

Our ref: DOC21/763555 Senders ref: SSD-26254212

Ms Gabrielle Allan Principle Planning Officer Energy Resource Assessment Department of Planning, Industry and Environment gabrielle.allan@dpie.nsw.gov.au

Dear Gabrielle

Angus Place West (SSD-26254212) – Request for SEARs

I refer to your email dated 30 August 2021 seeking input into the Department of Planning, Industry and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Assessment (EIS) for the Angus Place West (SSD-26254212).

The Biodiversity, Conservation and Science Directorate (BCS) has considered your request and provides SEARs for the proposed development in **Attachments A** and **B**.

BCS recommends the EIS needs to appropriately address the following:

- 1. Biodiversity and offsetting
- 2. Water and soils
- 3. Flooding

Please note the following.

1. The Biodiversity Assessment Method 2020 came into effect on 22 October 2020. There are transitional arrangements in place to minimise the impacts that amendments to the BAM may have on proponents and landholders. **Attachment A** provides details of the transitional arrangements.

If you have any questions about this advice, please do not hesitate to contact David Geering, Senior Conservation Planning Officer, via david.geering@environment.nsw.gov.au or (02) 6883 5335.

Yours sincerely,

Jamantha Wynn

Samantha Wynn Senior Team Leader Planning North West Biodiversity, Conservation and Science Directorate

6 September 2021

Attachment A - Environmental Assessment Requirements

Attachment B - Guidance Material

Standard Environmental Assessment Requirements

BCS	Biodiversity, Conservation and Science Directorate of the NSW Department of Planning, Industry and Environment, formerly OEH	
The Department	NSW Department of Planning, Industry and Environment	
NPWS	National Parks and Wildlife Service	

Transitional arrangements for the Biodiversity Assessment Method 2020

Clause 6.31 of the *Biodiversity Conservation Regulation 2017* provides that when the BAM is amended, a BAR may be prepared based on the prior version of the BAM for the following designated periods;

- 12 months for a BDAR in respect of SSD/SSI or standard biocertification,
- 12 months or longer if approved by the Minister for a BDAR in respect of strategic biocertification,
- 6 months for BARs in respect of all other development or stewardship applications

A BAR prepared under these arrangements must state that it has been prepared based on the prior version.

This means that from 22 October 2020 until the end of the relevant designated transition period a BAR may be prepared using **either** the BAM 2017 **or** the BAM 2020, but not a combination of both.

If an Accredited Assessor has commenced preparing a BAR in accordance with the BAM 2017, it is recommended that they discuss the transition options with the proponent/landholder. If opting to continue using the BAM 2017, the BAR must be prepared within the relevant designated period and must include a statement that it has been prepared based on the BAM 2017. In addition, because BOAMs has been updated to reflect the BAM 2020 settings, an assessor continuing to prepare a BAR under the BAM 2017 should consult the *Release Notes* to ensure the correct BAM-C settings are applied.

Where an assessor proposes to apply BAM 2017 to a scattered tree (formerly paddock tree) or small area streamlined assessment, the assessor must contact BAM Support for guidance on how to use the BAM Calculator to apply the transitional arrangements. However, if the applicant or assessor proposes to apply BAM 2017 to a BSSAR, the applicant or assessor must contact the Biodiversity Conservation Trust to discuss use of this option.

A guidance document which lists the revisions made from BAM 2017 to BAM 2020 can be found *here*.

Category 1 – exempt land

Clearing of native vegetation on land that meets the definition of Category 1 - exempt land (as defined under the *Local Land Services Act 2013* (LLS Act)) does not require assessment or offsetting under the *Biodiversity Conservation Act 2016*. Prescribed impacts as outlined in chapter 6 of the Biodiversity Assessment Method (2020) must still be considered on Category 1 - exempt land. In addition, potential impacts to Matters of National

Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* on Category 1 – exempt land must be considered.

Where an assessor identifies land as Category 1 – exempt land it must be adequately demonstrated that the identified land meets the criteria as set out in section 60H of the LLS Act. Multiple pieces of evidence should be used to demonstrate a Category 1 – exempt land designation. This might include:

- Publicly available data sets on the SEED data portal, such as:
 - Land use mapping used to identify and map existing and historical agricultural land use in NSW – see the 2017 landuse map
 - Woody vegetation extent used to identify and map native vegetation extent – see 2008 Woody extent 2011 woody extent
 - State-wide Landcover and Tree Survey (SLATS) woody clearing for NSW used to identify detectable clearing events since January 1990 – available here
- Published information on the Native Vegetation Regulatory Map, including Category 2-sensitive regulated, Category 2-vulnerable regulated, and excluded land *available here*
- Site-based information and records, including:
 - Current and historical high-resolution aerial photography
 - o current and historical photographs of the subject land
 - o historical land management records maintained by the landowner
 - o vegetation survey data collected on the subject land
 - documentation demonstrating history of authorised clearing and/or development

The published Native Vegetation regulatory map: method statement should be reviewed to determine how the datasets can be best interrogated to support any identification of Category 1 – exempt land.

Where datasets/information provide contradictory information, a precautionary approach should be applied, and the land should be categorised as Category 2 – regulated land.

Where Category 1 – exempt land is likely to be present on a development site, early engagement with BCS is encouraged. Prior to the Biodiversity Development Assessment Report being submitted to the consent authority, the accredited assessor should submit a proposed land categorisation method to the BCS North West Planning team at *rog.nw@environment.nsw.gov.au* for endorsement.

Biodiversity

- Biodiversity impacts related to the proposed project are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method, unless the Department determines that the proposed development is not likely to have any significant impacts on biodiversity values.
- 2. The BDAR must document the application of the avoid, minimise, and offset framework; including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the *Biodiversity Assessment Method*.
- 3. The BDAR must include details of the measures proposed to address the offset obligation as follows:

a. The total number and classes of biodiversity credits required to be retired for the project b. The number and classes of like-for-like biodiversity credits proposed to be retired c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules d. Any proposal to fund a *biodiversity conservation action* e. Any proposal to conduct ecological rehabilitation (if a mining project) f. Any proposal to make a payment to the Biodiversity Conservation Fund. If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits. 4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM. 5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the Biodiversity Conservation Act 2016. Water and soils 6. The EIS must map the following features relevant to water and soils including: a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map) b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method) c. Wetlands as described in s4.2 of the Biodiversity Assessment Method d. Groundwater e. Groundwater dependent ecosystems f. Proposed intake and discharge locations. 7. The EIS must describe background conditions for any water resource likely to be affected by the project, including: a. Existing surface and groundwater b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations c. Water Quality Objectives (as endorsed by the NSW Government) including groundwater as appropriate that represent the community's uses and values for the receiving waters d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions. 8. The EIS must assess the impacts of the project on water quality, including: a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the project protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction b. Identification of proposed monitoring of water quality. 9. The EIS must assess the impact of the project on hydrology, including: a. Water balance including quantity, quality and source

