

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

4 March

2009

File No: 9041467

SCHEDULE 1

Application No:	08_0151
Proponent:	BHP Billiton Illawarra Coal Holdings Pty Ltd.
Approval Authority:	Minister for Planning.
Land:	Land adjacent to Wedderburn Road, West Cliff Colliery, NSW (see Map of Project Site in Appendix 1).
Project:	West Cliff Colliery Diesel Storage Facility and Refuelling Station Project.

SCHEDULE 2

DEFINITIONS

DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment
Proponent	BHP Billiton Illawarra Coal Holdings Pty Ltd, or its successors
Site	Land to which the Project Application applies (see Schedule 1 and Appendix 1)

ADMINISTRATIVE CONDITIONS

Obligation to minimise harm to the environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the Project.

Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
 - (a) EA titled *Proposed Diesel Storage Facility & Refuelling Station at BHPBIC West Cliff Colliery*, dated November 2008 and prepared by Cardno Forbes Rigby Pty Ltd;
 - (b) Proponent's Response to Submissions, dated 23 January 2009 and prepared by BHP Billiton Illawarra Coal Holdings Pty Ltd;
 - (c) Proponent's Statement of Commitments (see Appendix 2); and
 - (d) conditions of this approval.
3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Operation of Plant and Equipment

5. The Proponent shall ensure all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Hours of Operation

6. The Proponent is permitted to undertake construction activities only between the hours of 7 am to 6 pm, Monday to Friday, except for emergency purposes.

Note: 'Emergency purposes' refers to instances where the cessation of construction activities would have the potential to generate serious harm to the environment or serious safety issues. Should these activities be conducted outside of the hours above, a report must be provided to the Department within two weeks of the event containing relevant information and/or data to demonstrate the specific emergency purposes and circumstances at the time.

7. The Proponent is permitted to undertake operation, maintenance and rehabilitation activities 24 hours a day, 7 days a week.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Pollution of Waters

1. Except as may be expressly provided by a DECC Environment Protection Licence, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the Project.

Sediment and Erosion Control Plan

2. The Proponent shall prepare and implement a Sediment and Erosion Control Plan for the Project to the satisfaction of the Director-General. This plan must:
 - (a) be submitted to the Director-General prior to commencing construction;
 - (b) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction* manual (Landcom 2004, or its latest version);
 - (c) identify activities that could cause soil erosion and generate sediment;
 - (d) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;
 - (e) describe the location, function and capacity of erosion and sediment control structures; and
 - (f) describe what measures would be implemented to monitor and maintain the structures over time.

TRAFFIC AND TRANSPORT

Traffic Management

3. The Proponent shall ensure that:
 - (a) safe access to the site is provided from public roads; and
 - (b) traffic movements are restricted to existing or specifically constructed tracks.

WASTE MINIMISATION

4. The Proponent shall:
 - (a) ensure no waste is disposed of on site;
 - (b) implement reasonable and feasible measures to minimise waste generated by the Project; and
 - (c) ensure disposal of wastes occurs at appropriately approved waste disposal facilities.

VISUAL IMPACT

Visual Amenity

5. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

Lighting Emissions

6. The Proponent shall:
 - (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General.

BUSHFIRE MANAGEMENT

7. The Proponent shall:
 - (a) ensure that the project is suitably equipped to respond to any fires on-site;
 - (b) take all reasonable measures to prevent the ignition and/or spread of bushfires;
 - (c) provide the Wollondilly District Rural Fire Service, Appin Brigade with an annual inspection and familiarisation tour of the facility; and
 - (d) assist the Rural Fire Service and emergency services if there is a fire on-site.

REHABILITATION AND LANDSCAPE MANAGEMENT

Rehabilitation

8. The Proponent shall decommission and rehabilitate both the existing and the proposed diesel storage facility and refuelling station sites following the completion of mining activities at West Cliff Colliery to the satisfaction of the Director-General and the DPI.

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

9. The Proponent shall ensure that the storage, handling, and transport of dangerous goods and hazardous materials are conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the commencement of construction activities, and:
 - (a) describe the procedures that would be implemented to:
 - keep relevant agencies informed about the operation and environmental performance of the project;
 - handle any complaints;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (b) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

INCIDENT REPORTING

2. Within 24 hours of detecting an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the incident.
3. Within 21 days of notifying the Department and other relevant agencies of an incident, the Proponent shall provide the Department and these agencies with a written report that:
 - (a) describes the date, time and nature of the incident;
 - (b) identifies the cause (or likely cause) of the incident;
 - (c) describes what action has been taken to date; and
 - (d) describes the proposed measures to address the incident.

APPENDIX 1 – MAP OF PROJECT SITE



Proposed location of Diesel Storage Facility and Refuelling Station

APPENDIX 2 – STATEMENT OF COMMITMENTS

The Statement of Commitments contains all measures Illawarra Coal has made and will undertake to minimise impacts on the environment, and has been sourced from the Environmental Assessment.

Objective	Commitment
Construction Works	
• Safe working environment. • Minimise environmental impact.	• Construction Management Plan to be prepared for the works. • All works conducted in accordance with relevant construction legislation.
Design	
• Safe storage and handling of diesel fuel.	• Design of facility to be in accordance with AS 1940-2004 The Storage and Handling of Flammable and Combustible Liquids.
Traffic	
• Safe vehicular environment.	• Safety measures as specified in Section 5.2 to be implemented. • Coal truck drivers informed of safety rules regarding refuelling facility. • Amendment of BHPBIC West Cliff driver's code of conduct manual to incorporate safety rules of proposed refuelling facility to ensure driver compliance.
Hazard Reduction	
• Safe working environment.	• Vehicle engines to be turned off engines whilst refuelling. • Regular inspection of diesel storage tank and refuelling facility to identify any hazards. Rectification works completed immediately when necessary. • Immediate response to any diesel spills.
Aboriginal Heritage	
• Protection of heritage artefacts.	• Upon the identification of an items of Aboriginal heritage all works for the refuelling facility will cease and the National Parks and Wildlife Service will be notified.
Flora & Fauna	
• Minimise impacts from development on flora & fauna.	• Diesel storage and refuelling facility to be incorporated into West Cliff Colliery MOP and Mine Rehabilitation Plan. • All clearance works will be in accordance with West Cliff Colliery Vegetation & Fauna Management Plan. • Protection of <i>Pultenaea aristata</i> (Prickly Bush-pea) during construction and inspect of health of plant 1 month after facility is operational.

Construction Management

- Minimise impact on environment from construction work.
 - Ensure employee safety during construction.
 - The successful construction contractor will prepare a safe working method statement for approval by BHPBIC prior to work commencing.
 - The Contractor will maintain equipment to a safe standard and ensure secure storage.
 - The Contractor will prepare an Environmental Management Plan for BHPBIC approval prior to the commencement of works.
 - All wastes will be appropriately disposed off via established waste streams no later than the completion of construction.
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Public Consultation

- Provide a public opportunity to comment on ongoing operations at West Cliff Colliery.
 - BHPBIC will continue to operate its office in the Appin community office during construction of this project to allow for any public comments or enquiries.
 - BHPBIC will continue to operate the 24-hour telephone line to provide an alternative method for public information.
 - BHPBIC will continue to support the Appin Area Community Working Group and associated liaison activities to ensure the local community have an opportunity to raise any questions regarding the refuelling facility.
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