

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED STATE SIGNIFICANT DEVELOPMENT

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTIONS 76(A)9 & 80**

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 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 to:

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

Andrew Refshauge MP
Minister for Planning

Sydney, 5 July 2002

File No. N93/00422

Schedule 1

Application made by:	Stratford Coal Pty Limited (ACN 064 016 164) (“the Applicant”).
To:	The Minister for Planning (DA 93-4-2002-i)
In respect of:	Land described by Part Lot 62 DP979859 Part Lot 63 DP979859
For the following:	Extension of an existing open cut coal mining operation (“the Development”).
BCA Classification:	

- NOTE:**
- 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.
 - 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.
 - 3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.

SCHEDULE 2

Development Consent Conditions for the Bowens Road West Pit Extension

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DEFINITIONS:

AEMR - *Annual Environmental Management Report*

Bowens Road North Project – *Refers to the open cut coal mine, and associated surface facilities that operate under the DA 39-02-01 (25 July 2001)*

CCC – *Community Consultative Committee*

DA - *Development Application*

DA area - *Development Application area which includes all works described in the DA.*

Director-General - *Director-General of the Department of Planning or delegate.*

Mining Operations – *Includes overburden removal, coal extraction and vegetation removal and soil stripping relating to overburden removal and coal extraction*

SEE – *Statement of Environmental Effects*

Government Authorities

GSC - *Gloucester Shire Council*

DMR - *Department of Mineral Resources*

PlanningNSW – *Department of Planning*

EPA - *Environment Protection Authority*

NPWS - *National Parks and Wildlife Service*

1. General

There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.

1.1 Adherence to terms of DA, SEE, etc.

- (a) The development is to be carried out generally in accordance with Development Application No. 93-4-2002-i, and the SEE dated April 2002, prepared by Resource Strategies and certified in accordance with Section 78A(8) of the Act, and the following documentation:
 - (i) additional information provided by Richard Hegge Associates Pty Ltd in two letters dated the 15 April 2002 and 8 May 2002 respectively regarding noise issues.
 - (ii) additional information provided by Resource Strategies Pty Ltd on behalf of the Applicant in two emails dated the 25 June 2002 and 26 June 2002 respectively regarding the environmental impacts of the proposed extension, coal production and duration of consent.

as may be modified by the conditions set out herein.

- (b) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
- (c) If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

1.2 Period of Approval/Project Commencement

- (a) Mining operations shall be limited to a period of three (3) months from the date of the mine lease approval for the Bowens Road West Pit Extension, or as otherwise agreed by the Director-General. This consent is limited to a period of 2 years from the date of the mine lease approval for the Bowens Road West Pit Extension to allow for rehabilitation of the site, or as otherwise agreed by the Director-General in consultation with the DMR and DLWC.
- (b) At least two weeks prior to the commencement of Mining Operations or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of Mining Operations.
- (c) Date of commencement of Mining Operations is to be notified in writing to the Director-General, and GSC, at least two weeks prior to commencement of Mining Operations.

1.3 Dispute Resolution

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

1.4 Security Deposits and Bonds

Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.

2. Mine Management

2.1 Mine Management Plan, Operations and Methods

- (a) No mining undertaken in accordance with this consent shall occur until the Applicant has submitted and had accepted by the DMR, a Revised Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR to include the extension of the Bowens Road West Pit.

Note: A MOP currently exists for the Mining Operations at the Stratford Coal Mine. The intent of this clause is for the Applicant to resubmit the current MOP revised to include the Bowens Road West Pit Extension. Mining at the Bowens Road West Pit Extension can not commence until this MOP has been approved by the DMR. The MOP is to be revised to remain consistent with DA 39-02-01 Condition 2.1(b).

- (b) In preparing the Revised Mine Operations Plan, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.
- (c) A copy of the Revised MOP, excluding commercial in confidence information, shall be forwarded to GSC and the Director-General within 14 days of acceptance by DMR.

2.2 Limits on Production

- (a) Coal production from the Bowens Road West Pit Extension shall not exceed 67,500 tonnes, or as otherwise agreed by the Director-General.

2.3 Hours of Operation

- (a) Coal mining operations on the Bowens Road West Pit Extension may only be carried on between 7.00am to 6.00pm.

3. Land and Site Environmental Management

3.1 Heritage Assessment, Management and Monitoring

European Heritage

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with section 146 of the NSW Heritage Act 1977.
- (b) Work may not recommence in the area described in subclause (a) until any necessary Excavation Permit under section 139 of the NSW Heritage Act 1977 has been approved by the Heritage Council of NSW.

Aboriginal Heritage

- (c) Should human skeletal remains and/or any other Aboriginal sites be uncovered during excavation works, all works shall cease immediately and the NPWS Northern Aboriginal Heritage Unit and the Forster Local Aboriginal Land Council shall be contacted immediately and/or as soon as possible.
- (d) The Applicant shall make provision for enabling the relevant local Aboriginal Community to undertake monitoring of topsoil stripping during mining of the Bowens Road West Pit Extension, and to carry out an assessment and retrieval of artefacts prior to the development proceeding. Results of monitoring shall be reported in the AEMR.

