



Planning

**Major Projects Assessment
Mining & Industry**

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Our Ref: 10/09747

Mr Lance Muir
Aston Coal 2 Pty Limited
Level 10, 10 Eagle Street
BRISBANE QLD 4000

Dear Mr Muir

**Maules Creek Coal Project (MP 10_0138)
Director-General's Requirements**

The Department has received your application for the Maules Creek Coal Project.

I have attached a copy of the Director-General's requirements for the project. These requirements have been prepared in consultation with the relevant agencies, based on the information you have provided to date. I have also attached a copy of the agencies' comments for your information.

Please note that the Director-General may alter these requirements at any time.

The Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA) has determined that the project will require approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The project has been declared a controlled action under the EPBC Act and the NSW approval process has been accredited for this project. As a result, DEWHA has provided input into the formation of the Director-General's Requirements.

As you are aware, there could be a significant expansion of coal mining development in the Boggabri region, focussed principally on the Leard State Forest. In addition to the Maules Creek Coal Project, the Department is aware of proposed expansions to the existing Tarrawong and Boggabri coal mines, and the coal exploration activities being undertaken in the Goonbri exploration licence area to the east of the Tarrawonga mine. If all of this development proceeds as planned, the Department estimates that this sub-region could be producing as much as 30 million tonnes of ROM coal a year in the medium to long term.

As you can appreciate, this could result in a range of cumulative impacts on the surrounding region.

The Department has already indicated that it expects Aston Resources to work closely with the other companies in the sub-region to ensure that these cumulative impacts are kept to a minimum and managed appropriately.

In this regard, the Department expects the EA to carry out a detailed assessment of the potential cumulative impacts of the project of in conjunction with any existing, approved and/or proposed operations/projects in the vicinity of the site, but also some sensitivity analysis of this assessment to consider the potential worst case cumulative impact scenarios in the medium to long term.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your EA for the project. This will enable the Department to determine the:

- applicable fee (see Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000); and
- number of copies (hard-copy and CD-ROM) of the EA that will be required for exhibition purposes.

Once it receives the EA, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the EA to be hosted on a suitable website.

If you have any enquiries about these requirements, please contact Colin Phillips at the details listed above.

Yours sincerely

David Kitto 2/11/10

David Kitto
Director
Mining and Industry
As delegate for the Director-General

Director-General's Requirements

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

Application Number	MP 10_0138
Project	<p>The Maules Creek Coal Project, which includes:</p> <ul style="list-style-type: none"> • producing up to 13 million tonnes per annum (Mtpa) of coal for 21 years, using open cut methods; • constructing and operating additional facilities and infrastructure such as <ul style="list-style-type: none"> – workshops and administration facilities; – a Coal Handling and Preparation Plant (CHPP); – a rail spur, loop and rail connection to the Werris Creek to Mungindi Railway Line; – a Mine Access Road; and – and communications, electrical and water related infrastructure; • employment of approximately to 400 operational employees; and • progressive rehabilitation of all disturbed areas.
Location	Therribri Road, Maules Creek (approximately 18 km north-east of Boggabri) in the Narrabri Shire Council LGA.
Proponent	Aston 2 Coal Pty Limited
Date of Issue	2 November 2010
General Requirements	<p>The Environmental Assessment of the project must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of: <ul style="list-style-type: none"> – existing and approved mining operations/facilities, including any statutory approvals that apply to these operations/facilities; and – the existing environmental management and monitoring regime; – the existing, approved, and proposed mining operations in the vicinity of the site; • a detailed description of the project, including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered including justification for the proposed mine plan; – likely staging of the project; – likely interactions between the project and existing, approved and proposed mining operations in the vicinity of the site; and – plans of any proposed building works; • a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment, using sufficient baseline data; – an assessment of the potential impacts of the project, <u>including any cumulative impacts</u>, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); and – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the project, including detailed contingency plans for managing any significant risks to the environment; • a statement of commitments, outlining all the proposed environmental

