

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED STATE SIGNIFICANT DEVELOPMENT

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTIONS 76(A)9 & 80**

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 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 to:

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

Andrew Refshauge MP
Minister for Urban Affairs and Planning,

Sydney, 2 March 2000

File No. S99/00410

Schedule 1

Application made by: Peabody Resources Limited (ACN 004 447 938)
("the Applicant").

To: The Minister for Urban Affairs and Planning
(DA 52-03-99)

In respect of: Land described in Appendix "1".

For the following: Development of an open cut coal mine, and construction of
associated surface facilities ("the Development").

BCA Classification: Class 10(a) - Bulk Store, Main Workshop, Bath House, Car Port,
Truck Wash, Explosives Store, and new Bulk Store, Workshop
Extension, Bath House & Fuel Farm
Class 10(b) – Coal Conveyor and Coal Crushing Facility
Class 7 – Bulk Store
Class 5 – New Office and Office Complex

- NOTE:**
- 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.
 - 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 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

Development Consent Conditions For Ravensworth East Open Cut Coal Mine

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DEFINITIONS:

AEMR - *Annual Environmental Management Report*

CCC – *Community Consultative Committee*

Construction – *Construction of road works and surface facilities*

DA - *Development Application*

DA area - *Development Application area which includes all works described in the DA.*

Director-General - *Director-General of the Department of Urban Affairs and Planning or delegate.*

EIS - *Environmental Impact Statement*

Mining Operations – *Includes vegetation removal and soil stripping, overburden removal and coal extraction*

Surface facilities – *The existing Bulk Store, Main Workshop, Bath House, Conveyors, Office Complex, Car Port, Truck Wash, Explosives Store, Crushing Facility and the proposed Bulk Store, Workshop Extension, upgraded Coal Crushing Facility, extended Coal Conveyor, Bath House & Fuel Farm, and new Office area.*

Government Authorities

SSC - *Singleton Shire Council*

DLWC - *Department of Land and Water Conservation*

DMR - *Department of Mineral Resources*

EPA - *Environment Protection Authority*

MSB - *Mine Subsidence Board*

NPWS - *National Parks and Wildlife Service*

NSW Agriculture - *New South Wales Agriculture*

NSW Fisheries - *New South Wales Fisheries*

RTA - *Roads and Traffic Authority*

1. General

There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.

1.1 Adherence to terms of DA, EIS, SIS, etc.

- (a) The development is to be carried out generally in accordance with development application No. 52-03-99, and the EIS dated January 1999, prepared by ERM Mitchell McCotter and certified in accordance with Section 78A(8) of the Act, and all other relevant documentation provided to DUAP, including:
- (i) ¹additional noise and air quality information requested by the EPA and supplied by ERM Mitchell McCotter Pty Ltd in a letter dated 14 May 1999; and
 - (ii) ²additional information relating to water impacts (a tributary impact assessment) requested by the EPA and supplied by ERM Mitchell McCotter Pty Ltd in a letter dated 11 June 1999.

as may be modified by the conditions set out herein.

- (b) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
- (c) If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

1.2 Period of Approval/Project Commencement

- (i) The approval for mining is for a period of 21 years from the date of granting of a mining lease pursuant to this consent.
- (ii) At least one month prior to the commencement of construction and Mining Operations respectively or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of construction and Mining Operations.
- (iii) Date of commencement of construction and Mining Operations is to be notified in writing to the Director-General, and SSC, at least two weeks prior to commencement of construction and Mining Operations respectively.

¹ EPA General Terms of Approval

² EPA General Terms of Approval

1.3 Dispute Resolution

In the event that the Applicant, SSC or a Government agency, other than the Department of Urban Affairs and Planning, 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 for Urban Affairs and Planning, whose determination of the disagreement shall be final and binding on the parties.

1.4 Security Deposits and Bonds

Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.

1.5 Year 2000 Conformity

One month prior to the commencement of operation of any automated system, including embedded systems, used for operation, pollution control, monitoring and safety (including fire safety), the Applicants shall provide the Director-General with a report confirming that the system has been tested in accordance with the most recent edition of BSI/DISC PD2000-1 to confirm continuous time and date functionality of that system, unless otherwise agreed by the Director-General.

2. Mine Management

2.1 Mine Management Plan, Operations and Methods

- (a) No mining shall occur until the Applicant has submitted and had accepted by the DMR, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR. The Plan covers mining operations for a period of up to seven years.
- (b) The MOP shall:
 - (i) be prepared in accordance with DMR Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent equivalent);
 - (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
 - (iii) demonstrate consistency with the Environmental Management Plans for the project site;
 - (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring; and
 - (v) identify a schedule of proposed mine development for the period covered by the plan and include:
 - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures
 - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact
 - water management, and
 - proposals to appropriately minimise surface impacts.
- (c) In preparing the Mine Operations Plan, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.
- (d) A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and the Director-General within 14 days of acceptance by DMR.
- (e) Prior to the highwall operation occurring within 600 metres of any infrastructure or services of the Mt Owen Mine (eg electricity supply, rail spur line, access road and water management), the Applicant shall:
 - (i) organise and bear the costs for an independent engineering assessment in consultation with the Hunter Valley Coal Corporation. The assessment shall include a consideration of the design and construction of the highwall; and
 - (ii) consult with the Hunter Valley Coal Corporation and enter an agreement to cover the costs associated with and potential damage to infrastructure and services owned and operated by the Hunter Valley Coal Corporation.

2.2 Spontaneous Combustion

The Applicant shall prepare, prior to the acceptance of a Mining Operations Plan by the DMR, a Spontaneous Combustion Management Plan to the satisfaction of DMR.

2.3 *Limits on Production*

- (a) Product coal produced from the mine shall not exceed 4.0 Million tonnes per annum and shall be transported to the Liddell and Bayswater Power Stations as described in the EIS. If coal transport to any other destination is proposed the Applicant shall consult the Director-General. If the Director-General considers the proposal constitutes a significant change to the approved development, the Applicant shall submit an application for the relevant approval in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.

3. Land and Site Environmental Management

3.1 Appointment of Environmental Officer

- (a) The Applicant shall employ a suitably qualified and experienced Environmental Officer(s) throughout the life of the mine, whose appointment is acceptable to the Director-General. The Officer(s) will:
 - (i) be responsible for the preparation of the environmental management plans (refer Condition 3.2);
 - (ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
 - (iii) be responsible for receiving and responding to complaints in accordance with Condition 10.2(a);
 - (iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities; and
 - (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.
- (b) The Applicant shall notify the Director-General, DMR, EPA, NPWS, DLWC, SSC, and CCC (refer condition 10.1) of the name and contact details of the Environmental Officer(s) upon appointment and any changes to that appointment.

