



NSW GOVERNMENT
Department of Planning

Contact: Mike Young
Phone: (02) 9228 6481
Fax: (02) 9228 6466
Email: mike.young@planning.nsw.gov.au

Our ref: S06/00745

Mr Keith Ross
Managing Director
Namoi Mining Pty Limited
PO Box 2440
FORTITUDE VALLEY BC QLD 4006

21 November 2006

Dear Mr Ross

**Director-General's Requirements
Proposed Sunnyside Coal Project**

The Department has received your application for the Sunnyside Coal Project (reference number: 06_0308).

I have attached a copy of the Director-General's requirements (DGRs) for the project. These requirements have been prepared in consultation with the relevant government authorities, including the Gunnedah Shire Council, and are based on the information you have provided to date. I have also attached a copy of the government authorities' and Council's comments on the proposal for your information.

Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General may alter these requirements at any time.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project to determine:

- the 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 Assessment that will be required.

As you may know, the Department will review the submitted Environmental Assessment in consultation with the 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 project. As a result, the Department would appreciate it if the documents submitted to the Department are in a suitable format for the web. In addition, it would be appreciated if you would arrange for an electronic version of the Environmental Assessment for the project to be hosted on a website and provide a link to place on the Department's website.

Finally, if your proposal contains any actions that could have a significant impact on Matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any enquiries about these requirements, please contact Mike Young, Manager of the Department's Mining & Extractive Industries team (02 9228 6481).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Wilson', with a large, stylized loop at the end.

20.11.06

Chris Wilson
Executive Director
Major Project Assessments
as Delegate for the Director-General

Director-General's Requirements

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

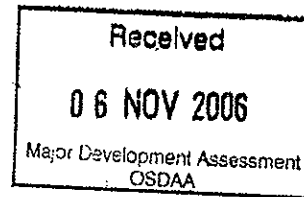
Project	The proposed Sunnyside Coal Project and associated infrastructure, which includes: • extracting up to 6 million tonnes of run-of-mine coal by open cut mining methods at a maximum rate of 1 million tonnes a year for up to 7 years; • auger mining from the open cut highwall; • on site crushing and screening of coal; • construction and operation of mining-related infrastructure on the site; • transportation of coal by road to the Whitehaven Coal Handling and Preparation Plant at Gunnedah; and • progressive rehabilitation of the site.
Site	Coocooboonah Lane, about 15 kilometres west of Gunnedah. Lots 12, 162, 161 and 462 DP 755503; Lot 1 DP 393755; Parish of Gill, Gunnedah Shire and various Council roads and road reserves.
Proponent	Namoi Mining Pty Limited
Date of Issue	20 November 2006
Date of Expiration	20 November 2008
General Requirements	The Environmental Assessment (EA) must include • an executive summary; • a detailed description of the project including the: – need for the project; – various components and stages of the project; and – alternatives considered; • consideration of any relevant statutory provisions; • a general overview of the environmental impacts of the project, 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 project (see above), which includes: – a description of the existing environment; and – an assessment of the potential impacts of the project including potential cumulative impacts; • a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project; • 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 the benefits of the project; and • a signed statement from the author of the Environmental Assessment report certifying that the information contained in the report is neither false nor misleading.
Key Issues	• Traffic and Transport – including a detailed quantitative traffic impact assessment of the proposed coal transport route and suitability of intersections of the Oxley Highway with Coocooboonah Lane and Blackjack Road, and local roads from the Oxley Highway to the Whitehaven Siding. • Surface and Groundwater - including detailed modelling of potential surface and groundwater impacts, a site water balance, and details of the proposed water monitoring program. Any proposal to use water from the

