Appendix 3

(No of pages excluding this page: 14)

DA 105/90 (as amended)

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO SECTION 101

I, Minister for Planning, pursuant to Section 101 of the Environmental Planning & Assessment Act 1979 ("the Act"), determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in the Schedule 2.

The reasons for the imposition of conditions are:

(i) to minimise the adverse impact the development may cause through noise, visual amenity, air and water pollution;

(ii) to provide for environmental monitoring and reporting;

(iii) to set requirements for infrastructure provision.

ROBERT WEBSTER
Minister for Planning

Sydney, 1 November 1991

SCHEDULE 1

Application made by:	Maitland Main Collieries Pty Limited ("the Applicant")		
To:	Singleton Shire Council (DA 105/90) ("the Council")		
In respect of:	Authorisations ATP A44 and A128 on land described in Attachment "A".		
BCA Classification:	Class 10(a)	-	Main Bathhouse
	Class 10(a)	-	Overflow Bathhouse
	Class 10(a)	-	Ablutions Building
	Class 9(a)	-	First Aid Room
	Class 7	-	Lamp Room
	Class 5	-	Surveyor's/Geologists' Office, Storeman's Office, Safety Officer's Office, Underground Admin Office, Site Clerks Office
	Class 10	-	Motor Room/Control Room Building

NOTE:

(1) To ascertain the date upon which the consent becomes effective, refer to section 101(9) of the Act.

(2) To ascertain the date upon which the consent is liable to lapse, refer to section 99 of the Act.

ATTACHMENT A

PARISH AUCKLAND

LOT 1 DP 600327
LOT 3 DP 600327
LOT 2 DP 246434
LOT 5 DP 246434
LOT 2 DP 600327
LOT 4 DP 600327
PT POR 80
PORS 22/23 89 PT 83
LOT 791 DP 580967
LOT 792 DP 586255
GGF7718-1903 CROWN LAND
LOTS 1, 2, 3 AND 4 DP 606344
LOT 1 DP 799154 FOLIO/IDENT 1/799154
LOT 100 DP 633743
LOT 1 DP 704496 FOLIO/IDENT 1/704496
LOT 710 DP 642852
LOT1 DP 783398 FOLIO/IDENT 1/783398
PORTION 93 OLD SYSTEM

PARISH VANE

LOT 2 DP 622070 (PT POR 67)
LOT 1 DP 626854
LOT 2 DP 626854
LOT 3 DP 626854
LOT4 DP 626854
POR 56
PT POR 68
LOT 2 DP 626880 LOT 1 DP 549597 VS 85/163 (250386)
PT POR 68 LOT 3A
PORS 29 34 PT POR 33 55 CL RD
PORS 2415
PT LOT 2 DP 567814
LOTS 1/3 DP 726273
PT PORS 2 & 63 RP 32/81 BK 2612 NO 724
PT POR 67 PT LOT 8
PT POR 1
POR 58 (SPL 49/1) PT 67 PT LOT 6 LOT 71 DP 625171 RP 32/56 SUBJ TO TLE & INT IN ROW 2415
POR 48 PTS 54 96 LOT 13 SEC A CL RD
PORS 62 65 LOT 532 DP 788015
PT POR 68 PT LOT 8
PT POR 68 PT LOT 3
PT POR 68 PT LOT 6830
POR 64
RAVENSWORTH EST. LOT 14, 15 DP 6380
LOT 1 DP 787186
PORS 16 80/91 101/5 109 PTS 5/13 15 69 (BEING LOT 6 & PT 7) SUBJ TO TLE
LOT 102 DP 738182
POR 66
PT POR 67 PT LOT 8 & RP 32/54
PT POR 67 & LOT 9
LOT 9 DP 6830
LOT 182 DP 536157
PT LOT 19 DP 6830
LOT 16 DP 6830
LOT 10 DP 6830
LOT 1 DP 79387
LOT 71 DP 625171
POR 114
POR 61
PT POR 54
LOT 1 DP 608457

