

Vickery Coal Project

Environmental
Impact
Statement



ATTACHMENT 3

RELEVANT
ENVIRONMENTAL
PLANNING INSTRUMENTS

TABLE OF CONTENTS

A3	PLANNING INSTRUMENTS ADDENDUM	A-3-1
A3.1	STATE ENVIRONMENTAL PLANNING POLICIES	A3-1
A3.1.1	State Environmental Planning Policy (State and Regional Development) 2011	A3-1
A3.1.2	State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)	A3-1
A3.1.3	State Environmental Planning Policy No. 44 (Koala Habitat Protection)	A3-2
A3.1.4	State Environmental Planning Policy No. 55 (Remediation of Land)	A3-2
A3.1.5	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	A3-3
A3.1.6	State Environmental Planning Policy (Infrastructure) 2007	A3-7
A3.2	GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012	A3-8
A3.2.1	Objectives	A3-8
A3.2.2	Permissibility	A3-9
A3.2.3	Zone Objectives	A3-9
A3.2.4	Special Provisions	A3-10
A3.3	NARRABRI LOCAL ENVIRONMENTAL PLAN 2012	A3-13
A3.3.1	Objectives	A3-13
A3.3.2	Permissibility	A3-14
A3.3.3	Zone Objectives	A3-14
A3.3.4	Special Provisions	A3-15
A3.4	STRATEGIC PLANNING DOCUMENTS	3-18
A3.4.1	Development Control Plans	A3-18
A3.4.2	New England North West Strategic Regional Land Use Plan	A3-18
A3.4.3	Gunnedah Community Strategic Plan 2012-2022	A3-19
A3.4.4	Namoi Catchment Action Plan	A3-19
A3.4.5	Draft Murray Regional Strategy 2009-36	A3-21
A3.4.6	Namoi Catchment Management Authority Extractive Industries Policy	A3-23
A3.4.7	Narrabri Shire Growth Management Strategy	A3-23
A3.5	REFERENCES	A3-24

A3 PLANNING INSTRUMENTS ADDENDUM

This Attachment provides further discussion on the requirements and application of State Environmental Planning Policies (SEPPs), the *Gunnedah Local Environmental Plan 2012* (Gunnedah LEP), the *Narrabri Local Environmental Plan 2012* (Narrabri LEP) and relevant Strategic Planning Documents to the Vickery Coal Project (the Project).

References to Sections 1 to 7 in this Attachment are references to the Sections in the Main Report of the Environmental Impact Statement (EIS). Internal references within this Attachment are prefixed with "A3". References to Appendices A to O in this Attachment are references to the Appendices of the EIS.

A3.1 STATE ENVIRONMENTAL PLANNING POLICIES

A3.1.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 3 of the *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) outlines the aims of the SEPP, including the following of relevance to the Project:

- (a) to identify development that is State significant development,

...

The Project falls within clause 5 of Schedule 1 of the State and Regional Development SEPP as it represents development for the purpose of coal mining, and as it requires Development Consent, it therefore comprises State Significant Development for the purposes of the New South Wales (NSW) *Environmental Planning and Assessment Act, 1979* (EP&A Act) (Section 6.2.2).

A3.1.2 State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)

The *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) applies to the whole of NSW.

Clause 2 outlines the aims of SEPP 33, of which the following are relevant to the Project:

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and

...

- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and

...

For the purposes of a potentially hazardous industry, clause 12 of SEPP 33 requires that a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the current circulars or guidelines published by the NSW Department of Planning (DoP) (now the NSW Department of Planning and Infrastructure [DP&I]) and the analysis submitted with the Development Application.

Clause 13 of SEPP 33 requires that in determining an application to carry out development for the purposes of a potentially hazardous industry, the consent authority (in this case the NSW Minister for Planning and Infrastructure [the Minister]) must consider:

- (a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and
- (b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and
- (c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and
- (d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
- (e) any likely future use of the land surrounding the development.

In accordance with the Director-General's Requirements and as part of the preparation of this EIS, a PHA has been conducted in accordance with SEPP 33 (Appendix N). The PHA has been prepared in accordance with the general principles of risk evaluation and assessment outlined in *Multi-Level Risk Assessment* (DP&I, 2011).

In addition, the PHA considers the qualitative criteria provided in *Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning* (DoP, 2011a) and has been documented in general accordance with *Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis* (DoP, 2011b).

Extensive consultation has been undertaken with various public authorities during the preparation of this EIS, as described in Section 3.

Project alternatives (including the Project location, scale of the mining and the mining method employed) are discussed in Section 6.6.2.

The land surrounding the Project area comprises Zone RU1 (Primary Production) zonings under the Gunnedah LEP and the Narrabri LEP, as discussed in Sections A3.2 and A3.3. The Project is generally consistent with the uses that are permissible for adjoining lands (Sections A3.2 and A3.3).

Consideration of the potential impacts on agricultural land uses is assessed in the Agricultural Impact Statement (AIS) (Appendix G) and summarised in Section 4.3.2.

Accordingly the Minister can be satisfied as to these matters.

A3.1.3 State Environmental Planning Policy No. 44 (Koala Habitat Protection)

The *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44) requires the councils in certain Local Government Areas (LGAs) (including Gunnedah and Narrabri) to consider whether the land which is the subject of the Development Application comprises “potential koala habitat” or “core koala habitat”.

Clause 9 of SEPP 44 requires:

- (1) *Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a core koala habitat, there must be a plan of management prepared in accordance with Part 3 that applies to the land.*
- (2) *The council's determination of the development application must not be inconsistent with the plan of management.*

Since the Project is State Significant Development to which Division 4.1 of Part 4 of the EP&A Act applies, the Minister is the consent authority (Section 6.2.2) rather than the Council.

An assessment of koala habitat for the purposes of SEPP 44 has been undertaken (Section 4.10 and Appendix E) and this assessment has found that portions of the Development Application area comprise potential koala habitat, but the Development Application area does not comprise core koala habitat.

Accordingly the Minister can be satisfied as to these matters.

A3.1.4 State Environmental Planning Policy No. 55 (Remediation of Land)

The *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) applies to the whole of NSW and is concerned with the remediation of contaminated land. It sets out matters relating to contaminated land that a consent authority must consider in determining an application for Development Consent.

“Contaminated land” in SEPP 55 has the same meaning as it has in Part 7A of the EP&A Act:

***contaminated land** means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm 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:

- (a) *it has considered whether the land is contaminated, and*
- (b) *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*
- (c) *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.*

Clause 7 of SEPP 55 further provides:

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- ...

Clause 7(2) provides that before a consent authority determines an application for Development Consent, a “preliminary investigation” is required where:

- the application for consent is to carry out development that would involve a “change of use”; and
- that “change of use” is relevant to certain land specified in clause 7(4).

The certain land specified in clause 7(4) on which the “change of use” must relate is either:

- land that is an “investigation area” – defined in SEPP 55 as land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the NSW *Contaminated Land Management Act, 1997*; or
- land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines (being *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* [NSW Department of Urban Affairs and Planning and NSW Environment Protection Agency, 1998]) is being, or is known to have been carried out.

The portion of the Project located in Coal Lease 316 and Mining Lease 1471 areas do not involve a “change of use” because they are existing coal mining land use areas.

