

ASSESSMENT REPORT

SPRINGVALE COLLIERY

Dewatering Bore 8 Modification (DA11/92 Mod 3)

1 BACKGROUND

Springvale Colliery (Springvale) is an underground coal mine located approximately 15 kilometres (km) northwest of Lithgow (see Figure 1). Although the Springvale Pit Top is situated on the Castlereagh Highway, most mining areas are located beneath the Newnes State Forest. The Springvale Coal Services Site (which processes coal from Springvale intended for export) is also located on the Castlereagh Highway, near the village of Blackmans Flat, approximately 6 km from the Pit Top area.

Springvale is owned and operated by Springvale Coal Pty Ltd (Springvale Coal), a joint venture company owned in equal shares by Centennial Springvale Pty Ltd, a subsidiary of Centennial Coal (Centennial), and Springvale SK Kores Pty Ltd.

There are other coal mines in the vicinity (both operating and decommissioned) including the adjacent Angus Place and Clarence Collieries, which are both owned by Centennial.

2 CURRENT OPERATIONS

Mining of coal commenced at Springvale in 1995 under development consent DA 11/92. The current approved production rate is 3.4 million tonnes of run-of-mine (ROM) coal per year. Coal is extracted from the Lithgow Seam using longwall mining techniques. Coal extracted from the underground workings is transported via conveyor to the Coal Screening and Crusher Plant and ROM stockpile at the Pit Top area.

The coal is then transported by overland conveyor to either Mt Piper Power Station, Wallerawang Power Station or to the Springvale Coal Services site. From the Coal Services site, a conveyor takes the washed coal intended for export to Lidsdale Siding for transport by rail to Port Kembla. The location of the Springvale facilities is shown on Figure 2.

Since the commencement of operations in 1995, seven mine dewatering boreholes have been drilled and operated in the Newnes State Forest. All these facilities have been located along the northern perimeter of the mine workings to dewater low points within the coal seam.

Access to Springvale's exploration boreholes, ventilation shafts and dewatering sites in the Newnes State Forest is generally via unsealed forest roads. Springvale has a maintenance agreement with Forests NSW for the upkeep of these roads.

Bores 1 to 4 are now decommissioned and rehabilitated. Bore 5 is decommissioned but remains unsealed as a contingency measure. Bore 6 (which has three submersible pumps) is currently used to dewater the Springvale mine workings. Water from the mine is either re-used in the mine as process water; sent via the Springvale-Delta Water Transfer Scheme (SDWTS) to the Wallerawang Power Station for use in its cooling towers; or discharged to the Cox's River in accordance with the mine's Environmental Protection Licence (EPL).

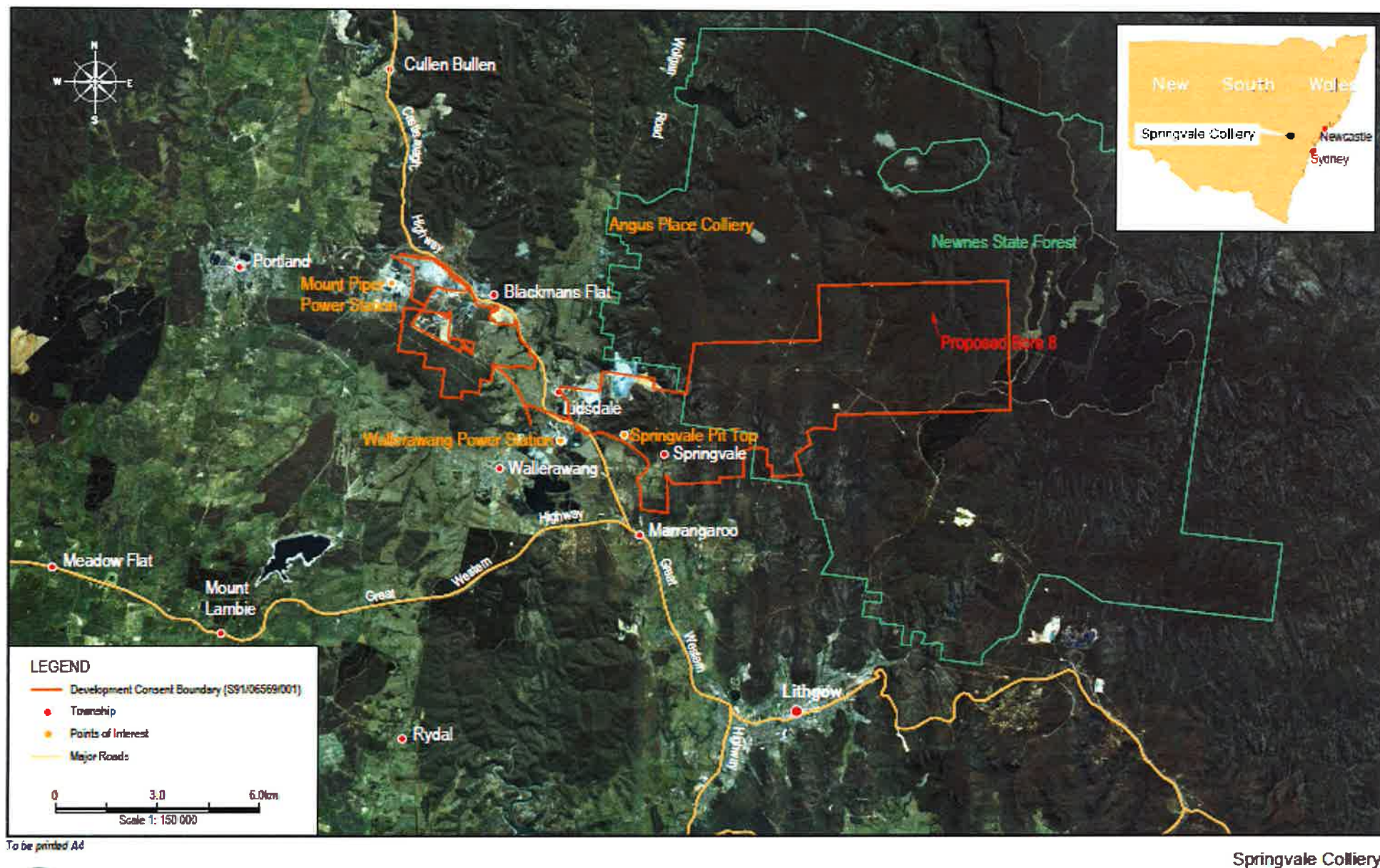
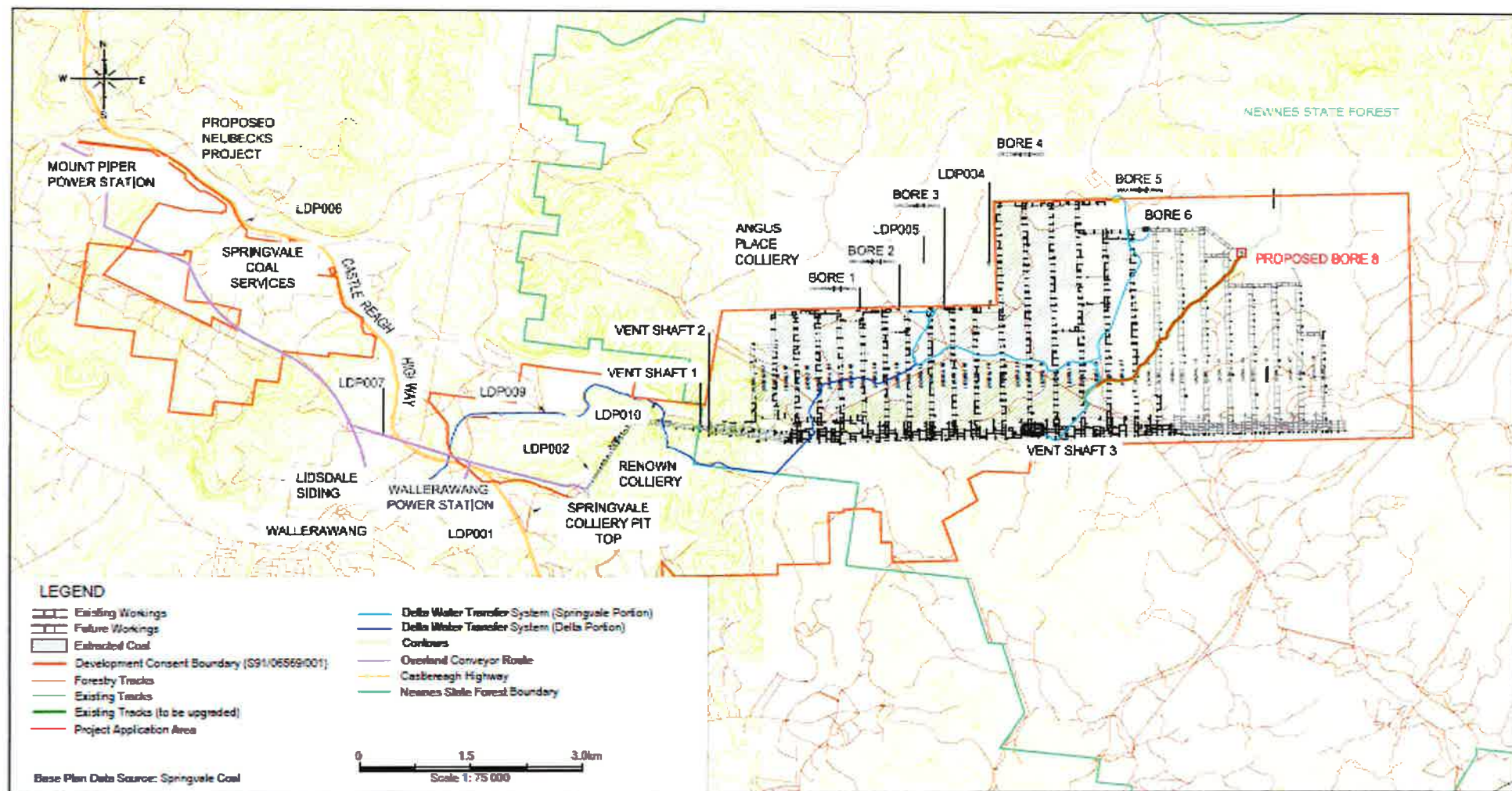


Figure 1 – Location of Springvale Colliery and surface facilities



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Springvale Colliery
Regional Layout

Figure 2 – Location of Bore 8 in relation to mine and infrastructure layout

3 PROPOSED MODIFICATION

Springvale Coal is seeking a modification to its existing development consent DA 11/92 to allow for the construction and operation of an additional mine dewatering facility (Bore 8) and ancillary infrastructure, including a 3.5 km access track.

