

Notice of Modification

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification to the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue
Director
Resource Assessments

Sydney

19 April 2023

SCHEDULE 1

The development consent (DA 86/51) for the development of open cut mining operations at the Ravensworth South Coal Mine, granted by the Minister for Planning and Environment on 15 December 1986.

SCHEDULE 2

1. Delete all conditions, including the Figure and Annexure, and replace with the following:

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Adaptive Management	Adaptive management includes monitoring subsidence impacts and subsidence effects and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and designated ranges and in compliance with the conditions of this consent
Applicant	Applicant name, or any person carrying out any development under this consent
Approved disturbance area	The area identified as such on the Development Layout
ARI	Average Recurrence Interval
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity & Conservation Division within the Department
BCT	NSW Biodiversity Conservation Trust
Conditions of this consent	Conditions contained in Schedule 2
Council	Singleton Council
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the documents listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The plan in Appendix 2 of this consent
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement <i>titled Environmental Impact Statement for the Ravensworth South Coal Mine</i> , prepared by Croft & Associates, dated April 1986, submitted with the application for consent for the development.
Emplacement Activities	The removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material as described in Modification Report (Mod 1),
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage Branch of the Department
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: • the State Heritage Register under the <i>Heritage Act 1977</i>; • a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • the <i>National Parks and Wildlife Act 1974</i>.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm to the environment that:

			- involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes “harm” that is authorised under either this consent or any other statutory approval
Mine closure			Decommissioning and final rehabilitation of the site following the cessation of emplacement activities
Mine water			Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous or saline material
Minimise			Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister			NSW Minister for Planning and Public Spaces, or delegate
Mitigation			Activities associated with reducing the impacts of the development
Mod 1			The modification to the development as described in Modification Report (Mod 1)
Modification Report (MOD1)			The Modification Report titled “ <i>Ravensworth South Mine – Rehabilitation Amendment</i> ” prepared by Jacobs, dated 20 May, 2022, including the report titled “ <i>Ravensworth South Mine - Landform Amendment Modification Report - Response to submissions</i> ” prepared by Jacobs, dated 24 October 2022
Negligible			Small and unimportant, such as to be not worth considering
Non-compliance			An occurrence, set of circumstances or development that is a breach of this consent
‘Non-road’ equipment	mobile	diesel	Mobile equipment used in emplacement activities that is fitted with a diesel engine with a capacity >30 litres and that is self-propelled or transportable and primarily designed for off-road use
NP&W Act			<i>National Parks and Wildlife Act 1974</i>
Planning Secretary			Planning Secretary under the EP&A Act, or nominee
POEO Act			<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land			Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure			Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
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
Registered Aboriginal Parties			As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation			The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Remediation			Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Residence			Existing or approved dwelling at the date of grant of this consent
Resources Regulator			NSW Resources Regulator
RFS			NSW Rural Fire Service
Site			The land defined in Appendix 1 and marked as the DA 86/51 boundary on the Development Layout in Appendix 2.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Modification Report (Mod 1); and
 - (d) generally in accordance with the Development Layout in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and any document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Operations

- A5. Emplacement activities may be carried out on the site, within the approved disturbance boundary.
- A6. No coal may be extracted, processed or stockpiled at, or transported from, the site.

Notes:

- *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to emplacement activities. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of emplacement activities until the rehabilitation of the site and other requirements have been carried out to the required standard.*
- *Emplacement activities and rehabilitation are also regulated under the Mining Act 1992.*

Hours of Operation

- A7. The Applicant may undertake emplacement activities 24 hours a day, 7 days a week.

Identification of Approved Disturbance Area

- A8. Within three months of approval of Mod 1, or approval of any subsequent modification to this consent, the Applicant must provide to the Department a survey plan of the boundaries of the approved disturbance areas.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document; and
 - (b) provide details of the consultation undertaken, including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A10. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A11. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A12. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

COMPLIANCE

- A15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

- A16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.
- A17. Notwithstanding Condition A16, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Operating Conditions

- B1. The Applicant must:
- (a) take all reasonable steps to minimise noise from operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
 - (b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas; and
 - (c) take all reasonable steps to minimise the noise impacts of the development in noise sensitive areas during the evening and night.

BLASTING

- B2. The Applicant must not carry out blasting on the site.

