



Appendix

A

Existing
Boggabri
Coal Planning
Approvals



Department of Planning

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AN 1568 (172)

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Telephone (02) 266 7111 Ext.
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The Project Manager
Boggabri Joint Venture
GPO Box 1389
BRISBANE QLD 4001

Contact:

Our reference: 79/1443(z)2

Your reference:

25 AUG 1989

Dear Sir

Proposed Boggabri Coal Project

Reference is made to the development application of 4 March 1988 which was lodged with the Narrabri Shire Council by yourselves seeking consent to the above development.

2. Pursuant to a direction under section 101 of the Environmental Planning and Assessment Act, 1979, the subject development application was referred by Narrabri Shire Council for determination by the Minister for Planning.

3. It is advised that the Minister has determined the development application in accordance with section 101(8) of the act granting consent subject to certain conditions. These conditions have been imposed to minimise the adverse impact the development may cause through noise, traffic generation, water pollution, provide for environmental monitoring and reporting, and set requirements for infrastructure provisions.

4. A copy of the signed determination by the Minister is enclosed for your use. Pursuant to section 101(9)(b) of the Environmental Planning and Assessment Act, the development consent takes effect from the date of this letter, being the date of notification to the Applicant under section 101(10) of the Act.

Yours faithfully

R L Pincini
Secretary

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO
SECTION 101

I, the Minister for Planning, pursuant to Section 101 of the Environmental Planning and Assessment Act 1979 ("the Act"), determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in the Schedule 2.

The reasons for the imposition of the conditions are:

- (i) to minimise the adverse impact the development may cause through noise, traffic generation, and water pollution;
- (ii) to provide for environmental monitoring and reporting;
- (iii) to set requirements for infrastructure provision.



DAVID HAY
Minister for Local Government and
Minister for Planning

Sydney, 22 August, 1989.

Schedule 1

Application made by: BHP Minerals Limited
Agip Coal Australia Pty Ltd and
Idemitsu Boggabri Coal Pty
Limited

To: Narrabri Shire Council

In respect of: MLA 70 and Authorisation 355
Portions
31, 83, 24, 25, 27, 28, 44, 37, 22, 19
21, 23, 17, 5, 12, 8, 16, 18 Parish
of Leard, County of Nandewar,
Portions 124, 125, 127 Parish
of Boggabri, County of
Nandewar, Lot 1 DP 566122,
Parish of Boggabri, County of
Nandewar, Lot 3 DP 566122
Parish of Leard, County of
Nandewar

Lot 1 DP 622375 Parishes of
Leard and Therribri, County
of Nandewar,
Portion 59, Parish of
Therribri, County of
Nandewar, Portions 105 & Pt
156, 107, 191, 202, 203, 262, 264,
Parish of Baan Baa, County of
Pottinger,
Parts of Portions 11, 12,
Parish of Boggabri, County of
Pottinger,
Portions 93, 159, 248, 158, 161,
Parish of Boggabri, County of
Pottinger,
Parts of Trunk Road No. 72,
T.S. & C.R. 28354, Therribri
Road (R9542) and the Leard
forest Road (R19387).
All within the Land District
of Narrabri.

For the following
development:

Construction and operation of
a surface coal mine,
associated transport and coal
loading facilities, including
coal preparation plant.

NOTE:

- (1) to ascertain the date upon
which the consent becomes
effective, refer to section 93
of the Act.
- (2) to ascertain the date upon
which the consent is liable to
lapse, refer to section 99 of
the Act.

SCHEDULE 2

79/1043(z)2

General

1. The development is to be carried out in accordance with the Environmental Impact Statement prepared by BHP-AGIP -IDEMITSU Joint Venture, certified in accordance with Section 77(3) of the Act, dated 8 February 1988 and submissions dated 12 September 1988 and 21 December 1988, except where modified by the following conditions.

Limitation
of Coal
Extraction

2. Approval of coal extraction is limited to a period of 21 years from the date of the grant of a coal lease in respect of the development.

Forestry
Commission

3. The applicant shall meet the requirement of the Forestry Commission in respect to the development in the Leard State Forest.

National Parks and
Wildlife Service

4. The applicant shall meet the requirements of the National Parks and Wildlife Service in respect of flora and fauna in the Leard State Forest.

