planning Secretary**.

54. *Deleted*

## WASTE

55. The **Applicant must**:
- monitor the amount of waste generated by the development;
  - investigate ways to reuse, recycle or minimise this waste;
  - implement reasonable and feasible measures to minimise this waste;
  - ensure irrigation of treated wastewater is undertaken in accordance with EPA's *Environmental Guideline for the Utilisation of Treated Effluent*; and
  - report on waste management and minimisation in the **Annual Review** to the satisfaction of the **Planning Secretary**.
56. Within 12 months of this consent or otherwise agreed by the **Planning Secretary**, the **Applicant must** install and operate a wastewater treatment system with adequate capacity to treat wastewater loads from the Lemington workshop and facilities, to the satisfaction of EPA.
57. Except as expressly permitted in a licence under the *Protection of the Environment Operations Act 1997* or by the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*, waste must not be:
- received at the development site for storage, treatment, processing or disposal; or
  - disposed of at the development site.

## HAZARDS

### Dangerous Goods

58. On-site manufacturing, storage and handling of all Dangerous Goods and Hazardous Substances must be undertaken in accordance with:
- NOHSC *National Code of Practice for Storage and Handling of Workplace Dangerous Goods* (2001);
  - NSW *Code of Practice for Managing Risks of Hazardous Chemicals in the Workplace* (2019); and
  - the requirements of relevant Australian Standards, particularly *AS1940: The storage and handling of flammable and combustible liquids*.

*Note: Explosives and explosive precursors must be managed in accordance with the requirements of the Resources Regulator.*

- 58A Unless otherwise agreed by the **Planning Secretary**, the storage of dangerous goods and hazardous materials for the Ammonium Nitrate Emulsion Plant, as described in the Modification Report (MOD 6), must not exceed the quantities provided in Table 17 and Table 18 and must not be stored at Location A and Location B concurrently.

Table 17: Location A Dangerous Goods Storage

ANE Tanks	2x 90 Tonne Tanks
AN Transit Bin	96 Tonne Bin
Stack of HDAN UN 1942	1x 100 t Stack
Diesel Tanks (Class 1 Combustible Liquid)	74,000 Litres
Sodium Nitrate (Class 5.1)	5,000 kg

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Gassing Solution (Class 5.1)	10, 000 Litres
Thiourea (Class 9)	5, 000 kilograms
Acetic Acid (Class 8)	5, 000 kilograms
ANSOL (Class 5.1)	80, 000 Litres

*Table 18: Location B Dangerous Goods Storage*

ANE Tanks	2x 70 Tonne Tanks
AN Transit Bin	96 Tonne Bin
Stack of HDAN UN 1942	1x 100 t Stack
Diesel Tanks (Class 1 Combustible Liquid)	74,000 Litres
Sodium Nitrate (Class 5.1)	5,000 kg
Gassing Solution (Class 5.1)	10, 000 Litres
Thiourea (Class 9)	5, 000 kilograms
Acetic Acid (Class 8)	5, 000 kilograms
ANSOL (Class 5.1)	80, 000 Litres

58B The Applicant may transfer ANE manufactured on-site to HVO North but must not transfer ANE to other surrounding mines.

### Fire Control

59. During the development, the Applicant must:
- (a) ensure that it maintains suitable equipment 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 on site.
60. The Applicant must ensure that it maintains a Fire Management Plan for the site, in consultation with Council and the Rural Fire Service.
-

# CONSOLIDATED CONSENT

## SCHEDULE 4 ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT

### NOTIFICATION OF LANDOWNERS

1. Within 1 month of **this consent**, the **Applicant must** notify the landowners of the land listed in Table 1 in writing that they have the right to require the **Applicant** to acquire their land at any stage of **the development** (subject to the note to that Table).
2. If the results of monitoring required in Schedule 3 identify that impacts generated by **the development** are greater than the relevant impact assessment criteria in Schedule 3, except where this is predicted in the documents listed in condition 2 of Schedule 2 or where a negotiated agreement has been entered into in relation to that impact, then the **Applicant must**, within 2 weeks of obtaining the monitoring results, notify the **Planning Secretary**, the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that **the development** is complying with the criteria in Schedule 3.
3. If the results of monitoring required in Schedule 3 identify that impacts generated by **the development** are greater than the relevant air quality impact assessment criteria in Schedule 3, then the **Applicant must** send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 2.

### INDEPENDENT REVIEW

4. If a landowner considers **the development** to be exceeding the impact assessment criteria in Schedule 3, then he/she may ask the **Planning Secretary** in writing for an independent review of the impacts of **the development** on his/her land.

If the **Planning Secretary** is satisfied that an independent review is warranted, the **Applicant must** within 3 months of the **Planning Secretary's** decision:

- (a) consult with the landowner to determine his/her concerns;
  - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the **Planning Secretary**, to conduct monitoring on the land, to:
    - determine whether **the development** is complying with the relevant impact assessment criteria in Schedule 3; and
    - identify the source(s) and scale of any impact on the land, and **the development's** contribution to this impact; and
  - (c) give the **Planning Secretary** and landowner a copy of the independent review.
5. If the independent review determines that **the development** is complying with the relevant impact assessment criteria in Schedule 3, then the **Applicant** may discontinue the independent review with the approval of the **Planning Secretary**.

If the independent review determines that **the development** is not complying with the relevant impact assessment criteria in Schedule 3, and that **the development** is primarily responsible for this non-compliance, then the **Applicant must**:

- (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that **the development** complies with the relevant criteria, and conduct further monitoring to determine whether these measures ensure compliance; or
- (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the **Planning Secretary**.

However, if the further monitoring referred to under paragraph (a) above determines that **the development** is complying with the relevant impact assessment criteria, then the **Applicant** may discontinue the independent review with the approval of the **Planning Secretary**.

If the independent review determines that **the development** is not complying with the relevant land acquisition criteria in Schedule 3, and that **the development** is primarily responsible for this non-compliance, then the **Applicant must** offer to acquire all or part of the landowner's land in accordance with the procedures in conditions 7-9 below, to the satisfaction of the **Planning Secretary**.

6. If the independent review determines that the relevant impact assessment criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the **Applicant** shall, together with the relevant mine/s:
  - (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant impact assessment criteria are complied with, and conduct further monitoring to determine whether these measures ensure compliance; or

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- (b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant impact assessment criteria in Schedule 3, to the satisfaction of the **Planning Secretary**.

If the further monitoring referred to under paragraph (a) above determines that **the development** is complying with the relevant impact assessment criteria in Schedule 3, then the **Applicant** may discontinue the independent review with the approval of the **Planning Secretary**.

If the independent review determines that the relevant land acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the **Applicant** shall acquire all or part of the landowner's land on as equitable basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-9 below, to the satisfaction of the **Planning Secretary**.

## LAND ACQUISITION

7. Within 3 months of receiving a written request from a landowner with acquisition rights, the **Applicant** shall make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by **the development** the subject of **the development** application, having regard to the:
- existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
  - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of 'additional noise mitigation measures' in condition 4 of schedule 3, 'additional air quality impact mitigation measures' in condition 21 of schedule 3, or 'additional visual impact mitigation measures' in condition 52 of schedule 3;
- (b) the reasonable costs associated with:
- relocating within the Singleton or Muswellbrook local government areas, or to any other local government area determined by the **Planning Secretary**;
  - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if following this period, the **Applicant** and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the **Planning Secretary** for resolution.

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

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

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

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the **Planning Secretary** for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the **Planning Secretary** shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. Within 14 days of this determination, the **Applicant must** make a binding written offer to the landowner to purchase the land at a price not less than the **Planning Secretary's** determination.

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

8. The **Applicant must** pay all reasonable costs associated with the land acquisition process described in condition 7 above.
9. If the **Applicant** and landowner agree that only part of the land **must** be acquired, then the **Applicant must** also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

# CONSOLIDATED CONSENT

## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
  - (a) be submitted to the Planning Secretary for approval within 6 months of this consent or otherwise agreed by the Planning Secretary;
  - (b) provide for the strategic context for the environmental management of the development;
  - (c) identify the statutory requirements that apply to the development;
  - (d) 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;
    - manage cumulative impacts; and
    - respond to emergencies;
  - (e) include:
    - references to any strategies, plans and programs approved under this consent; and
    - a description of and clear plan depicting all environmental monitoring to be carried out under this consent;
  - (f) describe how the various incident and approval reporting requirements of the development would be integrated into a single reporting system; and
  - (g) describe the role, responsibility, authority and accountability of all the key personnel involved in the environmental management of the development.

