



NSW GOVERNMENT
Department of Planning

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Mr Jeff Torkington
Bengalla Mining Company Pty Limited
Locked Mail Bag 5
MUSWELLBROOK NSW 2333

Our ref: S03/00052
Your ref:

Dear Mr Torkington,

**Director-General's Requirements
Environmental Assessment for Bengalla Coal Mine
s.75W Modification (DA 211-93 MOD 3)**

On 30 November 2007, the Minister for Planning approved the development consent (DA 211-93) for the Bengalla Coal Mine being treated as an approval for the purposes of section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), in relation to the proposed modification to relocate the proposed Bengalla Link Road Stage 2 and to delay the relocation of a ROM coal hopper. A copy of the Minister's approval is attached for your reference.

I wish to advise that the Department has prepared Director-General's requirements for the Environmental Assessment of the modification. A copy of these requirements is attached.

Please note that under section 75F(3) of the EP&A Act, the Director-General may alter these requirements at any time.

Please contact the Department at least two weeks before you propose to submit the Environmental Assessment for the modification to determine:

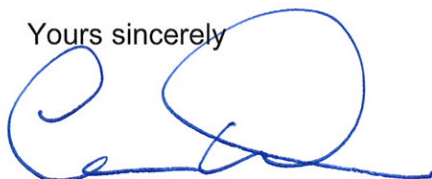
- the fees applicable to the application (see Division 1A of Part 15 of the *Environmental Planning & Assessment Regulation 2000*);
- consultation and public exhibition arrangements that will apply; and
- the number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

The Department will review the Environmental Assessment in consultation with any relevant agencies to determine if it adequately addresses the Director-General's requirements. If the Director-General considers the Environmental Assessment to be inadequate, you will be required to revise it prior to public exhibition.

The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the modification. The Department would appreciate the documents being submitted in a suitable format for the web. In addition, please arrange for an electronic version of the Environmental Assessment to be hosted on your website and provide a link to place on the Department's website.

If you have any enquiries about these requirements, please contact Rohan Tayler of the Department's Mining & Extractive Industries team (02 9228 6465).

Yours sincerely



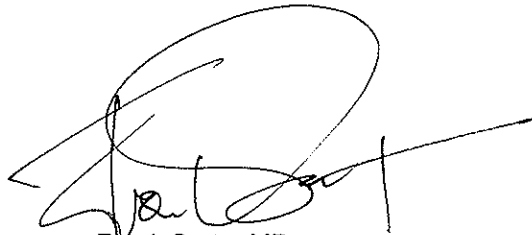
6.12.07

Chris Wilson
Executive Director
Major Project Assessment
As delegate for the Director-General

Approval

Clause 8J(8)(b) of the *Environmental Planning and Assessment Regulation 2000*

Pursuant to clause 8J(8)(b) of the *Environmental Planning and Assessment Regulation 2000*, I, the Minister for Planning, approve of the development consent (DA 211/93) for the Bengalla Coal Mine being treated as an approval for the purposes of section 75W of the *Environmental Planning and Assessment Act 1979* for the proposed modification described in Schedule 1.



Frank Sartor MP
Minister for Planning

Sydney

30th NOV

2007

Schedule 1

The proposed modification to the Bengalla Coal Mine, 4 kilometres west of Muswellbrook, involving:

- relocating the proposed Bengalla Link Road Stage 2 west of the mine; and
- delaying the relocation of a ROM coal hopper.

Director-General's Requirements

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

Application number	DA 211-93-MOD 3
Modification	Modification to the Bengalla Coal Mine development consent (DA 211-93), involving: - relocating the proposed Bengalla Link Road Stage 2 west of the mine; and - delaying the relocation of a ROM coal hopper.
Location	Approximately 4 kilometres west of Muswellbrook, NSW
Proponent	Bengalla Mining Company Pty Limited
Date of Issue	6 December 2007
Date of Expiration	6 December 2009
General Requirements	The Environmental Assessment (EA) must include - an executive summary; - a detailed description of the modification, including the: - need for the project; - alternatives considered; and - various components and stages of the project, including the interaction between the proposed activities and existing operations; - consideration of any relevant statutory provisions, including an assessment of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; - a general overview of the environmental impacts of the modification, identifying the key issues for further assessment, and taking into consideration the issues raised during consultation; - a detailed assessment of the key issues specified below, and any other significant issues identified in the general overview of environmental impacts of the modification (see above), which includes: - a description of the existing environment; - an assessment of the potential impacts of the project including cumulative impacts (particularly on noise, air quality, surface water, and groundwater) that may arise from the combined operation of the project, together with the other existing and approved mines in the area; - a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the modification; - a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; - a conclusion justifying the project, taking into consideration the environmental impacts of the project, the suitability of the site, and any social, economic and/or environmental benefits that may arise as a result of the project; and - a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.

Key Issues	• Road Design & Construction – including design criteria; road safety issues; erosion & sedimentation impacts, changes to run-off patterns; impacts to creeks and drainage lines; a materials budget; and preparation of a detailed construction management plan; • Traffic – including construction and operational traffic impacts; • Noise – including construction and operational noise impacts; • Air Quality; • Flora and Fauna – including impacts on critical habitats (including riparian habitat and groundwater dependent ecosystems), threatened species, populations, ecological communities and native vegetation; • Heritage – both Aboriginal and non-Aboriginal; and • Visual – including lighting impacts.
References	The Environmental Assessment should take into account relevant State government technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in the attached list.
Consultation	During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups or affected landowners. The consultation process and the issues raised must be described in the Environmental Assessment. In particular you should consult with: • Department of Environment and Climate Change; • Department of Water and Energy; • Department of Primary Industries; • Roads and Traffic Authority; and • Muswellbrook Shire Council
Deemed refusal period	60 days

State Government Technical and Policy Guidelines - For Reference

Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Soil and Waters	
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Design Manual for Soil Conservation Works - Technical Handbook No. 5 (DWE)
	Soil and Landscape Issues in Environmental Impact Assessment (DWE)
	Works and Watercourse Design Guideline. Draft Version 4 (DNR)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
Noise	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Environmental Noise Control Manual (DECC)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Flora and Fauna	
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DEC)
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	NSW Groundwater Dependent Ecosystem Policy (DNR)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
	Aboriginal Cultural Heritage Standards and Guidelines Kit (NSW EPA)
<i>Non-Indigenous</i>	NSW Heritage Manual (NSW Heritage Office & DUAP)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)