AIR QUALITY AND GREENHOUSE GAS

Odour

- B3. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Air Quality Operating Conditions

- B4. The Applicant must:
- (a) take all reasonable steps to:
 - (i) minimise odour, fume and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
 - (ii) eliminate or minimise the risk of spontaneous combustion;
 - (iii) minimise any visible off-site air pollution generated by the development; and
 - (iv) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
 - (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development minimise diesel emissions to the greatest extent practicable; and
 - (c) make 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.

WATER

Water Supply

- B5. 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.

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

Water Discharges

- B6. The Applicant must ensure that all surface discharges from the site comply with:
- (a) discharge limits (both volume and quality) set for the development in any EPL; or
 - (b) relevant provisions of the POEO Act and *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Water Management Performance Measures

- B7. The Applicant must ensure that the development complies with the performance measures in Table 1.

Table 1: Water management performance measures

Feature	Performance Measure
Water management – General	• Maintain separation between clean, dirty (i.e. sediment-laden) and mine water management systems • Minimise the use of clean and potable water on the site • Maximise water recycling, reuse and sharing opportunities • Design, install, operate and maintain water management systems in a proper and efficient manner • Minimise risks to the receiving environment and downstream water users

Feature	Performance Measure
Erosion and sediment control works	- Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book</i> (Landcom, 2004), <i>Volume 2C: Unsealed Roads</i> (DECC, 2008), and <i>Volume 2E: Mines and Quarries</i> (DECC, 2008) - Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)
Sediment dams	Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i>
Mine water storages	- Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water - New storages designed to contain the 100 year ARI storm event and minimise permeability

Water Management Plan

B8. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be submitted for approval within 6 months of the approval of Mod 1;
- (b) be prepared by a suitably qualified and experienced person/s;
- (c) be prepared in consultation with DPE Water;
- (d) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 1);
- (e) build on existing monitoring programs, where practicable;
- (f) include a:
 - (i) **Erosion and Sediment Control Plan** that:
 - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
 - identifies activities that could cause soil erosion, generate sediment or affect flooding;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
 - (ii) **Surface Water Management Plan** that includes:
 - a detailed description of the surface water management system;
 - details of the water licensing requirements for all water storages (i.e. exempt, harvestable rights or licenced);
 - surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
 - downstream surface water flows and quality;
 - stream and riparian vegetation health; and
 - post-mining water pollution from rehabilitated areas of the site;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 1;
 - controlled and uncontrolled discharges and seepage/leachate from the site; and
 - the effectiveness of the surface water management system and the measures in the Erosion and Sediment Control Plan; and
 - a trigger action response plan to respond to any exceedances of the relevant performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development.

BIODIVERSITY

Biodiversity Credits Required

- B9. Prior to disturbance of native vegetation within the disturbance areas listed in Table 2 (as shown on Figure 3 in Appendix 4), the Applicant must retire the biodiversity credits specified in Table 2 below. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act.

Table 2: Biodiversity credit requirements

Credit Type	Central Disturbance Area Credits	Southern Disturbance Area Credits	Northern Disturbance Area Credits	Total Credits
Ecosystem Credits				
PCT 1601: Spotted Gum – Narrow-leaved Ironbark – Red Ironbark shrub – grass open forest of the central and lower Hunter (Forested Rehabilitation)	46	130	25	201
Species Credits				
Southern Myotis (<i>Myotis macropus</i>)	21	0	0	21

- B10. With the agreement of the Planning Secretary, the Applicant may carry over surplus retired credits to satisfy the credit requirements of a later stage. This may occur, for example, where approved clearing for an earlier stage was not undertaken, but the impact has already been offset.
- B11. With the agreement of the Planning Secretary, biodiversity credits associated with any undisturbed areas agreed under condition B10 as not to be subject to any surface disturbance may be removed from the total credit obligations in Table 2.

HERITAGE

Protection of Aboriginal Heritage

- B12. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.
- B13. If any previously unknown Aboriginal object is discovered on the site, or suspected to be on the site:
- all work in the immediate vicinity of the object or place must cease immediately;
 - a 10 metre buffer area around the object or place must be cordoned off; and
 - Heritage NSW must be contacted immediately.
- B14. Work in the immediate vicinity may only recommence if:
- the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place; or
 - the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.
- B15. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

VISUAL

Visual Amenity and Lighting

- B16. The Applicant must:
- take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
 - ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
 - ensure no mobile lighting rigs shine directly above the void wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
 - ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;

- (e) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) constructed following approval of Mod 1 are aimed at blending as far as possible with the surrounding landscape.

