



NSW GOVERNMENT
Department of Planning

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Our ref: S08/01915-1

Mr Chris Puslednik
Senior Project Manager
Hunter Valley Major Projects
Australian Rail Track Corporation
Locked Bag 1
BROADMEADOW NSW 2292

Dear Mr Puslednik

Director General's Requirements for the Environmental Assessment of the Proposed Maitland to Minimbah Third Track Project (MP 09_0024)

Reference is made to your correspondence dated 30 April 2009, requesting Director-Generals requirements for the proposed Maitland to Minimbah Third Track project.

I have attached a copy of the Director-General's requirements (DGRs) for the environmental assessment of the project. These requirements have been prepared following the Planning Focus Meeting held on Thursday, 14 May 2009 and in consultation with the relevant government agencies.

It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the Project.

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

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Department of Environment, Water, Heritage and the Arts if an approval under the EPBC Act is required for your proposal (6274 1111 or <http://www.environment.gov.au>).

Please note that the Commonwealth Government has accredited the NSW environmental assessment process for assessing impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements will need to be issued.

If you have any enquiries about these requirements, please contact Mark Turner, Environmental Planning Officer, Major Infrastructure Assessments on 02 9228 6351 or via email (mark.turner@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Wilson', with a large loop at the end.

29.5.09

Chris Wilson
Executive Director
Major Projects Assessment
As delegate for the Director-General

Director-General's Requirements

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

Application	09_0024
Project	Maitland to Minimbah Third Track Project The construction of approximately 32 km of new track and ancillary infrastructure to provide for a new Up Coal/Down Main track in a parallel configuration to the existing Main Northern Railway line and vehicle access tracks on both sides of the line. Associated works include: • tracks, turn outs and junctions, • major earthworks, track formation, drainage and minor structures, • construction / modification of overbridges and underbridges, and • modifications of existing station platforms.
Location	Adjacent to Maitland Station continuing for approximately 32km in a north - westerly direction to an area known as Minimbah, approximately 16 km south-east of Singleton.
Proponent	Australian Rail Track Corporation
Date issued	29 May 2009
Expiry date	29 May 2011
General requirements	The Environmental Assessment (EA) must include the following: 1. an executive summary. 2. a detailed description of the project including: ▪ location, corridor, adjoining land uses (current and proposed) and planning context, ▪ key design elements of the project, including: ○ key operational components (track components, retaining structures etc) ○ ancillary operational components (access tracks, bridging structures, station modifications, flood mitigations works etc); ▪ public and private property and infrastructure (utility) interactions; ▪ operational characteristics, including predicted rail corridor capacity, rail traffic frequency and opportunities for increased general freight and passenger trains; ▪ construction facilities, including construction compounds, lay-down areas, spoil stockpiling/ management areas and haul roads; and ▪ project staging and timing. 3. an assessment of the key issues, with the following aspects addressed for each key issue (where relevant): ▪ the significance of the existing environment; ▪ planning, land use, development and licensing matters (including strategic and statutory matters); ▪ the impacts (direct, indirect and cumulative) of the project for both construction and operation stages, in accordance with relevant policies and guidelines, and how the project has been designed to minimise these impacts; and ▪ description of measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project; and any residual impacts. 4. a draft Statement of Commitments incorporating or otherwise capturing measures to avoid, minimise, manage, mitigate, offset and/or monitor impacts identified in the impact assessment sections of the Environmental Assessment. The Statement of Commitments must clearly articulate the desired environmental outcome of the commitment. The Statement of Commitments must be achievable, measurable (with respect to compliance), and time-specific, where relevant. 5. certification by the author of the Environmental Assessment that the information contained in the Assessment is neither false nor misleading.
Key issues	Strategic Justification – describe the strategic need, justification and objectives for the project, including its consistency with the aims and objectives of relevant State policies and publications, such as the <i>State Plan</i> and <i>Lower Hunter Regional Strategy</i>. Project Justification – identify alternatives to the preferred project considered (including the alignment), and justify the project taking into consideration the objects of the <i>Environmental Planning and Assessment Act 1979</i>.

General Construction Impacts – the Environmental Assessment must assess and present a management framework for:

