

SINGLETON SHIRE COUNCIL

Address all correspondence
to the Shire Clerk

Verbal Enquiries to:

Mr M. Fallding

Your Ref:

Our Ref: DA 89/143



CIVIC CENTRE
SINGLETON, N.S.W. 2330

P.O. Box 314, DX 7063 Singleton

FAX (065) 72 4197

Phone (065) 72 1866

15th February, 1990



The Secretary,
Department of Planning,
DX 15,
SYDNEY.

Subject: Development Application from Camberwell Coal Pty. Ltd. to develop the Camberwell Coal Mine, north-west of Singleton.

Dear Sir,

I refer to Council's letter of 8th November, 1989 referring the development application for the above proposal to the Department pursuant to a direction under Section 101 of the Environmental Planning and Assessment Act, 1979.

Council considered the proposal at its meeting on 12th February, 1990 and resolved that it not object to the proposal as described in the environmental impact statement and the supplementary information provided by the applicant company, subject to the imposition of a number of conditions.

The proposed conditions of consent are as follows:-

General

1. The development is to be carried out generally in accordance with the Environmental Impact Statement, as may be modified by the conditions set out herein.

Duration

2. This consent shall lapse 21 years from the date of granting this development consent.

.../2

Heritage Items

3. (a) The applicant shall ensure that the building known as "Dulwich" is not damaged by blasting arising from the development.
- (b) In the event that the applicant acquires "Dulwich", the building being adequately maintained to retain its heritage qualities.

Water Supply

4. The applicant shall obtain all necessary approvals from the Department of Water Resources from importation of water to the site.

Landscaping

5. (a) Within 6 months of the date of granting this consent or within such further period as the Council may permit, the Applicant shall submit for the Council's approval:-
- (i) A detailed landscaping and land use plan covering all portions of land, within the proposed coal lease area and the applicant's ownership. The plan shall provide for the establishment of trees and shrubs during the construction stage and shall also address the disposal of solid wastes from colliery operations.
- The plan shall incorporate appropriate erosion control and sedimentation control practices for any earthworks associated with the development.
- (ii) Proposals for the visual appearance of the structural components of the development including paint colours and specifications. Buildings and structures shall be designed so as to present a neat and orderly appearance and to blend as far as possible within the surrounding landscape.
- (iii) A comprehensive plan of landscape management which shall include detailed plans, specifications and staged work programs to be undertaken,
- .../3

maintenance of all landscape works and plantings, and maintenance of building materials and cladding.

- (b) All out of pit emplacements and bund walls being rehabilitated as soon as possible after construction.

Visual Amenity

- 6. The applicant shall comply with the requirements of the Council in respect to any supplementary tree planting and visual amenity enhancement works immediately outside the proposed coal lease area, which may be identified by the Council as necessary for the maintenance of a satisfactory visual amenity in the local area.

Affected Lands and Residences

- 7. (a) The applicant shall within 6 months of receipt of a request to purchase from an owner of land wholly or partly within the area of affectation shown in Figure 7.4.13 of the E.I.S., purchase the whole of such land.
- (b) In respect of a request to purchase land arising under sub-clause 7(a) the applicant shall:-
 - (i) Pay all owners not less than market value for the land having regard to existing use of the land whosoever is the occupier and all improvements thereon immediately prior to the granting of this consent as if the land was unaffected by the proposed development. The provisions of this sub-clause do not apply to the holder of an authorisation or concession under the Coal Mining Act, 1973;
 - (ii) Pay the owners reasonable compensation for disturbance and relocation within the Shire of Singleton, within the general area of Singleton;
 - (iii) Pay the owners reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the purchase price of the land and the terms upon which it is to be acquired.

- (c) In the event that the applicant and any owner referred to in sub-clause 7(a) herein cannot agree within the time limit upon the purchase price of the land and/or the terms upon which it is to be acquired, then the procedures in the development consent for the Rix's Creek Mine shall apply.
- (d) In the event that the owner or occupier of a dwelling situated on land in the area of affectation which the applicant is not required to acquire under this clause 7 requests the applicant to carry out measures to mitigate the impact of dust and/or noise and/or blasting upon the dwelling, the applicant shall forthwith carry out such measures at its own expense. In the event that within three months of such request by an owner or occupier, the applicant and the owner or occupier cannot agree upon the measures to be carried out, either party may refer the matter for determination by the Council's Health and Building Surveyor. The applicant shall bear the costs of such determination and shall carry out the measures which may be required by the Surveyor, forthwith.

Main Northern Railway

- 8. The applicant shall consult with and shall submit plans satisfactory to the State Rail Authority in respect of the proposed rail loop, railway overbridge and proposed mining adjacent to the railway line.

Crown Lands

- 9. Prior to commencement of mining, the applicant shall negotiate with the Crown Lands Office for purchase by the applicant of Crown Lands within the coal lease area.

State Pollution Control Commission Approvals

- 10. Prior to the commencement of construction of the proposed development, the applicant shall obtain from the State Pollution Control Commission ("the Commission") all statutory approvals and licences as may be required under the Clean Air Act 1961, the Clean Waters Act 1970 and the Noise Control Act 1975 together with such other approvals or licenses as may be required under future legislation or regulations for the conduct of the proposed development. The applicant shall conduct the development in accordance with the terms of such approvals and licences.

Public Authorities

11. The applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development.

Coal Transportation

12. (a) The applicant shall transport all coal from the site by rail.

(b) There shall be no emergency haulage of coal from the mine via public roads provided that the Council may consent to such emergency haulage where access can be provided to the New England Highway via Rix's Creek Lane.

Flood Lighting

13. The applicant shall construct flood lighting to mitigate direct sight lines of on-site flood lighting and vehicle headlights onto dwellings to the satisfaction of the Council. Direct flood lighting shall not be directed to dwellings.

Transmission Lines

14. The applicant shall undertake the relocation of any electrical transmission lines which may be required due to the operations of the proposed development to alignments satisfactory to the Shortland County Council.

Environmental Monitoring - General

15. (a) The applicant shall undertake and implement environmental monitoring in respect of soil rehabilitation as may be required by the Service and the Department and in respect of ground water levels and quality, as may be required by the Department of Water Resources, and in respect of noise, air quality vibration and water quality as may be required by the State Pollution Control Commission.

(b) The applicant shall ensure that all environmental safeguards proposed for the development and required by this consent and other statutory approvals are enforced.

(c) The applicant shall provide to the Department, the Commission and the Council for public release, results and analyses of environmental monitoring

undertaken in pursuance of the provisions of sub-clause (i) herein and sub-clause 22(i), (iv), (v) and (vi) herein. Such results and analyses shall be provided on a quarterly basis, for review by the responsible government bodies.