Bore 8 is required for mine de-watering necessary to facilitate the progress of coal extraction further to the east. It would need to be established ahead of coal extraction to ensure that water levels in the mine are kept at safe and manageable levels. Bore 8 is therefore a critical part of the mine dewatering system as longwall mining progresses through LW416 to LW419.

Springvale Coal wants to construct Bore 8 prior to June 2013, when coal extraction from LW416 is due to commence. By that time, the current dewatering bore (Bore 6) would not be able to provide a dewatering function to the area of the LW416 mine workings, as these lie at a lower elevation than the base of Bore 6. Springvale Coal would not be able to effectively manage mine water inflows and mining operations would have to be curtailed in this area.

The Bore 8 surface site would consist of four individual boreholes (installed with submersible pumps), a high voltage switchroom with power control equipment for the operation of the pumps, a sump and fencing. In appearance, it would be similar to the existing Bore 6 (see Photo 1). To provide access to the Bore 8 site, an existing fire trail that is 3.5 metres (m) wide (see Photo 2) would need to be widened to 10 m over its 3.5 km length. During construction, 11 kilovolt electricity supply cables and water pipelines would be buried alongside the track within an infrastructure corridor. After construction, the width of the access track would be reduced to approximately 5 m and its edges would be revegetated.



Photo 1 - Bore 6 Dewatering Facility



Photo 2 – Existing 3.5 m wide fire trail

The modification would involve the clearing of a total of 4 hectares (ha) of vegetation along the access track and at the bore site. Approximately 2.34 ha of this cleared area would be rehabilitated following the six month construction period.

During operation, the footprint of the Bore 8 facility would be approximately 0.32 ha within a 120 m x 120 m surveyed area. An asset protection zone would need to be maintained around the facility to protect it from bushfire.

Bore 8 would be incorporated into Springvale's existing dewatering system. The majority of the water pumped out of the underground workings through Bore 8 would be transferred through predominantly trenched pipelines to Wallerawang Power Station. There would be no changes to the current surface water management system at the Colliery or to the current water discharge limits to the Cocks River.

Bore 8 would be decommissioned at the end of 2016, when the drill pad area would be rehabilitated and returned to native forest vegetation.

4 STATUTORY CONTEXT

4.1 **Modification under Section 75W**

The development consent for the Springvale Colliery (DA 11/92) was granted under section 101 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* requires modifications of such development consents to be carried out under the now repealed section 75W of the EP&A Act. Despite its repeal, the effect of section 75W is continued for such consents by clause 12 in schedule 6A of the Act.

The Department is satisfied that it is appropriate to characterise the proposed changes as a modification to the existing development consent. The Department notes that the proposed modification involves no changes to the total tonnage of coal produced by the mine, mining methods, employment or environmental standards applicable to the site.

4.2 **Approval Authority**

Under section 75W of the EP&A Act, the Minister for Planning and Infrastructure is the approval authority for this modification application. However, under the Minister's delegation of 14 September 2011, the Planning Assessment Commission must determine the modification application, since Centennial has made reportable political donations.

5 CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to exhibit the modification application or to undertake consultation. However, the Department publicly exhibited the Environmental Assessment (EA) for this modification from 13 to 29 October 2012.

The exhibition was advertised in the Lithgow Mercury on 13 October 2012 and copies of the EA were placed on the Department's website, at the Department's Head Office Information Centre, at Lithgow Council offices, at the Wallerawang Branch Library and at the Nature Conservation Council's office. In addition, relevant State Government agencies, Lithgow Council, the Blue Mountains Conservation Society, the Colong Foundation for Wilderness and the Nature Conservation Council were all notified of the proposal.

The Department received 7 submissions from Government agencies, as detailed below. No submissions were received from the general public or from special interest groups.

Lithgow City Council advised that it has no objections to the proposed modification.

The **NSW Environment Protection Authority (EPA)** is satisfied that the proposed construction and operation of Bore 8 can be managed so as to have negligible impacts on the environment with respect to air, noise and water quality. The EPA supports the relevant commitments in the EA and advised that no modifications to EPL 3607 would be required in the event that the modification is approved.

The **NSW Office of Environment and Heritage (OEH)** considers that, while the degree of impact of this particular proposal may be moderate, the cumulative impacts of Springvale Coal's proposed mining operations are likely to be extensive. It considers that Springvale Coal should seek to avoid, mitigate and offset impacts on biodiversity and cultural heritage that might arise from the proposed clearing of native vegetation (particularly the endangered plant *Persoonia hindii*). OEH recommends that a detailed offset strategy is required prior to consent being granted so that its likely effectiveness in maintaining or improving biodiversity can be assessed.

Forests NSW, part of the Department of Primary Industries, advises that the proposal is acceptable and that it is in the process of issuing an Occupation Permit to Springvale Coal for the site. It recommends conditions of consent requiring implementation of measures in the Statement of Commitments regarding threatened species and heritage as well as requiring that Bore 8 is secured from the public at all times.

NSW Office of Water (NOW), also part of the Department of Primary Industries, identifies that the proposed modification requires a bore licence to account for the take of water from the Richmond groundwater source.

The **Hawkesbury-Nepean Catchment Management Authority (HNCMA)** recommends that the extent of clearing be minimised to limit impacts on the endangered plant *Persoonia hindii* and on environmentally sensitive upland swamps in the vicinity. The HNCMA also recommends that adequate sediment and nutrient control is undertaken on areas of land disturbance; that cleared areas are rehabilitated with locally occurring native species; and that the clearance of hollow-bearing trees is avoided.

The **Division of Resources and Energy (DRE)**, part of the Department of Trade and Investment, Regional Infrastructure & Services, supports the proposed modification and recommends that a Rehabilitation Management Plan be required in conditions of consent.

6 ASSESSMENT

Key issues associated with the proposed modification are the potential impacts on biodiversity (particularly the endangered plant *Persoonia hindii*) and on groundwater.

6.1 Flora

The EA's Flora and Fauna Study Area (see Figure 3) is linear in nature but includes the area directly affected by the proposed modification (see Figure 2) and a surrounding area of approximately 19.3 ha. The Study Area comprises remnant vegetation in the Newnes State Forest that is selectively logged by Forests NSW.

The four vegetation communities within the project application area (see Figure 4) are:

- MU30 Exposed Blue Mountains Sydney Peppermint – Silvertop Ash Shrubby Woodland;
- MU28 Sandstone Plateau and Ridge Scribbly Gum – Silvertop Ash Shrubby Woodland;
- MU26 Newnes Plateau Narrow Leaved Peppermint – Silvertop Ash Layered Open Forest;
- MU7 Newnes Plateau Narrow Leaved Peppermint – Mountain Gum – Brown Stringybark Layered Forest.

None of these vegetation communities are listed as endangered under the *Threatened Species Conservation Act 1995* (TSC Act) or the Commonwealth's *Environment Protection and Biodiversity Act 1999* (EPBC Act).

However, there are several areas of MU50 Newnes Plateau Shrub Swamp and MU51 Newnes Plateau Hanging Swamp in the vicinity of the areas proposed to be disturbed (see Figure 4). Both these communities, which are dependent on groundwater, are part of a Critically Endangered Ecological Community (CEEC) listed under the EPBC Act (*Temperate Highland Peat Swamps on Sandstone*). One of these communities is also listed as an endangered ecological community (EEC) under the TSC Act (*Newnes Plateau Shrub Swamp in the Sydney Basin Bioregion*).

Figure 4 shows that the areas of direct disturbance associated with the proposed modification mainly occur along a ridge-top track, while the swamps are located in nearby valleys, separated by at least 50 m and usually over 100 m from any planned vegetative clearing.

Persoonia hindii

Persoonia hindii, a flowering Geebung shrub listed as endangered under the TSC Act, has been identified within the project application area (see Figure 3). *Persoonia hindii* is only known from a limited number of locations on the Newnes Plateau, where it occurs in dry forest habitats. This plant is not well-understood in terms of its habitat, ability to reproduce and regenerate, or its areal extent. Hence its total population (or whether it is truly limited to the Newnes Plateau) is not known.

A feature of this plant is its rhizomatous nature, with much of each plant being located beneath the ground surface, from which stems (botanically termed ramets) are produced that can be observed during surveys. The habit of this plant creates survey difficulties in determining whether individual stems (ie ramets) belong to a single plant or to several. The procedure employed during the flora assessment was to consider stems rather than number of plants.

