

31 January 2012



Ms Angela Kenna  
Project Officer  
Panel Secretariat  
Joint Regional Planning Panels  
23-33 Bridge St  
Sydney NSW 2000

Dear Angela,

**Re: Application to Modify Development Consent 2010/LD-00074**

I refer to the Cobar Shire Council Assessment Report to Western Region Joint Regional Planning Panel dated 16 January 2012 ("the Report") regarding the abovementioned Application.

Cobar Consolidated Resources Ltd ("CCR") wishes to make a number of submissions in respect of the Report.

These submissions have been prepared to assist the Panel in its consideration of CCR's Application to Modify Development Consent 2010/LD-00074 granted on 24 May 2011. The submissions also respond to matters raised, and new consent conditions proposed, by Cobar Shire Council ("CSC") in the Report.

CCR is sending a copy of this letter to CSC at the same time as it is sent to you in order that CSC has time to consider whether or not the matters raised in its Report, and the new consent conditions it has proposed, are entirely appropriate.

**Submissions**

1. CCR notes that substantial progress has been made in carrying out preparatory works for the Wonawinta mine since the grant of approval by the Panel last year.
2. Of the three (3) matters for which amended consent is now sought;
  - (a) An alternative water source
  - (b) The re-alignment of the access road; and
  - (c) The timing and nature of road upgrade works,

CCR is primarily concerned with the suggested road upgrade works conditions for reasons of time, cost and logistics.

3. CCR submitted to current consent condition 27 [1] prior to the Panel hearing in Cobar last year as it had understood it was required by CSC as a pre-condition to CSC obtaining a grant of funds from the State Government for road upgrading. CCR was prepared to agree to that condition to support CSC's funding application.

4. CCR now understands that the funding sought by CSC will not be forthcoming and, accordingly, the road will remain a dirt road for at least the expected life of the mine.
5. Furthermore, the scope and nature of the upgrading works comprised in current consent condition 27 are considered to be far in excess of the safe transport requirements for the road, as confirmed in the (Summary Section) of the Report prepared by the TGM Group Pty Ltd [2].
6. In response to the requested deletion of the timing provision in current consent condition 27, CSC has proposed a raft of additional conditions which will result in unreasonable and unnecessary expense and delay.
7. CCR's comments on CSC's proposed conditions as contained in its Report are as follows:

#### **Additional Conditions**

37. Upgrading works on the Shire Roads to be commenced within 1 month of mining commencing and to be completed within 7 months of mining commencing.

See proposed alternate condition at paragraph 8 below. It provides a practical and realistic timeframe in which to complete the road upgrade taking into account the comments provided in points 3,4,5, and 6 above.

38. Prior to mining commencing, Council to be provided with a copy of the binding contract with authorised contractor for the road works.

This condition serves no proper planning purpose and is unreasonable and unnecessary.

39. Prior to upgrading work on road being commenced, maintenance grading to be undertaken on the road monthly by a Council authorised contractor during the construction stage of the mine.

Generally agreed (and being undertaken by CSC at CCR's expense already)

40. Prior to mining commencing, Council to be provided with a copy of the binding contract with the authorised contractor for the maintenance works.

This condition serves no proper planning purpose and is unreasonable and unnecessary.

41. A Bank Guarantee with no lapsing date in favour of Cobar Shire Council, subject to CPI indexing 6 monthly, to cover value of upgrading contract to be provided to Council prior to mining commencing.

This is unreasonable and unnecessary given the language of existing condition 27, ie: *The required upgrading works must be financed by the developer at no cost to Cobar Shire Council.*

42. That Cobar Consolidated Resources Limited (**CCR**) provide Council with appropriate test results for material to be used ex-site for road construction work to determine its suitability prior to mining commencing. Should the material not be suitable, CCR to advise Council where appropriate material will be sourced prior to mining commencing.

As amended to read as follows, this is acceptable:

*The applicant shall upon request and for information purposes only, provide Council with the results of testing of the material to be used ex-site for road construction work.*

43. The applicant must apply for and obtain a Licence from the NSW Department of Primary Industries Crown Lands Division in respect of the borefield on the "Wirlong" property and the water pipeline between the mine site and the "Wirlong" property.

This Crown Lands licence has already been obtained (LI 491545) so the condition is not necessary.

