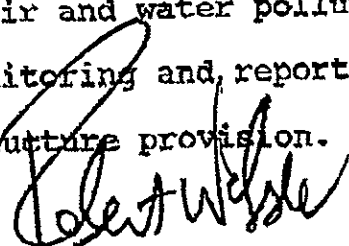


ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT
TO SECTION 101

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 1 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, 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,

24/6/ 1993

File No. S91/05681/202

Schedule 1

- Application made by: Blue Circle Southern Cement Limited
("the Applicant")
- To: Rylstone Shire Council (DAS 32/92,
33/92) ("the Council")
- In respect of: Mining Lease Application No. 231 on
land described in Attachment 'A'.
- For the following:
- (i) Construction and operation of a mine entry and its infrastructure.
 - (ii) Construction and operation of a coal washery rejects and tailings disposal system.
 - (iii) Expansion of underground coal mining.
- 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.

- 2 -

Schedule 2

1. General

The Applicant shall carry out the development of the Charbon Colliery Third Mine Entry and Expansion generally in accordance with the Environmental Impact Statement (EIS) dated 23 June 1992 prepared by Sinclair Knight & Partners Pty Limited in accordance with Section 77(3) of the Environmental Planning and Assessment act, and certified by Robert Byrnes, as may be modified by the following conditions.

2. Duration

This consent shall be limited to 21 years from the date of this consent.

3. Statutory Requirements

The Applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development and negotiate with all relevant authorities with a view to meeting their reasonable requirements.

4. Environment Protection Authority

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

5. Archaeology of the Site

The Applicant shall meet the requirements of the National Parks and Wildlife Service ("NPWS") in relation to the assessment of archaeological heritage. The Applicant shall not remove or destroy any item of aboriginal heritage without first obtaining the consent of the National Parks and Wildlife Service.

Any further archaeological survey work required by the NPWS to determine likely sites which may be affected by mining-induced subsidence shall be carried out by an appropriately qualified person.

6. Soil Management and Erosion Control

The Applicant shall liaise with the Department of Conservation and Land Management prior to construction of erosion controls in respect of:

- 3 -

- i) Topsoil and subsoil stripping, the stockpiling of such materials, their management and reuse;
- ii) Design and construction of runoff diversion, erosion and sediment control works and retention dams.

All such works are to be carried out to the satisfaction of the Department of Mineral Resources, the Department of Conservation and Land Management, and the Council.

7. Water Management

The Applicant shall:

- (a) Produce a final site-specific water management plan for each component of the development detailing all proposed drainage diversion channels, collection pits and sedimentation dams to be constructed on site. In particular, a water quality analysis which includes standard ions and anions and heavy metals shall be undertaken of any waters ultimately released into Reedy Creek. The water management plan shall incorporate the principles of Total Catchment Management.
- (b) Prepare design plans for the clean water diversion drains and dams associated with the reject disposal area in consultation with the Department of Water Resources, Department of Conservation and Land Management and Council for approval of the Department of Mineral Resources prior to commencement of construction.

8. Noise

The Applicant shall implement all noise attenuation measures outlined in the Environmental Impact Statement to the satisfaction of the EPA.

9. Fire Protection

The Applicant shall:

- (a) Provide to the Council details of all proposed fire fighting facilities and measures to be installed on the site including water storage capacity, location of hydrants, etc;
- (b) Consult and comply with the reasonable requirements of the Council concerning means to prevent and fight bushfires, including the provision of legal access for emergency services and adjoining landholders, and of adequate fire trails within the lease area, and the provision of appropriate firefighting facilities;
- (c) Formulate a program of hazard reduction measures and a detailed contingency plan for coping with bushfires each year, in liaison with the Forestry Commission, Council's Fire Control Officer and the Clandulla Bush Fire Brigade.

- 4 -

10) Effluent Disposal and Water Treatment

- i) The Applicant shall ensure that disposal of sewage, both above ground and underground effluents, including grey waters, shall be treated via a package treatment system for reduction of pollutants to a level acceptable to the EPA;
- ii) Treated effluent may be irrigated to land, upon approval by the EPA;
- iii) The Applicant shall undertake water quality monitoring of treated effluent before commencing disposal by irrigation. Parameters monitored include pH, total nitrates, total phosphorous, biochemical oxygen demand and suspended solids, or as directed by the EPA.