b.	Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain			
	areas, including but not limited to potential loss of groundwater to Coxs River			
с.	Effects to downstream water-dependent fauna and flora including groundwater			
	dependent ecosystems			
d.				
	floodplains that affect river system and landscape health such as nutrient flow,			
	aquatic connectivity and access to habitat for spawning and refuge (e.g. river			
	benches)			
e.				
	unregulated/rules-based sources of such water			
f.	Mitigating effects of proposed stormwater and wastewater management during and			
	after construction on hydrological attributes such as volumes, flow rates,			
	management methods and re-use options			
g.				
h.	Cumulative impacts on hydrology from interactions with previous mining.			
Floodi	ng			
10. The	e EIS must map the following features relevant to flooding as described in the			
Flo	odplain Development Manual 2005 including:			
a.	Flood prone land			
b.	Flood planning area, the area below the flood planning level			
с.	Hydraulic categorisation (floodways and flood storage areas)			
d.	Flood hazard.			
11. The	e EIS must describe flood assessment and modelling undertaken in determining the			
des	design flood levels for events, including a minimum of the 5% Annual Exceedance			
Pro	bability (AEP), 1% AEP, flood levels and the probable maximum flood, or an			
equ	ivalent extreme event.			
12. The	e EIS must model the effect of the proposed project (including fill) on the flood			
beł	naviour under the following scenarios:			
a.	Current flood behaviour for a range of design events as identified in 14 above. This			
	includes the 0.5% and 0.2% AEP year flood events as proxies for assessing			
	sensitivity to an increase in rainfall intensity of flood producing rainfall events due to			
	climate change.			
13. Mo	delling in the EIS must consider and document:			
a.	5			
	behaviour documented in these studies			
b.	The impact on existing flood behaviour for a full range of flood events including up to			
	the probable maximum flood, or an equivalent extreme flood			
C.	Impacts of the development on flood behaviour resulting in detrimental changes in			
	potential flood affection of other developments or land. This may include redirection			
	of flow, flow velocities, flood levels, hazard categories and hydraulic categories			
d. Relevant provisions of the NSW <i>Floodplain Development Manual 2005</i> .				
	EIS must assess the impacts on the proposed project on flood behaviour, including:			
a.	Whether there will be detrimental increases in the potential flood affectation of other			
	properties, assets and infrastructure			
b.	Consistency with Council floodplain risk management plans			
C.	Consistency with any Rural Floodplain Management Plans			
d.	Compatibility with the flood hazard of the land			

- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range or flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Guidance Material

Title	Web address			
Relevant Legislation				
Biodiversity Conservation Act 2016	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-2016-063			
Environment Protection and Biodiversity Conservation Act 1999	https://www.legislation.gov.au/Details/C2014C00140/Do wnload			
Environmental Planning and Assessment Act 1979	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-1979-203			
Fisheries Management Act 1994	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-1994-038			
National Parks and Wildlife Act 1974	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-1974-080			
Protection of the Environment Operations Act 1997	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-1997-156			
Water Management Act 2000	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-2000-092			
Wilderness Act 1987	https://www.legislation.nsw.gov.au/view/html/inforce/curr ent/act-1987-196			
	Biodiversity			
Biodiversity Assessment Method (OEH, 2020)	https://www.environment.nsw.gov.au/research-and- publications/publications-search/biodiversity- assessment-method-2020			
Changes to the Biodiversity Assessment Method from 2017 to 2020	https://www.environment.nsw.gov.au/research-and- publications/publications-search/changes-to-the- biodiversity-assessment-method-from-2017-to-2020			
BAM 2020 Operational Manual Stage 1	https://www.environment.nsw.gov.au/research-and- publications/publications-search/biodiversity- assessment-manual-2020-operational-manual-stage-1			
BAM Operational Manual Stage 2	https://www.environment.nsw.gov.au/research-and- publications/publications-search/biodiversity- assessment-method-operational-manual-stage-2			
BAM 2020 Operational Manual Stage 3	https://www.environment.nsw.gov.au/research-and- publications/publications-search/biodiversity- assessment-method-operational-manual-stage-3			
BAM Calculator User Guide	https://www.environment.nsw.gov.au/research-and- publications/publications-search/biodiversity- assessment-method-user-guide			
Serious and irreversible impacts of development on biodiversity	https://www.environment.nsw.gov.au/topics/animals- and-plants/biodiversity/biodiversity-offsets- scheme/serious-and-irreversible-impacts			
Practice Note - Guidance for assessors and decision makers in applying modified benchmarks to assessments of vegetation integrity: Biodiversity Assessment Method	https://www.environment.nsw.gov.au/research-and- publications/publications-search/guidance-assessors- decision-makers-applying-modified-benchmarks-to- assessments-vegetation-integrity			

Title	Web address
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	https://www.environment.nsw.gov.au/- /media/OEH/Corporate-Site/Documents/Animals-and- plants/Biodiversity/guidance-decision-makers-determine- serious-irreversible-impact-190511.pdf
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	https://www.legislation.nsw.gov.au/view/pdf/asmade/sl- 2017-471
Ancillary rules: Biodiversity conservation actions	https://www.environment.nsw.gov.au/- /media/OEH/Corporate-Site/Documents/Animals-and- plants/Biodiversity/ancillary-rules-biodiversity- conservation-actions-170496.pdf
Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	https://www.environment.nsw.gov.au/- /media/OEH/Corporate-Site/Documents/Animals-and- plants/Biodiversity/ancillary-rules-reasonable-steps-like- for-like-biodiversity-credits-170498.pdf
Ancillary rules: Impacts on threatened species and ecological communities excluded from application of variation rules	https://www.environment.nsw.gov.au/- /media/OEH/Corporate-Site/Documents/Animals-and- plants/Biodiversity/ancillary-rules-impacts-on-threatened- entities-excluded-from-variation- 170497.pdf?la=en&hash=C38840BFF49F012433532DF 72E3D90C741E4DAC1
The Department's Threatened Species Website	https://www.environment.nsw.gov.au/topics/animals- and-plants/threatened-species
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
Surveying Threatened Plants and their Habitats - NSW Survey Guide For The Biodiversity Assessment Method (DPIE 2020).	https://www.environment.nsw.gov.au/research-and- publications/publications-search/surveying-threatened- plants-and-their-habitats-survey-guide-for-the- biodiversity-assessment-method
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - November 2004	https://www.environment.nsw.gov.au/surveys/Biodiversit ySurveyGuidelinesDraft.htm
Threatened species survey and assessment guidelines: field survey methods for fauna – amphibians	https://www.environment.nsw.gov.au/research-and- publications/publications-search/threatened-species- field-survey-methods-for-fauna-amphibians
NSW Survey Guide for Threatened Frogs	https://www.environment.nsw.gov.au/research-and- publications/publications-search/nsw-survey-guide-for- threatened-frogs
Surveying 'species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method	https://www.environment.nsw.gov.au/research-and- publications/publications-search/species-credit- threatened-bats-nsw-survey-guide-for-biodiversity- assessment-method
Bat calls of NSW - region-based guide to the echolocation calls of Microchiropteran bats	https://www.environment.nsw.gov.au/surveys/Batcalls.ht m
Community Biodiversity Survey Manual	https://www.environment.nsw.gov.au/surveys/Communit yBiodiversitySurveyManual.htm
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinfor mationsystem.htm