	flooded Gunnedah Colliery must assess potential impacts caused by the extraction and/or use of this resource; • Flora and Fauna – including any impacts on critical habitats, threatened species, populations, ecological communities (particularly White Box, Yellow Box, Blakely's Red Gum, Grassy Woodland) and native vegetation. Potential impacts on koalas and woodland habitat on the site and adjacent to the proposed coal haulage route must also be assessed (including the preparation of a koala management plan to address the potential impacts on the local koala population); • Rehabilitation, Final Landform and Final Void Management – including a justification of the proposed final landform and land use for the site; a detailed description of how the site would be progressively rehabilitated; and the measures which would be put in place for the long term protection and management of the site (and any biodiversity/koala habitat offset areas) following cessation of mining; • Noise – including construction, operation, off-site road noise impacts and detailed consideration of the effectiveness of noise mitigation bunds to reduce noise impacts; • Blasting and Vibration; • Subsidence – potential auger mining impacts; • Air Quality; • Greenhouse Gases – including an assessment of greenhouse gas emissions generated by on-site activities and the transport of coal to the Port of Newcastle; • Heritage - both Aboriginal (particularly protection of known sites on land adjacent to the proposed open cut pit) and non-Aboriginal; • Visual; and • Social and Economic.
References	The Environmental Assessment must 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 must consult with the relevant local and State government authorities, service providers, community groups, affected landowners and any affected Commonwealth government authorities. In particular you must consult with: • Department of Environment and Conservation; • Department of Natural Resources; • Department of Primary Industries; • NSW Roads and Traffic Authority; and • Gunnedah Shire Council. The consultation process and the issues raised must be described in the Environmental Assessment.
Deemed refusal period	60 days

State Government Technical and Policy Guidelines - For Reference

Aspect	Policy /Methodology
Soil and Water	
	• <i>Managing Urban Stormwater: Soils & Construction</i> (Landcom); • <i>Guidelines for Fresh and Marine Water Quality</i> (ANZECC); • <i>Rehabilitation Manual for Australian Streams</i> (Land and Water Resources Research and Development Corporation); • the various <i>State Groundwater Policy</i> documents (DNR); • any Water Sharing Plan under the <i>Water Management Act 2000</i> applicable to the site; • <i>Water Quality and River Flow Objectives for the Namoi River Catchment</i> (DEC); • <i>Namoi River Catchment Action Plan</i> (Namoi Catchment Management Authority); • <i>Approved Methods for the Sampling and Analysis of Water Pollutants in NSW</i> (DEC); • <i>NSW Groundwater Dependent Ecosystem Policy</i> (DNR); • <i>Environmental Guidelines: Use of Effluent by Irrigation</i> (DEC);
Flora and Fauna	
	• <i>draft Guidelines for Threatened Species Assessment</i> (DEC); • <i>Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities</i> (DEC); • <i>Policy and Guidelines for Fish Friendly Waterway Crossings</i> (DPI);
Blasting and Vibration	
	• <i>Technical Basis for Guidelines to Minimise Annoyance due to Blasting and Ground Vibration</i> (ANZECC);
Noise	
	• <i>NSW Industrial Noise Policy</i> (DEC); • <i>Environmental Criteria for Road Traffic Noise</i> (DEC); • <i>Environmental Noise Control Manual</i> (DEC);
Air Quality	
	• <i>Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW</i> (DEC);
Heritage	
	• <i>draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC); • <i>Assessing Heritage Significance</i> (NSW Heritage Office); • <i>NSW Heritage Manual</i> (NSW Heritage Office);
Traffic	
	• <i>Guide to Traffic Generating Development</i> (RTA); • <i>RTA Road Design Guide</i> (RTA); • relevant AUSTROADS standards;
Greenhouse Gases	
	• <i>Factors and Methods Workbook</i> (Australian Greenhouse Office)
Waste	
	• <i>Environmental Guidelines: Assessment and Classification and Management of Liquid and Non-Liquid Wastes</i> (DEC).

Our reference : FIL06/642
Contact : Mr Stephen O'Donoghue, (02) 6773 7000



Mr Michael Young
Manager, Mining and Extractive Industries
Major Development Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

1 November 2006

Dear Mr Young

Sunnyside Coal Mine – Environmental Assessment Requirements

The Department of Environment and Conservation (DEC) has received the Department of Planning's (Planning) request for Environmental Assessment (EA) Requirements for the proposed Sunnyside Coal Mine located on the property Sunnyside near Gunnedah.

DEC has considered the details of the project as outlined at the Planning Focus Meeting (PFM) held on 17 October 2006. The DEC has identified the information it requires to assess the project in Attachment A. The proponent should ensure that the EA is sufficiently comprehensive and detailed to allow DEC to determine the extent of the impact(s) of the proposal.

