

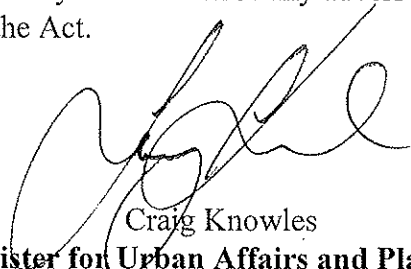
INSTRUMENT OF CONSENT

SCHEDULE 1

DETERMINATION OF DEVELOPMENT APPLICATION No 29/95
BY THE MINISTER, PURSUANT TO SECTION 91 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

I, the Minister for Urban Affairs and Planning, pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 ("the Act") and clause 8 of State Environmental Planning Policy No 34 - Major Employment Generating Industrial Development, 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 reason for the imposition of conditions generally is to minimise any adverse effects from the development, consistent with the objectives of the Act.


Craig Knowles
Minister for Urban Affairs and Planning

Sydney,

14.2.96

1996

File No. N91/00241/004

Application made by:

Newcastle Wallsend Coal Company Pty Limited ("the Applicant").

To:

The Minister for Urban Affairs and Planning ("the Minister").

In respect of:

Subsurface area of part of Consolidated Mining Lease No 2, surface areas either Newcastle Wallsend Coal Company Pty Limited owned or held under the following leases: part of Consolidated Coal Lease No 728, Mining Purposes Lease No 233, Mineral Leases Nos 1157 and 1283, Mining Lease No 1345 as contained within the following DPs -

<u>Parish of Ellalong</u>	<u>Parish of Cessnock</u>	<u>Parish of Pokolbin</u>
2/755225	Pt 2/755215	Area 1 1/87087
Pt 1 & Pt 2/775718	1/65829	Pt 1/69968
19/755225		
4/755225		
12/755225		
13/755225		
249/755225		
Areas 3 & 4 8/69968		
10/69968		
11/69968		
13/69968		

For the following:

Construction and operation of underground coal mine extensions, associated facilities and reject disposal areas ("the development").

Development Application: DA 29/95 lodged with Department of Urban Affairs and Planning (DUAP) on 17 August, 1995 accompanied by an Environmental Impact Statement ("EIS") prepared by HLA-Envirosciences Pty Ltd dated August 1995.

- 1) To ascertain the date upon which the consent becomes effective, refer to section 93 of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to section 99 of the Act.
- 3) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.

SCHEDULE 2

General

- I. The development is to be carried out **generally in accordance with the development application (DA 29/95)** and the accompanying Environmental Impact Statement prepared by HLA Envirosiences Pty Limited dated August, 1995 certified by Jane Gouldstone, as may be modified by the conditions set out herein.

Duration

- II. The duration of this consent is limited to twenty-one (21) years from the date of issue of this consent.

Statutory Requirements

- III. The Application shall ensure that:
- A. *All statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean Air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Environmental Offences and Penalties Act, 1989, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices and to the requirements and satisfaction of the Cessnock City Council, Environment Protection Authority ("EPA"), Department of Mineral Resources ("DMR"), National Parks and Wildlife Service ("NPWS"), and Department of Land and Water Conservation ("LAWC"), are fully met; and*
 - B. *No development in relation to this consent shall occur within or under the area zoned 5(b) Special Uses (Railways).*

Reject Emplacement

- IV. The Applicant shall:
- A. *Investigate and report to the DMR on the possibility of disposing all reject into one emplacement area, at least twelve (12) months before reject emplacement into the disturbed mining areas is complete;*
 - B. *Provide a report on the geotechnical investigations and engineering specifications for emplacement areas 1, 3 and 4 to the DMR, and the Director General of Urban Affairs and Planning (Director General), at least six (6) months prior to commencement of reject emplacement in these areas; and*
 - C. *Commence use of emplacement areas 1, 3, and 4 only after consultation with the Cessnock City Council (Council) and the granting of approval by the DMR.*

Acid and Saline Mine Waters

- V. The Applicant shall:
- A. *Manage acid mine drainage and acid leachate according to the requirements of the EPA;*

