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In your reply please quote:



*"Regional Centre in Western NSW"*

Cobar Shire Council Offices:  
36 Linsley Street  
Cobar NSW 2835  
ABN 71 579 717 155

Ref:  
GR:CH

15 February 2012

Paulina Hon  
Manager  
Regional Panel Operations  
GPO Box 3415  
Sydney NSW 2011

Dear Ms Hon,

**Re: Wonawinta Silver Mine Project – Application to Modify Development Consent  
2010/LDA-00074**

I refer to your letter dated 8 February 2012 and hereby submit my comments in response to the submission made by the applicant dated 31 January 2012.

Further, a copy of a public submission received by Council on 10 February 2012, concerning the Wonawinta Project which in part relates to the subject modification application is provided for the information of the Panel Members in Attachment 1. Assessment of the application as detailed in my report identified the proposal as integrated development requiring the grant of an Aboriginal Heritage Permit. The application was referred to the NSW Office of Environment and Heritage. Notice of the application was provided to the author of the submission and to the Cobar Aboriginal Lands Council. Copies of relevant letters are provided with Attachment 1.

The review of the applicant's issues raised in their submission dated 31 January 2012 included a referral to Cobar Shire Council's Director of Engineering Services being the officer responsible for the management of Councils road network. A copy of the comments received in response to this referral is provided in Attachment 2.

The review also checked provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as relevant to an application to modify a development consent. Unlike a development application which may be amended under clause 55 of the regulation there appears to be no power to amend an application to modify a development consent.

This point is important and requires consideration by the Panel particularly given that the applicant's letter dated 31 January 2012 appears to be proposing a significant amendment (e.g. submission items 2 and 8) to the application lodged with Council and subject to the Assessment Report. The proposed amendment to condition 27 of Development Consent 2010/LD00074 as proposed by the applicant in submission item 8 is substantially different to the application documents that were lodged with Council and placed on public exhibition. Extracts from the application documents are provided in Attachment 3 to demonstrate the difference.

The changes to the standard of upgrading works required on the public road network as proposed by the applicant in their amended condition 27 is considered to be a substantial reduction in the standard required by the existing consent. Any such proposal whether by an amendment to the subject application or a further application should be subject to public notification to ensure due process is followed.

The following comments are also provided in respect of each of the eight (8) submission items contained in the applicant's letter dated 31 January 2012. These comments should be read in conjunction with the comments contained in Attachment 2, particularly relating to issues associated with the condition and management of Cobar Shire Council's roads.

### **Submissions by CCR**

#### **Item 1**

*"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."*

Works carried out to date on the site includes works already completed or commenced and covered by the current application to modify the consent.

#### **Item 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."*

This submission appears to be seeking to amend the application lodged with Council by introducing the proposal to change the nature of road upgrading works.

It is recommended that the Panel consider whether it is appropriate for these amendments to form part of the application to be determined.

The proposed development as lodged with Council is considered to be correctly described on page 1 of the Assessment Report.

### **Item 3**

*"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."*

The grant application referred to in the submission was a separate issue unrelated to the assessment of Development Application 2010/LD-00074.

Condition 27 was recommended in the assessment report on the basis of the subject roads being incapable of adequately servicing the proposed development. The reasons behind the condition have no link to the grant application.

### **Item 4**

*"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."*

The grant application referenced in items 3 and 4 is unrelated to the need for the upgrading works required in condition 27. A successful grant application had the potential of reducing on going maintenance during the life of the mine. However it would not relieve the applicant of any compliance obligations required by Condition 27.

The proposed mining development necessitates the upgrading work as the subject roads are considered to be inadequate to service the development.

### **Item 5**

*"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]."*

The report prepared by TGM Group Pty Ltd was not part of the modification application lodged with Council. This report forms part of the amendments now being proposed by the applicant.

The Director of Engineering Services does not support the proposed amended condition 27. Refer to comments in Attachment 2.

