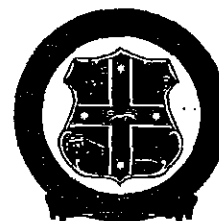


Please quote: GMCL:MP  
Contact: Glenys McLaine  
Direct Line: 277284  
File: D90/832 (am)

13 April 1995



**Wollongong City Council**

41 Burelli Street, Wollongong  
Postal address:  
Locked Bag 8821  
South Coast Mail Centre NSW 2521  
Telephone (042) 27 7111  
Facsimile (042) 27 7277  
DX 5183

The Manager  
Metropolitan Collieries Limited  
Post Office Box 184  
HELENSBURGH NSW 2508

Dear Sir/Madam.

1790/832

**NOTICE OF DETERMINATION OF AN APPLICATION TO AMEND  
DEVELOPMENT CONSENT NO D90/832**

Pursuant to Section 102 of the Environmental Planning and Assessment Act, notice is hereby given of the determination of the Application to Amend Development Consent No D90/832 relating to:

**Lot 1 DP 229817, Vol 10356, Fol 4, Parish of Heathcote,  
County of Cumberland, Lot 342 DP 752033, Part Lot 617 DP 752033,  
SL 012 Mining Lease 726, SR 12 - Mineral Lease 726, Portion 617 -  
Mining Purposes Lease 725, ML 72 - Mining Purposes Lease 1344,  
Part SRA Railway Easement**

and being development described as:

**Coal Reject Emplacement and Colliery Upgrading  
Metropolitan Colliery, Helensburgh**

The Application for Amendment has been determined by granting of amendment of consent subject to the following conditions:

**PROJECT MANAGEMENT**

- 1 a The development shall proceed in accordance with the design criteria, principles and methodology set out in sections 5 and 7 and the appendixes to:

Proposed Coal Reject Emplacement and Colliery  
Upgrading  
Metropolitan Colliery  
Environmental Impact Statement  
Denehurst Limited, November 1990

Australian Quality Awards  
1994 Commendation for High Achievement - Large Organisation



**Wollongong - A Quality City**

53 - 21 day  
Denehurst

prepared for the applicant by Sinclair Knight and Partners and certified in accordance with Clause 34 and 35 of the Environmental Planning and Assessment Regulation 1980, and as amended in respect of the run of mine (ROM) stockpile area as set out in the document entitled:

Metropolitan Collieries  
February 1995  
Coal Reject Emplacement and Colliery Upgrading  
Application to Modify a Development Consent

prepared for the applicant by Sinclair Knight Merz, or in accordance with minor variations which may be approved by the Council in writing, and specifically:

- b the emplacement shall have batter slopes at 2:1 (H:V) with 5 metre wide horizontal berms at 10 metre vertical spacing;
  - c material in the emplacement shall be compacted to 95% of the Standard Maximum Dry Density (SAA 1289) E.1.2. - 150 mm diameter mould);
  - d
    - (i) the foundations of the emplacement area shall be tested by suitably qualified Engineering and Geotechnical Consultants to be approved by Council to determine their adequacy and stability under all conditions, including earthquake;
    - (ii) Council shall be advised of the test results and no emplacement shall take place until the Council is satisfied as to the adequacy of the foundations;
  - e mist sprays shall be used on all ROM stockpiles and product coal stockpiles except when it is raining, and the exposed emplacement surfaces shall be watered in a manner to be approved by the Council.
- 2 a The applicant shall consult with the Soil Conservation Service and prepare an Environmental Management Plan for the project.
- b The Environmental Management Plan shall include details of:
    - (i) vegetation clearing methods and the proposed treatment of lantana and other weeds;
    - (ii) temporary and permanent rehabilitation methods including species to be used, fertilizer type and quantities, and practices to ensure that no plant material enters the Hacking River;
    - (iii) top soil storage and location;

- (iv) the source and method of winning any soil or other material imported onto the site;
  - (v) erosion protection for all water diversion channels;
  - (vi) compaction techniques;
  - (vii) landscaping plans to ensure that the visual exposure of the site to the Illawarra rail line is minimized;
  - (viii) a rehabilitation and maintenance program for a period of not less than 5 years following the cessation of coal reject emplacement on site.
- c Development shall not proceed unless the Environmental Management Plan has been approved by Council.

- 3 a The applicant shall establish a Liaison Committee comprising one (1) representative each of the following organizations:

Metropolitan Colliery (Chair)  
 Wollongong City Council  
 Soil Conservation Service  
 State Pollution Control Commission  
 National Parks and Wildlife Service  
 Department of Minerals and Energy  
 Helensburgh District Protection Society  
 Helensburgh Progress Association  
 Helensburgh Chamber of Commerce  
 Friends of the Hacking River  
 National Parks Association

within one month after the Environmental Management Plan has been approved by Council.

- b The Liaison Committee shall meet at approximately 6 monthly intervals for the durations of the project and shall:
- (i) be given copies of the Environmental Management Plan;
  - (ii) be given access to the project site;
  - (iii) be given copies of the Annual Report referred to in Condition 7;
  - (iv) be advised by Government and Council representatives as to the satisfactory progress, or otherwise, of the project as it applies to their duties and responsibilities;
  - (v) raise matters of concern which may be addressed by the Colliery management or a Government agency.

