

# Development Consent

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

I, the Minister for Infrastructure and Planning, approve the Development Application referred to in schedule 1, subject to the conditions in schedules 3 to 6.

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.

Craig Knowles MP  
Minister for Infrastructure and Planning  
Minister for Natural Resources

SIGNED BY MINISTER KNOWLES ON 18 FEBRUARY 2005  
Sydney, 2005

File No: S03/03677

**Modification of consent of 19 October 2005 in red type.**

**Modification of consent of 6 March 2007 in blue type.**

### SCHEDULE 1

<b>Development Application:</b>	DA-172-7-2004.
<b>Applicant:</b>	Werris Creek Coal Pty Limited.
<b>Consent Authority:</b>	Minister for Infrastructure and Planning.
<b>Land:</b>	See Appendix 1 and Figure 1.
<b>Proposed Development:</b>	<p>Construction and operation of the Werris Creek Coal Mine, about 4 kilometres south of Werris Creek, in general accordance with the Environmental Impact Statement for the <i>Proposed Werris Creek Coal Mine</i>, which includes:</p> <ul style="list-style-type: none"><li>• undertaking open cut coal mining operations over an area of approximately 80 hectares;</li><li>• constructing and operating coal screening and crushing equipment;</li><li>• constructing and operating a rail load-out facility;</li><li>• transporting export coal by a private haul road to the rail load-out facility;</li><li>• transporting coal from the coal processing area via the mine access road and the Quirindi to Werris Creek Road to domestic markets;</li><li>• producing up to 2 million tonnes per year of Run-of-Mine (ROM) coal;</li><li>• installation of a mine access road, various support services, structures and transportable buildings; and</li></ul>

- progressive shaping and rehabilitation of the mine area and other areas of disturbance.

**State Significant Development:** The proposal is classified as State significant development, under section 76A(7) of the *Environmental Planning and Assessment Act 1979*, because it involves coal-mining related development that requires a new mining lease under section 63 of the *Mining Act 1992*.

**Integrated Development:** The proposal is classified as integrated development, under section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the:

- *Protection of the Environment Operations Act 1997*;
- *Water Act 1912*; and
- *Roads Act 1993*.

**Designated Development:** The proposal is classified as designated development, under section 77A of the *Environmental Planning and Assessment Act 1979*, because it is for a coal mine that would "produce or process more than 500 tonnes of coal a day", and consequently meets the criteria for designated development in schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

**Note:**

- (a) To find out when this consent becomes effective, see section 83 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*;
  - (b) To find out when this consent is liable to lapse, see section 95 of the *EP&A Act*; and
  - (c) To find out about appeal rights, see section 97 of the *EP&A Act*.
-

## SCHEDULE 2 DEFINITIONS

AEMR	Annual Environmental Management Report
ANZECC	Australian and New Zealand Environment Consultative Council
Applicant	Werris Creek Coal Pty Limited, or its successors in title
BCA	Building Code of Australia
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
CCC	Community Consultative Committee
Council	Liverpool Plains Shire 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	The Department of Environment and Conservation
Department	The Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of Department of Infrastructure, Planning and Natural Resources, or delegate
DPI	The Department of Primary Industries - Minerals
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 in a current plan registered at the Land Titles Office at the date of this consent
Minister	Minister for Infrastructure and Planning, or delegate
MOP	Mining Operations Plan
Mtpa	Million tonnes per annum
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 Act
Privately-owned land	Land excluding land owned by a mining company, where: <ul style="list-style-type: none"> <li>• a private agreement does not exist between the Applicant and the land owner; and</li> <li>• there are no land acquisition provisions requiring the Applicant to purchase the land upon request from the land owner</li> </ul>
ROM coal	Run-of-mine coal
RTA	Roads and Traffic Authority
Site	Land to which the DA applies
tpa	tonnes per annum

## TABLE OF CONTENTS

1.	ADMINISTRATIVE CONDITIONS	5
2.	SPECIFIC ENVIRONMENTAL CONDITIONS	7
	Air Quality	7
	Noise	9
	Meteorological Monitoring	11
	Blasting & Vibration	11
	Surface & Ground Water	13
	Flora & Fauna	15
	Aboriginal & European Heritage	17
	Traffic & Transport	18
	Visual Impact	19
	Greenhouse Gas	20
	Waste Management	20
	Hazards Management	20
	Bushfire Management	20
	Mine Closure Strategy	21
3.	ADDITIONAL PROCEDURES FOR AIR QUALITY & NOISE MANAGEMENT	22
4.	ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING	25
	Environmental Management Strategy	25
	Environmental Monitoring Program	25
	Annual Reporting	25
	Independent Environmental Audit	26
	Community Consultative Committee	26
	Access to Information	27
5.	APPENDIX 1: SCHEDULE OF LAND	28
6.	APPENDIX 2: INDEPENDENT DISPUTE RESOLUTION PROCESS	29

**SCHEDULE 3  
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 172-7-2004;
  - (b) EIS titled *Environmental Impact Statement for the Proposed Werris Creek Coal Mine, and Specialist Consultant Studies Compendium*, dated August 2004, and prepared by R.W. Corkery & Co. Pty. Limited;
  - (c) letter from the Applicant, dated 1 December 2004, indicating the relocated position of the mine access entrance and road;
  - (d) document titled, *Application to Modify Conditions 4(48) and 4(51) of Development Consent DA 172-7-2004*, dated October 2005, prepared by Werris Creek Coal Pty Ltd;
  - (e) document titled, *Application to Modify Condition 44 of Development Consent DA 172-7-2004*, dated 11 December 2006, prepared by Werris Creek Coal Pty Ltd; and
  - (f) conditions of this consent.
3. If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any 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 15 years after the date it commences.
6. The Applicant shall not extract more than 2 million tonnes of ROM coal a year from the development.
- 6A. The Applicant shall limit coal extraction to the area within the outline of the "Original Pit" as shown on Plan 5.1 of the document referenced in condition 1(e).
7. The Applicant shall not transport more than 30,000 tonnes of saleable coal a year from the development by public road.

**Structural Adequacy**

8. The Applicant shall ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the BCA.

*Note:*

- (a) *Under Part 4A of the EP&A Act, the Applicant 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 development.*

### **Demolition**

9. The Applicant shall ensure that any demolition work is carried out in accordance with *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 coal off-site, are:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### **Section 94 Contributions**

11. Before carrying out any development, or as otherwise agreed by Council, the Applicant shall pay Council:
  - \$20,000 towards the operation of the Werris Creek Rail Museum; and
  - \$15,000 towards the provision of youth facilities for Werris Creek, as a community enhancement program for the Werris Creek area.