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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTION 101**

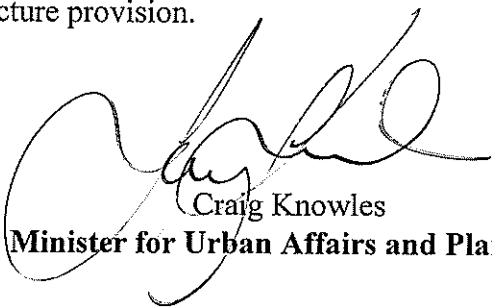
I, the Minister for Urban Affairs and Planning, pursuant to Section 101 of the Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule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

The reasons for the imposition of the conditions are:

- (i) to minimise the adverse impact the development may cause through noise, visual disturbance, air and water pollution;
- (ii) to provide for environmental monitoring and reporting;
- (iii) to set requirements for infrastructure provision.

Sydney, 7/8 /

1995


Craig Knowles
Minister for Urban Affairs and Planning

File No. N92/325/005

Schedule 1

Application made by:	Bengalla Mining Company Pty Limited ("the Applicant").
To:	Muswellbrook Shire Council (DA 211/93) ("the Council").
In respect of:	Authorisation 438 on land described in Attachment "A".
For the following:	Construction and operation of a surface coal mine, coal preparation plant, rail loop, loading facilities and associated facilities ("the development").
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.

SCHEDULE 2

1. OPERATION OF THE DEVELOPMENT

The Applicant shall carry out the development of and conduct the Bengalla Coal Mine generally in accordance with the Environmental Impact Statement (EIS) dated November 1993 prepared by Envirosiences Pty Limited and certified by Mark W. Burns in accordance with Section 77(3) of the Environmental Planning and Assessment Act, and the Applicant's submissions to the Commission of Inquiry and as may be modified by the following conditions.

2. DURATION

The consent shall lapse 21 years from the date of granting of the mining lease.

3. HERITAGE ITEMS

- A) Prior to disturbance of any area of the site, the Applicant shall undertake, at its own expense, to comply with the requirements of the National Parks and Wildlife Service regarding works affecting aboriginal sites.
- B) Within twelve (12) months of the date of this Consent, the Applicant shall prepare and submit to the Heritage Council of NSW, and the Muswellbrook Shire Council ("Council"), a conservation management plan in respect of all items of heritage significance in the mining area. The plan shall contain photographs and detail requirements for the protection of historical artefacts and conservation within the mine site and environs.
- C) Within twelve (12) months of commencement of construction the Applicant shall consult with the Muswellbrook and Upper Hunter Historical Society Inc. and allow the Society reasonable access to the Applicant's properties for the purpose of assessing European archaeological features.

4. LANDSCAPING

- A) Within six months of the date of granting this consent or within such further period as Council may permit, the Applicant shall submit for Council's approval:
 - i) A detailed landscaping plan and land use plan covering all land within the proposed mining area and those areas outside the lease area identified by Council as necessary to assist in the screening of the development. The Applicant shall engage a suitably qualified person to assist in the landscaping plan. The plan shall provide for the establishment of trees and shrubs and the construction of mounds and bunds.
 - ii) Proposals for the visual appearance of the structural components of the development including paint colours and specifications.

- iii) A comprehensive landscape management plan which shall include detailed plans, specifications and staged work programs to be undertaken, maintenance of all landscape works and plantings, and maintenance of building materials and cladding.
- B) Prior to commencement of mining, the Applicant shall to the satisfaction of Council construct suitable bunding and mounding and install tree screen covers in accordance with the adopted landscape management plan in order to reduce the visual impact of the mine operation.
- C) 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.

5. VISUAL AMENITY

- A) Before the commencement of mining the Applicant shall consult with adjacent residents and Council regarding any visual impact created by the balloon loop and rail line and construct any bunds and screen tree planting to the satisfaction of Council.
- B) The Applicant shall within two years of the commencement of construction comply with the requirements of Council in respect to the provision of any supplementary tree planting, bund construction and visual amenity enhancement works for properties along Denman Road, Link Road, Wybong Road, and Roxburgh Road.
- C) Before the commencement of mining the Applicant shall negotiate with the owners of properties 22 and 115 shown in Figure 1 hereto to determine measures to be undertaken by the Applicant to mitigate visual impact at residences, including tree planting and bunding.

6. AUTHORITIES REQUIREMENTS

- A) The Applicant shall ensure full compliance with all statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean Air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Protection of the Environment Administration Act, 1991, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices and to the requirements of the NSW Environment Protection Authority ("EPA"), Department of Mineral Resources ("DMR"), National Parks and Wildlife Service ("NPWS"), Department of Land and Water Conservation ("LAWC"), and Roads and Traffic Authority ("RTA").
- B) The Applicant shall undertake and implement environmental monitoring with respect to:
- i) rehabilitation required by the DMR.
 - ii) ground water levels and quality required by the LAWC and pursuant to Condition 10.

