

Stratford Extension Project Environmental Impact Statement

ATTACHMENT 6

PLANNING INSTRUMENTS ADDENDUM



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A6 PLANNING INSTRUMENTS ADDENDUM

This Attachment provides further discussion on the requirements and application of State Environmental Policies (SEPPs), the *Gloucester Local Environmental Plan 2010* (Gloucester LEP) and relevant Strategic Planning Documents to the Stratford Extension Project (the Project).

References to Sections 1 to 7 in this Attachment are references to the Sections of the Main Report of the Environmental Impact Statement (EIS). Internal references within this Attachment are prefixed with “A6”.

A6.1 STATE ENVIRONMENTAL PLANNING POLICIES

A6.1.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 3 of the *State Environmental Planning Policy (State and Regional Development) 2010* (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).

A6.1.2 State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)

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

Clause 2 of SEPP 33 sets out the aims and objectives of SEPP 33, the following being 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 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 or potentially offensive 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 Q). 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 public authorities during the preparation of this EIS as described in Section 3.

Project alternatives (including the Project location) are discussed in Section 6.9.2.

The land surrounding the Project site is zoned as RU1 (Primary Production), IN3 (Heavy Industrial) and E3 (Environmental Management) under the Gloucester LEP (Section A6.2) and the Project is generally consistent with the uses that are permissible in adjoining lands (Section A6.2.1). Consideration of the potential impacts of the Project on agricultural land uses is assessed in Appendix K and described in Section 4.3.2.

Accordingly the Minister can be satisfied as to these matters.

A6.1.3 State Environmental Planning Policy No. 44 - Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) requires the council in certain local government areas (LGAs) (including Gloucester) to consider whether the land which is the subject of the Development Application is “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 Council.

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

Accordingly the Minister can be satisfied as to these matters.

A6.1.4 State Environmental Planning Policy No. 55 (Remediation of Land)

State Environmental Planning Policy No. 55 (Remediation 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 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 *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 majority of the Project does not involve a “change of use” because the Project would involve the continued development of open cut mining and associated activities within the existing mining tenements held by Stratford Coal Pty Ltd (SCPL).

Where these activities are to be undertaken within the existing mining tenements, these Project activities would not result in any change in the use of land, as mining related activities are already occurring.

The part of the Project described in Section 2 as the future extension of open cut mining activities into mining lease application (MLA) areas 1, 2 and 3 would involve a change of use.

Ardill Payne and Partners (2012a) (Appendix M) completed a Preliminary Investigation of the MLA areas in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land*. This investigation included a desktop review, site inspection and a sampling programme. Following review of the results of the investigation, Ardill Payne and Partners concluded that no evidence of land contamination had been identified, no further investigation was required and that the MLA areas are suitable for the Project use (Appendix M).

In addition, Ardill Payne and Partners (2012b) completed a review of the contamination status of the existing Stratford Coal Mine (SCM) and Bowens Road North Open Cut (BRNOC) operational areas. Ardill Payne and Partners concluded that while there may be some localised areas of contamination associated with existing operational areas such as the workshops, that SCPL implement management measures to control the potential impacts of these activities and the existing operational areas are suitable for use by the Project (Ardill Payne and Partners, 2012b). Land contamination management measures, including post-mining investigation and remediation measures are described in Sections 4.3.3 and 5.

Accordingly the Minister can be satisfied as to these matters.

A6.1.5 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) applies 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...that is not in an environmental conservation zone,*
 - (d) *facilities for the processing or transportation of minerals or mineral bearing ores on land on which mining may be carried out (with or without development consent), but only if they were mined from that land or adjoining land,*
- ...

The Project requires development consent. A description of the relevant Gloucester LEP land use zones and the applicability of the Mining SEPP to Project permissibility is provided in Section A6.2.1.

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 lands in the vicinity of the Project are primarily utilised for beef cattle grazing, which occurs on both private lands and SCPL-owned lands that are outside of the SCM and BRNOC operational areas (Section 4.3). Additional land uses in the vicinity of the Project include Stratford and the associated public recreation area and cemetery, nature conservation and general rural and rural residential uses (Figure 2-1).

In addition, the AGL Gloucester LE Pty Ltd (AGL) Gloucester Gas Project is also approved over lands associated with the Project under the EP&A Act (Sections 2.5.1 and 6.4.1).

The AGL Gloucester Gas Project is a coal seam gas (CSG) development that would be undertaken under the *Petroleum (Onshore) Act, 1991* and hence would be a petroleum production facility for the purposes of the Mining SEPP.

It is noted that the AGL Gloucester Gas Project Environmental Assessment (AECOM, 2009) states that

Generally, there is no reason why open cut coal mining activities and CSG production, ..., cannot co-exist over the same area.

