

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO
SECTION 101

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

The reasons for the imposition of the conditions are:

- (i) to minimise the adverse impact the development may cause through noise, traffic generation, and dust pollution; and
- (ii) to provide for environmental monitoring and reporting.

David Hay
Minister for Planning and
Minister for Local Government

Sydney, 19 March 1990

Schedule 1

Application made by: Camberwell Coal Pty Limited on behalf of Camberwell Coal Joint Venture

To: Singleton Shire Council

In respect of: Coal Lease Application No. 205 Part of Authorization 81 and 308, on land described in the following attachment.

For the following development: Construction and operation of a surface coal mine, associated transport and coal loading facilities, including rail spur line.

- Note:**
- (1) to ascertain the date upon which the consent becomes effective, refer to section 93 of the Act.
 - (2) to ascertain the date upon which the consent is liable to lapse, refer to section 99 of the Act.

SCHEDULE 2

Red type represents April 1992 modification

Blue type represents December 1994 modification

Green type represents May 1999 modification

Orange type represents December 2001 modification

Pink type represents December 2003 modification

Brown represents February 2005 modification

Purple represents June 2005 Modification

Aqua represents July 2006 modification

Lime Green represents August 2008 modification

Grey represents April 2010 modification

General

1. The Camberwell Coal Project to which this consent relates is defined by the following documents:
 - (i) Camberwell Coal Project, Glennies Creek - Environmental Impact Statement, dated October, 1989, **as modified by the works set out in figures 1 and 2 attached to this Notice of Amendment.**
 - (ii) Camberwell Coal Pty Limited to the Singleton Shire Council letter dated 21 December, 1989 advising on rail facilities;
 - (iii) Letter from Camberwell Coal Pty Limited to the Singleton Shire Council, dated 29 January, 5 February, 6 February, 1990;
 - (iv) Responses to letters of objection submitted to Council by Camberwell Coal Pty Limited dated 25 January, 1990;
 - (v) Responses by Camberwell Coal Pty Limited to comments submitted by government bodies, dated 5 February, 1990;
 - (vi) **Statement of Environmental Effects in support of a Section 96(2) application for the Camberwell Coal Mine, dated 2 July 2001, prepared by HLA-Envirosciences Pty Ltd;**
 - (vii) **Additional information provided by PJ Murray in response to submissions received on the proposal in a letter dated 29 August 2001;**
 - (viii) **Information provided by Camberwell coal Pty Limited accompanying the application to modify development consent received 20 November 2003;**
 - (ix) **Statement of Environmental Effects in support of a Section 96(2) application for the Camberwell Coal Mine, dated July 2004, prepared by David Lane Associates; and**
 - (x) **Statement of Environmental Effects Coal Handling and Preparation Plant Upgrade Camberwell Coal Mine, dated 31 March 2005, prepared by HLA Envirosciences Pty Limited;**
 - (xi) **Statement of Environmental Effects Coal Handling and Preparation Plant Workshop, dated 31 July 2006, prepared by Camberwell Coal Pty Limited; and**

(xii) Environmental Assessment for the Proposed Modification of Development Consent DA 86/2889 Integra Open Cut Increase in Annual ROM (ROM) Coal Production from 3.8Mt to 4.5Mt, dated 29 February 2008, prepared by Integra Coal Operations Pty Ltd;

(xiii) Statement of Environmental Effects titled *Relocation of Explosives Magazine Compound and Reload Facilities*, dated 22 March 2010, prepared by Integra Coal Operations Pty Limited; and

(xiv) Conditions of this consent.

If there is any inconsistency between the above documents, the latter documents shall prevail over the former to the extent of any inconsistency. The conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

Duration

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

Heritage Items

3.
 - (i) The applicant shall take all necessary measures to ensure that the building known as "Dulwich" (Kangory) is not materially damaged by blasting arising from the development.
 - (ii) In the event that the Applicant acquires "Dulwich", the building shall be adequately maintained to retain its heritage qualities.

