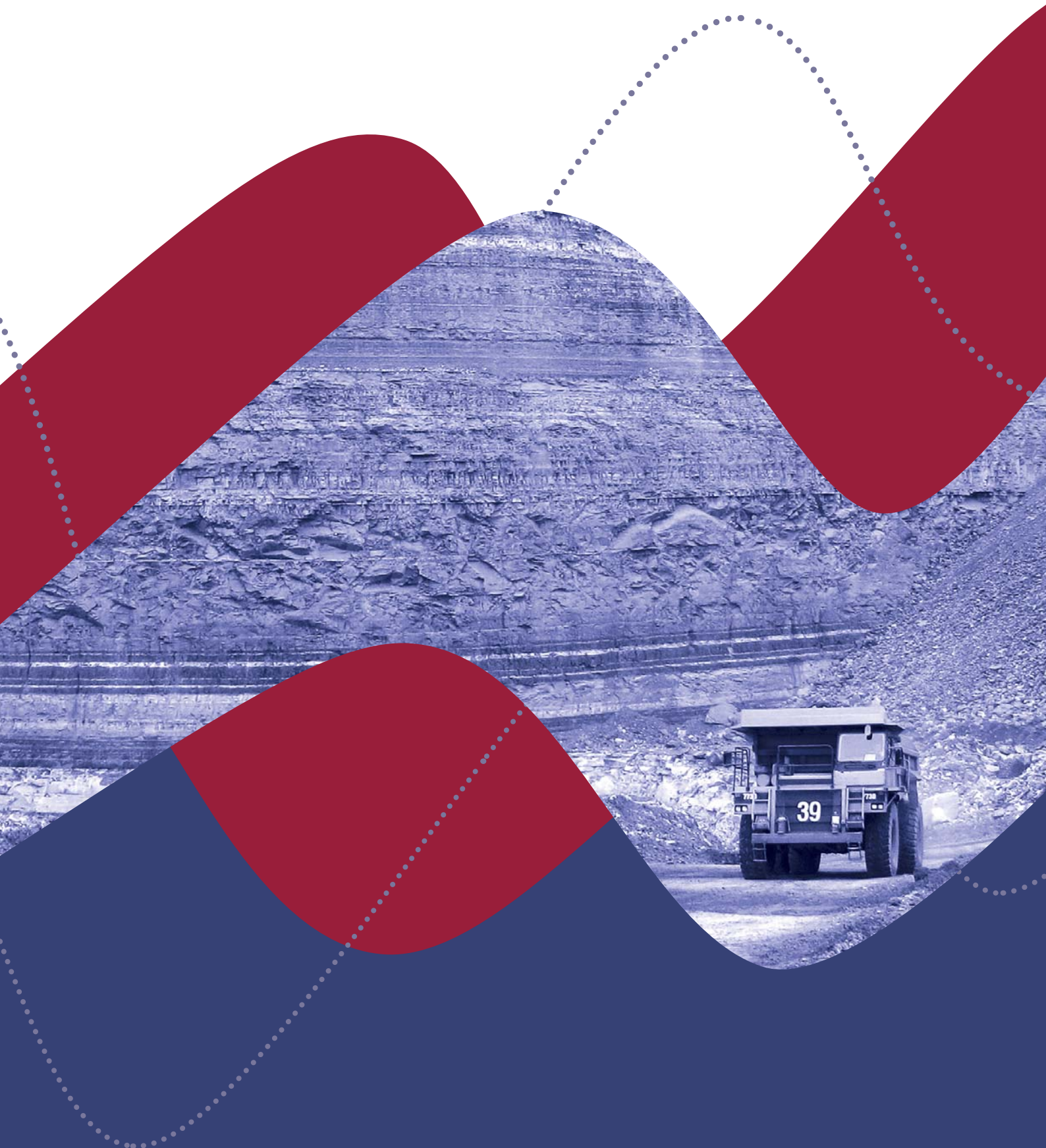


APPENDIX C

Regulatory Correspondence





**Planning &
Infrastructure**

Major Projects Assessment

Mining & Industry Projects

Contact: Carl Dumpleton

Phone: (02) 9228 6283

Fax: (02) 9228 6466

Email: carl.dumpleton@planning.nsw.gov.au

Mr Ian Follington
Chief Executive Officer
Coalpac Pty Ltd
Invincible Colliery
Castlereagh Highway
CULLEN BULLEN NSW 2790

