

# 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.



Frank Sartor MP  
Minister for Planning

Sydney

26 Sept

2007

File No: 9041467

### SCHEDULE 1

<b>Application No:</b>	06_0288
<b>Proponent:</b>	BHP Billiton Illawarra Coal Holdings Pty Ltd.
<b>Approval Authority:</b>	Minister for Planning.
<b>Land:</b>	Crown land adjacent to Appin Road, Appin, NSW (see area highlighted in green on Map of Project Site in Appendix 1).
<b>Project:</b>	West Cliff Coal Mine – Water Supply Pipeline.

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## 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

### 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 *West Cliff Mine Water Supply*, dated April 2007 and prepared by Olsen Environmental Consulting Pty Limited;
  - (b) Proponent's Response to Submissions, dated 1 August 2007 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, the latter 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.

#### Construction Hours

6. Work shall only be undertaken between the hours of 7am to 5pm Monday to Friday and 8am to 2pm Saturday, with no work on Sundays or Public Holidays.

### SPECIFIC ENVIRONMENTAL CONDITIONS

#### SOIL AND WATER

##### Pollution of Waters

7. 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.

## **Erosion and Sediment Control**

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

## **FLORA AND FAUNA**

### **Vegetation Clearing and Rehabilitation Protocol**

9. The Proponent shall prepare and implement a Vegetation Clearing Protocol for the Project to the satisfaction of the Director-General. The protocol shall:
- (a) be submitted to the Director-General for approval prior to construction;
  - (b) delineate the areas of vegetation to be cleared;
  - (c) describe the procedures that would be implemented for;
    - pre-clearance surveys;
    - progressive clearing;
    - protection of *Shale Sandstone Transition Forest*, as far as is practicable;
    - fauna management;
    - conserving and reusing topsoil;
    - collecting seed from the site;
    - salvaging and reusing material from the site; and
    - controlling weeds, and
  - (d) describe the procedures for revegetating and rehabilitating the areas of disturbance.

## **VISUAL IMPACT**

10. The Proponent shall implement reasonable measures to mitigate the visual impact of the Project to the satisfaction of the Director-General.

## **TRAFFIC AND TRANSPORT**

### **Traffic Management**

11. The Proponent shall ensure that:
- (a) safe access to the site is provided from public roads; and
  - (b) traffic movements are restricted to existing tracks, or within the identified 10 metre corridor along the pipe route.

## **WASTE MINIMISATION**

12. 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.

## **BUSHFIRE MANAGEMENT**

13. The Proponent shall take all reasonable measures to prevent the ignition and/or spread of bushfires.
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NSW Government  
Department of Planning



## **APPENDIX 2 - Statement of Commitments**

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List of the BHPBilliton Illawarra Coal (BHPIC) commitment's sourced from the Environmental Assessment (April 2007) and Response to Submissions (August 2007). Commitments BHPIC has made and will undertake to minimise impacts on the environment.

### *Consultation*

- BHPIC will continue to operate its office in the Appin Business and Shopping Precinct during the construction of the pipeline.
- BHPIC will continue to operate a 24-hour contact telephone line.
- BHPIC will continue to support the operation of the Appin Area Community Working Group and associated community liaison activities.

### *Construction*

- No excavation works will take place on the easement until the locations of all services including the existing pipeline are identified.
- Appropriate safety measures will be implemented to ensure workforce and public safety during the time when works are being carried out around Kings Falls Bridge.
- The Contractor's workforce will undertake Appin Colliery and West Cliff Colliery Safety and Environmental Training prior to commencing work on site.
- The Contractor will ensure all equipment is maintained in a safe and secure condition during the project period.
- The Contractor will prepare an Environmental Management Plan (EMP) which addresses the physical barriers, standard procedures and emergency response planned to be established on the site during the construction period. This EMP is to be in place prior to work commencing and will be approved by BHPBIC.
- The Contractor will prepare a safe working method statement, which will include details of environmental controls for the worksite.
- The Contractor will ensure that employees, delivery trucks and sub-contractors do not park on the Bulli/Appin Road when working on the project.
- Operations to excavate the pipe trench and install the pipeline will be restricted to a corridor approximately 10m wide along the pipe route. Equipment will not be permitted to operate outside this area unless for the establishment of erosion or sediment control measures.
- If excess trench spoil remains after the pipe has been laid it shall be spread over the disturbed easement area and track rolled with the excavation equipment to blend with the surrounding ground profile.
- If insufficient bedding material is available for laying the pipeline, local sand or crushed sandstone, consistent with the Hawkesbury Sandstone setting will be used

