

**DETERMINATION OF A DEVELOPMENT
APPLICATION
FOR STATE SIGNIFICANT DEVELOPMENT
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

I, the Minister for Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979*, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 3.

The reason for the imposition of the conditions is to:

- (i) Minimise any adverse environmental impacts associated with the development;
- (ii) Provide for the on-going environmental management of the development; and
- (iii) Provide for regular monitoring and reporting on the development.

This instrument includes changes made by MOD 25-3-2007 in July 2007 (marked in blue)

This instrument includes changes made by DA 246-8-2002i MOD 2 in July 2008 (marked in red)

This instrument includes changes made by DA 246-8-2002i MOD 3 in December 2008 (marked in green)

Andrew Refshauge MP
Minister for Planning

Sydney, 2002 File : S02/01615

SCHEDULE 1

Development Application: DA No. 246-8-2002-i

Applicant: Sydney Gas Operations Pty
Limited

Consent Authority: Minister for Planning.

Land: Lot 2 DP 594242, Kay Park, 790
Remembrance Drive, Razorback

Proposed Development:

- The connection of 3 existing wells (KP1, KP2, and KP3) to the Ray Beddoe Treatment Plant (in accordance with the attached plan), and the continued production and sale of methane gas from the 3 wells.
- The construction, drilling and operation of 1 Surface to in-seam well (KP05) and 1 Directional well (KP06) from KP01.

State Significant Development:

The proposed development is State Significant development by virtue of a Declaration made by the Minister for Planning on 19 December 2001 under Section 76A of the *Environmental Planning and Assessment Act 1979*.

SCHEDULE 2

DEFINITIONS

The Act	<i>Environmental Planning and Assessment Act 1979</i>
The Applicant	Sydney Gas Operations Pty Ltd
DA	Development Application
The Department	The Department of Planning
The Director-General	The Director-General of the Department of Planning, or her delegate
DECC	Department of Environment and Climate Change
DPI	Department of Primary Industries
DWE	Department of Water and Energy
Fracture Stimulation	The process by which coal seams are hydraulically fractured (fraced) by pumping a mixture of sand and water under high pressure into the seam until the coal fractures, in order to establish porous pathways to allow gas to flow

	back to the well from a larger drainage area.
Production Lease	Petroleum Production Lease under the <i>Petroleum (Onshore) Act 1991</i>
SIS	Surface to in-seam

SCHEDULE 3

CONDITIONS OF CONSENT

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction or operation of the development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA submitted to the Department on 2 August 2002; and
 - (b) *Sydney Gas Operations Pty Ltd Kay Park CBM Project Prospecting Exploration Licence 2 Statement of Environmental Effects Exploration Drilling & Gas Gathering Operations*, dated 15/4/02 and prepared by Harvest Scientific Services;
 - (c) *Addendum to Report Camden Coal Bed Methane Project – Kay Park Pipeline Archaeological and Heritage Assessment*, dated May 2002 and prepared by New South Wales Archaeology;
 - (d) Conditions of the consent for DA No. 15-1-2002-i dated 23 July 2002;
 - (e) Modification Application MOD 25-3-2007 and “*Camden Gas Project Joint Venture Gas Well and Gathering Line Modification Project Statement of Environmental Effects*”, dated March 2007;
 - (f) Modification Application DA 246-8-2002i MOD 2 and “*Camden Gas Project: Kay Park and Loganbrae Gas Gathering Line Modification Project Statement of Environmental Effects*”, dated July 2008;

- (g) Modification Application DA 246-8-2002i MOD 3 titled “Camden Gas Project – Modification KP06 SIS to Directional”, dated October 2008; and
- (h) Conditions of this consent.

If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

Period of Approval

- 3. This approval is for a period of twenty one (21) years from the date of granting of the production lease.

Special Condition of Approval

- 3A. The Applicant shall not produce gas from any well until a Production Lease under the *Petroleum (Onshore) Act 1991* has been obtained for the full length of the well.

Redrilling and Refracking Management Plan

- 4. For the purposes of this consent the redrilling and/or additional fracing of a well does not constitute wellhead maintenance.
- 5. The Applicant shall obtain the approval of the Director-General for the redrilling and/or additional fracing of a well.
- 6. The Applicant shall prepare and submit to the Director-General a Redrilling and Refracking Management Plan (in accordance with Condition 10 of the consent for DA No. 15-1-2002-i dated 23 July 2002) for the redrilling and refracking of an existing well.
- 7. The Applicant shall give written notification of the proposed redrilling/refracking work to potentially affected residences and other noise sensitive receivers at least fourteen days prior to work commencing.

