

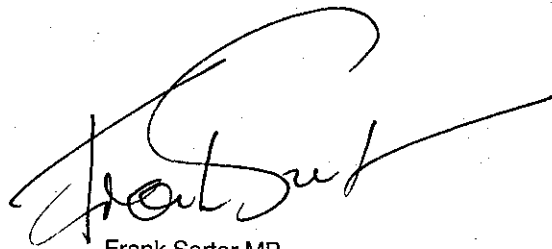
# Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the development application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.



Frank Sartor MP  
Minister for Planning

Sydney,

21 Dec

2005

## SCHEDULE 1

<b>Development Application:</b>	DA 103-5-2005.
<b>Applicant:</b>	Ulan Coal Mines Limited.
<b>Consent Authority:</b>	Minister for Planning.
<b>Land:</b>	See Appendix 1.
<b>Proposed Development:</b>	Alterations and additions to the Ulan coal mine, which include: <ul style="list-style-type: none"><li>• extending the open cut mine;</li><li>• relocating the approved (but not constructed) Ulan West surface infrastructure;</li><li>• upgrading the coal handling, storage and train loading facilities;</li><li>• constructing the Ulan west services corridor;</li><li>• extending the hub stockpile; and</li><li>• continuing the use of the existing surface/administrative facilities for the underground mining operations.</li></ul>
<b>State Significant Development:</b>	The proposal is classified as State significant development under section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as it is mining development with a capital investment value of more than \$20 million, and therefore satisfies the criteria in Schedule 1 of <i>State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development</i> .

**Notes:**

- To find out when this consent becomes effective, see section 83 of the EP&A Act;
- To find out when this consent is liable to lapse, see section 95 of the EP&A Act; and
- To find out about appeal rights, see section 97 of the EP&A Act.

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## DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Ulan Coal Mines Limited
BCA	Building Code of Australia
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Council	Mid-Western Regional Council
DA	Development Application
Day	Day is the period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and public holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Development	Alterations and additions described in DA 103-5-2005
Director-General	Director-General of Department of Planning
DNR	Department of Natural Resources
DoP	Department of Planning
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Evening	Evening is the period from 6 pm to 10 pm
GTA	General Term of Approval
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Minister	Minister for Planning, or delegate
Night	Night is the period from midnight to 7 am and 10 pm to midnight Monday to Saturday and midnight to 8 am and 10 pm to midnight on Sundays and public holidays
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
PCA	Principal Certifying Authority appointed under Section 109E of the EP&A Act
Privately-owned land	Land that is not owned by a public agency, a mining company or its subsidiary; or where relevant, land that is not covered by a private agreement between the Applicant and the land owner that specifically allows for variances to criteria for environmental performance in this consent
ROM coal	Run-of-mine coal
SEE	Statement of Environmental Effects
Site	Land to which the DA applies
UCML	Ulan Coal Mines Limited
Ulan mine	Comprises all existing and approved mining and mining-related development at the Ulan mining complex, including all open cut and underground mining operations, and all associated operations such as coal processing, handling, and transporting

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. The Applicant 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 development.

### Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
  - (a) DA No. 103-5-2005;
  - (b) SEE titled *Ulan Coal Mines Limited - Statement of Environmental Effects for Proposed Additional Works*, dated May 2005, and prepared by Umwelt (Australia) Pty Limited; and
  - (c) conditions of this consent.
3. If there is any inconsistency between the conditions of this consent and the conditions of any other development consent for mining or mining-related development at the Ulan mine, then the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant 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 consent; and
  - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### Limits on Approval

5. This consent lapses on the same date that the Minister's consent (DA 113-12-98) for Stage 4 of the Ulan mine lapses.
6. The Applicant shall not produce more than 10 million tonnes of coal a year at the Ulan mine.
7. The Applicant shall not transport more than 5,000 tonnes of coal a year by road from the Ulan mine.

