

# Development Consent

## Section 80 of the *Environmental Planning & Assessment Act 1979*

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), approve the Development Application 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;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.

Diane Beamer MP  
**Minister Assisting the  
Minister for Infrastructure and Planning  
(Planning Administration)**

Sydney,

2004

File No: S03/02777

### SCHEDULE 1

<b>Development Application:</b>	DA 35-2-2004.
<b>Applicant:</b>	Centennial Mandalong Pty Limited.
<b>Consent Authority:</b>	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration).
<b>Land:</b>	Lot 522 DP 771299 (formerly portion 327) Lot 523 DP 771299 (formerly portion 327) Lot 524 DP 771299 (formerly portion 71) Lot 556 DP 729949 Crown Reserve R91166.
<b>Proposed Development:</b>	The construction and use of the Mandalong Coal Delivery System in general accordance with the Statement of Environmental Effects for the <i>Delta Link Project</i> .
<b>State Significant Development:</b>	The proposal is classified as State significant development, under section 76A(7) of the <i>Environmental Planning &amp; Assessment Act 1979</i> , because it involves coal-mining related development associated with a development approval previously given by the Minister on or from 4 June 1987.
<b>Integrated Development:</b>	The proposal is classified as integrated development, under section 91 of the <i>Environmental Planning &amp; Assessment Act 1979</i> , because it requires additional approvals under the: <ul style="list-style-type: none"><li>• <i>Protection of the Environment Operations Act 1997</i>; and</li><li>• <i>Water Act 1912</i>.</li></ul>

**BCA Classification:**

Class 10b:

Coal conveyor

*Note:*

- To find out when this consent becomes effective, see section 83 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*;
- To find out when this consent is liable to lapse, see section 95 of the *EP&A Act*; and
- To find out about appeal rights, see section 97 of the *EP&A Act*.

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## DEFINITIONS

Applicant	Centennial Mandalong Pty Limited
BCA	Building Code of Australia
Council	Lake Macquarie City Council
DA	Development Application
DEC	Department of Environment and Conservation
Department	Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of the Department of Infrastructure, Planning and Natural Resources, or delegate
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GTA	General Term of Approval
LMCC	Lake Macquarie City Council
Minister	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), or delegate
ROM Coal	Run-of-mine coal
RTA	Roads and Traffic Authority
SEE	Statement of Environmental Effects
Site	Land to which the DA applies

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## SCHEDULE 2

### ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

1. The Applicant 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 development.

#### Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
  - (a) DA 35-2-2004;
  - (b) Statement of Environmental Effects titled "*Delta Link Project*", dated January 2004, prepared by Umwelt Environmental Consultants; and
  - (c) conditions of this consent.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant 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 consent; and
  - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

#### Limits on Approval

5. This consent lapses 17 years after the date it commences.

6. The Applicant shall not transport more than 4 million tonnes of ROM coal a year via the underground conveyor.

### **Structural Adequacy**

7. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

#### *Notes:*

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of development.*

### **SURFACE & GROUNDWATER**

*Note: The Applicant is required to obtain a licence for the development under the Water Act 1912.*

#### **Erosion and Sediment Control Plan**

8. Prior to carrying out any development, the Applicant prepare, and then implement, an Erosion and Sediment Control Plan for the construction of the box cut to the satisfaction of the Director-General. The Plan must
- (a) be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
  - (b) identify activities that could cause soil erosion and generate sediment;
  - (c) describe the location, function, and capacity of erosion and sediment control structures and diversion channels; and
  - (d) describe the measures to minimise soil erosion and the potential for the migration of sediments to downstream waters.

#### **Groundwater Management**

9. Prior to carrying out any development, the Applicant shall prepare, and then implement, a Groundwater Management Plan for the development to the satisfaction of the Director-General. This plan must:
- (a) monitoring frequency and parameters;
  - (b) contingency and remediation measures; and
  - (c) release criteria related to the conditions of the licence.

### **<sup>1</sup>NOISE**

#### **Construction Noise Impact Assessment Criteria**

10. The Applicant shall ensure that the construction noise generated by the development does not exceed 43dBA LA<sub>10</sub> at any residential receiver, between the hours of 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturdays. The Applicant shall ensure that at all other times, construction noise is not audible at any residential receivers.

*Note: No construction work that may be audible is permitted on Sundays or Public Holidays.*

### **<sup>2</sup>BLASTING & VIBRATION**

#### **Airblast Overpressure Limits**

11. The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 1 at any residence on privately-owned land or other sensitive location.

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<sup>1</sup> Incorporates DEC GTA

<sup>2</sup> Incorporates DEC GTA

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

*Table 1: Airblast overpressure impact assessment criteria*

#### **Ground Vibration Impact Assessment Criteria**

12. The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 2 at any residence on privately-owned land or other sensitive location.

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

*Table 2: Ground vibration impact assessment criteria*

#### **SPOIL MANAGEMENT**

13. The Applicant shall manage all spoil from the development to the satisfaction of LMCC.

#### **REPORTING**

15. The Applicant shall submit an Annual Report to the Department. This report must provide:
- monthly records of the amount of coal transported on the Mandalong coal delivery system; and
  - an annual Groundwater Monitoring Report detailing:
    - the interpretation of data and discussion of monitoring results, compared to groundwater and salinity impacts predictions
    - the level of compliance with the groundwater monitoring and trigger levels established in the Groundwater Management Plan; and
    - identification of trends in monitoring data from the Groundwater Management Plan and comparison with the predictions over the life of the underground conveyor.

*Note: The Annual Report should be included in the Mandalong coal mine Annual Environmental Management Report.*