

**Site Verification Certificate
Hume Coal Project**

Part 4AA, Division 3 of *State Environmental Planning Policy
(Mining, Petroleum Production and Extractive Industries) 2007*

Pursuant to clause 17C(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, I determine the application made by Hume Coal Pty Limited by issuing this certificate.

I certify that in my opinion, having regard to the criteria in the *Interim Protocol for site verification and mapping of biophysical strategic agricultural land*, the land specified as the 'Assessment area' in Schedule 1 is not Biophysical Strategic Agricultural Land.

The reasons for forming this opinion are contained in Schedule 2.

In coming to this opinion, I considered the matters and material in Schedule 3.

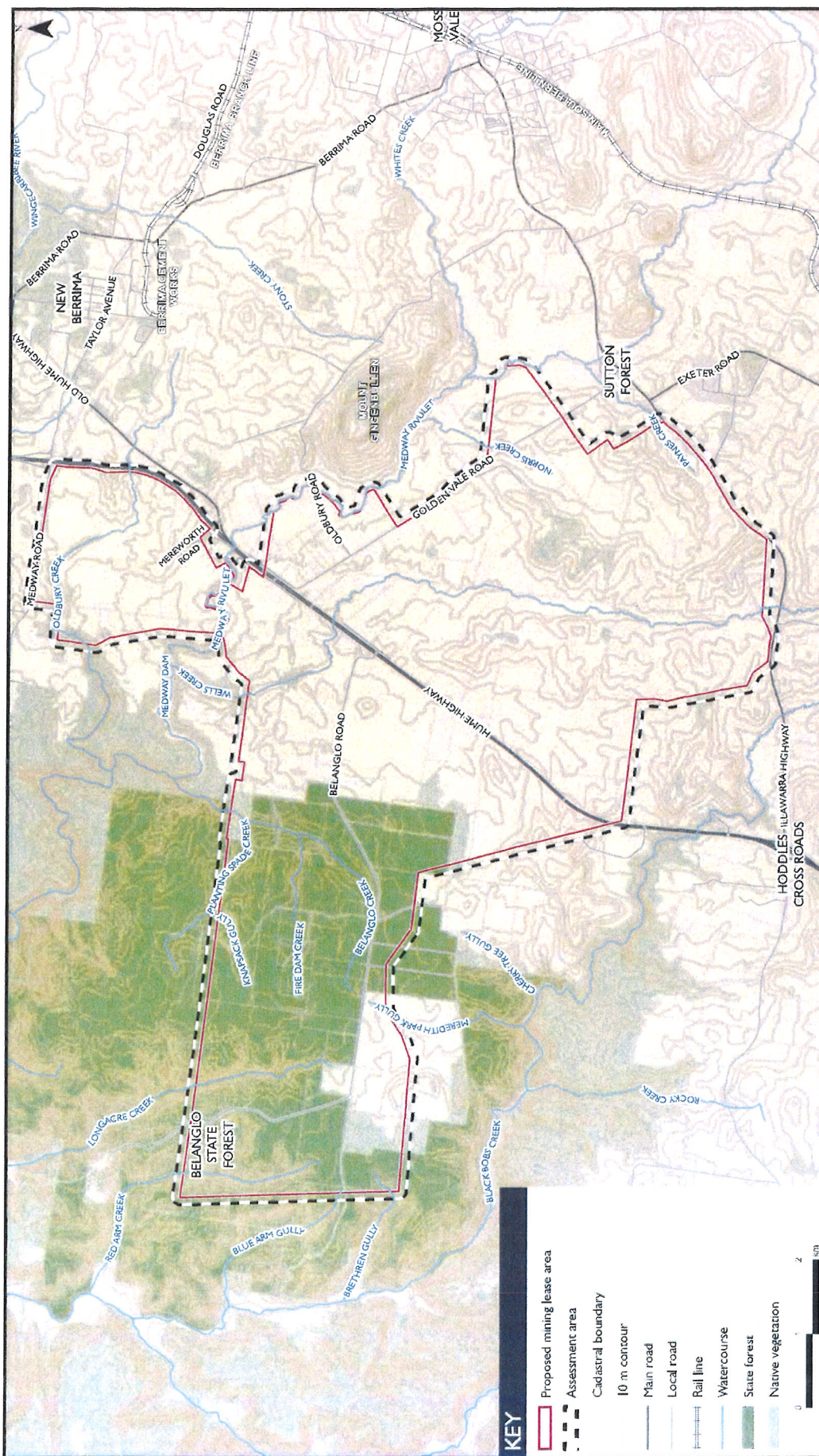


Marcus Ray
Deputy Secretary
Planning Services
as delegate of the Secretary

Date certificate issued: 22nd April 2016

This certificate will remain current for 5 years from the date of issue.

Schedule 1: Site Verification Certificate Application Area



Schedule 2: Reasons

- The Department has produced Strategic Agricultural Land maps for all of NSW, which are attached to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)*. There is no mapped BSAL within the project area.
- While Hume Coal has not been able to secure access to all of the subject land, it has supplemented its soil and land sampling with a probabilistic model of soil distribution utilising remotely sensed data.
- This approach is recommended in Section 5 of the *Interim Protocol for site verification and mapping of BSAL* (the Interim Protocol).
- In December 2015, the Office of Environment and Heritage (OEH) provided a report that states the subject land is not likely to contain BSAL.
- The Department has also sought advice from Dr Greg Bowman, an independent soil expert, on Hume Coal's SVC application.
- Dr Bowman's report stated that the soil sampling procedures used appeared to largely comply with the Interim Protocol.
- While Dr Bowman's report raised minor concerns about the unique soil model methodology, it did not produce any evidence to suggest that there was BSAL within the project area.
- Clause 17D of the Mining SEPP requires me to have regard to the criteria set out in the Interim Protocol when determining a SVC application.