3.2 Environmental Management Strategies and Plans

- (a) The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 3.2(d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee (refer condition 10.1) and to the satisfaction of the Director-General, prior to commencement of construction. The Strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub clause (d) below is submitted.
- (b) The Environmental Management Strategy shall include, but not be limited to:
 - (i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;
 - (iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;
 - (iv) overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by mining operations, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;

- (v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
 - (vi) overall objectives and strategies to protect economic productivity within the area affected by mining;
 - (vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;
 - (viii) processes for conflict resolution in relation to the environmental management of the project; and
 - (ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
- (c) The Applicant shall make copies of the Environmental Management Strategy available to SSC, EPA, DLWC, NPWS, DMR, MSB and the CCC within fourteen days of approval by the Director-General.
- (d) The Applicant shall prepare the following environmental management plans:
- Archaeology and cultural management plan (refer condition 3.3)
 - Flora and fauna management plan (refer condition 3.4)
 - Erosion and sediment control plan (refer condition 3.5(a))
 - Soil stripping management plan (refer condition 3.5(c))
 - Landscape management plan (refer condition 3.7)
 - Bushfire management plan (refer condition 3.8)
 - Land management plan (refer condition 3.9(a))
 - Site water management plan (refer condition 4.1)
 - Dust management plan (refer condition 6.1)
 - Blast / vibration management plan (refer condition 6.3(e))
 - Noise management plan (refer condition 6.4.3(a))
 - Construction noise management plan (refer condition 6.4.3(c))
 - Road noise management plan (refer condition 6.4.3(d))
 - Dragline transfer management plan (refer condition 7.6)
- (e) The management plans are to be revised, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. They will reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

3.3 Heritage Assessment, Management and Monitoring

Assessment and Management

The Applicant shall prior to the commencement of Mining Operations;

- (a) prepare an Archaeology and Cultural Management Plan to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with the Wonnarua Tribal Council and NPWS, and to the satisfaction of the Director-General. The Plan shall include but not be limited to:

- (i) identification of all areas of conservation within the DA area;
 - (ii) provision of management strategies for all parts of the DA area not affected by mining;
 - (iii) identification of any future salvage, excavation and monitoring of any heritage/archaeological sites within the DA area, prior to and during development. This shall include details of Global Positioning System (GPS) recording to be undertaken for identified heritage/archaeological sites, and future upkeep, storage, and relocation of salvaged artefacts within the DA area [refer also to condition 3.3 (d)];
 - (iv) details of measures to assist the Aboriginal community to maintain and manage cultural heritage in the DA area, including details of the care and control of Artefacts in the identified sites RE1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 and the commissioning of a Cultural Heritage Video of the landscape in the DA area;
 - (v) details of management of Aboriginal heritage sites which will be unaffected by mining in the DA area, including provision for fencing;
 - (vi) identification and discussion of Aboriginal archaeological sites that will require a section 90 consent to destroy under the *National Parks and Wildlife Act 1974*, and potential Aboriginal sites that may require section 90 consents in the future;
 - (vii) an assessment, by a suitably qualified person, of the Ravensworth Homestead to determine a safe blasting limit so that the building will not be detrimentally affected by blasting activities, prior to any blasting taking place;
 - (viii) a full Dilapidation Report, by a suitably qualified person, of the Ravensworth Homestead prior to any blasting taking place. Monitoring of the building is to be carried out on a regular basis to ensure blasting does not affect the heritage item and blasting is within the limits identified in subclause (vii) above;
 - (ix) details of measures to fully document, in accordance with the NSW Heritage Council guidelines, any non-indigenous heritage sites that will be destroyed by the development; and
 - (x) details of consultation undertaken in the preparation of this Plan.
- (b) Within six months of the commencement of Mining Operations, the Applicant shall make a \$50,000 contribution towards the establishment of a trust fund set up by the Department of Urban Affairs and Planning through the Public Trustee. The funds are to be used for a regional study of Aboriginal sites and other cultural heritage projects as defined by the Trust Deed.
- (c) ³s90 consents will be issued by NPWS for the following Aboriginal find location sites and the deposits between them:

³ NPWS General Terms of Approval

RE1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, with the works outlined in Conditions d–f.

- (d) ⁴The Wonnarua Tribal Council are to be provided with the opportunity to collect artefacts from all locations for which s90 consents are to be obtained in consultation with NPWS.
- (e) ⁵Scientific investigations are to be undertaken in two different landscape contexts between the slope containing complex sites RE10-RE14, the Swamp Creek valley, and the area in the vicinity of sites RE19 and RE32 (as identified by the map in Schedule 3). The final selection location(s) and the nature/extent of this study will be determined by the Wonnarua Tribal Council and NPWS.
- (f) ⁶The land surface at locations RE23 and RE24 beyond the road construction corridor are to be protected by the erection of barriers to ensure that works do not extend beyond the actual construction route.
- (g) If, during the course of construction of any surface facilities or mining activities, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant the local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.
- (h) The Applicant is to consult regularly with the Wonnarua Tribal Council using consultation principles and strategies consistent with those outlined in the “*Guidelines for best practice community consultation in the NSW Mining and Extractive Industries*”. The results of these consultations shall be documented in the AEMR.
- (i) Any proposed works that will affect non-indigenous heritage items, including demolition of the items, will require an approval under section 139 of the *Heritage Act 1977* and an application for an excavation permit to disturb the relics. This may also require additional approvals from SSC if the items are listed on the Heritage Schedule of the Local Environmental Plan.

- Notes**
1. No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of NPWS, under section 90 of the *National Parks and Wildlife Act 1974*, prior to any disturbance of the identified sites by Mining Operations.
 2. Wherever possible, the Applicant is to contract representatives of the Wonnarua Tribal Council to assist in the proposed archaeological investigations and to undertake salvage of artefacts.

Monitoring

⁴ NPWS General Terms of Approval

⁵ NPWS General Terms of Approval

⁶ NPWS General Terms of Approval

- (j) The Applicant shall monitor the effectiveness of the measures outlined in the Archaeology and Cultural Management Plan [Condition 3.3(a)]. A summary of monitoring results shall be included in the AEMR.

3.4 Flora and Fauna Assessment, Management and Monitoring

Assessment and Management

- (a) The Applicant shall prior to commencement of Mining Operations prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan shall be prepared in consultation with NPWS, and to the satisfaction of the Director-General. The Plan shall be prepared by an appropriately qualified and experienced ecologist to the satisfaction of the Director-General. The ecologist shall be responsible for providing advice to minimise potential impacts upon threatened and protected fauna species that may utilise the site and to provide expert advice on the regeneration and reconstruction of flora and fauna habitat on mined areas. The Plan shall include but not be limited to:

a) Clearing of vegetation

- (i) details of pre-clearance inspections, including the identification and inspection of trees containing tree hollows, including stags, prior to clearing of any vegetation. This shall be undertaken by an appropriately qualified and experienced ecologist for the presence of any threatened fauna utilising those hollows;
- (ii) the description of appropriate methods for the removal / translocation of any threatened species to suitable areas at the discretion of the ecologist, should any threatened fauna be detected during any clearing; and
- (iii) details of the methods for salvaging and relocating hollow bearing limbs/stags, that have been identified, to areas regenerated with native vegetation or existing areas of native vegetation, to augment and reconstruct faunal habitat. The limbs and trunks are not to be burnt.

b) Reconstruction of native bushland – Post Mining fauna habitat

- (i) the establishment of long-term post-mining land use objectives over the site;
- (ii) details of the principal goal to replace each community type that currently exists on site that will be removed or reduced in area, with communities of same or similar dominant species composition, notably Bullock Low Woodland, Swamp Oak Open Forest, Narrow-leaved Ironbark Woodland and River Oak Open Forest;
- (iii) measures to connect existing areas and future areas of habitat rehabilitation to form a network of wildlife corridors throughout the site and to adjoining lands to facilitate species recruitment through natural immigration;
- (iv) strategies for the preparation of the site for habitat rehabilitation, as part of the revegetation;
- (v) details of the utilisation of local endemic species or species naturally occurring only in the Hunter Valley for regeneration;
- (vi) methods of revegetation;
- (vii) measures for the dispersal of rocks and logs of varying sizes throughout the proposed revegetated areas to provide refuge and basking sites for herpetofauna;