WASTE

B17. The Applicant must:

- (a) take all reasonable steps to minimise the waste generated by the development;
- (b) classify all waste generated at the site in accordance with the *Waste Classification Guidelines* (EPA, 2014); and
- (c) dispose of all waste generated at the site to an appropriately licensed waste facility.

B18. Apart from the coal ash being emplaced as part of the emplacement activities and except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive any waste at the site for storage, treatment, processing, reprocessing or disposal.

DANGEROUS GOODS

B19. The Applicant must ensure that the storage, handling, and transport of:

- (a) dangerous goods is carried out in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*; and
- (b) explosives are managed in accordance with the requirements of the Resources Regulator.

BUSHFIRE MANAGEMENT

B20. The Applicant must:

- (a) ensure that the development:
 - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2006) guideline; and
 - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

REHABILITATION

Rehabilitation Objectives

B21. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the document/s listed in condition A2(c) and the final landform shown in Appendix 3, and must comply with the objectives in Table 3.

Table 3: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	- Safe, stable and non-polluting - Fit for the intended post-mining land use/s - Establish the final landform and post-mining land use/s as soon as practicable after cessation of emplacement activities - Minimise post-mining and emplacement activity environmental impacts
Areas proposed for native ecosystem re-establishment	- Establish/restore self-sustaining native woodland ecosystems - Establish local plant community types - Establish: - habitat, feed and foraging resources for threatened fauna species; and - vegetation connectivity and wildlife corridors, as far as is reasonable and feasible
Areas proposed for agricultural land	- Establish/restore grassland areas to support sustainable agricultural activities - Use species found in the local area that are suitable for pasture production - Achieve land and soil capabilities that are equivalent or better than pre-mining - Locate adjacent to surrounding agricultural land, where practicable
Final Landform	- Stable for the intended post-mining land use/s - Integrated with surrounding natural landforms and other mine rehabilitated landforms, to the greatest extent practicable - Incorporate micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable - Maximise surface water drainage to the natural environment i.e. free draining

Feature	Objective
	Minimise visual impacts, where practicable
Surface infrastructure of the development	To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Rehabilitation materials	Materials from areas disturbed as a part of works authorised under Mod 1 (including topsoils, substrates and seeds) are to be recovered, managed and reused as rehabilitation resources, to the greatest extent practicable
Water quality	- Water retained on the site is fit for the intended post-mining land use/s - Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
Community	- Ensure public safety - Minimise adverse socio-economic effects associated with mine closure

Rehabilitation Strategy

B22. The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be submitted for approval within 6 months of the approval of Mod 1;
- (b) be prepared by a suitably qualified and experienced person/s;
- (c) be prepared in consultation with the Resources Regulator and Council;
- (d) build upon the Rehabilitation Objectives in Table 3, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including final landform, post-mining land use/s and water management;
- (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
- (f) describe how the Applicant will ensure that surface water from the free-draining final landform will not result in downstream water quality impacts;
- (g) include details of target vegetation communities and species to be established within the proposed revegetation areas;
- (h) investigate opportunities to refine and improve the final landform outcomes over time;
- (i) include a risks and opportunities assessment and risk register;
- (j) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:
 - (i) align with regional and local strategic land use planning objectives and outcomes;
 - (ii) support a sustainable future for the local community;
 - (iii) utilise existing mining infrastructure, where practicable; and
 - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (k) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (l) investigate ways to minimise adverse socio-economic effects associated with rehabilitation; and
- (m) include a program to periodically review and update this strategy at least every three years.

Rehabilitation Management Plan

B23. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the provisions under the *Mining Act 1992*.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be submitted for approval within 6 months of the approval of Mod 1;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) set out the procedures to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident;
 - (v) respond to emergencies; and
 - (f) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

Adaptive Management

- C2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent.