PORS 98 99
POR 68 & LOTS 1/2 SEC A SUBJ TO TLE RAVENSWORTH ESTATE

PARISH GOORANGOOLA

LOT 1224 DP 747387
PT LOT 2 DP 567814
LOTS 1/3 DP 726273
POR 44 53/55 70/73 104 PT 110 RPS 37/19 38/32 LAND DIST SINGLETON
LOT 12 SEC A. DP 6830
LOT 17 SEC A DP 6830 GOORANGOOLA RAVENSWORTH EST
LOT 4 DP 625044
LOT 12 DP 785404 GOORANGOOLA RAVENSWORTH ESTATE
LOT 4 DP 625044
LOT 12 DP 785404 GOORANGOOLA RAVENSWORTH ESTATE
LOT 2 DP 561235 SUBJ TO TLE GOORANGOOLA RAVENSWORTH ESTATE
LOTS 3/6 8 SEC A LOT 1 1A SEC B DP 6830 LOT 2 2A SEC B DP 6842 LOT 4 DP 561235
LOT 11 SEC A DP 6830 GOORANGOOLA RAVENSWORTH ESTATE
LOT 10 SEC A DP 6830 & LOT 1 DP 725524

PARISH BROUGHTON

PH BROUGHTON PT POR 38
PT POR 38 (BEING LOTS 6/7 & PT LOT 1 BRIDGMAN ESTATE)
LOT 52 DP 587711 (PT POR 38) SUBJ TO ROW 10 M WIDE
LOT 51 DP 587711 (PT POR 38)
LOT 1/2 6/7 10 14 17 82 106/7 120 PTS 62 75 105 119 LOT 2 DP 624862 LOTS 2/3 DP 603548
LOT 4 (PT POR 38) APPT TO ROW
PT POR 38 (LOT 3)
LOT 1 DP 609159
LOT 20 DP 602363 SUBJ TO C'WAY & ROW
PORS 11 PT 12 PT 13 110 121 LOT 1 DP 244268 (RD PER)

PARISH DARLINGTON

PORS 3 26 81 82 85 97/8 137 246 PT 84 CL RD & ADJ LAND

PARISH LEIBEG

PORS 8 53 & PT 66
EWC6/1109/1

SCHEDULE 2

Red type represents 1998 Modification
Blue type represents 2001 Modifcation
Green type represents 2002 Modification
Pink represents 2005 96 (1A) Modification
Brown Represents 2005 96(2) Modification

General

1. The Applicant shall carry out the development of the Glennies Creek Coal Mine generally in accordance with Environmental Impact Statement (EIS) dated 20 August 1990 prepared by Dames & Moore in accordance with Section 77(3) of the Environmental Planning and Assessment Act, and certified by Warren Atkinson and supplementary information supplied by the Applicant to the Singleton Shire Council ("the Council") by letters dated 20 November 1990, 19 February 1991; submissions to Commission of Inquiry; the Statement of Environmental Effects in support of a Section 96(2) Application for the Glennies Creek Coal Mine, dated July 1998, prepared by R.W. Corkery and Co Pty Ltd; Statement of Environmental Effects in support of a Section 96(2) application for the Glennies Creek Coal Mine, dated June 2001, prepared by R.W. Corkery and Co Pty Ltd; the Statement of Environmental Effects in support of an application to Modify the Development Consent for the Glennies Creek Coal Mine, dated December 2001, prepared by Mr Bob Corbett, Manager – Environmental Services with AMCI Australia Pty Ltd; Letter from Bob Corbett to NPWS/PlanningNSW dated the 23 April 2002 regarding flora and fauna issues; Air Quality Impact Assessment: Glennies Creek Ventilation Shaft dated the 19 April 2002, prepared by Holmes Air Science; Letter from Bob Corbett to EPA/PlanningNSW dated the 15 May 2002 regarding additional information requested on air quality; Archaeological Assessment prepared by John Appleton dated April 2002; the information provided in support of a Section 96(1A) application, dated January 2005, prepared by Glennies Creek Coal Management Pty Ltd; and the Statement of Environmental Effects in support on an application to modify the Development Consent for the Glennies Creek Colliery, dated February 2005, prepared by Glennies Creek Coal Management Pty Ltd.

   If there is any inconsistency between the above, either the conditions of this consent, or the most recent document shall prevail to the extent of any inconsistency.

Duration

2. This consent shall lapse 21 years from the date of the notification of this development consent or 21 years from the date of issue of a coal lease in respect of this development whichever is the later.