The proposal would require the removal of 93 stems of *Persoonia hindii*. This represents the removal of approximately 0.8% of the known local population of approximately 12,000 stems. A radius of 2.8 km, in accordance with flora survey methodology, was used as the basis of determining the extent of this local population.

In its response to submissions, Springvale Coal proposes a number of actions including undertaking a *Persoonia hindii* research and mapping program across the Newnes Plateau and the translocation of the 93 stems of the *Persoonia hindii* in the path of the access track to sites within one kilometre that provide suitable, similar habitat. Subsequently, Springvale Coal proposes to return these stems to their original locations as a component of its planned rehabilitation of the access track.

The Department considers this response to be generally appropriate, given the limited magnitude of the impact associated with the construction of the proposed Bore 8. It would enable research to be undertaken that would inform decisions relating to future development applications which may impact this plant and would assist in the long-term management and survival of this species.

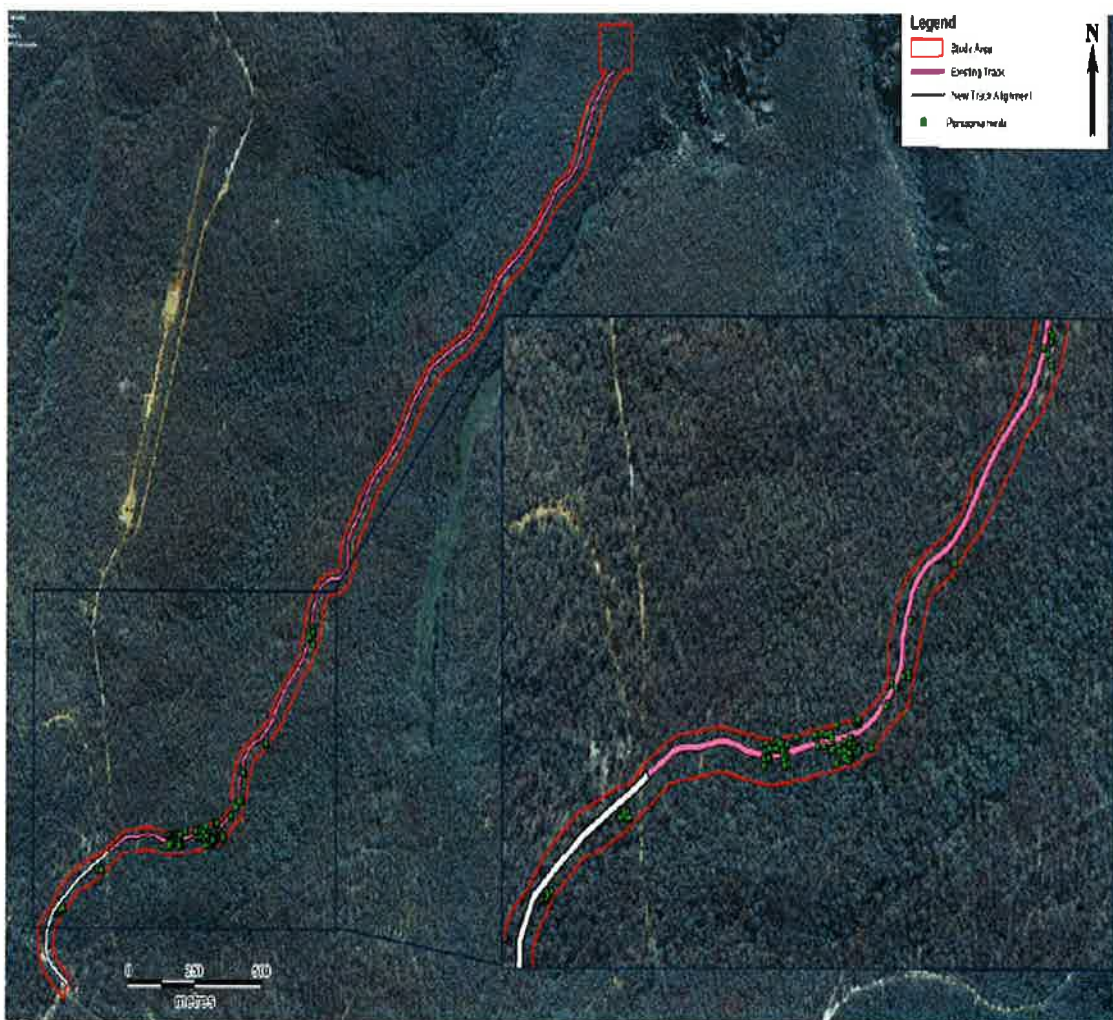
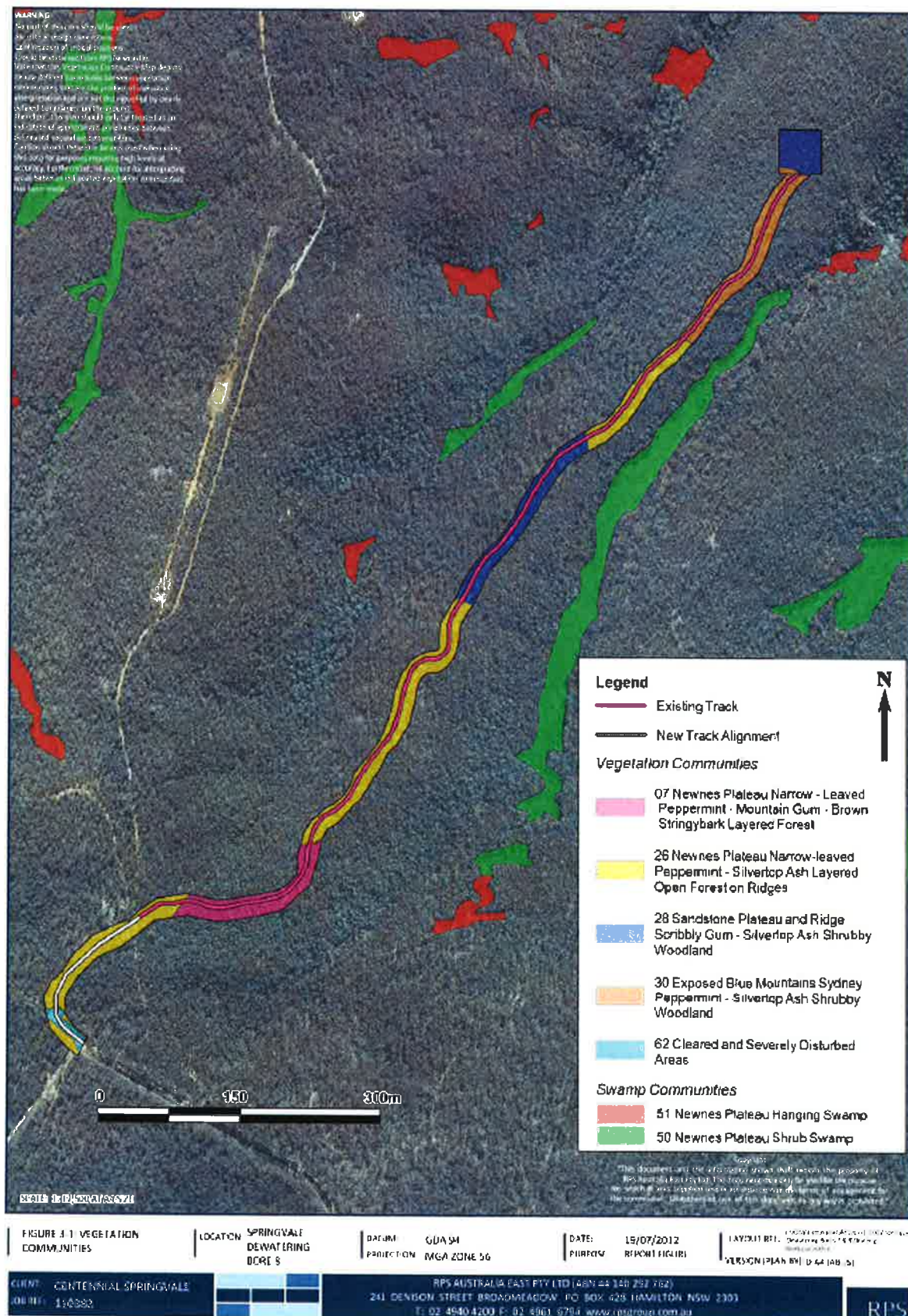


Figure 3 – Flora and Fauna Study Area, showing identified locations of *Persoonia hindii*



The Department considers that the proposal has been generally designed to minimise the impact of clearing on the local *Persoonia hindii* population and that the verge of the access track may be naturally re-colonised by *Persoonia hindii* either through the soil seed bank or through rhizomes that are “left behind” when vegetation is cleared down to ground level, but roots and rhizomes are not removed (see Photo 3). Springvale Coal’s proposals for translocation should be accompanied by trials to assess whether translocated stems can be successfully returned to their original locations as a rehabilitation component.