11. Workshop and Stores

- i) All areas associated with the maintenance of vehicles shall direct all contaminated runoff and waters, likely to contain oil and grease, to an oil separator.
- ii) The separator shall be capable of effectively separating the oil and grease portions of contaminated waters to a level of 10mg/L or lower, according to the requirements of the EPA.
- iii) All fuel products on site shall be banded to 120 per cent of the volume of the largest tank or 25 per cent of the total volume of stored product where products are exclusively stored in drums. The walls of the bands shall contain no valves or outlet pipes.
- iv) Bunding shall be provided around all chemical storage areas, the bunding specifications being the same as those for fuel. The storage of acids where necessary, however, shall not be surrounded by bands made from concrete or alkaline products.

12. Internal Roads and Buildings

The Applicant shall, prior to the commencement of construction, prepare, submit and obtain the approval of Council for design plans and specifications for all roads, car parking facilities and buildings upon the site.

Should the new access road not be sealed, details shall be submitted to the Council in respect of regular maintenance and erosion control procedures, as well as watering of the road to mitigate dust emissions.

13. Landscaping

The Applicant shall prepare and submit to the Council for its consideration and approval, within six months of this consent:

- (a) fully detailed landscaping proposals covering all components of the development;
- (b) proposals for the visual appearance of the structural components of the development incorporating paint colour and specification. Building and structures are to be designed so as to present a neat orderly appearance and to blend as far as possible with the surrounding landscape.

14. Rehabilitation

- (a) The Applicant shall consult with the Department of Conservation and Land Management in respect of implementation of rehabilitation works.

All such work to be carried out to the satisfaction of the Department of Conservation and Land Management and the Department of Mineral Resources.

- (b) The Applicant shall consult with the Department of Agriculture and the Department of Conservation and Land Management and the Forestry Commission concerning appropriate vegetative species selection, seedling establishment techniques, soil testing and fertiliser selection and application for all rehabilitation works.

15. Approval to Council

The Applicant shall furnish to the Council copies of all required approvals from Government Departments and other statutory authorities.

16. Environmental Monitoring

The Applicant shall carry out all those operating and monitoring measures as described and specified in the environmental impact statement to prevent, minimise or ameliorate adverse environmental impact except where there is inconsistency between the said measures and the conditions of this consent or the reasonable requirements of the authorities referred to herein, the conditions of the consent or the authorities' requirements shall prevail.

- 6 -

17. Annual Report

The Applicant shall prepare and submit to the Department of Mineral Resources for approval an annual Environmental Management Plan report. The report shall include:

- i) short medium and long term mine plans;
- ii) procedures for handling and emplacement of coal washery rejects;
- iii) progressive rehabilitation of the site including coal washery reject emplacement areas;
- iv) a review of performance in terms of Environment Protection Authority license and approvals applicable to the site activities;
- v) a water management plan of the development, to be prepared in consultation with the Department of Water Resources, detailing all proposed drainage diversion channels, collection pits and sedimentation dams to be constructed on site;
- vi) a review of environmental monitoring data and assessment of the effectiveness of the site's environmental management.

Copies of the annual Environmental Management Plan report shall be submitted to the: Environment Protection Authority, Director of Planning, Department of Conservation and Land Management, and the Council. The first report shall be completed and submitted within 12 months of this Consent, at a date to be determined in consultation with the Department of Mineral Resources, and thereafter annually on the anniversary of that date.

18. Reject Disposal Areas

The Applicant shall transport and emplace all coal reject materials in an environmentally acceptable manner as proposed in the Environmental Impact Statement, or as otherwise directed by the Department of Mineral Resources.

The Applicant shall obtain from the Chief Inspector of Coal Mines, an approval required under the Coal Mines Regulation Act 1982 for the handling and emplacement of coal washery reject materials and for the construction and operation of the reject retention dams.