The part of the Project described in Section 2 which extends into the Mining Lease Application (MLA) areas would involve a change of use.

Lloyd Consulting (2012) (Appendix O) completed a Preliminary and Detailed Investigation of the MLA areas and the private haul road and Kamilaroi Highway overpass area in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land*. This investigation included a desktop review, site inspection and a sampling program.

Following review of the results of the MLA areas investigation, Lloyd Consulting (2012) identified one area of land contamination associated with a disused sheep dip. Lloyd Consulting (2012) develop a Remediation Management Plan for the removal of the contaminated land, and concluded that the site would be suitable for the land use change proposed as part of the Project with the implementation of the proposed management measures (Appendix O).

Lloyd Consulting also concluded that the private haul road and Kamilaroi Highway overpass construction area are suitable for the Project use and no further investigation was required.

Land contamination management measures, including post-mining investigation and remediation measures are described in Sections 4, 5 and 7.

Accordingly the Minister can be satisfied as to these matters.

A3.1.5 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) is applicable to the whole of NSW.

Part 1 – Clause 2

Clause 2 sets out the aims of the Mining SEPP, as follows:

- (a) *to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) *to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
- (c) *to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.*

Part 2 – Clause 7

Clause 7(1) of the Mining SEPP states that development for any of the following purposes may be carried out only with Development Consent:

...

- (b) *mining carried out:*
 - (i) *on land where development for the purposes of agriculture or industry may be carried out (with or without development consent), or*
 - (ii) *on land that is, immediately before the commencement of this clause, the subject of a mining lease under the Mining Act 1992 or a mining licence under the Offshore Minerals Act 1999.*
- (c) *mining in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone,*

...

The Project requires Development Consent. Descriptions of the relevant Local Environment Plan land use zones and the applicability of the Mining SEPP to Project permissibility are provided in Sections A3.2 and A3.3.

Part 3 – Clauses 12 to 17

Part 3 of the Mining SEPP provides matters for consideration for Development Applications.

Clause 12

Clause 12 of the Mining SEPP requires that before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:

- (a) *consider:*
 - (i) *the existing uses and approved uses of land in the vicinity of the development, and*
 - (ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
 - (iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
- (b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*
- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

The existing land uses in the vicinity of the Project predominantly include beef cattle grazing, cropping and the Vickery State Forest which is located to the east of the Project mining area (Section 4.3 and Appendix G). Approximately 405 hectares (ha) of land within the Project disturbance area has been rehabilitated following historic mining activities, and is currently stabilised by improved pasture.

Additional land uses in the vicinity of the Project include the Canyon Coal Mine and the Rocglen Coal Mine.

The Project is not incompatible with existing, approved or likely adjoining land uses. The Project would be operated in such a way as to minimise any potential environmental impacts, as described in Sections 4 and 7. Consideration of the potential impacts of the Project on agricultural land uses is assessed in Appendix G and described in Section 4.3.

Similarly, impact assessments for agricultural resources, ecology, noise, air quality and road transport have been conducted for the Project and have concluded that there would be no significant impacts on adjoining land uses in the vicinity of the Project development areas (Appendices C, D, E, F and G).

The development of the Project would result in significant socio-economic benefits to the regional economy and the State of NSW (Sections 6.6.1 and 6.6.4).

A rehabilitation strategy would be implemented by Whitehaven Coal Limited (Whitehaven) (Section 5) in order to rehabilitate the Project site to such a state where incompatibility of the Project with current and future land uses in the area would be minimised. The rehabilitated final landform would incorporate agricultural land and native woodland vegetation.

Accordingly the Minister can be satisfied as to these matters.

Clause 13

Clause 13 of the Mining SEPP requires that before determining any application for consent for development in the vicinity of an existing mine, petroleum production facility of extractive industry, to which this clause applies, the consent authority must:

- (a) *consider:*
 - (i) *the existing uses and approved uses of land in the vicinity of the development, and*

- (ii) *whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
- (iii) *any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*
- (b) *evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and*
- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

A number of existing and proposed mining projects are located in the general vicinity of the Project. Attachment 4 describes the potential interactions between the Project and other major projects.

Existing Whitehaven mining operations (i.e. the Tarrawonga, Rocglen and Sunnyside Coal Mines) currently transport run-of-mine (ROM) coal to the existing Whitehaven Coal Handling and Preparation Plant (CHPP) on the outskirts of Gunnedah for processing and rail transport. Whitehaven would manage its operations to ensure sufficient capacity is available at the Whitehaven CHPP to handle and process Project ROM coal. Management of these existing operations is discussed in detail in Attachment 4.

No significant impacts to other existing or proposed mining operations are anticipated as part of the Project (Attachment 4).

Clause 14

Clause 14(1) of the Mining SEPP requires that before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development in undertaken in an environmentally responsible manner, including conditions to ensure the following:

- (a) *that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
- (b) *that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
- (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*

In addition, clause 14(2) requires that, without limiting subclause (1), in determining a Development Application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

The potential impacts of the Project on groundwater and surface water resources are discussed in Sections 4.4 and 4.5 and Appendices A and B, including measures to minimise potential impacts. The potential impacts of the Project on threatened species and biodiversity are described in Sections 4.9 and 4.10 and Appendix E, including measures to minimise potential impacts.

The Project greenhouse gas emissions assessment is provided in Section 4.8 and Appendix D. Greenhouse gas abatement measures and relevant State or national policies, programs and guidelines are described in Sections 4.8 and 6.6.3.

Accordingly the Minister can be satisfied as to these matters.

Clause 15

Clause 15 of the Mining SEPP requires that:

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) *Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) *The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

Whitehaven has progressively presented Project description information, mine layout plans and other information to the NSW Division of Resources and Energy (DRE) (within the NSW Department of Trade and Investment, Regional Infrastructure and Services) during the development of this EIS (Section 3.1.2). Constraints to the extent of the Project open cut are discussed in Section 2.5.1.

Whitehaven acquired the Vickery South Exploration Licence 7407 (known as the Vickery South Project), located immediately to the south of the Project, in July 2012. Whitehaven is currently reviewing the exploration data and conducting feasibility studies to determine the development potential of the Vickery South Project. Whitehaven will investigate the potential integration of the Vickery South Project with the current Project mine plan as part of the Vickery South Project feasibility studies. Any integration of the Vickery South coal resource into the Project mine plan would be subject to separate assessment and approval processes.

It is in the financial interest of Whitehaven to maximise the efficiency and long-term value of open cut mining operations and ROM coal production.

Accordingly the Minister can be satisfied as to these matters.

Clause 16

Clause 16(1) requires that before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:

- (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
- (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
- (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

Crushed ROM coal would be transported to the Whitehaven CHPP via the existing approved Whitehaven haul route and the private haul road and Kamilaroi Highway overpass (once constructed). This route includes both public and private roads (Section 2.6).

Road movements associated with the construction and operational workforce, deliveries and domestic ROM coal and gravel haulage would also be associated with the Project.

Potential impacts of the road movements associated with the Project are assessed and described in Sections 4.6.2, 4.7.2 and 4.11 and Appendix F. An assessment of alternatives to transport on public roads has been conducted and is summarised in Section 6.6.2 and Appendix F.