Blasting

3. The Applicant shall:

   a) Not blast during the construction of mine entries within 500 metres of a public road while it is open for traffic unless it has obtained permission of the Council.
   b) Ascertain from other coal operators their blasting programs and shall refrain from blasting at the same time as other operators.
   c) Design all surface construction blasts to limit the peak particle velocity at "Dulwich" residence (Residence 2) to a maximum of 2 millimetres per second, and monitor to the satisfaction of the State Pollution Control Commission ("the Commission") the impact of its blasting at "Dulwich".
   d) In the event of any damage to "Dulwich" arising from such blasting, upon request of the owners, pay the costs of repairs to the dwelling to restore it to its former condition prior to blasting damage.
   e) Within 5 minutes preceding the detonation of any blast cause a siren to be sounded for 2 minutes as a general warning to those residences or persons within audible range. After the blast the Applicant shall cause the siren to be sounded 3 times.
   f) i) Carry out all blasting in accordance with EPA requirements;
      ii) Monitor all surface construction blasts and record the overpressure and peak particle velocity as agreed by the EPA; and
      iii) Include the results of the monitoring information in the Annual Environmental Management Report.
   g) Deleted.

h) Deleted.
i) Deleted.

Landscaping

4. a) Within 6 months of the date of granting of this consent or within such further period as the Council agree the Applicant shall submit to the Council for its approval:
   i) A detailed landscaping plan for planting and establishment of trees and shrubs prior to and during the construction stage, showing existing stands of vegetation and the location of plantings around the surface facilities and the rejects emplacement area. This plan shall incorporate erosion and sedimentation control practices for earthworks associated with the development.
   ii) Details of treatments related to visual appearance of the structural components of the development including paint colours and specifications for buildings and structures.
   iii) A comprehensive plan of landscape management, which shall include detailed plans, programmes to be undertaken, maintenance of all landscape works and planting and maintenance of building materials and cladding.

b) The Applicant shall carry out the landscaping plans programmes and treatments in accordance with Council's requirements.

(c) The Applicant shall, prior to the commencement of construction of the ventilation shaft, prepare a Management Plan to minimise the impacts to the flora species *Bothriochloa Biloba*. This Plan shall be prepared in consultation with the NPWS and to the satisfaction of the Director-General. The Plan shall include:
- details about how *B. Biloba* plants which are not required to be removed for construction of the ventilation shaft will be protected during construction and managed post construction;
- details of how poles along the route of the power line are to be positioned to avoid the clearing of *B. Biloba*;
- details of revegetation program for this species around the ventilation shaft, if viable seed can be obtained from plants on the site; and
- details of a program to monitor the success of the revegetation program. The results of monitoring are to be reported annually in the AEMR.

(d) The Applicant shall ensure measures are adopted to reduce the impact upon River Oak (*Casuarina Cunninghamiana*) during construction and maintenance of the power line.

Visual Amenity

5. The Applicant shall also carry out during the life of the mine the requirements of Council in respect of any supplementary planting and visual amenity enhancement works immediately outside the proposed coal lease area which may be identified by the Council to reduce visual impact of the development in the local area.

Noise and Dust

6. i) Deleted.

ii) Deleted.

iii) Deleted.

iv) Where dust deposition rates or concentrations would exceed the Commission's health and amenity criteria submitted by it to the Commission of Inquiry at this dwelling in the opinion of the Commission, the Applicant shall, upon request of the owner, meet the costs of measures required by the Commission to maintain dust deposition rates or concentrations with the Commission's criteria at such dwelling. In the event of acquisition of the dwelling by a coal mining company the requirements of this clause shall cease.

v) The Applicant shall prepare and implement a Noise Management Plan, in consultation with the EPA, and to the satisfaction of the Director-General by 31 March 1999 or other such time as agreed by the Director-General. The Applicant shall make copies of the Noise Management Plan available to EPA, Council and the Community Consultative Committee within fourteen days of approval by the Director-General.

