



NSW GOVERNMENT
Department of Planning

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Our ref:
Your ref:

Mr Robert Yeates
Project Director
Newcastle Coal Infrastructure Group Pty Ltd
Level 9, 1 York Street
SYDNEY NSW 2000

Dear Mr Yeates

Proposed NCIG Kooragang Coal Export Terminal, Kooragang Island, Newcastle Local Government Area (Reference: 06_0009)

I refer to your request for the Director-General's assessment requirements for the preparation of an Environmental Assessment in relation to the above project.

The Director-General's Environmental Assessment Requirements are attached, pursuant to section 75F(2) of the *Environmental Planning and Assessment Act 1979*. It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

You should ensure that you consult with the Department prior to submission of a draft Environmental Assessment to determine:

- fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Once you have lodged the Environmental Assessment, the Department will consult with the relevant authorities to determine the adequacy of the Environmental Assessment. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

You should keep the contact officer for this project, Scott Jeffries, Manager – Critical Infrastructure and Special Projects ((02) 9228 6426, scott.jeffries@planning.nsw.gov.au), up to date with the progress of preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely

Chris Wilson
A/ Executive Director
As delegate for the Director-General

NCIG KOORAGANG COAL EXPORT TERMINAL

ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	Construction and operation of a Coal Export Terminal on Kooragang Island and associated infrastructure for the export of up to 66 million tonnes per annum of coal (Major Project Application 06_0009), including: a) reuse of dredged sands as preload and engineering fill for construction; b) construction of wharf facilities and ship loaders; c) construction of a coal storage area including stockpiles, transfer stations, conveyors, stackers and reclaimers; d) remediation works including capping of selected areas of the existing Kooragang Island waste facility for the development of a rail spur and rail loops; e) construction of a rail spur and two rail loops, road/ rail overpass, unloading stations and connecting conveyors; f) installation of power supply, reticulation and control systems; g) development of access roads and internal roads; h) development of water management infrastructure including site drainage works, collection ponds and stockpile spray system; and i) construction of administration and workshop buildings.
Site	Part Lot 122 DP 874949, Part Lot 6 and Part Lot 7 DP 1015754, Part Lot 20 DP 262325 and Part Lot 2 DP 581473
Proponent	Newcastle Coal Infrastructure Group Pty Ltd
Date of Issue	26 April 2006
Date of Expiration	26 April 2008
General Requirements	The Environmental Assessment must include: • an executive summary; • a description of the proposal, including construction, operation, and staging; • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • justification for undertaking the project with consideration of the benefits and impacts of the proposal; • a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and • certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	The Environmental Assessment must include assessment of the following key issues: • Strategic Planning and Justification – the Environmental Assessment must detail the strategic basis for the project with specific reference to the need for the project, the scale of the project and any staging of works associated with the project. Details must be provided with respect to how the project (or its relevant stages) will be managed or scheduled to accommodate: → related and relevant existing development approvals, particularly with respect to the dredging and remediation of the Hunter River; → the timely and effective closure and capping of landfill areas on Kooragang Island; and → the schedule of works proposed by the Australian Rail Track Corporation with respect to capacity, efficiency or acoustic performance of its rail infrastructure in the region. • Air Quality Impacts – the Environmental Assessment must include an air quality impact assessment prepared in accordance with the <i>Approved Methods for Modelling and Assessment of Air Pollutants in NSW</i> (DEC, 2005), with particular of total suspended particulates (TSP) and particulates of less than 10 micrometres in aerodynamic diameter (PM₁₀). The assessment must consider the impacts of the project during construction and operation (and each phase of construction and operation if the project is to be staged), and with respect to impacts from the project in isolation and in a cumulative context with relevant

existing and approved development (ie the subject of a development consent, whether or not the development has partially or fully commenced). Where known or suspected contaminated materials are to be disturbed as part of the project, the Environmental Assessment must also include consideration of the air quality impacts (including odour) associated with the suspension of contaminated particulates or the volatilisation of contaminants from exposed surfaces and stockpiles. The Environmental Assessment must clearly outline the air quality mitigation, monitoring and management measures the Proponent intends to apply to the project.