The Department has recommended a condition of consent that requires Springvale Coal to produce, implement and fund a *Persoonia hindii* Management and Research Program in consultation with OEH and Forests NSW. This program must include:

- surveys and mapping of *Persoonia hindii* across the Newnes Plateau;
- translocation of all stems of *Persoonia hindii* found in the area of disturbance for the Bore 8 access track to a nearby area with similar physical and biological habitat features;
- include trials to assess whether translocated stems can be successfully returned to their original locations as a component of the rehabilitation of these areas;
- a study of the rhizomatous habit of *Persoonia hindii* and how this may affect the success of the species in translocation and/or re-colonising disturbed areas;
- a monitoring program for studying the translocated *Persoonia hindii* plants before and after translocation,
- a monitoring program to measure the ability of the residual *Persoonia hindii* population along the disturbed areas of the Bore 8 access track and construction site to regenerate;
- short and long-term goals to measure the effectiveness of the Program; and
- provision of information obtained from the Program to the Department, OEH and Forests NSW.



Photo 3 – *Persoonia hindii* recolonising a road verge in Newnes State Forest

The Department has also recommended a condition of consent that requires Springvale Coal to undertake rehabilitation, in consultation with Forests NSW, of those portions of disturbed land of the access track and the Bore 8 construction site not required for its ongoing use, as soon as practicable, and to the satisfaction of DRE.

The Department has carefully considered whether an offset for biodiversity impacts associated with this proposal is warranted. The total area of vegetation clearing is 4 ha, with rehabilitation activities planned to commence on 2.34 ha about 6 months after its disturbance. Rehabilitation of the Bore 8 site itself is planned to be undertaken after its decommissioning in 2016. As the area to be cleared is part of a working State Forest, subject to logging activities, the Department is satisfied that the residual impacts of this proposal are relatively small.

The research and mapping program for *Persoonia hindii* that Springvale Coal would be required to undertake would require considerable time and resources to be expended by the company and contribute significantly to the knowledge base for this poorly-understood plant. The Department also considers that providing an immediate offset for such a low level of impact would not be administratively efficient or advance conservation outcomes significantly when compared to the benefits of the proposed research program.

However, the opportunity exists to combine an offset for the residual impacts of this proposal with other biodiversity offsets likely to be required for other Centennial mining proposals, particularly those on the Newnes Plateau. One such proposal currently under consideration, but not yet determined, is the Angus Place Colliery Ventilation Facilities modification which involves 15 ha of vegetative clearing. Other proposals include an expansion of Springvale and Angus Place Collieries. Director-General's requirements for the proposed Springvale Mine Extension project (a State significant development) were issued by the Department in November 2012.

The Department has therefore recommended a condition of consent that requires Springvale Coal to provide an area that is suitable in its vegetation types and extent to satisfactorily offset the residual impacts of clearing native vegetation, including the residual impacts on *Persoonia hindii*. However, in determining a suitable residual offset, the Director-General will have regard to the outcomes of the *Persoonia hindii* Management and Research Program, particularly the success of translocation and/or regeneration, and Springvale Coal's success in implementing the Rehabilitation Management Plan.

The Department has allowed 4 years for this process to be finalised, firstly to enable improved knowledge about *Persoonia hindii* to be obtained and applied, secondly to allow for rehabilitation of the access track and monitoring of its success, and thirdly to allow the various offset components from other Centennial proposals in the Western Coalfield to be aggregated so that the offsetting process is efficient from both administrative and conservation perspectives. In the unlikely event that other offsets are not aggregated, Springvale Coal would be required to provide a stand-alone offset to satisfy the condition.

The Department is satisfied that the proposed measures to address biodiversity impacts are comprehensive and appropriate to the circumstances that apply to the Bore 8 proposal.

6.2 Fauna

A total of 46 threatened fauna species and two insect species have been previously recorded within 10 km of the Study Area or have potential to occur within the Study Area. No threatened species were recorded in areas proposed to be cleared.

As only 4 ha of the 25,000 ha of vegetation on the Newnes Plateau would be cleared as part of this proposal, the Department considers that it is unlikely to affect the availability of habitat or the lifecycles of any of these species and that measures to mitigate impacts for the vegetation of the area would also minimise impacts to local fauna.

6.3 Groundwater

The EA contains an assessment of potential hydrogeological impacts from activities associated with the proposal. There are three groundwater systems that potentially could be affected by the installation and operation of the proposed Bore 8, namely:

- the perched groundwater system which supports Hanging Swamps;
- the shallow groundwater system which contains aquifer zones that support Shrub Swamps; and
- the deep groundwater system.

The EA examined the potential risks of the proposed modification to the three groundwater systems and found that it would not pose a risk to the local or regional hydrogeological regime, or the groundwater dependent ecosystems that rely on it. The cumulative impact of the proposal, from a groundwater perspective, is no different from the currently approved dewatering operations. The Department agrees with this assessment.

6.4 Other Issues

The Department is satisfied that the remaining impacts of the proposal can be mitigated and/or managed to ensure an acceptable level of environmental performance (see Table 1).

Table 1 – Other Issues

Issue	Description of Issue	Recommendation
<i>Noise and Vibration</i>	The closest dwellings are at least 9 km from the Bore 8 site and noise modelling demonstrates operations at the site are unlikely to be audible at these dwellings. Noise associated with construction would also have a negligible impact on the nearest sensitive receptors. Vibration levels are predicted to be below levels of human perception at the nearest residential receptors.	No change to existing conditions.
<i>Cultural Heritage</i>	A search of OEH's Aboriginal Heritage Information Management System and surveys undertaken during a field survey with registered Aboriginal stakeholders failed to identify any Aboriginal sites in the area of proposed ground disturbance. There are no items of European Heritage in or within the vicinity of the Project Application Area.	No change to existing conditions.
<i>Air Quality</i>	Dust emissions modelling shows that the predicted air quality impacts of the proposal are negligible.	No change to existing conditions.
<i>Greenhouse Gases (GHG)</i>	The construction and operation of the proposed Bore 8 is predicted to contribute an additional 11,939 tonnes CO _{2-e} per annum, an increase of 1.3% in GHG emissions for the Colliery.	The Department considers that an increase of 1.3% in GHG emissions is acceptable in terms of the socio-economic benefits that would accrue from the Colliery's continued operation.
<i>Surface Water</i>	The EA concludes that there would be minimal impacts on the surface water flows and the water quality of downstream receiving waters as a result of the proposal. Similar water management measures as those successfully employed for Bore 6 would be used for Bore 8. No watercourses would be intersected by the proposed Bore 8 or its access track.	The Department has recommended conditions requiring Springvale Coal to produce and implement a Construction Erosion and Sediment Control Plan to ensure that impacts to local waterways are minimised.
<i>Visual Amenity</i>	As the proposed Bore 8 would be short-term and would only be viewed by Springvale Coal's staff and contractors and recreational users of the access track, the visual impact would be minimal. The buildings and infrastructure would be clad with green colourbond, similar to that currently used at Bore 6 (see Photo 1).	The Department is satisfied that the proposed modification would not have a significant impact on any sensitive visual receiver.
<i>Rehabilitation and Closure</i>	Bore 8 would be a relatively short-term feature in the landscape. Once decommissioned in 2016, full rehabilitation of the area would be undertaken in	The Department has recommended conditions requiring preparation and

	accordance with the Occupation Permit issued by Forests NSW. The four bores would be fully sealed and the land reformed so as to blend with the surrounding landscape and revegetated with endemic native vegetation. The access track would be retained with a 5 m width as a fire trail.	implementation of a Rehabilitation Management Plan for Bore 8 providing a timetable for how disturbed areas would be progressively rehabilitated, monitored and assessed.
<i>Socio-economic impacts</i>	Bore 8 would be a critical part of Springvale's mine dewatering system and therefore contributes to the ongoing employment and economic benefits of the Colliery.	No change to existing conditions.
<i>Traffic and transport</i>	During the six month construction period, it is estimated that four heavy vehicles and four light vehicles would travel to the proposed Bore 8 site each day. Once Bore 8 is operational, traffic movements would be minimal, with an occasional light vehicle trip being undertaken for maintenance and inspection. All forestry access tracks and roads used by Springvale Colliery are maintained under a maintenance agreement with Forests NSW.	No change to existing conditions.
<i>Waste management</i>	Waste generated by the construction and operation of the proposed Bore 8 would be dealt with under the Colliery's Waste Management Plan. A sump with appropriate erosion and sediment controls would be constructed at Bore 8 to capture all drilling fluids. On completion, drilling fluids would be pumped out by a licensed contractor for disposal.	The Department is satisfied that waste streams would be minimal and would be adequately managed.

7 RECOMMENDED CONDITIONS

The Department has prepared recommended conditions of consent for the modification (see **Appendix A**). These conditions are required to:

- prevent and/or minimise adverse environmental impacts of the proposed modification;
- set standards and performance measures for acceptable environmental performance;
- ensure regular monitoring and reporting;
- provide for a research program into *Persoonia hindii*; and
- provide for the ongoing environmental management of the development.

Springvale Coal has reviewed and accepted the recommended conditions.

The notice of modification would vary the existing consent to the form shown in **Appendix B** (the "consolidated consent").

8 CONCLUSION

The Department has assessed the EA, submissions on the proposed modification and Springvale Coal's response to submissions, in accordance with the requirements of the EP&A Act, and is satisfied that the impacts of the proposed modification would generally be minor and could be managed within the existing regulatory framework.

The Department is satisfied that there is a need to construct Bore 8, as it is an essential component of the mine's future dewatering system and is needed to allow the already approved operation of Longwalls 416 to 419 to proceed.

The proposed modification would result in the clearing of 4 ha of native vegetation, including approximately 93 stems of the endangered *Persoonia hindii*. However, Springvale Coal has committed to minimising the impacts to this population and undertaking research into its habit and range on the Newnes Plateau. The Department considers this to be an appropriate response as less than 1% of the local known population of this plant would be removed and the information gained from this Program would assist with the management and protection of

this poorly-understood species. An offset for the residual impacts caused by this clearing (ie post translocation and rehabilitation) has been proposed, along with a timing for finalisation of this mechanism that would allow for this residual offset to be aggregated with any other biodiversity offsets required of Centennial Coal in the future.