The Noise Management Plan shall:

(i) identify potential noise sources and specify appropriate intervals for noise monitoring to evaluate, assess and report noise emission levels due to construction and normal operations of the mine as determined by the EPA;
(ii) outline the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements, the design of any noise modelling or other studies, including the means for determining the noise levels emitted by the development;
(iii) outline measures to be implemented to reduce the impact of noise generated by the works including intermittent, low frequency and tonal noise; and
(iv) specify measures to be undertaken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they occur.

vi) The Applicant shall prepare and implement an Air Quality Management Plan, in consultation with the EPA and to the satisfaction of the Director-General by 31 March 1999 or other such time as agreed by the Director-General. The Applicant shall make copies of the Air Quality Management Plan available to the EPA, Council and the Community Consultative Committee within fourteen days of approval by the Director-General.

The Air Quality Management Plan shall address all air quality issues associated with the development, including but not limited to the following:

(i) details of dust suppression measures for all surface facilities, including the use of water trucks, water spraying of activity areas and roads;
(ii) details of monitoring measures for dust and gas emissions from the ventilation shaft or any other source; and
(iii) details of actions to ameliorate impacts if they exceed the relevant criteria.

vii) The Applicant shall, prior to the commencement of construction of the ventilation shaft, revise the Noise Management Plan to the satisfaction of the Director-General. In addition to the requirements of subclause (v), the Plan shall:

- identify noise affected properties and the relevant noise limits consistent with the Statement of Environmental Effects, dated December 2001, and a letter prepared by Richard Hegge Associates dated the 19 March 2002;
- provide details of the measures to mitigate the potential impact from noise during construction of the ventilation shaft and the powerline including those outlined in the Statement of Environmental Effects, dated December 2001; and
- provide details of the measures to mitigate the potential impact from noise during operation of the ventilation shaft including those outlined in the Statement of Environmental Effects, dated December 2001.

(viii) The Applicant shall, prior to the commencement of construction of the ventilation shaft, revise the Air Quality Management Plan to the satisfaction of the Director-General. In addition to the requirements of Condition 6(vi), the Plan shall:

- identify dust affected properties and the relevant dust limits consistent with the Statement of Environmental Effects, dated December 2001, the Air Quality Assessment dated the 19 April 2002 and the additional information provided by Bob Corbett in a letter to the EPA/PlanningNSW dated the 15 May 2002;
- provide details of the measures to mitigate the potential impact from dust from the construction of the ventilation shaft and the powerline including those outlined in the SEE;
- provide details of the greenhouse gas emission monitoring program, reporting results annually in the AEMR; and
- provide details of the measures to mitigate the long-term impact of dust from the ventilation shaft.

(ix) The Applicant shall ensure that the noise emissions from the operation of the ventilation shaft shall not exceed the project specific noise limits in Table 1 at any non-mine owned residences, unless a valid private agreement is reached with the individual property owner.

Table 1: Project Specific Noise Limits

Residence	$L_{eq(15\ min)}$ dB
Mordey, Noble	41
Lambkin, Watling, Oxford, G Hall, Proctor, Richards	39
Egan, Payne	36

Notes: 1. The noise emission limits identified above apply under meteorological conditions of:

- *wind speeds up to 3 m/s at 10 metres above ground level averaged over the respective noise measuring T period; and*
- *temperature inversion conditions of up to 3 degrees Celsius per 100 metres.*

2. These limits do not apply to residences within the Current Zone of Affectation – Dulwich and Tisdell.

3. For the purposes of the noise criteria for this condition, 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.

4. 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 the compliance for this condition.

State Pollution Control Commission Approvals

7. Deleted.

Coal Transportation

8. Except for coal and rejects haulage directly across Middle Falbrook Road and any emergency road haulge of coal approved by the Council, the Applicant shall ensure that all product coal is transported by rail.

Flood Lighting

9. All floodlighting on the site shall be constructed to the satisfaction of the Council. The Applicant shall not construct on-site floodlighting which will directly emit light into the line of sight of nearby dwellings. The light emitted from any direct flood lighting and any vehicle headlights shall be directed away from dwellings and public roads to the satisfaction of the Council.