Annual Report

16. (a) Within six (6) months of the commencement of construction of the proposed development, the applicant shall ascertain the requirements of the Director in relation to an annual report to be submitted to the Director, the Commission and the Council in respect of the performance of the development. Each report shall be in respect of the calendar year ending 31st December and the first such report shall be submitted by 31st March, 1991.
- (b) The annual report shall provide the following information:-
- (i) the performance of the development;
 - (ii) the implementations and effectiveness of the environmental controls and conditions relating to the development;
 - (iii) results of environmental monitoring in respect of air, water and noise pollution;
 - (iv) mining operations undertaken during the preceding 12 months;
 - (v) workforce characteristics of the development;
 - (vi) modifications to mining operations, if any, to mitigate any adverse environmental impacts.

Environmental Officer

17. Prior to the commencement of any construction or operations in the coal lease application area the applicant shall appoint an on-site environmental officer responsible directly to the Mine Manager, whose qualifications are to the satisfaction of the Department.

Water Management

18. (a) The applicant shall liaise with those landowners who presently use water from Station Creek to ascertain the full range of uses of the water and to then formulate in conjunction with relevant government bodies, a water management plan for Station Creek, which takes account of those uses.
- (b) The applicant shall obtain the approval of the Commission for the water management plan referred to in sub-clause (i) herein before commencement of mining.

Financial Contributions

19. The applicant shall pay a financial contribution to the Council, pursuant to Section 94 of the Act.

In the event that the applicant and the Council cannot agree on the total amount of such contribution, the Minister shall determine the said amount, after referring the dispute to a Commissioner of Inquiry and after receiving the Commissioner's recommendations.

Off site Effects

20. In the event that impact of dust from the mining operations at residences outside the area of affectation is in excess of the amenity criteria of the Commission, the applicant shall modify the mining operations or undertake such works as may be required by the Commission to mitigate those impacts.

Production Levels

21. The average production levels of ROM coal shall not exceed 2.5 million tonnes per annum.

Land Management Plan

22. The applicant shall prepare to Council's satisfaction and regularly update a Land Management Plan for all its landholdings to provide for proper land management generally in accordance with the E.I.S.

Roads

23. (a) The site access road and intersection with Bridgman Road is to be sealed and constructed to Council's satisfaction.

- (b) The applicant entering into a legal agreement with Council and a bond of \$100,000 to cover possible damage to the rural road system from construction activities.
- (c) Payment of a capital contribution to Council for upgrading of Bridgman Road of \$61,600.
- (d) Payment of an annual contribution to Council for local road maintenance.

Relocation of Middle Falbrook Road

- 24. (a) The applicant at its own expense shall deviate Middle Falbrook Road prior to mining taking place in the south pit, to provide a suitable alignment to the west. The deviation is to be constructed to Council's sealed rural road standard and its intersection with the New England Highway be to the Roads and Traffic Authorities specifications.
- (b) In the event that a suitable alignment cannot be found, the applicant upgrading the Nobles Crossing Road to Council's Sealed Rural Road Standard at its own expense to provide alternative all-weather vehicular access to the Middle Falbrook area to Council's satisfaction.

A copy of the Chief Town Planner's report to Council is attached for your information, together with the letters from Council to the company seeking further clarification of a number of matters in the environmental impact statement. It is believed that you have been provided with copies of the company's responses. Comment on some of the issues addressed in the supplementary information should perhaps be sought from the State Pollution Control Commission.

Furthermore, two (2) additional submissions have been received from the public and are enclosed for your records.

Since the completion of the report to Council, a number of additional matters have arisen which could be considered in the Department's assessment of the project and could be considered for conditions of approval.

These are as follows:

- 1. A request by Bridgman Road residents for a structural survey of dwellings on their properties prior to commencement of mining at company expense to enable future determination of any possible damage that may be attributable to blasting.

2. No up to date advice has been received on the present position with property acquisitions by the company. The company has advised that these matters have been resolved and that a number of the objections to the project will be withdrawn.

Council has requested written confirmation of the situation from the company.

3. Provision needs to be made for satisfactory arrangements for transitional and construction workforce accommodation.
4. Further information has been provided by the company on worst case noise conditions, especially for Bridgman Road residences. It appears that significant exceedences of State Pollution Control Commission guidelines may occur from time to time. Evidence presented to the Rix's Creek Mine inquiry indicated that such worst case conditions may occur up to 20 or 30% of the time, and special provisions could be considered in any consent to suitably address this concern by way of requiring remedial measures by the company, either on or off site.

- X (5.) Provision should be made in the development consent, mining lease and mine plan to enable the possible emergency coal haulage by road from the adjacent proposed Glennies Creek Mine through the lease area to gain access to the New England Highway via Rix's Creek Lane, thus eliminating any need to haul coal on public roads in emergency situations.

If you have any further inquiries regarding the above, please contact Martin Fallding of Council's Planning Department.

Yours faithfully,



R.J. Russell
for SHIRE CLERK/GENERAL MANAGER

MF/L

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FAX (065) 72 4197

Phone (065) 72 1866

FACSIMILE MESSAGE COVER SHEET

TO: *Viv Thomson*
..... *Dept of Planning*

FAX NO: *02-266-7797*

FROM: *Martin Falding*

FAX NO. (065) 724197

DATE: *2-3-90*

NUMBER OF PAGES, INCLUDING THIS PAGE: *6*

OR: The following Message -

Please find attached preliminary
comments in relation to your Fax of
28.2.90 attaching draft Camberwell
Consent.

Council objects strongly to the proposed
changes and is not prepared to accept
them. Detailed comments will follow in a
letter.

Council may request a public inquiry if
its concerns are not adequately addressed.

Furthermore, withdrawal of objections and
requests for an inquiry have not yet properly
taken place, with the exception of a
letter from R+D Hall a copy of which
is attached.

Please contact Council to clarify the above.

Please telephone (065) 721866 if the FAX is incomplete or illegible. *Martin Falding*
2/3/90

Condition No.

6. Has been rendered meaningless by the proposed change.

7. The proposed condition should in my view not apply. Any contractual arrangements between the company and private individuals should be separate from the instrument of consent. We have no word other than from the company to the effect of what arrangements have been made. In any case, the contracts only apply for 7 years (?) whereas the consent for development lasts for 21.

12. Council does not agree with the changes to the condition. There should be no coal hantage along Middle Falbrook Road if it is relocated.

16. The environmental officer should be appointed prior to commencement of the development since during

exclusive
negotiations
on appointment
of staff

construction, there is the major impact and this is critical to the long term operation of the mine.