Title	Web address
The Departments Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/
Fisheries NSW policies and guidelines	https://www.dpi.nsw.gov.au/fishing/habitat/publications/p ubs/fish-habitat-conservation
List of national parks	https://www.nationalparks.nsw.gov.au/conservation-and- heritage/national-parks
Revocation, recategorisation and road adjustment policy (OEH, 2012)	https://www.environment.nsw.gov.au/topics/parks- reserves-and-protected-areas/park-policies/revocation- recategorisation-and-road-adjustment
Guidelines for consent and planning authorities for Developments adjacent to National Parks and Wildlife Service Land (NPWS, 2020)	https://www.environment.nsw.gov.au/- /media/OEH/Corporate-Site/Documents/Parks-reserves- and-protected-areas/Development- guidelines/developments-adjacent-npws-lands- 200362.pdf
	Water and Soils
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	https://data.nsw.gov.au/data/dataset/acid-sulphate- soils-ass-planning-maps
Acid Sulfate Soils Manual (Stone et al. 1998)	https://www.environment.nsw.gov.au/resources/epa/Acid -Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid- sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding	
Floodplain development manual	https://www.environment.nsw.gov.au/topics/water/floodpl ains/floodplain-manual
Floodplain Risk Management Guidelines	http://www.environment.nsw.gov.au/topics/water/coasts- and-floodplains/floodplains/floodplain-guidelines
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	https://www.environment.gov.au/climate- change/adaptation/publications/climate-change-impact- risk-management
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC & ARMCANZ (2000) Water Quality Guidelines	https://www.waterquality.gov.au/anz- guidelines/resources/previous-guidelines/anzecc- armcanz-2000
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation /approvedmethods-water.pdf



Planning Number: SSD 26254212

Angus Place West

The Department of Planning, Industry and Environment – Crown Lands has reviewed the proposal.

Land Access Arrangements agreement

Crown Lands notes that numerous Crown land lots, which may include Crown roads, are contained within the proposed site, as identified in the Scoping report. As numerous Crown land lots identified in Table 1 attached are involved, authorisation to occupy or use the Crown land is required.

Currently Centennial Coal's Angus Place mine operations have very little authorisation in place, except for a licence (624109) for a pipeline on a Crown road, which could be terminated on the establishment of a suitable Compensation Agreement under section 265 of the *Mining Act 1992*. All Crown land and roads within a Mining Lease, or mining related activity, must be subject to a Compensation Agreement issued under section 265 of the *Mining Act 1992*. They may also be subject to a Section 81 Consent under the *Mining Act 1992*, where surface activities are proposed. The Compensation Agreement and/or Consent must be agreed and executed prior to any mining activity taking place.

Crown Lands further reserves its right to review the impact of any subsidence on Crown land and Crown roads and if management measures and remediation works undertaken by the mining lease holder do not sufficiently address the impacts from any subsidence or sufficiently meet any concerns of Crown Lands, then an application for compensation under the *Coal Mine Subsidence Compensation Act 2017* may be considered.

It is important to note that the initial review of the Crown land and roads involved shows that a number are affected by undetermined Aboriginal Land Claims. The proposal is also within the Warrabinga Wiradjuri #7 Native Title claim area.

These issues may be overcome by a Land Access Arrangements agreement issued under Section 141 of the *Mining Act 1992*, which places the onus on the company to comply with Mining Licence conditions and requirements. The conditions can include protection of environmental and heritage values and may address Native Title via "Right to Negotiate" provisions, which are overseen by Regional NSW.

Lot 702 DP 1026540 is a Travelling Stock Reserve. This is managed by Central Tablelands Local Land Services and is currently the subject of an undetermined Aboriginal Land Claim (ALC). As such, concurrence with the NSW Aboriginal Land Council (NSWALC) would be required. Additionally, if not incorporated into the area of a compensation agreement identified above, a tenure will be required to authorise any use of and/or access to this lot, which would also require consideration to Native Title as described above. This will need to occur prior to the commencement of any works.

Further information regarding Aboriginal Land Claims can be found at the following link:-

https://www.industry.nsw.gov.au/lands/what-we-do/our-work/aboriginal-land-claims

Information regarding Native Title can be found at the following link:-

https://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title

It is recommended that the proponent contact Crown Lands as early as possible, and during the assessment phase, to discuss and initiate the processes required to authorise the use of and/or access to Crown land and roads, including the negotiation of a compensation agreement under section *265 of the Mining Act 1992*.

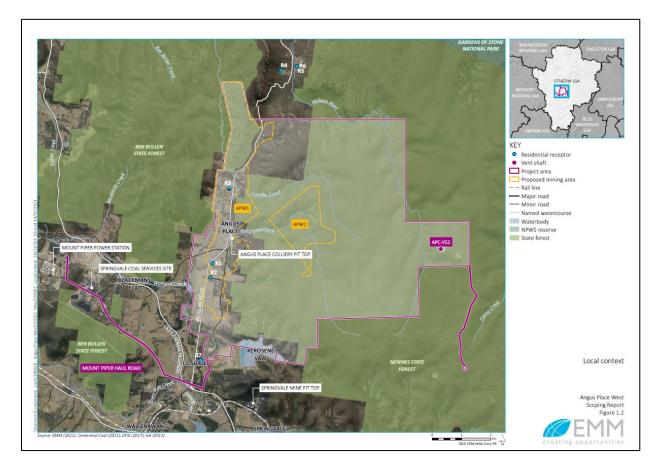
Crown Lands also notes that several Crown land lots are Reserves, with reservations of public recreation, rubbish depot and rural services, which are under the care, control and management of Lithgow City Council. The proponent is encouraged to consult with Lithgow City Council regarding the use of, or access to, this Crown land and to contact Crown Lands as early as possible if Crown Lands' involvement is required to assist.

If the proponent requires further information, or has any questions, please contact Mr Steve Pearson, Senior Natural Resource Officer, Orange, in Crown Lands, on 6391 4317.

