

6.0 REGULATORY FRAMEWORK

The Mandalong Southern Extension Project has been assessed with full consideration of the applicable legislative requirements of the Commonwealth and State, along with the local planning and environmental frameworks of the Lake Macquarie and Wyong LGAs, where applicable. This section describes the relevant regulatory framework and the application to the Project.

6.1 Approval Pathway and Permissibility

The development assessment and approval system in NSW is set out in Parts 4 and 5 of the EP&A Act. Division 4.2 in Part 4 provides for the assessment and determination of State significant development (SSD). Pursuant to Section 89C of the EP&A Act, projects are classified as SSD if they are declared to be such by the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Schedule 1 of the SRD SEPP identifies development for the purpose of coal mining as SSD, and, as outlined in **Section 6.5**, the Project is permissible with development consent. As a result, pursuant to clause 8(1) of the SRD SEPP, the Mandalong Southern Extension Project comprises SSD.

The Minister for Planning and Infrastructure (or their delegate) determines development applications for SSD under Part 4 of the EP&A Act. The Minister has delegated the consent authority function to the NSW Planning Assessment Commission (PAC) for development applications made by private proponents for SSD.

A Project Briefing Paper was submitted to the DP&I, along with various other State and local government agencies, in February 2012 seeking the DGRs for the form and content of the EIS to accompany the development application. The DGRs were issued by the DP&I on 20 March 2012 outlining the general requirements and key issues to be addressed within the EIS. The DGRs and input received from other consulted government agencies are contained within **Appendix B** and summarised in **Section 1.7.2**.

6.2 Commonwealth Legislation

6.2.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as matters of “national environmental significance” (NES). An action that “has, will have or is likely to have a significant impact on a matter of National Environmental Significance” may not be undertaken without prior approval from the Commonwealth Minister, as provided under Part 9 of the EPBC Act. Approval under the EPBC Act is also required where actions are proposed on, or will affect, Commonwealth land and its environment.

An assessment of whether the Mandalong Southern Extension Project may have a significant impact on any matters of NES or on the environment of Commonwealth land was undertaken during the EIS investigations and preparation. Specifically, RPS, who prepared the appended *Fauna and Flora Assessment* (2013a) and *Heritage Impact Assessment* (2013b), conducted an on-line search of the EPBC Act Protected Matters Search Database (accessed on June 2012) to generate a list of those matters of NES within a 10 kilometre radius of the Southern Extension Area. RPS used this data, together with other local knowledge and records, to assess whether the Project will have, or is likely to have, a significant impact upon a matter of NES or on the environment of Commonwealth land.

RPS (2013a) concluded that Mandalong Southern Extension Project does not pose a significant impact on any of the matters of NES listed under the EPBC Act. Consequently a referral to the SEWPaC will not be made.

6.2.2 Native Title Act 1993

The *Native Title Act 1993* recognises that Aboriginal people have rights and interests to land and waters which derives from their traditional laws and customs. Native title may be recognised in places where Indigenous people continue to follow their traditional laws and customs and have maintained a link with their traditional country. It can be negotiated through a Native Title Claim, an Indigenous Land Use Agreement (ILUA) or future act agreements.

An ILUA is an agreement between a native title group and other parties who use or manage the land and waters. The ILUA process allows for negotiation between Indigenous groups and other parties over the use and management of land and water resources, and the ability to establish a formal agreement. An ILUA is binding once it has been registered on the Native Title Tribunal's Register of Indigenous Land Use Agreements.

A small area of land within the northern extent of the Project Application Area is located within the southern bounds of an ILUA (NIA2000/001) entered into on 28 May 1999 by the Wonnarua Nation Aboriginal Corporation and Powercoal Pty Ltd (since acquired by Centennial). As such, Centennial Mandalong is bound by the terms of the ILUA, which are set out in the Master Deed, in the use and management of this small land area. Clause 7 of the Master Deed outlines Centennial's obligations, including provisions for compliance with an Aboriginal Heritage Protection Protocol (clause 7.2 and Schedule 5). The Deed is subject to a confidentiality clause and, as such, detailed commentary regarding the ILUA between the Wonnarua people and Centennial is not provided in this EIS.

Centennial Mandalong believes that Native Title may not have been extinguished over parts of the Southern Extension Area. Native Title matters associated with the Project will be addressed during the process to grant a new mining lease.

6.2.3 National Greenhouse and Energy Reporting Act 2007

The *National Greenhouse and Energy Reporting Act 2007* (NGER Act) provides a single national framework for the reporting and dissemination of information about the greenhouse gas emissions, greenhouse gas projects, and energy use and production of corporations. It makes registration and reporting mandatory for corporations whose energy production, energy use or greenhouse gas emissions meet specified thresholds. Centennial reports emissions from the corporation on an annual basis, including those from the Mandalong Mine, in accordance with the NGER Act.

6.3 NSW State Legislation

6.3.1 Environmental Planning and Assessment Act 1979

Objects of the EP&A Act

The EP&A Act is the principal piece of legislation overseeing the assessment and determination of development proposals in NSW. It aims to encourage the proper management, development and conservation of resources, environmental protection and ecologically sustainable development.

The objects of the EP&A Act generally seek to promote management and conservation of natural and artificial resources, while also permitting appropriate development to occur. The principles of ecologically sustainable development and public participation are also objects of the EP&A Act. The consistency of the Project with these objects is summarised in **Table 10**.