Water Supply

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

Landscaping

5.
 - (i) 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:
 - (a) A detailed landscaping and land use plan covering all portions of land owned by the Applicant within the proposed coal lease area. 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.
 - (b) Proposals for the visual appearance of the structural components of the development including paint colours and specifications. Buildings

and structures shall be designed so as to present a neat and orderly appearance and to blend as far as possible within the surrounding landscape.

- (c) A comprehensive plan of landscape management which shall include detailed plans, specifications and staged work programs to be undertaken, maintenance of all landscape works and plantings, and maintenance of building materials and cladding.
- (ii) All out of pit emplacements and bund walls to be rehabilitated as soon as possible after construction.

Visual Amenity

- 6. The Applicant shall negotiate with the Council in respect to any supplementary tree planting and visual amenity enhancement works required immediately outside the proposed coal lease area, which may be identified by the Council as necessary to maintain a satisfactory level of visual amenity in the local area.

Affected Lands and Residences

- 7. The Applicant shall:
 - (i) Where the Applicant has not already made a contractual agreement with an affected landowner, being a person owning land within the area of affectation shown in Figure 7.4.13 of the Environmental Impact Statement, prior to the granting of this consent, the Applicant shall within six (6) months of receipt of a request to purchase from an owner of land wholly or partly within the said area of affectation, purchase that part of the land within the zone of affectation.
 - (ii) In respect of a request to purchase land arising under sub-clause 7(i) or sub-clause 19.1(iv) or sub-clause 19.2(ii) the Applicant shall:
 - (a) 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;
 - (b) Pay the owners reasonable compensation for disturbance and relocation within the Shire of Singleton;
 - (c) Pay the owners reasonable costs for obtaining legal advice and expert advice for the purposes of determining the purchase price of the land and the terms upon which it is to be acquired.
 - (iii) In the event that the applicant and any owner referred to in sub-clause 7(i) or sub-clause 19.1(iv) or sub-clause 19.2(ii) 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 following shall apply:

- (a) either party may refer the matter to the Director of the Department of Planning ("the Director") who shall request the President for the time being of the Australian Institute of Valuers to appoint an independent valuer who shall determine the current market value of the land as if it was not affected by the proposed development, together with the amount of costs and compensation referred to in sub-clause (ii) herein;
 - (b) in the event of a dispute between the Applicant and an owner as to that part of a property which is to be acquired under subclause (i) herein, either party may refer the matter to the Director who shall request the President for the time being of the Institution of Surveyors (NSW) to appoint an independent surveyor to determine the part of the land to be acquired in relation to the area of affectation which may reasonably be subdivided and acquired having regard to topography, provisions of planning instruments and other associated matters;
 - (c) the Applicant shall bear the costs of any valuation or survey assessment requested by the Director in accordance with subclauses (a) and (b) herein;
 - (d) upon receipt of a valuation arising pursuant to subclauses (a) or (b) herein, the Applicant shall offer to purchase the relevant land at a price not less than the said valuation. Should the Applicant's offer to purchase not be accepted by an owner within six months of the date of such offer, the Applicant's obligations to such owner pursuant to this Clause 7 and to this consent shall cease;
 - (e) upon settlement of a purchase referred to in this Clause 7 the Applicant shall also pay to the owner the costs and compensation assessed pursuant to subclause 7(iii) herein including the owner's reasonable costs in the event of a subdivision.
- (iv) In the event that the owner or occupier of a dwelling situated on land in the area of affectation (other than land on Authorisation A44 or Coal Lease No. 352) which the applicant is not required to acquire under this Clause 7 requests the Applicant to carry out reasonable 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.
- (v) The Applicant shall commission a structural survey of any nearby residence outside the zone of affectation upon request of the owner prior to the commencement of blasting operations, all to the satisfaction of the Council.
- (vi) The provisions of clause 7 do not apply to a private compensation agreement made with the Executors of the Estate of H.N. Oxford, nor to agreements for purchase with A.V. and M.A. Andrews, R.G. and D.A. Hall, B.J. Wilmott, L.H. Thorley or the agreement for subdivision and partial purchase with T.G. Tisdell.