23. A \$50,000 bond is not adequate and the figure proposed by Council should be retained. The capital contribution for upgrading of Bridgman road is required as a consequence of this development and should be a condition. The company has agreed to the payment of a contribution for local road maintenance

24. Council's condition relating to relocation of Middle Fallbrook Rd must be retained. We have done considerable research to determine future road patterns and have negotiated with Marland Main Collieries in this regard. Council strongly objects to any changes to the proposed conditions in relation to road relocations and would be happy to elaborate on the reasons

Go to
\$100,000
✓

Additional conditions to be imposed
are as follows:

1. A structural survey of nearby residences to be carried out prior to the commencement of development;
2. Adequate arrangements to be made for transitional workforce accommodation;
3. The development consent should provide a requirement that coal haulage be allowed by Maitland Main through Cambemell's lease in emergency situations. Council has had negotiations and received certain responses from all 3 companies in this regard.

Council is not prepared to accept the proposed development consent conditions without the amendments outlined.

Rick Gyzard's comments

MF
2/3/90

SINGLETON SHIRE COUNCIL

for file

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to the Shire Clerk

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Mr M. Fallding

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Our Ref: DA 89/143



CIVIC CENTRE
SINGLETON, N.S.W. 2330

P.O. Box 314, DX 7063 Singleton

FAX (065) 72 4197

Phone (065) 72 1866

5th March, 1990

The Secretary,
Department of Planning,
DX 15,
SYDNEY.



Subject: Development Application from Camberwell Coal Pty. Ltd. to develop the Camberwell Coal Mine, north-west of Singleton.

Dear Sir,

I refer to the copy of the draft instrument of approval for the above proposal provided to Council for comment and to discussions on 2nd and 5th March, 1990 between Mr Thomson from the Department and Mr Fallding of Council.

In giving consideration to the proposed development, Council resolved not to object to it provided that certain conditions of consent are imposed. These were specified in Council's letter dated 15th February, 1990.

The proposed draft instrument of consent provided to Council for comment omits a number of important conditions which in the opinion of the Council should be imposed. An objection would be made if these were not included as consent conditions and Council would consider requesting a Commission of Inquiry if these matters are not properly considered.

The following specific comments are provided in respect of the draft instrument of approval:-

- (i) Condition No. 6 has been rendered meaning less by the proposed change.
- (ii) Proposed condition No. 7(vi) should not apply or be modified. Any contractual arrangements between the company and private individuals should be separate from the instrument of consent. We have no word other than from the company to the effect of what arrangements have been made. In any

case, the contracts or private compensation agreements are believed to apply for a period substantially less than that of the duration of development consent.

- (iii) Council does not fully agree with the changes to condition No. 12. There should be no coal haulage along Middle Falbrook Road even if it is relocated. Furthermore, sub-clause (iii) should be made stronger to ensure an adequate emergency haulage route.
- (iv) The environmental officer referred to in condition No. 16 should be appointed prior to commencement of the development since during construction, there is the major impact and this is critical to the long term operation of the mine.
- (v) The proposed condition in the initial draft requiring a water management plan for Station Creek should be retained.
- (vi) In relation to Condition No. 19 provision should be made for off site effects arising from noise or other environmental impact.
- (vii) A \$50,000 bond initially proposed in Condition No. 23 is not adequate and the figure proposed by Council should be retained.
- (viii) The capital contribution for upgrading of Bridgman Road is required as a consequence of this development and should be a condition. This matter has been the subject of detailed assessment by Council's Engineer. The company has agreed to the payment of a contribution for local road maintenance and this should also be included as a condition.
- (ix) Council's condition relating to relocation of Middle Falbrook Road should be retained, identifying a preference for a western realignment of the existing road. Council has done considerable research to determine future road patterns and has negotiated with Maitland Main Collieries in this regard. Council strongly objects to any changes to the proposed conditions in relation to road relocations and would be happy to elaborate on the reasons for its proposals.

Additional conditions which should be imposed are as follows:-

- (i) A structural survey of nearby residences to be carried out prior to the commencement of development.
- (ii) Adequate arrangements to be made for transitional workforce accommodation. The proposed condition does not appear to adequately address this matter.
- (iii) The development consent should provide a requirement that coal haulage be allowed by Maitland Main Collieries Pty. Ltd. through Camberwell Coal Pty. Ltd.'s lease in emergency situations. Council has had negotiations and received responses from all three (3) companies in this regard with a view to directing all emergency coal haulage onto the New England Highway via Rix's Creek Lane.

Council is not prepared to accept the proposed development consent conditions without the amendments outlined.

In addition, Council has sought advice from the solicitors acting for a number of the objecting landowners regarding the withdrawal of their objections. Presumably, other objectors will be afforded the opportunity of requesting a public inquiry before the application is determined.

As discussed, Council requests being advised of further draft instruments of approval so that it is aware of the proposed conditions.

If you have any further inquiries regarding the above, please contact Martin Fallding of Council's Planning Department.

Yours faithfully,



R.J. Russell
for SHIRE CLERK/GENERAL MANAGER

MF/L

SINGLETON SHIRE COUNCIL

pldp Correspondence
Clerk

Verbal Enquiries to:

Mr M. Fallding

Your Ref:

Our Ref: DA 89/143



CIVIC CENTRE
SINGLETON, N.S.W. 2330

P.O. Box 314, DX 7063 Singleton

FAX (065) 72 4197

Phone (065) 72 1866

13th March, 1990

The Secretary,
Department of Planning,
DX 15,
SYDNEY.

Subject: Proposed Camberwell Coal Project -
Camberwell Coal Pty. Ltd.

Dear Sir,

Reference is made to the development application for the above proposal referred to the Department for determination by the Minister pursuant to a direction under section 101 of the Environmental Planning and Assessment Act.

At its meeting on 12th March, 1990 Council gave consideration to a proposal by the Department to alter a number of the conditions of consent proposed by Council, specifically those relating to roadworks.

Following its consideration, Council resolved to make further urgent representations to the Department and the Minister seeking the incorporation of conditions of consent on the mine requiring a capital contribution from the applicant company for the upgrading of Bridgman Road and the payment of an annual contribution for local road maintenance.

The proposed conditions have been based on an assessment of the traffic needs generated by the development which will be significant. Similar conditions have been imposed on other mining developments.

If the proposed conditions are not included, Council would seek a Commission of Inquiry prior to the Minister's determination in order that this matter can be satisfactorily resolved.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'J.A. Flannery'.

J.A. FLANNERY
SHIRE CLERK/GENERAL MANAGER

MF/L

5. PROPOSED CAMBERWELL COAL PROJECT - CAMBERWELL COAL PTY.
LTD. - DA 89/143:

Applicant:

Camberwell Coal Pty. Ltd.

Owner:

The land to which the application relates is in a number of ownerships, a number of which are in the process of being acquired by Camberwell Coal Pty. Ltd. or associated companies. Council's current record of ownership is as follows:-

R.H. Andrews

G.H. Peebles

R.H.A. Pastoral Co. Pty. Ltd.