Table 10 – Objects of the EP&A Act

Objects of the EP&A Act	Consistency of the Project
(a) <i>to encourage:</i>	
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	Specialist consultants have been engaged to assess and report on the potential for the Project to impact upon the natural and artificial resources within the vicinity of the Southern Extension Area. Notably: • The impacts on the natural environment have been addressed within Sections 10.2, 10.4, 10.5, 10.6, 10.7, 10.10, 10.11, 10.12, 10.14 and 10.15. • The impacts on agricultural land have been addressed within Section 10.3. • The social and economic implications have been addressed within Sections 10.17 and 10.18.
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	The orderly and economic use of land is best served by development which is permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The Project comprises a permissible development which is consistent with the statutory and strategic planning controls. As detailed in this EIS, the proposal will result in positive economic impacts, with appropriate mitigation measures and management strategy being proposed to reduce adverse environmental impacts.
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	Refer to Section 10.1 .
(iv) <i>the provision of land for public purposes,</i>	Not applicable to the proposal.
(v) <i>the provision and co-ordination of community services and facilities, and</i>	Not applicable to the proposal.
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	Specialist consultants have been engaged to assess and report on the potential for the Project to impact upon the local environment. Notably, the impacts on flora and fauna have been addressed within Section 10.7 .
(vii) <i>ecologically sustainable development, and</i>	The proposal is consistent with the principles of ecological sustainable development as outlined in Section 12.4 , addressing both this object of the EP&A Act and clause 7(1)(f) in Schedule 2 of the EP&A Regulation.
(viii) <i>the provision and maintenance of affordable housing, and</i>	Not applicable to the proposal.
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	As outlined in Section 6.1 , the SSD proposal is subject to the provisions of Part 4 of the EP&A Act, where the Minister for Planning and Infrastructure (or his delegate) is the consent authority.
(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	As outlined in Section 8.0, Centennial Mandalong has undertaken significant consultation in relation to the Project with government agencies, the local community and other stakeholders. This consultation process is continuing with respect to the progression towards obtaining development consent and a mining lease over the Southern Extension Area. Any relevant public representations will need to be considered by the DP&I during the assessment of the development application.

Section 79C Evaluation

Section 79C of the EP&A Act applies to the determination of development applications for SSD. In determining the Project, the consent authority is required to consider the matters listed in Section 79C(1) of the EP&A Act as are of relevance to the development. Each of the relevant matters has been addressed in the EIS and will need to be considered by the consent authority during the assessment of the Project.

Other Approvals

Pursuant to Section 89J of the EP&A Act, the following authorisations are not required for approved SSD proposals:

- The concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of the Act;
- A permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*;
- An approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*;
- An Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*;
- An authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act to be repealed by that Act) to clear native vegetation or State protected land;
- A bush fire safety authority under section 100B of the *Rural Fires Act 1997*;
- A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*; and
- An order under Division 8 of Part 6 of the *Heritage Act 1977* restricting harm to buildings, works or relics that are not protected by a heritage listing.

Pursuant to clause 89K of the EP&A Act, an authorisation of the following kind cannot be refused if it is necessary for carrying out an approved SSD proposal and must be granted “substantially consistent” with the SSD consent:

- An aquaculture permit under section 144 of the *Fisheries Management Act 1994*;
- An approval under section 15 of the *Mine Subsidence Compensation Act 1961*;
- A mining lease under the *Mining Act 1992*;
- A production lease under the *Petroleum (Onshore) Act 1991*;
- An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act);
- A consent under section 138 of the *Roads Act 1993*; and
- A licence under the *Pipelines Act 1967*.

The need to obtain any of the above approvals for the Project is outlined in **Section 6.3.2**.

6.3.2 Other Key NSW State Legislation

The existing approvals relevant to the Project are described in **Section 1.8** and **Section 3.1**.

In addition to the requirement for development consent under Part 4 of the EP&A Act, the Mandalong Southern Extension Project will require approvals, licenses and/or authorities under various other pieces of NSW State legislation. **Table 11** lists the key relevant pieces of NSW State legislation and indicates the implications, if any, for the Project.

Table 11 – Relevant NSW State Legislation

NSW State Legislative Act	Project Implications (approvals, licences and/or authorities)
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	Mandalong Mine is a premises-based activity under Schedule 1 of the POEO Act and currently operates under the provisions of EPL 365. The Project will operate under an EPL, which will include a licensed discharge point at the Mandalong Mine Access Site (see Section 10.6.7) and an emergency licensed discharge point at the Mandalong South Surface Site. A consideration of proposed cross-operation volume transfers will need to be included in EPLs for both the Mandalong Southern Extension Project and the Northern Coal Logistics Project (see Section 10.6.1).
<i>Mining Act 1992</i>	To permit the extraction of coal within the Southern Extension Area a new mining lease will be required over EL 6317 under the <i>Mining Act 1992</i>. In addition, it is expected that the conditions of the new mining lease and SSD consent will require a new Mining Operations Plan (MOP) and Extraction Plan to be prepared and approved for the Project.
<i>Water Act 1912</i>	The <i>Water Act 1912</i> governs access, trading and allocation of licences associated with surface water and groundwater sources where a Water Sharing Plan is not in place. The <i>Water Act 1912</i> applies to groundwater interference, bore installation and extraction of groundwater within the Triassic and Permian formations within the Project Application Area. Two groundwater licences will be required under the <i>Water Act 1912</i>: • Groundwater interception licence for the construction of the ventilation shafts and service boreholes at the Mandalong South Surface Site; and • Groundwater licence to allow for the interference and extraction of groundwater from the underground workings via the dewatering bore at the Cooranbong Entry Site (see Section 10.4.5). Licence requirements will need to be reviewed once a water sharing plan for the porous and fractured rock groundwater sources is finalised. Most of the existing <i>Water Act 1912</i> licences will be transferred to water access licences under the <i>Water Management Act 2000</i> (see below).
<i>Water Management Act 2000</i> (WM Act)	The WM Act is intended to ensure that water resources are conserved and properly managed for sustainable use benefitting both present and future generations. Water sharing plans prepared in accordance with the WM Act include rules for protecting the environment and administering water licencing and trading. The Southern Extension Area is within an area covered by three water sharing plans (see Section 6.6.5). A surface water access licence under the WM Act will be required to redirect stored water from the Sedimentation Dam in to the underground workings (see Section 10.6.7). By the operation of section 89J of the EP&A Act, the Project will not require water use approvals under section 89 of the WM Act, water management approvals under section 90 or a controlled activity approval under Section 91. However, it may require an aquifer interference approval under section 91 of the WM Act.
<i>Coal Mine Health and Safety Act 2002</i> (CMH&S Act) <i>Workplace Health and Safety Act 2011</i> <i>Workplace Health and Safety (Mines) Act 2013</i>	The primary objective of the CMH&S Act is to assist in achieving the objectives of the <i>Work Health and Safety Act 2011</i> that relate to coal mines. The CMH&S Act is to be repealed upon commencement of the <i>Workplace Health and Safety (Mines) Act 2013</i>. Centennial Mandalong currently holds all necessary approvals under the CMH&S Act, which aims to assist in securing and promoting the health, safety and welfare of people at work at coal operations. Gas drainage and management at Mandalong Mine will continue to be regulated under the provisions of the CMH&S Act.
<i>Mine Subsidence Compensation Act 1961</i>	The Project Application Area is located within the West Lake, Mandalong and Wyong Mine Subsidence Districts. All surface improvements, including the proposed Mandalong South Surface Site and access road, will require approval by the MSB prior to construction.