Rail Works

8. The Applicant shall consult with and shall submit plans satisfactory to the State Rail Authority in respect of the proposed rail loop and railway overbridge.

State Rail Authority

9. The Applicant shall ensure that the design of mine operations shall incorporate all measures necessary to ensure the stability of the railway foundations for the Main Northern Railway, to the satisfaction of the Department of Minerals and Energy.

Crown Lands

10. The Applicant shall, prior to the commencement of mining, negotiate with the Crown Lands Office concerning the purchase of Crown Lands within the coal lease area.

State Pollution Control Commission

11. 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 and licences required under the Clean Air Act 1961, the Clean Waters Act 1970 and the Noise Control Act 1975 as well as such other approvals or licences as may by future legislation or regulation become necessary for the conduct of the development and shall conduct the development within the terms of such approvals and licences.

Coal Transportation

12.
 - (i) The Applicant shall transport all coal for sale from the site by rail.
 - (ii) Emergency haulage of coal or haulage of bulk samples of coal by road using public roads may be approved by the Council after advice from the Regional Engineer, Roads and Traffic Authority, provided that such route provides direct access to the New England Highway, using a private haul road, or Rixs Creek Lane.
 - (iii) The Applicant shall liaise with Maitland Main Collieries Limited to obtain a mutually acceptable agreement to permit the permanent or emergency road haulage of coal from Authorisation A44 through the area of Coal Lease Application No. 205.
 - (iv) Truck haulage of coal from Glennies Creek Coal Mine to the Camberwell Coal Handling and Preparation Plant shall cease no later than 31 December 2010, except when required in emergency circumstances or during maintenance of the overland conveyor. All coal transported between Glennies Creek Coal Mine and Camberwell Coal Handling and Preparation Plant after 31 December 2010 shall be transported by overland conveyor. During conveyor maintenance or in an emergency situation, under which the overland conveyor is not operable, truck haulage of coal may be undertaken along the RL100 haul road. Within one week the Applicant shall advise the Director-General and Singleton Shire Council in writing of

the need to haul coal by truck along the RL100 haul road once the overland conveyor is in operation.

- (v) The Applicant shall only transport coal from the Glennies Creek Coal Mine to the Camberwell Coal Handling and Preparation Plant via the RL100 haul road, once it has been commissioned.
- (vi) Within 3 months of commissioning the RL100 haul road the Applicant shall:
 - a) engage a registered mine surveyor to mark out the boundaries of the RL100 haul road;
 - b) submit a survey plan of these boundaries to the Director-General; and
 - c) ensure that these boundaries are clearly marked at all times in a manner that allows operating staff and inspecting officers to clearly identify those limits.

Flood Lighting

13.

- (i) 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.
- (ii) The Applicant shall design, construct and maintain the RL100 haul road visual/noise bund to ensure that it prevents vehicle headlight spill onto privately-owned dwellings, to the satisfaction of the Director-General.

Transmission Lines

14.

The Applicant shall remove any electrical transmission lines which may be required due to the operations of the proposed development and relocate lines to the satisfaction of the Shortland County Council.

Environmental Monitoring

15.

- (iii) The Applicant shall undertake and implement environmental monitoring in respect of soil rehabilitation as may be required by the Soil Conservation Service and the Department of Minerals and Energy and in respect of ground water levels and quality, as may be required by the Department of Water Resources, and in respect of air quality, noise, vibration and water quality as may be required by the Commission.
- (iv) The Applicant shall ensure that all environmental safeguards proposed for the development and required by this consent and other statutory approvals are enforced.
- (v) The Applicant shall provide to the Department of Minerals and Energy, 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. Such results and analyses shall be provided on an agreed basis, for annual review by the responsible government bodies.

Environmental Officer

16.

The Applicant shall employ a suitably qualified Environmental Officer to be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals, are enforced and monitored from the commencement of construction.