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- C) The Applicant shall annually provide to the DMR, LAWC and the Council, results and analysis of environmental monitoring undertaken pursuant to the provisions of sub-clause A and Condition 8 herein.
 - D) The Applicant shall within twelve (12) months of this Consent, prepare and implement an Environmental Management Plan in consultation with the EPA, DMR and LAWC.
 - a) The plan shall include a comprehensive water management plan detailing procedures and works necessary to avoid any discharge of mine water to the Hunter River other than pursuant to an EPA licence to do so in the event of a wet year or unplanned pit inflows and including the requirements set out in Condition 10.
 - b) The plan shall also include the Applicant's Environmental Policy and the principles and procedures to be adopted to achieve stated environmental objectives therein.

7. **BLASTING**

- A) The Applicant shall monitor noise and vibration and institute controls generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.
- B) The Applicant shall not blast within 500m of a public road while such road is open for traffic.
- C) The Applicant shall design all blasts to minimise air blast over pressure and vibration using the NONEL system or the equivalent.
- D) The Applicant shall design all blasts based on the results of monitored blasts designed to minimise air blast over pressure and vibration using the NONEL or equivalent system such that any one blast has less than a five (5) per cent probability of exceeding an air blast over pressure of 115 dBA and vibration with a peak particle velocity of 5mm/sec at any residence outside the mining lease not owned by the Applicant or another mining company.
- E) The Applicant shall determine appropriate weather data by taking measurements immediately prior to blasting and from the data shall predict whether noise levels are likely to be increased above the levels expected under neutral meteorological conditions. The said data shall be recorded by the Applicant as part of its monitoring data.
- F) The Applicant shall not blast if the predictions in sub-clause (E) herein indicate that excessive dust or an exceedence of noise goals are likely to occur at residences not owned by the Applicant.
- G) The Applicant shall monitor all blasts and record the over pressure and peak particle velocity.

- H) The Applicant shall after commencement of construction undertake consultations with residents whose properties are adjacent to the development, with a view to determining the most reasonable and appropriate blasting times for the development. The Applicant shall give notice of proposed blasting times to adjoining owners, prior to all blasts.
- I) Before the commencement of mining the Applicant shall upon the request of the owner of any property, other than a property owned by another mining company, located within two kilometres of the mine boundaries, arrange at its cost, for the inspection by a person agreed to by both parties, to record the material condition of any structure on such property.
- J) The Applicant shall notify adjoining residents of significant blasting events and advise those residents of the Company's general blasting program. Such blasting shall avoid the occurrence of concurrent blasts with adjoining surface coal mine operators.
- K) The Applicant shall investigate alternative methods to blasting for extraction of coal and report to DMR each two (2) years from the commencement of mining.

8. ENVIRONMENTAL MANAGEMENT PLAN REPORT

- A) The Applicant shall prepare and submit to the DMR for approval an annual Environmental Management Plan Report ("EMP report"). The report shall include:
- i) Short, medium and long-term mining plans.
 - ii) Rehabilitation report in respect of open cut operations
 - iii) A review of effectiveness of environmental management of the subject area in terms of the EPA requirements.
 - iv) A review of performance in terms of the conditions of development consent.
 - v) A listing of any variations obtained to approvals applicable to the subject area during the previous year.
 - vi) Results of groundwater monitoring.
- B) The Applicant shall consult with the Director of Urban Affairs and Planning ("the Director") during report preparation concerning any additional requirements that the Director may have.
- C) Copies of the EMP report shall be submitted annually to the Director, EPA, DMR, LAWC and the Council.
- D) The first report shall be completed and submitted within twelve (12) months of this Consent, at a date to be determined in consultation with the DMR, and thereafter annually on the anniversary of that date.

- E) In reviewing compliance of the EMP report with statutory approvals, provisions of the Mining Act apply including the issuance of directions by the District Inspector of Mines and notices by the Minister for Mines, as provided in Condition 6A of this consent.

9. ENVIRONMENTAL OFFICER

The Applicant shall employ an Environmental Officer whose qualifications are acceptable to the DMR to be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals are followed and monitored from the commencement of constructions of works.