The Department considers that the proposed modification is in the public interest and should be approved, subject to conditions.

9 RECOMMENDATION

It is RECOMMENDED that the Planning Assessment Commission, as delegate for the Minister:

- **considers** the findings and recommendations of this report;
- **determines** that the proposed modification falls within the scope of section 75W of the EP&A Act;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the attached Notice of Modification in Appendix A;

dkitto 27/2/13

David Kitto
Director,
Mining and Industry Projects



28.2.13

Chris Wilson
Executive Director,
Development Assessments, Systems & Approvals

APPENDIX A – NOTICE OF MODIFICATION

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) modifies the approval referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

Sydney

2013

SCHEDULE 1

Consent granted by the Minister for Planning on 27 July 1992 in respect of a development application DA 11/92 made by Clutha Coal Pty Limited, on behalf of Springvale Coal Pty Limited ("the Applicant"), for the construction and operation of an underground coal mine, overland conveyor and coal preparation facilities, known as Springvale Coal Mine.

SCHEDULE 2

Delete Condition 1 of Schedule 2 and insert instead:

1. General

The Applicant shall carry out the development generally in accordance with:

- (a) the Environmental Impact Statement (EIS) prepared by Sinclair Knight & Partners Pty Limited, dated February 1992, and supplementary information submitted by the Applicant, dated April 1992;
- (b) pit top modifications shown in drawing SK5300/G/91 dated 29/10/92; shaft site as modified shown in drawing No. CL-S100-G-03 dated 10/11/92 and modified mine layout as shown in drawing SP18, dated 1/12/92;
- (c) modification application determined on 11 April 1994;
- (d) the Environmental Assessment titled *Bore 8 Dewatering Facility Springvale Colliery Section 75W Modification*, dated September 2012; the associated *Response to Submissions*, dated December 2012 and the incorporated Statement of Commitments; and
- (e) conditions of this consent.

- 1A. If there is any inconsistency between the documents identified in condition 1, the more recent documents shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

After Condition 19 of Schedule 2, insert the following:

19A. Bore 8 – Erosion and Sediment Control Plan

The Applicant shall prepare and implement an Erosion and Sediment Control Plan for Bore 8 to the satisfaction of the Director-General. This Plan must:

- (a) be prepared by a suitably qualified and experienced person/s;

- (b) be approved by the Director-General prior to the commencement of vegetation clearance or ground disturbance activities caused by construction of Bore 8 or the associated widening of access tracks;
- (c) identify activities that could cause soil erosion and generate sediment;
- (d) describe measures to minimise soil erosion and the potential transport of sediment off-site;
- (e) describe the location, function and capacity of erosion and sediment control structures; and
- (f) describe what measures would be implemented to maintain these structures over time.

19B. Bore 8 – Rehabilitation

The Applicant shall prepare and implement a Rehabilitation Management Plan to rehabilitate areas of disturbance caused by construction of Bore 8 or the associated widening of access tracks to the satisfaction of Division of Resources and Energy. This Plan must:

- (a) be prepared in consultation with the Department, Office of Environment and Heritage (OEH) and Forests NSW;
- (b) be submitted to the Director-General Mineral Resources for approval, prior to 1 August 2013;
- (c) describe how the performance of the rehabilitation would be monitored and assessed;
- (d) describe measures for soil erosion and sediment control;
- (e) provide for progressive rehabilitation of temporarily disturbed areas and final rehabilitation following decommissioning of the Bore 8 facilities; and
- (f) include a timetable for the implementation of the components of the Plan.

19C. *Persoonia hindii* Management and Research Program

The Applicant shall prepare and implement a *Persoonia hindii* Management and Research Program. This Program must:

- (a) be prepared in consultation with OEH and Forests NSW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
- (b) be submitted for approval to the Director-General prior to the commencement of construction activities for Bore 8 or widening of the access tracks to Bore 8 that involve clearing of *Persoonia hindii* stems (ramets);
- (c) include a timetable to undertake surveys and mapping of *Persoonia hindii* to establish its distribution and population across the Newnes Plateau;
- (d) include measures for the translocation of all stems (ramets) of *Persoonia Hindii* found in the area of disturbance associated with the widening of access tracks for Bore 8, to nearby areas with similar physical and biological habitat features;
- (e) include trials to assess whether such translocated *Persoonia hindii* stems can be successfully returned to their original locations as a component of the rehabilitation of these areas;
- (f) include a study of the rhizomatous habit of *Persoonia hindii* and how this may affect the success of the species in translocation and/or re-colonising disturbed areas;
- (g) include a monitoring program to study the *Persoonia hindii* stems before and after translocation;
- (h) include a monitoring program to measure the ability of the residual *Persoonia hindii* population along the disturbed areas of the Bore 8 access track and construction site to regenerate;
- (i) include short and long-term goals to measure the effectiveness of the Program; and
- (j) provide for the transfer of information obtained as a result of implementing the Program to OEH, Forests NSW and the Department.

19D. Bore 8 Vegetation Offsets

By the end of December 2016, the Applicant shall do the following to the satisfaction of the Director-General:

- (a) provide an area that is suitable in its vegetation types and extent to satisfactorily offset the residual impacts of clearing 4 ha of native vegetation associated with the construction and use of Bore 8, including the residual impacts on *Persoonia hindii*; and
- (b) make suitable arrangements to manage, protect and provide long-term security for this area.

In determining a suitable residual offset, the Director-General will have regard to the outcomes of the *Persoonia hindii* Management and Research Program, particularly the success of translocation and/or regeneration, and the Applicant's success in implementing the Rehabilitation Management Plan.

APPENDIX B – CONSOLIDATED CONSENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

**DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT TO
SECTION 101**

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

The reasons for the imposition of the conditions are:

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

Robert Webster
Minister for Planning

Sydney,

1992

File No. S91/06569/001

MOD 1 (29/06/93) – red

MOD 2 (11/04/94) – blue

MOD 3 (xx/xx/xx) - green

Schedule 1

Application made by:

Clutha Coal Pty Limited on behalf of Springvale Coal Pty Limited ("the Applicant").

To:

Greater Lithgow City Council (DA 11/92) ("the Council").

In respect of:

Authorisation 409, Mining Purposes Lease
Application 384

For the following:

- i) Construction and operation of an underground coal mine.
- ii) Construction and operation of an overland conveyor and coal washery.

NOTE: 1) To ascertain the date upon which the consent becomes effective, refer to Section 101(9) of the Act.

2) To ascertain the date upon which the consent is liable to lapse, refer to Section 99 of the Act.

ATTACHMENT (A)

SCHEDULE OF LAND AND TENEMENTS – SPRINGVALE COAL PROJECT

A. SCHEDULE OF LAND

<u>LAND</u>	<u>TITLE</u>
1. SPRINGVALE PIT TOP AREA	
Lot 125, Deposited Plan 751651 (formerly known as Portion 125, Parish of Lidsdale, County of Cook)	F.I. 125/751651
Portion 54, Parish of Lidsdale	Book 3856. No. 465
Lot 561, Deposited Plan 827969	F.I. 561/827969
2. OVERLAND COAL CONVEYOR	
Lot 561, Deposited Plan 827969	F.I. 561/827969
Reserved Road	
Lot 1, Deposited Plan 717025	F.I. 1/717025
Portion 228, Parish of Lidsdale	Book 3346 No. 80
Lot 183, Deposited Plan 751651 (formerly known as Portion 183, Parish of Lidsdale, County of Cook)	F.I. 183/751651
Lot 15, Deposited Plan 262515	F.I. 15/262515
Skelly Road	
Lot 2, Deposited Plan 2383126	F.I. 2/383126
Lot 2, Deposited Plan, 575140	Book 3256 No. 753
Lot 1, Deposited Plan 834231	F.I. 1/834231
Lot 31, Deposited Plan 827807	F.I. 31/827807
Lot 1, Deposited Plan 834230	F.I. 1/834230
Lot 2, Deposited Plan 834230	F.I. 2/834230
Lot 3, Deposited Plan 834230	F.I. 3/834230

Lot 4, Deposited Plan 834230	F.I. 4/834230
Lot 5, Deposited Plan 834230	F.I. 5/834230
Lot 6, Deposited Plan 834230	F.I. 6/834230
Lot 7, Deposited Plan 834230	F.I. 7/834230
Lot 8, Deposited Plan 834230	F.I. 8/834230
Lot 9, Deposited Plan 834230	F.I. 9/834230
Portion 63, Parish of Lidsdale	Book 3086 No. 675
PML 11 (Railway) (forming part of Consolidated Coal Lease 770)	
Reserved Road	
Lot 16, Deposited Plan 751651 (formerly known as Portion 16, Parish of Lidsdale, County of Cook)	F.I. 16/751651
Duncan Street	No stratum title will be created for the second crossing of Duncan Street
Lot 8, Deposited Plan 252472	Auto Consol 13329-100
Lot 1, Deposited Plan 252472	Auto Consol 13329-100
Reserved Road	
Lot 174, Deposited Plan 751651 (formerly known as Portion 174, Parish of Lidsdale, County of Cook)	F.I. 174/751651
Reserved Road	
Reserved Road	
Lot 385, Deposited Plan 751651 (formerly known as Portion 375, Parish of Lidsdale, County of Cook)	F.I. 385/751651
Lot 375, Deposited Plan 751651 (formerly known as Portion 375, Parish of Lidsdale, County of Cook)	F.I. 375/751651
Reserved Road	