3.2 Flora and Fauna Assessment, Management and Monitoring

Assessment and Management

- (a) The Applicant shall, in accordance with the Bowens Road North Project Flora and Fauna Management Plan (2002), minimise the impacts to flora and fauna, by:
 - Performing pre-clearing surveys,
 - Undertaking clearing of vegetation,
 - Revegetating the area post mining,
 - Monitoring the revegetation works, and
 - Report results of pre-clearing surveys and monitoring of revegetation works in the AEMR.
- (b) Cleared vegetation shall not be burnt unless otherwise approved by the EPA. Where possible, cleared vegetation shall be mulched and stored for use in rehabilitation. All reasonable measures to use surplus vegetation shall be undertaken.
- (c) If threatened species (listed under the Threatened Species Conservation Act, 1995) other than those recognised in the SEE are identified on the site during construction or operation of the coal mine, the Applicant shall immediately notify NPWS. The Applicant shall cease any work which could adversely impact on the identified species, should an appropriately qualified and experienced ecologist (approved by the Director-General) in consultation with NPWS deem it necessary. In the event that work ceases, work shall not recommence until advice has been received from NPWS.

- (d) The Applicant shall revegetate the DA area post mining with locally indigenous vegetation.

3.3 Site Rehabilitation Management

The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources and ensure the progressive rehabilitation of the area is also in consultation with DLWC.

3.4 Bushfire and other Fire Controls

- (a) The Applicant shall provide adequate fire protection works on site in accordance with the Bowens Road North Bushfire Management Plan (2002).

4. Water Management and Monitoring

4.1 Surface & Ground Water Management Plans

The Applicant shall:

- (a) The Applicant shall, in accordance with the Stratford Coal Mine Site Water Management Plan, minimise the impacts to surface and groundwater, by:
- managing the quality and quantity of surface and ground water;
 - managing stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;
 - including the Bowens Road West Pit Extension in the Mine water balance reported in the AEMR;
 - establishing a monitoring program including the monitoring of the final void; and
 - preventing the degradation of downstream surface water quality below the pre-mining ANZECC beneficial water use classification due to mining operations.

Pollution of waters

- (b) Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

Rehabilitation

- (c) The Applicant shall re-establish a post-mining drainage system incorporating each drainage line discharging from the area of the mining development. The drainage system shall be comparable to the drainage density of the pre-mining land. The design and implementation of the post-mining drainage system is to be to DLWC standard.

4.2 Soil Management

- (a) The Applicant shall, in accordance with the Stratford Coal Mine Erosion and Sediment Control Management Plan, minimise soil erosion and the discharge of sediment and other pollutant to lands and/or waters. All erosion and sediment controls are to be established prior to the commencement of operations.
- (b) The Applicant shall perform soil stripping in accordance with the Bowens Road North Project Soil Stripping Management Plan (2002).

5. Hazardous Materials and Overburden Management

5.1 Overburden Emplacement and Management

- (a) The Applicant shall undertake measures, as far as practical, to prevent spontaneous combustion from occurring on the site.

6. Air Quality, Blast, Noise and Light Management and Monitoring

6.1 Air Quality Management and Monitoring

Air Quality Standards/Goals

- (a) The Applicant shall comply with the air quality standards/goals as outlined in Tables 1 and 2 below. These goals/standards apply for the cumulative impacts of Bowens Road North Coal Mine, Stratford Coal Mine and Bowens Road West Pit Extension.

Table 1 Health Based Air Quality Criteria for Particulate Matter Concentrations

Pollutant	Standard/Goal	Agency
Total Suspended Particulate Matter (TSP)	90µg/m ³ (annual mean)	National Health and Medical Research Council (NH&MRC)

Table 2 NSW EPA Amenity Based Criteria for Dust Fallout

Existing Dust Fallout Level (g/m ² /month)	Maximum Acceptable Increase Over Existing Fallout Levels (g/m ² /month)	
	Residential	Other
2	2	2
3	1	2
4	0	1

Dust Management Plan

- (b) The Applicant shall, minimise dust emissions from the operation of the Bowens Road West Extension in accordance with the Bowens Road North Management Plan (2002).

6.2 Dust Suppression and Control

- (a) The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas of the DA area following the completion of mining and associated activities in that area to minimise the generation of wind blown dust.
- (b) Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

6.3 Blast Management and Monitoring

Overpressure

- (a) The overpressure level from blasting operations on the premises must not:
 - (i) Exceed 115dB (Linear Peak) for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) Exceed 120dB (Linear Peak) at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Note: The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

- (b) Ground vibration peak particle velocity from the blasting operations at noise sensitive receivers must not:
 - (i) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
 - (ii) Exceed 10mm/s at any time,

when measured at any point within one (1) metre of any affected residence or other noise sensitive location such as a school or hospital.

Time of blasting

- (c) Blasting operations on the premises may only take place between 9.00am and 5.00pm Mondays to Saturdays inclusive.

