

Project Approval

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

As delegate of the Minister for Planning, I approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 - 3.

These conditions are required to:

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



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

24 February 2009

File No: 9040997

SCHEDULE 1

Application No:	09_0030
Proponent:	Gujarat NRE FCGL Pty Ltd
Approval Authority:	Minister for Planning
Land:	Land within Mining Lease 1596, west of Wollongong, NSW (see Project Application Area in Appendix 1)
Project:	Wongawilli Colliery Surface Facilities Project

SCHEDULE 2

DEFINITIONS

DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
DII	Department of Industry and Investment
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment titled <i>Wongawilli Bath House and Office Extension</i> , dated 22 July 2009, and associated response to issues raised in submissions, titled <i>Wongawilli Bath House Response to Submissions</i> , dated 22 December 2009
EPL	Environmental Protection Licence
Proponent	Gujarat NRE FCGL Pty Ltd, or its successors
Site	Land to which the Project Application applies (see Schedule 1 and Appendix 1)

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) EA;
 - (b) Statement of Commitments (see Appendix 2); and
 - (c) conditions of this approval.
3. If there is any inconsistency between the above documents, the more recent 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, programs or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, assessments, plans, programs, strategies or correspondence.

Hours of Operation

5. Except for emergency purposes, the Proponent shall undertake construction activities for the Project only:
 - (a) between the hours of 7am and 6pm, Monday to Friday;
 - (b) between the hours of 8am and 1pm on Saturdays, except for construction activities that are inaudible at all private residences may commence at 7am; and
 - (c) at no time on Sundays and public holidays.

Note: 'Emergency purposes' means instances where the cessation of construction activities would have the potential to generate serious harm to the environment or serious safety issues. Should these activities be conducted outside of the hours above, a report must be provided to the Department within two weeks of the event containing relevant information and/or data to demonstrate the specific emergency purposes and circumstances at the time.

6. The Proponent may undertake operational, maintenance and rehabilitation activities for the Project 24 hours a day, 7 days a week.

Structural Adequacy

7. The Proponent shall prepare detailed site construction plans of the bathhouse prior to construction. The plans shall be approved by a qualified geotechnical expert, whose appointment has been approved by the Director-General.

The geotechnical expert must undertake regular site inspections during boring of the bathhouse piles and approve all foundation works prior to the construction of the bathhouse.

8. The Proponent shall ensure that 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:

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

Demolition

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

SCHEDULE 3

SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Discharges

1. The Proponent shall ensure all surface water discharges from the Project:
 - (a) meet the relevant ANZECC water quality objectives for the protection of aquatic ecosystems and water quality of existing receiving waters; and
 - (b) comply with the discharge limits (both volume and quality) set for the Project in any EPL.

Pollution of Waters

2. 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.

Wastewater

3. The Proponent shall prepare and implement an Integrated Wastewater Management Plan for all black and grey water for the entire surface facilities site. This plan must be prepared, in consultation with DECCW, by a suitably qualified expert, whose appointment has been endorsed by the Director-General, and submitted to the Director-General and Director-General DECCW for approval by the end of October 2010.

The Proponent shall:

- (a) monitor the amount of black and greywater generated onsite;
 - (b) investigate ways to minimise black and grey wastewater generated onsite;
 - (c) implement reasonable and feasible measures to minimise black and grey wastewater generated onsite;
 - (d) maximise the potential reuse of treated wastewater and aim to achieve a zero direct discharge to surface waters;
 - (e) ensure irrigation of treated wastewater is undertaken in accordance with DECC's *Environmental Guideline for the Utilisation of Treated Effluent*;
 - (f) ensure any discharge of wastewater occurs in accordance with EPL 1087; and
 - (g) implement the recommendations of the Integrated Wastewater Management Plan; to the satisfaction of the Director-General.
4. If operation of the wastewater system cannot achieve the goal of zero discharge, and as a consequence direct discharge of wastewater is required, the Proponent shall undertake a comprehensive environmental assessment on impacts to receiving waters, in consultation with DECCW, including:
 - (a) the establishment of sustainable discharge limits; and
 - (b) the installation of treatment systems to achieve these limits;to be submitted for approval to the Director-General and Director-General DECCW by the end of December 2011.