### **Item 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."*

The original consent was granted on the basis of the required upgrading works to affected shire roads being completed prior to commencing mining operations. The application to modify the consent as detailed in the Assessment Report was assessed as being reasonable subject to additional conditions and General Terms of Approval as proposed in the recommendation. Deletion of the conditions is not supported.

#### **Item 7 – Additional Conditions**

Refer to comments provided by the Director of Engineering Services provided in Attachment 2 regarding additional conditions 37, 38, 39, 40, 41, 42 and 45.

Condition 43 was recommended on the basis of comments received from the Department of Primary Industries. There is no objection to deletion of this condition subject to providing evidence of the required licence having been issued. Otherwise, if evidence is not provided prior to determination of the application there is no obvious reason for objection to the condition given the purported satisfaction of this condition.

Condition 44 was recommended on the basis of comment received from the Department of Primary Industries. The proposed amendment by the applicant is not supported. However, for the purpose of assisting interpretation of the condition it is recommended that the condition be altered as follows;

- “44. Road construction material sourced externally from the identified mining area must be from a quarry if located on Crown Land including Western Land Leases, that has a current Crown Lands Licence for ‘Extractive Industries’.”

Condition 46 was recommended on the basis of the assessment identifying the need for environmental control measures to stabilise and manage the disturbed areas of the site as being essential to mitigate potential adverse impacts. This condition is consistent with the statement prepared by the applicant and lodged with the modification application. This can be evidenced by referring to the sixth page of the documents contained in Appendix 4 of the Assessment Report.

The deletion of this condition is not supported.

Condition 47 to stand as recommended.

Condition 48 to stand as recommended on the grounds of condition 46 remaining in the recommendation.

#### **Item 8**

The review of the Assessment Report in light of the submission made by the applicant dated 31 January 2012 does not support the applicant’s proposal for the Panel to reject the recommended additional conditions.

The amended Condition 27 as proposed by the applicant is considered to be a substantial change to the application lodged with Council and subject to the Assessment Report. The proposed lessening of the standard of work on Shire Roads SR13B and SR14 as offered by the applicant is not supported by the Director of Engineering Services.

The amendments to the modification application as proposed by the applicant and incorporated into their amended Condition 27 have not been subject to public notification.

In conclusion it is recommended that consideration should not be given to the amendments proposed by the applicant in their letter dated 31 January 2012 and that the application to modify Development Consent 2010/LDA-00074 as originally lodged with Council be approved as per the recommendation on page 5, 6 and 7 of the Assessment Report except that additional Condition 44 be amended to read;

- “44. Road construction material sourced externally from the identified mining area must be from a quarry if located on Crown Land including Western Land Leases, that has a current Crown Lands Licence for ‘Extractive Industries’.”



Garry Ryman

**DIRECTOR OF PLANNING AND ENVIRONMENTAL SERVICES**



# COBAR SHIRE COUNCIL

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Gary Woodman, General Manager  
PO Box 223 COBAR NSW 2835

## **NOTICE OF APPLICATION TO MODIFY DEVELOPMENT CONSENT** **WONAWINTA SILVER PROJECT**

*Environmental Planning & Assessment Act 1979 Section 96 (2)*

An application to modify Development Consent 2010/LD-00074 granted for the development and operation of an open cut silver and lead mine on the "Manuka" property has been lodged with Cobar Shire Council by Cobar Consolidated Resources Limited.

The modification being sought is detailed below.

To obtain approval for:

1. the sourcing of water for the mine project from a ground water source on the "Wirlong" property,
2. a water pipeline between the mine site and the "Wirlong" property,
3. the realignment of the Mine Access Road,
4. a variation to condition 27 to change the completion date for upgrading works to the Bedooba (SR 13B) and Manuka (SR 14) Roads.
5. The winning of gravel from the identified mining area for road construction.

