

Senior Natural Resource Officer
P O Box 6
EAST MAITLAND NSW 2323



Infrastructure, Planning
and Natural Resources

Ashston Coal Operations Limited
P O Box 699
SINGLETON NSW 2330

OUR REF: 20CW802609

Dear Sir,

Your application under Part 8 of the Water Act, 1912, has been granted. The Approval Certificate is enclosed. You will note it is effective for a period of five years commencing from 8 September 2003.

I also draw your attention to the conditions attached to this Approval Certificate. If you object to any of these conditions you may lodge a protest in writing to the Department specifying the grounds for protest. It must be lodged within 21 days of the date of this letter.

If you lodge a protest the effective date of the Approval will be nullified, as the provisions of the Water Act require applications subject to protests to be referred to the Local Land Board for inquiry and report. The Local Lands Office would then advise you of the date, time and place of the inquiry so that you may attend. If the Board's inquiry confirms the Department's determination, or varies the conditions of Approval, the effective date of the Approval then commences from the date the Board announces its decision. An appeal may be made to the Land and Environment Court against any such decision by the Land Board.

The holders of this Approval shall bear full responsibility for, and take all reasonable and proper precautions and care with, the construction, maintenance and repair of the controlled work covered by said Approval No. 20CW802609.

For more information please contact Brian McDougall on 4937 9338

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brian McDougall'.

Brian McDougall
SENIOR NATURAL
RESOURCE OFFICER
8 September 2003

Department of Infrastructure, Planning and Natural Resources

Hunter Region
P O Box 297

20CW802609

Muswellbrook NSW 2333
Phone:(02) 65424444

APPROVAL UNDER SECTION 175 OF PART VIII OF THE WATER ACT

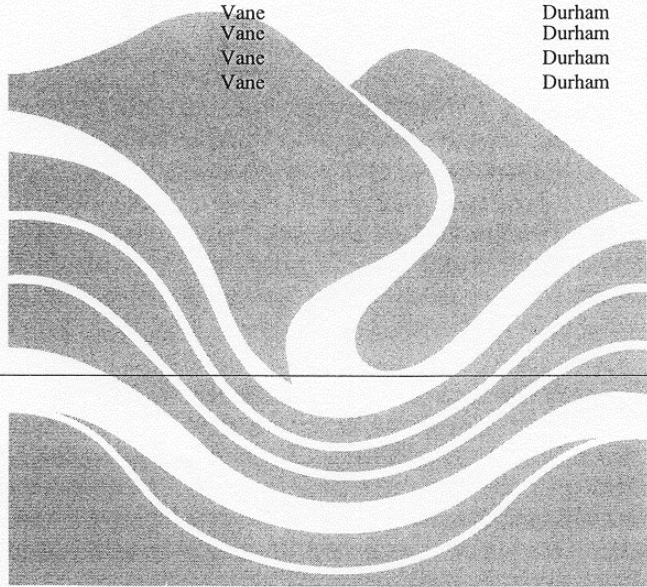
HOLDER

Ashton Coal Mines Limited P O Box 699 Singleton NSW 2330
--

APPROVAL NUMBER	20CW802609	
EFFECTIVE FROM	08-Sep-2003	
RENEWAL DUE	07-Sep-2008	
FEE	\$182.00	PAID
ABN 72726325787 GST NIL		

LOCATION OF APPROVED CONTROLLED WORK(S)

Portion(s) or Lot/Section/DP	PARISH	COUNTY
1//745486	Vane	Durham
11//261916	Vane	Durham
1//745486	Vane	Durham
11//261916	Vane	Durham



DESCRIPTION OF WORK(S)

1 X Levee

FLOOD PLAIN/RIVER

Foy Brook
Bettys Creek

**LAND & WATER
CONSERVATION**

The controlled work described hereon, and referred to in the application (and plans lodged therewith) by or on behalf of the abovenamed holder and accepted or modified by the Department Of Infrastructure, Planning And Natural Resourc is hereby declared to be an Approved Work under the Water Act.

This Approval is effective for the five year period set out above, and is subject to the terms, limitations and conditions set out hereunder and/or on the attached statement.


 for Regional Director

ORIGINAL

Department of Infrastructure, Planning and Natural Resources

**CONDITIONS STATEMENT REFERRED TO ON
20CW802609
ISSUED UNDER PART VIII OF THE WATER ACT, 1912
ON 08-Sep-2003**

- (1) THE LOCATION OF THE APPROVED WORK, AS SHOWN ON A PLAN RETAINED IN THE OFFICE OF THE DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES, SHALL NOT BE ALTERED.
- (2) APPROVED OUTLET DRAINS WITH FLAP ARRANGEMENT SHALL BE CONSTRUCTED BY THE HOLDER OF THE APPROVAL WHERE AND WHENEVER REQUIRED BY THE DEPARTMENT.
- (3) THE LEVEL OF THE CREST OF THE LEVEE SHALL BE FIXED AT NOT HIGHER THAN RL 75.0 METRES AHD.
- (4) THE APPROVED WORK SHALL BE CONSTRUCTED AND MAINTAINED IN A MANNER THAT WILL ENSURE ITS SAFETY AND WILL MINIMISE THE POSSIBILITY OF DAMAGE BEING OCCASIONED BY IT, OR RESULTING FROM IT, TO ANY PUBLIC OR PRIVATE INTEREST.

End Of Conditions