

Appendix A Project Declaration and Environmental Assessment Requirements



NSW GOVERNMENT
Department of Planning

Contact: Patricia Cabezas
Phone: 02 9228 6447
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Email: patricia.cabezas@planning.nsw.gov.au

Mr Kenneth Robinson
Project Director
Sinclair Knight and Merz
PO Box 164
ST LEONARDS NSW 1590

Our ref: S06/00519
Your ref:

Dear Mr Robinson

Proposed Delta Electricity Western Rail Coal Unloader

Please be advised that on 25 August 2006, the Director General of the Department of Planning, under delegation from the Minister for Planning, formed the opinion under clause 6 that the abovementioned project meets the requirements of *State Environmental Planning Policy (Major Projects) 2005*.

The project is therefore declared to be a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* and will be assessed and determined by the Minister for Planning. I have enclosed a copy of the record of the Director-General's opinion for your information and reference.

Please do not hesitate to contact me on (02) 9228 6447 or patricia.cabezas@planning.nsw.gov.au should you wish to discuss or clarify this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Cabezas'.

Patricia Cabezas 25-08-06
Senior Environmental Planner
Critical Infrastructure and Special Projects



Record of Minister's opinion for the purposes of Clause 6(1) of the State Environmental Planning Policy (Major Projects) 2005

I, the Director-General of the Department of Planning, as delegate of the Minister for Planning under delegation executed on 31 October 2005, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 – namely Clause 23(1)(a) "Development that has a capital investment value of more than \$30 million for the purpose of: heavy railway lines associated with mining, extractive industries or other industry" and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

Schedule

A proposal by Delta Electricity to construct and operate the Western Rail Coal Unloader for Mount Piper Power Station near Lithgow, generally as described in correspondence dated 7 August 2006 and entitled *Request for Major Project Status for Delta Electricity Western Rail Coal Unloader* dated 7 August 2006, submitted to the Department of Planning on 8 August 2006 by Mr Kenneth Robinson, Project Director, Sinclair Knight Merz.

A handwritten signature in black ink, appearing to read 'SHaddad'.

**Sam Haddad
Director-General**

Date: 25/8/2006 .



17 November 2006

Contact: Ben Holmes
Phone: (02) 9228 6534
Fax: (02) 9228 6366
Email: ben.holmes@planning.nsw.gov.au

Mr Rodney Ward
Delta Electricity
PO Box Q863
QVB NSW 1230

Our ref: S06_00519
Your ref:

Dear Mr Ward

Proposed Western Rail Coal Unloader, Wallerawang, Lithgow Local Government Area (Application Reference: 06_0271)

I refer to your documentation of 3 October 2006 requesting the Director-General's 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, Ben Holmes ((02) 9228 6534, ben.holmes@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

20.11.06

Chris Wilson
Executive Director
As delegate for the Director-General

**PROPOSED WESTERN RAIL COAL UNLOADER, WALLERAWANG, LITHGOW LOCAL
GOVERNMENT AREA**

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

Project	Delta Electricity proposes to construct and operate the Western Rail Coal Unloader for the Mount Piper Power Station near Lithgow. The proposal would allow coal for the power station to be sourced from distant mines. The proposal involves the construction of a rail line loop (5 km length), a coal unloader and associated coal conveyor (4 km length). The capacity of the unloader would be 2,500 tonnes per hour.
Site	Lots 1 and 2 of DP 800003; 708 Portland Road, Wallerawang
Proponent	Delta Electricity
Date of Issue	17 November 2006
Date of Expiration	17 November 2008
General Requirements	<p>The Environmental Assessment must be prepared to a high technical and scientific standard and must include:</p> <ul style="list-style-type: none"> • 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	<p>The Environmental Assessment must include assessment of the following key issues:</p> <ul style="list-style-type: none"> • Strategic Justification - the Environmental Assessment must include a strategic assessment of the need, scale, scope and location for the project in relation to predicted coal supply constraints and coal demand for Mount Piper Power Station. The Environmental Assessment must also include a strategic planning consideration of the project and an analysis of the suitability of the proposed site with respect to potential land use conflicts with existing and future surrounding land users. This must include a detailed site feasibility assessment comparing the relative merits of alternative sites with justification for the preferred site clearly demonstrated. • Air Quality – the Environmental Assessment must include an air quality impact assessment prepared in accordance with the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW</i> (DEC, 2005) and <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 modifications and developments in the area. The Environmental Assessment must clearly outline the air quality mitigation, monitoring and management measures the Proponent intends to apply to the project. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included. • Noise Impacts – the Environmental Assessment must include a noise impact assessment for the project, conducted in accordance with <i>NSW Industrial Noise Policy</i> (EPA, 2000). The assessment must include consideration of noise impacts of the development with particular focus given to noises associated with train operations in addition to engine noise such as wheel squeal, flanging, brake noise, bunching, stretching wagons and horn use. Consideration must also be