10. WATER MANAGEMENT

The Applicant shall:

- A) i) Before the commencement of mining, survey all bores in the mining area and within a one (1) kilometre radius from the mine site boundaries in fractured rock aquifers.
- ii) Before commencement of mining consult with LAWC on the location of monitoring bores and any other locations necessary for monitoring.
- iii) On request of a landowner whose water supply from licensed bore holes or springs has been determined by LAWC at any time to have been affected by the mining, replace the lost water supply with water of an equivalent quality and quantity to meet the landowner's requirements.
- iv) Prepare a Water Management Plan detailing quantities and quality of surface and groundwater within the mine lease and include the capacity of all dams and their recurrent storm intervals for approval. The plan shall be submitted to the EPA for approval and to LAWC and Council for information prior to any work commencing on the site.
- B) Carry out detailed calculations in regard to any works proposed within the flood plain. These calculations shall set out the effect of afflux within the 1 in 100 year flood interval for properties upstream, and be provided to Council within twelve months of the commencement of construction.
- C) Recalculate the Water Management Plan at five yearly intervals and provide same to LAWC, EPA and Council.
- D) Consult with the EPA and LAWC prior to the construction of works and install sedimentation dams, erosion control and stormwater diversions, as required, to ensure the rail line and balloon loop does not become a source of potential water pollution by storm water runoff likely to contaminate the Hunter River with coal dust, oil and other pollutants.

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- E) Prepare within twelve (12) months of this Consent a groundwater monitoring program for approval by LAWC.
- F) Provide annually the results of the groundwater monitoring to LAWC.
- G) At the end of each five year period from the granting of consent the Applicant shall provide a report to LAWC, EPA and Council which:
 - a) presents the results of the groundwater monitoring program;
 - b) highlights any variances between the predicted impacts shown in the EIS and observed outcomes and provide an explanation of this variance;
 - c) offer an interpretation of the results;
 - d) provide revised groundwater inflow predictions; and
 - e) suggest any proposed changes to the groundwater monitoring program for the following five (5) year period.

11. FINANCIAL CONTRIBUTIONS

The Applicant shall pay a financial contribution to the Council pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 in accordance with the requirements of its Section 94 Contributions Plan.

12. LAND MANAGEMENT PLAN

The Applicant shall prepare within twelve months of this consent and annually update, at its own expense and to the Council's satisfaction, a Land Management Plan for all its land holdings to provide for proper land management according to land care objectives.

13. COAL HANDLING TRANSPORTATION

- A) Coal shall be transported from the site by means other than road.
- B) Should the Mount Pleasant Project or another mining company require access to rail at the Bengalla rail loop the Applicant shall negotiate an agreement with the said company or companies whereby the rail loop can be made available for future use by the said project subject to arrangements acceptable to the State Rail Authority ("SRA"), the Applicant and the Council with regard to the following:
 - i) The provision of an additional loading facility.
 - ii) The sharing of maintenance and operating costs.
 - iii) Contributions to amortise capital costs of the establishment of the loop.
 - iv) Access to the loop and the loading area.

- v) Accommodation of a coal transfer and handling system.
- C) The Applicant shall design the Bengalla rail loop so as to provide for the accommodation of one additional loading bin or common bin with separate feed systems, as agreed in arrangements provided for in subclause B above.
- D) Prior to construction of the rail loop, the Applicant shall obtain the approval of the SRA for a rail loop having a capacity of not less than a level 5 rail loop to be constructed in accordance with the requirements of that Authority.

14. ROADS

- A) The Applicant shall construct and dedicate to Council a 100 km per hour design standard road between Wybong and Denman Roads to RTA and Council's requirements including:
 - i) The design and construction to AUSROAD Standards for a Type C intersection at the junction of the Link Road and Denman Road.
 - ii) The design and construction to AUSROAD Standards of a Type C intersection at the junction of the Link Road and the road providing access to the Applicant's industrial area.
 - iii) The design and construction to AUSROAD Standards of a Type B intersection at the junction of the Link Road and Wybong Road.
- B) The Link Road shall be designed and constructed to comply with the requirements of LAWC to prevent impedance to the flow of water on the flood plain and comply with LAWC and Council standards.
- C) The Applicant shall construct a bridge over the Hunter River in accordance with Council and LAWC standards and requirements.
- D) The Applicant shall maintain signs giving at least 24 hours notice of road closure on Wybong Road and Link Road. The location and wording of the signs are to be approved by Council.
- E) The Applicant shall be responsible for the costs of maintenance of Link Road from Denman Road to the western limit of the 1 in 100 year flood level for the life of the mine or as otherwise required by Council.

15. REHABILITATION

The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of the Open Cut Approval of the DMR.

16. LIGHTING

The Applicant shall screen all on-site flood lighting and vehicular lights within the development, in accordance with the Connell Wagner Report and the submission of Kevin Barry to the Commission of Inquiry. All screening shall be to the satisfaction of Council and completed before commissioning of the coal preparation plant and associated facilities.