The Road Transport Assessment concluded that no significant impacts on the performance capacity, efficiency and safety of the road network are expected to arise as a result of the Project (Appendix F).

Whitehaven currently implement road maintenance agreements with the Gunnedah and Narrabri Shire Councils in accordance with Condition 39 of the Tarrawonga Coal Mine Project Approval (DA 88-4-2005), for the maintenance of roads used for the road transport of sized ROM coal from the Tarrawonga Coal Mine to the Whitehaven CHPP. It is anticipated that similar agreements would be implemented for the Project.

In accordance with subclause 16(1)(c), Whitehaven would implement a Road Transport Protocol including a Code of Conduct for Drivers for the Project.

Clause 16(2) of the Mining SEPP provides that if the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within seven days after receiving the Development Application, provide a copy of the application to each roads authority for the road, and the NSW Roads and Maritime Service (RMS) (if it is not a roads authority for the road).

In addition, clause 16(3) of the Mining SEPP requires that the consent authority:

- (a) *must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application,*

...

Whitehaven has consulted with the RMS, the Gunnedah Shire Council and the Narrabri Shire Council during the development of this EIS, and these authorities are aware of the proposed road transport of ROM coal on the public road network, construction of the private haul road and Kamilaroi Highway overpass and modifications to the existing road network (Section 2), as a component of the Project.

Accordingly the Minister can be satisfied as to these matters.

Clause 17

Clause 17 of the Mining SEPP outlines various rehabilitation requirements. Clause 17(1) requires that before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development. Clause 17(2) provides that, in particular, the consent authority must consider whether conditions of the consent should:

- (a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or
- (b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or
- (c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or
- (d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.

A comprehensive program would be implemented for the progressive rehabilitation of the Project disturbance area, including the remediation of any contaminated soil, if applicable (Section 5). One of the key objectives of the rehabilitation program would be the development of landforms which are stable in the long-term, and therefore do not jeopardise public safety.

A Remediation Management Plan would be developed for the contaminated land identified in the Land Contamination Assessment (Appendix O), and this land would be remediated prior to being impacted by mining activities.

The proposed management of waste rock material and coal rejects is discussed in Section 2.8 and the management of other wastes are discussed in Section 2.11.

Accordingly the Minister can be satisfied as to these matters.

A3.1.6 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) applies to the whole of NSW and includes provisions for consultation with relevant public authorities about certain development during the assessment process prior to development commencing.

Subdivision 2 of Division 5 of the Infrastructure SEPP sets out mechanisms for developments that are likely to affect an electricity transmission or distribution network.

Clause 42 of the Infrastructure SEPP relevantly provides:

- (1) *This clause applies to a development that:*
 - ...
 - (b) *is carried out by or on behalf of an electricity supply authority or public authority, and*
 - (c) *is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant), and*
- (2) *Before development to which this clause applies is carried out, the electricity supply authority or public authority must:*
 - (a) *give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the authority is that council) and to the occupiers of adjoining land, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

A 66 kilovolt (kV)/11 kV substation would be installed adjacent to the existing 66 kV electricity transmission line supplying power to the existing infrastructure area at the Project. This substation would allow for reticulation of 11 kV power to the Project.

Consultation has been conducted with Essential Energy (the relevant electricity supply authority) regarding the Project (Section 3.1.5). Further consultation with Essential Energy would be conducted during the detailed design phase of the Project.

Clause 45 of the Infrastructure SEPP relevantly provides:

- (1) *This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*

...

 - (b) *development carried out:*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity powerline,*

...
- (2) *Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*
 - (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

A 66 kV electricity transmission line currently provides power to a 66 kV/11 kV substation at the existing infrastructure area. At the commencement of the Project, a new 66 kV/11 kV substation and 11 kV powerline would be constructed to provide power to the Mine Infrastructure Area and pump station (Section 2.10.5).

Consultation has been conducted with Essential Energy (the relevant electricity supply authority) regarding the Project (Section 3.1.5). Further consultation with Essential Energy would be conducted during the detailed design phase of the Project.

Accordingly the Minister can be satisfied as to these matters.

A3.2 GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012

A3.2.1 Objectives

Clause 1.2 of the Gunnedah LEP outlines the aims of the plan, with the following aims particularly of relevance to the Project:

- ...
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Gunnedah,*
 - (b) *to promote the economic well being of the community in a socially and environmentally responsible way, focusing on new employment growth and a diversified economy,*
 - (c) *to encourage the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*

...

 - (h) *to conserve the cultural and environmental heritage of Gunnedah,*
 - (i) *to allow development in a way that minimises risks due to environmental hazards.*

The Project has regard to the aims of the Gunnedah LEP, as:

- The Project would be developed in a manner that would manage and mitigate potential impacts on the environment (including ecology) and areas of environmental and heritage and environmental significance (Sections 4 and 7).
- The Project would be developed in accordance with the principles of Ecologically Sustainable Development (ESD).
- The Project includes a proposal for offsetting unavoidable impacts on ecology and other compensatory measures (Sections 4 and 7 and Appendix E).
- The Project would facilitate employment opportunities and expenditure in the region, and provide revenues to the regional and state economies.

- The Project would be developed in a manner that would minimise and manage potential impacts on agricultural production and the soil stability of the lands in the vicinity of the Project, and would not result in the fragmentation of agricultural holdings. The AIS (Appendix G) concluded that the productivity of the agricultural enterprises that would be re-established post-mining are expected to be similar to the existing productivities.
- Aboriginal and non-Aboriginal Heritage Assessments have been completed for any potential impacts of the Project on items of Aboriginal and non-Aboriginal heritage (Appendices I and J, respectively). Measures to manage and mitigate potential impacts are discussed in Sections 4.13 and 4.14.
- A PHA and an Environmental Risk Assessment (ERA) have been conducted for the Project and have concluded that the Project would be developed in a manner that would minimise risks due to environmental hazard.
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.*
- *To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*

Accordingly the Minister can be satisfied as to these matters.

A3.2.2 Permissibility

Part 2 of the Gunnedah LEP outlines the land use zone objectives that are relevant in determining whether the Project (or any part of the Project) is prohibited by the Gunnedah LEP, in any of the zones within the Development Application area.

The Development Application area includes land zoned under the Gunnedah LEP as RU1 (Primary Production).

Under the Land Use Table in the Gunnedah LEP "extractive industries" and "open cut mining" are permissible with consent in Zone RU1 (Primary Production). Therefore, the Project may be carried out with Development Consent.

Accordingly the Minister can be satisfied as to these matters.