### Structural Adequacy

8. The Applicant shall ensure that all new buildings and structures, and any alterations and additions to existing buildings and structures, are carried out in accordance with the relevant requirements of the BCA.

#### Notes:

- Under Part 4A of the EP&A Act, the Applicant 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 development.

### Demolition

9. The Applicant shall ensure that 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

10. The Applicant shall ensure that all plant and equipment used at the site, or to transport material off-site, are:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

**SCHEDULE 3  
SPECIFIC ENVIRONMENTAL CONDITIONS**

**NOISE**

**Noise Impact Assessment Criteria**

1. The Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence on privately-owned land.

<i>Day/Evening/Night</i> <i>L<sub>Aeq</sub>(15 minute)</i>	<i>Night (Ulan village)</i> <i>L<sub>Aeq</sub>(period)</i>	<i>Night</i> <i>L<sub>A1</sub>(1 minute)</i>
<i>37 – At R7 during open cut mining operations</i>		
<i>35 – At any residence on privately-owned land, including R7 upon the completion of open cut mining operations.</i>	34	45

Table 1: Noise Impact Assessment Criteria dB(A)

**Notes:**

- To identify property R7, see Figure 3.1 of the SEE.
- Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary.
- To determine compliance with the *L<sub>Aeq</sub>(15 minute)* noise limits in the above table, where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the *L<sub>A1</sub>(1 minute)* noise limits in the above table.
- The noise emission limits identified in the above table apply under meteorological conditions of:
  - wind speeds of up to 3 m/s at 10 metres above ground level; or
  - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

**Noise Reduction Plan**

2. Within 6 months of this consent, the Applicant shall submit (and following approval implement) a Noise Reduction Plan for the Ulan mine to the satisfaction of the Director-General. The plan must:
  - (a) include a report that has been prepared by a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, that
    - identifies all reasonable and feasible measures that could be implemented at the Ulan mine to reduce the noise impacts of the mine on the Ulan Village; and
    - assesses the likely effectiveness of these measures;
  - (b) include a detailed noise reduction plan for the Ulan mine that:
    - sets noise goals for the Ulan Village and other sensitive noise receptors around the Ulan mine over the next 5 years; and
    - describes what measures would be implemented to achieve these noise goals.

**Monitoring**

3. Within 6 months of this consent, the Applicant shall prepare (and subsequently implement) a revised Noise Monitoring Program for the Ulan mine, in consultation with the DEC, and to the satisfaction of the Director-General. This program must include a combination of attended and unattended monitoring, and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this consent and any noise goals in the Noise Reduction Plan.

*Note: In time this program may need to be expanded to include real-time noise monitoring at the Ulan Village.*

**BLASTING & VIBRATION**

**Airblast Overpressure Limits**

4. The Applicant shall ensure that the airblast overpressure level from blasting operations at the Ulan mine does not exceed the criteria in Table 2 at any residence on privately-owned land.

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts in a 12 month period
120	0%

Table 2: Airblast Overpressure Impact Assessment Criteria

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

#### Ground Vibration Impact Assessment Criteria

5. The Applicant shall ensure that the ground vibration level from blasting at the Ulan mine does not exceed the criteria in Table 3 at any residence on privately-owned land.

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts in a 12 month period
10	0%

Table 3: Ground Vibration Impact Assessment Criteria

#### Blasting Hours

6. The Applicant shall only carry out surface blasting operations at the Ulan coal mine between 9 am and 5 pm Monday to Saturday. No blasting is allowed on Sundays, public holidays, or any other time without the written approval of the DEC.

#### Public Notice

7. During the life of the development, the Applicant shall:
- notify the landowner/occupier of any residence within 3 kilometres of the mine who registers an interest in being notified about the blasting schedule at the mine; and
  - operate a system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the Ulan mine, to the satisfaction of the Director-General.