In summary the DEC's key information requirements for the project are:

- the impact on air quality, noise amenity, water quality and quantity for all operations proposed for the mine and its infrastructure;
- the impact on flora and fauna, particularly White Box, Yellow Box, Blakely's Red Gum Grassy Woodland, which is listed as an Endangered Ecological Community in Schedule 1 of the *Threatened Species Conservation Act 1995* and critically endangered under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
- the impact on koala's and habitats identified within woodland on the premises and adjacent to potential haulage routes to the coal loader located in Gunnedah;
- impact assessment and protection of identified Aboriginal heritage, in particular the axe grinding groove located in the hills above the proposed open cut pit which may be impacted by activities at the mine site, including blasting and vibration from operations and potential instability as a result of open pit operations and layout;
- the design and layout of facilities to minimise potential impact and achieve ambient goals; and,
- the actions that will be taken to avoid or mitigate environmental impacts, or compensatory measures to minimise unavoidable impacts.

In carrying out the assessment the applicant should refer to the relevant guidelines in Attachment B and also any industry codes of practice or best environmental management practice guidelines, for example:

- the Department of Environment and Heritage's Best Practice Environmental Management in Mining series; and,
- the Australian Minerals Industry Code for Environmental Management.

Based on the information provided to the DEC, the applicant will require an environment protection licence to:

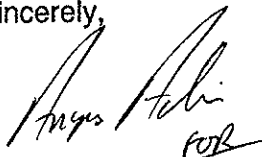
- carry out scheduled development work; and,
- carry out scheduled activities.

The applicant will need to make a separate application to the DEC to obtain this licence once planning consent has been granted by the Minister for Planning.

The proponent should be aware that any commitments made in the EA may be formalised as approval conditions. Consequently pollution control or conservation measures should not be proposed if they are impractical, unrealistic or beyond the financial viability of the development. It is important that all conclusions are supported by adequate data.

DEC requests that 4 hard copies of the EA are provided for assessment and one CD copy. These documents should be lodged with DEC's Armidale Office – postal address PO Box 494, ARMIDALE NSW 2350. If you have any queries regarding this matter please contact me on (02) 6773 7000.

Yours sincerely,



STEPHEN O'DONOGHUE
A/ Head Regional Operations
Environment Protection and Regulation Division
Department of Environment and Conservation

Incl: Attachment A - DEC's EA Requirements
Attachment B – Guidance Material

cc: Mr Tony Galligan
Managing Director
Whitehaven Coal Infrastructure Pty Ltd
5 Flinders Pl
DAVIDSON NSW 2085

Attachment A – DEC's Environmental Assessment (EA) Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Air Quality;
 - Noise and vibration;
 - Water quantity and quality (groundwater and surface waters);
 - Mine rehabilitation and assessment of final void water quality and impacts;
 - Threatened Species; and,
 - Aboriginal Cultural Heritage.
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment.

This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

Impacts on air quality

The goal is to maintain existing rural air quality and protect sensitive receptors, both on and off site, from adverse impacts of dust and odour.

Dust (PM_{2.5}, PM₁₀ and TSP) is the primary concern with potential emissions from construction activity, clearing and open cut mining operations, heavy equipment movement, crushing equipment and conveyors, transfer points, loading facilities and from coal, topsoils and overburden stockpiles.

The air quality impacts from the proposed development will need to be assessed using the methodology detailed in the DEC document "*Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*". In particular all assumptions used in modelling impacts will need to be clearly identified and justified. In particular, if the modelling and proposed management incorporates dust suppression using water then the volume requirements and source of the water must be identified, particularly for early stages of construction and operations where mining void water and stored water from storm runoff may not be available.

Impacts of noise and vibration

The development should be designed so that the mine premises and associated activities comply with the NSW Government's *Industrial Noise Policy* (INP) and the Australia and New Zealand Environmental Council's *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration*. In particular, assessment of potential impacts as a result of blasting on Aboriginal heritage near the proposed open pit will need to be assessed.