NSW State Legislative Act	Project Implications (approvals, licences and/or authorities)
<i>Dams Safety Act 1978</i>	The Project does not propose any underground mining or surface disturbance on or in the vicinity of any dams prescribed under the <i>Dam Safety Act 1978</i> .
<i>Crown Lands Act 1989</i>	There is no Crown land within the area proposed for the Mandalong South Surface Site and access road. The Project will not require a licence to use Crown Land under the provisions of the <i>Crown Lands Act 1989</i> .
<i>Roads Act 1993</i>	Section 138 of the <i>Roads Act 1993</i> requires consent be obtained prior to disturbing or undertaking work in, on or over a public road. The Project proposes a new intersection off Mandalong Road to access the Mandalong South Surface Site. Mandalong Road is a local road under the care and control of LMCC. By operation of clause 89K of the EP&A Act, consent under section 138 of the <i>Roads Act 1993</i> cannot be refused if it is necessary for carrying out an approved SSD proposal and must be granted substantially consistent with the SSD consent.
<i>Threatened Species Conservation Act 1995</i> (TSC Act)	The TSC Act provides protection for threatened plants and animals native to NSW (excluding fish and marine vegetation) and integrates the conservation of threatened species into development control processes under the EP&A Act. RPS (2013a) concluded that the Project will not directly have a significant impact on threatened species or ecological communities within the Southern Extension Area.
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	The NPW Act contains provisions for the protection and management of national parks, historic sites, nature reserves and Aboriginal heritage. By operation of section 89J of the EP&A Act, the Project does not require any additional approvals under the NPW Act. All Aboriginal sites will be managed in accordance with Centennial's <i>Northern Holdings Aboriginal Cultural Heritage Management Plan</i> (ACHMP).
<i>Aboriginal Land Rights Act 1983</i>	The <i>Aboriginal Land Rights Act 1983</i> provides for the constitution of local, regional and State Aboriginal Land Councils and a mechanism for Land Councils to claim Crown land. There are no known granted claims over Crown land in the Project Application Area. Updated land status reports will be obtained as part of the Extraction Plan process to confirm the status of any claims.
<i>Heritage Act 1977</i>	Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the <i>Heritage Act 1977</i> . There are no references to heritage items in the Southern Extension Area within the World Heritage List, NSW Heritage Register, Australian Heritage Database or the relevant Local Environmental Plans (RPS 2013b). While RPS (2013b) did identify four log landings and five forestry items (see Section 10.9) within the Southern Extension Area, none of these items meet the NSW State heritage significance criteria and, therefore, do not require approval under the <i>Heritage Act 1977</i> . In any event, approval is not required due to the operation of section 89J of the EP&A Act.
<i>Contaminated Land Management Act 1997</i>	The relevance of this legislation to the Project is outlined in Section 6.4.5 .
<i>Forestry Act 2012 No 96</i>	A permit will need to be obtained from Forests NSW for access to the Olney State Forest within the Southern Extension Area.

6.4 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are Environmental Planning Instruments (EPIs) prepared by the Minister to address issues significant to NSW. The SEPPs outlined in the below sub-sections contain provisions that are relevant to the Mandalong Southern Extension Project and therefore are matters to be taken into consideration by the consent authority.

6.4.1 SEPP (State and Regional Development) 2011

The SRD SEPP came into effect upon the repeal of Part 3A of the EP&A Act and identifies development to which the SSD assessment and determination process under Division 4.1 in Part 4 of the EP&A Act applies. The relevance of the SRD SEPP for the purposes of the Project is outlined in **Section 6.1**.

6.4.2 SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of NSW. **Section 6.5** discusses the permissibility of the Project due to the application of clauses 7(1)(a) and 5(3) of the Mining SEPP.

Part 3 of the Mining SEPP stipulates matters for consideration by the consent authority before determining an application for consent in respect of development for the purposes of mining. Specifically clauses 12 to 17 (inclusive) require consideration to be given to the compatibility of projects with other surrounding land uses, including existing and potential extraction of minerals, natural resource management and environmental management, resource recovery, transportation and rehabilitation.

The information presented in this EIS addresses each of the matters for consideration prescribed in the abovementioned clauses, and the assessment undertaken has been multi-disciplinary and involved consultation with various government agencies and stakeholders. Emphasis has been placed on anticipation and prevention of potential environmental and social impacts, with various mitigation measures, management strategies, and monitoring activities proposed to minimise adverse impacts.

6.4.3 SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across NSW by improving regulatory certainty and efficiency through a consistent planning regime and greater flexibility in the location of infrastructure and service facilities. Clause 45 of the Infrastructure SEPP provides that for a development application in respect of development carried out:

- Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- Immediately adjacent to an electricity substation, or
- Within 5 metres of an exposed overhead electricity power line,

the consent authority must give written notice to the electricity supply authority for the area and invite comments about potential safety risks, and take into consideration any response to that notice received within 21 days after the notice is given.