The AGL Gloucester Gas Project Environmental Assessment (AECOM, 2009) also states:

... the shallow coal seams which are the subject of open cut mining are not targets for CSG extraction because of their proximity to the surface and the relatively low gas contents as compared to the coal at such depth. Coal seams below open cut mining operations can be targeted for CSG production through directional drilling without impact upon surface operations. ... It is recognised that operational protocols would be required in areas where CSG operations and coal mining activities co-exist, but this should not be a major barrier to efficient extraction of the respective target resources.

This indicates that AGL's position is that it can undertake petroleum extraction from coal seams below the Project open cuts in accordance with the approved AGL Gloucester Gas Project, either during or after open cut mining by the Project. A co-operation agreement is being negotiated between AGL and SCPL and this will address the interaction issues between the operations.

Gloucester Resources Limited's (GRL's) proposed Rocky Hill Coal Project is located largely within Exploration Licence (EL) 6523 to the north of the Stratford Mining Complex (Figure 2-13).

Infrastructure and development activities associated with the proposed Rocky Hill Coal Project would be located approximately 5 kilometres (km) to the north of the existing mining and exploration tenements at the Stratford Mining Complex (Figure 2-13). The public benefits of the Project have been considered in the Socio-Economic Assessment completed by Gillespie Economics (Appendix P), including the consideration of the comparative socio-economic benefits of the alternative use of the Project lands for agriculture rather than mining.

The Project is compatible with existing, approved or likely adjoining land uses. Any interaction issues with respect to the AGL Gloucester Gas Project would be addressed via the co-operation agreement required under the AGL petroleum exploration licence. As described in Sections 4 and 7, the Project would be operated in a manner as to minimise potential impacts on the environment and alternative land uses on adjoining lands.

The development of the Project would result in significant socio-economic benefits to the regional economy and the State of NSW (Sections 6.9.1 and 6.9.4).

The existing rehabilitation areas at the SCM and BRNOC illustrate the effectiveness of the rehabilitation measures implemented at the Stratford Mining Complex. SCPL would continue to implement a progressive rehabilitation programme (Section 5) which aims to rehabilitate the site to a state that would minimise incompatibility of the Project with existing and future land uses in the area. The Project rehabilitation would incorporate rehabilitation to areas of agricultural land use (Section 5).

Clause 13

Clause 13(2) of the Mining SEPP requires that before determining any application for consent for development in the vicinity of an existing mine, petroleum production facility or 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).

GRL submitted *Documentation Supporting an Application for Director-General's Requirements for the Rocky Hill Coal Project* (R.W. Corkery and Co. Pty Limited, 2012) to the DP&I in February 2012.

The proposed Rocky Hill Coal Project comprises a future development that would extract minerals (coal). As the proposed Rocky Hill Coal Project is located approximately 5 km to the north of the Stratford Mining Complex (Figure 2-13), it is considered that the Project would not be incompatible with that proposal.

Stage 1 of the AGL Gloucester Gas Project was granted Project Approval (08_0154) under Part 3A of the EP&A Act by the Planning Assessment Commission in February 2011, and will be a petroleum production facility.

The existing Stratford Mining Complex and the Project Development Application area coincide with part of the approved AGL Gloucester Gas Project (Figure 2-13).

The Project is compatible with the approved AGL Gloucester Gas Project and the requirements of clause 13 are met in respect of it. As required under AGL's exploration licence, AGL and SCPL are in the process of negotiating a co-operation agreement with respect to areas where the two operations would interact (Section 6.4.1).

Given this it is expected that:

- SCPL and AGL would continue to negotiate access agreements as required for land access for exploration and development; and
- the Project would not have a significant impact on the approved AGL Gloucester Gas Project's ability to extract petroleum in the future (refer discussion for clause 12 above).

The development of the Project would result in significant socio-economic benefits to the regional economy and the State of NSW (Sections 6.9.1 and 6.9.4 and Appendix P).

Measures to minimise any incompatibility between the AGL Gloucester Gas Project and the Project would be described in the co-operation agreement (Section 6.4.1).

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 is undertaken in an environmentally responsible manner, including conditions to ensure the following:

- that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
- that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
- 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, programmes 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, 4.10 and 4.11 and Appendices E, F and G, 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, programmes and guidelines are described in Sections 4.8 and 6.9.3.

Clause 15

Clause 15 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 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.*

SCPL has progressively presented Project description information, mine layout plans and other information to the NSW Division of Resources and Energy (within the NSW Department of Trade and Investment, Regional Infrastructure and Services) during the development of this EIS (Section 3). Constraints to the extent of the Project open cuts are described in Section 2.7.2.

It is in the financial interest of SCPL to maximise the efficiency and long-term value of open cut mining operations, coal production, recovery from the Western Co-Disposal Area and processing and handling of coal in the coal handling and preparation plan (CHPP).