A. & M. Andrews

State Rail Authority

Crown land

D.G. Chick

M.I. and M. Cutrupi

K.P. Feeney

B.I. & V. Thurlow

S. Murray Nominees Ltd.

A.F. & W.P. Westenberg

D.E. Andrews

T.G. Tisdell

Est. E.M. Oxford

L.B. Thorley

Four Mile Pty. Ltd.

It should be noted that pursuant to Section 91(1)(a) of the Coal Mining Act, 1973 the Minister for Minerals and Energy has directed the applicant to lodge the development application and the landowners have not given formal consent to the making of the application.

Land:

Within Authorisations 81 and 308 in the vicinity of Glennies Creek, approximately 8km north-west of Singleton. The proposed mine is located east of the Village of Camberwell and immediately north of the Rix's Creek Mine.

Zoning:

Non-Urban 1 (a) under the Singleton Planning Scheme.

Proposal:

To develop an open cut coal mine to produce about 26Mt of saleable coal over a 20 year period. Around 1.35mtpa of soft coking, semi soft coking and steaming coal will be produced with a truck and shovel mining plan. A coal preparation plant will be constructed and coal will be transported by rail to Newcastle. The rail loop for this project is proposed to serve the Rix's Creek Mine in addition to the Camberwell mine, details of which have been provided separately from the exhibited environmental impact statement which describes the development.

Date of Application: 3rd November, 1989.

Report:

The proposed development is permissible with consent under the planning provisions applying to the land. Pursuant to a direction under section 101 of the Environmental Planning and Assessment Act, 1979 the Minister for Planning is the determining authority in relation to the application, although Council has an important role in processing the application. The application also requires the concurrence of the Director of the Department of Planning pursuant to clause 25A of the Singleton Planning Scheme.

Public Submissions

The environmental impact statement was publicly exhibited from 10th November, 1989 to 11th December, 1989. A total of sixteen (16) submissions were received objecting to the proposal or raising concerns. A number of submissions have requested that a public inquiry be held into the proposal.

The major issues and grounds for objection are as follows:-

- environmental effects of the proposed mine on surrounding properties, including noise, dust, and vibration.
- lack of agreement with surrounding landowners regarding land acquisition and compensation arrangements.

- the proposed closure of Middle Falbrook Road.
- the effect of the proposal on downstream water quality and availability.
- the cumulative environmental effects of mining when considered in conjunction with other nearby mining developments including Rix's Creek.
- increased traffic on Bridgman Road, especially in the vicinity of the proposed intersection with this road.
- the visual impact of the development, especially from Bridgman Road.

One submission was received from a resident of the Village of Camberwell supporting the proposed works to be funded by the company in the village, notably the sealing of the main access road.

Council has also been advised by Maitland Main Collieries Pty. Ltd. of those aspects of the Camberwell project which affect the proposed Glennies Creek Mine. A development application is likely to be received in the next few months for the Glennies Creek proposal.

Government Submissions

A number of government departments have also commented on the proposed development, including the Department of Water Resources, National Parks and Wildlife Service, State Rail Authority, Soil Conservation Service, Department of Agriculture, Department of Minerals and Energy, Department of Lands, Ministry of Transport and Hunter Ports Authority. Important issues that have been raised and should be considered when giving development consent are as follows:-

- the Department of Water Resources' concerns relating to water management and the diversion of Station Creek.
- The Department of Minerals and Energy has sought a condition of consent that the company liaise with adjacent lease holders on blasting matters to ensure that instantaneous detonations do not occur during blasting operations.
- the State Rail Authority requires that mining does not affect the stability of the northern railway.
- the Soil Conservation Service has proposed minor changes to improve water management and rehabilitation.
- the Roads and Traffic Authority has requested that the company make a financial contribution towards the full cost of a roundabout at the intersection of the New England Highway and Bridgman Road.

Assessment of the Proposal

Council has sought additional information from the company to clarify aspects of the proposal. The company has also responded in detail to all the submissions made in respect of the environmental impact statement.

The main issues for consideration in determining the application appear to be the following:-

1. The adequacy of roads and access in the vicinity of the mine, including the proposed closure of Middle Falbrook Road;
2. The environmental impact of the mine on surrounding properties;
3. Land acquisition and compensation arrangements in the area affected by the mine;
4. Long term effect of the proposal on the land use in the Glennies Creek area;
5. Visual effect of the proposal, especially from the New England Highway and Bridgman Road.

Effect on Roads in the Vicinity

Access to the proposed mine will be via Bridgman Road resulting in a long term increase in traffic volume on this section of the road of around 20-30%.

Closure of the Middle Falbrook Road at about year 5 of the operation will significantly affect the local road pattern and the accessibility of local residents. It has been proposed that the company relocate the Middle Falbrook Road to the west of all open cut mining operations, resulting in a new intersection with the New England Highway. If this first preference cannot be achieved, then an alternative would be to provide a suitable standard road and high level bridge across Nobles Crossing. These works would be fully funded by the company and have been agreed to.

In conjunction with the Glennies Creek Mine, the Stony Creek Road is proposed to be realigned and substantially upgraded.

Conditions of development consent are proposed which will provide for contributions towards road upgrading and maintenance to offset additional direct costs arising from the development.

The company is prepared to accept that no emergency coal haulage by road will be allowed on public roads including Bridgman Road. Proposals have been put by Council to ensure that an ability exists for emergency road haulage through the Rix's Creek authorisation and entering the highway via Rix's Creek Lane. This arrangement is the subject of negotiations and should be included within the terms of any development consent.

Environmental Impact on Surrounding Properties

Two main groups of residents are affected by the proposal, notably those directly affected in the Middle Falbrook Road area, and those along Bridgman Road.

In the Middle Falbrook Road area, six private properties are located within the "zone of affectation" which is an area identified as being significantly adversely affected by the proposal. The company has indicated that arrangements are likely to be finalised soon to acquire three of these properties. The company is also prepared to purchase all other land within the zone. In relation to the remaining private lands it is clear that either provision must be made for fair acquisition upon request, or alternatively the mine should not proceed because it will have unacceptable impacts. The basis for making a decision rests with an evaluation of the importance of the project relative to the rights of individuals. The speed with which this project has proceeded has resulted in residents expressing concern because their normally accepted rights appear to have been prejudiced.

The future of the property "Dulwich" deserves special consideration since it is an historic property subject to control under Hunter Regional Environmental Plan - 1989 (heritage). Whether or not the company acquires the property, provision must be made for the protection of the building from damage. This should be provided for in the conditions of consent. However, the E.I.S. does not adequately assess this matter.