Dear Mr Follington

Coalpac Consolidation Project (10_0178) - Supplement to the Director-General's Requirements

I refer to the Director-General's requirements issued for the Coalpac Consolidation Project 16 December 2010.

As you are aware, this project has been declared a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Department of Sustainability, Environment, Water, Populations and Communities has accredited the NSW Part 3A assessment process for the project. Accordingly, the Department will undertake an environmental impact assessment of the project to satisfy the requirements of both NSW and Commonwealth legislation.

To ensure that sufficient information is provided to enable an appropriate level of assessment of relevant matters of National Environmental Significance, the Director-General has issued supplementary requirements for the Environmental Assessment under section 75F(3) of the *Environmental Planning and Assessment Act 1979*. A copy of the supplementary requirements is attached.

You must ensure that the Environmental Assessment adequately addresses the Director-General's requirements issued on 16 December 2010, and the supplementary requirements attached to this letter.

If you have any enquiries about these requirements, please contact Carl Dumpleton on the details above.

Yours sincerely



19/4/11

Richard Pearson
Deputy Director-General – DASP
as delegate for the Director-General

Supplementary Director-General's Requirements

Section 75F(3) of the *Environmental Planning and Assessment Act 1979*

The Commonwealth Minister for Sustainability, Environment, Water, Population and Communities has declared the Coalpac Consolidation Project (EPBC No 2010/5776), to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The controlled action is likely to have a significant impact on the EPBC Act listed critically endangered ecological community White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) and the EPBC Act listed threatened species, Cannon's Stringybark (*Eucalyptus macrorhynchia subsp. cannonii*), a leek-orchid (*Prasophyllum sp. Wybong*), Regent Honeyeater (*Anthochaera phrygia*) (this species is also listed as Migratory), Swift Parrot (*Lathamus dicolor*) and Broad-headed Snake (*Hoplocephalus bungaroides*).

In accordance with the one-off accredited assessment process for this project, the environmental assessment of the impacts of the controlled action is to be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The assessment should include enough information about the controlled action and its relevant impacts to allow the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities to make an informed decision whether or not to approve the controlled action under the EPBC Act.

The following assessment requirements are to be integrated into the assessment required for Part 3A of the EP&A Act. The following matters in the EPBC Act and schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* should be considered.

The following assessment requirements are to be integrated into the assessment required for Part 3A of the EP&A Act. The following matters in the EPBC Act and schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* should be considered.

General information

1. The background of the action, including:

- a. the title of the action;
- b. the full name and postal address of the designated proponent;
- c. a clear outline of the objective of the action;
- d. the location of the action;
- e. the background to the development of the action;
- f. how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- g. the current status of the action; and
- h. the consequences of not proceeding with the action.

Description of the controlled action

2. A description of the action, including:

- a. all the components of the action;
- b. the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;

- c. how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- d. the timing and duration of the works to be undertaken; and
- e. to the extent reasonably practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact, including:
 - i. if relevant, the alternative of taking no action;
 - ii. a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
 - iii. sufficient detail to clarify why any alternative is preferred to another.