A3.2.3 Zone Objectives

The objectives of the RU1 (Primary Production) Zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

The Project is consistent with the objectives of the RU1 (Primary Production) zone as:

- mining is a primary industry;
- the Project would not result in the fragmentation or alienation of resource lands;
- the Project is not inconsistent with surrounding land uses in the RU1 (Primary Production) zone, as open cut mining is permissible with consent;
- mining operations and nearby agricultural enterprises and State Forests have historically co-existed and this would continue for the Project, therefore the Project is not inconsistent with adjoining land use zones;
- the mine landform would be progressively rehabilitated, including areas to be rehabilitated to pasture and therefore potentially being available for agricultural uses in the long-term;
- an Agricultural Impact Statement has been completed to determine the potential impacts on the Project on soil resources (Appendix G), and measures to manage and mitigate potential impacts are discussed in Sections 4.3 and 7;
- assessments for the potential impacts of the Project on groundwater and surface water resources have been conducted (Appendices A and B, respectively), and measures to manage and mitigate potential impacts are discussed in Sections 4.4, 4.5 and 7;
- an assessment of the potential impacts of the Project on flora (Appendix E) has been conducted to determine any potential impacts on vegetation, and measures to manage and mitigate potential impacts are discussed in Sections 4.9 and 7;

- the Project is an employment generating development and would result in increased expenditure and revenues to the region and the State; and
- the Project includes a proposal for offsetting unavoidable loss of vegetation and fauna habitat (Sections 4.9.4 and 4.10.4).

The Project is considered to be generally consistent with the above zone objectives because, as described in Section 4, management and mitigation measures would be implemented where practicable to minimise the potential impacts of the Project on other land uses and the environment.

Accordingly the Minister can be satisfied as to these matters.

A3.2.4 Special Provisions

Parts 5 and 6 of the Gunnedah LEP provide a number of provisions of potential relevance to the Project, including the relevant clauses described below.

Clause 5.3 relates to development occurring near zone boundaries and includes the following subclauses potentially of relevance to the Project:

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- ...
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
 - (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- ...

Clause 5.3 is relevant as the Project is located within 20 metres (m) of a zone boundary between Zone RU1 (Primary Production) and Zone RU3 (Forestry).

As discussed in Section A3.2.3, the Project is consistent with the objectives for development in Zone RU1 (Primary Production).

The Project is not inconsistent with the objectives of Zone RU3.

Mining operations and nearby agricultural enterprises and State Forests have historically co-existed and this would continue for the Project, therefore the Project is not inconsistent with adjoining land use zones.

Accordingly the Minister can be satisfied as to these matters.

Clause 5.10 relates to the assessment and management of impacts to non-Aboriginal heritage or Aboriginal heritage and includes the following subclauses potentially relevant to the Project:

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Gunnedah,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*

- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

...

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) *notify the Heritage Council of its intention to grant consent, and*
- (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

...

Clause 5.10 set out above is potentially applicable to the Project with respect to direct disturbance or indirect effects (e.g. blasting) that could impact on Aboriginal or non-Aboriginal heritage sites located within or adjacent to the Development Application area.

Aboriginal and non-Aboriginal cultural heritage assessments have been conducted for the Project and are provided in Appendices I and J and, where relevant, identified suitable management and mitigation measures for potential direct and indirect impacts of the Project.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.1 outlines considerations relating to flood planning:

6.1 Flood planning

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*

- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
 - (2) *This clause applies to:*
 - (a) *land identified as “Flood panning area” on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
 - (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- ...

Consideration of water management, drainage requirements and flooding impacts associated with the Project are provided in Sections 2.9 and 4.5 and Appendix B of the EIS.

The southern extent of the Project mining area and a portion of the private haul road and Kamilaroi Highway overpass are located within the “Flood planning area” referred to in the Gunnedah LEP.

Flood modelling conducted for the Project identified that during a 1:100 Average Recurrence Interval (ARI) flood event the peak water level would be approximately 0.6 to 0.7 m above the existing ground level in the vicinity of the southern extent of the proposed open cut as a result of flooding of South Creek (Section 4.5.2). A flood protection levee would be constructed around the southern extent of the open cut to prevent floodwater draining into it during active mining. This flood bund would be constructed to provide protection against a probable maximum flood event to prevent flood water entering the southern final void following mine closure.

The flood modelling also indicated that the extent of flooding associated with the Stratford Creek catchment would not reach the southern extent of the open cut, and would only marginally encroach on the MIA during a 1:100 ARI event. As such, the permanent flood bund around the southern extent of the open cut would not affect the flooding characteristics of a 1:100 ARI event.

Need to include discussion on how the flood levee will not significantly adversely affect flood behaviour. The wider floodplain of the Namoi River passing the site of the private haul road and Kamilaroi Highway overpass is represented by several parallel branches; Deadmans Gully, Namoi River and Laundry Lagoon. This area is subject to flooding once the Namoi River breaks its banks.

For example, the water depth at the site of the proposed Kamilaroi Highway overpass would be approximately 1 m above the surface of the highway in a 1:100 year flood (which is considered to be equivalent to the 1955 flood event). Under this sort of flooding event a continuous flood surface would form between the Namoi River and Deadmans Gully with flood waters transferring between the two (Appendix B). A flood of this magnitude would prevent the Kamilaroi Highway from being used, and would cause widespread inundation and closures of local roads such as Blue Vale Road.

The Surface Water Assessment (Appendix B) flood modelling included the private haul road and Kamilaroi Highway overpass under an event equivalent to the 1955 flood (i.e. a 1:100 year ARI flood).

The simulated flood indicates that the majority of the Kamilaroi Highway overpass structure would be constructed above the simulated peak flood level. However, the flood modelling indicated that under these major flood conditions the private haul road and Kamilaroi Highway overpass may result in increases of peak flood levels of up to 0.09 m at the point where the overpass would cross the highway. Increased flood heights of several centimetres (cm) are expected to propagate up to 1 to 2 km upstream of the infrastructure.

The private haul road and Kamilaroi Highway is expected to increase flood peak level impacts within Deadmans Gully by 0.47 m immediately upstream of the proposed Kamilaroi Highway overpass and 0.39 m at a location 90 m upstream (Appendix B).

The property on which these increased flood levels would occur extends for approximately 500 m upstream of the proposed private haul road, and is owned by Whitehaven (Figure 1-3a). The predicted increase in flood levels at the upstream boundary of this property would be approximately 0.03 to 0.08 m.

As such, the Project would not significantly adversely affect flood behaviour, flood impacts to other development, properties or the environment. The design of the flood protection levee and the mine infrastructure incorporates appropriate measures to manage risk to life from flood. The Project would not result in unsustainable social and economic costs to the community as a consequence of flooding.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.5 outlines considerations relating the provision of essential services:

6.5 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Adequate arrangements have been made for the provision of essential services for the Project as follows:

- Water supply for the Project will be sourced from groundwater inflows to the open cut and associated dewatering, water storages containing runoff from active areas and up-catchment areas, as well as licensed groundwater and surface water extractions (Attachment 5).
- Potable water would be supplied and transported by a local contractor (Section 2.10.6).
- A 66 kV electricity transmission line currently provides power to a 66 kV/11 kV substation at the existing infrastructure area. At the commencement of the Project, a new 66 kV/11 kV substation and 11 kV powerline would be constructed to provide power to the MIA and pump station (Section 2.10.5).

- Sewage and wastewater from on-site ablution facilities would be collected and treated in biocycle sewage treatment systems and serviced by a licensed waste disposal contractor on an as-needs basis. Treated effluent would be irrigated at a small wastewater utilisation area.
- On-site Water Management System would be installed, comprising of water management storages and collection drains, runoff diversions, sediment control and open cut dewatering. Potential disposal of excess surface water through licensed discharge points subject to water quality parameters.
- Suitable road access will be provided through the staged construction of Blue Vale Road and Shannon Harbour Road diversions. A private haul road will also be constructed between Blue Vale Road and the Whitehaven CHPP, including an overpass across the Kamilaroi Highway.