State Pollution
Control Commission

5. The applicant shall meet the requirements of the State Pollution Control Commission (hereinafter called 'the Commission') particularly in respect to water, air quality management at the site of mine facilities and works.

Department of
Water Resources

6. The applicant shall meet the requirements of the Department of Water Resources in respect of the proposed crossing of the Namoi River and provide an underpass for vehicles and stock on Shire Road No. 15 for such crossing, subject to the requirements of the Narrabri Shire Council (hereinafter called 'the Council') and relevant Pastures Protection Board.



Electricity
Commission

7. The applicant shall meet the requirements of the Electricity Commission and Namoi Valley County Council in respect to transmission line structures, dust generation, blasting and use of explosives and easements.

Coal Transport

8. The applicant shall transport all coal from the proposed development by private haul road to its proposed coal loading facilities, unless otherwise approved by the Council.

Existing Roads

9. (a) The applicant shall maintain road access at all times for residents of Maules Creek and meet the requirements of the Council in the selection and construction and maintenance of alternative road access and meet the cost of such road works;
- (b) The applicant shall meet the requirements of the Council in respect to road maintenance and necessary road improvements for all Shire roads it uses in respect of the project.
- (c) The applicant shall meet the requirements of the Roads and Traffic Authority in respect of the crossing of or intersection with Main Road 72.

Coal Loading
Facilities

10. The applicant shall utilize a coal loading facility at the project for rail dispatch of coal for export (including bulk samples) according to the requirements of the State Rail Authority and the Council.

Alternative
Road Haulage
of Coal

11. Should the applicant require to dispatch coal by road to other loading (or export) facilities it shall meet the requirements of the Roads and Traffic Authority and the Council, in respect to any necessary upgrading and maintenance of such roads.

Landscaping

12. The applicant shall:
- (a) prior to commencement of construction, provide to the Council a detailed plan of all landscaping to be undertaken in conjunction with and as a consequence of the proposed development.
 - (b) such plan when submitted shall include all of the following:
 - (i) all existing vegetation located within the pit top site;
 - (ii) all vegetation to be removed as a result of the proposed development;
 - (iii) proposed areas to be landscaped and species to be used;
 - (iv) a planting schedule to indicate the time scale of the overall landscaping programme.

Construction Materials

13. All structures and conveyors shall be constructed in suitably coloured, non-reflective materials, to the requirements of the Council.

Parking Facilities

14. The applicant shall meet the requirements of the Council to ensure the adequate provision of unloading, loading, manoeuvring and parking of vehicles within the development site.

Waste Disposal

15. The applicant shall meet the requirements of the Commission and the Council, in respect of the treatment and disposal of sewage and sullage.

Stock Movements

16. The applicant shall provide for safe movement of stock on Travelling Stock Reserve No. 83990 to the satisfaction of the Council and Narrabri Pastures Protection Board.

Rehabilitation

17. The applicant shall carry out site rehabilitation according to the requirements of the Soil Conservation Service and the proposals set out in the EIS after considering advice from the Department of Agriculture, the Forestry Commission of NSW and the National Parks and Wildlife Service.

Hours of Operation

18. The development may operate for construction purposes between the hours of 7.00 am to 9.00 pm on weekdays and Saturdays or as permitted by the Commission under the Noise Control Act and, further, shall not operate on Sundays or Public Holidays, except with special approval or in an emergency.

Monitoring

19. The applicant shall undertake and implement environmental monitoring in respect of air, noise and water quality as required by the Commission, and in respect of rehabilitation as required by the Soil Conservation Service, in respect of groundwater as required by the Department of Water Resources, and where relevant, co-ordinated within an environmental Management and Rehabilitation Plan as required by the Department of Minerals and Energy.

Annual Report

20. The applicant shall:
- (i) prepare and submit to the Council and to the Director of Planning (hereinafter called "the Director"), an annual report in respect of the performance of the development, the annual report shall be prepared for each period ending 31 December, and shall be submitted by 31 March of the following year, during the life of the development.