Yours sincerely

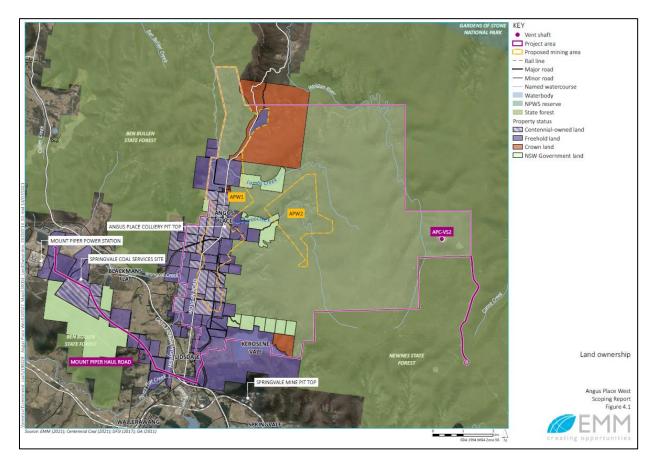
Daryl Lawrence Group Leader Orange

Map of proposal



Map1: Proposed Mining Areas (APW1 and APW2) within the ML areas (pink outline.)

Map 2: Proposal area with Land ownership - Crown Land shown in Brown



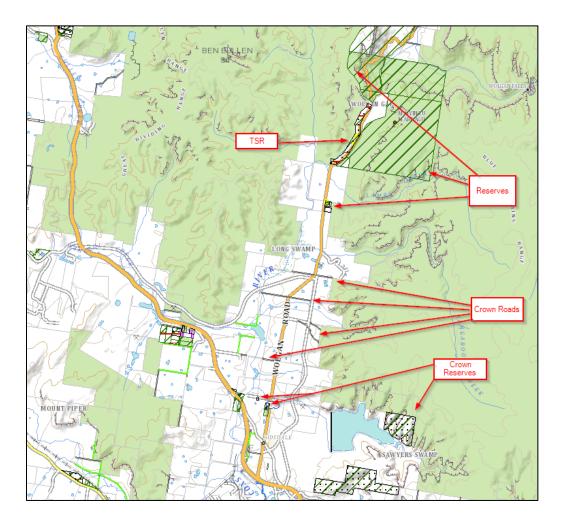


Table 1: Summary of Crown parcels impacted by the Angus Place proposal

Lot & DP	Reserv	Holder / Manager	Purpose	NT, ALC
	е			
Lot 7318 DP 1149348	751651	Crown	Future Public Requirements Other: Access	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 14589 NSW ALC 22/5/2006
Lot 7300 DP 1139065	751666	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC - Nil
Lot 7001 DP 1055079, Lot 7006 DP 1055080,	42350	Lithgow City Council	Public Recreation	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC -Nil
Lot 7002 DP 1026540,	42351	Rural Lands Protection Board (LLS) Lic 601506 -access bore Centennial Angus Place PL (18/09012)	Travelling Stock	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 40113 NSW ALC 23/2/2016
Lot 7003 DP 1026540	89979	Lithgow City Council	Rubbish Depot	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC - Nil
Lot 60 DP 751636	751636	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 44308 NSW ALC 30/6/2017
Lot 62 DP 751636	194639	Lic 194639 Residence Tanya Lee Theobald (OE81H867)	Residence	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC -Nil
Lot 77 DP 751636	751636	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 50721 NSW ALC 21/2/2020
Lot 78 DP 751636	751636	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 50721 NSW ALC 21/2/2020
Lot 79 DP 751636	751636	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 44308 NSW ALC 30/6/2017
Lot 423 DP 751651	190101	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 40121 NSW ALC 24/2/2016
Lot 432 DP 821852	751651	Crown	Future Public Requirements	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – 39918 NSW ALC 26/1/2016
Lot 431 DP 821852	190100	Lithgow City Council	Rural Services	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – Nil
Lot 133 DP 751651	78970	Lithgow City Council	Public Recreation	NT: NC2018/002 – Warrabinga Wiradjuri #7 claim ALC – Nil
Various Crown roads		Lic 603394 (Pipeline) – Centennial Angus Place PL (01059)	Roads	NT and ALC – not applicable



OUT21/11874

Gabrielle Allan Planning and Assessment Group NSW Department of Planning, Industry and Environment

gabrielle.allan@planning.nsw.gov.au

Dear Ms Allan

Angus Place West (SSD-26254212) Comment on the Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email of 30 August 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPIE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This
 includes confirmation that water can be sourced from an appropriately authorised and reliable
 supply. This is also to include an assessment of the current market depth where water
 entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <u>https://www.industry.nsw.gov.au/water</u>).

Any further referrals to DPIE Water and NRAR can be sent by email to <u>landuse.enquiries@dpie.nsw.gov.au</u>. or to the following coordinating officer within DPIE Water:

Alistair Drew, Project Officer- email: <u>Alistair.drew@dpie.nsw.gov.au</u>

Yours sincerely

Alistair Drew Project Officer, Assessments **Water – Knowledge Office** 6 September 2021



DOC21/757179-1

Department of Planning, Industry and Environment 4 Paramatta Square, Pitt Street Sydney, NSW, 2001

Attention: Ms Gabrielle Allan **Principle Planning Officer**

13 September 2021

Dear Ms Allan,

Proposed Angus Place West – Wolgan Road, Lidsdale NSW Secretary's Environmental Assessment Requirements (SSD-26254212)

Thank you for the opportunity to provide advice on the draft Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed Angus Place West (SSD-26254212) at Wolgan Road, Lidsdale, NSW 2790 (the premises).

The EPA understands that the proposal will continue underground mining at the existing Angus Place Colliery, including:

- a) first workings bord and pillar mining in two areas.
- b) extraction of up to 8.5 million tonnes of coal at a variable rate of up to 2 million tonnes per annum until 2042; and
- c) continued operation of the Angus Place pit top and ancillary infrastructure and construction and operation of additional water management infrastructure.

The EPA have considered the details of the proposal and provides comments on the draft SEARs in Attachment A.

Centennial Angus Place Pty Ltd (the proponent) currently holds Environment Protection Licence 467 permitting coal mining operations at the premises. Should approval be granted for this proposal, the proponent will need to make a separate application to the EPA to vary the licence.

If you have any questions or wish to discuss the matter further, please contact me on (02) 633 3800 or EPA.Southopsregional@epa.nsw.gov.au.