#### Management Plan Requirements

- 1A. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
  - (a) a summary of relevant background or 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; and
    - 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; and
    - effectiveness of any management measures (see paragraph (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;
  - (h) a protocol for periodic review of the plan; and
  - (i) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of the person/s who prepared and reviewed the management plan, a description of any revisions made and the date of the Planning Secretary's approval.

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

#### Combining Strategies, Plans or Programs

- 1B. With the agreement of the Planning Secretary, the Applicant may combine any strategy, plan, program or Annual Review required by this consent with any similar strategy, plan, program or Annual Review required for HVO North and Warkworth/Mt Thorley mines or any other adjoining operation in common ownership or under common management.

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## Updating & Staging Strategies, Plans or Programs

- 1C. To ensure that strategies, plans or programs required under this consent and which have been approved by the Planning Secretary are updated on a regular basis, and that they incorporate any appropriate additional measures or amendments to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Planning Secretary. With the agreement of the Planning Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

The Planning Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Planning Secretary, the Applicant may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent, including waiving the requirements in condition 15 of Schedule 2.

While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development 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/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

## Application of Existing Strategies, Plans or Programs

- 1D. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 5, until the approval of a similar plan, strategy or program following the approval of Modification 5.

## REPORTING

### Incident Notification

2. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

### Non-Compliance Notification

3. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

### Annual Review

4. By the end of March each year, the Applicant must review the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:
- describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;
  - include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:
    - the relevant statutory requirements, limits or performance measures/criteria;
    - the requirements of any plan or program required under this consent;
    - the monitoring results of previous years; and
    - the relevant predictions in the documents listed in condition 2 of Schedule 2;
  - identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - identify any trends in the monitoring data over the life of the development;
  - identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies;
  - describe what measures will be implemented over the next year to improve the environmental performance of the development; and
  - evaluate and report on the effectiveness of environmental management of the development.

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## Revision of Strategies, Plans and Programs

- 4A. Within 3 months of the submission of an:
- incident report under condition 2 above;
  - annual review under condition 4 above;
  - audit under condition 5 below; or
  - any modification to the conditions of this consent,
- the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Planning Secretary.

Within 6 weeks of conducting any such review, the Applicant must advise the Planning Secretary of the outcomes of the review, and provide any documents that have been revised to the Planning Secretary for review and approval.

*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.*

## INDEPENDENT ENVIRONMENTAL AUDIT

5. By 31 March 2010, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Planning Secretary;
  - include consultation with the relevant agencies;
  - assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant mining lease and EPL (including any strategy, plan or program required under these approvals);
  - review the adequacy of strategies, plans and/or programs required under these approvals;
  - recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals; and
  - be conducted and reported to the satisfaction of the Planning Secretary.

*Note: This audit team should be led by a suitably qualified auditor, and include experts in the field of noise and air quality, surface water and groundwater and mine rehabilitation.*

6. Within 12 weeks of commencing each audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The Applicant must implement these recommendations.
7. Deleted

## COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Planning Secretary in general accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2016)*, 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 comprise an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the general community in the area of the development.
- With the approval of the Planning Secretary, this CCC may be combined with the CCC for HVO North.

## ACCESS TO INFORMATION

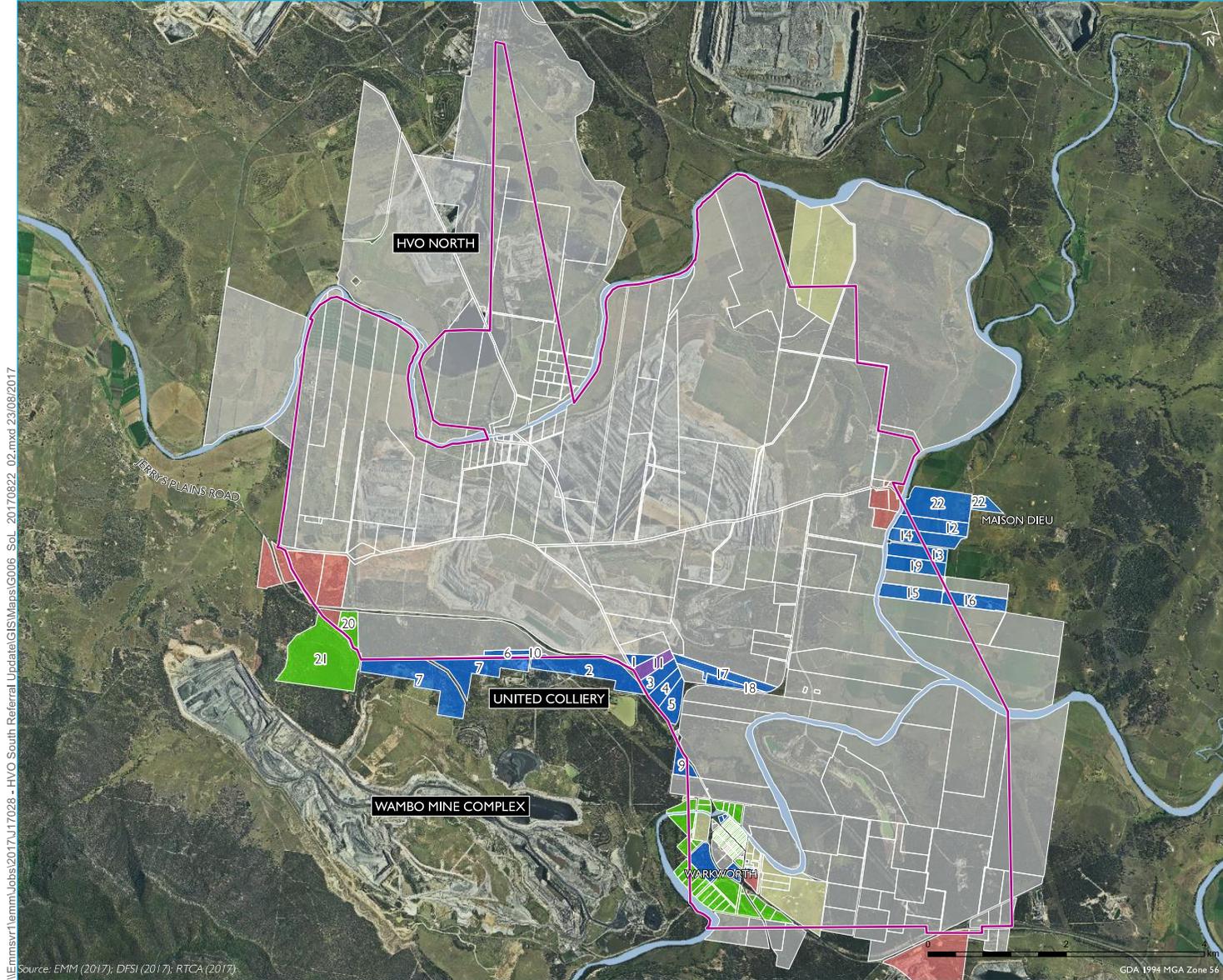
9. The Applicant must, for the life of the development:
- make the following information publicly available on its website:
    - the documents listed in condition 2 of Schedule 2;
    - current statutory approvals for the development;
    - approved strategies, plans or programs required under the conditions 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 summary of the current stage and progress of the development;
    - contact details to enquire about the development or to make a complaint;

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- a complaints register, which is to be updated on a monthly basis;
  - minutes of CCC meetings;
  - the last five annual reviews;
  - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
  - any other matter required by the Planning Secretary; and
- (b) keep this information up to date, to the satisfaction of the Planning Secretary.
- 

FOR INFORMATION

# APPENDIX 1 SCHEDULE OF LAND



- KEY**
- HVO South state approval boundary
  - Land ownership
    - CNA owned or managed land
    - Crown
    - CFMEU
    - Glencore
    - Wambo
    - Others

Note: see Schedule of Lands table for detailed ownership information

Schedule of lands  
HVO South  
EPBC 2016/7641  
Figure 1



Figure 1: Land subject to this development consent

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Source: EMM (2017); DFSI (2017); RTCA (2017)

