



Planning & Infrastructure

Major Development Assessment Mining & Industry Projects

Contact: Paul Freeman
Phone: 9228 6587
Fax: 9228 6466
Email: paul.freeman@planning.nsw.gov.au
Ref: 10/21034

Mr Danny Young
Group Environmental Manager
Whitehaven Coal Limited
PO Box 600
GUNNEDAH NSW 2380

Dear Mr Young

Vickery Coal Project (SSD-5000) Director-General's Requirements

The Director General's environmental assessment requirements (DGRs) for the preparation of an Environmental Impact Statement (EIS) for the Vickery Coal Project are attached.

These requirements are based on the information you have provided to date and have been prepared in consultation with relevant government agencies and the affected councils. Their comments, which you should address appropriately in preparing the EIS, are also attached (see Attachment 2). Please note that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the project within two years of the date of issue of these DGRs. The Department will review the EIS for the project carefully before putting it on public exhibition, and will require you to submit an amended EIS if it does not adequately address the DGRs.

The Department also advises that key policy and planning documents that are relevant to the project are currently being finalised. These include the Strategic Regional Land Use Plan for New England North West, the Namoi Water Study, the Government's Aquifer Interference Policy and guidelines for the preparation of Agricultural Impact Statements. Therefore, these DGRs may be amended to reference these additional documents, to ensure that any are appropriately considered during the preparation of the EIS.

In particular, I draw your attention to the need for the EIS to contain a rigorous assessment of the agricultural impacts of the project. This assessment must be in accordance with the Agricultural Impact Assessment Guideline which is expected to shortly become available on the Department's website.

I would particularly like to require you to ensure comprehensive and genuine community consultation during the preparation of the EIS. Clear evidence must be presented to demonstrate that all issues raised during consultation (particularly issues raised by the community) have been addressed, in order for the EIS to be accepted as adequate for exhibition purposes.

Your project may require separate approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If so, the EPBC approval process may be integrated into the NSW approval process. If the project is subsequently declared to be a controlled action, I would appreciate it if you would advise the Department accordingly.

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

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS required for review.

If you have any enquiries about these requirements, please contact Paul Freeman on (02) 9228 6587 or Stephen O'Donoghue on 9228 6393.

Yours sincerely



Howard Reed 19.1.12
A/Director
Mining & Industry Projects
As delegate for the Director-General

Director General's Environmental Assessment Requirements

Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

State Significant Development

Application Number	SSD-5000
Development	<p>Vickery Coal Project, which includes:</p> <ul style="list-style-type: none"> • developing a new open-cut mining operation to extract up to 4.5 million tonnes of coal a year for 30 years; • constructing and operating a range of associated infrastructure including coal crushing and screening, mine access roads, water supply and management, electricity supply, communications, administration and service infrastructure; • transporting all coal extracted from the mine to the existing Whitehaven Coal Handling and Preparation Plant; • constructing and operating a section of private haul road and overpass of the Kamilaroi Highway; • realigning Blue Vale Road and Shannon Harbour Road; and • rehabilitating the site.
Location	25 km north of Gunnedah, in Gunnedah Shire and Narrabri Shire LGAs.
Applicant	Whitehaven Coal Limited.
Date of Issue	19 January 2012.
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In addition, the EIS must include:</p> <ul style="list-style-type: none"> • a detailed description of the development, including: <ul style="list-style-type: none"> – need for the proposed development; – justification for the proposed mine plan, including efficiency of coal resource recovery, mine safety, and environmental protection; – likely staging of the development - including construction, operational stage/s and rehabilitation; – all opportunities for co-operation and efficiencies with existing, approved and proposed mining operations in the vicinity of the site (including in respect of accessing and efficiently recovering coal resources, avoiding coal barriers between mines, emplacing overburden and efficiently transporting ROM and product coal); – likely interactions over the lifetime of the project between the development and existing, approved and proposed mining operations in the vicinity of the site (including ability to comply with relevant approvals, noting that existing development consent for the Whitehaven Coal Handling and Preparation Plant expires in 2022); – plans of any proposed building works; • consideration of all relevant environmental planning instruments, including Part 3 of the <i>Mining, Petroleum Production and Extractive Industry State Environmental Planning Policy 2007</i>, and including identification and justification of any inconsistencies with these instruments;