This EIS assesses the Project's impact on relevant TransGrid and Ausgrid electricity transmission lines and describes the consultation that has been undertaken to date with TransGrid and Ausgrid in respect of the Project.

6.4.4 SEPP No. 71 – Coastal Protection

SEPP No. 71 – Coastal Protection (SEPP 71) applies to land (either all or part of) within the “coastal zone”, which is defined in the *Coastal Protection Act 1979*. While the northern extent of the Project Application Area around the western edge of Lake Macquarie does comprise some coastal zone land, the Southern Extension Area does not comprise any coastal zone land.

Clause 8 of SEPP 71 identifies matters to be taken into account when a consent authority determines a development application for a Project in respect of that part of the Project within the coastal zone. The information presented in this EIS in respect of the existing Mandalong Mine operations will enable the Minister to take into account the matters listed in clause 8 of SEPP 71 in respect of the northern extent of the Project Application Area that is within the coastal zone.

All additional activity and disturbance associated with the Project is limited to the Southern Extension Area, which is not within the coastal zone. Further, potential cumulative impacts have been assessed as part of the *Water Management Impact Assessment* (GHD 2013b) and are summarised in **Section 10.6**. GHD (2013b) carried out a geomorphology assessment of the downstream waterway at the Cooranbong Entry Site to address the relevant matters listed in clause 8. The assessment concluded that the stability of this waterway was unlikely to be impacted from the increased discharge via LDP001 (see **Section 10.6**). GHD (2013b) recommended that mitigation options be implemented and monitoring undertaken in order to limit the potential impact on downstream environments. The increased retention of mine water will assist in reducing the metal concentrations being discharged to the downstream environment.

6.4.5 SEPP No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land (SEPP 55) provides for a State-wide planning approach to the remediation of contaminated land in order to reduce the risk to human health or any other aspect of the environment. Clause 7(1) of SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Further, clause 7(2) of SEPP 55 provides that before determining an application for consent to carry out development that would involve a "change of use" in respect of certain land specified in clause 7(4) of SEPP 55, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority 1998).

Centennial Mandalong completed a Phase 1 desktop contaminated land assessment for the Mandalong Mine, including the Mandalong Mine Access Site, Cooranbong Entry Site and Delta Entry Site in December 2010. Based on the results of the Phase 1 assessment, potential contamination at the three sites was identified to be generally associated with fuel storage and handling and equipment storage and maintenance. The risk associated with potential contamination at the Mandalong Mine Access Site and Cooranbong Entry Site was considered to be moderate, with the risk associated with potential contamination at the Delta Entry Site considered to be low given the limited stored volumes of oil and fuel and the controls in place.

In February 2012, as an outcome of the Phase 1 assessment, Centennial Mandalong submitted Contamination Notifications to the EPA in accordance with section 60 of the *Contaminated Land Management Act 1997*. In accordance with commitments made to the EPA in the Notifications, Centennial Mandalong has commenced undertaking Phase 2 assessments at both the Mandalong Mine Access Site and Cooranbong Entry Site. Following the completion of the Phase 2 assessments, remediation plans will be developed and implemented in consultation with the EPA and an accredited contaminated land auditor to address any contamination issues identified. In a letter dated the 6 July 2012 the EPA confirmed acceptance of the approach proposed by Centennial Mandalong.

The part of the Project Application Area comprising a "change of use" relates to the Project's proposed additional surface disturbance area within the Southern Extension Area, limited to the proposed Mandalong South Surface Site and access road, which is proposed to be located within an area where the dominant historic land uses are native forest, logging and some grazing. There is no evidence that the land has been developed previously. On these bases, land contamination is unlikely to be an issue within the proposed additional surface disturbance area and the proposed change of use would not increase the risk from contamination.

Finally, Centennial Mandalong will implement best management practices for hydrocarbons, along with the approved EMS and workplace health and safety management systems, at the Mandalong South Surface Site to ensure the potential for contamination and associated issues remains low.

6.4.6 SEPP No. 44 – Koala Habitat Protection

SEPP No. 44 – Koala Habitat Protection (SEPP 44) provides for the protection of koala habitat by ensuring that areas subject to development proposals are considered for their value as habitat or potential habitat for koalas. Lake Macquarie and Wyong LGAs are listed under Schedule 1 of SEPP 44 as areas to which the SEPP applies.

The *Flora and Fauna Assessment* (RPS 2013a) in **Appendix G** addresses the Southern Extension Area in relation to SEPP 44. Several Koala feed tree species listed under SEPP 44 were detected within the Southern Extension Area, with several survey sites having tree species densities of at least one of the feed tree species over 15 percent. As outlined in **Section 10.7.7**, RPS (2013a) concludes that the Southern Extension Area does provide areas of "potential koala habitat" as defined in SEPP 44. However, as there were no observations of Koalas during field surveys, it does not provide "core koala habitat" as defined in SEPP 44. Consequently no further consideration pursuant to SEPP 44 is required.

6.4.7 SEPP No. 33 – Hazardous and Offensive Development

SEPP No. 33 - Hazardous and Offensive Development (SEPP 33) regulates, amongst other things, the determination of development applications to carry out what is defined in SEPP 33 as development for the purposes of a "potentially hazardous industry" or "potentially offensive industry". With the continued implementation of best management practices for hydrocarbons and explosives used within the Project Application Area and the other measures outlined in this EIS to reduce or minimise the impact of the Project, as well as effective implementation of the approved EMS and workplace health and safety management systems, the Project should not pose any significant risk in relation to its locality, to human health, life or property or the biophysical environment.

Further, by employing the mitigation and management strategies identified in this EIS, the Project should not result in the emission of a polluting discharge in a manner which would pose a significant risk or impact in its locality or on the existing or likely future development on other land.

On the above bases, the Project is not considered to comprise a "potentially hazardous industry" or a "potentially offensive industry" within the meaning of these expressions in SEPP 33, and therefore a preliminary hazard analysis was not prepared as required by clause 12 of SEPP 33 and nor does clause 13 of SEPP 33 apply to the consent authority's determination of the Project's development application.