GDA 1994 MGA Zone 56

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	1		48394	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		48591	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		48592	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	1		48646	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		90727	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	1		105943	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		114966	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	1		123374	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth Village
	1		129808	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	1		182139	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		191982	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	1		195523	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	1		249327	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North East
	1		251877	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		592598	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth South of Wollombi Brook
	1		619309	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		633717	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	1		657394	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		719879	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		723248	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		723249	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		729048	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	1		729984	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		729985	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North East
	1		737796	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
	1		737880	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	1		741544	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1	5	759053	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth Village
	1		783484	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		797721	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		821123	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		821127	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	1		822177	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		823767	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	1		857021	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		876447	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1		947886	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	1		963714	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		997228	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth South of Wollombi Brook
	1		998117	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	1		1041635	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth North East
	1		1103396	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	2		300150	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	2		306421	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	2		48646	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth North East
	2		619309	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	2		633717	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	2		710088	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	2		719879	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	2		723248	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth North East
	2		737880	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	2		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	2		783484	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	2		808301	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
	2		876447	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth North East
	2		998117	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	3		48646	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth North East
	3		113342	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	3		635392	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	3		783484	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	4		113342	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth South of Wollombi Brook
	4		783484	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	5		720643	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	5		783484	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	5		1085145	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	10		740183	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
	11		586639	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East

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	11		843432	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	12		247239	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	12		586639	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	13		247239	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	14		247239	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	14		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	15		247239	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	16		247239	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	20		1085391	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
	31		610878	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth Village
	32		610878	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth Village
	43		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth South of Wollombi Brook
	91		733895	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	102		588247	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	108		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	112		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth South of Wollombi Brook
	115		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North East
	118		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	119		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	121		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth South of Wollombi Brook
	122		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	122		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook

<i>Map No</i>	<i>Lot</i>	<i>Section</i>	<i>DP</i>	<i>Property Owner</i>	<i>Wholly or Partly Affected by The Applicant Surface Mining Lease</i>	<i>Wholly or Partly Affected by The Applicant Sub Surface Mining Lease</i>	<i>Location</i>
	128		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	135		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	140		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	141		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	142		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	143		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	145		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	146		970755	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth South of Wollombi Brook
	151		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	152		704486	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	153		704486	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth North East
	155		705446	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North East
	164		729960	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	165		729961	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	166		729962	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	167		729963	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North East
	170		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	179		823775	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	182		823775	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	194		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth South of Wollombi Brook
	195		755267	COAL & ALLIED OPERATIONS PTY LIMITED	Y	N	Warkworth South of Wollombi Brook
	204		821040	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth Village

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	300		597726	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	745		597317	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	N	Warkworth North West
	854		1000822	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Village
	1001		785197	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1002		785197	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1420		586339	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	1421		586339	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North East
	A		386100	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	B		386100	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth Near Comleroi Road
	1		111381	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	1		532623	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	1		659810	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	1		901179	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	1		1102213	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	2		111381	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	2		114966	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	3		111381	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	12		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	13		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	14		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	15		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	16		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West

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	17		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	18		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	19		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	20		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	21		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	21		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	22		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	22		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	23		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	24		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	25		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	26		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	27		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	28		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	29		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	30		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	31		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	89		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	98		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	117		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	118		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	119		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington

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	120		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	120		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Warkworth North West
	121		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	121		753792	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	122		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	123		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	124		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	125		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	126		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	127		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	164		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Lemington
	171		752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
	1		129811	WARKWORTH MINING LIMITED	Y	Y	Warkworth South of Wollombi Brook
	1		246201	WARKWORTH MINING LIMITED	Y	Y	Warkworth Village
	2		129811	WARKWORTH MINING LIMITED	Y	Y	Warkworth South of Wollombi Brook
	3		129811	WARKWORTH MINING LIMITED	Y	Y	Warkworth South of Wollombi Brook
7001			93632	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	1		90052	COMMONWEALTH OF AUSTRALIA	N	Y	Warkworth Village
	1	25	759053	WANARUAH LOCAL ABORIGINAL LAND COUNCIL	N	Y	Warkworth Village
	2	5	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	2	25	759053	WANARUAH LOCAL ABORIGINAL LAND COUNCIL	N	Y	Warkworth Village
	3	4	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	3	5	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	4	4	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	5	4	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	6	4	759053	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village

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	130		753792	THE STATE OF NEW SOUTH WALES	Y	Y	Warkworth North East
	175		823775	THE STATE OF NEW SOUTH WALES	N	N	Warkworth North West
			Crown License 175936	COAL & ALLIED OPERATIONS PTY LIMITED	N	N	Warkworth North West
			Crown License 341401	COAL & ALLIED OPERATIONS PTY LIMITED	N	Y	Warkworth North East
	1		710088	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth North East
	154		704486	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth North East
	170		823775	THE STATE OF NEW SOUTH WALES	N	N	Warkworth North West
	172		823775	THE STATE OF NEW SOUTH WALES	N	N	Warkworth North West
	173		823775	The State of NSW	N	N	Warkworth North West
	21		1109631	BRIAN EDWARD KENNEDY, JOHN GRIFFITHS	N	Y	Warkworth Village
11	5		247239	CONSTRUCTION, FORESTRY, MINING & ENERGY UNION	Y	Y	Warkworth Near Comleroi Road
	6		770904	EDWARD JOHN BURLEY & CAROL LESLEY ANNE BURLEY	N	Y	Warkworth Village
12	3		3005	ELIZABETH STUART BOWMAN	N	Y	Maison Dieu
14	4		3005	ELIZABETH STUART BOWMAN	N	Y	Maison Dieu
13	5		3005	ELIZABETH STUART BOWMAN	N	Y	Maison Dieu
	1		113343	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	1	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	1		794506	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2		794506	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	3	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	3		794506	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	4	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	4	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	5	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	5	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	6	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	6	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	7	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	7	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	8	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	8	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	9	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village

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	10	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	11	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	12	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	13	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	14	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	15	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	16	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	17	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	18	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	19	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	20	3	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
18	10		247239	HUNTER VALLEY GLIDING CLUB CO-OPERATIVE LIMITED	Y	Y	Warkworth Near Comleroi Road
17	92		733895	HUNTER VALLEY GLIDING CLUB CO-OPERATIVE LIMITED	Y	Y	Warkworth Near Comleroi Road
	5		251617	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD & GREGORY JOHN ERNST	N	Y	Maison Dieu
7	2		617852	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth North West
6	2		835812	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	Y	N	Warkworth North West
8	3		835812	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	Y	N	Warkworth North West
1	4		635392	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth Near Comleroi Road
10	4		835812	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	Y	N	Warkworth North West
3	6		247239	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth Near Comleroi Road
4	7		247239	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth Near Comleroi Road
5	8		247239	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth Near Comleroi Road
2	9		835812	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	N	N	Warkworth North West
9	134		566275	ANTHONY JOHN MAHER, ANDREW WILLIAM VICKERS	Y	Y	Warkworth Near Comleroi Road
	147		753792	JOHNSON WOODS & CO PTY LIMITED	N	N	Warkworth Near Comleroi Road
15	8		3005	GREGORY JOHN ERNST	N	Y	Maison Dieu
16	9		3005	GREGORY JOHN ERNST	N	Y	Maison Dieu
	50		848334	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	9	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	10	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	11	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	12	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	13	2	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	75		753792	M F Holdings	N	N	Warkworth North West
	1		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	1		770905	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	1		1043120	GLENCORE COAL (NSW) PTY LIMITED	Y	Y	Warkworth Village
	2		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	3		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	4		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	5		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	7		770904	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	40		755267	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	41		755267	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	186		755267	GLENCORE COAL (NSW) PTY LIMITED	N	Y	Warkworth Village
	1		70857	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Maison Dieu
19	6		3005	RUSSELL JOHN WENHAM, JANELLE SUSAN WENHAM	N	Y	Maison Dieu
	1		66331	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Maison Dieu
	7		3005	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Maison Dieu
	10		3005	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Maison Dieu
	1	6	759053	SINGLETON SHIRE COUNCIL	N	Y	Warkworth Village
	2	6	759053	SINGLETON SHIRE COUNCIL	N	Y	Warkworth Village
	2		90052	TELSTRA CORPORATION LIMITED	N	Y	Warkworth Village
	12		843432	TELSTRA CORPORATION LIMITED	N	Y	Warkworth Near Comleroi Road
	1		738657	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	1		1090601	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2		583524	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2		738657	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
21	3		1085145	WAMBO COAL PTY LIMITED	Y	Y	Warkworth North West
20	4		1085145	WAMBO COAL PTY LIMITED	N	N	Warkworth North West
	1		1088908	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	2		1088908	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	86		755267	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	88		755267	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	171		755267	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	174		755267	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	1	17	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	2		113343	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	2	17	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	3		113343	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	4		113343	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	5		113343	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	1	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	2	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	7	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	8	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	9	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	10	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	11	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	12	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	13	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	14	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	15	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	16	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	17	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	18	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	19	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	20	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	21	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	22	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	23	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	24	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	25	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	26	4	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	199		755267	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	1	16	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	1	21	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village