Yours sincerely

Dr Sandie Jones Regional Manager – Regional South Operations **Regulatory Operations Regional**

ATTACHMENT A: COMMENTS ON DRAFT SEARS

NOISE AND VIBRATION

The draft SEARs require the proponent to prepare a noise assessment in accordance with the *Interim Construction Guidelines, NSW Noise Policy for Industry* and *NSW Road Noise Policy*. This noise assessment should include, but need not be limited to:

- a) Operational time for all phases of the development
- b) Noise trigger levels
- c) Location and associated impact on sensitive receivers
- d) Existing background and ambient noise levels
- e) A blasting assessment (if relevant); and
- f) Considerations of all reasonable and feasible mitigation and management measures to minimise noise impacts

AIR QUALITY

The draft SEARs require the proponent to prepare an air quality impact assessment in accordance with the *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW*. This air quality impact assessment should include, but need not be limited to:

- a) Identification of all sources or potential sources of air emissions
- b) Description of the topography and surrounding land uses
- c) Description of the existing air quality and meteorology
- d) Quantities and physio-chemical parameters of material to be used, procedures for handling, transport, production and storage, the management of solid, liquid and gaseous waste streams with potential to generate emissions to air; and
- e) Consideration of all reasonable and feasible mitigation and management measures to reduce air quality impacts.

Where relevant, the proponent should also refer to *Approved Methods for the Sampling and Analysis* of *Air Pollutants in NSW* (DEC, 2007) and *Load Calculation Protocol for use by holders of NSW Environment Protection Licences when calculating Assessable Pollutant Loads* (DECC, 2009).

WATER QUALITY

The project is in close proximity to the Coxs River which is a major tributary of Warragamba Dam that ultimately discharges into the Nepean River. The Hawkesbury-Nepean River and its catchment provides drinking water, recreational opportunities, agricultural and fisheries produce in the Sydney Metropolitan area. As such, it has a high conversation value and requires a high level of protection from construction and operation activities associated with the project. In that regard, the EPA requires the proponent to identify the values of receiving waterways and apply the NSW Water Quality Objectives where relevant.

The draft SEARs require the proponent to develop an assessment of the likely water quality impacts of the proposed development. The EPA considers that this assessment should also include, but need not be limited to:

- a) A site layout, including drainage, contour lines, and proximity to waters,
- b) Waterway sensitivity and significance from a public health, ecological and economic perspective
- c) Description of existing surface water and groundwater quality, making reference to the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZG 2018) where relevant; and
- d) Reasonable and feasible mitigation and management measures to prevent pollution of waters

The EPA reiterates that the EIS needs to include a demonstration that water generated through mining activities is within scope of water that can be treated effectively at the Springvale Water Treatment Facility. Additionally, the proposed management of underground water generated as part of the proposed mining operations is reliant upon other projects that are yet to be approved. Therefore, the EIS should include contingency measures that account for the management of mine water under potential scenarios that include one or more of the linked projects not receiving approval and/or delays in the completion of one or more of the linked projects.

SOIL PROPERTIES

The EPA recommends that the SEARs require the proponent to provide details on the following:

- a) Description of the existing soil types, properties, and soil contamination; and
- b) Impacts on disturbance to existing contaminated soil, acid sulphate soils, subsidence or instability, and soil erosion

Where relevant, the proponent should refer to *Contaminated Sites* – *Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011), and *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (EPA, 2015).

WASTE AND CHEMICALS

The proponent has identified that waste likely to be generated during construction and operation will be identified, quantified, and classified within the waste streams. Further, the proponent will describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. The EPA recommends that the SEARs refer to the *EPA's Waste Classification Guidelines 2014*.

The EPA requests that the SEARs require the proponent to address chemical management. This includes details of any fuel to be kept at the proposed facility in relation to the Australian Standard '*The storage and handling of flammable combustible liquids*' (AS 1940:2017). It also includes consideration of any infrastructure required to prevent spill and leaks. This may include barriers to protect from vehicles, leak detection, automatic cut-off mechanisms at filling points and hoses used for the transfer of fuel and positioned within a bunded, impervious hardstand.



Forestry Corporation of NSW ABN 43 141 857 613 Macquarie Region Cnr Browning St & Panorama Ave Bathurst NSW 2795 (PO Box 143 Bathurst NSW 2795) T 02 6331 2044 F 02 6331 5528 www.forestrycorporation.com.au

14/09/2021 Ref No.: F2010/01271

NSW Department of Planning, Industry & Environment Major Projects Locked Bag 5022 Parramatta NSW 2124

Dear Ms Allan

Forestry Corporation of NSW (FCNSW) response to Angus Place West Project SEARS

FCNSW has no specific requirements for assessment outside of what is already defined in the Draft SEARS. However, under the Key Issue of Transport we would like to see particular assessment of impacts on the access to the Newnes Plateau for surface infrastructure, on the Old Bells Line of Road, State Mine Gully Road and other roads and tracks within Newnes State Forest. Assessment should take into consideration expected increase in vehicle traffic in the short and long term and the distinction between light and heavy vehicles.

If you require further clarification, please contact Melanie Klootwijk on 0427 259 503.

Regards,

Melool

MELANIE KLOOTWIJK STEWARDSHIP COORDINATOR FORESTRY CORPORATION OF NSW - NORTHERN SOFTWOODS

Our ref: DOC21/755908



Gabrielle Allan Department of Planning, Industry and Environment 320 Pitt Street SYDNEY NSW 2000

By email: Gabrielle.Allan@planning.nsw.gov.au

Dear Ms Allan

Request for Secretary's Environmental Assessment Requirements (SEARS) for Angus Place West (SSD-26254212) (Lithgow City)

Thank you for your referral dated 30 August 2021 inviting SEARS input from the Heritage Council of NSW on the above State Significant Development proposal.

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics. Therefore, no referral to the Heritage Council of NSW is required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.

If you have any questions regarding the above advice, please contact Gary Hinder, A/Senior Customer Strategies Officer, at Gary.Hinder@environment.nsw.gov.au or on 9873 8547.

Yours sincerely

S Lavelle

Dr Siobhan Lavelle OAM Senior Team Leader Customer Strategies Heritage NSW Department of Premier and Cabinet <u>As Delegate of the Heritage Council of NSW</u> 13 September 2021



LGS Economic Development and Environment

9 September 2021

Gabrielle Allan Environmental Assessment Officer Department of Planning, Industry and Environment gabrielle.allan@dpie.nsw.gov.au

Dear Gabrielle,

Secretary's Environmental Assessment Requirements (SEARS) - Proposed State Significant Development (SSD-26254212) – Angus Place West Project- Angus Place Colliery, Wolgan Road Lidsdale NSW 2790

I refer to the abovementioned project and the secretary's request for requirements for the submission of the Environmental Impact Statement, under Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

The project comprises of the continued operation of the pit top and first workings bord and pillar mining in two new mining areas adjacent to existing approved mining areas, to an extraction rate of up to 2 Mtpa. The first workings mine design is anticipated to result in less than 20 millimetres (mm) of subsidence at the ground surface level.

Council considers the Secretary's Environmental Assessment Requirements (SEARS) highlights the relevant issues. Council will undertake a full assessment once the Environmental Impact Statement is received.