- (viii) details of the fencing of all habitat rehabilitation areas to prohibit grazing by stock for a minimum of five years beginning from the removal of stock and fencing of that area;
 - (ix) strategies to manage the impact of surface water management, erosion and sediment control measures, and flooding mitigation measures on flora and fauna, including the impact of heavy machinery;
 - (x) development of a protocol for identifying and managing significant impacts on any threatened flora and fauna species not identified in the EIS, during development through construction or operation of the coal mine; and
 - (xi) details of the habitat monitoring program (refer to subclause (i) below).
- (b) To ensure that there is no net loss of foraging habitat for the Masked Owl and the Eastern Free-tail Bat, cattle shall be removed from the land owned by Peabody Resources on the mine lease area (shown by the boundary in Figure 1.3 of the EIS) as described in the EIS from the date of this consent to allow for the natural regeneration of ground cover and the germination of native shrubs and trees seed in the soil.
- (c) The applicant shall revegetate a minimum of 30% of the site affected by the current mine proposal as bushland.
- (d) Those areas proposed to be mined and those areas proposed to be reforested both by natural means and by direct seeding/planting shall be mapped so that the spatial and temporal relationship between the sequence of vegetation clearing, mining and habitat rehabilitation is clearly demonstrated.
- (e) Natural drainage patterns shall be re-established as far as practical. For the dual purposes of the protection of water quality and to provide wildlife links to revegetated areas, all creeks natural or reconstructed shall be buffered on each side by filter strips of native vegetation at a minimum of 10 metres or of widths responsive to the topography of surrounding slopes.
- (f) During the life of the mine and until the revegetated areas constitute viable ecosystems, the Applicant shall maintain the revegetated areas. Maintenance shall include but not be limited to:
- replanting failed or unsatisfactory areas
 - repairing erosion problems
 - fire management – fire suppression or fire encouragement*
 - pest and weed control*
 - control of feral animal populations*
 - maintain and repair fencing*
 - fertiliser application
 - watering plants in drier areas, especially in the establishment phase
 - application of lime or gypsum to control pH and improve soil structure.

Note: A viable ecosystem is loosely defined as a reconstructed vegetation community being able to sustain itself with only those management efforts indicated by * being required as ongoing initiatives.

- (g) As well as the requirements under subclause (h), the efforts and progress of the Flora and Fauna Management Plan shall be documented in the Annual Environmental Management Report in accordance with the Department of Mineral Resource's Guidelines to the Mining, Rehabilitation and Environmental Management Process (March 1998) or its latest version.

Monitoring

- (h) The regeneration works shall be monitored by an appropriately qualified and experienced ecologist approved by the Director-General. The results of the monitoring and the effectiveness of the reforestation shall be publicly reported annually as part of the Annual Environmental Management Report.
- (i) The Applicant shall prepare a detailed monitoring program of habitat areas on land owned by Peabody Resources, including any wetlands and aquatic habitats, during the development and for a period after the completion of the development to be determined by the Director-General in consultation with NPWS and NSW Fisheries. The monitoring program shall be included in the Flora and Fauna Management Plan (Condition 3.4(a)) and a summary of the results shall be provided in the AEMR. The program shall:
 - (i) monitor impacts attributable to the development and include monitoring of the success of any restoration or reconstruction works. The Applicant shall carry out any further works required by the Director-General as a result of the monitoring;
 - (ii) establish an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristics and structure and to propose contingency measures for improvements to revegetation if required; and
 - (iii) establish an ongoing monitoring program of fauna species diversity and abundance and the effectiveness of reconstructed ecosystems in providing fauna habitat and contingency measures should impacts be identified as occurring.

Note: The information obtained from the monitoring shall be used to guide future revegetation efforts on the mine site.

3.5 Prevention of Soil Erosion

- (a) The Applicant shall prepare an Erosion and Sediment Control Plan for the surface facilities and mining operations in consultation with the DLWC, taking account of the DLWC "*Draft Guideline for Establishment of Stable Drainage Areas on Rehabilitated Minesites*" or its latest version, and to the satisfaction of DLWC and the Director-General. The Plan shall be prepared and implemented prior to the commencement of construction of surface facilities or mining operations.
- (b) The Erosion and Sediment Control Plan shall include but not be limited to:
 - (i) details of temporary and permanent sediment and erosion control systems to be used during both mine construction and operation, including for earthworks associated with landscaping;

- (ii) details of salinity management;
 - (iii) ⁷measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The Plan should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing) or its latest version;
 - (iv) details of the proposed measures to maximise the retrieval of topsoil for subsequent use in the rehabilitation program;
 - (v) consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including all creeklines within the DA areas;
 - (vi) measures to construct banks, channels and similar works to divert stormwater away from disturbed and contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring; and
 - (vii) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved Erosion and Sediment Control Management Plan, and EIS.
- (c) The Applicant shall also prepare a Soil Stripping Management Plan to the requirements of DMR and DLWC that shall include, but not be limited to:
- (i) details of the management of soil stockpiles, soil stripping techniques and scheduling; and
 - (ii) a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the soil stripping management plan, and EIS.
- (d) ⁸Sedimentation dams must be constructed to contain or treat surface water runoff from all mining areas and areas disturbed by mining including overburden dumps, topsoil stockpiles, unsealed roads and areas cleared of vegetation. Sedimentation dams must be designed:
- to provide, to the satisfaction of the DLWC, a minimum dam capacity appropriate to the area draining to each dam;
 - so that the maximum flow velocity through the dams meets DLWC guidelines;
 - to prevent short circuiting; and
 - if inflow is likely to contain oil or other deleterious floating matter a baffle must be installed at the outlet to prevent discharge of that matter.

3.6 Site Rehabilitation Management

⁷ EPA General Terms of Approval

⁸ EPA General Terms of Approval

The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources and ensure the progressive rehabilitation of the area is also to the satisfaction of DLWC. The rehabilitation shall also have regard to the *Synoptic Plan – Integrated Landscapes for Minesite Rehabilitation (1999)* for the Upper Hunter, or its latest version.

3.7 Visual Amenity and Landscaping

- a) The Applicant shall, prior to the commencement of mining submit for the approval of the Director-General, in consultation with SSC, a detailed Landscape and Revegetation Management Plan prepared by a suitably qualified person. The plan shall include, but not be limited to:
- (i) details of the establishment of vegetation and the construction of mounding or bunding, for the purposes of maintaining satisfactory visual amenity, ecological functioning and habitat provision;
 - (ii) consideration of revegetation works along creeklines and land between the Hebden Road reserve and land to be disturbed by the mine;
 - (iii) use of indigenous species;
 - (iv) details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to blend as far as possible with the surrounding landscape;
 - (v) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.

3.8 Bushfire and other Fire Controls

The Applicant shall:

- (a) maintain the existing fire protection works on site, including the availability of trained personnel, water tankers and fire fighting equipment and annual hazard reduction measures with particular attention to boundaries of adjoining landholdings; and
- (b) prior to commencement of mining operations prepare a bushfire management plan for all its holdings contained in the DA, to the satisfaction of SSC.

3.9 Land Management

- (a) The Applicant shall, prior to commencement of Mining Operations prepare a Land Management Plan for the areas of the proposed surface facilities, and its holdings in the DA area, to provide for proper land management in consultation with DLWC, SSC, and to the satisfaction of the Director-General. The plan shall include, but not be limited to:
- (i) pastures and remnant vegetation management;
 - (ii) prevention and rehabilitation of land degradation;
 - (iii) eradication of vermin and noxious weeds as required by the Rural Lands Protection Authority, the Upper Hunter Weeds Authority, the Prickly Pear Authority and other relevant authorities; and,
 - (iv) feral animal control.

- (b) The Applicant shall minimise the removal of trees and other vegetation from the proposed surface facilities, and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control (in accordance with SSC requirements).