Description of the existing environment

3. A description of the existing environment of the proposal location and the surrounding areas that may be affected by the action, including:

- a. surveys using accepted methodology for targeting listed threatened species, ecological communities and their respective habitat, including but not limited to DECC's *Survey and assessment guidelines* (2009), available at: <http://www.environment.nsw.gov.au/threatenedspecies/surveymethodsfauna.htm>

In addition to the requirements outlined in DECCW's *Survey and assessment guidelines* (2009), the following must also be included:

- c. a description of the distribution and abundance of threatened species and ecological communities, as well as suitable habitat (including breeding, foraging, roosting habitat, habitat critical to the survival of threatened species) within the site and in surrounding areas that may be impacted by the proposal; and
- d. the regional distribution and abundance of suitable and potential habitat surrounding the site.

A description of the relevant impacts of the controlled action

4. An assessment of all relevant impacts¹ with reference to the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance* (2009) that the controlled action has, will have or is likely to have on:
 - a. relevant threatened species and/or threatened ecological communities listed under sections 18 and 18A of the EPBC Act, including but not limited to the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) and the EPBC Act listed threatened species, Cannon's Stringybark (*Eucalyptus macrorhynchia subsp. cannonii*), a leek-orchid (*Prasophyllum sp. Wybong*), Regent Honeyeater (*Anthochaera phrygia*) (this species is also listed as Migratory), Swift Parrot (*Lathamus dicolor*) and Broad-headed Snake (*Hoplocephalus bungaroides*); and
 - b. any newly discovered EPBC listed species.

¹ The term "relevant impact" is defined in section 82 of the EPBC Act.

5. Information must include:

- a. a description of the relevant impacts of the action on matters of national environmental significance;
- b. a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- c. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- d. analysis of the significance of the relevant impacts;
- e. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

6. A description of the relevant impacts on the Box-Gum Woodland should include an analysis of the vegetation condition on the site, as well as the methods by which this was determined. It should also include direct, indirect, cumulative and facilitative impacts on the:

- a. extent of the Box-Gum Woodland, including connectivity with other areas of the ecological communities;
- b. quality or integrity of the Box-gum Woodland including, but not limited to: assisting invasive species, that are harmful to the ecological communities, to become established; or causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the communities which kill or inhibit the growth of species in the ecological community);
- c. EPBC Act listed species in, or in any way dependent upon, the Box-Gum Woodland;
- d. composition of the Box-Gum Woodland;
- e. habitat present on site critical to the survival of the Box-Gum Woodland ²; and
- f. abiotic (non-living) factors (such as water, nutrients or soil) necessary for the Box-Gum Woodland survival, for example increasing groundwater levels or making the site wetter, soil disturbance or substantial alteration of surface water drainage patterns.

These impacts should be described for the construction and operation phases of the controlled action.

7. Where there is a potential habitat for EPBC Act listed species, surveys must be undertaken. These surveys must be timed appropriately and undertaken for a suitable period of time by a qualified person³. A subsequent description of the relevant impacts on such EPBC Act listed species should include, inter alia, direct, indirect, cumulative and facilitative impacts on the:

- a. population of the species at the site;
- b. area of occupancy of the species;
- c. habitat critical to the survival of the species;
- d. breeding cycle of the population; and
- e. availability or quality of habitat for the species.

Proposed safeguards and mitigation measures

² "habitat critical to the survival of a species or ecological community" refers to areas that are necessary:

- for activities such as foraging, breeding, roosting, or dispersal;
- for the long-term maintenance of the species or ecological community (including the maintenance of species essential to the survival of the species or ecological community, such as pollinators);
- to maintain genetic diversity and long term evolutionary development; or
- for the reintroduction of population or recovery of the species or ecological community.

Such habitat may be, but is not limited to: habitat identified in a recovery plan for the species or ecological community as habitat critical for that species or ecological community; and/or habitat listed on the register of Critical Habitat maintained by the Minister under the EPBC Act.