Please contact Miss Lauren Stevens Monday to Friday on (02) 6354 9999 in Council's Economic Development and Environment Department if you require any additional information in relation to this matter.

Yours Sincerely

Jim Sheehan ACTING DEVELOPMENT MANAGER

PO Box 19, LITHGOW NSW 2790 Tel: (02) 6354 9999 Fax: (02) 63514259 Web: www.lithgow.nsw.gov.au Email: council@lithgow.nsw.gov.au

DOC21/759033



MINING, EXPLORATION & GEOSCIENCE ADVICE RESPONSE

Gabrielle Allan Planning & Assessment Group Department of Planning, Industry and Environment Locked Bag 5022 PARRAMATTA NSW 2150

gabrielle.allen@planning.nsw.gov.au

Dear Gabrielle

Project: Angus Place West Project Stage: Secretary's Environmental Assessment Requirements Development Application: SSD-26254212

I refer to your correspondence dated 30 August 2021 inviting the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) to provide comments on the Angus Place West Project (the Project), submitted by Centennial Angus Place Pty Limited (the Proponent).

Please note that the Resources Regulator has recently joined the MEG agency. Advice should continue to be sought from both the Resources Regulator and MEG.

MEG has reviewed the information supplied in relation to the abovementioned Project and requires that the Project's Environmental Impact Statement (EIS) refers to and includes all requirements set out in the MEG Secretary's Environmental Assessment Requirements for the Project provided in Attachment 1 (DOC 21/758896).

For further advice please contact Adam W. Banister, Senior Advisor Industry Development on 02 4063 6534 or <u>assessment.coordination@planning.nsw.gov.au</u>.

Yours sincerely

Scott Anson Manager Industry Advisory & Mining Concierge Industry Development Department of Regional NSW – Mining, Exploration & Geoscience 13 September 2021

for Anthony Keon Executive Director Strategy, Performance & Industry Development Department of Regional NSW – Mining, Exploration & Geoscience



DOC21/758896

Mining, Exploration & Geoscience

Secretary's Environmental Assessment Requirements

for proposed significant state development applications requiring consultation under Schedule 2 Part 2(3) of the Environmental Planning & Assessment Regulation 2000

Project	Angus Place West
Issue date of SEARs:	13 September 2021
Type of Approval:	Mining operation - underground
Proponent:	Centennial Angus Place Pty Limited
DA Number:	SSD-26254212
LGA:	City of Lithgow
Mineral:	Coal

In preparing the environmental assessment requirements with respect to an application for State significant development, the Planning Secretary must consult relevant public authorities and have regard to the need for the requirements to assess any key issues raised by those public authorities.

This development may require an approval under *the Mining Act 1992* to be issued by the Department of Regional NSW – Mining, Exploration & Geoscience (MEG). The proponent must apply to MEG for the relevant approval (mining lease) during the development assessment process, or once consent has been granted, and before the commencement of any mining or ancillary activity.

A development application under the Environmental Planning and Assessment Act 1979 must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

Environmental Impact Statement (EIS) requirements for mining

1. Project description

A comprehensive description of all aspects of the Project (including mineral extraction and mining purposes), including:

- (a) Location map showing the project area, mining titles, nearest town/s, major roads etc.
- (b) Status of all titles (including mining and exploration), and development consents in place and/or timeline to obtain necessary approvals.
- (c) Any relationships between the resource and existing mines or other infrastructure.
- (d) Nature of operation (e.g. underground, open cut) and ore mineral/s to be extracted.
- (e) Proposed life of mine and summary of production schedule.



2. Geology

- (a) A summary of the regional and local geology, including information of the stratigraphic unit or units within which the resource is located.
- (b) Document the physical dimensions of the coal resource. Plans and cross-sections showing the location of drill holes and the area proposed for extraction. Relevant supporting documentation such as drill logs should be included or appended.

3. Resource and reserve statement

The Proponent is to supply a copy of the most recent resource and/or reserve statement:

- (a) Include a full and updated resource/reserve statement outlining the tonnage of coal present in the subject area, that has been prepared in accordance with the current version of the Joint Ore Reserve Committee Code (JORC code) to a minimum of Indicated Resource level of confidence. It is preferred that at least some of the resource estimate is to a higher confidence level (measured/proved/probable).
- (b) The statement must include resource and reserve estimates for each coal seam proposed to be mined. The statement must include the coal quality parameters for each seam including product specifications and yields.

MEG understands that it may not be feasible to convert the majority of an Inferred Resource to Indicated (or higher) level of confidence. However, the Proponent needs to demonstrate that there are sufficient resources to support the majority of the initial life of mine production schedule. Any contribution from Inferred Resource(s) to the schedule needs to be justified.

4. Resource recovery and mine design

The Proponent is to supply a full assessment of resource recovery including:

- (a) Explain how the proposed mine plan and extraction method maximises resource recovery.
- (b) A summary of resources that will be sterilised or excluded, with justification.
- (c) List seams excluded from reserves (noting why each seam was excluded from reserve estimates).
- (d) Compare seams included/excluded in reserve estimates to those in nearby operations. If an underground operation, justify the selected working section.
- (e) List all economic, environmental, other constraints to the resource/reserve impacting the Project.

5. Geotechnical assessment

The Proponent is to supply a full geotechnical assessment supporting the mine design and method selected including, but not limited to, the following:

Structural trends, roof and floor conditions, seam conditions, stress magnitude and orientation, jointing and cleating, pillar dimensions, ground support requirements, consideration of longwall cavability, multiple seam mining implications, in-situ horizontal stress on mine layout, subsidence considerations.



Regional NSW

- (b) Explanation of current understanding of the paleochannel(s) and their expected impact on operations and planning. Describe risk reduction measures to be implemented.
- (c) Explanation of design and risk reduction measures to protect the rail corridor.

6. Subsidence

To justify proposed underground mining projects, the Proponent must demonstrate the feasibility of:

- (a) The proposed mining operation (e.g. mining methods, layout and sequences).
- (b) The proposed strategies to manage subsidence risks to surface or sub-surface features that are considered to have significant economic, social, cultural or environmental value.

The justification must be supported by information provided by the Proponent, including, but not limited to:

- (a) Identification and general characteristics of surface and subsurface features that may be affected by subsidence caused by the proposed mining.
- (b) General and relevant site conditions including; depths of cover, geological, hydrogeological, hydrological, geotechnical, topographic and climatic conditions.

7. Life of mine schedule

The Proponent must supply a life of mine production schedule for each year of operation of the mine and for the life of the Project. The production schedule is to include:

- (a) year by year production schedule detailing, mineable reserves extracted, ROM tonnages produced, product tonnes produced, including seam by seam details
- (b) in terms of text, plans or charts, show the proposed extent and sequence of the development
- (c) life-of-mine schedule should include estimates of non-acid forming (NAF) and potentially acid-forming (PAF) material in waste/tailings. Projections of handling and placement should be provided, including maps and diagrams. Tonnages of limestone, lime and any other material required for acid neutralisation should be included
- (d) for modifications and extensions, a comparison of the life-of-mine production schedule of the approved operation against the proposed project.

