

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT COBAR SHIRE COUNCIL ON TUESDAY 24 MAY 2011 AT 6:00PM

PRESENT:

Gabrielle Kibble	Chair
Gordon Kirkby	Panel Member
Ruth Fagan	Panel Member
Robert Sinclair	Panel Member
Kevin Ryan	Panel Member

IN ATTENDANCE

Garry Ryman	Director of Planning & Environmental Services – Cobar Shire Council
Stephen Taylor	Director of Engineering – Cobar Shire Council

APOLOGY: NIL

1. The meeting commenced at 6.05pm

2. Declarations of Interest -

Nil

3. Business Items

ITEM 1 - 2011WES001 Cobar Shire Council 2010/LD-00074 - Wonawinta Silver Project; "Manuka" Lot 3632 DP766014

4. Presentations to the Panel

Ian Lawrence	Addressed the Panel on behalf of the applicant
Andrew Beatty	Addressed the Panel on behalf of the applicant

Stuart Mosely	Addressed the Panel to note his interest in the Application as the current Western Lands Lessee
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And noted his interest in the application in the Western Lands Lessee
The Panel requested a short recess at 6.37pm to consider the public submissions.

The Panel resumed at 6.47pm

5. Business Item Recommendations

ITEM 1 - 2011WES001 Cobar Shire Council 2010/LD-00074 - Wonawinta Silver Project; "Manuka" Lot 3632 DP766014

The Panel resolved unanimously to approve the Wonawinta Silver Project subject to the conditions below.

Moved – Robert Sinclair seconded – Gordon Kirkby

CONDITIONS

1. The development must be carried out in accordance with the documents listed below, except where amended by other conditions of this consent:

Environmental Impact Statement (December 2010) for the Cobar Consolidated Resources Limited Wonawinta Silver Project prepared by R W Corkery & Co Pty. Limited and as amended by the following supplementary documents.

- Response to DECCW Initiated Stop the Clock
- Additional information supplied in Response to DECCW Initiated Stop the Clock (15 February 2011)
- Response to I&I Request for Additional Information
- Additional information supplied in Response to DECCW Initiated Stop the Clock (1 March 2011)
- Response to Council Request for Additional Information
- Response to NOW Request for Additional Information
- Response to RTA Request for Additional Information
- Revised Appendices C, D & E to the Ecological Assessment prepared by Oz Ark Environmental and Heritage Management Pty Ltd received 15 April 2011.
- Revised Appendices B, C, D, E, F & G to the Ecological Assessment prepared by Oz Ark Environmental and Heritage Management Pty Ltd received 28 April 2011.

2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.

3. The applicant must ensure that all obligations under the *Building and Construction Industry Long Service Payments Act 1986* have been satisfied prior to commencing any development on the site. A Construction Certificate cannot be issued until any required Long Service Levy payable under the above Act has been paid.

4. A sign must be erected in a prominent position on any site on which building work is being carried out, identifying the following:

- a) the name, address and telephone number of the principal certifying authority for the work,
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed

5. Approval must be obtained under Section 138 of the *Roads Act 1993* to carry out works on or within a public road from the appropriate roads authority prior to the work commencing.

6. Building work (exempt development building work excepted) approved by this consent must not commence until:

- a) A Construction Certificate has been issued.
- b) A Principal Certifying Authority has been appointed.
- c) A notice of intention to commence work has been issued to Council.