4. Water Management and Monitoring

4.1 Surface & Ground Water Management Plans

The Applicant shall:

- (a) prior to the commencement of mining, prepare a Site Water Management Plan for the DA area, in consultation with NSW Fisheries and to the satisfaction of the Director-General and DLWC, which shall include, but not be limited to, the following matters:
- (i) management of the quality and quantity of surface and ground water within the areas covered by the water management plans;
 - (ii) management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;
 - (iii) measures to prevent the quality of any surface waters being degraded below the relevant ANZECC water quality criteria prior to mining operations, particularly in the Hunter River and Swamp Creek due to the operation of the mine workings;
 - (vi) identification of changes in flow of surface waters including all creeks within the DA area due to mine operations and diversion of Swamp Creek;
 - (v) ⁹demonstration of compliance with Section 20BA and Section 20Y of the *Water Act (1912)*, concerning the embargoes on water extraction within the Hunter Valley;
 - (vii) contingency plans for managing adverse impacts of the development on surface and groundwater quality;
 - (viii) ¹⁰an outline of the impact of the licensed works undertaken by the licences required from DLWC on downstream water users. This shall include the preparation of a discharge strategy to any identified downstream users. The strategy shall incorporate water quality goals;

⁹ DLWC General Terms of Approval

¹⁰ DLWC General Terms of Approval

- (ix) documentation of a written agreement between Hunter Valley Coal Corporation and Peabody Resources regarding the supply of water to Ravensworth East pursuant to the licence 20SL052139;
- (x) details of the transfer of water between Ravensworth East Mine and Mt Owen Mine, including details on reuse of saline waters and soils / land status where saline waters are to be used, discharge arrangements and any requirements to modify the volume of storages on site;
- (xi) ¹¹measures to develop and implement a Stormwater Management Scheme to mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* or its latest version (available from the EPA).
- (xii) details of water make and storage on site, including contingencies in the event of very wet conditions (75% and greater rainfall years) occurring on the site. This must be balanced against the mine water demand or transfer arrangements with adjacent holdings;
- (xiii) measures to ensure that poorer quality class waters are effectively reused on the site including consideration of segregation of waters based on salinity classes and other levels of contamination;
- (xiv) measures to isolate heavily contaminated waters, including waters containing oil and grease, operation chemical residues or other criteria, to avoid mixing with reuse or discharge waters;
- (xv) details of design and maintenance of all storages, diversions, transmission channels and sedimentation basins for the site, to ensure that no sedimentation of watercourses occurs as a result of mining operations;
- (xvi) details of any licensing requirements for any extractions, storages, or other constructions on the site;
- (xvii) measures for assessing chemical water quality impacts of the mining operation above and below the mine site
- (xviii) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affect of changes to groundwater quality and mobilisation of salts; and
- (xix) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS.

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(b) ¹²The Applicant shall obtain a licence from DLWC prior to the commencement of mining operations under:

- (i) Part 2 of the *Water Act 1912* for the provision of water supply from extraction of water from the Hunter River, provision of supply from harvesting of water from the stream diversion system around the mine site and diversion of rivers defined under the Act; and,
- (ii) Part 5 of the *Water Act 1912* for works relating to bores and wells, excavations or any other structures that intercept the groundwater table, where used or intended to be used for extraction of groundwater, including monitoring bores, that are not used for the extraction of groundwater.

Note: A licence under Part 2 of the *Water Act 1912*, is not required for the proposed sedimentation basins along Swamp Creek and tributaries provided:

- all storages and basins are designed and operated solely to retain runoff waters for pollution control or sedimentation; and
- all storages detain water for treatment to acceptable levels of water quality prior to release to the downstream environment.

(c) ¹³The works associated with the proposal shall not damage or interfere in any way with:

- (i) vegetation outside the area of operation;
- (ii) the stability of adjacent or nearby streams; or
- (iii) the quality of water in the stream or watercourse below current beneficial use.

(d) ¹⁴The Applicant shall, in consultation with DLWC, ensure that all soil and / or vegetation material to be removed from the area of operation is disposed of on an appropriate site where it will not be swept back into watercourses.

(e) In the event that the development adversely affects groundwater users the Applicant shall, to the satisfaction of the DLWC, liaise with the users to provide a replacement water supply of similar quality and quantity to that affected, until such time as the development ceases to impact on the users' water supply. The cut-off levels for depressurization of the alluvial aquifer and water quality parameters shall be determined in consultation with the DLWC.

Pollution of waters

(f) ¹⁵Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

¹² DLWC General Terms of Approval

¹³ DLWC General Terms of Approval

¹⁴ DLWC General Terms of Approval

¹⁵ EPA General Terms of Approval

- (g) ¹⁶Any release of surplus minewater from the mine must comply with the requirements of the Hunter River Salinity Trading Scheme (HRSTS) unless otherwise directed by the EPA. The HRSTS embodies:
- the conditions of an EPA Licence;
 - the HRSTS Rulebook dated 1 December 1998; and
 - monitoring of the Hunter River by the DLWC on behalf of participating industries.

Concentration limits

- (h) ¹⁷The concentration of a pollutant in wastes discharged must not:
- cause salinity in the Hunter River to exceed 900 microSiemens/cm ($\mu\text{S}/\text{cm}$) measured at Singleton;
 - contain more than 120 milligrams per litre (mg/l) of non-filtrable residue; and
 - be of a pH less than 6.5 or greater than 9.5.

Wastewater management

- (i) ¹⁸A waste water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.
- (j) ¹⁹Ponds and drains must be constructed at coal stockpile and coal handling areas to contain and treat contaminated runoff prior to reuse within the minewater management system.
- (k) ²⁰An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the EPA's draft guideline "Utilisation of Treated Effluent by Irrigation".

Swamp Creek Diversion

- (l) The Applicant shall:
- (i) meet the requirements of the DLWC in relation to the mitigation of adverse impacts on downstream watercourses affected by the diversion and engineering specifications from the diversion;
 - (ii) incur all costs, approvals and works for this;
 - (iii) consult with the Hunter Valley Coal Corporation at the detailed design stage and obtain a commercial agreement on the design prior to the commencement of diversion works; and
 - (iv) liaise with Hunter Valley Coal Corporation concerning the timing of the works and when flows through the Creek will cease.

4.2 Surface and Groundwater Monitoring

¹⁶ EPA General Terms of Approval

¹⁷ EPA General Terms of Approval

¹⁸ EPA General Terms of Approval

¹⁹ EPA General Terms of Approval

²⁰ EPA General Terms of Approval

(a) The Applicant shall:

- (i) construct and locate surface and groundwater monitoring positions, as identified in the Site Water Management Plan (Condition 4.1(a)) in consultation with DLWC, and to the satisfaction of the Director-General, at least three months prior to the commencement mining works;
- (ii) prepare a detailed monitoring program in respect of ground and surface water quality and quantity, including water in and around the DA area during mining works and post mine operations in consultation with DLWC, and to the satisfaction of the Director-General. The monitoring program shall:
 - include the duration (pre, during, and post mining), sites to be sampled, frequency of sampling, the parameters to be measured, the need for any contingency plans, the reporting procedure and determination of appropriate cut-off criteria for monitoring purposes determined in consultation with DLWC;
 - consider the 'Draft' Groundwater Monitoring Program for Coal Mines in the Hunter Catchment or its latest version for the groundwater component of the monitoring program; and
 - include long term monitoring of the condition of the Swamp Creek diversion channel and affected downstream watercourses during the life of the mining lease. This shall include the monitoring of the chemical and biological state of Bowmans Creek and Swamp Creek, to assess the level of impact occurring as a result of the proposal. In the event that the monitoring identifies any adverse impacts are occurring, a plan of remediation shall be developed and implemented to the satisfaction of DLWC

The monitoring program shall be prepared prior to commencement of mining operation. The monitoring program for post-mining shall be prepared by year 20 of mine operations.