Erosion and Sediment Control Plan

5. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the Project to the satisfaction of the Director-General. This plan must:
 - (a) be submitted to the Director-General prior to commencing construction;
 - (b) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction* manual (Landcom 2004, or its latest version);
 - (c) identify activities that could cause landslide and soil erosion;
 - (d) describe measures to minimise the risk of landslide and soil erosion and the potential for transport of sediment to downstream waters;
 - (e) describe the location, function and capacity of erosion and sediment control structures; and
 - (f) describe what measures would be implemented to monitor and maintain the structures over time.

GREENHOUSE GAS

Greenhouse Emissions

6. The Proponent shall implement all reasonable and feasible measures to minimise:
 - (a) energy use by the Project; and
 - (b) the scope 1, 2 and 3 greenhouse gas emissions produced by the Project, to the satisfaction of the Director-General.

TRAFFIC AND TRANSPORT

Traffic Management

7. The Proponent shall ensure that:
 - (a) safe access to the Project is provided from public roads; and
 - (b) traffic movements are restricted to existing or specifically constructed tracks.

WASTE MINIMISATION

8. The Proponent shall:
 - (a) ensure no waste is disposed 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.

VISUAL IMPACT

Visual Amenity

9. The Proponent shall minimise the visual impacts of the Project site to the satisfaction of the Director-General.

Lighting Emissions

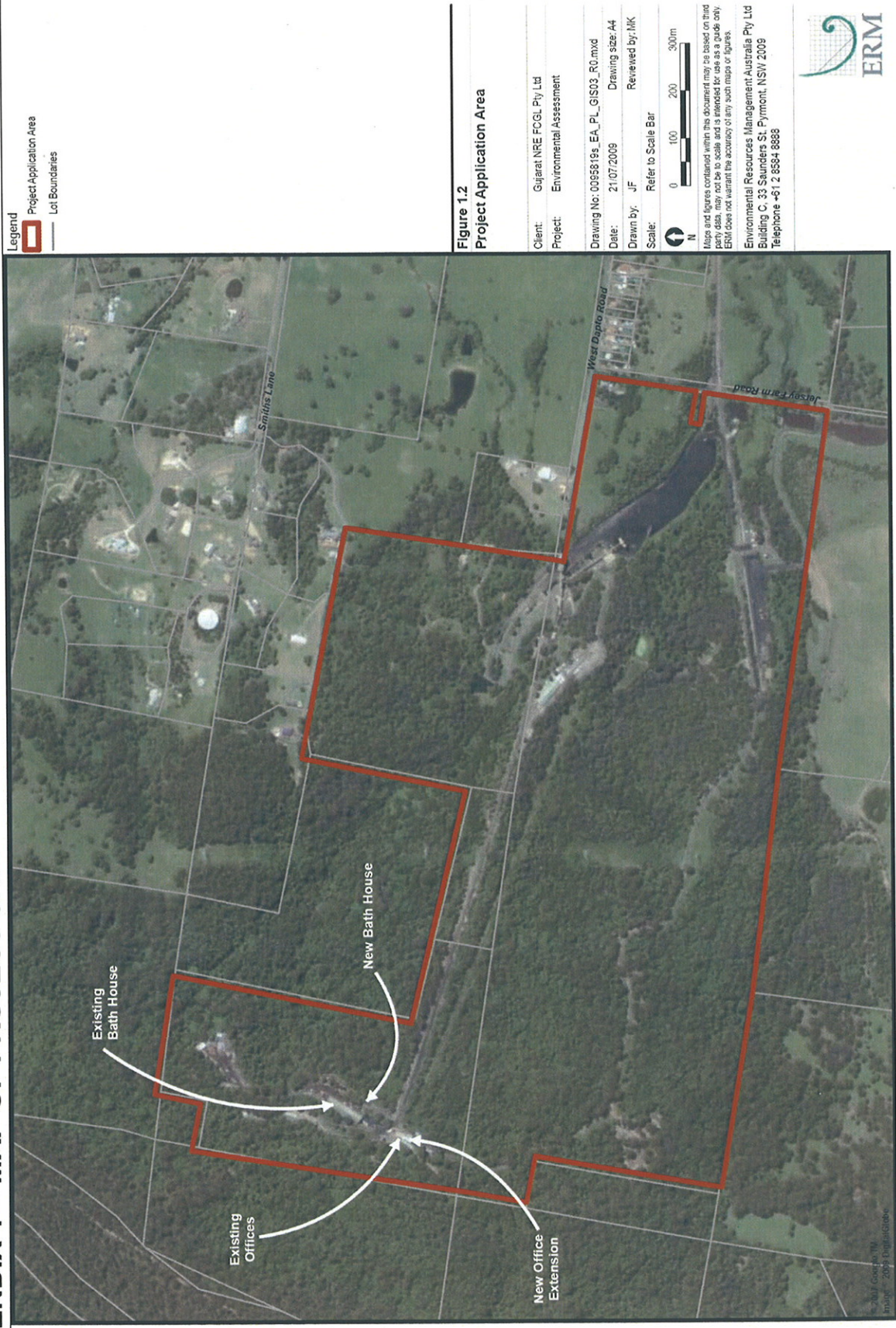
10. The Proponent shall:
 - (a) take all practicable measures to mitigate off-site lighting impacts from the Project; and
 - (b) ensure that all external lighting associated with the Project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the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