- 7.** The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.
- 8.** No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
- 9.** This consent does not authorise the use of the development site for the receipt or disposal of waste brought on to the development site from other land.
- 10.** A Bush Fire Management Plan for the development must be prepared and implemented generally in accordance with the proposal detailed in the amended Environmental Impact Statement.
- 11.** The applicant must provide Council with written notice of intention to commence any development work on the site at least 5 days prior to commencing.
- 12.** The applicant must submit a Pre-Commencement of Work Compliance Report to Council certifying that all pre-conditions to work commencing on site have been satisfied. The Pre-Commencement of Work Compliance Report must be provided and have received Council's concurrence prior to giving written notice of intention to commence work and include:
- a) details of how the conditions of consent required to be addressed prior to commencing work have been complied with,
 - b) details of when each relevant condition of consent was complied with, including submissions dates of any required report and/or approval dates; and
 - c) details of any approvals or licences required to be issued prior to commencing work.
- 13.** The applicant must consult with Bogan Shire Council with a view to negotiating an agreement regarding a maintenance and improvement contribution in respect of the unsealed section of MR461 within the Bogan Shire Council local government area.
- 14.** The applicant must consult with Cobar Shire Council with a view to negotiating the funding of a project and/or projects identified in its Community Enhancement Program.
- 15.** The proponent shall prepare a Water Management Plan in consultation with and to the satisfaction of the NSW Office of Water. This plan must include the following and be approved prior to any works commencing on site:
- a) An Erosion and Sediment Control Plan.
 - b) A Surface Water Management Plan.
 - c) A Groundwater Management Plan.
- 16.** The proponent must obtain relevant licensing under Part 5 of the *Water Act 1912* from the NSW Office of Water before commencing any works which intercept or extract ground water.
- 17.** The proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General (DG) of I&I NSW. The Rehabilitation Plan must:
- a) be prepared in accordance with any relevant I&I NSW guidelines and in consultation with relevant agencies and stakeholders;
 - b) be submitted and approved by the DG of I&I NSW prior to the commencement of mining or mining related activities;
 - c) address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, in particular:
 - i. include an evaluation of end land use options for final void/s;
 - ii. include life of mine tailings management strategy, including an environmental risk assessment in order to demonstrate that the emplacements can be designed, managed and rehabilitated appropriately; and

- iii. describe how rehabilitation will be carried out progressively to the extent that it is practicable.

18. The proponent must submit an application for an Aboriginal Heritage Impact Permit (AHIP) for all Aboriginal sites to be impacted by the proposal. The sites that are to be impacted by the proposal are to be identified and fenced until an AHIP is obtained for the relevant site. Works on these sites (both directly and indirectly) must not commence until an AHIP has been obtained. The proponent must ensure compliance with the consultation and other requirements outlined in DECCW's Aboriginal Cultural Heritage requirements for proponents, 2010 in applying for an AHIP.

19. Should any Aboriginal object be discovered works in the immediate vicinity of the object which might impact (both directly and/or indirectly) on the object must cease and the proponent must notify DECCW.

20. All effluent generated on site must be disposed of in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005* and *Protection of the Environment Operations Act 1997*.

21. The proponent must consult with DECCW and other relevant agencies regarding any proposed discharges of effluent generated on site. This includes the need to consult with Council regarding any required s68 *Local Government Act 1993* approvals.

22. The applicant is to comply with all the RTA's terms of concurrence pursuant to Section 138 of the *Roads Act 1993* before any transportation of plant, product or other goods or materials is commenced following approval of the development application.

23. The applicant is to prepare and supply a Code of Conduct to all drivers of heavy vehicles (including contractors) transporting plant, product or other goods or material to or from the project site.

24. The Code of Conduct is to include:

- a) Details of the transportation hours pursuant to approval of the development application.
- b) That no transportation of plant, product or other goods or materials is to occur outside of the transportation hours.
- c) Procedure for the transport of hazardous materials.
- d) Details of the transportation routes to be followed for the delivery of product including alternative transportation routes following road closure due to wet weather.
- e) Details of the local school bus route, operating hours and pick-up and drop-off points along the transportation route.
- f) That drivers are to be conscious of the school bus and school children particularly during the operating hours of the local school bus.
- g) That drivers are to operate their vehicles in a safe, professional and courteous manner.

25. The Code of Conduct is to be given RTA concurrence and distributed to drivers prior to commencement of any transportation, including transportation for the purposes of construction.

26. Bus services are to be provided for the transport of all staff (employees and contractors) to the mine site from Cobar. Staff are to be educated about and pro-actively encouraged to use the service through such means as staff inductions and toolbox meetings.

27. The Bedooba (SR13B) and Manuka (SR14) Roads which form the route from the project site to the Kidman Way (MR410) must be upgraded to achieve a suitable standard to service the proposed development. As a minimum the required upgrading must include:

- a) a heavy formation grade to 8 metres wide,
- b) new and/or restored table and mitre drains as needed,
- c) elimination or replacement of existing stock grids to suit the 8 metre wide formation,
- d) spreading and compacting 8metres by 150mm thick suitable gravel to construct a good trafficable surface,

- e) installation of guide posts and
- f) construction of four concrete causeways located at 8.0km, 9.8km, 10.9km and 27.7km along the route measured from the Kidman Way.