Further the applicant shall:

- (ii) include information in its annual report concerning:
 - (a) the performance of the development;
 - (b) the implementation and effectiveness of the environmental controls and conditions relating to the development;
 - (c) results of environmental monitoring in respect of air, water and noise pollution;
 - (d) quantity of coal mined and mining operations undertaken during the proceeding 12 months;
 - (e) rehabilitation works undertaken during the preceding 12 months; and
 - (f) workforce characteristics of the development, including the following details:
 - (i) total employment for construction and operational activities;
 - (ii) current residential location of workforce (by suburb, town, village or rural district);
 - (iii) origin of employees recruited in the previous 12 months of operation, (by suburb, town, village or rural district).

(g) the degree to which the applicant has contributed to community infrastructure requirements in the proceeding twelve month period.

(iii) Provide to the Council for public release, results and analyses of environmental monitoring undertaken in pursuance of paragraph (ii). Such results and analyses shall be provided to the Council on an annual basis; and

(iv) employ a suitably qualified environmental officer to be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals, are enforced and monitored.

Rental Housing

21. The applicant shall:

(i) investigate the availability of short-term rental accommodation prior to the arrival of the construction workforce, and liaise with the Gunnedah and Narrabri Shire Councils to establish a register of available short-term accommodation for the use of construction workforce on arrival; and

(ii) liaise with the Gunnedah and Narrabri Shire Councils to monitor local housing demand during the construction stage of the project and in the event of a shortage of rental accommodation at any stage liaise with the Councils, with a view to provide other temporary accommodation facilities for use by the workforce.

Community
Infrastructure
Contribution

22. (a) When employment levels at the development reach two hundred employees the applicant shall advise the Council and commence discussions with the Council concerning demand for additional community infrastructure.
- (b) The Minister, upon the receipt of advice from the Council, may require the applicant to pay a monetary contribution pursuant to Section 94 of the Environmental Planning and Assessment Act for purposes associated with an increased demand for community infrastructure including the following:
- (i) social and community facilities for the provision of health, education and social services;
 - (ii) infrastructure such as the provision of water and drainage facilities provided or to be provided by the Council but which is exclusively used by the applicant;
 - (iii) the installation, upgrading and maintenance of publicly provided infrastructure in the nature of special works associated as part of the development, which are or will be used for the purposes of the development but in respect of which the applicant does or will not have exclusive use.

- (c) The Minister may, when making a determination in relation to a monetary contribution under (b) above, refer to any annual report prepared in relation to the development and submitted to the Director in accordance with clause 20 of this consent.

PARTICIPATION IN
COAL INDUSTRY PROJECTS

23. The applicant shall participate in any financial arrangements (including financial arrangements with other coal industry members) in accordance with the requirements of the Government of New South Wales for sharing the capital costs of infrastructure such as rail rolling stock, rail track, coal loader and other related infrastructure to be used jointly by participating coal industry members.

NOTE: This approval does not relieve the applicant of the obligation to obtain any other approval under the Local Government Act, 1919 as amended, the ordinances made thereunder (including approval of building plans), or any other Act.

Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

David Kitto
Director
Major Development Assessment
(as Delegate for the Minister for Planning)

Sydney

22 JULY

2009

SCHEDULE 1

The development consent (DA 79/1443) for the Boggabri Coal Project, granted by the Minister for Planning on 22 August 1989.

SCHEDULE 2

1. Insert the following table before schedule 2:

DEFINITIONS

AEMR	Annual Environmental Management Report
Council	Narrabri Shire Council
DA	Development Application
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EIS	Environmental Impact Statement titled <i>Boggabri Coal Project Environmental Impact Statement</i> , prepared by BHP-AGIP-IDEMITSU Joint Venture, dated 8 February 1988, and associated submissions dated 12 September 1988 and 21 December 1988
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LHPA	Livestock Health and Pest Authority
Minister	Minister for Planning, or delegate
SEE	Statement of Environmental Effects titled <i>Boggabri Coal Project Statement of Environmental Effects to Support Section 96 Application to Modify Development Consent</i> , dated February 2009, prepared by Parsons Brinckerhoff Australia Pty Limited on behalf of Boggabri Coal Pty Limited
Site	Land to which the DA applies