Reserved Road

Reserved Road

Lot 502, Deposited Plan 825541 F.I. 502/825541

Lot 371, Deposited Plan 751651 F.I. 371/751651
(formerly known as Portion 371,
Parish of Lidsdale, County of Cook)

Reserved Road

Lot 501, Deposited Plan 825541 F.I. 501/825541

Lot 357, Deposited Plan 751651 F.I. 357/751651
(formerly known as Portion 357,
Parish of Lidsdale, County of Cook)

Lot 13, Deposited Plan 751651 F.I. 13/751651
(formerly known as Portion 13,
Parish of Lidsdale, County of Cook)

Reserved Road

Lot 15, Deposited Plan 804929 Book 3401 No. 315

Lot 9, Deposited Plan 804929 Book 3401 No 315

Lot 2, Deposited Plan 702619 Book 3604 No. 382

Lot 6, Deposited Plan 804929 Book 3840 No. 223

Lot 13, Deposited Plan 804929 Book 3840 No 223

Lot 191, Deposited Plan 629212 Book 3604 No 381

Lot 1, Deposited Plan 803655 F.I. 1/803655

Portion 18, Parish of Cox Book 3432 No. 26

3. ACCESS ROAD AND VENTILATION SHAFT

Lot 15, Deposited Plan 262515 F.I. 15/2625157
Lot 1, deposited Plan 585140 Book 3256 No. 753

Lot 182, Deposited Plan 751651 F.I. 182/751651
(formerly known as Portion 182,
Parish of Lidsdale, County of Cook)

Lot 2, Deposited Plan 551636 F.I. 2/551636

Lot 1, Deposited Plan 814854	Resumed Road (no current title)
Lot 2, Deposited Plan 525472	F.I. 2/525472
Lot 352, Deposited Plan 751651 (formerly known as Portion 352, Parish of Lidsdale, County of Cook)	F.I. 352/751651
Lot 178, Deposited Plan 751651 (formerly known as Portion 178, Parish of Lidsdale, County of Cook)	Auto Consol 5552-222
Lot 175, Deposited Plan 751651 (formerly known as Portion 175, Parish of Lidsdale, County of Cook)	Auto Consol 5552-222
Lot 177, Deposited Plan 751651	Vol. 1798 Fol. 147
Portion 425, Parish of Lidsdale	Resumed – see NSW Govt. Gazette 30 January 1976

B. MINING TENEMENTS

(a-c) Clutha Springvale Limited, Samsung Development (Aust) Pty Ltd

(a) SPRINGVALE COAL MINE

1. Exploration Licence No. 4587 (Mining Act 1992)
2. Mining Lease No. 1326 (Mining Act 1992)
3. Coal Lease No. 377 (Coal Mining Act 1973)
4. Mining Lease No. 1303 (Mining Act 1992)

(b) OVERLAND COAL CONVEYOR

5. Mining Purposes Lease No. 314 (Mining Act 1973)
6. Mining Lease Application No. 9 (Orange) (Mining Act 1992)

(c) ACCESS ROAD AND VENTILATION SHAFT

7. Mining Lease No. 1323 (Mining Act 1992)

(d) WESTERN MAIN COLLIERY (Western Main Colliery Pty Limited)

8. Consolidated Coal Lease No. 733 (Coal Mining Act 1973)

SCHEDULE 2

1. General

The Applicant shall carry out the development generally in accordance with:

- a) the Environmental Impact Statement (EIS) prepared by Sinclair Knight & Partners Pty Limited, dated February 1992, and supplementary information by the Applicant, dated April 1992;
- b) pit top modifications shown in drawing SK5300/G/91 dated 29/10/92; shaft site as modified shown in drawing No. CL-S100-G-03 dated 10/11/92 and modified mine layout as shown in drawing SP18, dated 1/12/92;
- c) modification application determined on 11 April 1994;
- d) the Environmental Assessment titled *Bore 8 Dewatering Facility Springvale Colliery Section 75W Modification*, dated September 2012; the associated *Response to Submissions*, dated December 2012 and the incorporated Statement of Commitments; and
- e) conditions of this consent.

1A. If there is any inconsistency between the documents identified in condition 1, the more recent documents shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

2. Duration

The duration of this consent is limited to twenty-one (21) years from the granting of the coal lease.

3. Environment Protection Authority

Prior to the commencement of construction of the processed development the Applicant shall obtain from the Environment Protection Authority ("EPA") all statutory approvals and licences as may be required under the Clean Air Act 1961, the Clean Waters Act 1970, and the Noise Control Act 1975, together with such other approvals or licences as may be required under future legislation or regulations for the conduct of the proposed development. The Applicant shall conduct the development in accordance with the terms of such approvals and licences.

4. Department of Water Resources

- a) The Applicant shall contribute data to a regional groundwater resource assessment of the Colliery holding made by the Department of Water Resources. Such assessment shall include proposals for monitoring the condition of the relevant aquifers by the Applicant.
- b) The Applicant shall consult with the Department of Mineral Resources and monitor the effects of underground mine development, hydrology and hydrogeology of the colliery holding to the satisfaction of the Department of Water Resources.

5. National Parks and Wildlife Services

- a) The Applicant shall undertake an evaluation of the habitat value of the shrub swamps in the colliery holding and the potential effects of subsidence on hydrology and habitat, to the satisfaction of the National Parks and Wildlife Service.
- b) The Applicant shall undertake further flora surveys over the colliery holding as may be required from time to time in conjunction with the monitoring program.
- c) The Applicant shall undertake further archaeological investigation of:
 - i. Carne Creek and its clifflines,
 - ii. Site 2 detailed recording of artefacts,
 - iii. Site 7 excavation, and,

provide a report on consultation with the local Aboriginal Land Council on site management.
- d) The Applicant shall undertake further fauna surveys over the colliery holding prior to longwall mining of areas where sensitive habitats are present, as required by the National Parks and Wildlife Service, in consultation with the Department of Mineral Resources.

6. Construction Stage

- a) The Applicant shall not carry out construction activities on proclaimed public holidays.
- b) The Applicant shall limit construction stage disturbance to the minimum area and install temporary fences, as required by the Council.
- c) The Applicant shall implement dust suppression and erosion control measures to the satisfaction of the Greater Lithgow City Council ("the Council").

7. Coal Transportation

- a) The Applicant shall transport all coal to Mt Piper Power Station by overland conveyer after 1 January 1994;
- b) The Applicant may transport up to 50,000 tpa of coal to local domestic market customers by road haulage;
- c) Notwithstanding a) and b), the Applicant may haul 300,000 tonnes of pre-contract coal to Mt Piper Power Station via public roads. Such haulage may be made between 7am and 7pm, Monday to Friday, for period ending 31 December, 1993;
- d) The Applicant shall not transport coal by road under emergency conditions without the prior consent of the Council;
- e) The Applicant shall transport all export coal by rail from Lidsdale Siding.

8. Overland Conveyor

- a) The portion of the conveyor along Duncan Street opposite the existing residences shall be constructed partly below ground level in a fully enclosed steel tube. The remainder of the conveyor shall be constructed at ground level or elevated to suit various crossing requirements for waterways and rail;
- b) The Applicant shall submit designs and specifications for the conveyor crossing of the Mudgee Road to the Roads and Traffic Authority for its approval;
- c) The Applicant shall provide to the Council details of the landscaping treatment of the overland conveyor;
- d) The Applicant shall provide to the Department of Conservation and Land Management in relation to the construction and maintenance of the conveyor details of measures to minimise soil erosion and sedimentation effects, for its advice;
- e) The Applicant shall consult with all affected landowners regarding the location and provision of stock and vehicular crossings over the overland conveyor. The Applicant shall provide such works at his own cost.

9. Roads

- a) The Applicant shall construct the intersection with the Mudgee Road and pit-top access road to the satisfaction of the Roads and Traffic Authority;
- b) The access road shall be sealed to a two lane standard prior to 1 January 1994;
- c) The Applicant shall construct the intersection and access road from the Mudgee Road to the Coal Washery site in accordance with the RTA Interim Design Guide Type 'A';
- d) The Applicant shall seal the coal washery access road for a distance of at least 20m beyond the nearest affected residence;
- e) The remaining section of the coal washery access road shall be constructed to the standard of an all weather gravel road, to the Council's requirements;
- f) The Applicant shall submit detailed plans and specifications for road works to the Council for approval prior to the commencement of works.

10. Coal Washery Reject Disposal

- a) The Applicant shall meet the requirements of the Department of Mineral Resources and provide to the Council the results of a geotechnical investigation and an engineering specification for each emplacement area;
- b) The Applicant shall within six months of this consent investigate the possibility of combining all rejects in one emplacement and report to the Department of Mineral Resources and to advise to the Council.

11. Mining Subsidence

The Applicant shall meet the requirements of the Department of Mineral Resources and adopt such reasonable practices and techniques as will minimise disturbance to any surface features within the identified protection zones.

12. Water Management

The Applicant shall submit to the EPA, prior to commencement of construction a water management plan for each site of the development showing all proposed drainage diversion channels, collection pits and sedimentation dams to be constructed. Such plan shall incorporate the principles of Total Catchment Management.