The required upgrading works must be financed by the developer at no cost to Cobar Shire Council.

Road Occupancy Licences as relevant must be obtained in respect of the required upgrading works. The required upgrading works must be completed prior to the commencing of mining operations. Specifications for the work must meet the minimum requirements of AUS-SPEC. The roads must be maintained in a safe and trafficable condition for the duration of the upgrading works project.

28. The Bedooba (SR13B) and Manuka (SR14) Roads which form the route from the project site to the Kidman Way (MR410) must be maintained to a suitable standard to service the proposed development. As a minimum required maintenance must include:

- a) twelve (12) full maintenance grades using a grader, roller and water cart per annum.
- b) gravel re-sheeting work as needed each 12 to 18 months.

The required maintenance work must be financed by the developer at no cost to Cobar Shire Council.

Road Occupancy Licences as relevant must be obtained in respect of the required maintenance works. Specifications for the work must meet the minimum requirement of AUS-SPEC.

29. The applicant must develop a Code of Conduct for all staff (management, employees and contractors) recommending against the use of Shuttleton Road (SR15), Lerida Road (SR13A) and the parts of Bedooba Road (SR13B) not included in the route from the project site to the Kidman Way for project related purposes.

Notes:

- i. Maintenance related travel identified in the required road occupancy licence for McKinnon's Water Pipeline Route is excepted.*
- ii. Travel to and from the project site by staff or contractors residing on the listed roads is excepted.*
- iii. A contractor travelling to or from another job site located on the listed roads is excepted.*

30. The applicant must provide Council with written notice of intention to commence mining operations on the site at least 5 days prior to commencing.

31. The applicant must submit a Pre-Mining Operations Compliance Report to Council certifying that all pre-conditions to mining operations commencing on the site have been satisfied. The Pre-Mining Operations Compliance Report must be provided and have received Council's concurrence prior to giving written notice of intention to commence mining operations and:

- a) details of how the conditions of consent required to be addressed prior to commencement of operation have been complied with;
- b) details of when each relevant condition of consent was complied with, including submissions dates of any required report and/or approval dates; and
- c) details of any approvals or licences required to be issued prior to the commencement of operation.

32. The Applicant shall prepare a suitable Biodiversity Offset Strategy (in the form of a Property Vegetation Plan or equivalent arrangement) to compensate for the impacts of the project. This Biodiversity Offset Strategy must:

- a) be prepared in consultation with the NSW Office of Environment and Heritage;

- b) quantify and categorise the biodiversity values of both the impacted site and proposed offset area(s);
- c) incorporate an area of up to 600ha (based on a 2:1 ratio of offset to disturbance) of 'like for like' vegetation;
- d) provide for the protection of significant Aboriginal site 34-1-0008; and
- e) be submitted to Council for approval by 31 December 2011, or such later date as is mutually agreed.

33. Within 6 months of the approval of the Biodiversity Offset Strategy (referred to in Condition 32 above), the Applicant shall provide appropriate long-term security for the area included in the strategy to the satisfaction of Council and the NSW Office of Environment and Heritage.

34. The Applicant shall prepare and implement a Biodiversity Offset Management Plan for the project. This plan must:

- a) be prepared in consultation with the NSW Office of Environment and Heritage and submitted to Council within 6 months of the approval of the Biodiversity Offset Strategy (referred to in Condition 32 above);
- b) describe how the implementation of the biodiversity offset strategy is to be integrated with the overall rehabilitation of the site and land management of the remaining property having regard to the applicant's intention to restore the mine site to pastoral uses to the greatest extent reasonably practicable; and
- c) include:
 - detailed performance and completion criteria for the implementation of the offset strategy;
 - a detailed description of the measures that will be implemented for:
 - weed management (both control and suppression) and monitoring;
 - management of retained native vegetation and habitat;
 - feral animal control;
 - fire management;
 - management of public access;
 - supplementary revegetation;
 - a program to monitor the effectiveness of these measures, and evaluate progress against the detailed performance and completion criteria;
 - details of how the measures contained within the plan, and the biodiversity offset strategy generally, are to be funded; and
 - details of who would be responsible for monitoring, reviewing and implementing the plan.

