

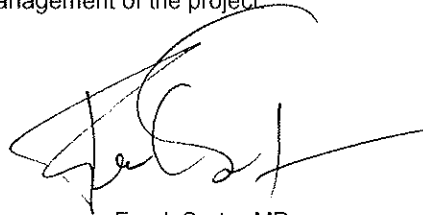
Project Approval

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

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

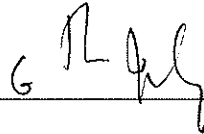
These conditions are required to:

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



Frank Sartor MP
Minister for Planning

Sydney



2007

File No: S03/01563

SCHEDULE 1

Application No:	06_0287
Proponent:	BHP Billiton Illawarra Coal Holdings Pty Ltd.
Approval Authority:	Minister for Planning.
Land:	Lot 1 DP 583323, Moreton Park Road, Douglas Park, NSW.
Project:	Douglas North Electricity Substation – Appin Coal Mine.

SCHEDULE 2

DEFINITIONS

BCA	Building Code of Australia
Council	Wollondilly Shire Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or delegate
MSB	Mine Subsidence Board
Proponent	BHP Billiton Illawarra Coal Holdings Pty Ltd, or its successors
Site	Land to which the Project Application applies (Lot 1 DP 5883323)

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) Project Application 06-0287;
 - (b) EA titled *Douglas North 66/11kV Substation and Power Supply System*, dated February 2007, and prepared by Olsen Environmental Consulting Pty Limited;
 - (c) the Proponent's Statement of Commitments (see Appendix 1);
 - (d) the Proponent's Response to Submissions, dated 26 April 2007; and
 - (e) conditions of this approval.
3. If there is any inconsistency between the above documents, the later document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Structural Adequacy

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

Notes:

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

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

Demolition

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

Operation of Plant and Equipment

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

SPECIFIC ENVIRONMENTAL CONDITIONS

Pollution of Waters

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

Erosion and Sediment Control

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

Vegetation Clearing Protocol

11. Prior to carrying out any development, the Proponent shall prepare and subsequently implement a Vegetation Clearing Protocol for the project, and to the satisfaction of the Director-General. The protocol shall:
- (a) delineate the areas of vegetation to be cleared; and
 - (b) describe the procedures that would be implemented for:
 - pre-clearance surveys;
 - progressive clearing;
 - protection of Nepean River riparian vegetation, as far as is practicable;
 - fauna management;
 - conserving and reusing topsoil;
 - collecting seed from the site;
 - salvaging and reusing material from the site; and
 - controlling weeds.

Biodiversity Offset

12. The Proponent shall ensure natural regeneration and protection of native vegetation on the site, by techniques including, but not limited to:
- (a) excluding exotic grazing animals;
 - (b) conserving native vegetation;
 - (c) using bush regeneration techniques;
 - (d) controlling weeds; and
 - (e) preventing rubbish dumping,
- subject to any actions required by condition 18, and to the satisfaction of the Director-General.

Visual Amenity

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

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

Lighting Emissions

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

Traffic Management

15. The Proponent shall ensure that:
- (a) safe access to the site is provided from public roads; and
 - (b) adequate on-site parking is provided for the project, in accordance with Council parking codes.

Waste Minimisation

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

Electromagnetic Radiation

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

Bushfire Management

18. The Proponent shall:
- (a) ensure that the project is maintained to prevent fires on site;
 - (b) ensure that the project is suitably equipped to respond to any fires on site; and
 - (c) assist the Rural Fire Service and emergency services as much as possible if there is a fire on site.
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Appendix 1

Statement of Commitments

8. STATEMENT OF COMMITMENTS

This section lists all the commitments in this Environmental Assessment that BHPBilliton Illawarra Coal (BHPBIC) has made and will undertake to minimise impacts on the environment if the Project is approved.

- BHPBIC will continue to operate its office in the Appin Business and Shopping Precinct.
- BHPBIC will continue to operate the 24-hour contact telephone line.
- BHPBIC will continue to support the operation of the Appin Area Community Working Group and associated community liaison activities.
- BHPBIC will ensure that during construction, a water cart will be used to minimise the generation of dust.
- BHPBIC will ensure that all sedimentation structures will be designed and built in accordance with the Landcom publication, "Soils and Construction" Volume 1, Fourth Edition, dated March 2004 and the associated hip pocket handbook.
- Prior to major site earthworks commencing, BHPBIC will ensure that a sedimentation fence is constructed immediately downstream of the disturbed construction site.
- BHPBIC will ensure that prior to construction commencing the successful Contractor will prepare a Site Environmental Management Plan consistent with BHPBIC existing EMS.
- Topsoil will be retained for future revegetation. Topsoil stockpiles will be protected by sedimentation fences installed in accordance with the Landcom publication, "Soils and Construction".
- BHPBIC will ensure that all equipment is well maintained. If the noise level of an item of equipment is suspected of being out of specification as defined in Table 6.1 of the Day Design Report (Appendix I), the contractor will ensure that the noise level of the equipment is measured and any necessary maintenance action taken.
- BHPBIC will ensure that nearby residents are informed of the start of construction activity. The residents will be provided with the contact details of the Contractor's Site Manager. If any noise complaints are received, the Site Manager will implement procedures immediately to investigate and respond to the complaint.
- Wherever possible, the access track will be located and constructed to avoid the need to remove trees. Wherever possible, trees with hollows will be retained.
- Weed control procedures will be developed by the successful Contractor, and approved by BHPBIC prior to the commencement of construction.
- BHPBIC will ensure that a suitably qualified and experienced person will undertake and supervise all weed control and rehabilitation activities.
- Landscaping and revegetation activities will use native species where appropriate.

- BHPIC will plant an area of 0.6ha with the main tree species of the Shade Sandstone Transition Forest and Western Sandstone Gully Forest in existing cleared areas on the property. These plantings will be fenced to exclude grazing.
- BHPIC will ensure that Project design ensures site light spillage is minimised and lights do not shine directly towards residences.
- BHPIC will undertake an archaeological testing programme to determine the nature of any subsurface archaeological material that may be present.
- BHPIC will ensure that a barrier providing appropriate buffer will be erected around archaeological site MRP1. All people involved with construction works will be briefed on their location and significance.
- All work will cease in an area if Aboriginal archaeological material is uncovered during construction. The Department of Environment and Conservation and the Consulting Archaeologist will be advised should such an event occur. Work will recommence following consultation with the Department of Environment and Conservation and their direction.
- BHPIC will ensure that the design of the Project directs that the colours used on the visible construction materials are the same as or equivalent to those recommended by Maurice Hayler and Associates in their Report (Appendix V).
- BHPIC will ensure that the Project is managed and operated in accordance with the Integral Environmental Management System and that of their own Environmental Policy and Environmental Management System.
- BHPIC will ensure that the successful Contractor will prepare a Safe Working Method Statement including details of environmental controls for the site.