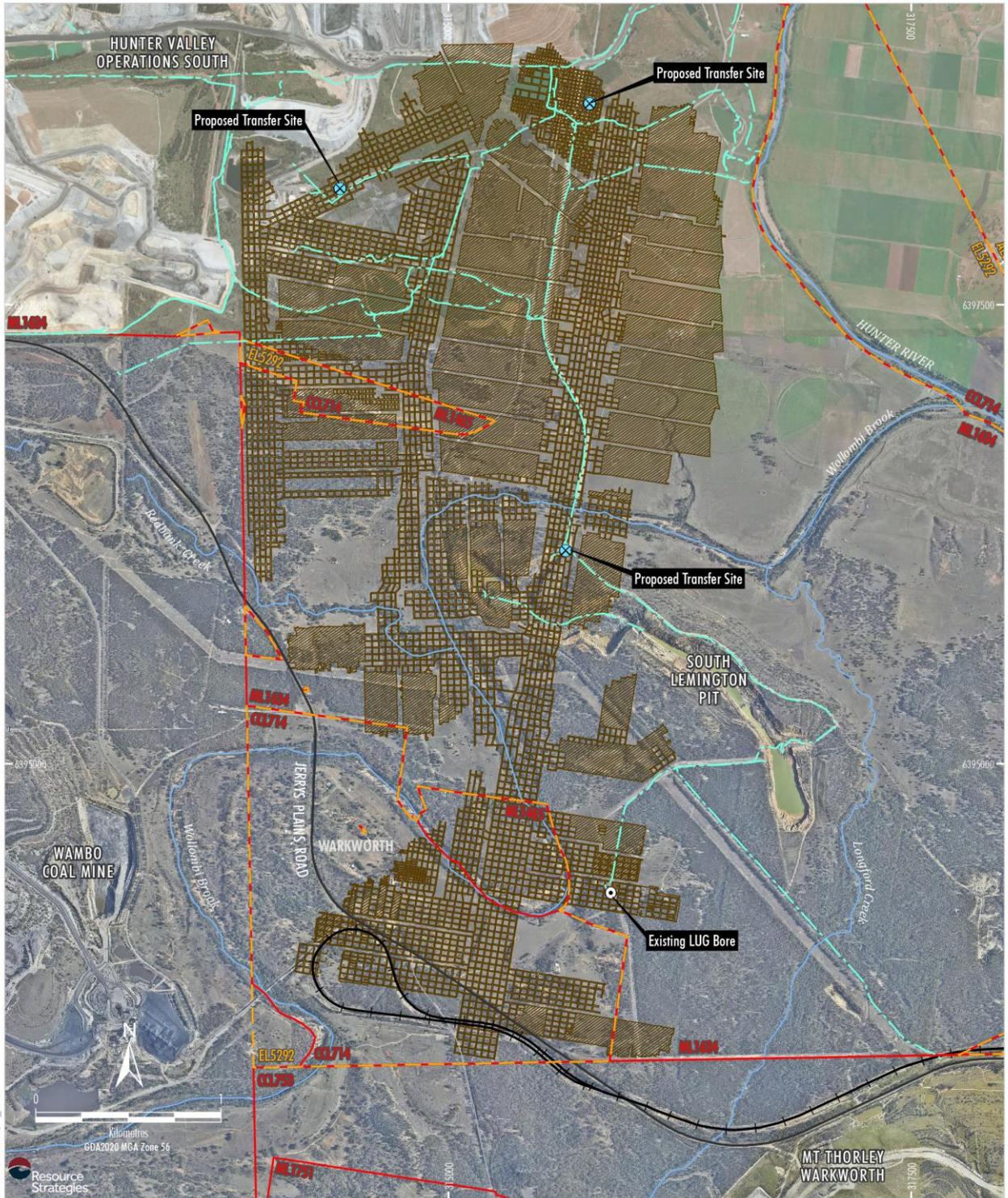
Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	2	16	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2	21	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	3	16	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	3	21	759053	WAMBO MINING CORPORATION PTY. LIMITED	N	Y	Warkworth Village
	4	21	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	5	21	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	10		113343	WAMBO MINING CORPORATION PTY LIMITED	N	Y	Warkworth Village
	202		257063	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	1	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	3	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	4	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	5	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	6	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	7	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	8	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	9	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	10	1	759053	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	86		753792	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	87		753792	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	88		753792	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	89		753792	WAMBO COAL PTY LIMITED	N	Y	Warkworth Village
	2		113342	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	114		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	123		755267	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	N	Y	Warkworth South of Wollombi Brook
	33		610878	WILLIAM JOSEPH KELLY, MARIE JOYCE KELLY, LAWRENCE KELLY	N	Y	Warkworth Village
	1		782299	XSTRATA COAL PTY LIMITED	N	Y	Warkworth Village
			Crown Encl Permit 51250	COAL & ALLIED OPERATIONS PTY LIMITED	Y	Y	Warkworth South of Wollombi Brook
	174		823775	SINGLETON SHIRE COUNCIL (ROAD)	N	N	Warkworth North West
	176		823775	SINGLETON COUNCIL (ROAD)	N	N	Warkworth North West
	193		755267	SINGLETON SHIRE COUNCIL (ROAD)	N	Y	Warkworth Village

Map No	Lot	Section	DP	Property Owner	Wholly or Partly Affected by The Applicant Surface Mining Lease	Wholly or Partly Affected by The Applicant Sub Surface Mining Lease	Location
	180		823775	SINGLETON SHIRE COUNCIL (ROAD)	Y	N	Warkworth North West
	84		1124139	WARKWORTH MINING LIMITED	Y	Y	Warkworth Village
	1		633717	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
22	1		1217808	WYOMING HOLSTEINS PTY LIMITED	N	Y	Maison Dieu
	33		1125285	AZSA PASTORAL HOLDINGS PTY LIMITED	N	Y	Warkworth North East
	34		1125285	AZSA PASTORAL HOLDINGS PTY LIMITED	N	Y	Warkworth North East
	1		1126528	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	73		1137954	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	N	Warkworth North West
	1000		1153575	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Y	Y	Lemington
			Title Residue in Bk 3601 N815, Bk 3746 N 81	CSR LIMITED AND ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC.	Y	N	Warkworth Village
	1		1171764	JAMES NEAL	N	Y	Warkworth Village
	1		1156393	SINGLETON COUNCIL	N	Y	Warkworth Village
	2011		1137289	THE STATE OF NEW SOUTH WALES	N	Y	Warkworth Village
	2		1171764	TRUSTEES OF CHURCH PROPERTY FOR THE DIOCESE OF NEWCASTLE	N	Y	Warkworth Village
	2		1153480	WAMBO COAL TERMINAL PTY LTD	N	Y	Warkworth Village
	350		1135536	WARKWORTH MINING LIMITED	N	Y	Warkworth Village
	360		1135647	WARKWORTH MINING LIMITED	N	Y	Warkworth Village
	3		1171764	WILLIAM SINGLETON	N	Y	Warkworth Village
CROWN LAND (RIVER BANK)							
VARIOUS CROWN AND COUNCIL ROADS							
WOLLOMBI BROOK							
HUNTER RIVER							

## APPENDIX 2 PROJECT LAYOUT



Figure 1: General Project Layout



- LEGEND**
- Exploration Licence Boundary (EL, AL)
  - Mining and Coal Lease Boundary (CCL, CL, ML)
  - Existing Lemington Underground Mine Workings
  - Existing Pipeline
  - Existing LUG Bore
  - X Indicative Location of Proposed Transfer Site

Source: HVO(2021); NSW Spatial Services (2021)  
 Aerial Imagery: MTW (2020); NSW Spatial Services (2020)