Noise impacts associated with road haulage off the defined premises will need to be assessed against the DEC's guidance document '*NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)*'

In particular, the tenure of the proposed haul road for the preferred option will need to be clearly identified to determine whether assessment against the INP (in the case of a private haul road as

part of the premises) or road traffic noise criterion (in the case of haulage along public roads) is undertaken.

Impacts on water quality and quantity

The DEC recommends that a water balance be prepared to model water management through the life cycle of the mine including the initial construction phase. A detailed water management plan will be required for control of clean water, sediment laden water from disturbed areas and potentially saline/ contaminated water from mining operations and groundwater seepage into the mining void.

Any discharge points will need to be identified with estimates of the frequency and volume of discharges and likely water quality discharges for key pollutants (but not limited to):

- Total dissolved and suspended solids;
- Grease and oil;
- Nutrients;
- pH; and,
- Conductivity

An assessment of potential water quality impacts on groundwater resources must also be undertaken. The DEC understands that the proposal may include utilisation of mine water from the old Gunnedah Colliery. The assessment must include water quality data on the mine water and demonstrate that the proposed use is appropriate.

An assessment of likely water quality and frequency of discharges from the final mining void following rehabilitation must also be undertaken. The proponent must demonstrate that options for minimising the final mine void have been identified and that discharges from the mining void will meet ambient water quality targets and stored mine void water quality will meet requirements for proposed future land-use on the premises.

Impacts of mine subsidence

The DEC notes that the proposal includes potential for auguring into coal seams from the pit walls beneath the hill to the south of the open pit. During the PFM, it was advised that potential impacts from mine subsidence as a result of the auguring activity would not be an issue due to the small diameter and depth of the proposed auguring operation. The assessment should clearly identify the proposed auguring operation and any potential impacts on the environment as a result of the auguring process.

Links to other premises

The proposal includes haulage of coal by road to the existing coal loader and washery located in Gunnedah. This premises is currently licensed by the DEC (Licence 3637). The Environmental Assessment must identify whether the proposed operations can be undertaken in accordance with current development consent and environment protection licence conditions

Impacts on biodiversity and specifically threatened species and their habitat

1. A field survey of the site should be conducted and documented in accordance with the gazetted draft *Guideline for Threatened Species Assessment* and the document "Threatened Biodiversity Assessment – Guidelines for Developments and Activities" (Working Draft) (DEC 2004)

2. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate for unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. Describe the extent of loss of any native vegetation and a strategy to offset any losses to ensure maintenance of, or improved outcome for biodiversity.
5. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the guideline.

Impacts on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Attachment B - Guidance Material

1. Assessing Environmental Impacts

Air quality

- Protection of the Environment Operations (Clean Air) Regulation 2002
- Approved Methods for the Sampling and Analysis of Air Pollutants in NSW
- Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales
- (Draft) Assessment and Management of Odour from Stationery Sources in NSW

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC 1990)

Water and Soils

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- Water Quality and River Flow Objectives for the Namoi River Catchment (DEC, 2006) <http://www.environment.nsw.gov.au/ieo/Namoi/index.htm>
- Namoi River Catchment Action Plan (CAP)

Waste water

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)

Stormwater

(note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction 4th Edition (Landcom 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998)

Groundwater

- State Groundwater Policy Framework Document (DLWC 1997)
- The NSW State Groundwater Quality Protection Policy (DLWC 1998)
- (Draft) NSW State Groundwater Quantity Management Policy
- NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
- National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)

Waste

- Guideline for the Use and Disposal of Biosolids Products (NSW EPA 1997)
- Environmental Guidelines: Solid Waste Landfills (NSW EPA 1996)
- Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)
- Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes

2. Assessing Threatened Species Impacts

Draft Guidelines For Threatened Species Assessment - Available from Dept of Planning

Threatened Biodiversity Assessment – Guidelines for Developments and Activities (Working Document) (DEC 2004) – Available from DEC's website at:-

http://www.nationalparks.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf#search=%22threatened%20biodiversity%20survey%20and%20assessment%20guidelines%22

3. Assessing Aboriginal Cultural Heritage Impacts

Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning.

Interim Community Consultation Requirements for Applicants

<http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>

Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

Colin Phillips - Proposed Sunnyside Coal Mine. Oxley Highway Gunnedah.