Requirement to monitor wastewater discharges

- (b) ²¹The Applicant shall monitor the discharge of water as required by the EPA. This shall include.
- (i) monitoring equipment must be installed at the authorised discharge point licensed by the EPA to enable full compliance with the monitoring requirements detailed in subclause (ii).
 - (ii) the following must be measured continuously at the authorised discharge point during discharge:
 - the volume of the wastes discharged in megalitres per day; and
 - the conductivity of the wastes discharged in microSiemens per centimetre.
 - (iii) measurement of:
 - non-filterable residue in milligrams per litre; and
 - pH

²¹ EPA General Terms of Approval

- (iv) monitoring required by subclause b (iii) must be carried out on the following at least once during each discharge:
- the water discharged; and
 - the receiving waters, upstream and downstream of the discharge point.
- (v) the proponent must otherwise monitor waters and any discharge as specified by the HRSTS and as set out in an environment protection licence issued by the EPA.
- (c) ²²Results of continuous monitoring required by subclause b (ii) must be forwarded via the Hunter Integrated Telemetry System (HITS) to the regional water quality monitoring network operated by the NSW Department of Land and Water Conservation (DLWC).
- (d) ²³Recording and communication equipment must be installed in accordance with the "*HITS Remote Site Design Document*" published by DLWC dated 22 December 1998.
- (e) ²⁴Recording and communication equipment must be operated so that collected data can be received by DLWC at any time.

Concentration Limits

- (f) ²⁵Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by subclause 4.2 (b) must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.
- (g) The results and interpretation of surface and groundwater monitoring are to be reported and interpreted in the AEMR. The Applicant shall also provide DLWC with an electronic copy of all monitoring results.

²² EPA General Terms of Approval

²³ EPA General Terms of Approval

²⁴ EPA General Terms of Approval

²⁵ EPA General Terms of Approval

5. Hazardous Materials and Overburden Management

5.1 *Overburden Emplacement and Management*

The Applicant shall construct and manage the overburden emplacements as set out in the EIS, and to the approval of the DMR.

5.2 *Waste*

- (a) ²⁶The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

- (b) ²⁷Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must:
- have walls and floors constructed of impervious materials;
 - be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - have walls not less than 250 millimetres high;
 - have floors graded to a collection sump; and
 - not have a drain valve incorporated in the bund structure.
- (c) ²⁸A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.

²⁶ EPA General Terms of Approval

²⁷ EPA General Terms of Approval

²⁸ EPA General Terms of Approval

6. Air Quality, Blast, Noise and Light Management and Monitoring

6.1 Air Quality Management and Monitoring

Dust Management Plan

- (a) The Applicant shall, prior to the commencement of Mining Operations, prepare a Dust Management Plan detailing air quality safeguards and procedures for dealing with dust emissions to the satisfaction of the Director-General. The Plan shall be updated as required by the Director-General. The Plan shall include, but not be limited to, details of:
- the identification of dust affected properties and the relevant dust limits consistent with the EIS and any subsequent submissions to the Department;
 - specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations;
 - outline the procedure to notify property owners and occupiers likely to be affected by dust from the mine;
 - the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints;
 - appropriate mechanisms for community consultation;
 - outlining mitigation measures to be employed to minimise dust emissions;
 - equipment to be available and used to control dust generation;
 - measures to alter mining operations at any time when driver visibility or traffic safety on Hebden Road is adversely affected by dust from Mining Operations;
 - methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities if the relevant criteria are exceeded;
 - identification of longer term strategies directed towards mitigating dust levels that exceed the relevant EPA dust amenity criteria;
 - details of locations for dust monitoring and deposition gauges at the residential areas and frequency of monitoring, as agreed with the EPA; and,
 - a program to continue baseline monitoring undertaken prior to development consent.

Air Quality and Dust Monitoring

- (b) The Applicant shall:
- (i) undertake monitoring at locations described in the Dust Management Plan (Condition 6.1(a));
 - (ii) establish dust deposition and total suspended particulate (TSP) monitoring locations for the mine operations, including sites for monitoring impacts of dust at the nearest non-mined owned residences, and locations as may be determined to be necessary by the Director-General in consultation with the EPA and in accordance with the Dust Management Plan referred to in Condition 6.1(a); and
 - (iii) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in $\text{gm/m}^2/\text{month}$, which shall be plotted in the AEMR.

- (c) ²⁹Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:
- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
 - if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.
- (d) ³⁰Monitoring of dust deposition and the concentration of total suspended particulate matter and of PM₁₀ particulate matter in ambient air must be carried out at locations agreed to in consultation with the EPA. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the *(Draft) Approved Methods for the sampling and Analysis of Air Pollutants in NSW* or its latest version.
- (e) In the event that a landowner or occupier considers that dust from the project at their dwelling or over more than 25% of their vacant land is in excess of the relevant EPA dust amenity criteria, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:
- (i) consult with the landowner or occupants affected to determine their concerns;
 - (ii) make arrangements for appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;
 - (iii) modify the mining activity in accordance with a Dust Management Plan if exceedences are demonstrated to result from the mine related activity. This shall include:
 - introduction of additional controls, either of dust generation from individual sources on the site or on site operations or modify operations, to ensure that the dust criteria are achieved; and / or,
 - enter into an agreement with the landowner or provide such forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the dust levels experienced.
 - (iv) conduct follow up investigations to the satisfaction of the Director-General, where necessary.

Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.

²⁹ EPA General Terms of Approval

³⁰ EPA General Terms of Approval

- (f) If the independent dust investigations in sub-clause (e) above confirm that dust limits are in excess of the relevant EPA dust amenity criteria, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.1.
- (g) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant EPA dust amenity criteria are not being exceeded and are unlikely to be exceeded in the future.

6.2 Dust Suppression and Control

- (a) ³¹Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises which shall include the prompt and effective rehabilitation of all disturbed areas.
- (b) ³²Raw coal dump hoppers must be fitted with:
 - an automatically activated dust suppression water spray system; and
 - windshields. The windshields must be full walls on three sides with a height of not less than two metres above the dump grate.
- (c) ³³Belt conveyors, other than those whose functions preclude it, must be enclosed on the top and at least one side. Belt scrapers must be installed to effectively remove material from the underside of each belt.
- (d) ³⁴Air pollution control equipment must be fitted to all drilling rigs to minimise fines generated during drilling being discharged to the atmosphere.
- (e) ³⁵An effective water spray system must be installed at open coal stockpiles and operated at sufficient frequency to maintain the entire surface of the stockpile and related coal handling areas in a condition that will minimise the emission of wind blown or traffic generated dust.
- (f) ³⁶Mobile tankers equipped with a pump and sprays must be provided to suppress dust from unsealed roads when in use.
- (g) ³⁷Roads for coal or overburden haulage must be surfaced in selected hard, non-friable material. Soft mudstone, clay stone and shale must not be used.

³¹ EPA General Terms of Approval

³² EPA General Terms of Approval

³³ EPA General Terms of Approval

³⁴ EPA General Terms of Approval

³⁵ EPA General Terms of Approval

³⁶ EPA General Terms of Approval

³⁷ EPA General Terms of Approval

6.3 Blast Management and Monitoring

Blast Management

Overpressure

- (a) ³⁸The overpressure level from blasting operations on the premises must not:
- (i) Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) Exceed 120dB (Lin Peak) at any time.

when measured at any point that is located at least 3.5m from any building or structure at any nearby residential property or other noise sensitive location such as a school or hospital.

Ground vibration (ppv)

- (b) ³⁹Ground vibration peak particle velocity from the blasting operations at the premises must not:
- (i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) Exceed 10mm/s at any time.

when measured at any point within the grounds of noise sensitive locations and within 30m of any residence or other noise sensitive location such as a school or hospital.