- I have had regard to the Interim Protocol, particularly in relation to the exclusion criteria as summarised below:

Relevant Criteria	Consideration
Slope	Ground slope is greater than 10% on large portions of the project area.
Rock outcrops and fragments	There are also some portions of the project area that may contain greater than 30% rock outcrops and/or over 20% unattached rock fragments
Soil type	The rest of the site comprises soils that contain one or more of the following: low fertility, high salinity, inadequate rooting depth, poor drainage, low pH and salinity.
Contiguity	There are no contiguous areas of 20 hectares or more of soil that meets the BSAL criteria.

- I am satisfied with the assessment of the SVC application, including consultation with and advice from OEH, the provision of additional information from Hume Coal, and the commissioning of an independent soil expert's report.
- I am satisfied that there is sufficient information available to reasonably form an opinion that there is not BSAL within the project area.

Schedule 3: Matters and Materials Considered

Matters

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)
- Interim Protocol for site verification and mapping of BSAL

Materials

- SVC Application from Hume Coal Pty Limited, received on 17 August 2015;
- Hume Coal Project Biophysical Strategic Agricultural Land Verification Assessment (EMM, August 2015);
- OEH – Report on Site Verification Certificate, dated 23 September 2015;
- OEH – Report on Site Verification Certificate, dated 14 October 2015;
- Advice on SVC Application 15_7229 Hume Coal (EMM, 23 September 2015);
- Hume Coal SVC Application: Alternative soil modelling and interpretation (EMM, 26 November 2015);
- Letter from Asia-Pacific Remote Sensing Pty Limited to Hume Coal Pty Limited, dated 24 November 2015;
- Letter from Hume Coal to the Secretary, dated 21 January 2016;
- SVC for Hume Coal Project (EMM, 14 March 2016);
- Letter from Asia-Pacific Remote Sensing Pty Limited to Hume Coal Pty Limited, dated 2 April 2016;
- Letter from Hume Coal to the Secretary, dated 14 April 2016;
- Emails from Greg Summerell (OEH) to Clay Preshaw (Department of Planning and Environment), dated 19 and 20 April 2016; and
- Independent Soil Assessment, prepared by Dr Greg Bowman, dated 20 April 2016.