	<p>management and monitoring measures;</p> <ul style="list-style-type: none"> • a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>Environmental Planning & Assessment Act 1979</i>; and • a signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false nor misleading.
<p>Key Issues</p>	<ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – measures taken to avoid impacts on biodiversity; – accurate estimates of the proposed vegetation clearing; – a detailed assessment of the potential impacts of the project on any: <ul style="list-style-type: none"> ○ terrestrial or aquatic threatened species, populations, ecological communities or their habitats, including: <ul style="list-style-type: none"> – <i>White Box-Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland</i>; – <i>Regent Honeyeater</i>; and – <i>Swift Parrot</i>; ○ regionally significant remnant vegetation, or vegetation corridors; and – an offset strategy to ensure the project maintains or improves the biodiversity values of the region in the medium to long term (in accordance with NSW and Commonwealth policies); • Soil and Water – including: <ul style="list-style-type: none"> – detailed modelling of the potential surface and groundwater impacts of the project; – a detailed site water balance, including a description of the measures to be implemented to minimise water use on site; – a detailed assessment of the potential impacts of the project on: <ul style="list-style-type: none"> ○ the quality and quantity of both surface and ground water resources; ○ water users, both in the vicinity of and downstream of the project; ○ the riparian and ecological values of the watercourses both on site and downstream of the project; and ○ environmental flows; and – a detailed description of the proposed water management system for the project and water monitoring program. • Air Quality – including a quantitative assessment of the potential air quality impacts of the project; • Noise & Blasting – including a quantitative assessment of the potential: <ul style="list-style-type: none"> – construction, operational and transport impacts (noise modelling should be based on applicable meteorological and stability category temperature inversion conditions to be developed in consultation with DECCW); and – blasting impacts of the project on people, livestock and property; • Transport – including: <ul style="list-style-type: none"> – accurate predictions of the road and rail traffic of the project; – a detailed assessment of the potential impacts of this traffic on the capacity, efficiency, and safety of the road and rail networks; – a detailed assessment of the potential impacts on the road/rail crossings at Gunnedah, Breeza and Curlewis (with suitable consultation to be undertaken with Whitehaven Coal Limited); • Heritage – both Aboriginal and non-Aboriginal; • Greenhouse Gases – including: <ul style="list-style-type: none"> – a qualitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project and identification of which emissions would be covered by the Commonwealth Government's proposed Carbon Pollution Reduction Scheme; – a qualitative assessment of the potential impacts of these emissions

	<p>on the environment; and</p> <ul style="list-style-type: none"> - an assessment of all reasonable and feasible measures that could be implemented on site to minimise the greenhouse gas emissions of the project and ensure it is energy efficient; <ul style="list-style-type: none"> • Visual; • Waste - including: <ul style="list-style-type: none"> - accurate estimates of the quantity and nature of the potential waste streams of the project, including tailings and coarse reject; and - a detailed description of the measures that would be implemented to minimise the production of waste on site, and ensure that any waste produced is appropriately handled and disposed of; • Hazards - including bushfires; • Rehabilitation - a detailed description of the proposed rehabilitation strategy for the project area having regard to the key principles in the strategic framework for mine closure (see relevant guidelines below), including: <ul style="list-style-type: none"> - rehabilitation objectives, methodology and proposed completion criteria; - nominated final land use, having regard to any relevant strategic land use planning or resource management plans or policies; and - the potential for integrating this strategy with any other offset strategies in the region; • Social & Economic - including: <ul style="list-style-type: none"> - an assessment of the potential impacts of the project on the local and regional community, paying particular attention to the demand it may generate for the provision of additional infrastructure and services; and - a detailed assessment of the costs and benefits of the project as a whole, and whether it would result in a net benefit for the NSW community.
References	<p>The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.</p>
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • The Commonwealth Department of Environment, Water, Heritage and the Arts; • Department of Environment, Climate Change and Water, including the NSW Office of Water; • Industry and Investment NSW; • NSW Roads and Traffic Authority; • Australian Rail Track Corporation; • Country Rail Infrastructure Authority; • Narrabri Shire Council; • Gunnedah Shire Council; and • Namoi Catchment Management Authority. <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed Refusal Period	90 days

Policies, Guidelines & Plans

Biodiversity	
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) (DEC)
	NSW State Groundwater Dependent Ecosystem Policy (DLWC)
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
	Policy & Guidelines - Fish Friendly Waterway Crossings (NSW Fisheries)
	State Environmental Planning Policy No. 44 – Koala Habitat Protection
Soil & Water	
<i>Soil</i>	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Rural Land Capability Mapping (DLWC)
	Agricultural Land Classification (DPI)
<i>Surface Water</i>	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	State Water Management Outcomes Plan
	Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003 (DECCW)
	NSW Government Water Quality and River Flow Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Floodplain Management Manual (DNR)
	Floodplain Risk Management Guideline (DECC)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	Technical Guidelines: Bunding & Spill Management (DECC)
	Environmental Guidelines: Use of Effluent by Irrigation (DECC)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Quantity Management Policy (DLWC, 1998)
	Murray-Darling Basin Groundwater Quality. Sampling Guidelines. Technical Report No 3 (MDBC)
	Murray-Darling Basin Commission. Groundwater Flow Modelling Guideline (Aquaterra Consulting Pty Ltd)
	Guidelines for the Assessment & Management of Groundwater Contamination (DECC, 2007)
Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources (2003)	

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)
Noise & Blasting	
	NSW Industrial Noise Policy (DECC)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Interim Guideline for the Assessment of Noise From Rail Infrastructure Projects (DECC)
	Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC)
	Interim Construction Noise Guideline (DECC)
	DIN 4150 Part 3 - Structural Vibration: effects of vibration on structures (ISO, 1999)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DoP and DEC)
<i>Non-Aboriginal</i>	NSW Heritage Manual (NSW Heritage Office)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
Greenhouse Gases	
	National Greenhouse Accounts Factors (Australian Department of Climate Change (DCC))
	Guidelines for Energy Savings Action Plans (DEUS)
Waste	
	Waste Classification Guidelines (DECC)
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Strategic Framework for Mine Closure (ANZMEC-MCA)
Social & Economic	
	Draft Economic Evaluation in Environmental Impact Assessment (DOP)
	Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)