### *Erosion and Sediment Control*

- Stormwater runoff will be managed in accordance with guidelines detailed in the Landcom Publication, "Soils and Construction" Volume 1, 4<sup>th</sup> Edition, dated March 2004.
- Only short sections (typically 100m) of trenching will be open at any particular time.

- Silt stop fences will be used downstream of the disturbed areas of the easement when trenching is occurring.
- Silt fencing and diversion drains, are in place to control contaminated stormwater and waste water run-off from during and after excavation works.
- Construction will not occur in the bed of the George's River during flooding.

#### *Biodiversity Conservation*

- Illawarra Coal will implement the mitigation measures outlined in the Biosis Research report titled 'Flora and Fauna Assessment: Appin to West Cliff Pipeline Final Report February 2007'. This report forms part of the Environmental Assessment and Illawarra Coal will be undertaking the project as per the Environmental Assessment.
- revegetate any previously vegetated areas disturbed by the proposal, at the completion of the project.
- revegetate and regenerate the previously vegetated areas that are disturbed by the project, including weed control. Using suitable qualified persons for at least three years after the completion of construction.
- undertake a survey for hollow trees prior to clearing. The final pipeline route will be modified to avoid the hollow trees. If hollow trees containing threatened species cannot be avoided then a suitably qualified person shall be engaged to determine the appropriate action.
- To minimise the likelihood of weed spread or the introduction of disease, vehicles will be cleaned prior to use in the works area,
- *Acacia bynoena* and *Persoonia hirsute* specimens within and adjacent to the pipeline will be identified and flagged prior to works commencing and where possible, damage to these specimens will be avoided.
- Any landscaping, revegetation or rehabilitation works requiring tree planting will use locally endemic tubestock.
- Bush regeneration techniques such as brush matting and spread of cleared native biomass over disturbed areas and weed control will be used to encourage native regeneration.

#### *Aboriginal Cultural Heritage*

- Illawarra Coal will implement the recommendations outlined in section 10.0 of the Biosis Research report titled 'Archaeological Assessment: Appin to West Cliff Pipeline Final Report February 2007'.
- Appin Pipeline 1 Aboriginal site will be flagged prior to the commencement of ground disturbance works. The relevant Aboriginal stakeholders will be given the opportunity to inspect the initial ground disturbance works within 50m of the site.
- The relevant Aboriginal stakeholders will be given the opportunity to inspect areas of moderate Aboriginal archaeological potential, on the banks of the George's River and within 50m of recorded site Appin Pipeline 1, during initial ground disturbance.
- Should any Aboriginal relics be encountered during work, the work will cease within the vicinity of the find and the DEC and Aboriginal stakeholders notified. A qualified archaeologist may also be required to assess the find.

- The Biosis Archaeological report and statement of heritage impact will be forwarded to the Heritage Branch of the RTA for review.
- Should any historical relics be uncovered during works associated with the proposed pipeline, works will cease in the immediate vicinity of the find and the NSW Heritage Office will be notified. A qualified archaeologist may also be required to assess the find.

#### *Waste*

- Wastes will not be disposed on site. Port-a-loo facilities will be used on site. Packaging wastes will be recycled or sent to appropriate existing land fill sites.
- When the project is complete the site shed and all rubbish, damaged vegetation and construction debris will be removed from all areas disturbed by the works and the surface graded to smooth contours. The cleanup shall be to the satisfaction of BHPBIC's Site Engineer.
- The Contractor will also ensure that trucks and machinery leaving the site do not spill any waste materials on the Appin to Bulli Road. If this occurs it will be the Contractor's responsibility to clean up the spillage.