	<ul style="list-style-type: none"> • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> - a description of the existing environment, <u>using sufficient baseline data</u>; - an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and - a description of the measures that would be implemented to avoid, minimise and, if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment; - detailed environmental monitoring programs, including where relevant co-ordination of monitoring programs and protocols with adjoining mining operations to assess cumulative impacts; • consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.
<p>Key issues</p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Land resources – including a detailed description and assessment of impacts on: <ul style="list-style-type: none"> - soils, land capability (including salinisation and contamination); - landforms and topography; - land use, including agricultural, forestry, conservation and recreational use, with particular reference to agricultural land use and Vickery State Forest; - agricultural resources and/or enterprises of the local area, with particular reference to highly productive alluvial soils that may be impacted directly or indirectly by the project, and including: <ul style="list-style-type: none"> ○ pre-mining and post-mining agricultural assessment and mapping (including land capability and agricultural suitability mapping) of soil characteristics, across all proposed disturbance areas, and an assessment of their value and rehabilitation limitations; ○ definition of the limit of the Upper Namoi alluvium, and justification for this nominated limit; ○ any change in land-use arising from the creation of biodiversity offsets; ○ a detailed description of the measures that would be implemented to avoid, reduce or mitigate impacts of the development on local agricultural resources and/or enterprises; and; ○ justification for any significant long term changes to agricultural resources, particularly highly productive soils potentially affected by the development. • Water Resources – including: <ul style="list-style-type: none"> - detailed assessment of potential impacts on the quality and quantity of existing surface and ground water resources, including: <ul style="list-style-type: none"> ○ detailed modelling of potential groundwater impacts; ○ impacts on affected licensed water users and basic landholder rights; and ○ impacts on riparian, ecological, geo-morphological and hydrological values of watercourses, including environmental flows; - a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply infrastructure and

	<p>water storage structures;</p> <ul style="list-style-type: none"> - an assessment of proposed water discharge quantity and quality against receiving water quality and flow objectives; - assessment of impacts of salinity from mining operations, including disposal and management of coal rejects and modified hydrogeology, a salinity budget and the evaluation of salt migration to surface and groundwater sources; - identification of any licensing requirements or other approvals under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i>; - demonstration that water for the construction and operation of the development can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP) or water source embargo; - a detailed description of the proposed water management system (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts; and - a detailed flood impact assessment, which identifies impacts on local and regional flood regimes, including: <ul style="list-style-type: none"> o an assessment of the potential for flooding to occur in the open-cut pit; and o any measures proposed to mitigate potential flood impacts. <ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> - measures which would be taken to avoid, reduce or mitigate impacts on biodiversity; - accurate estimates of proposed vegetation clearing; - a detailed assessment of potential impacts of the development on any: <ul style="list-style-type: none"> o terrestrial or aquatic threatened species or populations and their habitats, endangered ecological communities and groundwater dependent ecosystems; and o regionally significant remnant vegetation, or vegetation corridors; - a comprehensive offset strategy, to ensure the development maintains or improves the terrestrial and aquatic biodiversity values of the region in the medium to long term. • Heritage – including an assessment of impacts on Aboriginal cultural heritage and Historic heritage, including: <ul style="list-style-type: none"> - an Aboriginal cultural heritage assessment (including cultural and archaeological significance) which must: <ul style="list-style-type: none"> o demonstrate effective consultation with Aboriginal communities in determining and assessing impacts, and developing and selecting options and mitigation measures; o outline any proposed impact mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures); and - a Historic heritage assessment (including archaeology) which must: <ul style="list-style-type: none"> o contain a detailed history and land-use summary of the site; o include a statement of heritage impact (including significance assessment) for any State significant or locally significant historic heritage items; and, o outline any proposed mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures); • Air Quality – including a quantitative assessment of potential: <ul style="list-style-type: none"> • construction and operational impacts, with a particular focus on dust emissions (including PM_{2.5} and PM₁₀ emissions, and dust generation from coal transport), as well as diesel and blast fume emissions; • spontaneous combustion properties of overburden or reject
--	--

	<p>material;</p> <ul style="list-style-type: none"> • reasonable and feasible mitigation measures to minimise dust, diesel and blast fume emissions, including evidence that there are no such measures available other than those proposed; and • monitoring and management measures, in particular real-time air quality monitoring and predictive meteorological forecasting. • Greenhouse Gases – including: <ul style="list-style-type: none"> - a quantitative assessment of potential Scope 1, 2 and 3 greenhouse gas emissions; - a qualitative assessment of the potential impacts of these emissions on the environment; and - an assessment of reasonable and feasible measures to minimise greenhouse gas emissions and ensure energy efficiency; • Noise, Vibration & Blasting – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction, operational and off-site transport noise impacts; - blasting impacts on people, livestock and property; - reasonable and feasible mitigation measures (including assessment of restricted night time operations), including evidence that there are no such measures available other than those proposed; and - monitoring and management measures, in particular real-time, attended noise monitoring and predictive meteorological forecasting; • Traffic & Transport – including: <ul style="list-style-type: none"> - detailed consideration of alternative forms of coal transport, including use of conveyors to connect with proposed rail loading facilities to the south; - detailed assessment of the potential impacts of the development on the capacity, safety and efficiency of the local and regional road network, with particular regard to a cumulative traffic impact assessment, condition assessment of the existing network and proposed new road infrastructure; - detailed description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network in the surrounding area over the life of the project; - detailed design of the proposed new road infrastructure and road alignments; and - assessment of rail impacts associated with the life of the project, noting that the proposal does not propose increased production capacity at the Whitehaven CHPP; • Visual – including: <ul style="list-style-type: none"> - a detailed assessment of the: <ul style="list-style-type: none"> ○ changing landforms on the site during the various stages of the project; and ○ potential visual impacts of the project on private landowners in the surrounding area as well as key vantage points in the public domain, including lighting impacts; ○ opportunities to minimise visual impacts of overburden emplacements and final voids through integrated mine planning with neighbouring mines; and - a detailed description of the measures that would be implemented to minimise the visual impacts of the project; • Waste - including: <ul style="list-style-type: none"> - accurate estimates of the quantity and nature of the potential waste streams of the development, including fine and coarse reject; - proposed management and disposal of coal rejects over the lifetime of the mine with consideration of any constraints on existing reject disposal from the Whitehaven CHPP; and
--	--