Throughout the life of the mine, and afterwards many of the Middle Falbrook Road properties will remain viable agriculturally and should be afforded the necessary protection to maintain their productivity. This should be covered by conditions of consent.

Bridgman Road residents have also expressed concerns relating to the project. These residents will have their level of amenity affected from time to time. A number have requested that surveys of their properties be undertaken so that any possible future damage can be compensated.

Land Acquisition and Compensation Arrangements

The Rix's Creek Mine inquiry and development approval has introduced new means for assessing the basis for land acquisition and compensation arrangements. This mechanism is appropriate to be followed for the current proposal, although desirably all adversely affected land should be acquired by the company before any development consent is given. The proposed acquisition provision is covered in the proposed conditions of consent.

Landowners outside the "zone of affectation" (a map showing this is appended on page) within which acquisition would be required are concerned to ensure that any loss of amenity or damage will be compensated. In particular, arrangements need

to be put in place to survey the buildings on nearby properties before mining commences to ensure that any damage from blasting can be identified. The company has indicated its willingness to co-operate in such a system and to take any other measures that may be shown to be necessary on properties that may be adversely affected by noise or dust.

Effects on Long Term Land Use

The development will have a significant effect on the local community and on long term land use in the vicinity.

The general area around Glennies Creek contains good agricultural land and operation of the mine must ensure provision for the retention of this in viable operating units. A large final void is proposed and investigations should be undertaken at an early stage to minimise its size and to make it and the final landforms compatible with long term land use objectives.

The proposals for rehabilitation in the E.I.S. are good but the mining company must remain committed to implementing these as quickly as possible. There will be an important Council role in ongoing monitoring to ensure that this occurs. an ongoing and appropriate land management plan for all the company's land holdings must be undertaken to ensure that the stated objectives are met.

Visual Effects of the Proposal

The visual impact of the proposal will be significant as it represents an intrusion of mining and industrial infrastructure into a rural environment. Particularly, significant will be the effects along Bridgman Road, especially from high points. In this regard, further work should be undertaken to prepare a landscaping plan providing for retention of natural vegetation along road sides, additional screen planting where necessary and early rehabilitation of the out of pit dumps.

Conclusion

Overall, the environmental effects of the proposal are described adequately in the E.I.S. and are consistent with what would be likely to occur based on experience with operating mines in the shire, and the comprehensive assessment and inquiry undertaken for the Rix's Creek Mine.

Given the acquisition of land within the area identified as a "zone of affectation" as shown appended on page , there will be no private properties suffering an adverse impact exceeding the State Pollution Control Commission's amenity criteria. At no stage will any levels of dust or noise off the site exceed health criteria.

Considerable time and effort will be required from the company on an ongoing basis to monitor its activities and to liaise with adjoining landowners to mitigate any adverse effects that do occur. Problems may arise from time to time especially in

relation to night time noise levels, flood lighting and visual impacts. However, it is considered that these are an ongoing management issue which can be controlled and are not such as to warrant either redesign or refusal of the development.

The above matters, together with the issues of roads and land acquisition and compensation can be adequately addressed by way of conditions of development consent.

Other issues which are not addressed in the E.I.S. include the broad environmental and economic issues such as the greenhouse effect. These are primarily the responsibility of government to assess but should form part of the consideration of long term projects such as the present one.

RECOMMENDATION:

- A) That Council refer the application to the Department of Planning for determination by the Minister for Planning pursuant to Section 101 of the Environmental Planning and Assessment Act.
- B) That Council make a submission to the Department of Planning raising no objections to the proposed development subject to the imposition of the following conditions:

General

- 1. The development is to be carried out generally in accordance with the Environmental Impact Statement, as may be modified by the conditions set out herein.

Duration

- 2. This consent shall lapse 21 years from the date of granting this development consent.

Heritage Items

- 3. (a) The applicant shall ensure that the building known as "Dulwich" is not damaged by blasting arising from the development.
- (b) In the event that the applicant acquires "Dulwich", the building being adequately maintained to retain its heritage qualities.

Water Supply

- 4. The applicant shall obtain all necessary approvals from the Department of Water Resources from importation of water to the site.

Landscaping

- 5. (a) Within 6 months of the date of granting this consent or within such further period as the Council may permit, the Applicant shall submit for the Council's approval:-

- (i) A detailed landscaping and land use plan covering all portions of land, within the proposed coal lease area and the applicant's ownership. The plan shall provide for the establishment of trees and shrubs during the construction stage and shall also address the disposal of solid wastes from colliery operations.

The plan shall incorporate appropriate erosion control and sedimentation control practices for any earthworks associated with the development.

- (ii) Proposals for the visual appearance of the structural components of the development including paint colours and specifications. Buildings and structures shall be designed so as to present a neat and orderly appearance and to blend as far as possible within the surrounding landscape.

- (iii) A comprehensive plan of landscape management which shall include detailed plans, specifications and staged work programs to be undertaken, maintenance of all landscape works and plantings, and maintenance of building materials and cladding.

- (b) All out of pit emplacements and bund walls being rehabilitated as soon as possible after construction.

Visual Amenity

6. The applicant shall comply with the requirements of the Council in respect to any supplementary tree planting and visual amenity enhancement works immediately outside the proposed coal lease area, which may be identified by the Council as necessary for the maintenance of a satisfactory visual amenity in the local area.

Affected Lands and Residences

7. (a) The applicant shall within 6 months of receipt of a request to purchase from an owner of land wholly or partly within the area of affectation shown in Figure 7.4.13 of the E.I.S., purchase the whole of such land.
- (b) In respect of a request to purchase land arising under sub-clause 7(a) the applicant shall:-

- (i) Pay all owners not less than market value for the land having regard to existing use of the land whosoever is the occupier and all improvements thereon immediately prior to the granting of this consent as if the land was unaffected by the proposed development. The provisions of this sub-clause do not apply to the holder of an authorisation or concession under the Coal Mining Act, 1973;
 - (ii) Pay the owners reasonable compensation for disturbance and relocation within the Shire of Singleton, within the general area of Singleton;
 - (iii) Pay the owners reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the purchase price of the land and the terms upon which it is to be acquired.
- (c) In the event that the applicant and any owner referred to in sub-clause 7(a) herein cannot agree within the time limit upon the purchase price of the land and/or the terms upon which it is to be acquired, then the procedures in the development consent for the Rix's Creek Mine shall apply.
- (d) In the event that the owner or occupier of a dwelling situated on land in the area of affectation which the applicant is not required to acquire under this clause 7 requests the applicant to carry out measures to mitigate the impact of dust and/or noise and/or blasting upon the dwelling, the applicant shall forthwith carry out such measures at its own expense. In the event that within three months of such request by an owner or occupier, the applicant and the owner or occupier cannot agree upon the measures to be carried out, either party may refer the matter for determination by the Council's Health and Building Surveyor. The applicant shall bear the costs of such determination and shall carry out the measures which may be required by the Surveyor, forthwith.