6.4.8 SEPP No. 14 - Coastal Wetlands

SEPP No. 14 – Coastal Wetlands (SEPP 14) aims to ensure coastal wetlands are preserved and protected for environmental and economic reasons. The provisions of SEPP 14, insofar as they require the consent authority to obtain the concurrence of the Director-General of DP&I, do not apply to the Project by reason of the exclusion for SSD provided for in section 79B(2A) of the EP&A Act.

Porters Creek Wetland is located over 2 kilometres south of the Southern Extension Area and is identified as a SEPP 14 wetland (No. 896a – Porters Creek). The major tributary of Porters Creek Wetland is Jilliby Creek, which is fed (in part) from small intermittent streams that exit the south-western boundary of the Southern Extension Area, along with Buttonderry Creek which discharges into an ill-defined broad floodplain (currently occupied by an industrial development) to the north of Porters Creek Wetland.

Sedimentation of Porters Creek Wetland as a result of the Project is considered highly unlikely due to its location and the implementation of appropriate erosion and sediment controls during and after all surface works. Furthermore, Porters Creek Wetland is well outside the predicted subsidence zone for the Project, being located over 4 kilometres south of the predicted subsidence zone. On this basis, RPS (2013a) concludes that the Project is not expected to impact upon Porters Creek Wetland.

6.4.9 Hunter Regional Environmental Plan 1989 (Heritage)

The *Hunter Regional Environmental Plan 1989 (Heritage)*, which is now a deemed SEPP (as of 1 July 2009), applies to the Lake Macquarie LGA. The general aim of this plan is to conserve the environmental heritage of the Hunter Region, including the historic, scientific, cultural, social, archaeological, architectural, natural and aesthetic heritage.

There are no heritage items or conservation areas within the Project Application Area listed in the Schedules of this deemed SEPP.

6.5 Local Environmental Plans

Local Environmental Plans (LEPs) are EPIs that guide planning decisions for LGAs and allow local Councils to manage the ways in which land is used through zoning and development consents.

6.5.1 Lake Macquarie Local Environmental Plan 2004

The objective of the *Lake Macquarie Local Environmental Plan 2004* (Lake Macquarie LEP 2004) is to achieve development of land that is in accordance with the principles of ecological sustainable development (ESD) by promoting balanced development of that land and implementing the *Lifestyle 2020 Strategy* adopted by LMCC in March 2000. The land use zonings of the relevant components within the Project Application Area pursuant to the Lake Macquarie LEP 2004 are:

- The existing Mandalong Mine Access Site is zoned a mix of 7(2) Conservation (Secondary) and 9 Natural Resources;
- The proposed Mandalong South Surface Site is zoned 7(2) Conservation (Secondary); and
- The area proposed to be mined within the Southern Extension Area is predominantly zoned a mix of 1(1) Rural Production, 7(2) Conservation (Secondary) and 7(3) Environmental (General).

Development for the purposes of “mines” is permissible with development consent under the Lake Macquarie LEP 2004 within zones 1(1) Rural Production and 9 Natural Resources. While development for the purposes of “mines” is a prohibited land use within zones 7(2) and 7(3), sub-clause 7(1)(a) of the Mining SEPP (see **Section 6.4.2**) states that development for the purpose of underground mining may be carried out on any land with development consent. In relation to any inconsistency between the Mining SEPP and an LEP, sub-clause 5(3) provides that the Mining SEPP prevails to the extent of the inconsistency. On this basis, any provision in the Lake Macquarie LEP 2004 that would otherwise operate to prohibit the Project has no effect, and, accordingly, the Project is permissible with development consent on the land in which the Project will be carried out that is within the Lake Macquarie LGA.

The Lake Macquarie LEP 2004 also contains the following provisions:

- The consent authority must not grant consent unless it has regard to the vision, values and aims of the *Lifestyle 2020 Strategy* expressed in Part 2 of the Lake Macquarie LEP 2004, and that the development is consistent with the relevant objectives of the applicable zone(s);
- The consent authority must not grant consent unless it is satisfied that adequate arrangements for the provision of infrastructure essential for the development have been made and the impacts of such infrastructure have been considered; and
- Certain relevant provisions in Parts 5 and 6 of the Lake Macquarie LEP 2004 that operate as controls in respect of the decision-making function of the consent authority, including certain development standards.

The operation of the above provisions in respect of the Project are subject to the application of clause 8 of the Mining SEPP, which provides:

8 Determination of permissibility under local environmental plans

(1) If a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if provisions of the plan are satisfied:

(a) development for that purpose may be carried out on that land with development consent without those provisions having to be satisfied, and

(b) those provisions have no effect in determining whether or not development for that purpose may be carried out on that land or on the determination of a development application for consent to carry out development for that purpose on that land.

(2) Without limiting subclause (1), if a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if the consent authority is satisfied as to certain matters specified in the plan, development for that purpose may be carried out on that land with development consent without the consent authority having to be satisfied as to those specified matters.

Notwithstanding the application of clause 8 of the Mining SEPP, the assessment of the Project in this EIS:

- Enables the consent authority to have regard to the vision, values and aims of the *Lifestyle 2020 Strategy*;
- Enables the consent authority to be satisfied as to the provision of adequate infrastructure to support the Project; and
- Demonstrates that the Project is consistent with the relevant objectives of the zones within which the Project is located and any special controls that would apply to the Project were it not development for the purpose of mining.

6.5.2 Draft Lake Macquarie Local Environmental Plan 2012

The *Draft Lake Macquarie Local Environmental Plan 2012* (Draft LEP 2012) has been publicly exhibited and gazettal is planned for 2013, at which time it will replace the Lake Macquarie LEP 2004. The Draft LEP 2012 comprises a “conversion” LEP where the land use zones within existing LEP (2004) are converted into “similar” zones that are set out in the Standard LEP Template prepared by the DP&I (i.e. it will generally not provide new zoning rights or land use provisions).