17. AIR QUALITY

The Applicant shall:

- A) Install and continuously maintain a meteorological station to the specifications of EPA at a location selected by EPA which will provide representative data for the mining area, and other areas selected by EPA.
- B) Compile the meteorological data on a monthly basis to adequately characterise the site.
- C) Use the data collected by the wind monitoring and recording station referred to in subclause A) herein to determine when and how the mine operation is to be modified in accordance with subclauses herein.
- D) Install dust deposition gauges before the commencement of mining and in each calendar month determine the dust deposition rate in $\text{gm/m}^2/\text{mth}$ such that the dust deposition isopleths in $1\text{gm/m}^2/\text{mth}$ intervals can be plotted on an annual basis.
- E) Continue meteorological monitoring as well as the monitoring of dust deposition rates and concentrations of total suspended particulates for the life of the mine. The extent and location of dust monitoring network to be specified in consultation with the EPA.

Provide and maintain two (2) dust fallout gauges within the township of Muswellbrook and one on the Roxburgh Road at locations selected by Council within three months of the date of this consent.

- F) Provide six (6) months after the date of this consent two (2) high volume samplers equipped to sample particles of less than ten (10) microns and locate these in positions specified by Council and EPA. Sampling is to be undertaken on a 24 hr 6 day cycle with averaging periods (annual means) as well as monitoring equipment/procedures to follow AS 2724.3.
- G) Provide annually to the Director, EPA, DMR and Council, results and analysis of environmental monitoring.
- H) Cease offending mining operations when the average hourly wind velocity exceeds 10 metres per second or operations are resulting in visible dust emissions blowing outside the Applicant's land holding.

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- I) Cease all out-of-pit mining operations including overburden dumping and shaping, topsoil stripping and various earthworks when the average hourly wind velocity exceeds 5.6 metres per second or the operations are resulting in visible dust emissions blowing outside the Applicant's land holdings and in accordance with the management plan in clause K) below.
 - J) Cease all excavation at any time as directed by the District Inspector of Mines, when dust affects the visibility or safety on adjacent public roads, as advised by Council.
 - K) Submit a management plan for approval by the EPA detailing air quality safeguards and procedures for dealing with dust episodes prior to commencing activities on the site. The management plan shall be updated at the intervals stipulated by the EPA.

18. NOISE

The Applicant shall:

- A) Measure and record the L1, L10 and L90 noise levels over a minimum 72 hour period wherein valid data is received, during normal operation of the mine, at least quarterly at a minimum of four (4) locations determined by the EPA. For the first two (2) years of mining the Applicant shall measure and record the noise level each month.
- B)
 - i) Prepare a noise management plan for night time operations (10.00pm to 7.00am) for each year of operation to the requirements of the EPA, in consultation with Council. The first plan shall be prepared before the commencement of any night time operations. Subsequent yearly plans shall be prepared and approved by the EPA at least thirty (30) days before the commencement of the following year.
 - ii) Submit a management plan for approval by the EPA setting out noise safeguards and procedures for dealing with noise episodes which exceed the L1 noise levels due to operation of the mine outside the area defined by the Applicant's L1, 40dB(A) contour line dated 1 June 1994 (Figure 3).
- C)
 - i) Ensure that the noise level due to operation of the mine at night time shall not exceed a measured level of 40dB(A) L1, 15 minutes at any residence shown in Figure 1, other than one owned by a mining company.
 - ii) Ensure that the noise level due to operation of the mine during daytime hours shall not exceed a measured level of 43dB(A) L10, 15 minutes at any residence other than one owned by a mining company, or such lower levels as may be determined by the EPA for specific locations around the mine site.
- D) Provide a report to the EPA and Council each twelve (12) months from the commencement of mining which assesses the results of monitoring in the predicted area of affectation for noise defined in Figure 3.

19. DUST SUPPRESSION

The Applicant shall from the commencement of mining:

- A) Maintain sufficient equipment with the capacity to apply water to all trafficked areas at the rate of at least $1\text{L}/\text{m}^2/\text{hr}$;
- B) Fit and maintain dust suppression equipment to drills used within the mine site;
- C) Ensure the rehabilitation of all disturbed areas as soon as practicable to minimise the generation of wind erosion dust, in accordance with the requirements of DMR;
- D) Install automatic water sprays on coal stockpiles such that the stockpiles are sprayed when the wind speed from any direction exceeds 5.6m/s ; and
- E) Undertake dust control measures, including use of water trucks, water spraying of activity areas and roads in transport, overburden disposal and rehabilitation activities.