Environmental Monitoring - General

10. a) In addition to the specific monitoring requirements in condition 6, the Applicant shall install dust deposition gauges and in each calendar month shall determine the dust deposition rate in grams per square metre per month (gm/sq.m/mth) such that +2gm/sq.m/mth incremental isopleth for dust arising from mining operations is able to be plotted on an annual basis, as defined by the Commission.

b) By the end of January 2006, the Applicant shall prepare an implement a Noise Monitoring Program for the development, to the satisfaction of the Director-General. The Noise Monitoring Program shall include a noise monitoring protocol for evaluating compliance with the noise criteria in this consent.

c) The Applicant shall analyse to the satisfaction of the Commission all waters (other than uncontaminated stormwater) to be discharged from the mining, coal preparation, water storage and reject disposal areas of the mine site.

d) The Applicant shall measure and record levels of subsidence to the requirements of the Department of Mineral resources, and report such information to the Department and make copies available to the Council on its request. The Applicant shall make available such information to any landowner within the coal lease area on request from that landowner.

e) The Applicant shall on a quarterly basis provide a summary of all the monitoring results to the Council.

f) The Applicant shall provide a copy of such results to a landowner or occupier of one of the properties shown in Figure 6.1 (Appendix 1) of the EIS on request.

Discharge of Waters

11. The Applicant shall obtain the prior approval of the Commission before discharging any waters other than uncontaminated stormwater from the mine site.

Site Water Management Plan

11A. By the end of April 2006, the Applicant shall prepare and subsequently implement a Site Water Management Plan for the development, in consultation with the Department of Natural Resources, and to the satisfaction of the Director-General. This plan must be prepared by a suitably qualified hydrogeologist/hydrologist whose appointment/s have been approved by the Director-General, and shall include:
- a) a Site Water Balance;
- b) an Erosion and Sediment Control Plan;
- c) a Surface Water Monitoring Program; and
- d) a Groundwater Monitoring Program.

11B. The Water Balance shall:
- a) prepare a detailed site water balance for the development;
- b) measure:
  - water use on site;
  - water transfers across the site;
  - water transfers between the site and surrounding mines;
- c) review the site water balance for the development annually; and
- d) report the results of this review in the AEMR.

11C. The Erosion and Sediment Control 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) describe what measures would be implemented to maintain the structures over time.

11D. The Surface Water Monitoring Program shall include:
- a) detailed baseline data on surface water flows and quality in waterbodies that could potentially be impacted by the mine;
- b) surface water impact assessment criteria;
- c) a program to monitor surface water flows and quality;
- d) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria;
- e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan; and
- f) report the results of this monitoring in the AEMR.

11E. The Groundwater Monitoring Program shall include:
- a) a program to monitor the volume and quality of ground water seeping into the areas within the Camberwell North Pit and underground mining workings;
- b) regional groundwater levels and quality in the surrounding aquifers;
- c) the groundwater pressure response in the surrounding coal measures; and
- d) report the results of this monitoring in the AEMR.

Annual Report

12. a) Within six (6) months of the commencement of the construction of the proposed development, the Applicant shall ascertain the requirements of the Director of Planning ("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. The Applicant shall present the annual report in the form required by the Director. Each report shall be in respect of the calendar year ending 31st December and each report shall be

submitted by 31st March of the following year. The first report is to be submitted in 1993. The Applicant shall agree to the Council making the reports publicly available.

b) The Applicant shall, throughout the life of the mine and for a period of at least three years after the completion of the mining, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the conditions of this consent and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:

(i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;
(ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR and Council requirements;
(iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
(iv) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
(v) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;
(vi) rehabilitation report;
(vii) environmental management targets and strategies for the next year; and
(viii) provide an annual evaluation of the feasibility of methane drainage and reuse.

c) In preparing the AEMR, the Applicant shall:

(i) consult with the Director-General during preparation of the each report for any additional requirements;
(ii) comply with any requirements of the Director-General or other relevant government agency;
(i) ensure that the first report is completed and submitted within 12 months of commencement of construction works associated with the highwall entry access.

The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Department, DMR, EPA, DLWC, Council and the Community Consultative Committee, and made available for public information at Council within fourteen days of submission to these authorities.

Environmental Officer

13. The Applicant shall employ or contract the services of an Environmental Officer whose qualifications are acceptable to the Department of Mineral resources for the proposed development to be responsible for ensuring that all environmental safeguards proposed for the development and as required by the consent and other statutory approvals are enforced and monitored from the commencement of construction.