The land use zonings of the relevant components within the Project Application Area pursuant to the Draft LEP 2012 are:

- The existing Mandalong Mine Access Site is proposed to be zoned a mix of E2 Environmental Conservation, RU2 Rural Landscape and SP1 Special Activities (Mine);
- The proposed Mandalong South Surface Site is proposed to be zoned E2 Environmental Conservation; and
- The area proposed to be mined within the Southern Extension Area is predominantly zoned a mix of E2 Environmental Conservation, E3 Environmental Management, RU2 Rural Landscape and RU3 Forestry.

Development for the purposes of mining (and related activities) is permissible with development consent under the provision of the Draft LEP 2012 within zone SP1 Special Activities (Mine). While mining is a prohibited land use within all other relevant zones, sub-clause 7(1)(a) of the Mining SEPP (see **Section 6.4.2**) states that development for the purpose of underground mining may be carried out on any land with development consent. In relation to any inconsistency between the Mining SEPP and an LEP, sub-clause 5(3) provides that the Mining SEPP prevails to the extent of the inconsistency. On this basis, any provision in the Draft LEP 2012 that would otherwise operate to prohibit the Project has no effect, and, accordingly, if the Draft LEP 2012 was to be gazetted in the form in which it was publicly exhibited, the Project would be permissible with development consent under the gazetted new LEP.

6.5.3 Wyong Local Environmental Plan 1991

The overall aims of the *Wyong Local Environmental Plan 1991* (Wyong LEP 1991) are to:

- Promote the management, development, conservation and economic use of the resources of the Shire of Wyong and to protect the amenity of its environment;
- Provide a comprehensive planning instrument for the Shire that is clear and explicit but which provides flexibility in its application; and
- Facilitate and encourage ecological, economic and social sustainability.

The small area proposed for mining within the Southern Extension Area that falls within the Wyong LGA is zoned a mix of 1(a) Rural, 1(f) Forestry, 5(a) Special Uses, 7(a) Conservation, 7(b) Scenic Protection and 6(a) Open Space and Recreation.

Development for the purpose of mining is permissible with development consent under the Wyong LEP 1991 within zones 5(a) Special Uses and 6(a) Open Space and Recreation. While mining is a prohibited land use within the other abovementioned zones, sub-clause 7(1)(a) of the Mining SEPP (see **Section 6.4.2**) states that development for the purpose of underground mining may be carried out on any land with development consent. In relation to any inconsistency between the Mining SEPP and an LEP, sub-clause 5(3) provides that the Mining SEPP prevails to the extent of the inconsistency. On this basis, any provision in the Wyong LEP 1991 that would otherwise operate to prohibit the Project has no effect, and, accordingly, the Project is permissible with development consent on the land in which the Project will be carried out that is within the Wyong LGA.

The Wyong LEP 1991 also contains the following provisions:

- The consent authority must not grant consent unless in its opinion the proposed development is compatible with the objectives of the applicable zone(s); and
- Certain relevant provisions in Part 3 of the Wyong LEP 1991 that operate as controls in respect of the consent authority's decision-making function.

As outlined in **Section 6.5.1**, the operation of these provisions in respect of the Project is subject to the application of clause 8 of the Mining SEPP. Notwithstanding, the information contained in this EIS would enable a consideration of the above provisions, and demonstrates the Project's consistency with the relevant objectives of the zones within which it is located.

6.5.4 Draft Wyong Local Environmental Plan 2012

The *Draft Wyong Local Environmental Plan 2012* (Draft Wyong LEP 2012) was publicly exhibited in January and February 2013. At the time of preparing this EIS, there was no advice available as to any amendments or the intended gazettal. The Draft Wyong LEP 2012 comprises a 'conversion' LEP where the land use zones within existing Wyong LEP 1991 are converted into 'similar' zones that are set out in the Standard LEP Template prepared by the DP&I (i.e. it will generally not provide new zoning rights or land use provisions).

The small area proposed for mining within the Southern Extension Area that falls within the Wyong LGA is proposed to be zoned a mix of RU1 Primary Production, E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation. While underground mining is a prohibited land use within all these zones, sub-clause 7(1)(a) of the Mining SEPP (see **Section 6.4.2**) states that development for the purpose of underground mining may be carried out on any land with development consent. In relation to any inconsistency between the Mining SEPP and an LEP, sub-clause 5(3) provides that the Mining SEPP prevails to the extent of the inconsistency. On this basis, any provision in the Draft Wyong LEP 2012 that would otherwise operate to prohibit the Project has no effect, and, accordingly, if the Draft Wyong LEP 2012 was to be gazetted in the form in which it was publicly exhibited, the Project would be permissible with development consent under the gazetted new LEP.

6.6 Other Considerations

6.6.1 Lower Hunter Regional Strategy

The *Lower Hunter Regional Strategy* (Department of Planning 2006) (LHRS) applies to the Lake Macquarie LGA and aims to set the future planning direction for the Lower Hunter. The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to accommodate the housing and employment needs of the region's population until 2031. Furthermore, the LHRS aims for employment growth to capitalise on key regional infrastructure such as the Port of Newcastle.

The LHRS (2006) recognises the continued contribution of mining to the region as follows:

Economically the Lower Hunter has a strong mining and industrial manufacturing heritage upon which it is building an increasingly diverse economic base, skilled workforce and nationally significant economic infrastructure, including the world's largest coal exporting port. Building on these important economic assets will further enhance the capacity of the region to provide continued employment growth.

The LHRS Map shows the existing Mandalong Mine Access Site and the proposed Mandalong South Surface Site as "State Forest", with the surrounding areas within the Project Application Area being a mix of "Employment Land", "Rural and Resource Land" and "Existing Urban Area". The Natural Resources Map shows the Project Application Area as primarily comprising a "Coal Resources" area, which is overlaid by "Rural Land and Environmental Assets" and small areas of "State Forests".