Land to be developed:      Lot 1 DP1164142; WLL 6238, "Manuka"  
                                     Lot 863 DP761939; WLL 2810, "The Bluff"  
                                     Lot 864 DP 761940; WLL 2811, "Buckambool"  
                                     Lot 5074 DP 45018; WLL 12903, "Belford"  
                                     Lot 4225 DP766852; WLL 9260, "Lachlan Downs"  
                                     Lot 3633 DP766015, WLL 6239, "Wirlong"  
                                     Part of Bedooba Road (SR13B) – Road Reserve  
                                     Part of Lerida Road (SR 13A) – Road Reserve

Written submissions concerning the proposed modification may be made to Council up until 4pm, 16 November 2011. During the submission period, any person may inspect the application and any accompanying information at the Council Administration Office and make extracts from or copies of them.

The application is also available on Council's website. [www.cobar.nsw.gov.au](http://www.cobar.nsw.gov.au)

If the application to modify is approved, there is no right of appeal to the Court by an objector.



Ref: 2010/LD-00074. Pt/5  
GJR:KAB

31 October 2011

Cobar Local Aboriginal Lands Council  
23 Railway Pde  
COBAR NSW 2835

Dear Sir/Madam


**RE: NOTICE OF APPLICATION TO MODIFY DEVELOPMENT CONSENT**  
**WONAWINTA SILVER PROJECT**

I am writing to give notice in accordance with clause 118 (3) of the *Environmental and Assessment Regulation 2000* of an application to modify Development Consent 2010/LD-00074.

A copy of the public exhibition notice is attached. The application and accompanying information will be available for inspection at the Council Administration Office. The application will also be available on Council's website on the 2 November 2011. [www.cobar.nsw.gov.au](http://www.cobar.nsw.gov.au)

If you require further assistance in this matter please do not hesitate to contact me at Council Chambers during office hours on 02 6836 5888.

Yours faithfully



Garry Ryman

**DIRECTOR OF PLANNING AND ENVIRONMENTAL SERVICES**

## Attachment 2

Garry

I have looked at additional info from CCR and make the following comments;

**Condition 37** – Their suggested change to Condition 27. An amendment of this condition (27) is not acceptable. Their Engineers Report carries very little value as it was based on an assessment of the road during a dry period immediately (within 1 month) after a maintenance grade of this road. If this assessment had been undertaken two weeks later following rain a completely different picture would have been observed.

The use of sandstone on a public road is not acceptable. The material observed appears to have a high silt content and when wet will become very greasy. Using this type of material road when vehicle speeds of up to 100 kph will occur would create a significant safety problem.

### **Grids**

The width of the existing grids is already creating issues with the mine having to remove fences to get wide loads along the road. These grids will create more problems when additional heavy traffic use the road during mining operations, therefore replacement of the grids with double grids is the only option.

### **Causeways**

Permanent concrete causeways are the only solution to reduce future maintenance problems and to reduce/eliminate road closures during wet weather.

The recommended condition 37 (Timing of Works) should supported.

**Condition 38** - The reason for this condition is that the mining company has shown a reluctance to commit to work on the road network. It is my belief unless there is a binding contract in place they will continue to delay completing the work.

**Condition 39** – Although this clause is agreed to CCR continue to delay committing to maintenance grading. It has been over two months since the road was last graded and no approach has been made by the company to Council to get the road graded again. Council is not in a financial position to undertake the work without financial commitment by CCR.

**Condition 40** – As noted for condition 38 and 39.

**Condition 41** – This condition is recommended to protect the Cobar Shire Ratepayers from unnecessary expense should the mining company fail to met its obligations. It is not an unreasonable protection for ratepayers for any development.

**Condition 42** – Council as the roading authority ultimately decides what material should be used on its roads. If suitable material is not available from the mine site it will NOT be used on Council's roads. The provision of test results is the only way to determine if the material is suitable.

**Condition 43 and 44** – No comment

**Condition 45** – The existing entranceway that has been built is appropriate (and was approved by Council Engineers) in terms of horizontal alignment. However CCR chose to built the vertical alignment higher than the existing road and out over the existing road. This has created a potential hazard for vehicles using the road as a through road (ie not accessing the mine site), therefore this hazard needs to be eliminated. To eliminate the hazard gravel sheeting of the road in the vicinity of the entranceway needs to be undertaken as a matter of priority or the existing entranceway needs to be lowered. The Council as road authority needs to ensure safety for all its road users and again ultimately decides if the entranceway is suitable.