35. The proponent shall obtain all necessary licences and approvals for the project under the Water Act 1912 and the Water Management Act 2000.

36. The proponent shall ensure that it has sufficient water for all stages of the project and if necessary shall adjust the scale of mining operations to match the available water supply.

REASONS FOR THE IMPOSITION OF THE CONDITIONS

1. To ensure the proposed development:

- a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
- b) complies with the provisions of all relevant environmental planning instruments.

2. To ensure that the relevant public authorities have been consulted and their requirements are incorporated into the consent.

3. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.
4. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
5. To ensure the development does not conflict with the public interest.

NOTICE OF GENERAL TERMS OF APPROVAL (GTA's)

The following list of GTA's are attached and form part of this Notice of Determination:

NSW Office of Water

- General Terms of Approval – for works requiring a Controlled Activity Approval under the *Water Management Act 2000*.
- General Terms of Approval for an approval under the *Water Act 1912* for ground water bores for the Wonawinta Project.

Department of Environment, Climate Change and Water

- General Terms of Approval – Environment Protection Licence.
- Mandatory Conditions for licences under the *Protection of the Environmental Operations Act 1997*.

The NSW Roads and Traffic Authority have provided the following terms of concurrence pursuant to section 138 of the *Roads Act 1993*.

- At the intersection of the Manuka-Yarranvale Road and the Kidman Way:
 - ♦ The left turn treatment on the Manuka-Yarranvale Road is to comply with the “Type BAL” (Basic Left Turn) treatment as shown in Figure 4.8.35 of the RTA *Road Design Guide*.
 - ♦ A right turn treatment of the “Type BAR” (Basic Right Turn) is to be constructed adjacent to the southbound lane of the Kidman Way as shown in Figure 4.8.23 Rural Conditions of the RTA *Road Design Guide* (copy enclosed). The widened shoulder is to be sealed. (This is required to provide reasonable level of safety for traffic turning right into the access and to allow following Kidman Way traffic an area to pass the right turning vehicle on the left hand side).
- The Manuka-Yarranvale Road is to be sealed for a minimum of 30 metres from the edge of the northbound traffic lane of the Kidman Way. The levels of the Manuka-Yarranvale Road are to match the levels of the Kidman Way.
- A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of the Kidman Way. This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a Traffic Control Plan is required as part of this licence.
- The developer will be required to undertake private financing and construction of works on the Kidman Way, a road in which the RTA has a statutory interest. A formal agreement in the form of a Works Authorisations Deed (WAD) is required between the developer and the RTA.
- The intersection treatment at the Manuka-Yarranvale Road and the Kidman Way is to be completed prior to any other works being undertaken at the mine site.
- All works associated with the development are to be at no cost to the RTA.

NSW Industry and Investment have given support to the approval of the Wonawinta Silver Project.

The grant of development consent does not provide Cobar Consolidated Resources with the right to mine. Mining activities can only be conducted after development consent has been obtained and mining lease granted by the Minister of Resources and Energy, under the provisions of the *Mining Act 1992*.

Should the proponent lodge an application for a mining lease, the proponent may expect that any mining lease granted – provided all legislative requirements have been met – may be similar to conditions as outlined in the attached document titled “**Standard Mining Lease Conditions 2010**”. The conditions include the requirement of the preparation of a mining operations plan and the lodgement of an appropriate mining lease security.

Mining Operations Plan

The standard mining lease conditions will require the proponent to conduct operations in accordance with an accepted Mining Operations Plan (MOP). Accordingly, the proponent is required to seek the approval of I&I NSW for a MOP for this mine development. The proponent must not commence mining or mining related activities prior to receiving approval of the MOP from I&I NSW. It is expected that further identification of rehabilitation objectives and completion criteria will need to be included in the Mining Operations Plan/Rehabilitation Plan.

Mining Lease Security

The security required to be lodged for the mining lease, to fulfil the proponent's obligation to rehabilitate areas disturbed by mining, will be subject to a self assessment process by the proponent. This will be certified by I&I NSW to ensure that the security amount is sufficient to rehabilitate areas to be disturbed by associated mining activities.

The meeting concluded at 6.55pm

Endorsed by

Gabrielle Kibble
Chair, Western Joint Regional Planning Panel
27 May 2011