The Project is considered to be consistent with the relevant provisions of the LHRS in creating employment opportunities in the region that utilise existing coal mining infrastructure and transport networks, including the Port of Newcastle, whilst mitigating potential adverse impacts on the environment.

6.6.2 Lake Macquarie Lifestyle 2020 Strategy

The *Lake Macquarie Lifestyle 2020 Strategy* (Lifestyle 2020) is the major planning initiative for Lake Macquarie that provides the strategies necessary to manage the population and employment growth expected to occur in the LGA until 2020. It is a policy document that establishes guidelines for further development within the LGA.

Section 6 of Lifestyle 2020 contains Strategic Plan Maps and Intent Statements that identify the preferred pattern of development. Those matters relevant to the Project Application Area can be summarised as follows:

- The Urban Structure Map identifies the existing Mandalong Mine Access Site within an “Intensive Agriculture” area, with the Southern Extension Area (including the proposed Mandalong South Surface Site) being shown as located outside of existing “Urban Areas” and “Intensive Agriculture”.
- The Green System Map identifies the Southern Extension Area as comprising a mix of “Remnant Vegetation”, “High Value Habitat” and “Semi-Rural/Open and Agricultural Landscapes”, with small areas of “State Forest” and disturbed land.

Lifestyle 2020 advises that it is important to appropriately redevelop or reuse disused sites, including mining sites, especially where ecological processes will be improved as a result. The *Decommissioning and Rehabilitation Strategy* (GSSE 2013c) contained in **Appendix E** and summarised in **Section 10.19** nominates the proposed post-mining land uses and conceptual rehabilitation success criteria, which are consistent with the objectives of Lifestyle 2020.

6.6.3 Draft Lake Macquarie Lifestyle 2030 Strategy

The *Draft Lake Macquarie Lifestyle 2030 Strategy* (Draft Lifestyle 2030) was placed on public exhibition in late 2012 and will replace Lifestyle 2020 when the Draft LEP 2012 is gazetted. In general terms, the Draft Lifestyle 2030 does not release new land for development or propose new environmental protection areas. It generally focuses on consolidating land already identified in the LHRS and Lifestyle 2020.

Draft Lifestyle 2030 contains Strategic Plan Maps and Intent Statements that identify the preferred pattern of development. Those matters relevant to the Project Application Area can be summarised as follows:

- The Urban Structure Map identifies the existing Mandalong Mine Access Site on the edge of a “Growth and Expansion Corridor”, within a “Rural Landscape” part of which comprises “Major Remnant Vegetation”. The Southern Extension Area (including the proposed Mandalong South Surface Site) is identified as “Rural Landscape” and small areas of “State Forest” overlaid by “Major Remnant Vegetation”.
- The Green System Map identifies the Southern Extension Area (including the proposed Mandalong South Surface Site) as comprising a mix of “Rural Landscape” and “State/Regionally Significant Vegetation and Habitat”, with small areas of “State Forest”.

Draft Lifestyle 2030 states that the coal mining industry is important to the LGA and it is important that land use policy responds as changes take place in these industries, including to land use within mine holdings, consistent with the desired outcomes of Draft Lifestyle 2030. The *Decommissioning and Rehabilitation Strategy* (GSSE 2013c) contained in **Appendix E** and summarised in **Section 10.19** nominates the proposed post-mining land uses, which are consistent with the objectives of Draft Lifestyle 2030.

6.6.4 Central Coast Regional Strategy

The *Central Coast Regional Strategy* is the NSW Government's long-term land use plan for the region covering the Gosford City and Wyong LGAs. The Strategy contains policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031. The region's population is expected to grow by around 100,000 over this period, and the Strategy provides direction in terms of how and where future development should occur to appropriately accommodate this growth and provide sufficient capacity to cater for more than 45,000 new jobs.

The Strategy identifies the land within the Wyong LGA component of the Project Application Area as comprising “Rural and Resource Lands”. The Strategy advises that rural and resource lands are an important element of the Central Coast environment, contributing to employment, tourism, cultural and regional identity, character, biodiversity and catchment protection. It advises that these lands should be maintained for their agricultural, water supply, environmental, mineral and extractive resources and recreation and tourism opportunities. The Project, which does propose a small component of mining in the Southern Extension Area that falls within the Wyong LGA, is consistent with objectives of the Strategy and will not adversely impact upon the opportunities identified for rural and resource lands.

6.6.5 Water Sharing Plans

Water sharing plans prepared under in accordance with the *Water Management Act 2000* include rules for protecting the environment, extractions, managing licence holders' water accounts, and water trading within defined areas and specified water sources. The Southern Extension Area is within an area covered by the three water sharing plans outlined below. The Project's water licensing requirements under the *Water Management Act 2000*, as advised by GHD (2103), are summarised above in **Table 11**.

Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003

The *Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003* regulates the interception and extraction of surface waters in the Jilliby Jilliby Creek catchment. As advised in **Section 2.10.1**, Jilliby Jilliby Creek has a total catchment area of approximately 10,000 hectares, with approximately 661 hectares (7 percent) within the Southern Extension Area. This water sharing plan allows for basic landholder rights of 0.51 megalitres per day, with a further 1,016 megalitres per year available for extraction under extraction licences.

Water Sharing Plan for the Central Coast Unregulated Water Sources 2009

The *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009* regulates the interception and extraction of surface waters within the Wyong River catchment area. The Wyong River has a total catchment area of approximately 44,000 hectares, including approximately 634 hectares (1.4 percent) of Buttonderry Creek catchment within the Southern Extension Area and immediate surrounds (see **Section 2.10.1**). Wyong River is used as a town water supply, accounting for approximately 89 percent of extractions from the river (Umwelt 2013). Surface water entitlements total 38,782 megalitres per year within the Wyong River water source. The water sharing plan allows for basic landholder rights for up to 0.24 megalitres per day.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

The *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009* regulates the interception and extraction from unregulated surface waters and highly connected alluvial groundwater within the Hunter River catchment (excluding Wybong Creek, which is covered by a separate water sharing plan). As per **Section 2.10.1**, Morans Creek, Wyee Creek and Mannering Creek sub-catchments cover 3,129 hectares within the Southern Extension Area. These watercourses and the connect alluvium within the Southern Extension Area are located within the South Lake Macquarie extraction management unit of the water sharing plan, which allows access to water within South Lake Macquarie for basic landholder rights of 0.07 megalitres per day.