Groundwater

14. a) The Applicant shall upon request of a landowner provide an alternative source of water supply and/or pay compensation in respect of loss of groundwater which, on the basis of monitoring data, is attributable to the underground mine workings. In the event that the Applicant and a landowner are unable to agree upon the adequacy of replacement of water and/or compensation, the Minister shall determine the matter, in so doing may refer the dispute to a Commissioner of Inquiry and after receiving the Commissioner's recommendations.

b) The Applicant shall install a minimum of two piezometers within the alluvium adjacent to Glennies Creek and one deep piezometer into the Permian coal measure sequence beneath the Glennies Creek alluvium at locations approved by the Department of Water Resources prior to installation.

c) The Applicant shall install the piezometers, referred to in subclause (b) herin, at least 12 months prior to the commencement of secondary mine workings beneath the alluvium in order to obtain baseline water level and chemistry data. Piezometers are to be fitted with continuous data loggers in order to monitor water level fluctuations so that sudden events can be recorded.

d) The Applicant shall measure and record electrical conductivity (EC) of groundwater from each piezometer four times per year with a full analysis (EC, pH, Alkalinity, major anions and cations) annually.

e) The Applicant shall submit a report annually to the Department of Water Resources including groundwater monitoring data and water level fluctutations and provide, on request of a landowner, copies of such report.

Station Creek Diversion

15. The Applicant shall consult with the Department of Water Resources and the Soil Conservation Service and meet their requirements for the design, construction and maintenance of any diversion of Station Creek associated with the development.

Financial Contributions

16. a) In addition to the Section 94 contributions in respect of road works, the Applicant shall pay to the Council those additional financial contributions made necessary by the development, not exceeding $500,000 pursuant to Section 94 of the Environmental Planning & Assessment Act, 1979, being relevant to a planning purpose related to the subject development and be reasonable applied.

b) IN the event that the Applicant and the Council cannot agree on the amount of such contributions, the Minister shall determine the amount, in doing so the Minister may refer the dispute to a Commissioner of Inquiry for the Commissioner's recommendations.

Rental Housing

17. The Applicant shall liaise with the Council to monitor local housing demand during the construction stage of the project and, in the event of a shortage of rental accommodation provide additional temporary accommodation facilities for use by its construction workforce in accordance with the Council's requirements.

Road Works

18.1 The Applicant shall prior to the commencement of Stage 1 of the mine:

a) Upgrade and realign Stony Creek Road between Bridgman Road and Middle Falbrook Road with a bitumen sealed pavement seven (7) metres to Council's reasonable requirements, at the Applicant's cost.

b) Upgrade Middle Falbrook Road from its intersection with Stony Creek Road to the proposed mine entrance by widening and resealing the existing bitumen pavement to six (6) metres to Council's reasonable requirements at the Applicant's cost.

c) Deleted.

d) Design and construct the intersection of Bridgman Road/Stony Creek Road and the intersection of Stony Creek Road/Middle Falbrook Road being to Council's reasonable requirements, at the Applicant's cost.

e) Strengthen and construct the intersection of the proposed haul road with Middle Falbrook Raod to a bitumen sealed or concrete standard either side of Middle Falbrook Road, install stop signs, floodlighting and heavy vehicle crossing warning signs erected at the Middle Falbrook Road approaches to Council's reasonable requirements. Completion of this work may be postponed, in the event of a temporary closure of the Nundah rail crossing, but shall be completed prior to the re-opening of the crossing.

f) Deleted.

g) Negotiate with the Council to provide bank bond not exceeding $300,000 to ensure that any road damage caused as a result of construction traffic associated with the proposed mine is restored by the Applicant to the requirement of the Council.

h) Pay to the Council an amount of $70,000 to be applied to the upgrading of Bridgman Road.

18.2 No local roads under the care and control of the Council shall be used by heavy traffic associated with the proposed development without the express written approval of the Council.

18.3 The Applicant shall pay any annual contribution to Singleton Shire Council to be applied to road maintenance of the Middle Falbrook, Stony Creek and Bridgman Roads. The contribution shall be $ 22,000 in 1991 dollars CPI indexed from the date of this consent. The contribution shall be first paid in the year following the commencment of Stage I of the mine.

18.3A. The Applicant shall pay reasonable contributions to Council for the ongoing maintenance of Forest Road, to the satisfaction of the Director-General.

