# Appendix 1

---

# CONSOLIDATED DEVELOPMENT CONSENT

# DA 172-7-2004

# (18 February 2005)

## Including modified conditions

## 3(2), 3(3), 4(44)

## Including new conditions

## 3(6A), 4(45A)

# 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**

| | |
|---|---|
| **Development Application:** | DA-172-7-2004. |
| **Applicant:** | Werris Creek Coal Pty Limited. |
| **Consent Authority:** | Minister for Infrastructure and Planning. |
| **Land:** | See Appendix 1 and Figure i. |
| **Proposed Development:** | 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 *Proposed Werris Creek Coal Mine*, which includes:<br>• undertaking open cut coal mining operations over an area of approximately 80 hectares;<br>• constructing and operating coal screening and crushing equipment;<br>• constructing and operating a rail load-out facility;<br>• transporting export coal by a private haul road to the rail load-out facility;<br>• transporting coal from the coal processing area via the mine access road and the Quirindi to Werris Creek Road to domestic markets;<br>• producing up to 2 million tonnes per year of Run-of-Mine (ROM) coal;<br>• installation of a mine access road, various support services, structures and transportable buildings; and |

- 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 | *Environmental Planning and Assessment Act 1979* |
| EP&A Regulation | *Environmental Planning and Assessment Regulation 2000* |
| 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 | *National Parks and Wildlife Act 1974* |
| PCA | Principal Certifying Authority appointed under Section 109E of the Act |
| Privately-owned land | Land excluding land owned by a mining company, where:<br>• a private agreement does not exist between the Applicant and the land owner; and<br>• there are no land acquisition provisions requiring the Applicant to purchase the land upon request from the land owner |
| 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