20. RENTAL HOUSING

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

21. LAND ACQUISITION

- A) The Applicant shall within six (6) months of receipt of a written request from any of the owners of the properties identified by number in Figure 2, dated December 1994, of this Consent, purchase the whole of the properties.
- B)
 - i) In the event that the EPA determines that noise from the mining operations at any residence or over more than 25% of any property as shown in Figure 1, except those properties referred to in sub-clause 21(A) is in excess of the L1, 40dB(A) night time noise level contour (see Figure 3) or a day time noise level of 43dB(A), L10 for two consecutive monitoring periods, the Applicant shall purchase such properties within six (6) months of receipt of a written request from the owner of the affected property.
 - ii) In the event that the EPA determines that dust from the mining operations increases the dust deposition rate by more than $2\text{gm}/\text{m}^2/\text{mth}$ averaged over any six (6) month period, at any residence or over more than 25% of any property as shown in Figure 1, except those properties referred to in sub-clause 21(A) the Applicant shall purchase such property within six (6) months of receipt of a written request from the owner of the affected property.
- C) In respect of a request to purchase land arising under sub-clause 21(A) and 21(B)(i) or (ii) herein, the Applicant shall pay the owners an acquisition price resulting from the proper consideration of:

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- i) a sum not less than the current market value of the owner's interest in the land having regard to the existing use of the land whosoever is the occupier and all improvements thereon at the time of affectation, as if the land was unaffected by the development proposal.
 - ii) the owner's reasonable compensation for disturbance allowance and relocation costs in Scone and Muswellbrook LGAs.
 - iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.
 - iv) the purchase price determined by reference to points i, ii and iii shall be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act 1992 or other legislation providing for compensation in relation to coal mining.
- D) In the event that the Applicant and any owner referred to in subclause 21(A) or (B) herein cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:
- i) Either party may refer the matter to the Director who shall request the President for the time being of the Australian Institute of Valuers and Land Economists to appoint an independent valuer who shall determine a fair and reasonable acquisition price as described and referred to in subclause (C) herein.
 - ii) The independent valuer must take into account any submissions made on the matter by either party.
 - iii) In the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer should refer the matter to the Director, recommending the appointment of a qualified panel. The Director, if satisfied there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:
 - a) the appointed independent valuer,
 - b) the Director, or her nominee,
 - and/or
 - c) the President of the Law Society of NSW, or his nominee.
- The qualified panel shall determine the acquisition price as described and referred to in Clause 21(C) above.
- iv) The Applicant shall bear the costs of any valuation or survey assessment requested by the Director in accordance with subclauses (i) and (iii) herein.
 - v) Upon receipt of a valuation arising pursuant to subclauses (i) or (iii) 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 (6) months of the date of such offer, the Applicant's obligations to such owner pursuant to this Clause shall cease.

- vi) Clauses 21(A), (B) and (C) shall only be applied once during this consent in respect of any one property and shall not be re-applied for the duration of this consent.
- E) The provisions of clauses 21(A), (B), (C) and (D) do not apply to the holder of an authority under the Mining Act, 1992.

22. BUSH FIRE

The Applicant shall provide adequate fire protection works on site. This shall include one (1) fully equipped fire fighting unit on standby and annual hazard reduction works at a time determined by the Council.

23. INFORMING COUNCIL

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

24. TRANSMISSION LINES

The Applicant shall, at its cost and to the satisfaction of Shortland Electricity, relocate any electrical transmission lines which may be affected by the proposed development.

25. COMMUNITY CONSULTATIVE COMMITTEE

- A) The Applicant shall participate and co-operate in the establishment by the Council of a Community Consultative Committee to monitor compliance with conditions of this consent during the term of the development. The Chairman, provided from the Council, shall convene representatives of the Applicant (2), representatives of landowners (3), Council (2), community groups (2) and locally based government agencies (4) (EPA, DMR, LAWC). The Committee shall report to both the Council and the Applicant to bring to their respective attention matters related to the environmental performance of the development.
- B) The Applicant shall at its own expense:
 - i) nominate a representative to attend all meetings of the Committee;
 - ii) provide to the Committee the monitoring data as part of a report which includes interpretation and discussion by a suitably qualified person;
 - iii) promptly provide to the Committee such other information as the Chairman of the Committee may reasonably request concerning the environmental performance of the development;

- iv) provide an Annual Report to all members of the Committee detailing the measures the Applicant has adopted and the resources the Applicant has utilised over the preceding twelve (12) months to ensure compliance with monitoring conditions;
 - v) provide wind data results of dust and noise/vibration monitoring programs and the surface/groundwater monitoring program to all members of the Committee prior to each meeting.
- C) The Applicant shall reimburse the Council for the reasonable cost of providing the Committee venue and the secretarial services for meetings of the Committee provided by Council.

26. DISPUTE RESOLUTION

In the event that the Applicant and the Council or a Government body other than the Department of Urban Affairs and Planning, cannot agree on the specification of requirements applicable under this consent, other than Condition 11, the matter shall be referred by either party to the Director or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

27. INDEPENDENT ENVIRONMENTAL AUDIT

At 5, 10, 15 years after commencement of mining, and any additional periods as the Director 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 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 in consultation with Council.

The Director may, after considering any submission made by Council on the report, notify the Applicant of the Director'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 may reasonably require.

28. COMPLAINTS

The Applicant shall:

- A) employ a person to act immediately on noise and dust complaints as a result of mining operations on a 24-hours per day, 7 days per week basis.
- B) install a telephone line dedicated to receive noise and dust complaints.
- C) advertise the complaints number in the local press.