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

11. The Proponent shall ensure that the storage, handling, and transport of dangerous goods and hazardous materials in conjunction with the Project are conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

APPENDIX 1 – MAP OF PROJECT SITE



APPENDIX 2 – STATEMENT OF COMMITMENTS

The Statement of Commitments contains all measures Gujarat has made and will undertake to minimise impacts on the environment, and has been sourced from the Response to Submissions.

	Mitigation Measure	Responsibility	Timing
A construction environmental management plan (CEMP) will be prepared detailing work practices including:			
General	• Colours and construction materials will be selected to match those of the existing buildings.	Construction Contractor/NRE	Prior to works
	• Detailed designs for the bathhouse will be submitted to a suitably qualified and accredited certifier for the issuing of a construction certificate. These plans will include details on drainage, location of all services and access.	Construction Contractor/NRE	Prior to works
	• All construction work will be supervised by a suitably qualified certifier.	Construction Contractor/NRE	Prior to works
	• NRE will obtain written verification from a suitably qualified engineer, stating that all stormwater drainage and related work has been constructed in accordance with approved plans.	NRE	Post works
Soil and Water	• Works-as-executed plans, including the location of services, for the bath house will be submitted to the Consent Authority.	NRE	Post works
	• Works will not take place during heavy rain that is likely to contribute to erosion.	Construction Contractor	During all works
	• Topsoil will be stripped if required immediately before starting bulk earthworks and stockpiled for rehabilitation or revegetation.	Construction Contractor	Prior to works
	• Suitable areas for any temporary stockpiling of excavated soil will be clearly identified and delineated before the commencement of works.	Construction Contractor	Prior to works
	• Stockpiles will be:	Construction Contractor	Prior to works
	• constructed on the contour at least 2 (preferably 5) metres from hazard areas, particularly likely areas of concentrated water flows or slopes steeper than 10 percent;	Construction Contractor	

Mitigation Measure		Responsibility	Timing
Noise and Air	• stabilised if they are to be in place for more than 10 days; • protected from run-on water by installing water diversion structures upslope; and • installed with sediment filters immediately down slope to protect other lands and waterways from pollution.		
	• All erosion, sediment control and runoff diversion measures will be established before any excavation begins. These will be left in place throughout works and beyond completion until all surfaces have been fully restored and stabilised	Construction Contractor	Prior to works and during
	• Where possible vegetation will be cut to the minimum height possible to allow for the retention of plant root systems within the soil which will minimise disturbance to the soil profile. Where vegetation must be removed, areas will be revegetated at the conclusion of works to ensure their stabilisation.	Construction Contractor	Prior to works and during
	• All storm water drainage associated with the proposed bathhouse will be fully integrated into current storm water control facilities for the site.	Construction Contractor	During and post works
	• Construction will be limited to the following times: • Monday to Friday, 7:00am to 6:00pm; • Saturday, 8:00am to 1:00pm, otherwise 7:00am to 1:00pm if inaudible at residential premises; and • no construction on Sundays or public holidays.	Construction Contractor	During all works
	• Potentially affected residents will be informed in advance as to the extent and timing of potentially noisier construction activities.	NRE	Prior to works
	• Where known to be readily available, equipment having lower noise emission levels will be deployed.	Construction Contractor	During all works
	• Construction equipment will be maintained to ensure rated noise emission levels are not exceeded.	Construction Contractor	During all works