Annual Report

17. The Applicant shall prepare and submit to the Council and to the Director of Planning, in a form acceptable to the Director, an annual report in respect of the environmental performance of the development. The annual report shall be prepared for each period ending **31 August**, and shall be submitted by **31 October**, during the life of the development. The applicant shall initiate discussions with the Director, or her nominee, in order to determine the appropriate form of such report. The first such report shall be submitted by 31 March, 1992.

The Applicant shall provide that its annual report includes information concerning:

- a. the performance of the development;
- b. the implementation and effectiveness of the environmental controls and conditions relating to the development;
- c. results of environmental monitoring in respect of air, water and noise pollution;
- d. mining operations undertaken during the preceding 12 months;
- e. workforce characteristics of the development;
- f. modifications to mining operations, if any, to mitigate any adverse environmental impacts.

Financial Contribution

18. The Applicant shall provide a representative to any relevant environmental committee, convened by the Muswellbrook Council or the Scone Council to review Annual Reports and/or results of environmental monitoring of the proposed development.

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.

19.

19.1 Noise Level Criteria

- a. The Applicant shall ensure that noise generated by the development does not exceed the noise limits in Table 1.

Table 1: Noise Levels for Camberwell Coal Mine at Sensitive Receivers
Leq(15 min), dB

Residence	Leq(15 min), dB
Mordey, Lambkin, Donellan, Hardy	38
Watling, Oxford, G. Hall, Proctor, Richards, Burgess	39
Egan, Payne, Noble, Moore	36

Notes:

1. *These limits do not apply to residences within the Current Zone of Affection (Dulwich and Tisdell).*
2. *The noise emission levels in Table 1 apply during winds (0-3m/s) at 10m height above ground level and temperature inversions up to 3oC/100m.*
3. *For the purpose of the noise criteria in Table 1, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in nature. Where two or more of these characteristics are present the maximum addition to the measured noise level is limited to 10dBA.*

- b. The area of noise affectionation during mining operations is defined by demonstrated exceedence of noise levels at the nominated residences shown in Table 2 below.

Table 2: Noise Affectionation Criteria

Residence ¹	Leq(15 min), dB
Mordey, Lambkin	43
Watling, Oxford, G. Hall, Proctor, Richards	44
Egan, Payne, Noble	41

Note 1 – These limits do not apply to residences within the Current Zone of Affection (Dulwich and Tisdell).

- c. 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 1, or that a landowner considers that the noise levels depicted in Table 2 are 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:
 - consult with the landowner or occupants affected to determine their concerns;
 - 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;
 - 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 1 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;
- 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.

- d. If the independent noise investigations in sub-clause (iii) above confirm that noise limits in Table 2 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 7(ii).
- e. If continued complaints and noise investigations confirm that noise limits in Table 1 are being exceeded, but are less than the noise levels in Table 2, the Applicant shall continue to negotiate with the landowner until an acceptable resolution is reached.
- f. 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.
- g. For the purpose of noise measurement, the L_{Aeq} noise level must be measured or computed over the required period using "FAST" response on the sound level meter. Noise from the premises is to be measured or computed at the most affected point on the residential boundary or within 30m of the dwelling where the dwelling is more than 30m from the boundary to determine compliance with this condition.

19.2 Air Quality

- (i) In the event that a landowner or occupier, whose residence or vacant land is not within the area of affectation, 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:

- consult with the landowner or occupants affected to determine their concerns;
- 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;
- 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.
- 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.

- (ii) If the independent dust investigations in sub-clause (i) 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 7(ii).
- (iii) 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.

19.3 Off-site effects

In the event that the impact of dust and/or noise from the mining operations at residences that are both:

- (i) outside the area of affectation; and / or
- (ii) not subject to the provisions of subclauses 19.1 and 19.2,

is in excess of the amenity criteria of the Environment Protection Authority, the Applicant shall undertake such works as may be required by the Environment Protection Authority to mitigate those impacts or alternatively to

purchase the affected land on a mutually agreed basis or by reference to clause 7 herein, to the satisfaction of the Environment Protection Authority.