given to scenarios under which meteorological conditions characteristic of the locality may exacerbate impacts at sensitive receivers. The probability of such occurrences must be quantified. 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). The Environmental Assessment must clearly outline the noise mitigation, monitoring and management measures the Proponent intends to apply to the project. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included.

- **Flora and Fauna** - the Environmental Assessment must include a flora and fauna impact assessment in accordance with the DEC's *Guidelines for Threatened Species Assessment*. The Environmental Assessment must specifically consider impacts associated with the proposal on the Capertee Stringybark (*Eucalyptus cannonii*), the Pink-tailed Legless Lizard (*Aprasia parapulchella*), the Bathurst Copper Butterfly (*Paralucia spinifera*) and any other threatened species and their habitat, and communities listed under both State and Commonwealth legislation recorded on the site or in the surrounding area. The Environmental Assessment must detail measures to avoid or mitigate any impacts on threatened species associated with the proposal. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included.
- **Water Quality Impacts** - the Environmental Assessment must include an assessment of the water quality impacts associated with the construction and operation of the proposal, with particular reference to impacts on aquatic ecology, surface and groundwater at potential sites. The Environmental Assessment must include an appropriate assessment of potential flooding impacts, undertaken generally in accordance with the principles, processes and guidelines presented in the DNR's *Floodplain Development Manual, 2005*. The study shall take into account detailed topographic information, the full range of potential flood events up to and including the Probable Maximum Flood (PMF) and any local floodplain risk management planning processes. Consideration must be given to impacts upon Wallerawang due to the impedance of floodplain and waters. Flood studies and management plans will need to factor in the effects of any revegetation of riparian corridors on flood behaviour. Where impacts on waterways are anticipated, detailed mitigation, monitoring and management measures shall be identified. If engineering design measures are proposed to manage impacts, design elements must be clearly described. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included.
- **Heritage Impacts** – the Environmental Assessment must include an assessment of impacts on Aboriginal heritage, in accordance with draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005). The Environmental Assessment must detail measures to avoid or mitigate any impacts on any items of Aboriginal heritage identified. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included.
- **Visual Amenity Impacts** – the Environmental Assessment must include an assessment of the visual impact of the project from key viewing points within the local area and from nearby residential areas. This should include a photographic assessment which clearly demonstrates the potential visual amenity impacts of the proposal. The Environmental Assessment must clearly describe the visual amenity mitigation and management measures that the Proponent intends to apply to the project. Virtual images demonstrating the effect of mitigation measures must be included as part of this assessment. An assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of such measures must be included.
- **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	<p>You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment:</p> <ul style="list-style-type: none"> • NSW Department of Environment and Conservation; • NSW Roads and Traffic Authority; • NSW Department of Natural Resources; • RailCorp; • Australian Rail Track Corporation; • Sydney Catchment Authority; • Mine Subsidence Board; • Lithgow City Council; • the local community; and • rail operators. <p>The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.</p>
Deemed refusal period	Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> , the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.

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Deemed refusal period	Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> , the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.