Mitigation Measure	Responsibility	Timing
- All construction will be undertaken in accordance with DECCW (2009) Interim Construction Noise Guideline. - All stockpiles, unsealed roads and trafficked areas during construction will be watered as required to minimise the generation of dust. Internal sealed roads will be monitored and cleaned as required by construction workers. - A maximum vehicle speed of 10 km/h will be employed for all construction vehicles on all unsealed surfaces to minimise dust generation. - All equipment for dust control will be kept in good operating condition. Construction equipment will be properly maintained to ensure exhaust emissions comply with the relevant legislation. - In the event that visible smoke is seen from any equipment (while working on the construction site) for longer than a ten second duration, the equipment will be taken out of service and repaired. - Truck loads to be covered where applicable. - A contact telephone number (i.e. 'hotline') is already implemented via which the public may seek information or file a complaint. A log of complaints will be maintained and actioned by the site supervisor in a responsive and timely manner.	Construction Contractor Construction Contractor NRE Construction Contractor Construction Contractor Construction Contractor NRE	During all works During all works During all works During all works During all works During all works During all works

	Mitigation Measure	Responsibility	Timing
Ecology	The site manager will ensure that only the vegetation specified in this report is to be removed. No removal of native vegetation will occur within area two (as defined in <i>CH11</i>) (other than trimming of branches if OH&S risk identified). Additional clearance would require further assessment by an ecologist.	Construction Contractor	During all works
	- The three native trees being removed for the construction of the bath house will be replaced on site or at a near by location with similar native species. These trees include: - one Sweet Pittosporum (<i>Pittosporum undulatum</i>); - one Sydney Golden Wattle (<i>Acacia longifolia</i>); and - one Red Cedar (<i>Toona ciliata</i>).	NRE	Post works
	All personnel and vehicles are to be restricted from entering native vegetation that surrounds the works area (as defined in <i>CH11</i>).	Construction Contractor	During all works
	The works area will be clearly delineated prior to works beginning.	Construction Contractor/NRE	Prior to works
	If fauna are encountered or injured during works, then a local vet or animal handler will be contacted immediately (contact details should be sourced prior to works commencing).	Construction Contractor	During all works
	All equipment lay down areas will be on existing hard stand areas.	Construction Contractor	Prior to works
	Areas cleared of vegetation should be monitored for weeds and controls implemented.	Construction Contractor	During all works
	If any previously undiscovered heritage items are discovered during excavation, works will cease and an archaeologist contacted to investigate the matter further.	Construction Contractor/NRE	During all works
	Waste management hierarchy will be established under the <i>Waste Avoidance and Resource Recovery Act 2001</i> i.e. avoidance – resource recovery – disposal.	Construction Contractor	Prior to works
	All waste material will be disposed of in accordance with the provisions of the <i>Protection of the</i>	Construction	During all works

	Mitigation Measure	Responsibility	Timing
	<i>Environment Operations Act 1997 and the Waste Classification Guidelines (DECC, 2008).</i>	Contractor	
	- Waste will be recycled where possible or disposed of at an appropriately licensed waste disposal facility. - Onsite storage and disposal of different categories of waste will be defined prior to construction. A sufficient number of covered storage bins will be provided for waste disposal on site, with separate bins for recyclable and non-recyclable waste. - All records will be retained as proof of correct disposal for environmental audit purposes.	Construction Contractor Construction Contractor Construction Contractor	During all works Prior to works During all works
	Induction into site for all contractors and new mine staff (including bush fire training).	Contractor NRE	Prior to works
Safety and Hazards	- Personal protective equipment (PPE) including, harnesses when working at heights, visibility vests, hardhats, and appropriate footwear and clothing will be used by construction personnel. - Triggers for stopping work, i.e. dangerous temperature or climatic conditions (e.g. extreme heat) will be implemented during construction. - Access to the construction site will be limited and controlled, as appropriate.	Construction Contractor Construction Contractor Construction Contractor/NRE	During all works During all works During all works
	- Reverse warnings on plant and equipment will be used and site speed limits and warnings adhered to. - Tree removal will be undertaken by a licensed tree-lopper contractor. The contractor will provide a Safe Work Methods Statement for proposed works. - Potential fire hazards will be identified and coordinated response procedures maintained with Council and the Rural Fire Service.	Construction Contractor/NRE Construction Contractor/NRE Construction Contractor NRE	During all works During all works Prior to works Prior to works
	Response procedures for the control of accidental fires will be established.	NRE	Prior to works