Compliance

8. Throughout the life of the development, the Applicant shall secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.
9. The Applicant shall take all reasonable steps to ensure that all of its employees, contractors and subcontractors are made aware of, and comply with, the conditions of this consent relevant to their respective activities.

Production Operations Plan

10. The Applicant shall prepare a Production Operations Plan (POP) for the approval of the [DPI](#). The POP shall have regard to the conditions of this consent and the Environment Protection Licence under the *Protection of the Environment Operations Act 1997*. The POP will form the basis for the:
 - (a) ongoing operations and environmental management; and
 - (b) ongoing monitoring of the development.

A copy of the POP shall be forwarded to the Department within fourteen days of the [DPI](#)'s acceptance.

Environmental Management Plan

11. The Applicant shall amend the Environmental Management Plan required under Condition 15 of the consent for DA No. 15-1-2002-i dated 23 July 2002, to include the operation of KP1, KP2, [KP3](#), [KP05](#) and [KP06](#) and the associated gas gathering system.

Condition Report

12. The Applicant shall prepare a Condition Report on residences and structures that may be potentially affected by drilling/fracking work, including the redrilling and refracking of an existing well.

The Applicant shall undertake an inspection of the residence and/or structure prior to work commencing, and a follow up inspection within one month of the completion of the work. The Applicant shall take immediate action for repair of any damage to the residence or structure as a result of the work and to avoid any further damage. A

copy of the Condition Report shall be submitted to the Director-General and the [DPI](#) after completion of the work.

Incident Reporting

13. The Applicant shall notify the [DECC](#), [DPI](#) and the Director-General of any incident with significant off-site impacts on people or the biosphere environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the Director-General, the [DECC](#), [DPI](#), and Wollondilly Council within seven days of the date on which the incident occurred.
14. The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with Condition 13 of this consent, within such period as the Director-General may agree.

Complaints Register

15. The Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
 - (a) the date and time, where relevant of the complaint;
 - (b) the means by which the complaint was made;
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaints;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the [DECC](#) or the Director-General upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.

Annual Environmental Performance Reporting

16. The Applicant shall include the operation of KP 1, KP2, [KP3](#), [KP05 and KP06](#) and the associated gas gathering system, and the conditions of this consent, in the Annual Environmental Performance Report required under Condition 34 of the consent for DA No. 15-1-2002-i dated 23 July 2002.

Independent Environmental Audit

17. The Applicant shall include the operation of KP 1, KP2, [KP3](#), [KP05 and KP06](#) and the associated gas gathering system, and the conditions of this consent, in the Independent Environmental Audit required under Condition 35 of the consent for DA No. 15-1-2002-i dated 23 July 2002.

Noise – Well Maintenance

18. The Applicant shall apply all feasible and reasonable noise mitigation measures to planned well maintenance activities in order to achieve the noise limits specified by Condition 38 of the consent for DA No. 15-1-2002-i dated 23 July 2002. Where the noise limits are not achievable the Applicant shall implement management practices as necessary to minimise the potential noise impacts. These management practices are to include, but not be limited to:
 - (a) appropriately informing affected residences and other relevant parties at least two weeks in advance of any planned well maintenance activities and updating the information as required;
 - (b) documenting and implementing any specific work practices the Applicant will employ to limit noise;
 - (c) documenting the feasible and reasonable noise mitigation measures that will be undertaken to reduce noise impacts from planned well maintenance activities; and
 - (d) conducting noise monitoring where appropriate.

Noise – Drilling and Fracture Stimulation Impacts

19. The Applicant shall implement management practices as necessary to minimise the potential noise impacts from any drilling and fracture stimulation works. These management practices are to include, but not be limited to:

- (a) identifying all potentially affected noise sensitive receivers (including residences, schools, commercial premises and noise sensitive equipment) that may be affected by these wells;
- (b) predicting potential noise levels from the proposed well drilling and fracture stimulation methods where appropriate;
- (c) identifying and implementing all reasonable and feasible noise mitigation measures to reduce any noise impacts;
- (d) documenting and implementing any specific work practices the Applicant will employ to limit noise; conducting noise monitoring where appropriate;
- (e) conducting noise monitoring where appropriate; and
- (f) appropriately informing affected residences and other relevant parties at least two weeks in advance of any drilling or fracture stimulation works with a view to negotiating a mutually beneficial time to schedule fracture stimulation works.

Construction Hours

19A. The Applicant shall ensure that all construction work (except for the drilling (including well casing and grouting) of SIS wells), shall only be conducted between 7.00am and 6.00pm Monday to Friday and between 8.00am and 1.00pm Saturdays, unless inaudible at any residential receiver.