13. Effluent Disposal

- a) The Applicant shall provide to the EPA upon its request details of the design and capacity of the method of effluent treatment and disposal including data on quality of effluent for disposal;
- b) The Applicant shall obtain the approval of the EPA, the Council and the Department of Health for the effluent disposal method selected for both pit top and coal washery.

14. Potable Water

The Applicant shall provide a supply of potable water to the pit top site and washery site, at its own expense, to the satisfaction of Council

16. Flooding

- a) The Applicant shall obtain the consent of the Department of Conservation and Land Management prior to the destruction of any trees (including sapling, shrubs or scrub) along the bank or within 20m of the bank of the Coxs River;
- b) The Applicant shall undertake an appraisal of the impact of the overland conveyor on the incidence and severity of flooding in the vicinity of Duncan Street, Lidsdale. The results of such an assessment are to be submitted to the Council and the Department of Water Resources, prior to the commencement of construction or such other period as the Council may determine.

17. Landscaping

The Applicant shall submit for the Council's approval at least six months prior to commencement of construction or within such further period as the Council may permit:

- a) A detailed landscaping plan illustrating the establishment of trees and shrubs both prior to and during the construction stage, showing existing stands of vegetation and the location of plantings around the surface facilities and the rejects emplacement area;

This plan shall incorporate appropriate erosion control and sedimentation control

practices for any earthworks associated with the development.

- b) Proposals for the visual appearance of the structural components of the development including paint colours and specifications. Buildings and structures shall be designed so as to present a neat and orderly appearance and to blend as far as possible within the surrounding landscape;
- c) A comprehensive plan of landscape management, which shall include detailed plans, programs to be undertaken, maintenance of all landscape works and plantings and maintenance of building materials and cladding.

18. Parking Facilities

The Applicant shall meet the requirements of the Council to ensure the adequate provision of unloading, loading, manoeuvring and parking of vehicles within the development.

19. Site Rehabilitation

- a) The Applicant shall prepare, within six months of this consent, a comprehensive plan for the staged rehabilitation of all lands disturbed by the development within the colliery holding and the coal washery and reject emplacement. The plan shall be submitted to the Council for its information and to the Department of Mineral Resources for its approval. The plan shall specify contour earthworks, tree screen plantings, grassed areas, means to control leachate from reject emplacements, soil erosion controls, final contours and proposals for maintenance of rehabilitation areas and management of waste disposal, including long term drainage both during and after the cessation of disposal operations, until such time as considered necessary by the Department of Mineral Resources.
- b) The Applicant shall consult and comply with the requirements of the Department of Conservation and Land Management in respect of the preparation and implementation of rehabilitation plans, revegetation programs, soil erosion controls and associated works.
- c) The Applicant shall consult with the NSW Agriculture and the Department of Conservation and Land Management concerning selection of appropriate vegetation species, seedling establishment techniques, soil testing and fertilizer selection and application.

19A. Bore 8 – Construction Erosion and Sediment Control Plan

The Applicant shall prepare and implement a Construction Erosion and Sediment Control Plan to the satisfaction of the Director-General. This Plan must:

- a) be prepared by a suitably qualified and experienced person/s;
- b) be approved by the Director-General prior to the commencement of vegetation clearance or ground disturbance activities caused by construction of Bore 8 or the associated widening of access tracks;
- c) identify activities that could cause soil erosion and generate sediment;
- d) describe measures to minimise soil erosion and the potential transport of sediment off-site;

- e) describe the location, function and capacity of erosion and sediment control structures; and
- f) describe what measures would be implemented to maintain these structures over time.

19B. Bore 8 – Rehabilitation

The Applicant shall prepare and implement a Rehabilitation Management Plan to rehabilitate areas of disturbance caused by construction of Bore 8 or the associated widening of access tracks to the satisfaction of Division of Resources and Energy. This Plan must:

- a) be prepared in consultation with the Department, Office of Environment and Heritage (OEH) and Forests NSW;
- b) be submitted to the Director-General Mineral Resources for approval, prior to 1 August 2013;
- c) describe how the performance of the rehabilitation would be monitored and assessed;
- d) describe measures for soil erosion and sediment control;
- e) provide for progressive rehabilitation of temporarily disturbed areas and final rehabilitation following decommissioning of the Bore 8 facilities; and
- f) include a timetable for the implementation of the components of the Plan.

19C. *Persoonia hindii* Management and Research Program

The Applicant shall prepare and implement a *Persoonia hindii* Management and Research Program. This Program must:

- a) be prepared in consultation with OEH and Forests NSW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
- b) be submitted for approval to the Director-General prior to the commencement of construction activities for Bore 8 or widening of the access tracks to Bore 8 that involve clearing of *Persoonia hindii* stems (ramets);
- c) include a timetable to undertake surveys and mapping of *Persoonia hindii* to establish its distribution and population across the Newnes Plateau;
- d) include measures for the translocation of all stems (ramets) of *Persoonia Hindii* found in the area of disturbance associated with the widening of access tracks for Bore 8, to nearby areas with similar physical and biological habitat features;
- e) include trials to assess whether such translocated *Persoonia hindii* stems can be successfully returned to their original locations as a component of the rehabilitation of these areas;
- f) include a study of the rhizomatous habit of *Persoonia hindii* and how this may affect the success of the species in translocation and/or re-colonising disturbed areas;
- g) include a monitoring program to study the *Persoonia hindii* stems before and after translocation;
- h) include a monitoring program to measure the ability of the residual *Persoonia hindii* population along the disturbed areas of the Bore 8 access track and construction site to regenerate;
- i) include short and long-term goals to measure the effectiveness of the Program; and
- j) provide for the transfer of information obtained as a result of implementing the Program to OEH, Forests NSW and the Department.

19D. Bore 8 Vegetation Offsets

By the end of December 2016, the Applicant shall do the following to the satisfaction of the Director-General:

- (a) provide an area that is suitable in its vegetation types and extent to satisfactorily offset the residual impacts of clearing 4 ha of native vegetation associated with the construction and use of Bore 8, including the residual impacts on *Persoonia hindii*; and
- (b) make suitable arrangements to manage, protect and provide long-term security for this area.

In determining a suitable residual offset, the Director-General will have regard to the outcomes of the *Persoonia hindii* Management and Research Program, particularly the success of translocation and/or regeneration, and the Applicant's success in implementing the Rehabilitation Management Plan.

20. Lidsdale Road Siding

The Applicant shall undertake a noise impact assessment of the Lidsdale rail siding, according to the requirements of the EPA and implement necessary measures for attenuation of noise.

21. Fire Protection

The Applicant shall:

- a) consult and comply with the reasonable requirements of the Council concerning means to prevent and fight bushfires, including the provision of adequate fire tracks within the colliery holding and the provision of appropriate firefighting facilities and staff;
- b) formulate a program of hazard reduction measures and a detailed contingency plan for coping with bushfires each year, in liaison with the Forestry Commission, the Department of Bush Fire Services, the National Parks and Wildlife Service and the Council.

22. Environmental Monitoring

The applicant shall ensure that the following requirements are met to the satisfaction of the EPA, the Department of Water Resources, Department of Mineral Resources, and the Director of Planning ("the Director"):

- a) Monitoring of air quality (particulate dust and dust concentration), water quality (effluent discharged off-site), noise levels (night-time noise emissions at nearest residences), at points to be selected at the mine site and at the coal washery site and agreed upon by the Applicant and the EPA;
- b) Monitoring of water quality and reporting to the reasonable requirements of the EPA, and the Department of Water Resources;
- c) Monitoring of subsidence induced by longwall mining to the requirements of the

Department of Mineral Resources and including monitoring of flora of drainage sensitive ecosystems and hydrology.

23. The Applicant shall bear the costs associated with the establishment and operation of all monitoring programs referred to in these conditions, the analysis of data, recording results, and providing information required to all relevant agencies.

24. Annual Report

- a) Within six (6) months of the commencement of the construction of the proposed development, the Applicant shall ascertain the requirements of the Director in relation to an annual report to be submitted to the Director, the EPA, the Council and the Department of Mineral Resources in respect of the performance of the development. Each report shall be in respect of the calendar year ending 31st December and each report shall be submitted by 31st March of the following year. The first report is to be submitted in 1995. The Applicant shall agree to the Council making the reports publicly available.
- b) The annual report shall provide the following information:
- i. the performance of the development in relation to the EIS, the statutory requirements of public authorities, in particular the EPA, and in relation to the conditions of development consent;
 - ii. the implementation and effectiveness of the environmental controls and conditions relating to the development;
 - iii. results of environmental monitoring in respects of air, water and noise pollution, groundwater variations in the colliery holding, how these results compare with the predictions in the EIS and whether the results indicate compliance with the conditions of consent and information related to discharges of water (other than uncontaminated stormwater) from the mine site;
 - iv. mining operations undertaken during the preceding 12 months;
 - v. workforce characteristics of the development;
 - vi. modifications to mining operations, if any, to mitigate any adverse environmental impacts;
 - vii. socio-economic impact of the development other than covered in (v) above;
 - viii. results of subsidence monitoring and subsidence impacts upon the natural environment, and measures implemented to rectify any damage caused.

25. Environmental Officer

The Applicant shall employ or contract the services of an Environmental Officer whose qualifications are acceptable to the Department of Mineral Resources for the proposed

development to be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals are enforced and monitored from the commencement of construction.

26. Infrastructure Contribution

The Applicant shall negotiate and pay to the Council a contribution, pursuant to Section 94 of the Environmental Planning and Assessment Act, for Community Services/Facilities for Council to utilise in the upgrading of facilities provided and to be provided in the City of Greater Lithgow, as a result of the development.