Remaining conditions do not affect the Council's roads.

It should also be noted that SR13 north of SR14 appears to be being used by mine related traffic. CCR should be reminded of the conditions of the consent in relation to this road.

**Stephen Taylor**  
Director Engineering Services  
Cobar Shire Council  
Ph: 02 6836 5888  
Fx: 02 6836 5889

## Attachment 3



### 5. Office of Environment and Heritage

No new quarry is proposed. Rather, approximately 93,000m<sup>3</sup> of material is proposed to be removed from inside the southern end of the permitted outline of the South Central Pit (as detailed in the EIS). A map depicting the location of the area of the South Central Pit from which the material will be extracted is attached.

Accordingly, there will be no change to infrastructure, erosion and sediment control measures, proposed measures to protect threatened species and Aboriginal Cultural Heritage issues, from those already outlined in the EIS.

### 6. Cobar Shire Council – Engineering Staff

Once the pit is deepened to expose the suitable material, the material will either be tested on access roads within the site or sent to a testing facility to provide grading and a CBR. The testing of the material will be under heavily trafficked roads within the site and may include stabilising to improve the durability properties. Should the material prove not to be suitable, it will not be used for road re-construction. Rather, sources external to the site will be utilised.

Garry, we would appreciate you processing this information as a matter of urgency in order that you can prepare your report for the Western Regional Joint Planning Panel. Please do not hesitate to contact me if you require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Reeves', with a stylized flourish at the end.

Stephanie Reeves  
Legal Counsel  
Cobar Consolidated Resources Limited

## **Roads**

### **Mine Access Road**

CCR is seeking a modification of Development Consent 2010/LD-00074 to allow the Mine Access Road to be realigned to utilise the existing "Manuka" property intersection with Shire Road (SR) 13 (Cobar-Bedooba Road) and to follow the existing Manuka homestead road West, veering North and then West along an existing farm track, then extend West to the car park of the Processing Plant and Office Area. Refer to Map in Appendix A.

### **Shire Road Reconstruction**

CCR is seeking a modification of Development Consent 2010/LD-00074 Condition #27 to recognise that the upgrade of the shire roads will not be completed prior to the commencement of mining operations. Instead, it will be completed in accordance with the timetable agreed between CCR and the Cobar Shire Council Engineering staff at a meeting held on 7<sup>th</sup> September and as confirmed in a letter sent to CSC from CCR attached as Appendix B. As explained below, this request is made in order to address the issue with regard to the timing of the winning of gravel for the upgrade project.

**115(1)(e) a statement that indicates either;**

**(i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or**

**(ii) that the modification is intended to have some other effect, as specified in the statement.**

## **Water**

As noted previously, the approved water source for the Woniawinta mine is the McKinnon's Mine borefield 52km to the north of the Project Site.

The concept of looking for water closer to the Project Site than the McKinnon's Mine borefield has been understood by all stakeholders for some time. For example, reference was made in section 2.4.2.2 of the EIS to one possible source of water on CCR's own Manuka property.

CCR now wishes to obtain approval for the sourcing of water for the Project from a groundwater source identified on the Wirlong property, 1.3 km from the Project Site, and to the transportation of that water north to the Project Site via a water pipeline.

## **Roads**

### **Mine Access Road**

The modification of the development consent is intended to ensure that the construction of a shorter Mine Access Road to the Project Site is approved.

### **Shire Road Reconstruction**

possibly better, options to consider. Likewise, Development Conditions 33 and 34 will not be affected by the proposed realignment.

- To ensure there are no environmental or cultural impacts upon the area across which the Mine Access Road is proposed to be re-aligned, CCR commissioned OzArk Environmental & Heritage Management Pty Ltd to undertake both a Terrestrial Ecology Assessment (Appendix E) and a Cultural Heritage Assessment (Appendix F) which compliment the original assessments contained in the EIS. The Ecological Assessment concluded that "Impacts associated with the Haul Road (which is the same as Mine Access Road) are minimal and discreet." No threatened flora, fauna, threatened ecological communities, critical habitat or endangered populations were recorded in the area and the project would not adversely affect local biodiversity. The Cultural Heritage Assessment found no additional sites or artefacts within the road re-alignment area.
- It has been suggested that the proximity of the new access road to the "Manuka" homestead might create a noise issue. CCR, as the owner of Manuka, has not yet determined who, if anyone, will live in Manuka homestead. However, as owner it is possible for CCR to adequately address any issues with noise that might arise.