**LEMINGTON UNDERGROUND MINE  
 WATER STORAGE PROJECT**

**Project General Arrangement**

**Figure 1A: General Project Layout – Lemington Underground Mine Workings**

**APPENDIX 3**  
*(Deleted)*

FOR INFORMATION

## APPENDIX 4 LAND/ RECEIVER LOCATIONS

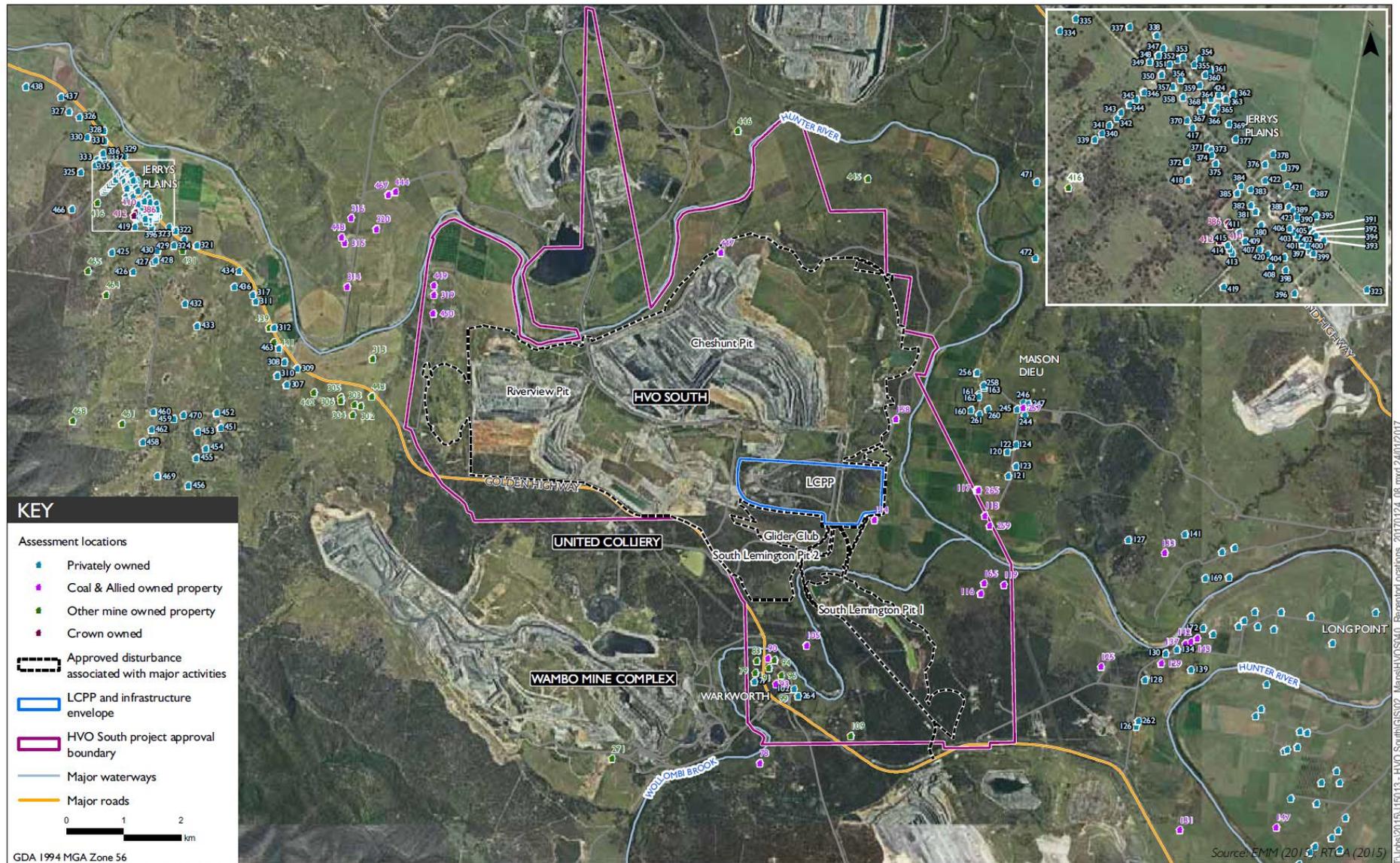


Figure 1: Land/ Receiver Locations

LAND/ RECEIVER KEY (only landowners specifically referenced in this consent)

Original EA		Updated Land Numbers and Receiver References in EA (Mod 5)								
No.	Name	No.	Name	Location	Mine-owned	Acq. rights in Table 1	Noise identifier in Table 2	Noise Mit. rights in Table 4	Easting	Northing
3	Elisnore	311	Gee	Jerrys Plains			Jerrys Plains Road	Y	305739	6400603
4	Muller	307	Muller	Jerrys Plains			Jerrys Plains Road	Y	305926	6400011
5	Bowman	160	Bowman	Maison Dieu			5 - Bowman	Y	318010	6399448
7	Stapleton (Cheshunt)	-	-	Isolated Location - North East	Y		-		-	-
8	Holz (Oaklands)	-	-	Isolated Location - North	Y		-		-	-
10	Moses (Wandewoi)	-	-	Isolated Location - North West	Y		-		-	-
13	Jerrys Plains Centre	379	Moore	Jerrys Plains			Jerrys Plains village		303466	6402611
16	Algie	-	-	Maison Dieu	Y	Y but no longer applicable	-		-	-
17	Algie	-	-	Maison Dieu	Y		-	Y but no longer applicable	-	-
19	Birrilee Feeds Pty Ltd	-	-	Jerrys Plains	Y		-		-	-
23	Hawkes (Springwood)	-	-	Warkworth	Y		-		-	-
24	Clifton and Edwards	124	Edwards/ Howard/ Clifton	Maison Dieu			24 - Clifton	Y	320764	6393699
31	Cooper (Kilburnie)	308	Cooper	Jerrys Plains			Jerrys Plains Road	Y	306139	6399895
32	Algie (Curlewis)	-	-	Maison Dieu	Y	Y but no longer applicable	-		-	-
33	Edward and Haynes	-	-	Warkworth	Y		-		-	-
34	Ernst	121	Ernst	Maison Dieu			34 - Ernst	Y	318608	6398554
36	Garland and Smith (ex Garland)	309	Elbourn	Jerrys Plains			36 - Smith (ex Garland)	Y	305791	6399780
38	Henderson	-	-	Warkworth	Y	Y but no longer applicable	-		-	-
43	Kannar	-	-	Warkworth	Y		-		-	-
45	Kelly	77	Kelly	Warkworth		Y	45 - Kelly		314103	6394482
47	Moxey	256	Moxey	Maison Dieu			47 - Moxey	Y	318104	6399611
50	Nelson	123	Nelson	Maison Dieu			50 - Nelson	Y	318655	6398582
56	Edwards	122	Edwards/ Howard/ Clifton	Maison Dieu			Within 250 metre of 24	Y	318658	6398205
61	Shearer	161	Wyoming Holsteins Pty Limited	Maison Dieu			61 - Shearer	Y	318011	6399407

-	-	162	Wyoming Holsteins Pty Limited	Maison Dieu			Other land on Shearers Lane		318114	6399572
-	-	163	Wyoming Holsteins Pty Limited	Maison Dieu			Other land on Shearers Lane		321959	6396271
-	-	258	Wyoming Holsteins Pty Limited	Maison Dieu			Other land on Shearers Lane		318180	6399198
-	-	260	Wyoming Holsteins Pty Limited	Maison Dieu			Other land on Shearers Lane		318030	6399106
-	-	261	Wyoming Holsteins Pty Limited	Maison Dieu			Shearers Lane		320794	6393794
-	-	310	Northcote	Jerrys Plains			Jerrys Plains Road	Y	305416	6401053
-	-	312	Carmody	Jerrys Plains			Jerrys Plains Road	Y	305370	6401180
-	-	317	Gee	Jerrys Plains			Jerrys Plains Road	Y	305404	6400864
-	-	463	Carter	Jerrys Plains			Jerrys Plains Road	Y	304734	6399132
-	-	471	Bowman	Camberwell			Other		319025	6403131
-	-	120	Edwards/ Howard/ Clifton	Maison Dieu			Within 250 metre of 24/124	Y	318504	6398457
-	-	244	Mills	Maison Dieu			Within 1 km of Shearers Lane	Y	318679	6399194
-	-	245	Maskey	Maison Dieu			Within 1 km of Shearers Lane	Y	318795	6399314
-	-	246	Burley	Maison Dieu			Within 1 km of Shearers Lane	Y	318879	6399292
-	-	247	Zanardi	Maison Dieu			Within 1 km of Shearers Lane	Y	317979	6399821
-	-	127	Riley	Maison Dieu			127 - Riley		320916	6394511
-	-	321	Hayes	Jerrys Plains			321 - Hayes		304021	6402284
-	-	434	Murphy	Jerrys Plains			434 - Murphy		305191	6401488
-	-	436	Skinner	Jerrys Plains			436 - Skinner		302021	6404598

## APPENDIX 4A NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in Table 2 are to apply under all meteorological conditions except the following:
  - (a) where 3°C/100 metres (m) lapse rates have been assessed, then:
    - wind speeds greater than 3 metres/second (m/s) measured at 10 m above ground level;
    - temperature inversion conditions between 1.5°C and 3°C/100 m and wind speeds greater than 2 m/s measured at 10 m above ground level; or
    - temperature inversion conditions greater than 3°C/100 m.
  - (b) where Pasquill Stability Classes have been assessed, then:
    - wind speeds greater than 3 m/s at 10 m above ground level;
    - stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
    - stability category G temperature inversion conditions.