- D) maintain a record of all noise and dust complaints and of the actions taken to control and mitigate all such complaints. A copy of the record shall be forwarded to Council within seven (7) days of the end of each month and be accessible to the public.

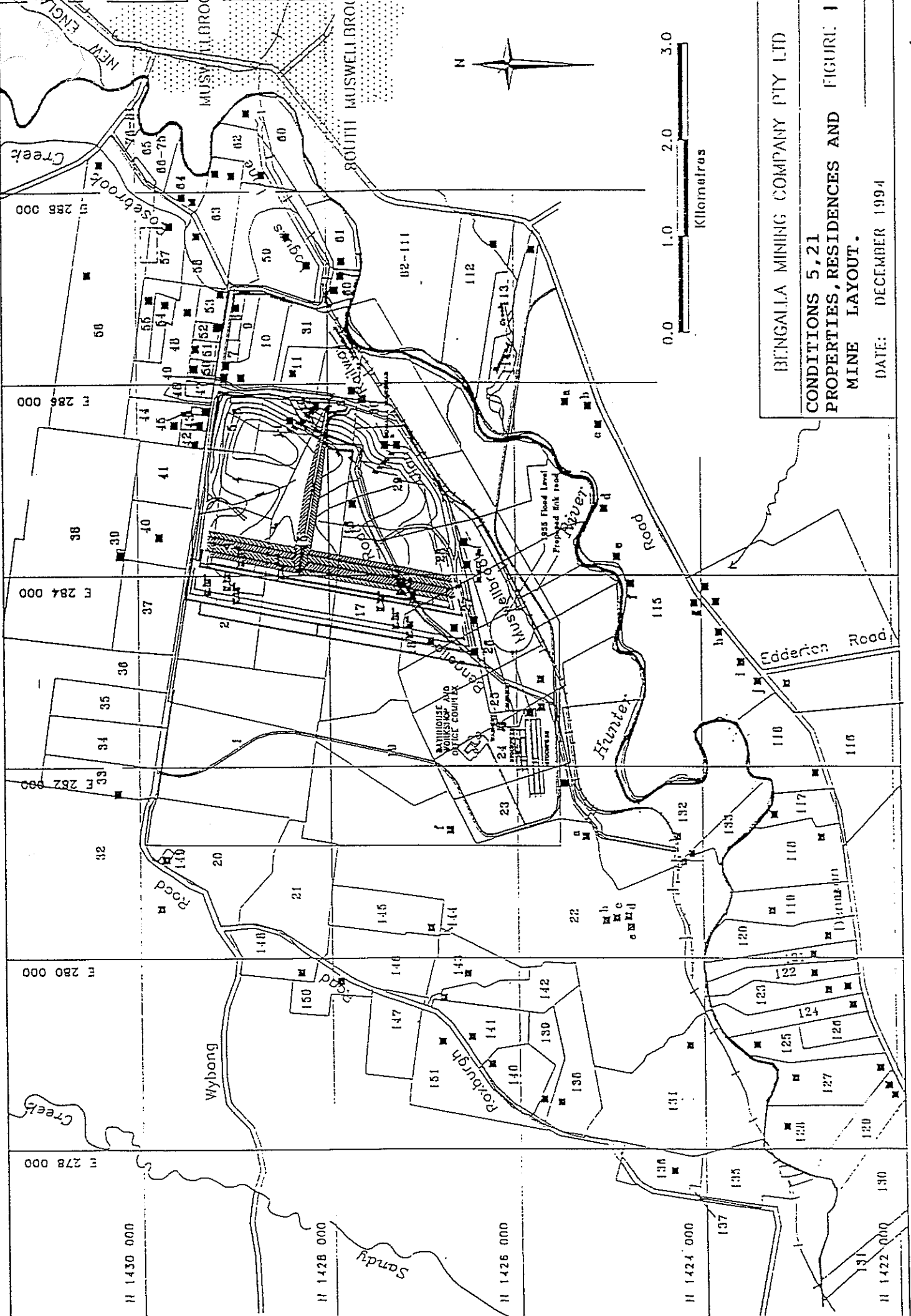
29. UNDERGROUND IRRIGATION MAINS

The Environmental Officer (referred to in Condition 9) shall discuss any inferred relationship between damage to underground irrigation mains and blasting at the mine with any affected property owner and shall inspect the damage immediately if requested to do so by a property owner and shall submit a report within seven (7) days to the said property owner and to Council.

30. AGRICULTURAL PRODUCTIVITY

Subject to the requirements of NSW Department of Agriculture the Applicant shall at all times maintain the agricultural productivity of the non-alluvial land not being mined or rehabilitated and ensure that the agricultural potential of the alluvial flats under its control not be decreased, as assessed by NSW Agriculture.