A water sharing plan for the north coast fractured and porous rock groundwater sources is currently under development and due to commence in 2014. It is understood that the porous and fractured groundwater sources within the Project Application Area will be covered by the Sydney Basin – Lower Hunter/Central Coast Groundwater Source. Given that the draft of this plan is not yet on exhibition, no further details regarding plan rules and allocations are available at this point in time.

6.6.6 Hunter-Central Rivers Catchment Action Plan

The *Hunter-Central Rivers Catchment Action Plan* (CAP), which was developed in consultation with local communities and approved by the then Minister for Natural Resources in January 2007, is aimed at providing a strategic framework to guide natural resource management in the Hunter-Central Rivers Catchment between 2006 and 2016. The CAP contains guiding principles that provide direction for the management of the catchment's key natural resources in order to achieve regional targets for improvements in natural resources and move towards ESD.

Amongst the set of guiding principles is a comprehensive list of principles that outline appropriate ways of managing natural resources through managing mining and extractive operations. The relevant guiding principles listed in the CAP with regards the mining operations were considered during the preparation of this EIS through:

- A thorough account of the existing environment and a detailed assessment of the potential for the Project to impact or influence the surrounding environment and populace;
- An overview of the existing proactive strategies employed at Mandalong Mine to avoid, minimise, mitigate, offset or manage potential impacts;
- A commitment to review the currently approved EMS, including management plans and monitoring programs, already implemented at Mandalong Mine in order to incorporate the Project; and
- A Statement of Commitments listing the actions that Centennial Mandalong will implement, in addition to those already in place, for environmental management and monitoring.

The assessment of the Project has been multi-disciplinary and involved consultation with various government agencies and stakeholders. Emphasis has been placed on anticipation and prevention of potential environmental and social impacts, with mitigation measures, management strategies and monitoring activities identified to minimise potential impacts. On this basis, we believe that the overall intent and relevant principles of the CAP are adequately and appropriately addressed within the detailed assessment and reporting contained within the EIS.

6.6.7 Strategic Regional Land Use Policy

The NSW Government's *Strategic Regional Land Use Policy* was introduced in September 2012 and sets out a range of initiatives to better balance growth in the mining industry with the need to protect agricultural land and water resources. The Policy includes a package of measures including the following key elements:

- The preparation of *Strategic Regional Land Use Plans* (SRLUPs) for both the Upper Hunter and the New England North West regions of NSW which identify and map Strategic Agricultural Land (SAL) and Critical Industry Clusters (equine and viticulture land uses) within these areas;
- The introduction of the *NSW Aquifer Interference Policy* (see **Section 6.6.8**); and
- The requirement for Agricultural Impact Statements to accompany SSD applications for mining projects that have the potential to affect agricultural resources (see **Section 10.3**).

The proposed key policy response for resolving land use conflict between mining and coal seam gas proposals and agricultural land is a "gateway process". Under this process, a panel of independent experts would assess proposals involving mining or coal seam gas development on mapped SAL at an early stage before the lodgement of a development application. The outcome of the gateway process would be that the proposal either meets the gateway criteria relating to agricultural and water impacts, or the proposal does not meet the criteria and therefore stringent requirements will be imposed that must be addressed at the development application stage. The gateway process will commence when the relevant amendments to the Mining SEPP and EP&A Regulation are made.

The existing SRLUPs do not apply to the Project Application Area. Notwithstanding, matters relating to soil landscapes, land use impacts, land capability and agricultural suitability have been addressed within this EIS.

The *Soil and Land Capability Assessment* (GSSE 2013a) and the *Agricultural Impact Statement* (GSSE 2013b) in **Appendices N** and **L**, respectively, verify that the Project Application Area does not contain any land that has the characteristics of Biophysical SAL. Furthermore, there is no land area within or adjoining the Project Application Area that is used for commercial horse breeding or contains vineyards.

6.6.8 NSW Aquifer Interference Policy

The *NSW Aquifer Interference Policy* (AIP) is a key component of the NSW Government's *Strategic Regional Land Use Policy*. The AIP clarifies the water licensing and approval requirements for aquifer interference activities, including the taking of water from an aquifer in the course of carrying out mining, and defines the considerations for assessing potential impacts to key water-dependent assets.

The AIP indicates that where mining results in the loss of water from an overlying source that is covered by a WSP (see **Section 6.6.5**), a water access licence is required under the WM Act to account for this take of water. According to the AIP, proponents of a mining project seeking development consent under Part 4 of the EP&A Act must provide estimates of all quantities of water likely to be taken from any water source during and following cessation of the activity and all predicted impacts associated with the activity. Hydrogeological modelling for the Project has been undertaken by GHD (2012) and is detailed in the *Groundwater Impact Assessment* (GHD 2013a) contained in **Appendix H**.

The AIP requires that potential impacts on groundwater sources, including their users and groundwater dependent ecosystems (GDEs), be assessed against minimal impact considerations. If the predicted impacts are less than the Level 1 minimal impact considerations then these impacts will be considered as acceptable. GHD's (2013a) assessment concluded that the predicted impacts on alluvial groundwater within the Southern Extension Area will be less than the Level 1 minimal impact considerations and are therefore considered to be acceptable.

Any impacts on potential GDEs (noting that there are no high priority GDEs that are listed in Schedule 4 of the WSP within the Southern Extension Area), basic landholder rights and existing registered bores (noting that no registered alluvial bores are located within the Southern Extension Area) are expected to be minor and acceptable.