Accordingly the Minister can be satisfied as to these matters.

A3.3 NARRABRI LOCAL ENVIRONMENTAL PLAN 2012

A3.3.1 Objectives

Clause 1.2 of the Narrabri LEP outlines the aims of the plan, with the following particularly of relevance to the Project:

...

(2) *The particular aims of this Plan are as follows:*

- (a) *to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:*
 - (i) *land of significance for agricultural production, and*
 - (ii) *timber, minerals, soil, water and other natural resources, and*
 - (iii) *areas of high scenic or recreational value, and*
 - (iv) *native plants and animals including threatened species, populations and ecological communities, and their habitats, and*
 - (v) *places and buildings of heritage significance,*

...

- (c) *to facilitate development for a range of business enterprise and employment opportunities,*

- (d) *to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes.*

The Project is consistent with the aims of the Narrabri LEP, as:

- The Project would be developed in a manner that would minimise and manage potential impacts on agricultural production in the vicinity of the Project. An AIS has been prepared for the Project and has considered the potential impacts of the Project on soil resources (Appendix G). The Project would be developed in a manner that would minimise and manage potential impacts on soil resources and the development of rural land in the vicinity of the Project.
- The Project includes a proposal offsetting unavoidable loss of vegetation and fauna habitat (Sections 4.9.4 and 4.10.4).
- A Groundwater Assessment and a Surface Water Assessment have been prepared for the Project (Appendices A and B, respectively). Measures to manage and mitigate potential impacts to water resources are discussed in Sections 4.4.3 and 4.5.3.
- An Aboriginal Heritage Assessment and a Non-Aboriginal Heritage Assessment have been prepared for the Project (Appendices K and J respectively) to identify items of heritage within and adjacent to the Project area, and present measures to manage and mitigate potential impacts to heritage items (Sections 4.13.3 and 4.14.3).
- The Project would facilitate employment opportunities and expenditure in the region, and provide revenues to the regional and state economies (Appendix K).

Accordingly the Minister can be satisfied as to these matters.

A3.3.2 Permissibility

Part 2 of the Narrabri LEP outlines the land use zone objectives that are relevant in determining whether the Project (or any part of the Project) is prohibited by the Narrabri LEP, in any of the zones within the Development Application area.

The Development Application area includes land zoned under the Narrabri LEP as Zone RU1 (Primary Production).

Under the Land Use Table in the Narrabri LEP “extractive industries” and “open cut mining” are permissible with consent in Zone RU1 (Primary Production). Therefore, the Project may be carried out with Development Consent.

Accordingly the Minister can be satisfied as to these matters.

A3.3.3 Zone Objectives

The objectives of the Zone RU1 (Primary Production) zone are to promote the proper management and utilisation of resources, as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.*

The Project is consistent with the objectives of the RU1 (Primary Production) zone as:

- mining is a primary industry;
- the Project would not result in the fragmentation or alienation of resource lands;
- the Project is not inconsistent with surrounding land uses in the RU1 (Primary Production) zone, as open cut mining is permissible with consent;
- mining operations and nearby agricultural enterprises and State Forests have historically co-existed and this would continue for the Project, therefore the Project is not inconsistent with adjoining land use zones;
- the mine landform would be progressively rehabilitated, including areas to be rehabilitated to pasture and therefore potentially being available for agricultural uses in the long-term; and
- an Agricultural Impact Statement has been completed to determine the potential impacts on the Project on soil resources (Appendix G), and measures to manage and mitigate potential impacts are discussed in Sections 4.3 and 7.

Accordingly the Minister can be satisfied as to these matters.

A3.3.4 Special Provisions

Parts 5 and 6 of the Narrabri LEP provide a number of provisions of potential relevance to the Project, including the relevant clauses described below.

Clause 5.3 relates to development occurring near zone boundaries and includes the following subclauses potentially of relevance to the Project:

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.*
- ...
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
 - (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- ...

Clause 5.3 is relevant as the Project is located within 50 metres of a zone boundary between Zone RU1 (Primary Production) and Zone RU3 (Forestry).

As discussed in Section A3.2.3, the Project is consistent with the objectives for development in Zone RU1 (Primary Production).

The Project is not inconsistent with the objectives of Zone RU3.

Mining operations and nearby agricultural enterprises and State Forests have historically co-existed and this would continue for the Project, therefore the Project is not inconsistent with adjoining land use zones.

Accordingly the Minister can be satisfied as to these matters.

Clause 5.10 relates to the assessment and management of impacts to non-Aboriginal heritage or Aboriginal heritage and includes the following subclauses potentially relevant to the Project:

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Narrabri,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*

- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

...

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and

- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

...

Clause 5.10 set out above is potentially applicable to the Project with respect to direct disturbance or indirect effects (e.g. blasting) that could impact on Aboriginal or non-Aboriginal heritage sites located within or adjacent to the Development Application area.

Aboriginal and non-Aboriginal cultural heritage assessments have been conducted for the Project and are provided in Appendices I and J and, where relevant, identified suitable management and mitigation measures for potential direct and indirect impacts of the Project.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.1 outlines considerations relating to earthworks:

6.1 Earthworks

...

- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

An Agricultural Impact Statement, incorporating a Agricultural Resource Assessment has been completed as part of the Project (Appendix G) and is summarised in Section 4.3.

Section 4 also includes consideration of the potential impacts of the Project on adjoining land and amenity impacts in the locality (e.g. noise and air quality emissions), where relevant.

Consideration of the potential for disturbance of Aboriginal and non-Aboriginal heritage items is provided in Appendices I and J.

Consideration of the potential impacts of the Project on water resources is provided in Sections 4.4 and 4.5 and Appendices A and B, including potential impacts on water quality, groundwater resources and downstream riparian rights.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.2 outlines considerations relating to flood planning:

6.2 Flood planning

...

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*

- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

...

Consideration of water management, drainage requirements and flooding impacts associated with the Project are provided in Sections 2.9 and 4.5 and Appendix B of the EIS.

The Project is not located within the “Flood planning level” referred to in the Narrabri LEP.

The Project lies within the Driggle Draggie Creek catchment. Two upslope diversions have been designed to divert overland flow from the Project mining area north into Driggle Draggie Creek. The diversions are not expected to cause any significant changes to the flow regime in Driggle Draggie Creek (Appendix B). In addition, Whitehaven owns the properties that the diversions would be located on. The upslope diversions would also discharge into drainage lines on Whitehaven owned properties.

As such, the Project would not significantly adversely affect flood behaviour, flood impacts to other development, properties or the environment. The design of the flood protection levee and the mine infrastructure incorporates appropriate measures to manage risk to life from flood. The Project would not result in unsustainable social and economic costs to the community as a consequence of flooding.

Accordingly the Minister can be satisfied as to these matters.