NOTE: The above conditions do not relieve the Applicant of the obligation to obtain other approvals required under any other Act.

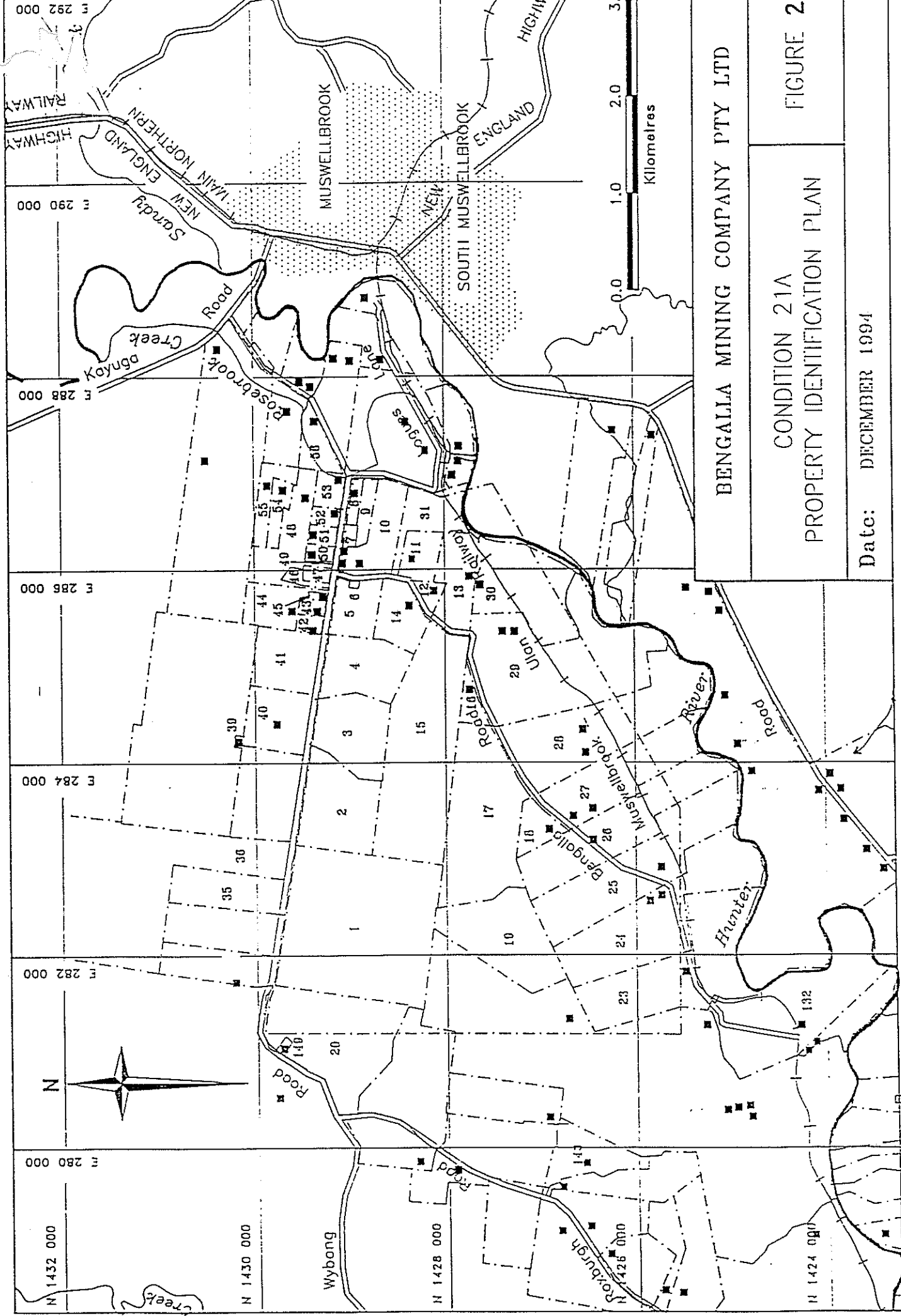


BENGALLA MINING COMPANY PTY LTD

CONDITIONS 5,21
 PROPERTIES, RESIDENCES AND FIGURE 1
 MINE LAYOUT.