³ Where available, species-specific survey guidelines can be obtained on the department's *Species Profile and Threats Database*: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

8. A description of feasible mitigation measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts. Information must include:
- a. any changes to the controlled action which prevent or minimise relevant impacts on listed threatened species and communities;
 - b. a description of the mitigation measures that will be undertaken to prevent or minimise the relevant impacts of the action. These mitigation measure should be substantiated and based on best available practices;
 - c. an assessment of the expected or predicted effectiveness of the mitigation measures including the effect on abundance and condition of species, suitable habitat and ecological communities;
 - d. any statutory or policy basis for the mitigation measures;
 - e. the cost of the mitigation measures;
 - f. an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs (including any relevant thresholds for corrective actions) for the relevant impacts of the action. Include the person or agency responsible for implementing these programs and the effectiveness of all mitigation measures, including any provisions for independent environmental auditing;
 - g. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
 - h. identification of mitigation measures proposed to be undertaken by State governments, local governments or the proponent;

Offsets

9. Should any residual impact exist that cannot be mitigated, it may be necessary for offset measures to be considered in order to ensure the protection of matters of national environmental significance in perpetuity. If required, the department may negotiate offsets with you during the assessment phase. Reference should be made to the Department's draft policy statement at : <http://www.environment.gov.au/epbc/publications/draft-environmental-offsets.html>
- a. the description of any offset package should include how the offset compensates for the residual impacts, when the offset will be delivered and how the offset will be managed;
 - b. any land to be set aside for offsets will need to be secure in tenure (such as a conservation covenant) in order to provide certainty that no future mining will be undertaken within any proposed offset areas. Certainty will also be required that the land can be secured such as a right to purchase contractual arrangement. Ground truthing of the proposed offset land will also be required;
 - c. an assessment of the impact of the offsets on other matters of environmental, economic, or social significance; and
 - d. analysis of cost, both financial and other, related to offsets.

Other approvals and conditions

10. Any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. Information must include:
- a. details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and

- ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- b. a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- c. a statement identifying any additional approval that is required;
- d. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

Economic and social matters

11. A description of the short-term and long-term social and economic implications and/or impacts of the project.

Environmental record of person proposing to take the action

12. Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the person proposing to take the action.
13. Details of the proponent's environmental policy and planning framework.

Information sources

14. For information given in an environment assessment, the draft must state:
- a. the source of the information;
 - b. how recent the information is;
 - c. how the reliability of the information was tested; and
 - d. what uncertainties (if any) are in the information.

Consultation

15. Any consultation about the action, including:
- a. any consultation that has already taken place;
 - b. proposed consultation about relevant impacts of the action;
 - c. if there has been consultation about the proposed action — any documented response to, or result of, the consultation.
16. identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

**Planning****Major Projects Assessment****Mining & Industry Projects**

Contact: Carl Dumpleton

Phone: 02 9228 6283

Fax: 02 9228 6466

Email: carl.dumpleton@planning.nsw.gov.au

Our Ref: 10/21705

Mr Ian Follington
Chief Executive Officer
Coalpac Pty Ltd
Invincible Colliery
Castlereagh Highway
CULLEN BULLEN NSW 2790

Dear Mr Follington,

Coalpac Consolidation Project (10_0178)
Director-General's Requirements

The Department has received your application for the Coalpac Consolidation Project.

I have attached a copy of the Director-General's requirements for the project. These requirements have been prepared in consultation with the relevant agencies, based on the information you have provided to date. I have also attached a copy of the agencies' comments for your information.

Please note that the Director-General may alter these requirements at any time.

The Department expects that the project will require separate approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and that the EPBC approval process will be integrated with the NSW approval process. The Department is aware that the project is not yet subject to a declaration as a controlled action under the EPBC Act. Nonetheless, the Commonwealth Department of Sustainability Environment, Water, Population and Communities (DSEWPC) has provided some preliminary advice on the project which has been attached to these requirements. However, if the project is subsequently declared to be a controlled action, I would appreciate it if you would advise the Department accordingly as supplementary requirements may need to be issued for the project.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your EA for the project. This will enable the Department to:

- confirm the applicable fee (see Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EA that will be required for exhibition purposes.