18.4 In relation to a dispute between the Council and the Applicant arising under this condition, the Minister shall determine the matter.

Dust Suppression

20. The Applicant shall take all reasonable steps in accordance with the procedures outlined in the EIS necessary to minimise the emission of dust from all activities associated with the development and in accordance with the Commission's requirements, to the satisfaction of the Director-General.

Disputes

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

A.J & M.A. Andrews - Compensation Arrangements

22. Deleted

Operating Hours

23. The Applicant shall not transport coal by truck within the mine site from the Barrett seam entry nor transport rejects to the reject disposal area, nor work with scrapers or bulldozers or similar machinery on the emplacement area during the hours of 10.00pm to 7.00am unless otherwise approved by the Commission after its consideration of monitoring data for the mine in relation to noise levels at residences referred to in condition 6.

Approvals

24. The Applicant shall forward to the Council copies of all environmental and planning approvals of authorities related to the development.

Glennies Creek

25. In the event of impacts such as bank erosion, or channel obstruction along Glennies Creek due to changes in the hydrology caused by underground mining, the Applicant shall undertake at its cost, remedial measures in accordance with the requirements of the Department of Water Resources.

Rising Salt

26. In the event of rising salt occuring within the proposed coal lease area by reason of changes to the hydrology caused by underground mining, the Applicant shall at the request of the landowner affected, undertake at its cost remedial measures in accordance with the requirements of the Department of Water Resources.

Department of Education Land

27. Deleted

28. (a) In the event that a landowner or occupier considers that noise, vibration and/or dust from the project at their dwelling(s) is in excess of the relevant criteria the landowner may make a written request to the Director-General for an independent investigation. If the Director-General, in consultation with the EPA and the Applicant, is satisfied that an investigation is required, the Applicant shall:
   - (i) appoint a qualified independent person or team to undertake direct discussions with the landowner or occupier affected to ascertain their concerns and to plan and implement an investigation to quantify the impact and determine the sources of the effect;
   - (ii) bear the costs of the independent investigation and make available plans, programs and other information necessary for the independent person to form an

appreciation of the past, present and future works and their effects on noise and/or dust emissions.

The investigations shall be carried out in accordance with a documented Plan. The Plan shall be designed and implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise and/or dust levels at the complainants residence emitted by the development.

The independent person or team, the Plan and the timing of its implementation shall be approved by the Director-General in consultation with the EPA, the affected landowner or occupier and the Applicant. The independent person or team shall report directly to the Director-General, the Applicant and the landowner or occupier on a quarterly basis.

Further independent investigations shall cease if the Director-General, in consultation with the EPA, is satisfied that the relevant approval levels are not being exceeded and are unlikely to be exceeded in the future.

(b) If the results of the independent monitoring referred to in sub-clause (a) above indicate that relevant levels for noise and/or dust are being exceeded the Applicant shall implement reasonable mitigation measures as directed by the Director-General in consultation with the EPA.

29. The Applicant shall notify the Director-General and Council at least one month prior to the commencement of secondary workings and coal processing operations at the mine.

30. The applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all relevant conditions by 31 March 1999 or other such time as agreed by the Director-General. The compliance report should include:

(i) the dates of submissions of the various studies and/or requirements of various relevant conditions, and of their approvals and terms of approvals; and
(ii) action taken or proposed to implement the recommendations made in the terms of approvals and/or studies.

31. At 5, 10 and 15 year periods after commencement of mining pursuant to this consent and any additional periods as the Director-General may direct, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development and submit a report to the Director-General who shall provide a copy to the Council. The audit shall be carried out at the Applicant's expense and be conducted by a duly qualified independent person or team approved by the Director-General in consultation with the Council. The Director-General may, after considering any submission made by Council on the report, notify the Applicant of the Director-General's reasonable requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may reasonably require.