### 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 required under condition 24 of schedule 3.

### Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of **this consent**.  
*Note: The Planning Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the development.*
4. Unless otherwise agreed by the **Planning Secretary**, this monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy (2000, or its latest version)* 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;
  - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration; and
  - (e) the use of an appropriate modifying factor for low frequency noise to be applied during compliance testing at any individual residence if low frequency noise is present (in accordance with the *NSW Noise Policy for Industry (2017, or its latest version) Fact Sheet C*) and before comparison with the specified noise levels in **this consent**.

APPENDIX 5  
BIODIVERSITY OFFSET STRATEGY

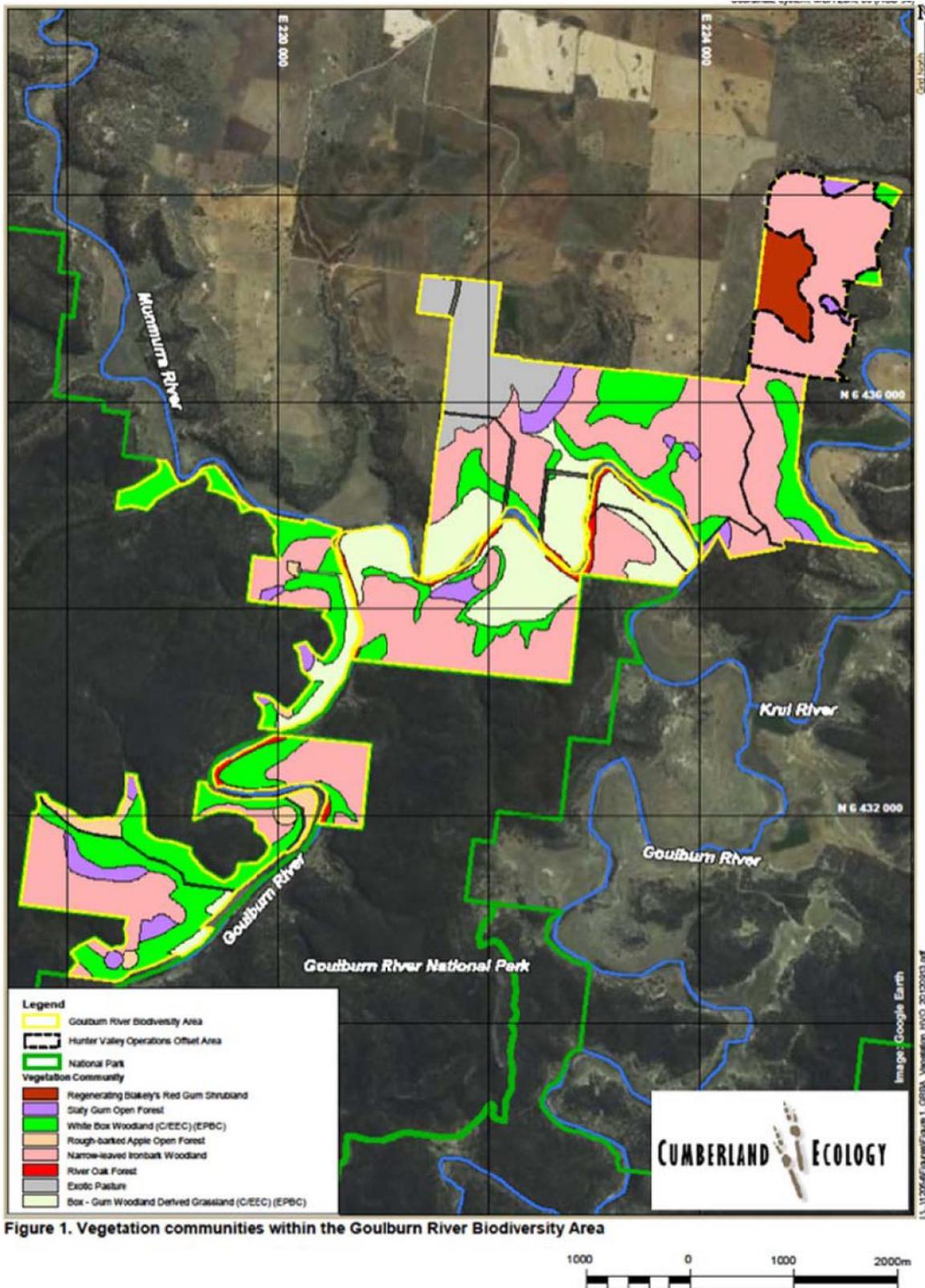
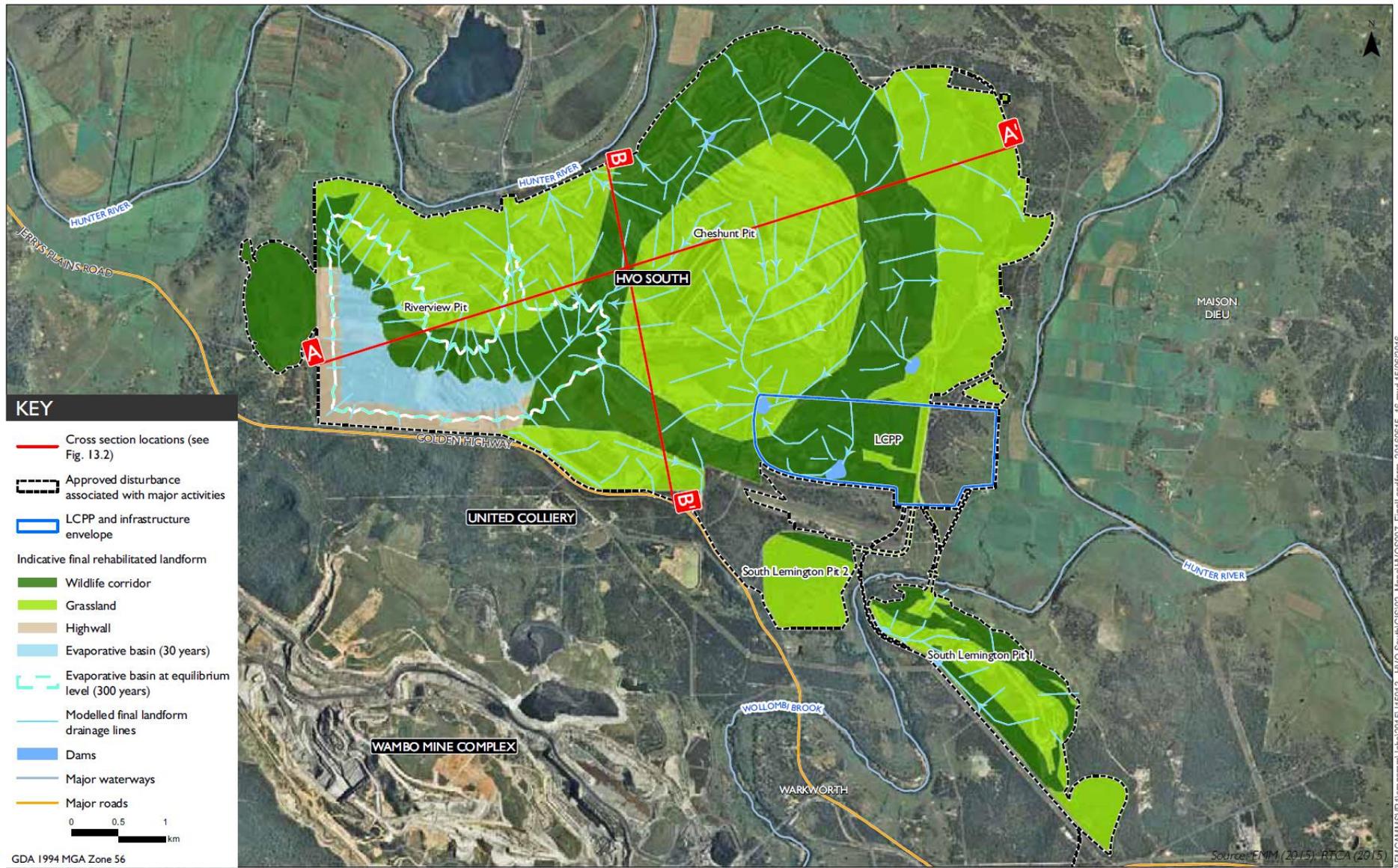