## DESIGN

- 4 a The applicant shall submit a Building Application under Part XI of the Local Government act (as amended) containing detailed engineering designs for the emplacement, culvert, tunnel, dirty water treatment pond, dirty water containment dam and rail loading facilities to Council for approval.
- b These designs shall include an appropriate overflow path to ensure that no erosion and/or material transport occurs in the event of a blockage of the tunnel after the cessation of the project or of mining activities at the Colliery.
- c In preparing these designs, the applicant shall consult with the State Rail Authority's Principal Geotechnical Engineer and meet any requirements, which are relevant to the stability of the Illawarra railway line embankment, which he may make.

## ROAD TRANSPORT

- 5 a Trucks used for transporting waste material away from the colliery or for bringing construction materials to the colliery shall not enter or leave the colliery outside the hours of 7.00am to 6.00pm Monday to Friday.
- b There shall be no more than a total of 40 truck movements to or from the colliery on any one day unless the Council is satisfied that an emergency exists and has given consent to a greater number in writing.
- c All trucks shall leave the colliery via a truck washing facility.

## MONITORING

- 6 The applicant shall monitor
  - a (i) At three monthly intervals, or as directed by the Council, temperature within the emplacement during the emplacement period and for a period of not less than 3 years after the cessation of emplacement; and shall undertake whatever action may be required to control the temperature of the emplaced material sufficiently to ensure that combustion does not occur.
  - (ii) Records of monitoring readings shall be submitted to the Council as soon as they are ready.
  - b (i) At three monthly intervals, or as directed by the Council, horizontal and vertical movement in the foundation and emplaced material and any variation in sub surface water levels within the emplacement area during the emplacement operation for a period of not less than three years of the cessation of emplacement.

- (ii) Records of monitoring readings shall be submitted to the Council as soon as they are available
  - (iii) If the Council is of the opinion that excessive movement in foundation or emplaced materials or excessive variations in sub surface water levels is occurring within the emplacement area it may, by notice in writing serviced on the Applicant at its registered office, require that all emplacement operations shall cease and the applicant shall take whatever action is necessary in the opinion of the Council to reduce the movement or water level to ensure the stability of the emplacement area. Emplacement operations shall not recommence until the Council is satisfied that the emplacement area is stable.
- c (i) At one monthly intervals, or as directed by the Council, compaction tests of the emplaced material. All test results shall be certified by a registered National Australian Testing Authority (NATA) laboratory.
  - (ii) Records of monitoring shall be submitted to the Council at three monthly intervals.
- d Water quality as required by the State Pollution Control Commission.
  - e Air quality as required by the State Pollution Control Commission.
  - f Noise emissions as required by the State Pollution Control Commission.

#### **ANNUAL REPORT**

- 7 All monitoring data and appropriate information concerning the implementation of the Environmental Management Plan shall be included in an Annual Report which shall be made available to each agency represented on the Liaison Committee and to the general public Council's offices.

#### **ABANDONMENT OF THE DEVELOPMENT**

- 8 In the event that emplacement is abandoned before the completion of the project the applicant shall submit rehabilitation plans and carry out a rehabilitation program to the satisfaction of the Council.

- 9 In addition to this consent the following approvals are required:
- a approval of the New South Wales Dams Safety Committee;
  - b approval from the Minister of Minerals and Energy under Section 126 of the Coal Mines Regulation Act;
  - c approvals from the State Pollution Control Commission under Section 17K of the state Pollution Control Commission Act;
  - d approval of the Catchment Areas Protection Board under Section 21KD of the Soil Conservation (Further Amendment) Act 1986.

The reasons for the imposition of the conditions are:

- a To minimise any likely adverse environmental impact of the proposed development.
- b To ensure the protection of the amenity and character of land adjoining and in the locality.
- c To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- d To ensure the development does not conflict with the public interest.

**ENDORSEMENT OF DATE OF CONSENT**

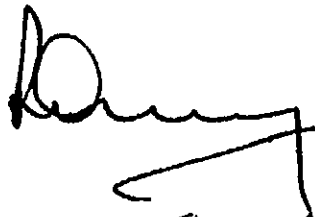
.....1. May 1991.....

**NOTES:**

- 1 Consent shall become effective and operate from the "Endorsement of date of consent" on this Notice.
- 2 Consent shall lapse unless development is commenced within two years (three years with the approval of Council) from the "Endorsement of date of consent", unless a Local Environmental Plan is made having the effect of prohibiting the development. (See Section 99 of the Environmental Planning and Assessment Act, 1979.)
- 3 Section 102(5) of the Environmental Planning and Assessment 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 twelve months from the date of this letter.

- 4 This Amended Development Consent supersedes the consent originally given and any subsequent amendment thereof.
- 5 The holder of a Development Consent must also hold a current Building Permit under the provisions of the Local Government Act, 1993 (as amended).
- 6 Where the Consent envisages the erection of buildings, no temporary buildings shall be placed on the site and no site excavation, filling, removal of trees or other site preparation shall be carried out prior to the issue of a Building Permit.
- 7 This Consent is for the development specifically described and Council reserves the right to approve or disapprove any additional use proposed for any part of the land or building and to impose additional conditions with any such approval.
- 8 A **Tree Preservation Order** has been proclaimed in the City of Wollongong. Under this Order, no tree on the land the subject of this approval shall be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the approved plans under this consent may be removed.
- 9 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 10 The developer should note that any proposed development or redevelopment of property which increases land value has the potential to increase rates levied by Council.
- 11 The developer is advised that Council has no objection to the strata subdivision of the land subject to a separate Development Application being submitted accompanied by the linen plan and paper copies.

Yours faithfully



R J Oxley  
General Manager