32. (a) The Applicant shall establish a Community Consultative Committee in consultation with Council and determine the date of its first meeting in agreement with Council. Selection of representatives shall be coordinated by Council and the appointment of an independent Chairperson shall be to the satisfaction of Council. The Committee shall include two representatives from the Applicant (including the Environmental Officer), two community representatives and Council. Representatives from relevant government agencies (including DUAP) may be invited to attend meetings of the Committee as required. The Committee may make comments and recommendations about the implementation of the proposal which shall be considered by the Applicant. The Applicant shall at its own expense:

(i) provide appropriate facilities for all meetings of the Committee;
(ii) provide to the Committee regular information on the progress of the work and monitoring results;
(iii) promptly provide to the Committee such other information as the chairperson of the Committee may reasonably request concerning the environmental performance of the development; and
(iv) provide reasonable access for site inspections by the Committee.

The Applicant shall establish a trust fund to be managed by the Chair of the Committee to facilitate functioning of the Committee, and pay $2000 per annum to the fund for the duration of the mining operations. The payment shall be indexed according to the Consumer Price Index at the time of payment. The first payment shall be made by the date of the first Committee meeting.

(b) The Applicant shall, in consultation with Council, ensure that the local community is kept informed by way of local newsletters, leaflets, newspaper advertisements or community notice boards as appropriate, of the progress of the works, including prior notice of:

(i) the nature of the works proposed for the forthcoming period;
(ii) hours of construction;
(iii) a 24 hour contact telephone number;
(iv) any traffic disruptions and controls;
(v) proposed blasting program and changes to program;
(vi) work required outside normal working hours; and
(vii) individual's rights under the conditions of this consent.

(c) The Applicant shall record details of all complaints received in an up to date log book and ensure that a response is provided to the complainant within 24 hours. The Applicant shall make available a report on complaints received to the Community Consultative Committee, all relevant government agencies and the Council upon request, and include a summary in the Annual Environmental Management Reports.

Long-term Highwall Stability

33. The Applicant shall commission a geotechnical assessment of the highwall area to assess its long term stability, within three months of the date of this development consent to the satisfaction of the Department of Mineral Resources.

34. The Applicant shall ensure that appropriate measures are adopted to address the outcomes of the assessment undertaken in condition 33 above to the satisfaction of the Department of Mineral Resources. This may include but shall not be limited to:
(a) a strategy for supporting the highwall and access roadways in the long term;
(b) a timetable for any repair and support works required; and
(c) a monitoring plan to detect any changes in highwall and roadway stability."

Statutory Requirements

35. (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."

Aboriginal Archaeology

36 (a) The Applicant shall prepare an Archaeology and Cultural Management Plan to protect and preserve the identified archaeological site GC-1 (as described in the SEE dated December 2001). The Plan shall be prepared in consultation with Wannaruah Local Aboriginal Land Council, the Upper Hunter Wonnarua Council Inc, Wannaruah Nations and NPWS, and to the satisfaction of the Director-General prior to the commencement of construction of the ventilation shaft. The Plan shall include:

- details of measures to protect and preserve the identified archaeological site GC-1;
- details of measures to assist the Aboriginal community to maintain and manage cultural heritage; and
- details of consultation undertaken in the preparation of this Plan.

(b) If, during the course of construction of any surface facilities, or mining in the DA area, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to the recommencement of work. The relevant authorities may include Wannaruah Local Aboriginal Land Council, the Upper Hunter Wonnarua Council Inc, Wannaruah Nations, NPWS or the NSW Heritage Office. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

(c) The Applicant shall invite a representative from the Wannaruah Local Aboriginal Land Council, the Upper Hunter Wonnarua Council Inc and Wannaruah Nations to participate in the monitoring of topsoil stripping during construction of the ventilation shaft, and to carry out an assessment and retrieval of artefacts prior to the development proceeding. Results of monitoring shall be reported in the AEMR.

Notes

This approval does not relieve the Applicant of the obligation to obtain any other approval which may be required under the:

1. *Clean Air Act 1961, Clean Waters Act 1970 and Noise Control Act 1975;*
2. *Local Government Act 1919, as amended and the ordinances made thereunder (including approval of building plans);*
3. *National Parks and Wildlife Act 1974;*
4. *Dams Safety Act 1978;*
5. *Rivers and Foresehores Improvement Act 1948;*
6. *Water Act 1912;*

or any other Act.

All references within this consent to the State Pollution Control Commission should be read as references to the Environment Protection Authority and all references within this consent to the Department of Water Resources should be taken to read the Department of Land and Water Conservation.