- **Noise Impacts** – the Environmental Assessment must include a noise impact assessment for the project site, conducted in accordance with *NSW Industrial Noise Policy* (EPA, 2000), with particular focus on the operation of coal trains on the rail loop, coal stockyard stacker/ reclaimer equipment and the ship loading conveyor system. The noise assessment must consider impacts on the residential areas of Warabrook, Mayfield, Carrington and Stockton and must consider the impact from the project in isolation and in a cumulative context with relevant existing and approved development (ie the subject of a development consent, whether or not the development has partially or fully commenced). As part of the noise assessment, noise emissions associated with coal trains operating on the rail loop must be assessed as a stationary noise source. The Environmental Assessment must also include an assessment of the construction noise impacts of the project, against the criteria provided in Chapter 171 of the *Environmental Noise Control Manual* (EPA, 2004) and an assessment of road traffic noise in accordance with methodology and criteria detailed in *NSW Environmental Criteria for Road Traffic Noise* (EPA, 1999). The Environmental Assessment must clearly outline the noise mitigation, monitoring and management measures the Proponent intends to apply to the project.

- **Water Quality and Hydrological Impacts** – the Environmental Assessment must include an assessment of the water quality impacts of the project during construction and operation, with particular reference to impacts on surface and groundwaters during placement of dredged sands as pre-load and engineering fill for construction, excavation within 40 metres of the Hunter River and dewatering of soils and sediments. The Environmental Assessment must include specific consideration of turbidity and suspended solids, and where contaminated or potentially contaminated materials may be affected, the relevant contaminants and leachates from those materials. Where the project may affect actual or potential acid sulfate soils, the Environmental Assessment must include a framework for management of those materials during construction of the project. The Environmental Assessment must reflect a design goal of no discharge of water to the Hunter River, other than natural surface run-off, during operation of the project.

With respect to those components of the project in close proximity to landfill areas on Kooragang Island, the Environmental Assessment must detail how the project will alter the surface profile of landfill areas, and the measures to be implemented by the Proponent to ensure that a capping strategy for those areas that meets the performance requirements of benchmark techniques 28 and 29 in Appendix A of *Environmental Guidelines for Solid Waste Landfills* (EPA, 1996) can be implemented.

The Environmental Assessment must also include an assessment of the implications of the project, particularly preloading of the site, on flooding and groundwater hydrodynamics of the Hunter River, the Hunter River Estuary, and associated aquifer systems. The Environmental Assessment must specifically detail the implications of the project on flooding heights and velocities, and consider the implications of the project on groundwater recharge and dynamics, particularly where these groundwater systems are linked to the Kooragang Wetland and Fullerton Cove systems.

The Environmental Assessment must clearly outline the water quality and hydrodynamic mitigation, monitoring and management measures the Proponent intends to apply to the project.

- **Ecological Impacts** – the Environmental Assessment must include an assessment of impacts of the project on flora and fauna, prepared in accordance with *Guidelines for Threatened Species Assessment* (DEC/ DPI, July 2005). The Environmental Assessment must specifically consider threatened and migratory

	species and communities listed under both State and Commonwealth legislation that have been recorded in the Kooragang and surrounding wetland areas. The Environmental Assessment must include specific consideration of impacts on mangrove and saltmarsh communities, <i>Litoria aurea</i>, <i>Botaurus poiciloptilus</i>, <i>Rostratula benghalensis</i>, <i>Tyto novaehollandiae</i> and <i>Esacus neglectus</i>. • Heritage Impacts – the Environmental Assessment must include an assessment of impacts on Aboriginal heritage, in accordance with draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC, 2005). The Environmental Assessment must also include an assessment of the potential for the project to impact on know items of non-Aboriginal heritage significance, and include a management framework for management of any additional heritage items that may be uncovered during construction of the project. • General Environmental Risk Analysis – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the Environmental Assessment.
Consultation Requirements	You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment: • Commonwealth Department of Environment and Heritage; • NSW Department of Environment and Conservation; • NSW Department of Natural Resources and Hunter Catchment Management Trust; • NSW Department of Primary Industries; • Australian Rail Track Corporation and NSW Rail Infrastructure Corporation; • Newcastle City Council and Port Stephens Council; • Mayfield Residents Group, Stockton Community Forum, Citizens and Kooragang Alliance (CAKA) and the Hunter Bird Observers Club; and • the local community. The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.
Deemed refusal period	Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period is 120 days from the end of the proponent's environmental assessment period for the project.