

Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP
Minister for Planning

Sydney

29 July

2006

File No: 9041467

SCHEDULE 1

Application No:

06-0001

Proponent:

BHP Billiton Illawarra Coal Holdings Pty Ltd.

Approval Authority:

Minister for Planning.

Land:

Lot 2 DP 522044, Appin Rd, about 1 km east of Appin, NSW.

Project:

East Appin 66 kV Switching Station - West Cliff Coal Mine.

DEFINITIONS

BCA	Building Code of Australia
Council	Wollondilly Shire Council
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6pm to 10pm
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
MSB	Mine Subsidence Board
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Privately owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
Proponent	BHP Billiton Illawarra Coal Holdings Pty Ltd, or its successors
Site	Land to which the Project Application applies

**SCHEDULE 2
ADMINISTRATIVE CONDITIONS**

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) Project Application 06-0001;
 - (b) EA titled *East Appin 66kV Switching Station*, dated January 2006, and prepared by Olsen Environmental Consulting Pty Limited; and
 - (c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits on Approval

5. This approval lapses 20 years after the date it commences.

Structural Adequacy

6. The Proponent shall ensure all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Demolition

7. The Proponent shall ensure all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Operation of Plant and Equipment

8. The Proponent shall ensure all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.
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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Assessment Criteria

- The Proponent shall ensure noise generated by the operation of the project does not exceed the noise impact assessment criteria in Table 1.

Table 1: Noise impact assessment criteria dB(A)

Receiver Location	Day/Evening/Night <i>L_{Aeq}(15 minute)</i>
Residences on privately owned land	35

Notes:

- Noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the *L_{Aeq}(15 minute)* noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- The noise emission limits identified in the above table apply under meteorological conditions of:
 - Wind speeds of up to 3 m/s at 10 metres above ground level; or
 - Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

AIR QUALITY

Impact Assessment Criteria

- The Proponent shall ensure that air emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 2, 3 and 4 at any residence on, or on more than 25 percent of, any privately owned land.

Table 2: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 3: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 4: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

SOIL AND WATER

Pollution of Waters

3. Except as may be expressly provided by a DEC Environment Protection Licence, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the project.

Erosion and Sediment Control

4. Prior to carrying out any development, the Proponent shall prepare and subsequently implement an Erosion and Sediment Control Plan for the project to the satisfaction of the Director-General. The plan shall:
 - (a) be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) define what measures would be implemented to maintain the structures over time.

MINE SUBSIDENCE

5. Prior to carrying out any development, the Proponent shall provide certification from a suitably qualified structural engineer that all relevant structures have been designed to be safe, serviceable and repairable taking into account mine subsidence parameters, to the satisfaction of the MSB.

FLORA AND FAUNA

Vegetation Clearing Protocol

6. Prior to carrying out any development, the Proponent shall prepare and subsequently implement a Vegetation Clearing Protocol for the project, in consultation with Council and the Department's Land Management Branch, and to the satisfaction of the Director-General. The protocol shall:
 - (a) delineate the areas of remnant vegetation to be cleared; and
 - (b) describe the procedures that would be implemented for:
 - pre-clearance surveys;
 - progressive clearing;
 - protection of *Shale Sandstone Transition Forest*, as far as is practicable;
 - fauna management;
 - conserving and reusing topsoil;
 - collecting seed from the site;
 - salvaging and reusing material from the site; and
 - controlling weeds.

VISUAL IMPACT

Visual Amenity

7. The Proponent shall implement all reasonable and feasible measures, including appropriate colour schemes, to mitigate the visual impact of the project to the satisfaction of the Director-General.

Note: Colour schemes shall be consistent with the recommendations of the Visual Impact Study in the EA, unless otherwise approved by Council.

Lighting Emissions

8. The Proponent shall:
 - (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

TRAFFIC AND TRANSPORT

Traffic Management

9. The Proponent shall ensure that:
- (a) access to the site is restricted to the area contained within the powerline easement; and
 - (b) adequate on-site parking is provided for the project, in accordance with Council parking codes.

WASTE MINIMISATION

10. The Proponent shall:
- (a) ensure no waste is disposed on site;
 - (b) implement reasonable and feasible measures to minimise waste generated by the project; and
 - (c) ensure disposal of wastes occurs at appropriately approved waste disposal facilities.

ELECTROMAGNETIC RADIATION

11. The Proponent shall ensure that the project is constructed and operated in accordance with the relevant safety guidelines for exposure of humans to Electric and Magnetic Fields, as adopted by the National Health and Medical Research Council.

BUSHFIRE MANAGEMENT

12. The Proponent shall:
- (a) ensure that the project is maintained to prevent fires on site;
 - (b) ensure that the project is suitably equipped to respond to any fires on site; and
 - (c) assist the Rural Fire Service and emergency services as much as possible if there is a fire on site.
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