Figure 1. Vegetation communities within the Goulburn River Biodiversity Area

Note: This plan shows the entire Goulburn River Biodiversity Area, 140 hectares of which constitutes the offset area for the HVO South Project (see black dash outlined area), and 1,063 hectares of which constitutes the offset area for the Warkworth Mine

## APPENDIX 6 CONCEPTUAL REHABILITATION PLAN



**Figure 1: Final Rehabilitated Landform**

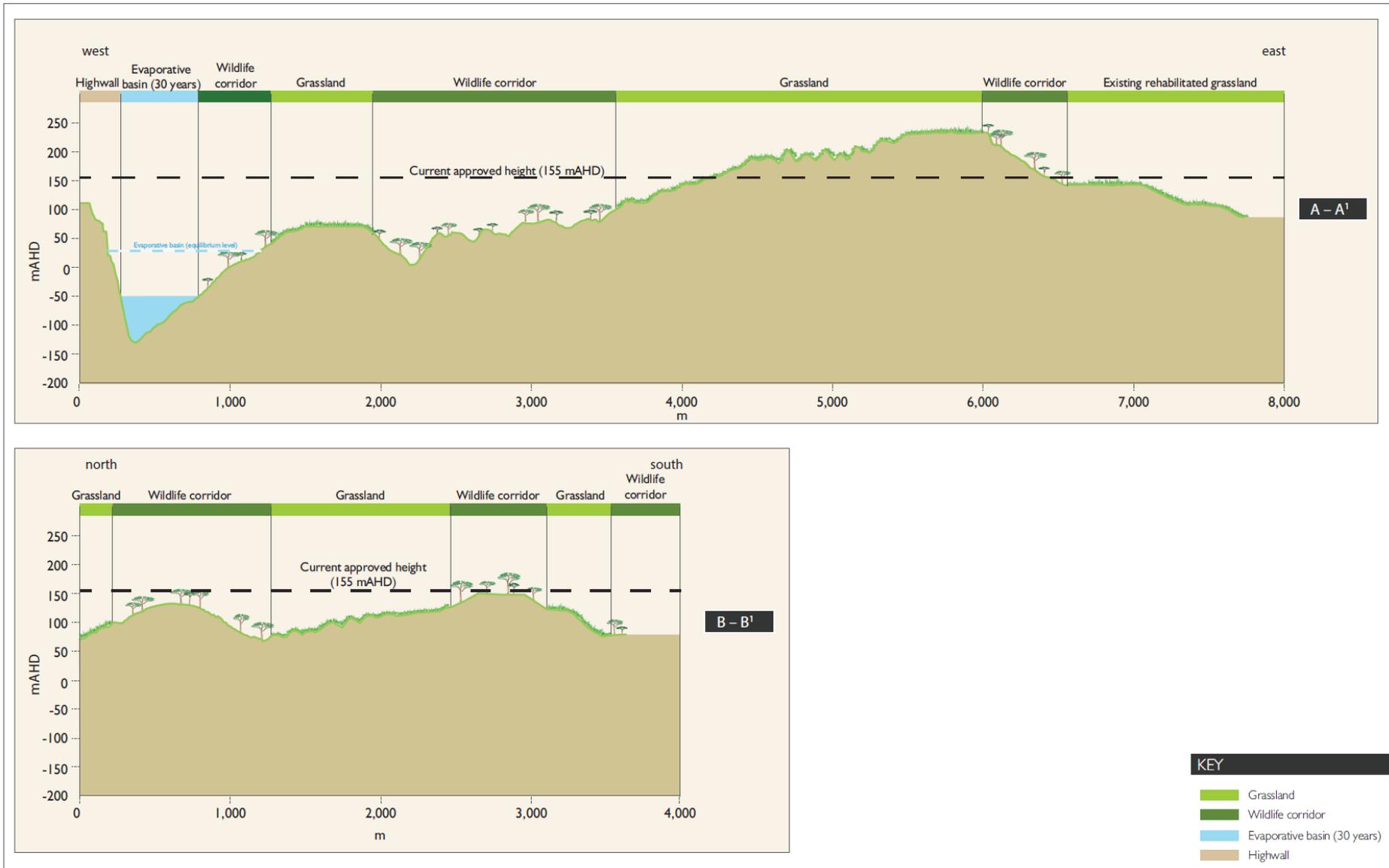
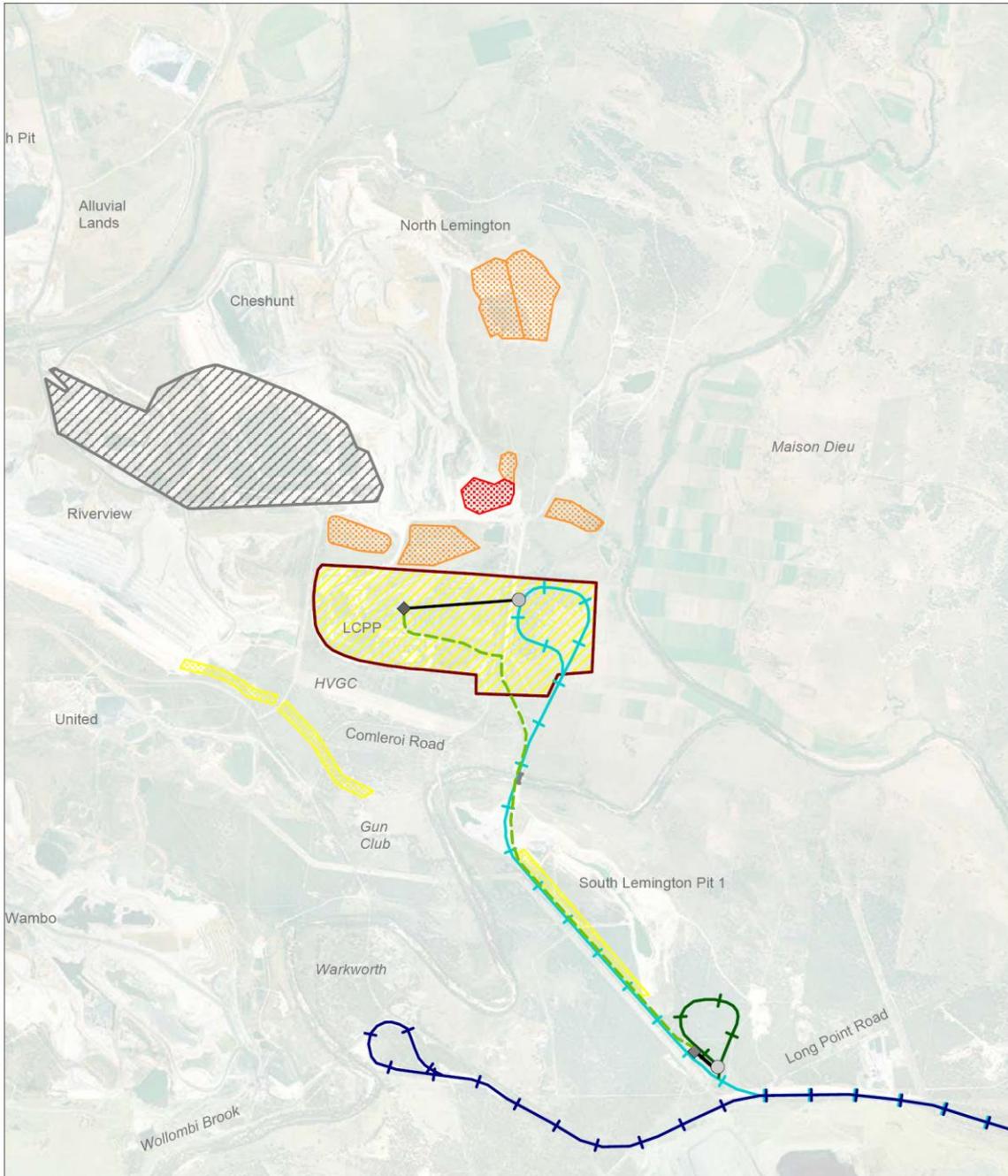


Figure 2: Indicative Final Rehabilitated Landform Cross-Sections

## APPENDIX 7 TRANSPORT OPTIONS



**Legend**

- Lemington Coal Preparation Plant and Associated Infrastructure
- Final Void
- Loading Terminal
- Coal Stockpile
- Proposed Trucking & Conveyor Route
- Proposed Short Loop
- Coal Conveyor
- Proposed Rail Line
- Wambo Rail Loop and Spur
- Existing Bridge
- Existing Tailings Facility
- Proposed Tailings Facility
- Rehabilitated Tailings Facility