19.4 Air Quality Monitoring

By the end of August 2005, the Applicant shall revise the dust monitoring protocol for the Development to the satisfaction of the Director-General.

Cumulative Impact Study

20. Deleted

Land and Water Management Plans

21. The Applicant shall prepare to Council's satisfaction and regularly update a Land Management Plan for all its landholdings to provide for satisfactory land management practices. The Applicant shall take account of down stream water users' requirements in management of water storages at the mine site.

Roads

- 22.
- a. The site access road and intersection with Bridgman Road shall be sealed and constructed to Council's satisfaction.
 - b. The Applicant shall negotiate an agreement with Council with a bank guarantee of \$100,000 to cover possible damage to Bridgman Road from construction activities. An independent assessment of the road condition before commencement of and after completion of construction shall be provided by the Council and agreed upon by the Applicant and the Council as a basis for determination of claims.
 - c. The Applicant shall negotiate with Council a capital contribution and an annual maintenance contribution towards the cost of the repair and maintenance of Bridgman Road.

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.

Middle Falbrook Road

23. Before the planned closure of the Middle Falbrook Road, the Applicant shall provide alternative all-weather vehicular access to the Middle Falbrook area by provision of a relocated Middle Falbrook Road or upgrading works on Nobles Crossing Road or related to any other suitable route yet to be constructed, to Council's satisfaction. The Applicant shall negotiate with the Council and Maitland Main Collieries Pty Limited for an equitable sharing of costs for the necessary works.

Blasting Notifications

24. The Applicant shall notify adjoining residents of its blasting program on a regular basis and negotiate with adjoining surface coal mine operators to avoid or minimise concurrent blasts.

Disputes

25. In the case of dispute between the Applicant and the Council or a statutory body in the implementation of the conditions of this consent the matter shall be referred to the Director of Planning for resolution.

Rental Housing

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

April 1992 Modification Conditions

- A. This amendment expires on 19 March, 2012.
- B. The Applicant shall report progress of investigations on long-term tailings disposal means other than tailings ponds in its annual report pursuant to Condition 17.
- C. The Applicant shall meet the requirements of the Dams Safety Committee in respect to the design, operation and maintenance of the proposed tailings dams.

Noise Management Plan

27. The Applicant shall, within three months of the date of this development consent, prepare a Noise Management Plan to the satisfaction of the Director-General. The Plan shall particularly focus on noise associated with the rail loading facility, and rail and truck transport. The Plan shall include but not be limited to:
- a. details and timeframes for implementation of noise reduction techniques to be implemented to reduce noise emissions from the site to meet project specific noise levels;
 - b. details of measures to manage potential noise impacts from the mine, particularly noise associated with the rail loading facility and rail and truck transport;
 - c. a noise monitoring protocol to assess compliance with noise limits;
 - d. procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;
 - e. the procedure to notify property owners and occupiers likely to be affected by noise from the mine;
 - f. a protocol for handling noise complaints that includes recording, reporting and acting on complaints;

- g. appropriate mechanisms for community consultation;
- h. measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms); and
- i. 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.

Dust Management Plan

28. The Applicant shall, within three months of the date of this development consent, 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 particularly focus on dust impacts associated with the haulage of ROM coal and coal loading related activities. The Plan shall include but not be limited to:

- a. a dust monitoring protocol to assess compliance with EPA dust amenity criteria;
- b. details of measures to manage potential dust impacts from the mine, particularly dust associated with coal loading and haulage of ROM coal;
- c. specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations;
- d. the procedure to notify property owners and occupiers likely to be affected by dust from the mine;
- e. a protocol for handling dust complaints that include recording, reporting and acting on complaints;
- f. appropriate mechanisms for community consultation;
- g. mitigation measures to be employed to minimise dust emissions;
- h. equipment to be available and used to control dust generation;
- i. methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, if the relevant criteria are exceeded; and
- j. identification of longer term strategies directed towards mitigating dust levels that exceed the relevant EPA dust amenity criteria.