From: SCIFFER Greg <Greg_SCIFFER@rta.nsw.gov.au>
To: <Colin.Phillips@planning.nsw.gov.au>
Date: 24/10/2006 09:42
Subject: Proposed Sunnyside Coal Mine. Oxley Highway Gunnedah.
CC: Land Use Northern <Land_Use_Northern@rta.nsw.gov.au>, WOOD Bob G
 <Bob_WOOD@rta.nsw.gov.au>, SMALLMAN Frank B
 <Frank_SMALLMAN@rta.nsw.gov.au>, ORVAD Terry P
 <Terry_ORVAD@rta.nsw.gov.au>, <council@infogunnedah.com.au>

Colin

The RTA apologises for not attending the workshop. The following comments are provided concerning the impact on road safety and transport management:

- A traffic study should be undertaken that addresses the criteria set out in Table 2.1 of the RTA's Guide to Traffic Generating Developments.
- AUSTROADS guidelines Pt.5-Intersections at Grade should be used to assess improvements to the road network.

The following more specific issues will need to be addressed:

- Consideration needs to be given to the impact of vibration, dust and road traffic noise on adjoining residences along the route.
- Local road network via Blackjack and Quia Road to the existing siding could require upgrading to Council's local road standards and junctions should be assessed in accordance with AUSTROADS junction and sight distance standards.
- Existing junction of the Oxley Highway and Blackjack Road does not meet current AUSTROADS guidelines. Facilities for right and left-turning traffic need to be assessed. This could require road works.
- Existing junction of Coocooboonah Lane and the Oxley Highway would need to be upgraded to AUSTROADS standards. This is a cross-junction. The lane would require sealing and constructing to Council's local road standards and the access constructed to AUSTROADS standards.
- If a new access is to be created to the Oxley Highway then it will need to be located where there is at least 250m or more of safe intersection sight distance. Because trucks are involved the greater the safer.
- Depending on the number of eastbound left-turning tracks any road works could require the construction of an acceleration lane. This needs to be assessed.
- Any new connection to the highway will require Council's approval and the RTA's concurrence. Plans would need to be approved by the RTA and road works would require the execution of a Works Authorisation Deed (WAD).
- Impacts on school bus routes need to be assessed.
- If B-Doubles are used then road infrastructure will need to cater for them.
- Agreement beforehand should be sought from the RTA for scope of any road works on the Oxley Highway so the determination is not delayed.

Regards
 Greg Sciffer
 Development Assessment Officer
 Northern Region

Before printing, please consider the environment.

IMPORTANT NOTICE: This e-mail and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No

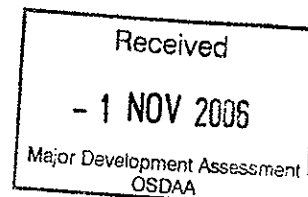


NSW Government
DEPARTMENT OF NATURAL RESOURCES

Contact: Christie Jackson
Phone: (02) 6764 5952
Fax: (02) 6764 5982
Email: christie.jackson@dnr.nsw.gov.au

Department of Planning
Attention: Colin Phillips
GPO Box 39
Sydney NSW 2001

25 October 2006



Dear Colin,

**Subject: Director-General's Requirements
Sunnyside Coal Project**

I refer to your email dated the 18 October 2006, requesting the Department of Natural Resources (DNR) Director-General's Requirements for the Sunnyside Coal Project. DNR's requirements are outlined below.

Surface water Issues:

The environmental assessment must include a description of all waterbodies that may be affected by the proposal. This should include potential impacts on other users and the catchment. A description of current water licences and allocation should be included as well as any further allocation requirements, including the use of the harvestable right policy. The report should also address any flooding impacts in the locality. The report should also contain information of any creek crossings, including the type of structures to be implemented.

Flora and Fauna:

The environmental assessment should include a flora and fauna survey including an assessment of relevant species listed on the *Threatened Species Conservation Act 1995*, *Fisheries Management Act 1994* and the *Federal Environment Protection and Biodiversity Conservation Act 1999*. This should also include a description of the amount of clearing to be undertaken and a list of species affected. The report should also include an assessment of habitat for all relevant species.