#### Monitoring

8. Within one month of the date of this consent, the Applicant shall monitor the impacts of each blast from the Ulan mine against the criteria in Tables 2 & 3 at the Ulan Village and the residence labelled R7 in the SEE, to the satisfaction of the Director-General.

#### AIR QUALITY

##### Impact Assessment Criteria

9. The Applicant shall ensure that dust emissions generated by the Ulan mine do not cause additional exceedances of the air quality criteria listed in Tables 4, 5 and 6 at any residence on, or on more than 25 percent of, any privately-owned land.

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

Table 4: Long-term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>

Table 5: Short-term Impact Assessment Criterion for Particulate Matter

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month

Table 6: Long-term Impact Assessment Criteria for Deposited Dust

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

### Monitoring

10. Within 6 months of this consent, the Applicant shall prepare (and subsequently implement) a revised Air Quality Monitoring Program for the Ulan mine, in consultation with the DEC, and to the satisfaction of the Director-General. The Air Quality Monitoring Program must use a combination of dust deposition gauges and high volume samplers, and include an air quality monitoring protocol for evaluating compliance with the air quality impact assessment in this consent.

### METEOROLOGICAL MONITORING

11. Within 6 months of the date of this consent, the Applicant shall establish a suitable meteorological station in the vicinity of the Ulan mine, in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*, and to the satisfaction of the DEC and the Director-General.

### WATER

#### Erosion and Sediment Control

12. During the development, the Applicant shall implement a range of standard erosion and sediment controls on the site in general accordance with Landcom's *Managing Urban Stormwater: Soils and Construction manual*.

#### Water Management Plan

13. Within 6 months of this consent, the Applicant shall prepare (and subsequently implement) a Water Management Plan for the Ulan mine, in consultation with DEC and DNR, and to the satisfaction of the Director-General. This plan must include:
  - (a) a site water balance;
  - (b) an Erosion and Sediment Control Plan;
  - (c) a Surface Water Monitoring Program;
  - (d) a Groundwater Monitoring Program; and
  - (e) a Surface and Groundwater Response Plan, to address any potential adverse impacts associated with the mine.
14. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 of Schedule 4), the Applicant shall review and revise the Water Management Plan to the satisfaction of the Director-General.

### Final Void Management

15. At least 5 years prior to the lapsing of this consent, unless the Director-General directs otherwise, the Applicant shall prepare (and subsequently implement) a Final Void Management Plan for the mine, in consultation with DPI and DNR, and to the satisfaction of the Director-General. The plan must:
  - (a) investigate options for the future use of the final void; and
  - (b) describe what actions and measures would be implemented to:
    - minimise any potential adverse impacts associated with the final void; and

- manage and monitor the potential impacts of the final void over time.

#### **FLORA AND FAUNA**

16. Within 6 months of this consent, the Applicant shall prepare (and subsequently implement) a Compensatory Habitat Plan for the development to the satisfaction of the Director-General. This plan must:
  - (a) describe what measures would be implemented to compensate for the loss of the 2 hectares of Yellow Box Woodland and 13 hectares of Apple-Ironbark Woodland that would be removed by the development; and
  - (b) describe how the performance of these compensatory measures would be monitored over time.

#### **ABORIGINAL HERITAGE**

17. Prior to the carrying out any development, the Applicant shall:
  - (a) fence the boundaries of the identified Aboriginal heritage sites OCE 1/A, OCE 2/A, and S4;
  - (b) mark the location of these sites on appropriate plans; and
  - (c) keep workers on the site informed about the locations of these sites, and the need to minimise ground disturbance in the vicinity of these sites,to the satisfaction of the Director-General.

#### **VISUAL IMPACT**

18. The Applicant shall carry out the development in a way that prevents and/or minimises visual impacts, including the design and construction of infrastructure in a manner that minimises visual contrasts, to the satisfaction of the Director-General.
19. The Applicant shall:
  - (a) take all practicable measures to mitigate off-site lighting impacts from the Ulan coal mine; and
  - (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*,to the satisfaction of the Director-General.