Time of blasting

- (c) ⁴⁰Blasting operations on the premises may only take place between 9.00am and 5.00pm Monday to Saturday inclusive.
- (d) ⁴¹The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Blast Management Plan

- (e) ⁴²The Applicant shall prepare and implement a Blasting/Vibration Management Plan in consultation with the Mt Owen Mine, to the satisfaction of the Director-General prior to the commencement of any blasting. The Plan must include, but need not be limited to, the following matters:

³⁸ EPA General Terms of Approval

³⁹ EPA General Terms of Approval

⁴⁰ EPA General Terms of Approval

⁴¹ EPA General Terms of Approval

⁴² EPA General Terms of Approval

- compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and program;
 - monitoring program for flyrock distribution;
 - measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
 - details of compliance with the blasting limits set for the protection of the Ravensworth Homestead as required by Condition 3.3 (a);
 - consideration of blasting from other neighbouring mines;
 - procedures for the notification of neighbours prior to detonation of each blast; and
 - measures to ensure no damage by flyrock to people, property, livestock and powerlines.
- (f) The applicant shall advise residents within two (2) kilometres of the active mining area of future blasting events on a monthly basis, and of any changes to monthly programs.
- (g) Upon written request of the owner of any dwellings located within two (2) kilometres of the active mining area, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report;
- (h) No blasting associated with the mine shall occur within 500 metres of any public road, including the New England Highway.
- (i) Prior to undertaking any blasting activities within 600 metres of any infrastructure owned by the Hunter Valley Coal Corporation, the Applicant shall consult with the Hunter Valley Coal Corporation:
- (i) into establishing a commercial and statutory agreement for when blast activities occur within 600 metres of the Mt Owen railway line and loader, and mine access road including details of the scheduling of blasts etc; and
 - (ii) establish an agreed safety management measures.

Blast Monitoring

- (j) ⁴³The applicant must monitor ground vibration and overpressure of all blasts at locations agreed to in consultation with the EPA.
- (k) ⁴⁴For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at noise sensitive sites (eg. residences, hospitals, schools etc), selected in consultation with the EPA.

⁴³ EPA General Terms of Approval

⁴⁴ EPA General Terms of Approval

6.4 Noise Control

6.4.1 Noise Levels

- (a) If a dwelling is identified in the EIS to be within the area of noise affectation as defined by Table 9.11 of the EIS, the Applicant shall, within six months of receipt of a written request from the owner of the dwelling, purchase the whole of the properties. The procedures for acquisition outlined in Condition 11.1 shall be followed.

The areas of affectation are those that experience noise levels of 35dB(A) or greater under non-adverse conditions day and/or night time. These include the nominated residences in Table 1.

Table 1: Dwellings Within Area of Affectation

Residential Location as identified in the EIS	
7	(Mr L.W. Easter)
8	(Mr G.T. Andrews & Mr P.J. Werren)
19	(Mr S.S., Ms M.P. & F.S. Farrugia)
20	(Mrs J. Arnold)

Note: “Non-adverse” conditions means calm winds and in the absence of temperature inversions.

- (b) ⁴⁵The applicant shall ensure that the noise emission from the operation of Ravensworth East Mine shall not exceed the noise limits in Table 2 at the nominated residences.

Table 2: Noise limits (Day and Night time)

Residential Location as identified in the EIS	Night time Noise Limit L _{A10} dB(A)	Day time Noise Limit L _{A10} dB(A)
15 (Mr CC & Mrs CJ MacDonald)	40	40
16 (Mr DW & Mrs LM Cramp)	40	40
17 (Mr L & Mr AJ Wilson)	39	40
18 (Mr L & Mr AJ Wilson)	40	40
23 (Mr D & Mrs TJ Dewar)	40	40
24 (Mr J & Mrs LS Fairfull)	39	40
25 (Mr & Mrs Donohue)	36	40

The noise emission limits above apply for adverse weather conditions.

Note: “Adverse” weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions of up to 4 degrees C per 100 metres.

⁴⁵ EPA General Terms of Approval

- (c) Notwithstanding sub clause (a) or (b) above, the area of noise affectation during mining operations is defined by demonstrated exceedence of noise levels (at non-mine owned dwellings) shown in Table 3 below.

Table 3: Noise Affectation Criteria

Time	Non-Adverse	Adverse
Night	35 dB(A) _{LA10}	40 dB(A) _{LA10}
Day	40 dB(A) _{LA10}	45 dB(A) _{LA10}

- (d) In the event that a landowner or occupier considers that noise from the project at their dwelling is in excess of the noise levels depicted in Table 2 or 3 above, or that a landowner considers that the noise levels depicted in Table 3 is being exceeded over more than 25% of their vacant land and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:
- (i) consult with the landowner or occupants affected to determine their concerns;
 - (ii) make arrangements for appropriate independent noise investigations in accordance with the noise management plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;
 - (iii) modify the mining activity in accordance with a noise reduction plan prepared as part of the noise management plan, if exceedences are demonstrated to result from the mine related activity. This shall include:
 - introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 2 above are achieved;
 - with the agreement of the landowner, undertaking of noise control at the dwelling to achieve acceptable internal noise levels;
 - entrance into an agreement with the landowner or provide such other forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the noise levels experienced;
 - (iv) conduct follow up investigations to the satisfaction of the Director-General, where necessary.

Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.

- (e) If the independent noise investigations in sub-clause (d) above confirm that noise limits in Table 3 are being exceeded, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in Condition 11.1.
- (f) If continued complaints and noise investigations confirm that noise limits in Table 2 are being exceeded, but are less than the noise levels in Table 3, the Applicant shall continue to negotiate with the landowner until an acceptable resolution is reached.

- (g) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or EPA amenity criteria are not being exceeded and are unlikely to be exceeded in the future.
- (h) ⁴⁶All plant and equipment operated within the premises are not to exceed the maximum Sound Power Level (dB(A)), as listed in Table 5 (Noise and Blasting impact Assessment) of the EIS when determined from measurements at a distance of not more than 7 metres from the exhaust or engine.

6.4.2 Noise measurements

- (a) ⁴⁷For the purpose of noise measurement, the L_{A10} noise level must be measured or computed at the most affected area within 30 metres of the residence or at the boundary, if the boundary is closer than 30 metres to the residence, over a period of 15 minutes using “FAST” response on the sound level meter.
- (b) ⁴⁸For the purpose of the noise measurements referred to in Tables 2 or 3 above, 5dB must be added to the measured level if the noise is substantially tonal or impulsive in character.

6.4.3 Noise Management Plan

- (a) The Applicant shall prior to commencement of construction or Mining Operations, develop a Noise Management Plan to the satisfaction of the Director-General. The Plan shall:
- include details of the conduct of noise investigations at six monthly intervals (unless otherwise agreed by the Director-General) to evaluate, assess and report the $L_{A10 (15 \text{ minute})}$ noise emission levels due to normal operations of the mine under adverse weather conditions;
 - details of the proposed methodologies including establishing the mine’s operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;
 - outline the design of any noise modelling or other studies including the means for determining the noise levels emitted by the mining activities;
 - particularly focus on the management of night time noise (10.00pm – 7.00am) for each year of operation;
 - identify noise affected properties and the relevant noise limits consistent with the EIS, the additional noise information requested by the EPA and supplied by ERM Mitchell McCotter in a letter dated 14 May 1999;
 - specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;
 - outline the procedure to notify property owners and occupiers likely to be affected by noise from the mine;
 - establish a protocol for handling noise complaints that include recording, reporting and acting on complaints;
 - record appropriate mechanisms for community consultation;
 - outline mitigation measures to be employed on the site to limit noise emissions;