8. Project economics and target market

The Proponent is to supply an assessment of project economics including:

- (a) Coal price forecasts by coal type used by the Proponent. MEG requires these forecasts to analyse the Proponent's calculations of royalty value and export value.
- (b) Product tonnages split into market segment, for example, export/domestic and thermal/metallurgical coal. These estimates are necessary to arrive at total revenue value and royalty calculations. Include justification for market segment based on quality parameters.
- (c) CAPEX & OPEX necessary for the Project broken down into the various sub-categories and equipment type.



- (d) Estimates of employment generation broken down into direct, indirect, ongoing, construction and contract workers.
- (e) Total royalty generated to the state over the life of the Project.
- (f) Relationship and interaction with other mines. How the Project impacts on the existing mine and surrounding mines.
- (g) Details on derivation/analysis of Run-of-Mine (ROM) production rate; to answer why this the optimum rate.

MEG understands that an estimate of product (tonnes) split into individual market segments is difficult to estimate at a point in time and is dependent on market conditions as the life of the Project progresses, however MEG requires the Proponent to provide its best estimate of their market mix at the initial stages of the Project.

The above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource summary included in the EIS must commit to providing MEG with full resource documentation separately via MEG's Assessment Coordination Unit.

Additional matters for attention

Resource and Economic Assessment

The Resource and Economic Assessment (REA) is designed to review the resource/reserve estimates stated in the submitted EIS and supporting material. The REA also examines whether the project will deliver significant social and economic benefits to NSW from the efficient development of the resource, by optimising resource recovery and mine design and minimising waste. It also aims to ensure an appropriate return to the state from developing the resource. This process commences two months prior to lodgement of the EIS, the proponent to contact the Assessment Coordination Unit.

Biodiversity offsets

MEG requests that the Proponent consider potential resource sterilisation in relation to any proposed biodiversity offsets areas. Biodiversity offsets have the potential to preclude access for future resource discovery and extraction and could also potentially permanently sterilise access to mineral resources.

The EIS must therefore clearly illustrate the location (including offsite locations) of any biodiversity offsets being considered for the project and their spatial relationship to known and potential mineral and construction material resources and existing mining & exploration titles.

MEG requests consultation with both the Geological Survey of NSW – Land Use Assessment team and holders of existing mining and exploration authorities affected by planned biodiversity offsets. Evidence of consultation should be included in the EIS.

Mining Authorities

As coal is a prescribed mineral under the *Mining Act 1992*, the Proponent is required to hold an appropriate mining title(s) from MEG in order to mine the mineral.





For ancillary mining activities as, in so far as the ancillary activities are to be carried out in connection with and in the immediate vicinity of a mining lease in respect of a mineral, the proponent is required to hold a Mining Lease for ancillary mining activities or an 'off title' designated ancillary mining activity as defined by clause 7 of the Mining Regulation 2016 (the Regulation).

The EIS for a project should clearly identify existing mining authorities, mining authority applications and the final proposed mining lease area(s) for the project site and areas surrounding the proposed project area and address the environmental impacts and management measures for the mining and mining purpose activities as licensed under the Mining Act 1992.

Where a proposal includes Crown Land the proponent is required to comply with the Commonwealth *Native Title Act 1993* and undertake the right to negotiate process for the Crown Lands within the current exploration licence area(s) if proof of extinguishment cannot be determined.

A development application under the Environmental Planning and Assessment Act 1979 must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

Application of section 380AA of the *Mining Act* 1992 – restrictions on planning applications for coal mining and titles required to undertake mining

As coal is a prescribed mineral under the Act, the Proponent is required to hold appropriate mining titles from MEG to undertake mining.

In addition, section 380AA requires that an application for development consent (or modification to consent) to mine for coal cannot be <u>made or determined</u> unless the applicant is also the holder of a title under the Act or has the written consent of the holder of a title, where the parties are different.

Section 380AA(1) states:

An application for development consent, or for the modification of a development consent, to mine for coal cannot be made or determined unless (at the time it is made or determined) the applicant is the holder of an authority that is in force in respect of coal and the land where mining for coal is proposed to be carried out, or the applicant has the written consent of the holder of such an authority to make the application.

Based on <u>current</u> title information MEG advises that the Proponent holds the appropriate titles as required for mining operations as relating to the project and satisfies the requirements of section 380AA.

Position	Approval	Date
Endorsing Officer: Adam W. Banister Senior Advisor – Industry Advisory & Mining Concierge Industry Development (02) 4063 6534	CM9	10 September 2021
Approving Officer: Scott Anson Manager Industry Advisory & Mining Concierge Industry Development (02) 4063 6972	СМ9	13 September 2021



13/09/2021

SF2012/046027 | WST12/00136/09

The Manager Resource and Energy Assessments Department of Planning, Industry and Environment PO Box 39 SYDNEY NSW 2001

Attention: Gabrielle Allan

Dear Ms Allan

SSD 26254212: Various Lots, Angus Place West, Wolgan Road, Lidsdale, NSW, 2790 Request for Secretary's Environmental Assessment Requirements (SEARs)

Thank you for the referral requesting input to the Secretary's Environmental Assessment Requirements (SEARS) for the abovementioned development proposal received via the NSW Major Projects Planning Portal on 30 August 2021.

Transport for NSW (TfNSW) has reviewed the SSD Scoping report provided and understands that the proposed development involves a continuation of underground mining at the existing Angus Place Colliery, including:

- First workings bord and pillar mining in two areas
- Extraction of up to 8.5 million tonnes of coal at a variable rate of up to 2 million tonnes per annum until 2042
- Continued operation of the Angus Place pit top and ancillary infrastructure and construction and operation of additional water management infrastructure.

TfNSW has reviewed the submitted documentation and identified the following key points to be addressed in the Environmental Impact Statement being prepared in support of the project:

• The Scoping Report (Figure 4.1) indicates the Mount Piper Haul Road approved under SSD 5579 crosses the Castlereagh Highway (HW 18). The EIS is to clarify the location of the haul road. The EIS should document the approval of the haul road and any previous consultation with TfNSW (formerly RMS or RTA) in relation to the highway crossing.