- 7 -

19. Coal Transport

All export coal produced by the colliery shall be transported by rail, except in the case of an emergency as determined by the State Rail Authority when any necessary permits to haul coal along public roads shall be first obtained from the Council. During such times which require road haulage in lieu of rail transport, the Applicant shall pay Council a sum equal to \$0.03 cents per tonne per kilometre (indexed annually according to the C.P.I.) for such haulage, to be applied to road maintenance works on Cooper Drive.

The Applicant shall pay such contributions to Council in January and June of the haulage year, based on road transport figures to be submitted and certified by the Applicant, for the preceding six month period.

Domestic coal transported on public roads controlled by the Council is subject to Condition 23 of the Minister's consent dated 2 November, 1985.

20. Access Road

The Applicant shall continue to provide access to the Mt Baldy area for the purpose of maintenance of telecommunications and other facilities including road maintenance for such access across the mine site.

21. Section 94 Contributions

The Applicant shall:

- (a) Pay an amount of \$10,000 to the Council towards Community Facilities (services and amenities). The time for payment and the terms upon which it shall be paid shall be negotiated between the Applicant and the Council provided that in the event of the parties being unable to reach agreement, the Minister shall determine the time for payment and the terms thereof.
- (b) Pay an amount of \$10,000 to the Council towards capital works for water headworks augmentation. Such monies to be utilised towards upgrading/replacement of pumping equipment utilised to supply Charbon Colliery. Such contributions to be paid at the commencement of the construction phase of the headworks augmentation.

22. Further Open Cut Mining

The Applicant shall submit a new development application for the mining of any coal by open cut method exceeding the 200,000 tonnes from the proposed initial box-cut.

- 9 -

ATTACHMENT 'A'

Lot 1 DP 626060

Lot 11 DP 731484

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 22 DP 259893

Lot 4 DP 593625

Lot 1 DP 593624

Lot 8 DP 593262

Portion PML 37, Ph Clandulla

Portions 42, 76, 91, 63, 86, 146, Ph Clandulla

Portion 146 Ph Rylstone

Kandos State Forest

Consolidated Coal Lease No 732 (Act 1973)

Mining Purposes Lease No 270 (Act 1973)

BA:AM

6379 0199.

63790154



late haulage rate

1993
Cooperatives

Ray Laskin

12x13

FAT:

Former contributors
Nearly 90s.
Londith 18 →
per kg
3 tonnes

Transmission Report

Date/Time
G3 Local Terminal ID
G4 Local Terminal ID
Local Name
Company LOGO

15-10-03;15:51

Document has been sent.

Document Size A4S

FROM 31.MAR.2003 11:53 -- TO 61.2.55900308 (FBI)06.25'03 14:21 NO.45500007.110 7. 2

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1978 DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT TO SECTION 101

I, the Minister for Planning, pursuant to Section 101 of the Environmental Planning and Assessment Act 1978 ("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 the 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
Robert Webster
Minister for Planning

Sydney,

1993

File No. 891/05681/202

Schedule 1

Application made by: Blue Circle Southern Cement Limited ("the Applicant")

To: Eglstone Shire Council (has 32/92, 23/92) ("the Council")

In respect of: Mining Lease Application No. 231 on land described in Attachment 'A'.

For the following:

- (i) Construction and operation of a mine entry and its infrastructure.
- (ii) Construction and operation of a coal washery rejects and tailings disposal system.
- (iii) Expansion of underground coal mining.

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.

Total Pages Scanned : 9
Total Pages Sent : 9

No	Doc.	Receiver	Start Time	Durat.	Pages	Mode	Contents	Status
1	0007	063790199	15-10;15:48	2' 59"	9/ 9	SG3		CP

ote :

: Error Correct
 : Completed
 : Receive Again
 : Relay Broadcast
 : Relay Request

RE: Resend
 PG: Polling
 EN: Engaged
 RV: Remote Service
 DR: Document Remove

BC: Broadcast
 MB: Send to Mailbox
 RS: Relay Send
 SA: Send Again

CR: Check Remote
 MP: Multi Polling
 RM: Receive to Memory
 TM: Terminated