Once it receives the EA, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the EA to be hosted on a suitable website.

If you have any enquiries about these requirements, please contact Carl Dumpleton at the details listed above.

Yours sincerely



Howard Reed 16.12.10
A/Director
Mining and Industry
As delegate for the Director-General

Director-General's Requirements

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

Application Number	10_0178
Project	<p>The Coalpac Consolidation Project, which includes:</p> <ul style="list-style-type: none"> expanding open cut and high wall mining areas, clearing approximately 995 hectares of vegetation, to gain access up to an additional 83 million tonnes of coal resource; upgrading and building associated infrastructure to produce up to 3.5 million tonnes of product coal a year for domestic and international markets; producing up to 640,000 tonnes of sand products a year for transport to domestic markets; and consolidating existing development consents and project approvals for the Cullen Valley Coal Mine and the Invincible Colliery.
Location	Cullen Bullen (about 25 kilometres north west of Lithgow)
Proponent	Coalpac Pty Limited
Date of Issue	16 December 2010
General Requirements	<p>The Environmental Assessment of the project must include:</p> <ul style="list-style-type: none"> an executive summary; a detailed description of: <ul style="list-style-type: none"> existing and approved mining operations/facilities, including any statutory approvals that apply to these operations/facilities; and the existing environmental management and monitoring regime; the existing, approved, and proposed mining operations in the vicinity of the site; a detailed description of the project, including the: <ul style="list-style-type: none"> need for the project; alternatives considered including justification for the proposed mine plan; likely staging of the project; likely interactions between the project and existing, approved and proposed mining operations in the vicinity of the site; and plans of any proposed building works; a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> a description of the existing environment, using sufficient baseline data; an assessment of the potential impacts of the project, <u>including any cumulative impacts</u>, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); and a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the project, including detailed contingency plans for managing any significant risks to the environment; a statement of commitments, outlining all the proposed