Transport for NSW Level 1, 51-55 Currajong Street, Parkes NSW, 2870 | PO Box 334, Parkes NSW 2870 | DX20256 W transport.nsw.gov.au | E development.western@transport.nsw.gov.au | ABN 18 804 239 602 The Scoping Report (Figure 4.1) indicates Mount Piper Haul Road bisects various land holdings including freehold land and NSW Government land. TfNSW advises a portion of this road appears to traverse onto land owned by Transport Asset Holding Entity (TAHE) that is incorrectly identified as freehold land in the Scoping Report. The EIS should confirm if Mount Piper Haul Road will traverse onto Lot 8 DP 252472 and Lot 9 DP 252472 as outlined in Figure 1 below.



Figure 1: GIS Extract of TAHE owned land

- The Scoping Report indicates there is construction of a new haul road to link Mount Piper Haul Road to Springvale Coal Services Site. A map detailing the new haul road linking to Mount Piper Haul Road shall be submitted during EIS stage. If the new haul road requires access to the rail corridor and/or on land owned by TAHE, consultation will be required with the Rail Infrastructure Manager for the Country Rail Network, currently John Holland Rail, Joanne Cheoung via email on joanne.cheoung@jhg.com.au
- TfNSW requests that the Environmental Impact Statement be supported by a Traffic Impact Assessment prepared by a suitably qualified person in accordance with the Austroads Guide to Traffic Management Part 12, TfNSW Supplements to Austroads and the RTA Guide to Traffic Generating Developments. The TIA should be tailored to the scope of the proposed development and include, but not necessarily be limited to, consideration of the following:
 - A map of the surrounding road network identifying the site access, nearby accesses, intersections and transport related facilities and the proposed transport route/s identifying all public roads proposed to obtain access from the classified (State) road/s to the development site.
 - The total impact of existing and proposed development on the road network with consideration for a 10 year horizon. This should include;

- Identify Annual Average Daily Traffic (AADT) volumes with percentage heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections.
- Background traffic data from published sources and/or recent survey data. The source of data and any assumptions are to be clearly explained and justified, including the growth rate applied to the future horizon.
- The volume and distribution of existing and proposed trips to be generated by the construction, operational and decommission phases of the development. This should identify the maximum daily and hourly demands generated by the development, particularly where they coincide with the network peak hour.
- The type and frequency of design vehicles accessing the development site.
- Details of the road geometry and alignment along the identified transport route/s, including existing formations, crossings, intersection treatments and any identified hazards. This should include;
 - Available sight distances at the site access and nearby intersections and any constraint to achieving the required sight distance for the posted speed limit.
 - An assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A for intersections along the identified transport route/s, identifying the existence of the minimum basic turn treatments and addressing the need for any warranted higher order treatments.
 - Swept path analysis demonstrating the largest design vehicle entering and leaving the development, and moving in each direction through intersections along the proposed transport route/s.
- Capacity analysis using SIDRA or other relevant application, to identify an acceptable Level of Service (LOS) at intersections with the classified (State) road/s, and where relevant, analysis of any other intersections along the proposed transport route/s.
- A review of crash data along the identified transport route/s for the most recent 5 year reporting period and an assessment of road safety along the proposed transport route/s considering the safe systems principles adopted under Future Transport 2056.
- Strategic (2D) design drawings of all proposed road works and the site access demonstrating scope, estimated cost and constructability of works required to mitigate the impacts of the development on road safety, traffic efficiency and the integrity of transport infrastructure. Works must be appropriately designed for the existing posted speed limit.
- Site plan demonstrating site access, internal manoeuvring, servicing and parking areas consistent with the relevant parts of AS2890 and Council requirements.

- Details of measures to address impacts and/or provide connections for public transport services and active transport modes, such as, public and school bus services, walking and cycling.
- Details of measures to ameliorate the impacts of road traffic noise, dust, and/or glare generated along the proposed transport route/s.
- Details of any Traffic Management Plan (TMP) proposed to address the construction, operation and decommission phases of the proposed development. The TMP may include temporary measures such a Traffic Guidance Scheme (TGS) prepared and implemented by suitably qualified persons in accordance with the current *Traffic Control at Work Sites Manual*. It is recommended that any TMP adopt a Driver Code of Conduct, including but not necessarily limited to, the following;
 - A map of the primary transport route/s highlighting critical locations.
 - An induction process for vehicle operators and regular toolbox meetings.
 - Procedures for travel through residential areas, school zones and/or bus route/s.
 - A complaint resolution and disciplinary procedure.
 - Community consultation measures proposed for peak periods.
 - Work, health and safety requirements under the *Work Health and Safety Regulation 2017*.

TfNSW highlights that in determining the application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

TfNSW appreciates the opportunity to contribute to the SEARs and requests that a copy of the SEARs be forwarded to TfNSW at the same time they are sent to the applicant. If you wish to discuss this matter further, please contact the undersigned on 02 6861 1530.

Yours faithfully

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Howard Orr Team Leader Development Services West Regional and Outer Metropolitan



PO Box 398, Parramatta NSW 2124 Level 14, 169 Macquarie Street Parramatta NSW 2150 www.waternsw.com.au ABN 21 147 934 787

9 September 2021

 Contact:
 Juri Jung

 Telephone:
 (02) 9865 2503

 Our ref:
 D2021/99280

Gabrielle Allan Principal Planning Officer Department of Planning, Industry and Environment Locked Bag 5022 PARRAMATTA NSW 2124

Water NSW response to Request for Input into SEARs – Angus Place West Project

Water NSW appreciates the opportunity to provide input into the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Angus Place West Project.

Water NSW has reviewed the Scoping Report prepared by EMM (dated 16 August 2021) and has the following comments and recommendations for inclusion in the Environmental Impact Statement (EIS).

As the development is located within the Sydney Drinking Water Catchment (SDWC), the Project shall be consistent with:

- clauses 9(1), 9(2) and 10(1) of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) apply. The EIS must specifically address each of these clauses, in particular a clear description and justification as to how the development would achieve a Neutral or Beneficial Effect (NorBE) on water quality.
- principles that underpin its approach to managing the impacts of mining in SWDC. A copy
 of the principles can be found at: <u>https://www.waternsw.com.au/waterquality/catchment/mining/principles</u>. The EIS must assess impacts associated with the
 relevant mining principle and specify approach those impacts will be managed.

Water NSW considers the draft SEARs have included Water NSW's main interests and requirements under the SEPP appropriately. However, Water NSW considers that the details of the pipeline and pumping station 1 construction to provide mine water to McPhillamys Gold Mine should be included in the EIS as they are located within Sydney Drinking Water Catchment. Therefore, Water NSW requests Conceptual Soil and Water Management Plan(s) for the Construction Phase for the pipeline and pumping station 1 construction 1 construction works.

Water NSW also requests to remain as a stakeholder in any further consultation on this project and looks forward to reviewing the forthcoming EIS.

If you wish to discuss further, please contact Juri Jung via email at environmental.assessments@waternsw.com.au.

Yours sincerely

and alunt.

DARYL GILCHRIST Manager Catchment Protection