Frequency of blasting

- (d) Blasting at the premises is limited to three (3) blasts per week, unless under extenuating circumstances, as determined by the Mine Manager. In such cases when an additional blast is deemed necessary the EPA shall be notified in writing within twenty four hours of the additional blast occurring.

Blasting/Vibration Management Plan

- (e) The Applicant shall manage blasting in accordance with the Bowens Road North Project Blasting/Vibration Management Plan, including the monitoring of blasts at neighbouring properties.
- (f) The applicant shall, as a minimum, advise occupiers of buildings and residents within two (2) kilometres of blasting locations of future blasting events on at least a monthly basis, and of any changes to the proposed blast schedules.

6.4 Noise Control

Noise Criteria

- (a) The Applicant shall comply with the project specific noise goals as outlined in Table 3 below.

Table 3: Intrusive $L_{Aeq(15\text{minute})}$ Noise Criteria

Location	Intrusive Criteria $L_{Aeq(15\text{ minute})}$ dB(A) ⁴	
	Day ¹	Evening ¹
Stratford / Craven residential ²	36	36
Stratford / Craven rural ³	35	35

- Note:
1. Day period is 7am to 7pm, Evening period is 7pm to 10pm
 2. Stratford/Craven residential area includes but is not limited to:
 - Stratford and Craven villages; and
 - Properties of Isaac (South), Isaac (North), Grono/D Blanch, Blanch, Standen/Mulliett, Van Der Drift, Battaglini, Lowrey as described in the Bowens Road North Project EIS.
 3. Stratford/Craven rural area includes but is not limited to properties owned by McIntosh, Tiedeman, Williams, Campbell, Thompson, Bowen, Bignell, Morgan, and Clarke as described in the Bowens Road North Project EIS.
 4. The noise limits apply for winds up to three (3) metres per second and/or Pasquill Stability Classes of A,B, C,D,E, and F.
 5. The above Noise Criteria does not apply to the residents identified in the Noise Affection Zone in Appendix C of the SEE.

Noise Monitoring

- (b) Within one (1) week of operations commencing a noise compliance survey must be conducted to assess compliance with the noise limits specified in the consent. This survey must be conducted by a suitably qualified acoustic consultant. The results of the survey must be submitted to the EPA's Regional Manager, Hunter within seven (7) days of the survey being completed.
- (c) Where the noise emissions from the premise do not meet the limits specified in Table 3 above, the compliance report should provide details of any noise mitigation measures to be applied to significant noise sources and a clear explanation why the noise exceedance has occurred.

Noise Management Plan

- (d) The Applicant shall manage noise in accordance with the Bowens Road North Project Noise Management Plan (2002).

Mobile Equipment

- (e) Low noise mobile equipment and fixed plant shall be used wherever practical and economically achievable, including:
- track dozers with LAeq SWLs of 115 to 117 dB(A); and
 - haul trucks with LAeq SWLs of 111 to 113 dB(A).
- (f) Where reversing alarm noise results in community disturbance, all relevant alarm noise levels shall be checked against the appropriate DMR requirements and all appropriate mitigation actions shall be implemented having regard to safety standards.

6.5 *Lighting Emissions*

- (a) The Applicant shall screen or direct all on-site lighting away from residences and roadways.

7. Reporting

7.1 *Reports on Operations*

- (a) The Applicant shall report on mine operations in accordance with the mine operations plan (refer to Condition 2.1).

7.2 *Annual Environmental Management Report (AEMR)*

- (a) The Applicant shall prepare and submit an Annual Environmental Management Report (AEMR) incorporated into the existing Stratford Coal Mine AEMR, to the satisfaction of the Director-General and DMR. The AEMR shall review the performance of the Bowens Road West Extension Pit against the Mining Operations Plans, the conditions of this consent, and other licences and approvals relating to this DA.
- (b) The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Director-General, DMR, EPA, DLWC, NPWS, GSC and CCC, and made available for public information at GSC within fourteen days of submission to these authorities.

7.3 *Recording and Reporting Requirements*

Monitoring Records

- (a) The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with any load calculation protocol must be recorded and retained as set out in subclauses (b) and (c).

- (b) All records required to be kept by the licence must be:
 - (i) in a legible form, or in a form that can readily be reduced to a legible form;
 - (ii) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - (iii) produced in a legible form to any authorised officer of the EPA who asks to see them.
- (c) The following records must be kept in respect of any samples required to be collected:
 - (i) the date(s) on which the sample was taken;
 - (ii) the time(s) at which the sample was collected;
 - (iii) the point at which the sample was taken; and
 - (iv) the name of the person who collected the sample.

8. Community Consultation/Obligations

8.1 *Complaint Handling Procedures*

- (a) The Applicant shall record complaints pertaining to the Bowens Road West Pit Extension in accordance with the Complaints Handling Protocol established for the Stratford Coal Mine. A summary of the complaints is to be reported in the AEMR.

9. Further Approvals and Agreements

9.1 *Statutory Requirements*

- (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 GSC, EPA, DMR, NPWS, DLWC, RTA, NSW Agriculture, and NSW Fisheries, are fully met.