Soil and Geology:

The environmental assessment should include a description of the soil types and geology in the area including any potential hazards such as erosion and salinity.

Groundwater Issues:

The environmental assessment should include a groundwater assessment report including information on the water table in the area, potential impacts on the quality and quantity of groundwater in the area and potential impacts on other users. The report should also contain information on the potential for the mine to intercept the water table and potential contamination issues. The information collected from the piezometers currently on site should also be included in this report.

Cultural Heritage:

The environmental assessment should include a cultural heritage survey including assessment of cultural significance. This should be carried out using the Department of Environment and Conservation (National Parks) guidelines and recommendations and in consultation with the local Aboriginal community and the Local Aboriginal Land Council.

Erosion and Sediment Control Plan:

The environmental assessment report should outline an erosion and sediment control plan for the proposed extension site which details measures to minimise erosion during the construction and mine operations. The report should also outline designs for diversion banks and sediment retention dams. These structures should also be tested to ensure there is no potential for leakage or contamination into surface water or groundwater.

Monitoring and Mitigation Plan:

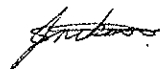
The report should include a monitoring and mitigation plan for groundwater, surface water, the sediment retention dams and potential impacts on soil quality.

Rehabilitation and Revegetation Program

The environmental assessment should include a rehabilitation and revegetation for the mine during and post operations, including the proposed final land use for the site.

If you require clarification on any of the above please don't hesitate to contact me on the above number.

Yours sincerely,



Christie Jackson
Environmental Review Officer
Natural Resource Planning Unit

Mr Colin Phillips
Environmental Planning Officer
Mining and Extractive Industries
GPO Box 39
SYDNEY NSW 2001

27 October 2006

Dear Sir

**Submission for Director General's Requirements
Sunnyside Coal Project**

I refer to the above development proposal and in particular your request to provide input into the Director-General's requirements for the Environmental Assessment for the proposed Sunnyside Coal Project.

Council has examined the background paper and associated documents that were issued at the Planning Focus Meeting held on 17 October 2006, having regard to issues that may have an impact on the Gunnedah Local Government Area.

Having regard to the development as set out in the background paper it is requested that the following specific issues be considered in the assessment process: -

1. That the nature of the road alignment and standard of Coocooboonah Lane be clarified having particular regard to the status of the road and the access of properties along that section of the haul route.
2. That the intersection of Coocooboonah Lane and the Oxley Highway be upgraded in accordance with RTA Standards.
3. That the intersection of Blackjack Road and the Oxley Highway be upgraded in accordance with RTA Standards.
4. That the standard of existing local road surfaces be analysed having regard to being able to sustain the loads imposed by coal haulage. Particular attention is to be given to Coocooboonah Lane, Blackjack Road, Quia Road and Torrens Road.
5. Establishment of a road maintenance and capital improvement agreement with Council in respect of the haul route on local roads having regard to a proportional contribution to maintenance and capital upgrade of the haul road.
6. That a noise monitoring regime be established by the Proponent in respect of the proposed transport route having regard to existing residential premises and a noise complaints protocol be established to specifically deal with noise issues associated with the transport route.
6. That the proponent examine the potential long-term implications on local communities of the ultimate exhaustion of the coal resource and the potential cost to the community of any possible social and economic dislocation that may arise as a result of the closure of this proposal.


Gunnedah Shire Council
63 Elgin Street, PO Box 63 GUNNEDAH NSW 2380
Tel: (02) 6740 2100 Fax: (02) 6740 2119
Email: council@infogunnedah.com.au
Web: www.infogunnedah.com.au

8. That an extensive community consultation program be developed and implemented to ensure that local residents and landowners near the mine operation and adjoining the transport haul route are constantly informed of the approval process and ongoing impacts of the mining operations.
9. That a detailed analysis be undertaken of the impact of the mining operation on the water quality within the catchment in which the mining operation is located. An ongoing water monitoring program should be required to ensure that water quality and quantity is not affected by the mining operations.

I look forward to your incorporation of the above comments in the assessment process. Should you require any additional comments, please contact Council's Strategic Planner, Ms Caitlin Cameron on 02 67402122.