Note: Inaudible means that the construction activity cannot be heard by the human ear at the nearest affected residential receiver.

Construction Noise Criteria for SIS and Directional Wells

19B. Noise from the drilling and construction of KP05 and KP06 shall not exceed the sound pressure level (noise) limits in the table below:

Receiver Location	Weekday (7.00am-6.00pm) Saturday (7.00am-1.00pm)	Saturday (1.00pm-6.00pm) Sunday (7.00am-6.00pm)	Evening (6.00pm-10.00pm)	Night (10.00pm-7.00am)
Nearest Receiver	53	48	41	35

Water Quality Impacts

20. Except as may be expressly provided for by a licence under the *Protection of the Environment Operations Act 1997*, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* in carrying out the development.

Waste Water

21. Waste water from the construction, installation and operation of wells and associated infrastructure shall only be applied to the following areas:

- (a) dust suppression on any unsealed roads within the site;
- (b) irrigated onto pastures within the site;
- (c) evaporation dam; and
- (d) reinjection into gas wells.

The Applicant shall prepare a detailed feasibility study of reinjection of waste water into a gas well if this method of disposal of waste water is proposed. The approval of the Director-General shall be obtained for reinjection of waste water into a gas well.

22. Spray from waste water application shall not drift beyond the boundary of the waste water utilisation area to which it is applied.
23. The Applicant shall ensure that areas proposed to be used for waste water application can effectively utilise the waste water. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the liquids. The Applicant may be required to undertake monitoring of land and receiving waters to determine the impact of waste water application.
24. The Applicant shall ensure that all waste water that is used for dust suppression and/or irrigation has a salinity measure that does not exceed 800 $\mu\text{S}/\text{cm}$.

Dust

25. The Applicant shall ensure that activities are carried out in a manner that will minimise the emission of dust from the site, including traffic generated dust from the site access roads.

26. The Applicant shall take all practicable measures to ensure that all vehicles entering or leaving a site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times.
27. The Applicant shall take all practicable measures to minimise the generation of wind-blown dust from soil stockpiles.

Gas Gathering System Pipeline

28. The Applicant shall comply with the following in the construction of the gas gathering system pipeline:
 - (a) excavated trenches shall not be left uncovered overnight, unless adequate fencing and warning lights are erected;
 - (b) signs stating the presence of a buried gas pipeline shall be erected periodically along the length of the trench once the pipeline has been laid;
 - (c) trenches are to be restored and reseeded with local grass seeds on completion of the work;
 - (d) local council traffic guidelines in respect of work carried out on road verges and underneath roads shall be implemented;
 - (e) the pipeline shall be constructed in accordance with the AS 3723-1989; and
 - (f) the Department shall be notified on the completion of any trenching works.

Threatened Species

- 28A. The Applicant shall ensure that, during the drilling and construction of KP05 and KP06, impacts on threatened species are minimised by implementing actions including, but not limited, to the following:
 - (a) The recommendations outlined in Sections 6 and 7 of the Ecosearch Environmental Consultants Pty Ltd report titled "*Flora and Fauna Assessment, AGL –Gas Well and Gathering Line Project Modifications*"; and
 - (b) Marking the boundaries of endangered ecological communities (EECs) and locations of other known

threatened species and, where possible, avoiding construction activities within these areas.

Heritage

28B. The Applicant shall ensure that, if any historical archaeological relics within the meaning of the *Heritage Act 1977* are disturbed, the Heritage Council of NSW shall be notified in accordance with section 146 of the *Heritage Act 1977*.

Site Rehabilitation

29. The Applicant shall ensure the prompt and effective rehabilitation of all disturbed areas of the site following the completion of construction, operations and associated activities and/or the decommissioning of plant, to minimise the generation of wind erosion dust.
30. The Applicant shall carry out rehabilitation of the site in accordance with the requirements of the [DPI](#) and the Site Rehabilitation Management Plan.

Community Consultative Committee

31. The Applicant shall include the operation of KP1, KP2, [KP3](#), [KP05](#) and [KP06](#) and the associated gas gathering system, and the conditions of this consent, as a matter for the consideration of the Community Consultative Committee (established under Condition 90 of the consent for DA No. 15-1-2002-i dated 23 July 2002).

Environment Protection Licence

32. The Applicant shall seek a variation to the Environment Protection Licence issued by the [DECC](#) for the Petroleum Production Lease No.1 area, to include the operation of the Kay Park wells (KP1, KP2, [KP3](#), [KP05](#) and [KP06](#)) and associated gas gathering system.