- site compounds and ancillary construction locations. Consideration should be given to:
 - the identification and assessment of both primary and secondary site compounds and facilities on the receiving environment, and
 - a strategy for managing site compounds, with a particular focus placed on primary site compounds, and a broader, more generic approach developed for lower-risk activities;
- noise and vibration, including a considered approach to undertaking works outside standard construction hours. Consideration should be given to:
 - scheduling construction works having regard to the nature of construction activities (including transport, blasting and tonal or impulsive noise-generating works),
 - the intensity and duration of noise and vibration impacts, the nature, sensitivity and impact to potentially-affected receivers and structures,
 - the need to balance timely conclusion of noise and vibration-generating works with periods of receiver respite, and
 - other factors that may influence the timing and duration of construction activities, and
 - a strategy for managing construction noise and vibration, with a particular focus placed on those activities identified as having the greatest potential for adverse noise or vibration impacts, and a broader, more generic approach developed for lower-risk activities;
- traffic and access, including a considered approach to minimising construction traffic impacts on public and private access. Consideration should be given to:
 - local and regional community access (vehicle and pedestrian) to property, community facilities and business services,
 - route identification and temporary haul roads,
 - the number, frequency and size of construction related vehicles ,
 - the nature and frequency of existing traffic on construction access routes, and
 - the need to close, divert or otherwise reconfigure elements of the road network associated with construction of the project., and
 - a strategy for managing traffic impacts, with a particular focus placed on those activities identified as having the greatest potential for adverse traffic flow, access or safety implications, and a broader, more generic approach developed for day-to-day traffic management;
- earthworks, including a considered approach to minimising impacts associated with the excavation, movement, stockpiling, rehabilitation and disposal of spoil and fill. Consideration should be given to:
 - soil characteristics, including acid sulfate soils and potential land contamination,
 - quantification of bulk earthworks and spoil balance and the disposal of excess spoil,
 - erosion and sedimentation control measures at excavation, storage and placement locations to protect adjoining watercourses, including during flood events and from the blockage or alteration of flow paths,
 - air quality impacts on adjoining communities, and
 - a strategy for managing earthworks with a particular focus on those works that have the greatest potential to disturb soils that are contaminated, have a high erosion and run off hazard and adverse impacts on watercourses, and a broader, more generic approach developed for ongoing construction management.

Ecology – including:

- terrestrial and aquatic flora, fauna and habitat, with specific consideration of Endangered Ecological Communities, threatened flora, fauna and populations,
- vegetation clearing and resultant foraging, roosting and nesting habitat loss, fragmentation, connectivity and edge effects, increase in rail movements, and changes to watercourses and riparian zones, and
- taking into account of: the *Draft Guidelines for Threatened Species Assessment (DEC)*, *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC)*, *Threatened Species survey and assessment: field survey methods for fauna Amphibians (DECC)*, *Principles for use of Biodiversity offsets in NSW (DECC)* and *Fish Passage Requirements for Waterway Crossings (NSW Fisheries)*.

Heritage – including:

- Indigenous heritage, objects, places of significance, natural and landscape values of the corridor and surrounding area, taking into account the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)*, and

	- Non Indigenous Heritage, identification of items and areas of local, state and national heritage significance along or adjacent to the corridor (including station groupings and yards and moveable heritage collections). This should include an archaeological assessment and an analysis of the potential impacts to the values, settings and integrity of items, taking into account NSW Heritage Guidelines. Land Use and Access - including: - integration with current and future land uses (such as the proposed Huntlee development, Anvil Creek and Lochinvar release areas), - interaction with existing and proposed rail and road infrastructure including the Hunter Expressway, taking into account the <i>Road Design Guide (RTA)</i> and relevant Austroads guidelines and Australian Standards, - land use and access impacts to affected properties including acquisition, severance, business viability, and property infrastructure impacts, and - local community (services, access and amenity) related changes and the potential to enhance station facilities. Operational Air Noise and Vibration – including: - air, noise and vibration impacts along the corridor associated with rail operations and ongoing maintenance. Including, where relevant, specific consideration of impacts to sensitive receivers (residences, schools, hospitals etc) and sensitive structures (particularly heritage structures and key utilities/ infrastructure); and - taking into account <i>Assessing Vibration: A Technical Guideline (DEC)</i>, <i>Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects (DECC/DoP)</i>, <i>Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales (EPA)</i>. Hydrology – including: - project effects on flood characteristics (on surrounding land, property and infrastructure) and effects of flooding on the project with specific reference to the Hunter River Floodplain. A range of flood events (including the PMF) shall be assessed in all flood prone areas within and adjoining the corridor.
Environmental Risk Analysis	Notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the Environmental Assessment.
Consultation	The Environmental Assessment must demonstrate that an appropriate and justified level of consultation with relevant stakeholders occurred during the preparation of the Environmental Assessment including (but not limited to): - Department of Planning (Heritage Branch and Hunter Regional Office); - State authorities including the Department of Environment and Climate Change, the Department of Water and Energy and the Department of Primary Industries; - the Commonwealth Department of Environment, Water, Heritage and the Arts; - service and infrastructure providers including the NSW Roads and Traffic Authority, RailCorp and Rail Infrastructure Corporation; - specialist interest groups including Local Aboriginal Land Councils; - Singleton Shire, Cessnock and Maitland Councils; - the public, including adjoining and affected landowners and businesses. The Environmental Assessment must describe the consultation process undertaken and identify the issues raised (including where these have been addressed in the document).