Key Issues	<ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – measures taken to avoid, reduce or mitigate impacts on biodiversity; – accurate estimates of proposed vegetation clearing; – a detailed assessment of the potential impacts of the project on any: <ul style="list-style-type: none"> ○ terrestrial or aquatic threatened species or populations and their habitats, endangered ecological communities and water dependent ecosystems; and ○ regionally significant remnant vegetation, or vegetation corridors; and – a comprehensive offset strategy to ensure the project maintains or improves the terrestrial and aquatic biodiversity values of the region in the medium to long term (in accordance with NSW and Commonwealth policies), and considers offsets or compensation in relation to forestry production; • Traffic & Transport – including: <ul style="list-style-type: none"> – economic justification of transporting coal and sand products on public roads, including an assessment of the costs and benefits of alternative transport methods; – an assessment of the potential traffic impacts from the proposal on the safety and efficiency of the rail and road networks; and – a description of the measures that would be implemented to upgrade and/or maintain rail and road infrastructure over the life of the project; • Air Quality – including a quantitative assessment of potential: <ul style="list-style-type: none"> – construction, operational and blasting impacts; – reasonable and feasible mitigation measures, including costing of the proposed measures; – monitoring and management measures, in particular real-time and attended air quality monitoring (including predictive meteorological modelling) to facilitate reactive management of activities to ensure impacts are within relevant criteria and goals throughout the life of the project; • Noise & Blasting – including a quantitative assessment of potential: <ul style="list-style-type: none"> – construction, operational, transport and offsite rail and road noise impacts; – blasting impacts on people, livestock and property; – reasonable and feasible mitigation measures, including costing of the proposed measures; – monitoring and management measures, in particular real-time and attended noise monitoring (including predictive meteorological modelling) to facilitate reactive management of noise to ensure impacts are within relevant criteria and goals throughout the life of the project; • Heritage – both Aboriginal and non-Aboriginal, including a landscape heritage assessment; • Soil and Water – including: <ul style="list-style-type: none"> – a detailed project water balance, including a description of site water demands, water disposal methods, water supply infrastructure and water storage structures; – a detailed assessment of potential impacts on: <ul style="list-style-type: none"> ○ the quality and quantity of existing surface and ground water resources; ○ affected licensed water users and basic landholder rights; and ○ environmental flows; – a detailed description of the proposed water management system and water monitoring program for the project and other measures to mitigate surface and groundwater impacts; and – detailed assessment of the likely impacts on soil and the proposed soil management measures to avoid, mitigate or offset those impacts;
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	<ul style="list-style-type: none"> • Visual - including a detailed assessment of the pre-mining, operational and proposed post mining landforms; • Rehabilitation - a detailed description of the proposed rehabilitation strategy for the project area having regard to the key principles in the Strategic Framework for Mine Closure, including: <ul style="list-style-type: none"> – rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; and – the potential for integrating this strategy with any other offset and rehabilitation strategies in the area; • Greenhouse Gases – including: <ul style="list-style-type: none"> – a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project; – a qualitative assessment of the potential impacts of these emissions on the environment; and – an assessment of all reasonable and feasible measures that could be implemented to minimise greenhouse gas emissions and ensure energy efficiency; • Waste - including: <ul style="list-style-type: none"> – accurate estimates of the quantity and nature of the potential waste streams of the project, including tailings, coarse reject and sand processing waste; and – a detailed description of the measures that would be implemented to minimise the production of waste on site, and ensure that any waste produced is appropriately handled and disposed of; • Hazards - including bushfires; and • Social & Economic - including: <ul style="list-style-type: none"> – an assessment of the potential impacts of the project on the local and regional community; – an assessment of the demand the project may generate for the provision of additional infrastructure and services; and – a detailed assessment of the costs and benefits of the project as a whole, and whether it would result in a net benefit for NSW.
References	The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of Sustainability, Environment, Water, Population and Communities; • Department of Environment, Climate Change and Water, including the NSW Office of Water; • Industry and Investment NSW, including Forestry NSW; • Roads and Traffic Authority; • Australian Rail Track Corporation; • Lithgow City Council; • Central West Catchment Management Authority; and • Sydney Catchment Authority. <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed Refusal Period	90 days

Policies, Guidelines & Plans

Risk Assessment	
	AS/NZS 4360:2004 Risk Management (Standards Australia)
	HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Biodiversity	
	Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna-Amphibians (DECCW 2009)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft November 2004
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) (DEC)
	NSW State Groundwater Dependent Ecosystem Policy (DLWC)
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
	Policy & Guidelines - Fish Friendly Waterway Crossings (NSW Fisheries)
	State Environmental Planning Policy No. 44 – Koala Habitat Protection
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Noise & Blasting	
	NSW Industrial Noise Policy (DECC)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Interim Guidelines for the Assessment of Noise From Rail Infrastructure Projects (DECC)
	Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC)
	Interim Construction Noise Guideline (DECC)
	DIN 4150 Part 3 - Structural Vibration: effects of vibration on structures (ISO, 1999)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DoP and DEC)
	NSW Heritage Manual (NSW Heritage Office)
Non-Aboriginal	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
Soil & Water	
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
Soil	Rural Land Capability Mapping (DLWC)
	Agricultural Land Classification (DPI)
Surface Water	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water

	Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	State Water Management Outcomes Plan
	Gazetted relevant Water Sharing Plan
	NSW Government Water Quality and River Flow Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Floodplain Development Manual (DIPNR)
	Floodplain Risk Management Guideline (DECC)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	Technical Guidelines: Bunding & Spill Management (DECC)
	Environmental Guidelines: Use of Effluent by Irrigation (DECC)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Quantity Management Policy (DLWC, 1998)
Groundwater	Murray-Darling Basin Groundwater Quality. Sampling Guidelines. Technical Report No 3 (MDBC)
	Murray-Darling Basin Commission. Groundwater Flow Modelling Guideline (Aquaterra Consulting Pty Ltd)
	Guidelines for the Assessment & Management of Groundwater Contamination (DECC, 2007)
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Strategic Framework for Mine Closure (ANZMEC-MCA)
Greenhouse Gases	
	National Greenhouse Accounts Factors (Australian Department of Climate Change (DCC))
	Guidelines for Energy Savings Action Plans (DEUS)
Waste	
	Waste Classification Guidelines (DECC)
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Social & Economic	
	Draft Economic Evaluation in Environmental Impact Assessment (DoP)
	Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Mr Bret Leisemann
Chief Development Officer
Coalpac Pty Ltd
Castlereagh Highway
CULLEN BULLEN NSW 2790

