




Mr Kenny Barry  
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Dear Mr Barry

**Wallarah 2 Coal Project (SSD 4974) – Amended Development Application  
Request for Response to Submissions**

The public exhibition of the amended development application and accompanying Environmental Impact Statement (EIS) for Wallarah 2 Coal Project concluded on Monday 5 September 2016.

The Secretary requests that you prepare and submit a report detailing your responses to the issues raised in submissions, at your earliest convenience. The submissions can be viewed on the Department's website [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au).

In addition, the Department has identified several areas where further assessment or additional information is required (see **Attachment A**).

If you wish to discuss this matter, please contact Jessie Evans.

Yours sincerely,



Howard Reed  
Director  
Resource Assessments

23.9.16

## **Attachment A**

### **Key Issues**

#### **1. Rail and road network**

- a. The EIS accompanying the amended development application proposes changes to the originally proposed train cycles for the project. It is unclear to the Department whether the modelling used to determine that there is 'sufficient network capacity' without the need for additional infrastructure included any increase in existing passenger and non-coal freight train as would be expected over the life of the project.
- b. Whilst noting that some information has been provided on alternate access to land parcels in the event of closure of Nikko Road, the Department has reviewed numerous submissions which contend that access via other routes is not possible, practical or convenient. The Department requests further detailed information on all alternate access routes (including their standard and quality, and any potential limitations), design of the proposed shared road corridor and how access for emergency and telecommunications services would be managed and maintained for both the shared road corridor and for other land parcels.

#### **2. Air quality**

- a. Check for inaccuracies as per EPA's comments.
- b. The air quality management and mitigation measures should provide clear commitments, and avoid ambiguous or hypothetical language. For example, words such as 'would', 'should', 'where possible' or 'where necessary' are to be avoided or clearly defined.

#### **3. Noise**

- a. The Department shares a number of concerns raised by the EPA in regards to noise. In particular, the Department expects the RTS to address issues relating to classification of amenity categories for potentially affected receivers. The noise assessment should be revised based on the EPA's recommendations, or else a strong justification provided as to why each receiver has been assigned the proposed amenity category.
- b. Based on revisions consequent to point a., further consideration of the NSW Government Voluntary Land Acquisition and Mitigation Policy should be provided.
- c. The Department is concerned about the potential construction noise impacts to receivers in the vicinity of the rail corridor. Further and/or additional management and mitigation measures should be provided once the EPA's comments have been addressed.
- d. The noise management and mitigation measures should provide clear commitments, and avoid ambiguous or hypothetical language. For example, words such as 'would', 'should', 'where possible' or 'where necessary' are to be avoided or clearly defined.

#### **4. Visual**

- a. Photomontages of all the viewsheds included in the amended visual impact assessment should be provided, as well as from the potential viewsheds discussed in Section 5 below.

#### **5. Impacts on other land users**

- a. The EIS does not provide adequate consideration of the potential impacts of the amended development on potential future adjacent land uses. For example, land to the north of the proposed rail spur (240 metres) has recently been granted conditional Gateway approval for low-density residential allotments, rural residential land and a small amount of commercial development. The Department notes that 'sensitive receivers' do not currently exist on this land, nor is there any immediate likelihood of this; however the potential impacts on privately-owned land (vacant or otherwise) should be considered.

- b. The Darkinjung Local Aboriginal Land Council (Darkinjung LALC) has raised a number of concerns regarding the potential impacts the proposed amendment would have on its future ability to develop its land, should the project be approved. The Department acknowledges the Darkinjung LALC as a significant landholder of land surrounding the proposed amendment area. The Department considers that the interests of the Darkinjung LALC in regards to its land surrounding the amendment proposal have not been adequately considered in the EIS. Further detailed information regarding proximity of these land parcels to the proposed coal infrastructure, and potential noise, air quality and visual impacts should be provided. As discussed in Section 4, photomontages of the proposed coal infrastructure as potentially viewed from these parcels of land should be provided.

**6. Agency and public submissions**

DPE requests the RTS consider and respond to all agency and public submissions received, including advice presented and recommendations made therein.