The first payment is due in 1995 on the anniversary of this consent and the remaining three other payments on the successive anniversaries of the Consent.

The basis of the contribution shall be a contribution per employee based on the number of employees on the Company payroll at the anniversary of this consent in 1995.

The amount of the contribution shall be finalised by 30 September 1992. Condition 29 shall apply for dispute resolution should the parties fail to reach agreement.

27. Rental Housing

The Applicant shall liaise with the Council to monitor local housing demand during the construction stage of the project and in the event of a shortage of rental accommodation liaise with the Council, with a view to provide additional temporary accommodation facilities for use by its construction workforce.

28. Approvals to Council

The Applicant shall forward to the Council copies of all environmental and planning approvals of authorities related to the development.

29. Dispute Resolution

Any dispute arising between any of the parties in respect of the above conditions shall be referred to the Minister for Planning for resolution.

30. Western Main Colliery

- a) The Applicant shall undertake all necessary water pollution control measures, to the satisfaction of the EPA, to minimise contaminated water discharge from the site in wet weather conditions.
- b) The Applicant shall carry out all practical measures to minimise water pollution and siltation from the Western Main Colliery Site used for the relocated overland conveyor route, according to the requirements of the Department of Conservation and Land Management and the EPA.

31. Shafts Site

The Applicant shall meet the requirements of Pacific Power in respect of the use of its Ash Dam Access Road for the period of construction and for maintenance of the proposed ventilation shafts.

32. Revised Pit Top

The Applicant shall carry out water pollution and siltation control measures according to the revised pit top arrangements, to the satisfaction of the EPA and the Department of Conservation and Land Management.

33. Fish River Water Supply

The Applicant shall forward copies of plans of the overland conveyor for review in respect of the Fish River Pipeline and concurrence if required by the Fish River Water Supply Operations Manager, prior to commencement of construction.

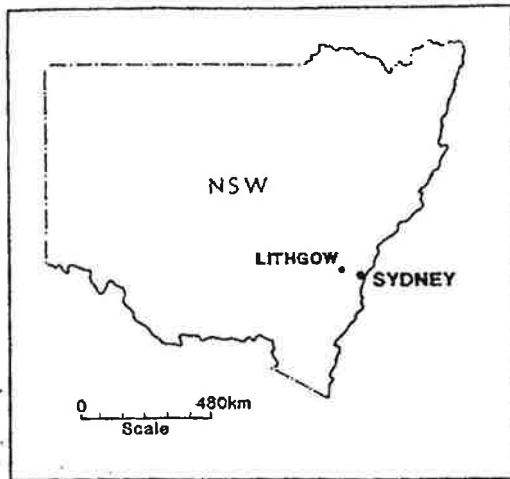
34. Erosion and Sediment Control Plan

The Applicant shall submit an erosion and sediment control plan (using temporary, operational phase and permanent works) for each phase of the operation prior to commencement of any earthworks to the Department of Conservation and Land Management for concurrence.

35. Additional Archaeological Survey

The Applicant shall undertake an archaeological survey of the modified conveyor route and the ventilation shaft site, prior to commencement of construction and report results of surveys to the National Parks and Wildlife Service.

NOTE: This approval does not relieve the Applicant of the obligation to obtain any other approval under the Local Government Act, 1919, as amended, the ordinances made thereunder (including approval of building plans), or any other Act.



MOUNT PIPER
POWER STATION

WASHERY
SITE

Liddale

SPRINGVALE
PIT TOP

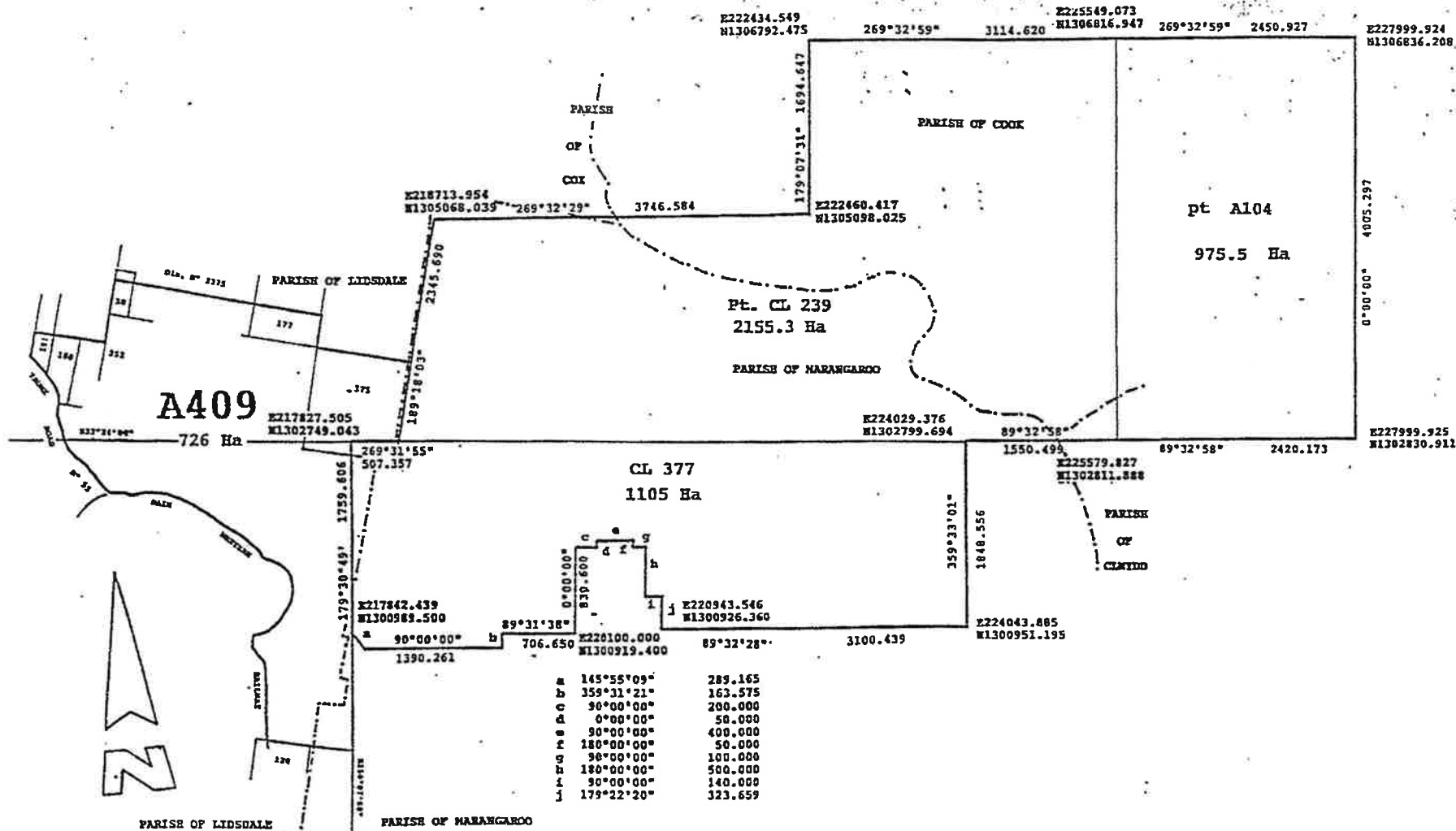
WALLERAWANG

0 4km

Scale

N

LOCALITY PLAN



AUTHORISATION N°409

Commencing at the intersection of parallel of latitude 33 degrees 24 minutes south with meridian of longitude 158 degrees 07 minutes east (E2217827.505, N1302749.043); thence southerly by part of this meridian to its intersection with the westerly prolongation of the northern boundary of portion 118; Parish of Lidsdale; thence westerly by way of this prolongation and part of the northern boundary of the abovementioned portion 118 to the eastern boundary of the railway lands adjoining the main western railway; thence by this eastern boundary generally northwesterly, northwesterly, northwesterly and northwesterly to the northern side of Trunk Road 8753; thence by part of this northern boundary generally northwesterly to its intersection with the western boundary of Portion 100, Parish of Lidsdale; thence southerly by part of this western boundary to its intersection with the westerly prolongation of the northern boundary of Portion 181, Parish of Lidsdale; thence southerly by this prolongation, the northern boundary of the abovementioned portion 181 and the westerly prolongation thereof to its intersection with the western boundary of Portion 131, Parish of Lidsdale; thence southerly by part of the western boundary of the abovementioned Portion 131 and Portion 38, Parish of Lidsdale, to the southeastern corner of Diagram Catalogued N°2375, in the Department of Minerals and Energy; thence southerly by the southern boundary of this diagram to its intersection with the eastern boundary of Portion 177, Parish of Lidsdale; thence southerly by part of this portion to the southeastern corner of Portion 177, Parish of Lidsdale; thence southerly and southerly by the northern and part of the western boundaries of this portion to their intersection with parallel of latitude 33 degrees 24 minutes south; thence westerly by part of this parallel to the point of commencement.

Land District - Lithgow; City - Greater Lithgow
County - Cook; Parishes - Lidsdale and Merangaroo

CLUTHA COAL PTY LIMITED
SPRINGVALE COAL
LEASE AREA

Drawn: P. COLLINS	Revised: 28-4-1992
A.C.N. 002 984 438	Approved:
Date: 17-7-1991	Scaler

Drawg No:
SP-55

APPENDIX C – ENVIRONMENTAL ASSESSMENT

APPENDIX D – SUBMISSIONS

APPENDIX E – RESPONSE TO SUBMISSIONS