Main Northern Railway

8. The applicant shall consult with and shall submit plans satisfactory to the State Rail Authority in respect of the proposed rail loop, railway overbridge and proposed mining adjacent to the railway line.

Crown Lands

9. Prior to commencement of mining, the applicant shall negotiate with the Crown Lands Office for purchase by the applicant of Crown Lands within the coal lease area.

State Pollution Control Commission Approvals

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

Public Authorities

11. The applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development.

Coal Transportation

12. (a) The applicant shall transport all coal from the site by rail.
- (b) There shall be no emergency haulage of coal from the mine via public roads provided that the Council may consent to such emergency haulage where access can be provided to the New England Highway via Rix's Creek Lane.

Flood Lighting

13. The applicant shall construct flood lighting to mitigate direct sight lines of on-site flood lighting and vehicle headlights onto dwellings to the satisfaction of the Council. Direct flood lighting shall not be directed to dwellings.

Transmission Lines

14. The applicant shall undertake the relocation of any electrical transmission lines which may be required due to the operations of the proposed development to alignments satisfactory to the Shortland County Council.

Environmental Monitoring - General

15. (a) The applicant shall undertake and implement environmental monitoring in respect of soil rehabilitation as may be required by the Service

and the Department and in respect of ground water levels and quality, as may be required by the Department of Water Resources, and in respect of noise, air quality vibration and water quality as may be required by the State Pollution Control Commission.

- (b) The applicant shall ensure that all environmental safeguards proposed for the development and required by this consent and other statutory approvals are enforced.
- (c) The applicant shall provide to the Department, the Commission and the Council for public release, results and analyses of environmental monitoring undertaken in pursuance of the provisions of sub-clause (i) herein and sub-clause 22(i), (iv), (v) and (vi) herein. Such results and analyses shall be provided on a quarterly basis, for review by the responsible government bodies.

Annual Report

- 16. (a) Within six (6) months of the commencement of construction of the proposed development, the applicant shall ascertain the requirements of the Director in relation to an annual report to be submitted to the Director, the Commission and the Council in respect of the performance of the development. Each report shall be in respect of the calendar year ending 31st December and the first such report shall be submitted by 31st March, 1991.
- (b) The annual report shall provide the following information:-
 - (i) the performance of the development;
 - (ii) the implementations and effectiveness of the environmental controls and conditions relating to the development;
 - (iii) results of environmental monitoring in respect of air, water and noise pollution;
 - (iv) mining operations undertaken during the preceding 12 months;
 - (v) workforce characteristics of the development;
 - (vi) modifications to mining operations, if any, to mitigate any adverse environmental impacts.

Environmental Officer

17. Prior to the commencement of any construction or operations in the coal lease application area the applicant shall appoint an on-site environmental officer responsible directly to the Mine Manager, whose qualifications are to the satisfaction of the Department.

Water Management

18. (a) The applicant shall liaise with those landowners who presently use water from Rix's Creek to ascertain the full range of uses of the water and to then formulate in conjunction with relevant government bodies, a water management plan for Station Creek, which takes account of those uses.
- (b) The applicant shall obtain the approval of the Commission for the water management plan referred to in sub-clause (i) herein before commencement of mining.

Financial Contributions

19. The applicant shall pay a financial contribution to the Council, pursuant to Section 94 of the Act.

In the event that the applicant and the Council cannot agree on the total amount of such contribution, the Minister shall determine the said amount, after referring the dispute to a Commissioner of Inquiry and after receiving the Commissioner's recommendations.

Off site Effects

20. In the event that impact of dust from the mining operations at residences outside the area of affectation is in excess of the amenity criteria of the Commission, the applicant shall modify the mining operations or undertake such works as may be required by the Commission to mitigate those impacts.

Production Levels

21. The average production levels of ROM coal shall not exceed 2.5 million tonnes per annum.

Land Management Plan

22. The applicant shall prepare to Council's satisfaction and regularly update a Land Management Plan for all its landholdings to provide for proper land management generally in accordance with the E.I.S.

Roads

23. (a) The site access road and intersection with Bridgman Road is to be sealed and constructed to Council's satisfaction.
- (b) The applicant entering into a legal agreement with Council and a bond of \$100,000 to cover possible damage to the rural road system from construction activities.
- (c) Payment of a capital contribution to Council for upgrading of Bridgman Road of \$61,600.
- (d) Payment of an annual contribution to Council for local road maintenance.

Relocation of Middle Falbrook Road

24. (a) The applicant at its own expense shall deviate Middle Falbrook Road prior to mining taking place in the south pit, to provide a suitable alignment to the west. The deviation is to be constructed to Council's sealed rural road standard and its intersection with the New England Highway be to the Roads and Traffic Authorities specifications.
- (b) In the event that a suitable alignment cannot be found, the applicant upgrading the Nobles Crossing Road to Council's Sealed Rural Road Standard and its own expense to provide alternative all-weather vehicular access to the Middle Falbrook area to Council's satisfaction.
- C) That Council be represented at any Commission of Inquiry held into the proposed development and that Council request that if any inquiry is held it take place as soon as possible.

6. REQUEST FOR CONSENT UNDER SECTION 88(B) INSTRUCTION - LOT 644, D.P. 262003, CORNER OF HENRY DRIVE AND D'ARBON AVENUE, SINGLETON HEIGHTS.

Council has received an application on behalf of the Defence Housing Authority for written consent to erect eleven (11) x three (3) bedroom, two storey townhouses upon the abovementioned land. The Authority proposes to erect two buildings containing six (6) and five (5) townhouses respectively with garages underneath.

In the early 1980's, the subject land was created as a 'Designated' Medium Density Housing (Flat) Site within a subdivision developed by Council. However, part of the

SINGLETON SHIRE COUNCIL

Address correspondence
to the Clerk

Verbal Enquiries to:

J. Flannery

Your Ref:

M20

Our Ref:



CIVIC CENTRE
SINGLETON, N.S.W. 2330

P.O. Box 314, DX 7063 Singleton

Phone (065) 72 1866
Fax (065) 72 4197

14th March, 1990.

The Secretary,
Department of Planning,
DX 15,
SYDNEY

Attention: Ms. B. Adams

Dear Sir,

Camberwell Mine - Proposed Road Contribution

Council at its meeting held on 12th March resolved unanimously to reaffirm that it would require the incorporation into the development consent for the proposed Camberwell Coal Mine, the conditions proposed by Council in respect of the capital contribution for upgrading Bridgman Road (\$61,600), and an annual contribution for local road maintenance.