Yours faithfully



Michael J Silver
MANAGER ENVIRONMENT & DEVELOPMENT

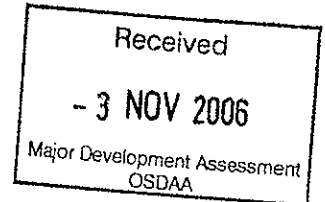
Contact: C Cameron 67402122



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Our Reference: 06/5920
31 October 2006

Mr Colin Phillips
Environmental Planning Officer
Mining & Extractive Industries
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Mr Phillips

**Re: Sunnyside Coal Project
Planning Focus Response**

I refer to the Planning Focus meeting for the above project which was held on 17 October 2006. The presentation made by the proponents at the Planning Focus meeting was similar to the Conceptual Project Development Plan presentation made previously to the Department of Primary Industries (DPI).

The following comments are provided in response to the call at the conclusion of the meeting for input to assist in the assembly of Director-General's requirements for an Environmental Assessment (EA) for the Sunnyside Coal Project.

As coal is a prescribed mineral under the *Mining Act, 1992*, the proponents are required to hold appropriate mining titles from DPI in order to mine this mineral. Any granted mining title is subject to standard and special conditions, with the preparation of a Mining Operations Plan (MOP), and an Annual Environmental Management Report (AEMR) being specific requirements for any mining lease before operations can commence. Relevant health and safety issues will need to be dealt with in accordance with the requirements of the *Coal Mine Health and Safety Act 2002* and the *Coal Mines Regulation Act 1982*.

The following comments are directed at specific areas of Departmental responsibility.

MINING TITLES

DPI understands that the Sunnyside Coal Project is within Consolidated Coal Lease 701, Exploration Licence 5183 and a small area outside existing titles. A Mining Lease which includes the surface will be required for the project. That

- Management plans for pasture management, the control of woody weeds and grazing management. Existing pasture & soil degradation, soil erosion and the spread of woody weeds mean that short term, piecemeal grazing leases or merely excluding cattle will be insufficient to sustain the productive capacity and agricultural potential of the site, or ensure sustainable environmental outcomes.

FISHERIES

Generally the most likely potential impact to fish habitat from this project would be the transport corridor as it crosses any water course and potential run off from the proposed mine site.

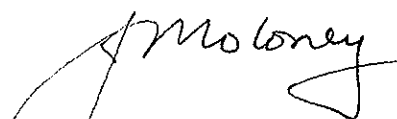
The EA should include:

- A general description of any aquatic habitat
 - Description and maps of aquatic habitat areas (creeks, wetlands, and floodplains) within the study area.
 - Hydrological information of watercourses such as bed substrate, and flow duration
 - The extent of aquatic habitat removal or modification which may result from the proposed development
 - Discuss the potential impact of any proposed modification or removal of habitat
 - Aspects of the management of the proposal which relate to impact minimisation eg Environment Management Plans.
- Details of any potential blockages to fish passage
 - Type of activity eg transport routes via creek beds and potential alterations to natural bed levels or works in a stream that change flow or morphological characteristics
 - Length of time fish passage is to be restricted
 - Remediation works.
- An assessment of the extent of any dredging or reclamation activities within 'water land'. This assessment should include any need for stream or creek realignment or placement of overburden on 'water land' or construction of roads/access routes through watercourses
- Sedimentation and erosion into the nearby waterways of Coocooboonah Creek and Flat Well Creek as a result of mining operations may result in direct and indirect impacts on fish habitat. DPI expect Best Management Practice with regards to controlling erosion and sedimentation

- If the proposal includes likely disturbance to fish habitat, the EA should include a threatened aquatic species assessment (as per Part 5C, EP&A Act 1979) to address whether there are likely to be any significant impacts on listed threatened species on our website (www.fisheries.nsw.gov.au/threatened_species). This should include initial 'Seven-Part Tests' and consultation with DPI.

Should you have any enquires regarding this matter please contact Julie Moloney, Senior Project Officer, Minerals Development on (02) 4931 6549.

Yours sincerely



for ✓ Garth Holmes
Manager
Minerals Development