DATE: DECEMBER 1994

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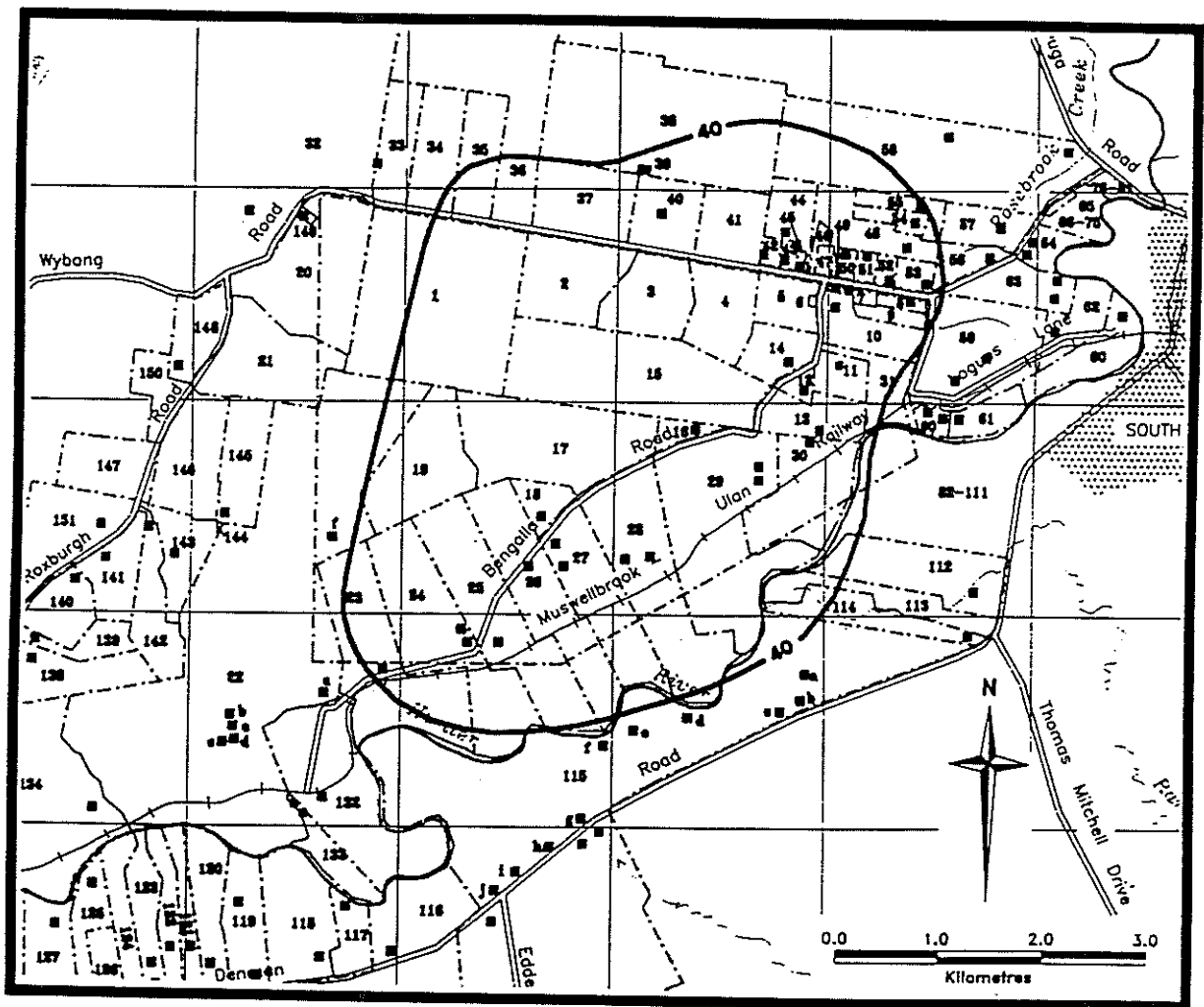
BENGALLA MINING COMPANY PTY LTD

CONDITION 21A
PROPERTY IDENTIFICATION PLAN

Date: DECEMBER 1994

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Figure 3
40dB(A), L1 Noise Level Contour



ATTACHMENT "A"

BENGALLA COAL MINE PROJECT - LAND PARTICULARS

PROPERTY OWNER	TITLE PARTICULARS
EE McLean, JR Scriven, HR Hofman, LA Smith, GJ Scriven	Conveyance No. 461 Bk 3332
Bengalla Joint Venturers	FI 111/556761
DJ Glover	FI 110/556761
RG & B Parker	FI 9/39345
KJ & GM Yore	FI 72/626353
A Yore	FI 71/626353
RJ & KP Collins	FI 2/570070
DJ & JM Wild	FI 1/735667
TG & EA Sternbeck	FI 1/570070
LG & ME Daniels	FI 2/735667
GR & JR Cook	FI 21/776758
RH Reynolds	FI G /236668
Bengalla Joint Venturers	FI 20/706045
RH Reynolds and RH Keys	FI 7/236668
HJ Fleming	FI 97/750919
RG and B Parker	FI 98/750919
KA Moffitt	FI 105/43390
G Ackers	FI 103/43389
RG & HD Thompson	FI 21/706045
Wybong Dairy Pty Limited	FI 3/236668 and 5/236668
RH Reynolds	FI 4/236668 and 22/776758
Electricity Commission of NSW	FI 11/236687
RH Reynolds and RH Keys	FI 1/236668