Clause 6.5 outlines considerations relating the provision of essential services:

6.5 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

Adequate arrangements have been made for the provision of essential services for the Project as follows:

- Water supply for the Project will be sourced from groundwater inflows to the open cut and associated dewatering, water storages containing runoff from active areas and up-catchment areas, as well as licensed groundwater and surface water extractions (Attachment 5).
- Potable water would be supplied and transported by a local contractor (Section 2.10.6).
- A 66 kV electricity transmission line currently provides power to a 66 kV/11 kV substation at the existing infrastructure area. At the commencement of the Project, a new 66 kV/11 kV substation and 11 kV powerline would be constructed to provide power to the MIA and pump station (Section 2.10.5).
- Sewage and wastewater from on-site ablution facilities would be collected and treated in biocycle sewage treatment systems and serviced by a licensed waste disposal contractor on an as-needs basis. Treated effluent would be irrigated at a small wastewater utilisation area.
- On-site Water Management System would be installed, comprising of water management storages and collection drains, runoff diversions, sediment control and open cut dewatering. Potential disposal of excess surface water through licensed discharge points subject to water quality parameters.
- Suitable road access will be provided through the staged construction of Blue Vale Road and Shannon Harbour Road diversions. A private haul road will also be constructed between Blue Vale Road and the Whitehaven CHPP, including an overpass across the Kamilaroi Highway.

Accordingly the Minister can be satisfied as to these matters.

A3.4 STRATEGIC PLANNING DOCUMENTS

A3.4.1 Development Control Plans

Clause 11 of the State and Regional Development SEPP indicates that development control plans (whether made before or after the commencement of the SEPP) do not apply to State Significant Development, and hence to not apply to the Project.

A3.4.2 New England North West Strategic Regional Land Use Plan

The *New England North West Strategic Regional Land Use Plan* (the SRLUP) was released by the DP&I in September 2012. The SRLUP aims to provide a framework for growth, environmental protection and dealing with competing land uses over the next 20 years (DP&I, 2012).

The SRLUP is focussed around eight key areas each with several underlying objectives. These key areas include balancing agriculture and resource development, infrastructure, economic development and employment, housing and settlement, community health and amenity, natural environment, natural hazards and climate change and heritage (DP&I, 2012).

Of particular note to the Project, the SRLUP presents a framework for the identification and assessment of potential impacts to highly productive agricultural land.

The AIS for the Project (Appendix G) has been developed in consideration of the SRLUP and the *Guideline for Agricultural Impact Statements* (DP&I, 2012). The assessment of potential impacts of the Project on agriculture has been undertaken through:

- an Agricultural Resource Assessment (McKenzie Soil Management, 2012) which included:
 - a soil survey to characterise and assess the soils in the Project area;
 - Rural Land Capability and Agricultural Suitability assessment of the Project area; and
 - identification and quantification of topsoil and subsoil material suitable for rehabilitation purposes;
- an AIS which:
 - describes the historic and current agricultural enterprises conducted in the Project area and surrounds;

- describes the current agricultural productivity of the Project area and surrounds;
- identifies the agricultural resources and associated employment and support industries in the vicinity of the Project and summarises the potential impacts to these resources as a result of the Project;
- identifies potential biophysical strategic agricultural land in the vicinity of the Project;
- describes the proposed rehabilitation concept for the Project;
- describes the mitigation and management measures to reduce the potential impacts of the Project on agriculture; and
- presents a justification of the proposed changes to agricultural lands.

The Project would result in the sterilisation of approximately 2,242 ha of agricultural lands, which represents approximately 0.1 percent of the total agricultural lands in the Narrabri and Gunnedah region (Appendix G). Although some parts of the agricultural lands within the Project mining area have been mapped as having moderate to moderately high Agricultural Suitability, they are currently only used for cattle production and are regarded by local farmers as being relatively low yielding.

Regional mapping of biophysical strategic agricultural land identifies that the private haul road and Kamilaroi Highway Overpass would disturb approximately 4 ha of biophysical strategic agricultural land. However the majority (i.e. 3 ha) of this land is currently only used for grazing, and the small area of cropping land (i.e. 1 ha) is owned by Whitehaven and is not part of a large scale productive cropping farm. In addition, the disturbance to the area of biophysical strategic agricultural land would only be for the duration of the Project, and it is expected that the private haul road and Kamilaroi Highway overpass would be decommissioned and the area rehabilitated to its current land use at the end of the 30 year Project life (Appendix G).

Given that only agricultural land used for cattle grazing would be sterilised by the Project and that the Project is more efficient than the continued agricultural production, it is considered that the reallocation of existing agricultural resources to the Project is justified (Appendix G).

Accordingly the Minister can be satisfied as to these matters.

A3.4.3 Gunnedah Community Strategic Plan 2012-2022

The Gunnedah Community Strategic Plan 2012-2022 (Gunnedah Strategic Plan) has four main strategic themes, namely engaging and supporting the community, building the Shire's economy, retaining quality of life and protecting and enjoying the surrounds (Gunnedah Shire Council, 2012). Each of these strategic themes is underpinned by numerous strategies.

The Project is generally consistent with the Gunnedah Strategic Plan as follows:

- includes public involvement and participation through the Project EIS consultation program (Section 3), the public exhibition of the EIS document and DP&I assessment of the Project in accordance with the requirements of the EP&A Act;
- the Project provides employment opportunities to the local community and creates additional direct and indirect economic revenue;
- the Project has been developed in accordance with the principles of ESD; and
- flora and fauna, water resources, road transport, waste management, cultural heritage, noise and air quality impact assessments have been conducted for the Project and measures to manage and mitigate impacts are discussed in Section 4.

Accordingly the Minister can be satisfied as to these matters.

A3.4.4 Namoi Catchment Action Plan

The Namoi Catchment Action Plan 2010-2020 (Namoi CAP) sets a strategic framework for natural resource management within the Namoi River catchment (Namoi Catchment Management Authority [CMA], 2011b). The Namoi CAP was developed in 2011 by the Namoi CMA in consultation with the community and is endorsed by the NSW Government.

The Namoi CAP was developed in consideration of relevant National and State natural resource management strategies, and includes provision for implementing elements of these strategies at the catchment scale (Namoi CMA, 2011b).

The Namoi CAP establishes catchment targets and management targets for four key regional resources. These resources are identified as terrestrial biodiversity, land, water and people.

The following sub-sections include a description of the targets for each regional resource outlined in the Namoi CAP (Namoi CMA, 2011b) and discussion of the consideration of these targets in the development of the Project.

Terrestrial Biodiversity

The four catchment targets for this regional resource are (Namoi CMA, 2011b):

1. *By 2020 there is an increase in native vegetation extent and vegetation does not decrease to less than 70% in less cleared sub-catchments and 30% in over cleared sub-catchments and no further Regional Vegetation Community decreases to less than 30% extent as identified by 2010 baseline.*
2. *By 2020 maintain sustainable populations of a range of native fauna species by ensuring that no further Regional Vegetation Community decreases to less than 30% extent as identified by 2010 baseline.*
3. *By 2020 contribute to the recovery of priority viable threatened species, populations and communities.*
4. *By 2020, no new invasive species are established in the Catchment and the spread of key emerging invasive plants and animals is limited.*

Section 5 presents Whitehaven's rehabilitation strategy for the Project. The disturbance areas associated with the Project would be progressively rehabilitated and revegetated to either native bushland and/or agricultural land.