SURFACE AND GROUND WATER

Site Water Management Plan

29 A. The Proponent shall prepare and implement a Site Water Management Plan to the satisfaction of the Director-General. This Plan must:

- a. be prepared in consultation with **NOW** by a suitably qualified expert whose appointment has been approved by the Director-General;
- b. be submitted to the Director-General for approval prior to 31 December 2008; and
- c. include:
 - an erosion and sediment control plan for all surface works in the mining area that is consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
 - a surface water monitoring program with:
 - detailed baseline data of surface water flows and quality in the watercourses that could be affected by the development;
 - surface water impact assessment criteria, including trigger levels for investigating potentially adverse surface water impacts of the development;
 - a program to monitor surface water flows and quality in the watercourse that could be affected by the development.
 - a groundwater monitoring program with:
 - detailed baseline data of groundwater levels, yield and quality in the region, and privately owned groundwater bores, which could be affected by the development;
 - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development; and
 - a program to monitor:
 - o groundwater inflows to the open cut mining operations; and
 - o impacts of the development on the regions aquifers, any groundwater bores, and surrounding watercourses.
 - a program to validate the groundwater model for the development, and calibrate it to site specific conditions;
 - a surface and groundwater response plan which describes the measures and/or procedures that would be implemented to:
 - respond to any exceedances of the surface water and groundwater assessment criteria;
 - compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
 - mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

Community Consultative Committee

29.

- a. The Applicant shall:
 - i. establish a Community Consultative Committee (CCC). Selection of representatives shall be to the satisfaction of the Director-General in consultation with the Applicant and Singleton Shire Council. The CCC shall comprise two (2) representatives of the Applicant (including the Environmental Officer), one (1) representative of Singleton Shire Council, and four (4) community representatives. The CCC shall be chaired by Singleton Shire Council.

- ii. Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The CCC may make comments and recommendations about the preparation and implementation of 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 CCC has reasonable access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the CCC and provide a response to the CCC and Director-General.
- b. The Applicant shall, at its own expense:
 - i. nominate two (2) representatives (including the Environmental Officer) to attend all meetings of the CCC;
 - ii. provide to the CCC regular information on the progress of work and monitoring results;
 - iii. promptly provide to the CCC such other information as the Chair of the CCC may reasonably request concerning the environmental performance of the development;
 - iv. provide access for site inspections by the CCC; and
 - v. provide meeting facilities for the CCC, and take minutes of CCC meetings. These minutes shall be available for public inspection at Singleton Shire Council within 14 days of the meeting, or as agreed by the CCC.
- c. If required by the CCC, the Applicant shall establish a trust fund or other funding arrangement that may be agreed between the Applicant and CCC, to be managed by the Chair of the CCC to facilitate the functioning of the CCC, and pay \$2000 per annum to the fund for the duration of mining in the DA area, or as otherwise reasonably 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 CCC 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.
- d. As an alternative to the establishment of a CCC for the Camberwell Coal Mine, the Applicant may consider the establishment of a joint CCC with the Glennies Creek Coal Mine to address issues associated with both the Camberwell Coal Mine and Glennies Creek Coal Mine. In considering the establishment of a joint CCC, the Applicant shall consult with Glennies Creek Coal Mine and Singleton Shire Council concerning the structure of the CCC. Any arrangement for a joint CCC under this condition shall be made in consultation with Glennies

Creek Coal Mine and Singleton Shire Council, and to the satisfaction of Singleton Shire Council and the Director-General.

Haul Road Environmental Management

30.

- (i) The Applicant shall ensure that drainage for RL100 haul road is compatible with the water management system for the clean water diversion written by Hannan Environmental Management.
- (ii) Within 3 months of commissioning the RL100 haul road the Applicant shall review, and update if necessary, the following plans to the satisfaction of the Director-General:
 - (a) Noise Management Plan;
 - (b) Dust Management Plan;
 - (c) Erosion and Sediment Control Plan;
 - (d) Land and Water Management Plans; and
 - (e) Landscaping and Landuse Plan, including provision for the prompt rehabilitation of the visual/noise bund and the western haul road, in consultation with Singleton Shire Council.