Date: 24 January 2011
EPBC Ref: 2010/5776
EPBC contact: Kate Smith
(02) 6274 1393
kate.smith@environment.gov.au

cc: Dr David Robertson
Director
Cumberland Ecology Pty Ltd

Dear Mr Leisemann

Decision on referral

Coalpac Consolidation Project, Cullen Bullen, NSW

This proposed action, to extend the existing Cullen Valley Mine and Invincible Colliery operations to produce up to a total of 3.5 Mtpa product coal, northwest of Lithgow in New South Wales, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As the delegate for the Minister for Sustainability, Environment, Water, Population and Communities I have decided that the proposed action is a controlled action and, as such, requires assessment and approval before it can proceed.

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 & 18A); and
- Listed migratory species (sections 20 & 20A).

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- it involves the clearance of 40.8 ha of the critically endangered White Box-Yellow Box-Blakely's Red Gum grassy woodlands and derived native grasslands; and the removal of 196 ha of potential habitat for the vulnerable Cannon's Stringybark (*Eucalyptus macrorhyncha subsp. Canonni*); and
- it also involves the clearance of 1,088 ha of vegetation which contains suitable habitat for the critically endangered Leek Orchid (*Prasophyllum sp. Wybong* (C. Phelps ORG 5269), endangered Swift Parrot (*Lathamus discolor*); and for the endangered and migratory Regent Honeyeater (*Anthochaera Phrygia*).

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also decided that the project will need to be assessed through accredited assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW).

Each assessment approach requires different levels of information and involves different steps. All levels of assessment will include a public consultation phase, *in which any third parties can comment on the proposed action*.

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's website at <http://www.environment.gov.au/epbc>.

A copy of the document recording these decisions is enclosed.

The assessment officer will contact you shortly to discuss the assessment process.

I have also written to the following parties to advise them of this decision:

Referring party	Dr David Robertson, Cumberland Ecology Pty Ltd
Commonwealth Minister	The Hon Martin Ferguson AM MP Minister for Resources and Energy
State authority	Mr John Ross, NSW Department of Planning
Other authority	Mr Roger Bailey, Lithgow City Council

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Barker
Acting Assistant Secretary
Environment Assessment Branch



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled
action
DECISION ON ASSESSMENT APPROACH**

Coalpac Consolidation Project, Cullen Bullen, NSW (EPBC No 2010/5776)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To extend the existing Cullen Valley Mine and Invincible Colliery operations and construct and upgrade associated infrastructure, northwest of Lithgow, New South Wales; and as described in the referral received under the EPBC Act on 13 December 2010.
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decision on proposed action	<p>The proposed action is a controlled action.</p> <p>The project will require assessment and approval under the EPBC Act before it can proceed.</p>
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relevant controlling provisions	<ul style="list-style-type: none"> • Listed threatened species and communities (sections 18 & 18A) • Listed migratory species (sections 20 & 20A)
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designated proponent	Coalpac Pty Limited (ACN: 003 558 914)
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assessment approach	The project will be assessed by accredited assessment under Part 3A of the <i>Environmental Protection and Planning Act 1979</i> (NSW).
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Decision-maker

Name and position	James Barker Acting Assistant Secretary Environment Assessment Branch
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Signature

date of decision

24 / 1 / 11