These conditions were imposed following consideration of reports by Council officers and, if the proposed conditions are not included, Council requests that a Commission of Inquiry be held into the proposed development, prior to the Minister's determination.

PRECEDENT

Council and the Minister of the day have applied similar conditions to a number of coal mine approvals over the past decade. Two examples of similar conditions applying to upgrading and maintenance of local Shire roads are the cases of Hunter Valley No.1 Mine and the Ravensworth Coal Washery. Attached are extracts from these consents for your information.

In these cases, and in many other cases, conditions requiring roadworks have been imposed on new coal developments. Further examples can be provided although, in the majority of cases, the roads to be upgraded were classified main roads. Council has fully co-operated with the State Government to ensure the State road network was adequately protected and believes its policy has been applied consistently and reasonably.

CAPITAL UPGRADING WORKS

Council's Engineer has assessed the following works as being necessary on Bridgman Road:-

- a) Reconstruct from State Highway to north of
Gardiner Circuit (1.9 km) EST. \$342,000

Department of Planning

14th March, 1990

- b) Widening, extra sealing and road strengthening
for additional traffic from (a) above to mine
entrance (4.8 km) EST. \$110,000

T O T A L \$452,000

The capital contribution sought towards this major road reconstruction programme is \$61,600. This is based on a formula using Council's rural subdivision road contribution levy, the estimated vehicle movements from the mine and an allowance for industrial traffic.

The capital contribution represents 13.6% of the cost of the Bridgman Road upgrading programme. As previously advised, Bridgman Road is deficient and the upgrading will be of direct benefit to Camberwell mine and its employees, who will use this route on a daily basis to commute to work.

ROAD MAINTENANCE

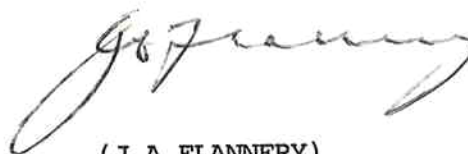
The Camberwell mine is primarily serviced by local roads and will significantly impact on this road system. Annual road maintenance contributions have been sought, based on the proportion of traffic generated by the mine, the length of road utilised and the maintenance programme undertaken by Council.

The Company will be accessing Bridgman Road on a daily basis and is also impacting on other Shire roads during the construction phase. The contribution sought is considered very reasonable and would amount to a few thousand dollars per annum.

CONCLUSION

Council is very insistent that some specific provisions be made for these conditions in the approval document. Should the Department have difficulty with the precise wording, Council could consider a wording similar to that adopted in Condition 17 of the Ravensworth Washery approval.

Yours faithfully,



(J.A. FLANNERY)

SHIRE CLERK/GENERAL MANAGER

Encls.

CLASS INITIALS	86	2889
CATEGORY		
TIME		
LOCATION		
DATE		
INITIALS		

Contact: Mr. Russell

DA 78/40

25th August, 1978

The Manager,
Property/Personnel,
J. & A. Brown & Abermain Seaham Collieries Ltd.,
1 Alfred Street,
SYDNEY. N.S.W. 2000

Dear Sir,

Re: Development Application - Surface Facilities for
Proposed Hunter Valley No.1 Colliery

I refer to your application of 21st August, 1978, for development consent to construct an office, bath-house, vehicle parking and maintenance area, water supply and access road as surface facilities to form a base from which to develop and operate the proposed Hunter Valley No.1 Colliery. The land to which this application relates is Portions 153, 151, 155, 35 and 169, Parish of Ravensworth.

At its last meeting the Council approved the application subject to:-

1. All works being carried out as detailed in the written submission, prepared by James B. Croft & Associates, accompanying the development application.

2. If the measures proposed prove to be insufficient to reduce impact of the proposals to a satisfactory level, other additional works being undertaken.

3. No Council public roads being used for the purposes of the construction of these works (such as haulage of road making gravels and building materials etc.) without further consent of and agreement with Council because of the very limited capacity of Council's light, single lane roads in this area to take any heavy traffic or any substantially increased volume of light traffic.

4. The surfaces that are disturbed for constructional purposes, including roadways, and are not to be included as part of the approved works, being rehabilitated.(including the respreading of topsoil) to Soil Conservation Service Standards.

5. The compliance with load limits on bridges on the Lemington Road and the applicant's co-operation in advising their sub-contractors of the necessity of observing these limits or, if this is not possible, further contacting Council.

6. The Lemington Road, between New England Highway and the access road, being upgraded by the Company as a condition of this development consent and any consent to mine.

J. & A. Brown & Abermain Seaham Collieries Ltd. 25th August, 1978

To comply with this condition, the Company will be informed of cost estimates to be provided by the Shire Engineer and is asked to discuss the upgrading with Council.

You are advised that if you are dissatisfied with any of the Council's conditions of consent you have the right of appeal to the Local Government Appeals Tribunal, P.O. Box K199, Haymarket, 2000.

Yours faithfully,



(J.A. FLANNERY)
SHIRE CLERK

DEPARTMENT OF ENVIRONMENT AND PLANNING
OF NEW SOUTH WALES

DA 82/19

PROPOSED COAL WASHER AND RAIL LOADING FACILITY AND
ANCILLIARY ITEMS - RAVENSWORTH

CONSENT TO A DEVELOPMENT APPLICATION REFERRED FOR
DETERMINATION PURSUANT TO SECTION 101 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AS
AMENDED.

APPLICANT'S NAME AND ADDRESS: Elcom Collieries Pty Limited,
(hereinafter called the
"Applicant").
Private Bag 1,
P.O. Cardiff, N.S.W. 2285

WHEREAS:

- (a) The Minister for Planning and Environment (hereinafter called "the Minister") gave a direction, in writing, (hereinafter called the "direction") in accordance with Section 101(1) of the Environmental Planning and Assessment Act, 1979, as amended, (hereinafter called "the Act") dated the 5th November, 1980, to the Council of the Shire of Singleton (hereinafter called "the Council") to refer to the Secretary of the Department of Environment and Planning (hereinafter called "the Department") for determination by the Minister all development applications in relation to certain land in the Schedule to the direction;
- (b) The direction was amended on the 23rd July, 1981;
- (c) A development application (hereinafter called "the Application") for the purposes of a Coal Washery and Rail Loading Facility and Ancilliary Items (hereinafter called the "proposed development"), on lands (hereinafter called "the land") described in the Environmental Impact Statement (hereinafter called "the Statement") was received by the Council from the Applicant and being an application to which the direction applies, was referred by the Council to the Secretary of the Department in accordance with Section 101(2)(b) of the Act for determination by the Minister;
- (d) An objector, being one of the persons referred to in Section 101(3) of the Act, in accordance with Section 101(4) of the Act, required to be afforded the opportunity of a hearing before the Minister determined the application;
- (e) Pursuant to Section 101(5) of the Act, the Minister directed that an inquiry be held in accordance with Section 119 of the Act by a Commission of Inquiry appointed in accordance with Section 119(2) of the Act (hereinafter called the "Commission of Inquiry"); and
- (f) The Commission of Inquiry was held accordingly;

Now, I, the Minister for Planning and Environment, in accordance with Section 101(6) of the Act, do hereby determine the application by granting consent to that application for the proposed development, generally in accordance with the Statement entitled "Environmental Impact Statement for Ravensworth Coal Washery and Rail Loading Facility Liddell Singleton Shire

STATUTORY
RESPONSIBILITIES

1. That the Applicant shall meet the statutory requirements of all public authorities having statutory responsibilities in respect of the proposed development, and shall negotiate with all authorities having an interest in the proposed development with a view to meeting their reasonable requirements.