Mitigation Measure		Responsibility	Timing
Well-maintained fire fighting equipment will be provided on-site, including fire extinguishers in all vehicles. A wastewater management plan will be developed detailing the upgrade requirements for the existing system and management practices including: Construction	The existing administration building septic tank will be decommissioned and replaced with a new septic tank with a minimum capacity of 3,500 L to include a pumping arrangement that feeds into the new sewage treatment plant (STP).	NRE	During all works.
	The existing septic tank treating blackwater wastes from the existing bath house will be retained, and the septic tank effluent (using existing pump well) will be pumped to the proposed new STP	NRE	Prior occupation
A new STP will be installed to provide secondary treatment of blackwater from the proposed bath house as well as septic tank effluent from the administration building and existing bath house blackwater streams. The new STP will be capable of treating average daily flows in the order of 4.2 kL/day, with capacity to manage peak flows up to 50 % higher than average on occasion.	Secondary treated effluent will be discharged from the STP to the stabilisation ponds along with untreated greywater from bath house sources.	NRE	During all works
	The two 1.0 ML stabilisation ponds will be retained as the destination for all raw greywater and secondary treated blackwater effluent from the pit top area.	NRE	Prior to works
New equipment will be installed at the pond outlet to enable active monitoring and control of discharges. This will include, at a minimum, a flow meter and a manually (or electronically) controlled flow valve.	Water saving devices will be installed throughout the proposed new bath house to minimise wastewater generation and low flow shower heads will be retrofitted in the existing upper level bath house	NRE	Prior to commissioning

	Mitigation Measure	Responsibility	Timing
Investigation	• Further investigations will be conducted into the potential for incorporating buffering storage into the secondary pond.	NRE	Prior to works
	• The integrity of the pipeline/s draining effluent to the ponds be investigated to ensure long term integrity.	NRE	Prior to works
	• An audit of cleaning chemicals, soaps and detergents used at the colliery will be undertaken to ensure all products are 'septic safe' and are low in nutrients, particularly phosphorus;	NRE	Prior to commissioning
	• Undertake investigations leading to the development of an Integrated Wastewater Management Plan (IWMP) that deals with both black and grey water for the site. This IWMP will be developed in consultation with DECCW and submitted for review and consideration by October 2010.	NRE/consultant	During operation
	• The Integrated Wastewater Management Plan (IWMP) will be in the form of a written report that demonstrates how that the following environmental performance objectives will be achieved.		
	• Protection of surface waters		
	• Protection of groundwater		
	• Protection of lands		
	• Protection of plant and animal health		
	• Prevention of public health risks		
	• Provides resource use		
	• Protects community amenity		
	• The goal of the IWMP will be to maximise the potential reuse of treated wastewater and achieve a zero direct discharge to surface waters. Potential reuse options will include but need not be limited to dust suppression on coal stockpiles and irrigation on adjacent farmland.	NRE	During operation

Mitigation Measure	Responsibility	Timing
- Where the Integrated Wastewater Management Plan identifies the need to install an additional wastewater treatment system this will be installed by December 2010. - If operations of the wastewater system as per the IWMP including effluent reuse, can not achieve the goal of "zero discharge", and as a consequence direct discharge of wastewater is required, a comprehensive environmental assessment on impacts to receiving waters will be undertaken including: - the establishment of sustainable discharge limits; and - treatment systems to achieve these limits. - This assessment will be undertaken in consultation with and submitted to DECCW by December 2011.	NRE NRE/consultant	Post investigation During operation