2. Delete condition 1 of schedule 2 and replace with the following:
 1. The development is to be carried out in accordance with the:
 - (a) EIS,
 - (b) SEE; and
 - (c) conditions of this consent.
 - 1A. If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of any inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.
3. Delete all references to "Forestry Commission" or "Forestry Commission of NSW" from schedule 2 and replace with "DPI".
4. Delete all references to "NPWS" from schedule 2 and replace with "DECC".
5. Delete all references to "State Pollution Control Commission" or "the Commission" from schedule 2 and replace with "DECC".
6. Delete "(hereinafter called 'the commission'))" from condition 5 of schedule 2.
7. Delete all references to "Department of Water Resources" from schedule 2 and replace with "DWE".
8. Delete "(hereinafter called 'the council') and "relevant" from condition 6 of schedule 2.
9. Delete all references to "Pastures Protection Board" or "Narrabri Pastures Protection Board" from Schedule 2 and replace with "LHPA".
10. Delete "Electricity Commission and Namoi Valley County Council" from condition 7 of schedule 2 and replace with "Country Energy".
11. Delete all references to "Soil Conservation Service" in schedule 2 and replace with "DPI".
12. Delete all references to "Department of Agriculture" from schedule 2 and replace with "DPI".
13. Delete all references to "*Noise Control Act*" from schedule 2 and replace with "*Protection of the Environment Operations Act 1997*".
14. Delete all references to "Department of Minerals and Energy" from schedule 2 and replace with "DPI".
15. Delete all references to "Director of Planning" or "the Director" from schedule 2 and replace with "Director-General".
16. Delete "(hereinafter called 'the Director'))" from condition 20(i) of schedule 2.
17. Delete all references to "annual report" from schedule 2 and replace with "AEMR".
18. Delete all references to "*Local Government Act 1919*" from schedule 2 and replace with "*Local Government Act 1993*".

19. After condition 23 of schedule 2, insert the following:

Flora and Fauna

24. The Applicant shall prepare and implement a Flora and Fauna Management Plan for the clean water diversion and dam described in the SEE in consultation with DECC and to the satisfaction of the Director-General. This plan must:
- (a) be prepared by a suitably qualified expert;
 - (b) be submitted to the Director-General for approval prior to the commencement of any associated clearing of native vegetation; and
 - (c) include a description of measures implemented to:
 - manage impacts on flora and fauna;
 - minimise and rehabilitate disturbed areas;
 - protect vegetation and soil outside the disturbance areas;
 - undertake a pre-clearance survey to identify any native fauna or hollow-bearing trees;
 - protect and remove any threatened fauna and tree hollows identified during the pre-clearance survey;
 - conserve and reuse topsoil;
 - salvage and reuse material cleared from the site for habitat enhancement; and
 - control weeds and feral pests.

Aboriginal Cultural Heritage

25. The Applicant shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the works described in the SEE to the satisfaction of the Director-General. The plan must:
- (a) be prepared by a suitably qualified archaeologist in consultation with DECC and the relevant Aboriginal groups;
 - (b) be submitted for approval prior to any ground disturbance; and
 - (c) include a program/procedures for:
 - management and/or protection of Aboriginal sites within or adjacent to the disturbance area;
 - appropriately managing the discovery of any new Aboriginal objects or skeletal remains; and
 - ongoing consultation and involvement of local Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

Irrigation Scheme

26. The Applicant shall not operate the irrigation scheme described in the SEE after 15 November, 2011.
27. The Applicant shall prepare and implement a comprehensive Irrigation Management Plan for the mine water irrigation scheme to the satisfaction of the Director-General. The plan must:
- (a) be prepared by a suitably qualified expert in consultation with DWE and DPI;
 - (b) be submitted for approval prior to the commencement of the mine water irrigation scheme;
 - (c) include the following:
 - detailed baseline data, based on sound statistical analysis, of surface and groundwater quantity and quality and soil composition;
 - soil, surface and groundwater impact assessment criteria;
 - a program to monitor soil composition and surface and groundwater quality and quantity;
 - reporting procedures for the results of the monitoring program;
 - measures to control sedimentation and erosion during and after construction of MD3;
 - measures to ensure MD3 is constructed and operated in a manner that minimises the risk of groundwater contamination; and
 - measures to respond to any exceedences of the impact assessment criteria.