**Figure 5.7**

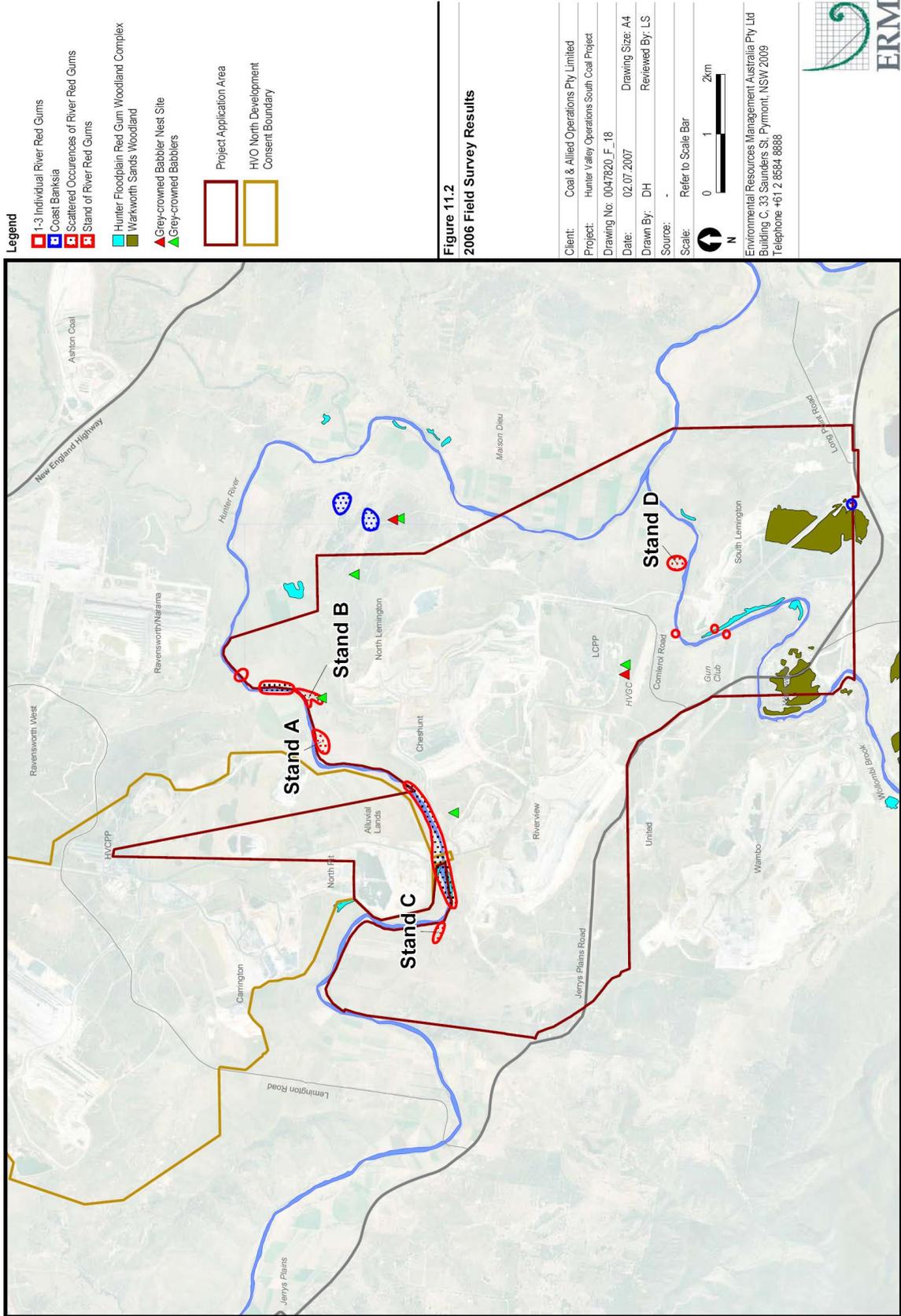
**Proposed LCPP Footprint, Transport Options from LCPP to Wambo Rail Spur, Tailings Storage Facilities and Final Void**

Client:	Coal & Allied Operations Pty Limited
Project:	Hunter Valley Operations South Coal Project
Drawing No:	0047820_F_10
Date:	27.08.2007
Drawn By:	DH
Source:	-
Scale:	Refer to Scale Bar

Suffix No: R4  
Drawing Size: A4  
Reviewed By: LS  
Environmental Resources Management Australia Pty Ltd  
Building C, 33 Saunders St, Pyrmont, NSW 2009  
Telephone +61 2 8584 8888



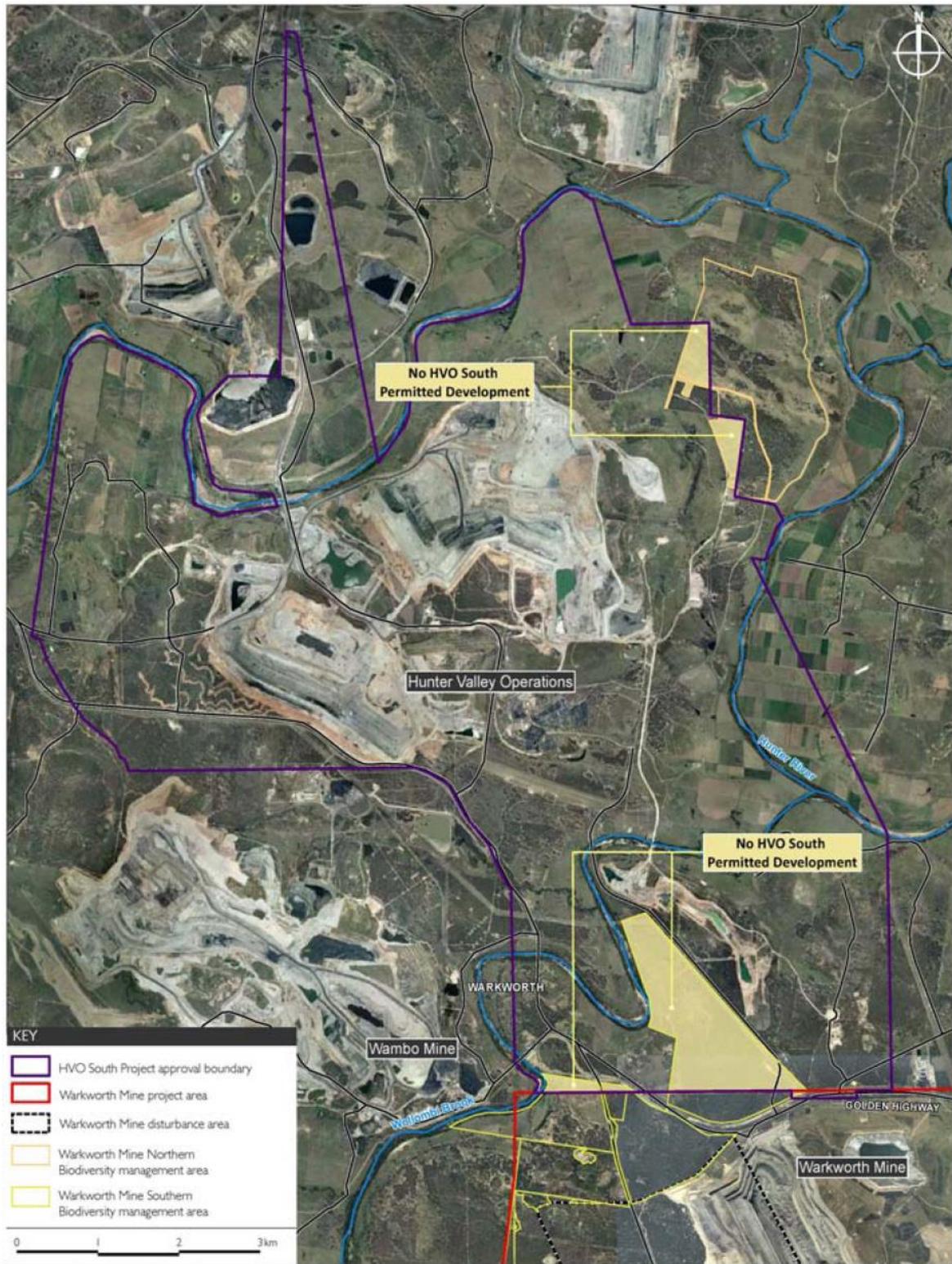
## APPENDIX 8 THREATENED SPECIES AND EECs AT HVO SOUTH



**APPENDIX 9**  
*(Deleted)*

FOR INFORMATION

APPENDIX 10  
HVO SOUTH LANDS DEDICATED AS OFFSETS FOR WARKWORTH MINE



HVO South Lands Dedicated as Offsets to Other Mines