Sections 4.9.4, 4.10.4 and 7 summarise the Project offset and compensatory measures that would assist in maintaining the biodiversity of the region, including consideration of native vegetation and threatened species, populations and communities. The Project offset measures would comprise a combination of securing the long-term viability of existing woodland (i.e. the Project biodiversity offset area) and revegetation of the mine landforms in the long-term.

The Project avoids and conserves 418 individuals of the endangered flora species Winged Peppercross to the north-east of the Western Emplacement. The Eastern Emplacement and MIA were designed to avoid a high quality remnant patch of Box Gum Woodland Endangered Ecological Community located along South Creek.

The Project would also involve the implementation of measures to minimise potential impacts of weeds and exotic animals (Sections 4.9.3 and 4.10.3).

Land

The catchment target for this regional resource is (Namoi CMA, 2011b):

1. *By 2020 there is an improvement in soil health as measured by an increase in ground cover at the paddock, sub-catchment and Catchment scales.*

Potential impacts of the Project on land resources and capability have been considered in this EIS (Section 4.3 and Appendix G).

The Project would be developed in a manner that would minimise and manage potential impacts on land resources, including the reinstatement of agricultural land on rehabilitated areas (Sections 4.3 and 5), and the implementation of appropriate land management practices on Whitehaven-owned land surrounding the Project area (Sections 4.3.3 and Appendix G).

Water

The three catchment targets for this regional resource are (Namoi CMA, 2011b):

1. *By 2020 there is an improvement in the condition of those riverine ecosystems that have not crossed defined geomorphic thresholds as at the 2010 baseline.*
2. *By 2020 there is an improvement in the ability of groundwater systems to support groundwater dependent ecosystems and designated beneficial uses.*
3. *By 2020 there is an improvement in the condition of regionally important wetlands and the extent of those wetlands is maintained.*

The Project includes measures to mitigate, manage and monitor potential impacts on surface water and groundwater quality, including development of sediment basins, permanent diversions and the implementation of monitoring programs (Sections 4.4 and 4.5 and Appendices A and B).

People

The two catchment targets for this regional resource are (Namoi CMA, 2011b):

1. *Natural resource management decisions contribute to social wellbeing.*
2. *There is an increase in the adaptive capacity of the Catchment Community.*

Consultation conducted with a range of stakeholders including the Namoi CMA, local communities, relevant landholders and the Aboriginal community is described in Section 3.

The outcome of consultation with these stakeholders has been considered and addressed in the preparation of this EIS.

The Project would continue to involve ongoing public involvement and participation through the assessment process under the EP&A Act, and over the life of the Project (Section 3).

Assessment of the potential socio-economic impacts of the Project (including potential impacts on the regional economy and employment, population and community infrastructure) and proposed management and mitigation measures are provided in Appendix K and summarised in Sections 4.15 and 4.16.

Justification of the Project on economic, social and environmental grounds is provided in Section 6.6. The Project would facilitate employment opportunities and expenditure within the region (Section 6.6 and Appendix K).

Accordingly the Minister can be satisfied as to these matters.

A3.4.5 Draft Murray Regional Strategy 2009-36

The *Draft Murray Regional Strategy 2009–36* (the Regional Strategy) is a draft plan developed in October 2009 by the DoP to represent the position of the NSW Government on the future of the Murray Region (DoP, 2009). The Regional Strategy applies to the period from 2009 to 2036 and will be subject to a review process every 5 years.

The plan is focussed around five key areas, each with several underlying objectives. These key areas include settlement and housing, economic development, tourism, natural environment and cultural heritage (DoP, 2009).

The aims of the Regional Strategy are as follows:

- *Protect and manage the sensitive environment of the Region's major waterways (such as the Murray River) to safeguard the future health and wellbeing of one of Australia's most important natural catchments, its associated \$1 billion agricultural industry, the needs of downstream users and the \$400 million tourism industry.*
- *Cater for a housing demand of 13 900 new dwellings by 2036 to accommodate the combined pressure of the forecast population increase, the needs of a significantly changing population and growing tourism demands for new dwellings.*
- *Prepare for and manage the significantly ageing population and ensure that new housing meets the needs of smaller households and ageing populations by encouraging a shift in dwelling mix and type.*
- *Reinforce the role of Albury as the Region's major regional centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education.*
- *Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3100 new jobs.*
- *Protect the rural landscape and natural environment by limiting urban sprawl, focusing new settlement in areas identified on local strategy maps and restricting unplanned new urban or rural residential settlement.*
- *Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria (Appendix 1).*
- *Ensure that the land use planning system can respond to changing circumstances for settlement and agricultural activity arising from water trading, by setting a strategic framework for decisions on land use change and investment in irrigation infrastructure.*
- *Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of the Aboriginal people.*

Consideration of the potential impacts of the Project on water resources is provided in Sections 4.4 and 4.5 and Appendices A and B, including potential impacts on water quality, groundwater resources and riparian rights. Measures to manage and mitigate these impacts are discussed in Sections 4.4.3, 4.5.3 and 7.

Consideration of the potential impacts of the Project on land use, land capability (including Rural Land Capability and Agricultural Suitability), agricultural production, soil resources and soil stability is discussed in Section 4.3 and presented in Appendix G. As discussed in Section A3.3.3, the productivity of the agricultural enterprises that would be re-established post-mining are expected to be similar to the existing productivities. The Project would be developed in a manner that would minimise and manage potential impacts on agricultural production, soil resources and soil stability (Sections 4.3 and 7).

The Project is an employment generating development and at full development would require a workforce of up to 250 full time on-site operational personnel and contract personnel.

The Project is being developed in suitably zoned land in the Gunnedah and Narrabri LGAs, and is consistent with the relevant land use objectives.

An assessment of the potential for the Project to impact on items of Aboriginal or non-Aboriginal heritage has been conducted (Appendices I and J, respectively) and measures to manage and mitigate these impacts are discussed in Sections 4.13, 4.14 and 7.

The Regional Strategy's Sustainability Criteria are as follows:

- *Infrastructure Provision – mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.*
- *Access – accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.*
- *Housing Diversity – provide a range of housing choices to ensure a broad population can be housed.*
- *Employment Lands – provide regional/local employment opportunities to support the Murray Region's expanding role in the wider regional and NSW economies.*
- *Avoidance of Risk – land use conflicts, and risk to human health and life, avoided.*
- *Natural Resources – natural resources limits not exceeded/environmental footprint minimised.*
- *Environment Projection – protect and enhance biodiversity, air quality, heritage and waterway health.*
- *Quality and Equity in Services – quality health, education, legal, recreational, cultural and community development and other Government services are accessible.*

The Project is generally consistent with the Sustainability Criteria as:

- The Project has made adequate provision for necessary infrastructure, as discussed in Section A3.2.4. Transport requirements are discussed in Section 2.6 and Appendix F, and the final landform design is detailed in Section 5.
- The Project is an employment generating development that would facilitate employment opportunities and expenditure in the region, and provide revenues to the regional and state economies (Appendix K).
- The Project does not conflict with surrounding land uses as the development is consistent with the land use objectives in the relevant land zonings under the Gunnedah LEP and the Narrabri LEP.
- An ERA has been conducted for the Project and has considered risk to human health and life (Appendix M).
- Measures to manage and mitigate the potential impacts on the Project on natural resources and to minimise environmental impact are discussed in Sections 4 and 7.
- The Project is being developed with consideration of the ESD principles (Section 6.6.4).
- An Ecological Assessment has been conducted for the Project to assess the potential impacts on biodiversity (Appendix E). Measures to manage and mitigate these impacts are discussed in Sections 4.9.3, 4.10.3 and 7.
- An Air Quality and Greenhouse Gas Assessment has been conducted for the Project to consider the potential impacts of the Project and any associated greenhouse gas emissions (Appendix D). Measures to manage and mitigate these impacts are discussed in Sections 4.7.3, 4.8.3 and 7.
- An assessment of the potential for the Project to impact on items of Aboriginal or non-Aboriginal heritage has been conducted (Appendices I and J, respectively), and measures to manage and mitigate these impacts are discussed in Sections 4.13, 4.14 and 7.