Statutory Requirements

31.

- 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 Singleton Shire Council, Environment Protection Authority, Department of Mineral Resources, National Parks and Wildlife Service, Department of Land and Water Conservation, Roads and Traffic Authority, NSW Agriculture, and NSW Fisheries, are fully met.
- b. Detailed plans and specifications relating to the design and construction of each structural element associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the construction of each particular building or structure. 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. 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:
 - footings;

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

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

REHABILITATION AND LANDSCAPE

Landscape Management Plan

- 33A. The Proponent shall prepare and implement a Landscape Management Plan for the development to the satisfaction of the DII and Director-General. This plan must:
- a. be prepared in consultation with DECCW, NOW and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
 - b. be submitted to the Director-General for approval prior to the mine ceasing operations; and
 - c. include a:
 - Rehabilitation Management Plan;
 - Final Void Management Plan; and
 - Mine Closure Plan.

Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Final Void Management Plan and Mine Closure Plan.

Rehabilitation Management Plan

- 33B. The Rehabilitation Management Plan must include:
- a. the objectives for rehabilitation of the site;
 - b. a detailed description of how the rehabilitation of the site would be integrated with the rehabilitation strategy of the development and the Mt Owen, Glendell, Ravensworth East and Ashton mines to ensure there is a comprehensive strategic framework for the restoration and enhancement of the landscape over time;
 - c. a description of the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site;
 - manage the remnant vegetation and habitat on the site; and
 - maximise effective linkages within the site to the offset areas at Mt Owen, Glendell, Ravensworth East and Ashton mines.

- d. detailed performance and completion criteria for the rehabilitation of the site;
- e. a detailed description of how the performance of the rehabilitation of the mine would be monitored over time to achieve the stated objectives;
- f. a detailed description of what measures and procedures would be implemented over the next 3 years to rehabilitate the site;
- g. a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- h. details of who is responsible for monitoring, reviewing, and implementing the plan.

Final Void Management

- 33C. The Final Void Management Plan must:
- a. identify the approved final location and future use of the final void;
 - b. incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;
 - c. assess the potential interactions between creeks on the site and the final void; and
 - d. describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void.

Mine Closure Plan

- 33D. The Mine Closure Plan must:
- a. define the objectives and criteria for mine closure;
 - b. investigate options for the future use of the site, including the final void;
 - c. investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - d. describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
 - e. describe how the performance of these measures would be monitored over time.

Tailings Management

34. The Applicant shall not use the water retention dam, D2, (see Figure 3 of the Statement of Environmental Effects Coal Handling and Preparation Plant Upgrade Camberwell Coal Mine, dated 31 March 2005, prepared by HLA Envirosiences Pty Limited) as a tailings dam without the written approval of the Director-General. In seeking this approval, the Applicant shall submit a report to the Department that has been prepared in consultation with the Department of Primary Industries. This report must demonstrate that the dam is suitable for use as a tailings dam.

NOTE

All references within this consent to the Environment Protection Authority, the State Pollution Control Commission, the NSW National Parks and Wildlife Service or the Department of Environment and Conservation should be read as references to the Department of Environment, Climate Change and Water (DECCW). All references within this consent to the Department of Land and Water Conservation, the Department of Water Resources, or the Soil Conservation Service should be read as references to the NSW Office of Water (NOW). All references within this consent to the Department of Mineral Resources, the Department of Minerals and Energy, NSW Fisheries, NSW Agriculture or the Department of Primary Industry should be read as references to the Department of Industry and Investment (DII). All references within this consent to Shortland County Council should be read as references to Singleton Shire Council, and all references within this consent to the Director should be read as references to the Director-General.

NOTE

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