#### **Shire Road Reconstruction**

CCR is committed to carrying out the upgrade project as required pursuant to Development Consent Condition#27. However, it is impossible to complete the upgrade of the shire roads unless CCR can access suitable quality material and in the quantity necessary to undertake these works. Material has been identified within the existing mining area. Yet in order to access and extract material of suitable quality and quantity to complete the 27 km road upgrade project, CCR needs to commence quarrying or mining prior to the completion of the road upgrade project, not afterwards. CCR is committed to undertaking the upgrade project in a realistic timeframe as discussed with CSC, who will be contractor for the project. In the meantime, CCR intends to comply with the requirements of Condition #28 regarding ongoing maintenance of the shire roads.

**115(1)(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved.**

#### **Water**

The development for which consent modification is sought, remains substantially the same development as the development for which the consent was originally granted. The requirements of water for the Processing Plant as noted under the section referable to 115(1)(b) above, remain in excess of the surface water and groundwater harvesting capacity of the Project Site. Water therefore has to be obtained from an external source and delivered to the Project Site. This development consent modification merely clarifies from which source water will be sourced and how it will be transported to the Project Site.

#### **Roads**

#### **Mine Access Road**

The development for which consent modification is sought, remains substantially the same development as the development for which the consent was originally granted. The requirement for an access road to the Project Site has always been recognised. This development consent modification merely recognises there is a more direct, and arguably more beneficial (from an environmental, economic and safety point of view) route to the Project Site.

#### **Shire Road Reconstruction**

The development for which consent modification is sought remains exactly the same as the development that was originally approved. All that has changed is the time by which the shire road upgrade project must be completed.



9 September 2011

Mr Stephen Taylor  
Director Engineering Services  
Cobar Shire Council  
PO Box 223  
Cobar NSW 2835

Dear Stephen,

**Development Approval**

**Cobar Consolidated Resources Limited (CCR) Wonawinta Silver Project**

**Condition 27 – Upgrade Bedooba and Manuka Roads and General Term of Approval pursuant to s138 Roads Act 1993 re Intersection of Manuka Road and Kidman Way**

We appreciated the time you, Peter Morgan, and Maurice Bell took on Wednesday to meet and discuss plans for the upgrade of Manuka Road -Shire Road 14 and Bedooba Road- Shire Road 13 and the project to improve the Intersection of Manuka Road and the Kidman Way.

It is our understanding that we have agreed on the following course of action:

- 1) Maurice Bell will provide CCR with an electronic version of the Kidman Way Intersection plan to us via email and an updated cost estimate for the Manuka Road/Kidman Way Intersection Project which will including the cost for eight double-wide grids.
- 2) CCR will submit this plan to the RTA for approval.
- 3) After viewing the Wonawinta quarry and the currently available rock materials, CCR and CSC have agreed that it would be best to wait until CCR accesses more suitable material for the full road upgrade project from deeper in the quarry.
- 4) CCR and CSC have agreed to an interim solution to improve the road conditions, whereby, CCR will deliver road material, such as those currently being used on the Wonawinta Access Road, to the areas of Manuka Road most in need of immediate repair and the Cobar Shire Council, in turn, has agreed to use those materials to fill in washouts etc, and provide a light grade of Manuka Road to make it passable until the larger road upgrade can commence.
- 5) CCR and CSC have agreed that they will commence a joint project to upgrade Manuka Road and Bedooba Road (DA Condition 27) in January 2011 to be completed by April 2012 including:
  - 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 causeways located at 8.0km, 9.8km, 10.9km and 27.7km along the route measured from the Kidman Way.

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