- Consideration of the potential impacts of the Project on water resources is provided in Sections 4.4 and 4.5 and Appendices A and B, including potential impacts on water quality, groundwater resources and riparian rights. Measures to manage and mitigate these impacts are discussed in Sections 4.4.3, 4.5.3 and 7.

Accordingly the Minister can be satisfied as to these matters.

A3.4.6 Namoi Catchment Management Authority Extractive Industries Policy

The Namoi CMA's *Extractive Industries Policy* has been developed to sustain catchment assets consistent with the vision of the Namoi CMA (Namoi CMA, 2009). Components of the *Extractive Industries Policy* potentially relevant to the Project include:

- *acknowledges that exploration of minerals, gas and energy resources shall continue*
- *adopts the Precautionary Principle on extractive industries in the Namoi Catchment*
- *opposes new approvals for extractive industries in the Namoi Catchment in the absence of a rigorous risk management assessment of cumulative impacts on the four key regional assets*
- *seeks to ensure that in-depth baseline natural resource management (NRM) databases are in place to ensure that adequate monitoring and evaluation of all extractive industry developments can take place*
- *seeks to identify key Catchment assets then seeks to identify the risks to those assets*
- *seeks to have the Catchment Action Plan considered during the approval process*

The precautionary principle, as a component of ESD, has been considered in the development of the Project (Section 6.6.4).

An ERA (Appendix M) has been undertaken for this EIS in order to identify key risks potentially arising from the Project, including cumulative impacts, for further assessment. A discussion of the key findings is presented in Section 4.1.

Possible risks to catchment assets (as defined in the Namoi CAP), including land resources, water resources, biodiversity and the community, are addressed in Section 4. The Project includes measures to manage, mitigate and offset potential impacts to land resources, water resources, biodiversity and the community (Sections 4 and 7).

This EIS includes consideration of baseline data collected by Whitehaven and other monitoring programs and baseline surveys (Section 4). Recommendations have also been made for ongoing monitoring programs as part of the Project (Section 4).

The Namoi CAP has been considered in the preparation of this EIS and is discussed in Section 7. The Namoi CMA has been consulted in regard to the Project and issues raised by the Namoi CMA have been addressed in this EIS (Section 3.1.2).

Accordingly the Minister can be satisfied as to these matters.

A3.4.7 Narrabri Shire Growth Management Strategy

The *Narrabri Shire Growth Management Strategy* (Narrabri Shire Council, 2009) provides a future direction for the settlements and land within the rural areas of the Narrabri LGA.

The objectives for the *Narrabri Shire Growth Management Strategy* (Narrabri Shire Council, 2009) are outlined as follows:

- *Provide for co-ordinated and effective sustainable growth of the economic, social and environmental aspects of the Narrabri LGA.*
- *Develop a land use framework that will give a level of certainty to the people who live in the Narrabri LGA.*
- *Ensure, where practical, that residents have adequate access to and equity for the provision of services and facilities.*
- *Provide for economic development opportunities that are in keeping with the character of Narrabri LGA.*
- *Provide an adequate level of infrastructure for the people who live and work in the Narrabri LGA.*
- *Ensure that the quality of surrounding waterways is not adversely affected by development.*
- *Ensure that the ecological integrity of the rural and urban lands are enhanced and maintained.*
- *Ensure that development has a minimal impact on the natural and modified scenic landscape of Narrabri LGA.*
- *Preserve and promote the heritage and culture of Narrabri LGA.*
- *Recognise the impact of natural hazards on future land use and settlement.*

The Project is generally consistent with the aims of the *Narrabri Shire Growth Management Strategy* (Narrabri Shire Council, 2009) as:

- The Project has been developed in a manner that has considered the potential, economic and social impacts on the region and would facilitate employment opportunities and expenditure in the region therefore promoting economic growth and development (Section 6.6 and Appendix K).
- Project design, planning and assessment have been carried out applying the principles of ESD (Section 6.6.4).
- The Project is consistent with the objectives and zoning in the Narrabri LEP (Section A3.3.3) and therefore would not impact on services and facilities within this zone.
- The Project includes consideration of potential socio-economic impacts, including access to services and facilities and the distribution of impacts between stakeholders (Sections 4.15 and 4.16 and Appendix K). The Project would benefit current and future generations through creation of employment and regional expenditure (Section 6.6 and Appendix K).
- The Project would benefit current and future generations through the expansion of employment and regional expenditure associated with the Project (Section 6.6 and Appendix K).
- Consideration of the Namoi CAP (Section A3.4.4) has been included in the development of this EIS.
- The Project includes a range of impact avoidance, management, mitigation and offset measures to maintain or improve the biodiversity values and ecological integrity of the surrounding region in the long-term (Sections 4.9, 4.10 and 7 and Appendix E).
- The Project includes measures to minimise and mitigate potential impacts on the landscape values of the region (Section 4.12 and Appendix H).
- The Project includes measures to minimise and mitigate potential impacts on items of heritage significance (Sections 4.13.3 and 4.14.3 and Appendices I and J).
- The Project has been developed in consideration of flood risk, bushfire risk and erosion potential (Sections 2 and 4).

Accordingly the Minister can be satisfied as to these matters.

A3.5 REFERENCES

- Department of Planning (2009) *Draft Murray Regional Strategy 2009-36*.
- Department of Planning (2011a) *Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning*.
- Department of Planning (2011b) *Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis*.
- Department of Planning and Infrastructure (2011) *Multi-Level Risk Assessment*.
- Department of Planning and Infrastructure (2012) *New England North West Strategic Regional Land Use Plan*. September 2012.
- Department of Urban Affairs and Planning and Environment Protection Agency (1998) *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land*.
- Gunnedah Shire Council (2012) *Gunnedah Community Strategic Plan 2012 – 2022*.
- Lloyd Consulting Pty Ltd (2012) *Stage 1 & 2 Land Contamination Assessment – Vickery Coal Project*.
- McKenzie Soil Management Pty Ltd (2012) *Agricultural Resource Assessment: “Vickery Coal Project”, Gunnedah NSW*. Prepared for Whitehaven Coal Limited.
- Namoi Catchment Management Authority (2007) *Namoi Catchment Action Plan*.
- Namoi Catchment Management Authority (2009) *Extractive Industries Policy*.
- Namoi Catchment Management Authority (2011) *Namoi Catchment Action Plan 2010-2020*.
- Narrabri Shire Council (2009) *Narrabri Shire Growth Management Strategy*. December 2009.