S.P.C.C.
APPROVALS

2. That the Applicant shall, prior to the commencement of construction of the proposed development, obtain from the State Pollution Control Commission (hereinafter called "the Commission") all statutory approvals required under the Clean Air Act, 1961, Clean Waters Act, 1970 and the Noise Control Act, 1975.

CONSTRUCTION
SAFEGUARDS

3. That the Applicant shall ensure:
 - (i) that safeguards to control erosion and sedimentation during construction of the proposed development are implemented to the satisfaction of the Commission; and
 - (ii) that measures are taken to contain the impact of construction noise to the satisfaction of the Commission.

EARTHWORKS

4. That the Applicant shall carry out all earthworks, including preservation and retention of suitable topsoil for rehabilitation stability of all self sustaining slopes, erosion and drainage controls both during and after construction and revegetation procedures to the satisfaction of the Soil Conservation Service.

WATER
MANAGEMENT

5. That the Applicant shall ensure:
 - (i) that the design and operation of the drainage system and the retention dam meets the requirements of the Water Resources Commission and the Commission, including provisions for sediment removal from the dam to maintain adequate working capacity;
 - (ii) that the drainage retention dam shall be designed for at least a 1 in 20 year storm capacity; and
 - (iii) that the drainage retention dam spillway shall be capable of

LANDSCAPING

6. That the Applicant shall undertake and maintain landscaping of the site as outlined in the Statement and such other landscaping as may be required by the Soil Conservation Service and the Council.

CONVEYOR
CROSSING

7. That the Applicant shall meet the reasonable requirements of the Divisional Engineer, Newcastle, Department of Main Roads, regarding the rejects conveyor passing under the New England Highway at Bayswater Creek.

DISPOSAL OF
COAL WASHERY
REJECT MATERIAL

8. That the Applicant shall meet the reasonable requirements of the Department of Mineral Resources regarding the disposal of coal washery reject material within the open cut of Ravensworth No. 2 Colliery Holding.

MINE SUBSIDENCE
BOARD

9. That the Applicant shall obtain approval from the Mine Subsidence Board to erect structures.

CONSTRUCTION
ACCOMMODATION

10. That the Applicant shall ensure that accommodation is available for the construction workforce in accordance with the reasonable requirements of the Council.

INFRASTRUCTURE
N.S.W. GOVT.

11. That the Applicant shall meet the following requirements for infrastructure related to the project:

LAND AND
HOUSING

- (i) Accept responsibility for providing or arranging funding, development, construction and management of -
 - (a) approximately 60 residential lots in accordance with a scheme and timetable to be agreed between the Applicant and the Government of the State of New South Wales; and
 - (b) transitional rental housing for direct employees of the project of approximately 44 dwelling units in accordance with a scheme and timetable to be agreed between the Applicant and the Government of the State of New South Wales;

INDUSTRIAL
INFRASTRUCTURE

- (ii) Fund all infrastructure that it uses exclusively including rail connections, balloon loops, internal access roads from the site

COMMUNITY
FACILITIES AND
INFRASTRUCTURE
PAYMENTS
COUNCIL

12. That the Applicant shall:

- (i) Pay an amount to the Council towards community facilities;
- (ii) Make a loan to the Council to assist it in its water and sewerage works program;
- (iii) The amounts of such contribution and loan, the times for payment and the terms upon which they shall be paid and repaid respectively, shall be negotiated between the Applicant and the Council

Provided that in the event of failure to reach agreement on any one or more of the matters set out in this Condition, it shall be referred to the Minister for his determination.

ELECTRICITY
HEADWORKS

13. That the Applicant shall pay an amount to the Shortland County Council for electricity headworks contribution in accordance with the reasonable requirements of the Shortland County Council.

APPRENTICE
TRAINING

14. That the Applicant shall maintain a ratio of at least one apprentice to every three day-shift tradesmen employed. Apprentices may be indentured to the Applicant or leased from an appropriate group apprenticeship scheme. Training shall include components of on-site and off-the-job training at the Applicant's expense. The Applicant shall provide details of its proposed employment of tradesmen and apprentice training program within three months of the date of development consent to the Department of Industrial Relations.

MONITORING

15. That the Applicant shall establish a monitoring program in accordance with the reasonable requirements of the Commission.

MONITORING
REPORTS

16. That the Applicant shall provide the Department and the Council on an annual basis, with a report containing evidence of all monitoring results and an assessment of the performance of the environmental controls of the project. Such report shall be for the period ending 31 December and shall be presented to the Department by 1 April in the subsequent year. The report should include details of all monitoring

ROAD
CONTRIBUTIONS

17. That the Applicant shall pay an amount to the Council towards the upgrading of:

- (i) That part of the Old New England Highway route from its point of intersection with the New England Highway to the point of its intersection with the local road known as the State Mine Road to Liddell State Coal Mine;
- (ii) That part of the State Mine Road from the Old Highway route to the site including construction of bridgework on this local road;
- (iii) The Applicant shall maintain or contribute towards the maintenance of these roads in accordance with the reasonable requirements of the Council.

The amount of contribution shall be negotiated between the Applicant and the Council. Upgrading and construction work to Council's reasonable requirements may be undertaken by the Applicant at its own cost, in lieu of payment to Council

Provided that in the event of failure to reach agreement upon amounts and/or works to be undertaken, the matter shall be referred to the Minister for his determination.

EMPLOYMENT
REPORT

18. That the Applicant shall provide an annual report to the Council on its employment situation, including details of total employment, sex and occupational breakdown, and locational distribution of its workforce. The first report to be submitted not later than 31 December, 1983.

OTHER
APPROVALS

This approval does not relieve the Applicant of the obligation to obtain any other approval required under the Local Government Act, 1919, as amended, or the Ordinances (including Approval of building plans) or any other Act.

(81-830)

Signed at Sydney this

11th day of November,

1982.