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

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

Management Plan Requirements

- C3. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) summary of relevant background or baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to condition C2(c);
 - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;
 - (ii) complaint; or

- (iii) failure to comply with other statutory requirements;
 - (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
 - (j) a protocol for periodic review of the plan.
- C4. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of an incident report under condition C7 or C8;
 - (b) the submission of an Independent Environmental Audit under condition C9; or
 - (c) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.
- C6. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification

- C7. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing 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

- C8. 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.*

Independent Environmental Audit

- C9. Within one year of approval of Mod 1, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
 - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
 - (c) be carried out in consultation with the relevant agencies;
 - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) be conducted and reported to the satisfaction of the Planning Secretary.
- C10. Within three months of commencing an Independent Environmental Audit the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Monitoring and Environmental Audits

- C11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.
- C12. For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

- C13. Within 3 months of the approval of Mod 1, until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the documents listed in condition A2(c) of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a summary of the current phase and progress of the development;
 - (v) contact details to enquire about the development or to make a complaint;
 - (vi) a complaints register, updated monthly following the receipt of any complaints;
 - (vii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (viii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 SCHEDULE OF LAND

<i>Lot</i>	<i>DP</i>
1	1204457

APPENDIX 2 DEVELOPMENT LAYOUT PLAN

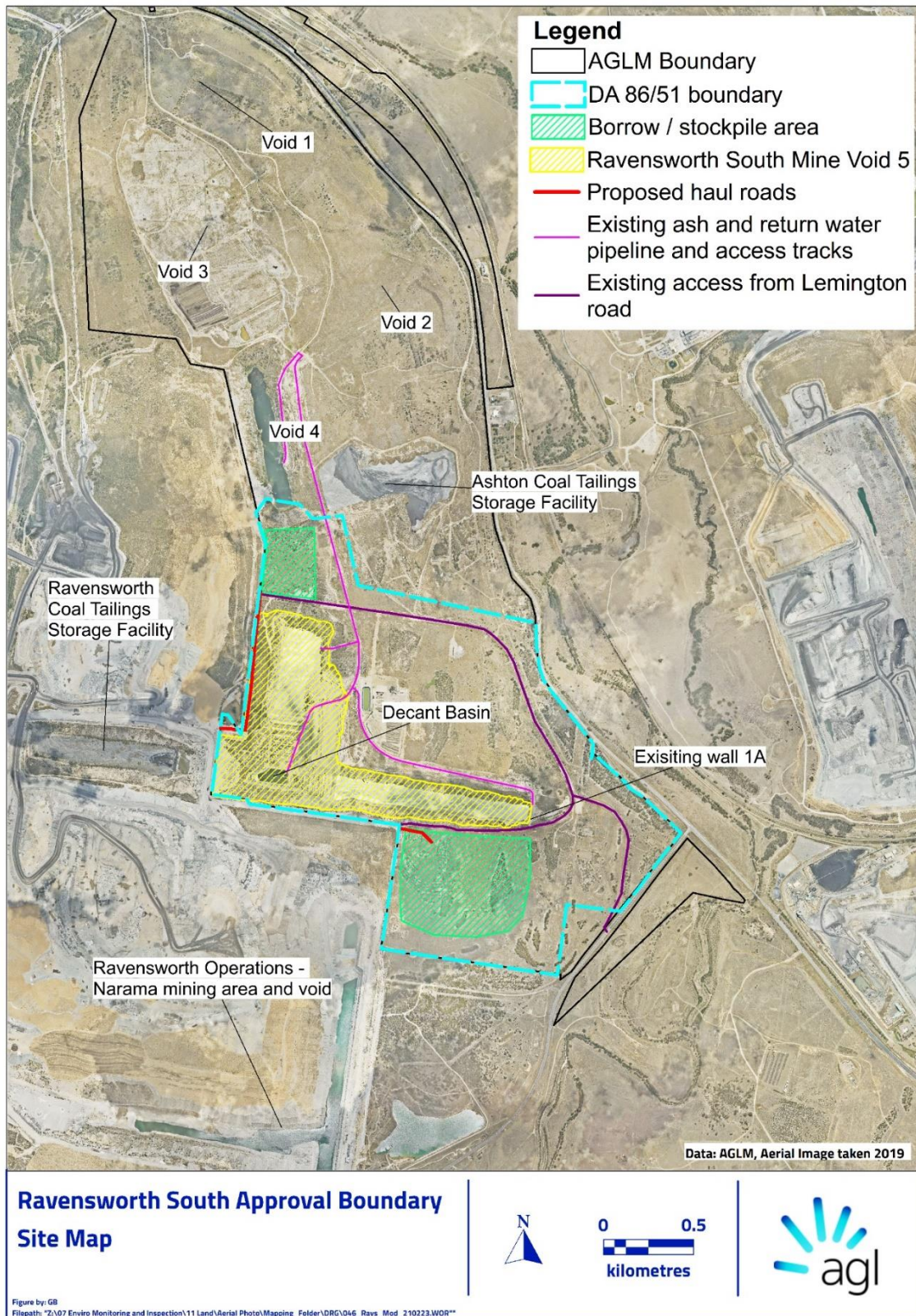


Figure 1: Development Layout

APPENDIX 3 CONCEPTUAL FINAL LANDFORM DESIGN

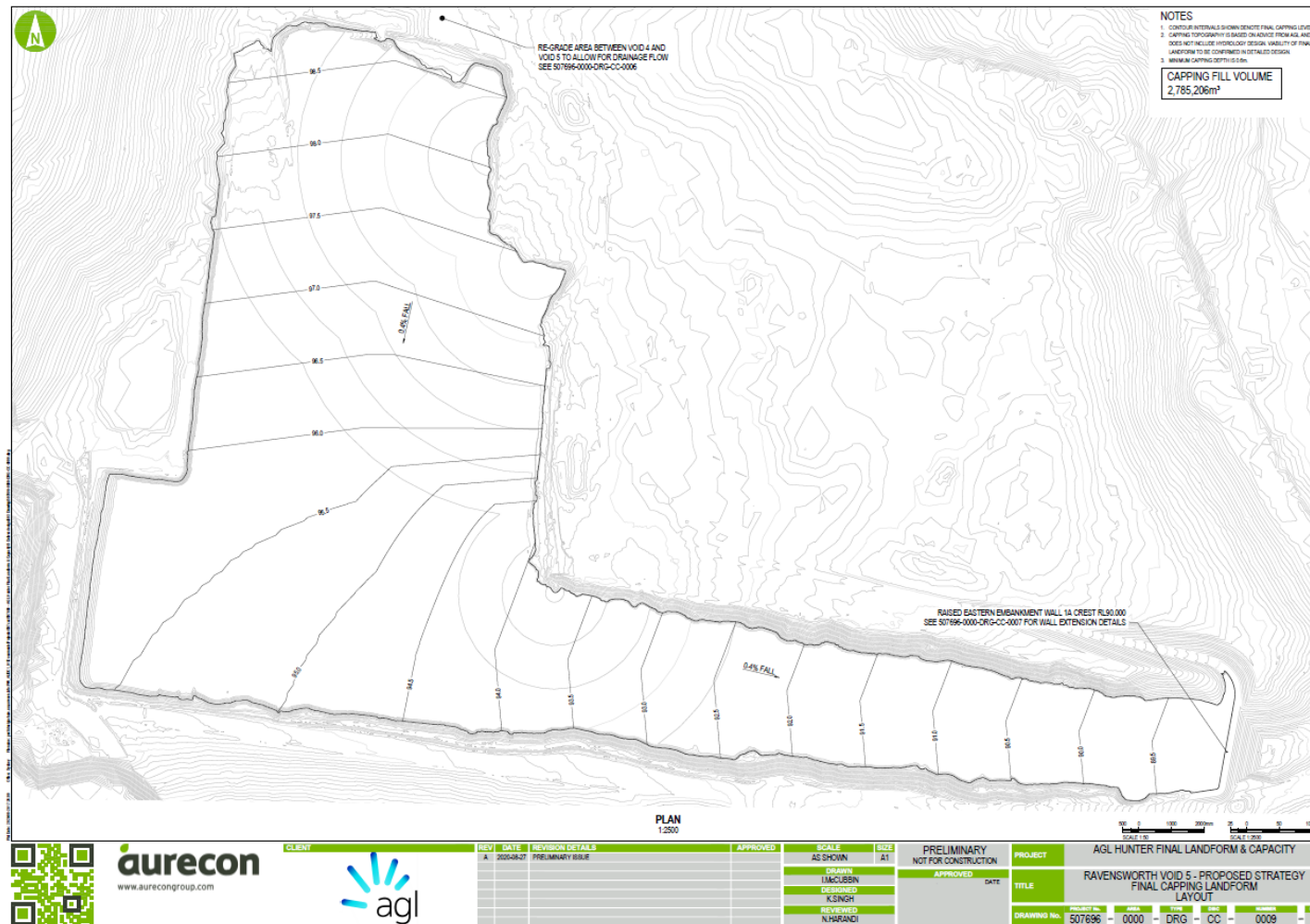


Figure 2: Conceptual Final Landform Design

APPENDIX 4 BIODIVERSITY OFFSET STAGES

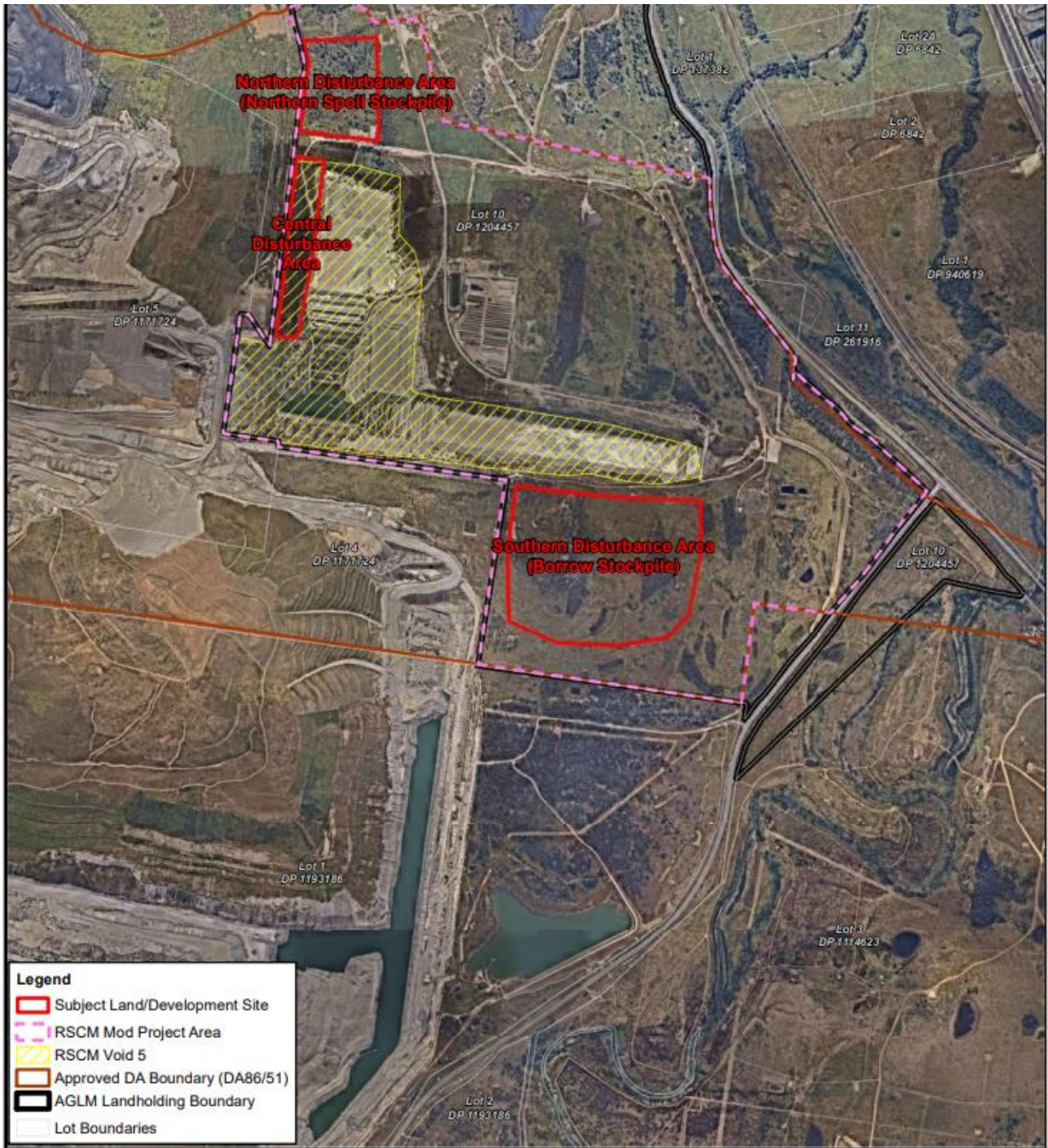


Figure 3: Biodiversity Offset Stages