44. Road construction material sourced externally from the identified mining area must be from a quarry that has a current Crown Lands Licence for "Extractive Industries"

CCR is willing to consent to this condition on the assumption that the Cobar Shire Council quarries are appropriately licensed and that they have sufficient material available to meet CCR's needs. If that is not the case, then CCR submits that the condition should be amended to read as follows;

*Road construction material sourced externally from the identified mining area must be from a quarry that has a current Crown Lands Licence for "Extractive Industries" or from a quarry operated by Cobar Shire Council. Should a quarry operated by Cobar Shire Council have insufficient material available to meet CCR's needs in the timeframe specified for the road upgrade to be completed, then the timeframe shall be extended for such amount of time as is necessary to enable sufficient material to be extracted.*

45. The existing vehicle access driveway to the "Manuka" property from the Bedooba Road (SR 13 B) must be upgraded to achieve a suitable standard to service the proposed development. As a minimum the design of the upgraded driveway must address the following and be subject to any relevant approval under the *Roads Act 1993*.

- (a) design to generally conform to the standard rural property access treatment as described in Austroads Guide to Road Design;
- (b) the access is not to interfere with longitudinal drainage adjacent to the Bedooba Road. If required a suitably sized reinforced concrete culvert is to be installed under the access.

(c) any gate, grid or similar structure constructed on the access must be positioned to provide suitable storage capacity for the largest class of vehicle requiring access to the property off the carriageway of the Bedooba Road.

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

(d) the design is to consider the need for servicing mail delivery vehicles.

This condition is unnecessary. The driveway has already been upgraded at CCR's cost and with the knowledge of the CSC Engineers. Imposing a condition such as this post construction serves no useful purpose whatsoever.

46. The mine access road must be provided with engineered road-side drainage designed and constructed to comply with the requirements of *Managing Urban Stormwater - Soils and Construction – Volume 2C Unsealed Roads* published by the Department of Environment and Climate Change in 2008 (DECC, 2008a) as specified in the statement lodged with the modification application.

This condition is inaccurate and unnecessary. No statement lodged by the Applicant referred to the DECC publication and the access road has already been constructed with the knowledge of the CSC Engineers. In any event, the topography of the land and location of the road does not result in any significant erosion or sedimentation problems. Hence the aim of the DECC publication has been met. Imposing a condition such as this post construction serves no useful purpose whatsoever.

47. The modified mine access road and water pipeline must be included in the Water Management Plan required by condition 15 of this consent.

No comment

48. Works to comply with condition 46 of this Consent must be completed prior to mining operations commencing.

Refer to comment re 46 above. ie This condition is unnecessary.

#### **Advice to Applicant**

(c) Condition 5 of Development Consent 2010/LD-00074 regarding the need for approval under s138 of the *Roads Act 1993* remains applicable and must be satisfied. In this regard an application lodged with Council for approval for work on Shire Roads 13B and 14 must be accompanied by appropriate engineering details and plans including:

- (i) Project Management Plan
- (ii) Quality Management Plan
- (iii) Safety Management Plan

The requirements listed here are inextricably linked to suggested condition 37. CCR should not be responsible for its inability to meet Condition 37 in its suggested form

if CSC is unable to approve the plans listed above in a sensible timeframe. See proposed alternate condition (to suggested condition 37) at paragraph 8 below.

8. CCR urges the Panel to reject CSC's additional conditions and instead submits that condition 27 be amended as follows:

*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 'traffic surface' of 6.0m and 1.0m wide shoulder each side*
- *A 150mm compacted thickness of 'site-won' sandstone or similar for the full 6.0m width of the 'traffic surface' in areas of moderate distress (approximately 5km)*
- *Grading works of the existing pavement material in the areas showing minor signs of rutting or surface defects*
- *Maintenance works and additional signage of existing cattle grid crossings*
- *Construction of crushed rock/spall 'ford' at each floodway and Sandy Creek crossing*
- *Improved signage*

*The applicant shall upon request and for information purposes only, provide Council with the results of testing of the material to be used ex-site for road construction work.*

*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 applicant must complete the last five points of the abovementioned upgrade work within 7 months of the commencement of mining operations. The remainder of the upgrading works must be completed within 24 months of the commencement 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.*

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## Footnotes

[1] Consent condition 27 provides:

"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."

[2] Report from TGM Group date 31 January 2012

Yours sincerely,



Ian Lawrence

Managing Director

Cobar Consolidated Resources Ltd