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- identify longer term strategies directed towards mitigating noise levels that exceed the EPA target noise criteria [40 dB(A) L_{A10 (15 minute)} day time and 35 dB(A) L_{A10 (15 minute)} night time] under adverse meteorological conditions;
 - outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);
 - specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they lead to exceedence of the relevant noise criteria; and,
 - survey and investigate noise reduction measures from plant and equipment annually and report in the AEMR at the conclusion of the first 12 months of coal mining operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year. The Report shall also include remedial measures to achieve compliance with the specified noise goals.
- (b) ⁴⁹Prior to construction activity commencing on the site, the Applicant must prepare, and subsequently implement, a Construction Noise Management Plan. The Plan must include, but need not be limited to, the following matters:
- compliance standards;
 - community consultation;
 - complaints handling monitoring/system;
 - site contact person to follow up complaints;
 - mitigation measures;
 - the design/orientation of the proposed mitigation methods demonstrating best practice;
 - construction times;
 - contingency measures where noise complaints are received;
 - monitoring methods and program.
- (c) The Applicant shall, prior to commencement of construction, prepare a Road Noise Management Plan to the satisfaction of the Director-General for traffic associated with the proposal. The Plan shall:
- primarily focus on reducing the road noise impacts on private residences on Hebden Road located between the Mine Site and the New England Highway;
 - outline mitigation measures to be employed to reduce noise emissions and meet the relevant EPA criteria;
 - identify strategies for mitigating noise emissions that exceed the relevant EPA criteria and describe appropriate actions to be undertaken to reduce noise impacts in the event of complaints being received from private residences;
 - outline procedures for the ongoing assessment of road noise impacts on private dwellings and identify procedures for the implementation of reasonable mitigation works on private dwellings adversely impacted by road noise from the operation of the mine;
 - details of monitoring that will be undertaken; and,
 - methods for educating drivers in the reduction of road noise impacts.
- (d) The Applicant shall also:

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- (i) make copies of the Plans available to the EPA, SSC and CCC within fourteen days of approval, or as otherwise agreed to be the Director-General; and
- (ii) include a summary of noise monitoring results in the AEMR.

6.4.4 Hours of operation (Construction work)

- (a) ⁵⁰All construction work at the premises must only be conducted:
 - between 7 am and 6 pm Monday to Friday inclusive; and
 - between 7 am and 1 pm Saturdays; and
 - no construction work to take place on Sundays or public holidays.
- (b) ⁵¹This condition does not apply to the delivery of material outside the hours of operation permitted by subclause (a) above if police or other authorities for safety reasons require that delivery; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- (c) ⁵²The hours of operation specified in subclause (a) above may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

6.4.5 Noise Monitoring

- (a) ⁵³The levels of noise emitted from the premises must be monitored for 72 hrs every 3 months at locations agreed to in consultation with the EPA. The monitoring must determine the $L_{A10, 15min}$, $L_{A90, 15min}$, and $L_{A1,15}$ and include an assessment of the impact of operational noise on adjoining residents.
- (b) ⁵⁴Noise monitoring at the specified locations must be undertaken during daytime (7.00am-10.00pm) and nighttime (10.00pm-7.00am).

6.5 Light Emissions

- (a) The Applicant shall screen or direct all on-site lighting away from residences and roadways to the satisfaction of SSC.

⁵⁰ EPA General Terms of Approval

⁵¹ EPA General Terms of Approval

⁵² EPA General Terms of Approval

⁵³ EPA General Terms of Approval

⁵⁴ EPA General Terms of Approval

7. Transport and Utilities

7.1 Road Transport

- (a) No coal shall be hauled on public roads.
- (b) The Applicant shall consult with the Hunter Valley Coal Corporation to ensure, as far as practicable, that shift changes at the Ravensworth East do not coincide with shift changes at the Mt Owen mine to minimise potential traffic congestion on Hebden Road, particularly at the junction with the New England Highway.

7.2 Submission of Engineering Plans for Roadworks

- (a) ⁵⁵The Applicant shall submit 3 copies of engineering plans and specifications to SSC for approval under the *Roads Act 1993*, prior to any works commencing. The plans are to be drawn to Austroads standards and are to provide for the following works as generally described in the EIS:-
 - the construction of the proposed new access intersection with Hebden Road as a Type B Austroads intersection providing for a road widening on the west side of the road to permit through vehicles heading north to pass right turning traffic;
 - the construction of the proposed grade separated haul road across Hebden Road;
 - the construction of the intersections on Hebden Road for an oversized vehicle by-pass of the above mentioned haul road and conveyor; and
 - the realignment of Hebden Road to provide satisfactory horizontal and vertical alignment.

7.3 Road Construction

⁵⁶The construction of the Hebden Road access intersection, haul road overpass, conveyor and road alignment shall be constructed in accordance with the designs to be approved under the provisions of Condition 7.2.

7.4 Street Lighting of Intersection

- (a) ⁵⁷The Hebden Road access intersection is to be floodlit by the provision of at least two (2) street lights to SAA Traffic Route lighting Standard.
- (b) ⁵⁸A payment is to be made to SSC equivalent to the capitalised contribution for the ongoing operation of the street lights for a five year period based on a quotation to be sought from Energy Australia.

7.5 Development Supervision Fee

⁵⁹The Applicant shall make payment of the relevant development supervision fee based on the 1999/2000 adopted rate of \$85 per hour or part thereof. An invoice for such fee shall be forwarded upon completion of all supervision required for the proposal by Singleton Council.

⁵⁵ Singleton Council General Terms of Approval

⁵⁶ Singleton Council General Terms of Approval

⁵⁷ Singleton Council General Terms of Approval

⁵⁸ Singleton Council General Terms of Approval

7.6 Dragline and Shovel Transfer

- (a) Prior to the transfer of the dragline and shovel, the Applicant shall prepare a Transfer Management Plan for that plant. The Plan(s) shall be prepared in consultation with the DLWC, RTA, SSC, RAC and to the satisfaction of the Director-General. The Plan(s) shall include:
- (i) details of the precise route of the transfer;
 - (ii) details of consultation with the landowners, including Pacific Power, which own land where the dragline and shovel will be transferred. This shall include consideration of any issues raised by the landowner concerning the transfer route and mitigation and rehabilitation of any impacts that may arise on the landowners property as a result of the transfer. The rehabilitation of land shall be undertaken to the satisfaction of the landowner;
 - (iii) a Traffic Management Plan (TMP) for any required closure of the New England Highway during the transfer of the dragline / shovel. The TMP shall be prepared to the satisfaction of the RTA and shall include details of any required road deviation to the New England Highway during its closure as the dragline / shovel crosses the Highway;
 - (iv) details of all roads, including property access roads, that will be crossed, including details of the crossing methods, mitigation measures and rehabilitation of the roads should impacts occur;
 - (v) details of any creek crossings and mitigation measures should impacts be identified as occurring and strategies for rehabilitation following the crossings;
 - (vi) strategies for crossing the Northern Railway line. This shall include details of the crossing methods, proposed timing and mitigation of any impacts to the satisfaction of Rail Access Corporation;
 - (vii) details of any temporary disruptions to utility installations, including power lines, during the transfer. The temporary removal of any power lines shall be undertaken to the satisfaction of Energy Australia; and
 - (viii) strategies for informing the local community of the proposed transfer, including details of the disruptions that will occur.
- (b) The Applicant shall incur the costs for any damage to the New England Highway or associated structures or earthworks resulting from the dragline / shovel transfer. The repairs shall be undertaken to a standard acceptable to the RTA.

7.7 Provision of Utility Services

In preparing Mining Operations Plans (refer to Condition 2.1), the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of services (such as transmission lines, pipelines, optic cables etc).

8. Monitoring/Auditing

- (a) In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 3, 4 and 6 to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.
- (b) All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.