- B. *Develop site specific management plans for each emplacement area and include disposal/neutralisation contingencies in the event that acid leachate problems emerge after the mine closes;*
- C. *Develop mine water management plans in consultation with the Black Creek Salinity Management Committee and any other relevant community group;*
- D. *Discharge treated effluent in accordance with any requirements of the EPA; and*
- E. *Only discharge saline mine waters in a 1 in 10 year -(24 hour) storm, or more intensive event in accordance with the site water management plan or as otherwise directed by the EPA.*

Native Vegetation

VI. The Applicant shall:

- A. *Take all reasonable measures to protect native vegetation from damage during construction except where trees, shrubs and other vegetation are removed for approved works; and*
- B. *Salvage all useable trees and shrubs for reuse either in log form or as woodchip mulch for erosion control and site rehabilitation.*

Fauna

VII. The Applicant shall:

- A. *Undertake faunal surveys for bat species at undisturbed sites proposed for reject emplacement as may be required by the NPWS;*
- B. *Report results of any faunal surveys to the NPWS; and*
- C. *Carry out any necessary ameliorative measures requested by the NPWS in relation to the findings of the faunal surveys.*

Archaeological Survey

- VIII. **The Applicant shall undertake additional archaeological surveys, of undisturbed reject emplacement areas and the Cessnock No. 1 site no later than six (6) months prior to their use, according to any requirements of the NPWS.**

Heritage Items

IX. The Applicant shall:

- A. *Undertake a Heritage Impact Assessment of the site and prepare a Heritage Management Plan, in consultation with the Council, for the approval of the Heritage Council of NSW prior to any re-use of the Cessnock No 1 Colliery surface site at Kallingo; and*
- B. *Make application under Section 132 of the Heritage Act for any works proposed to be undertaken on or under Lot 1, DP 87087 and Part Lot 1, DP 69968 County Northumberland, Parish Heddon.*

(This land is currently subject to a Section 130 Order under the Heritage Act to prevent harm to buildings, works, relics etc. of the South Maitland Railway, gazetted 16 September, 1983.)

Hydrogeological Study

- X. The Applicant shall, in the event it selects the Cessnock No. 1 Shaft at Kallingo as the ventilation shaft site, submit a report to the Director General and the DMR which includes the results of a hydrogeological study and mine water disposal plan prepared in accordance with the requirements of the DMR and EPA.

Roads

- XI. The Applicant shall:

- A. *Provide to the satisfaction of the Council and the Roads and Traffic Authority (RTA) and at its own cost, a crossing over Wollombi Road (Main Road 218) in the vicinity of the coal waste emplacement areas 3 and 4 with respect to type and sight distance in accordance with AS2890-1. Such crossing shall consist of pavement and bitumen seal extending at least 30 metres either side of Main Road 218. All crossing works are to be completed prior to the commencement of operations in emplacement areas 3 and 4; and*
- B. *Provide a Type B intersection at the nominated entry to the Cessnock No. 1 colliery site. Such facility and location shall be determined in conjunction with Council and constructed prior to commencement of operations at the Cessnock No. 1 site.*

Subsidence

- XII. The Applicant shall:

- A. *Prepare schedules of extraction showing the expected subsidence areas prior to longwall extraction. These schedules shall be block outlines superimposed on appropriate scaled and recent aerial photographs and copies shall be supplied to respective affected landowners;*
- B. *In conjunction with the Mine Subsidence Board and the DMR, one (1) year before commencement of longwall extraction, inform all the owners of properties proposed to be undermined about the procedures for rectification and compensation for subsidence effects on residences, farm buildings and structures, and farm dams; and*
- C. *Inform all the owners of properties within the application area, which are not undermined, about current and future longwall mining proposals foreshadowed in the EIS.*

Subsidence Provisions Specific For Property No 15

- XIII. The Applicant shall:

- A. *Conduct detailed monitoring of subsidence over the western longwall areas (longwalls 13 to 19) in accordance with the requirements of the DMR and to the satisfaction of the Principal Subsidence Engineer;*
- B. *In conjunction with the Mine Subsidence Board, prior to commencement of longwall extraction, inform the owner(s) of Property No. 15 of the:*
 - 1. *Predicted subsidence effects on the two operating broiler sheds, residence and farm buildings, dams and structures on Property 15;*