	<ul style="list-style-type: none"> - 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 managed; • Hazards - including bushfires; • Social & Economic – including an assessment of the: <ul style="list-style-type: none"> - potential direct and indirect economic benefits of the project for local and regional communities and the State; - most efficient recovery of coal resources across the site, with particular reference to potential sterilisation of coal reserves in coal barriers adjacent to neighbouring mines and use of short-run mining faces in constrained sections of the site; - potential impacts on local and regional communities, including: <ul style="list-style-type: none"> ○ increased demand for local and regional infrastructure and services (such as housing, childcare, health, education and emergency services); and ○ impacts on social amenity; - a detailed description of the measures that would be implemented to minimise the adverse social and economic impacts of the project, including any infrastructure improvements or contributions and/or voluntary planning agreement or similar mechanism; and - a detailed assessment of the costs and benefits of the development as a whole, and whether it would result in a net benefit for the NSW community; and • Rehabilitation – including the proposed rehabilitation strategy for the site, having regard to the key principles in the <i>Strategic Framework for Mine Closure</i>, including: <ul style="list-style-type: none"> - rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; - opportunities to achieve integrated and improved rehabilitation planning and outcomes in conjunction with neighbouring mines; - 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 rehabilitation and/or offset strategies in the region.
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. These documents should be included as part of the EIS rather than as separate documents.</p>
Consultation	<p>During the preparation of the EIS, you must consult with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of Sustainability, Environment, Water, Population and Communities; • Office of Environment and Heritage/ Environment Protection Authority (including the Heritage Branch); • Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services; • Department of Primary Industries (including the NSW Office of Water; NSW Forestry, Agriculture and Fisheries sections; Catchments and Lands (Crown Lands Division)); • Transport for NSW (including Roads and Maritime Services); • NSW Health; • Namoi Catchment Management Authority; • Gunnedah Shire Council; • Narrabri Shire Council; • Relevant Aboriginal stakeholders; and

	<ul style="list-style-type: none"> • Relevant energy service providers. <p>The EIS must:</p> <ul style="list-style-type: none"> • describe the consultation process used and demonstrate that effective consultation has occurred; • describe the issues raised by public authorities, service providers, community groups and landowners; • identify where the design of the development has been amended in response to issues raised; and • otherwise demonstrate that issues raised have been appropriately addressed in the assessment.
Further consultation after 2 years	If you do not lodge an EIS for the development within 2 years of the issue date of these DGRs, you must consult with the Director-General in relation to the requirements for lodgement.
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, Attachment 1 contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p> <p>Additional key reference documents are also identified by Government agencies in submissions in Attachment 2.</p>

ATTACHMENT 1 Technical and Policy Guidelines

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

Policies, Guidelines & Plans

Risk Assessment	
	AS/NZS 4360:2004 Risk Management (Standards Australia)
	HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Biodiversity	
	Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna – Amphibians (DECCW 2009)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – Working Draft (DECC 2004)
	Threatened Species Assessment Guidelines: the Assessment of Significance (DECC 2007)
	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
	Biobanking Assessment Methodology (DECC 2008)
Water Resources	
<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
	Any relevant Water Sharing Plans for surface waters under the <i>Water Management Act 2000</i>
	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) and associated Volume 2E: Mines and Quarries.
	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Floodplain Development Manual (DIPNR)
	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)
Groundwater	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)
	Any relevant Water Sharing Plan for groundwater resources under the <i>Water Management Act 2000</i>
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2010
	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)
	NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining, DECCW, December 2010.
Noise & Blasting	
	NSW Industrial Noise Policy (DECC)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
	NSW Road Noise Policy (DECCW)
	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 (ANZECC)
Land Resources	
	Draft Agricultural Impact Assessment Guidelines 2011 (DP&I)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Rural Land Capability Mapping (DLWC)
	Agfact AC25: Agricultural Land Classification (NSW Agriculture)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC 2005) Note: this document references the interim Community Consultation Guidelines for Applicants 2004 which has been replaced by OEH with the recent 2010 consultation guidelines referenced below. The interim guideline required that Aboriginal stakeholders can still register and be involved beyond Stage 1 of the consultation process.
	Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)
	Due diligence code of practice for protection of Aboriginal objects in NSW (DECCW 2010)
	Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)
	Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW 2010)

	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
<i>Historic</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
	Hazardous and Offensive Development Application Guidelines - Applying SEPP 33
	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)
Socio-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)

ATTACHMENT 2
INPUT FROM GOVERNMENT AGENCIES / COUNCILS