8.1 Third Party Monitoring/Auditing

Independent Environmental Audit

- (a) Every three years until completion of mining in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, SSC, EPA, DLWC, DMR, NPWS and CCC within two weeks of the report's completion for comment.
- (b) The audit shall:
 - (i) assess compliance with the requirements of this consent, licences and approvals;
 - (ii) review the effectiveness of the environmental management of the mine, including any mitigation works;
 - (iii) be carried out at the Applicant's expense; and
 - (iv) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with SSC.
- (c) The Director-General may, after considering any submission made by the relevant government agencies, SSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.

8.2 Meteorological

The proponent must install a meteorological station in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units". The Meteorological station

must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application".

9. Reporting

9.1 Reports on Operations

The Applicant shall report on mine operations in accordance with the mine operations plan (Condition 2.1).

9.2 Environmental Reporting

Annual Environmental Management Report (AEMR)

- (a) The Applicant shall, throughout the life of the mine and for a period of at least three years after the completion of mining in the DA area, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the Environmental Management Strategy and the relevant Mining Operations Plans, the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:
- (i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;
 - (ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR, and SSC requirements;
 - (iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
 - (iv) identify trends in monitoring results over the life of the mine;
 - (v) an assessment of any changes to agricultural land suitability resulting from the mining operations, including cumulative changes;
 - (vi) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
 - (vii) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;
 - (viii) rehabilitation report; and
 - (ix) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.
- (b) In preparing the AEMR, the Applicant shall:
- (i) consult with the Director-General during preparation of each report for any additional requirements;
 - (ii) comply with any requirements of the Director-General or other relevant government agency; and
 - (iii) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by the Director-General in consultation with the DMR and the EPA.
- (c) The Applicant shall ensure that copies of each AEMR are submitted at the same time to DUAP, EPA, DLWC, NPWS, SSC and CCC, and made available for public information at SSC within fourteen days of submission to these authorities.

9.3 Recording and Reporting Requirements

Monitoring Records

- (a) ⁶⁰The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in subclauses b and c.
- (b) ⁶¹All records required to be kept by the licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- (c) ⁶²The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.
- (d) ⁶³The Applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the Applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return. This may form part of the AEMR.

⁶⁰ EPA General Terms of Approval

⁶¹ EPA General Terms of Approval

⁶² EPA General Terms of Approval

⁶³ EPA General Terms of Approval

10. Community Consultation/Obligations

10.1 Community Consultative Committee

The Applicant shall:

- (i) establish a Community Consultative Committee and ensure that the first meeting is held prior to submission of the Environmental Management Strategy (Condition 3.2). Selection of representatives shall be to the satisfaction of the Director-General in consultation with the Applicant and SSC. The Committee shall comprise two (2) representatives of the Applicant (including the Environmental Officer), one (1) representative of SSC and four community representatives. The Committee shall be chaired by SSC. The formation of the Committee may consider its interrelationship with any existing Consultative Committees of adjoining mines.

Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the implementation of the development and environmental management plans, monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the Committee has access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General.

- (ii) The Applicant shall, at its own expense:
 - (a) nominate two (2) representatives to attend all meetings of the Committee;
 - (b) provide to the Committee regular information on the progress of work and monitoring results;
 - (c) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;
 - (d) provide access for site inspections by the Committee; and
 - (e) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at SSC within 14 days of the meeting.
- (iii) The Applicant shall establish a trust fund to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay \$2000 per annum to the fund for the duration of mining in the DA area, or as otherwise directed by the Director-General. The monies are to be used only if required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of the finances of the trust fund during each year shall be provided to the Director-General and Applicant by the Chair on each anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.

10.2 Community Consultation

Complaints

- (a) The Environmental Officer (refer condition 3.1) shall be responsible:
 - (i) for recording complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;
 - (ii) providing a report of complaints received every six months throughout the life of the project to the Director-General, SSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 9.2(a)).
- (b) The Applicant must nominate at least two persons (and their telephone numbers) who will be available to the EPA on a 24 hours basis, and who have authority to provide information and to implement such measures as may be necessary from time to time to address a pollution incident or to prevent pollution from continuing as directed by an authorised officer of the EPA.

11. Proponents Obligations

11.1 Area of Affection – Land Acquisition

Note: In Condition 11.1 (a)-(h) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.

- (a) The owner of any dwelling, or vacant land (as described in Condition 6.4.1(d)), located in areas that exceed noise and/or air quality criteria established in accordance with this consent, and at any time after the granting of development consent, may request the Applicant in writing to purchase the whole of that property.
- (b) The Applicant shall negotiate and purchase a property, as identified in sub-clause (a) above, within six (6) months of a written request from the affected land owner.
- (c) In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:
 - (i) a sum not less than the current market value of the owner's interest in the land at the date of this consent, having regard to:
 - the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and
 - the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.
 - (ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Singleton or Muswellbrook Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances;
 - (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.

Notwithstanding any other condition of this consent, the landowner and the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.

- (d) In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:
 - (i) either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (c) and/or terms upon which it is to be acquired;

- (ii) in the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:
 - 1) the appointed independent valuer,
 - 2) the Director-General or nominee, and
 - 3) the President of the Law Society of NSW or nominee.

The qualified panel shall determine a fair and reasonable acquisition price as described in sub-clause (c) above and/or the terms upon which the property is to be acquired.

- (e) The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (c) and (d).
- (f) Upon receipt of a determination pursuant to sub-clauses (c) and (d), the Applicant shall, within 14 days, offer in writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.
- (g) In the event that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General
- (h) The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.

11.2 Cumulative Impact Assessment

In the event that the cumulative impact of dust or noise contributed by the operation of the Ravensworth East Mine development and other nearby coal mining activities at dwellings, or vacant land (as described in Condition 6.4.1(d)), in the vicinity of the mine, is in excess of the noise or dust criteria contained in these conditions of consent, the Applicant shall negotiate with the other mining companies appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of the Director-General.

11.3 Contributions to Council

The Applicant shall pay the following contributions to SSC in accordance with the provisions of its Section 94 Contributions Plan No. 1 (a copy of which is available for inspection at Council's offices during normal office hours):

- (a) Community Facilities:- \$900.00 per additional employee in the event that numbers at Ravensworth / Narama and Ravensworth East mines are increased above the existing level (260). Numbers are to be recorded in the AEMR and the contribution will be due at the time whenever employee numbers are increased.

- (b) s.94 Studies:- \$18 (prior to the commencement of construction)
- (c) Hebden Road upgrading and maintenance:- \$8,000 (1999 dollars) per annum to be paid as from 1 July each financial year upon commencement of operation.

Note: The above contributions are subject to annual adjustment in accordance with movements in the Consumer Price Index – All Ordinaries Group (Sydney).

12. Further Approvals and Agreements

12.1 Statutory Requirements

- (a) The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the SSC, EPA, DMR, NPWS, DLWC, RTA, NSW Agriculture, NSW Fisheries, and RAC, are fully met.

(b) Structural Adequacy

Detailed plans and specifications relating to the design and construction of all structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.

(c) Verification of Construction

Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:

- (i) footings;
- (ii) concrete structures, including ground floor and any subsequent floors, retaining walls and columns;
- (iii) framing and roof structure;
- (iv) fire protection coverings to building elements required to comply with the Building Code of Australia; and
- (v) mechanical ventilation.

The certificate/s shall demonstrate at what stage of construction inspections were undertaken.

12.2 Approvals within a Mine Subsidence District

- (a) ⁶⁴The Applicant shall seek the approval of the Mine Subsidence Board for the construction of any improvements, including those related to the mine buildings and

⁶⁴ Mine Subsidence Board General Terms of Approval

associated works, any relocation or diversion of infrastructure or existing improvements, prior to undertaking the works.