2. Procedures for rectification and compensation available under the Mine Subsidence Compensation Act for damage to all surface improvements caused by subsidence;
 3. Procedures for rectification and compensation available under the Mining Act for consequential losses to stock caused by subsidence; and
 4. Arrangements made in respect of a "pre-mining inspection" to be completed by the Mine Subsidence Board.
- C. *Monitor the storage capacity of all dams on the property immediately before, during, and after mining and, in the event of loss of water to the dams caused by subsidence, provide an alternative supply equal to, both in quality and quantity, the water supply that existed immediately prior to subsidence commencing, in accordance with the Applicant's Subsidence Management Policy.*

Vibration Monitoring

- XIV. The Applicant shall, in conjunction with the Mine Subsidence Board, liaise with the Australian Geological Survey Organisation and give them reasonable assistance with the establishment of a vibration monitoring network.

Approvals to Council

- XV. The Applicant shall furnish to Council, copies of all approvals and licences issued by government departments and other statutory authorities for this development.

Environmental Reporting

- XVI. The Applicant shall within twelve months of this Consent, at a date to be determined in consultation with the DMR, and thereafter annually on the anniversary of that date:

- A. *Submit to the DMR for its approval an annual Environmental Management Plan report (EMPR) prepared in accordance with the Model for Environmental Management Plan Reporting, Document No. 80860302.GU1, issued by the DMR, 17 January, 1994. The EMPR shall generally include:*
1. Short, medium and long term mine plans;
 2. Progress reports on the progressive rehabilitation of the site;
 3. A review of the performance of the water management measures adopted for acid and saline mine waters;
 4. A summary of all saline water releases;
 5. A review of performance in terms of EPA licences, DMR lease conditions, conditions of this Consent;
 6. A review of the performance of all erosion control structures including all drainage diversion channels, collection pits, and sedimentation dams;

7. A review of the environmental monitoring data (air quality, noise, vibration, and water quality) and an assessment of the effectiveness of the site's environmental management;
 8. A list of any variations to approvals obtained during the previous year;
 9. Results of subsidence monitoring and subsidence impacts upon the built and natural environments, and measures implemented to rectify any damage; and
 10. A summary of environmental management targets for the next year.
- B. *Consult with the Director General during report preparation concerning any reasonable additional requirements;*
 - C. *Submit copies of the annual EMPR to the Director General, EPA, DMR, and the Council; and*
 - D. *Make copies of the EMPR available for public inspection at the Wollombi Road, Pelton office of the Applicant.*

Environmental Officer

XVII. The Applicant shall:

- A. *Employ or contract the services of an Environmental Officer, whose qualifications are acceptable to the DMR; and*
- B. *Make the Environmental Officer responsible for:*
 1. Ensuring that nominated 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; and
 2. Receiving complaints on a dedicated telephone line, entering these in an up-to-date log, and ensuring that action on the complaint is addressed within 48 hours.

Environmental Monitoring

XVIII. The Applicant shall:

- A. *Carry out, at his own cost, all monitoring as described and specified in the EIS;*
- B. *Undertake and implement environmental monitoring in respect of:*
 1. Subsidence, as may be required by the DMR;
 2. Rehabilitation, as may be required by the LAWC and the DMR;
 3. Groundwater levels and quality, as may be required by the LAWC;
 4. Noise, air quality, vibration and water quality, as may be required by the EPA;
 5. pH, conductivity or salinity, total suspended solids, turbidity, and total dissolved solids to the requirements of the EPA in Black and

Quorrobolong Creeks upstream and downstream of the development site; and

6. Noise at the proposed ventilation shaft to the requirements of the EPA.
- C. *Monitor and log complaints with respect to all aspects of the Ellalong Colliery operation and summarise these in the EMPR; and*
- D. *Make any results of monitoring in respect to this condition immediately available to the public when requested.*

Dispute Resolution

- XIX. In the event that the Applicant, the Council or a Government body other than the Department, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director General or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.**

Note: This approval does not relieve the Applicant of the obligation to obtain any other approvals under the Local Government Act and Regulations 1992 (including approval for building plans) or any other Act.