Clause 16

Clause 16(1) of the Mining SEPP 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.*

As outlined in Section 2, the transport of run-of-mine coal to the CHPP would continue to be via internal haul roads. Transport of product coal to market would continue to be via the Stratford rail loop and the North Coast Railway.

There would however, be some increases in road movements which are associated with the increased workforce and consumable delivery demands (Section 4.14).

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 N).

Clause 16(2) of the Mining SEPP requires 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 Services (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, and*

...

SCPL has consulted with the RMS, Gloucester Shire Council (GSC) and Great Lakes Council for the Project (Section 3). These authorities are aware of the proposed continuation and extension of the Stratford Mining Complex and associated use of relevant roads for the Project.

Clause 17

Clause 17 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 the rehabilitation of land that will be affected by the development. 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 programme would be implemented for the progressive rehabilitation of the Project disturbance area, including the remediation of any contaminated soil, if applicable (Section 5).

The proposed management of waste rock material is discussed in Section 2.10 and the management of other wastes is described in Section 2.15.

One of the key objectives of the rehabilitation plan (Section 5) would be the development of landforms which are stable in the long-term, and therefore do not jeopardise public safety.

A6.1.6 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 or prior to development commencing.

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

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 power line,

...

- (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.

The Project involves the realignment of sections of an existing 132 kilovolt electricity transmission line (Section 2.6.2).

Consultation has been conducted with Transgrid (the relevant electricity supply authority) regarding the Project (Section 3), and this consultation is ongoing.

A6.1.7 Hunter Regional Environmental Plan 1989 (Heritage)

As of 1 July 2009, regional environmental plans (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW.

As a result of the *State Environmental Planning Policy (Repeal of REP Provisions) 2009* all existing REPs are now deemed SEPPs.

The general aims and objectives of the *Hunter Regional Environmental Plan, 1989 (Heritage)* are outlined in clause 2:

- (a) to conserve the environmental heritage (including the historic, scientific, cultural, social, archaeological, architectural, natural and aesthetic heritage) of the Hunter Region,
- (b) to promote the appreciation and understanding of the Hunter Region's distinctive variety of cultural heritage items and areas including significant buildings, structures, works, relics, towns, precincts and landscapes, and
- (c) to encourage the conservation of the Region's historic townscapes which contain one or more buildings or places of heritage significance or which have a character and appearance that is desirable to conserve.

Clauses 7 and 10 outline requirements for Councils with respect to Development Applications that pertain to listed heritage items or items requiring further investigation. However, a review of the items listed in Schedules 1 and 4 of the *Hunter Regional Environmental Plan, 1989 (Heritage)* indicate that no relevant items in the Gloucester LGA are located within the Project area.

Notwithstanding, a Non-Aboriginal Heritage Assessment of the Project has been completed by Heritage Management Consultants Pty Ltd (Appendix J).

A6.2 GLOUCESTER LOCAL ENVIRONMENTAL PLAN 2010

A discussion of the general objectives of the Gloucester LEP is provided in Section 6.5.2.

A6.2.1 Permissibility

Part 2 of the Gloucester LEP sets out the zone objectives that are relevant in determining whether the Project, or any part of the Project, is prohibited by the Gloucester LEP in any of the zones within the Development Application area.

The Project Development Application area includes land zoned under the Gloucester LEP as:

- Zone RU1 (Primary Production zone);
- Zone IN3 (Heavy Industrial zone); and
- Zone E3 (Environmental Management zone).

Zone Objectives

The majority of the land in the Development Application area is within the Primary Production zone (RU1) zone. The objectives of this 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.*
- *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 encourage eco tourism enterprises that minimise any adverse effect on primary industry production and the scenic amenity of the area.*

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

- mining is a primary industry;
- the Project would not result in the fragmentation and alienation of resource lands;
- SCPL would continue to work in co-operation with AGL to minimise land use conflicts associated with the AGL Gloucester Gas Project (Section 6.4.1);
- mining operations and nearby agricultural enterprises have co-existed since the SCM's inception and this would continue for the Project; and
- mine landforms would be progressively rehabilitated, including areas to be rehabilitated to pasture and therefore potentially being available for agriculture in the medium/long-term (Section 5).

Under the land use table in the Gloucester LEP “mining” is permissible with consent in Primary Production (RU1) zone lands.

An area of Heavy Industrial zone (IN3) lands is located at the SCM CHPP, rail loop and associated land to the east of The Bucketts Way.

The objectives of Heavy Industrial Lands Zone (IN3) are as follows:

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

The Project is consistent with the objectives of IN3 (Heavy Industrial) as employment opportunities at the SCM would continue, and the Project includes mitigation measures to minimise impacts on the environment (Sections 4 and 7).

Although “hazardous industries”, “heavy industries” and “light industries” are all permitted with consent in IN3, since “mining” is not specifically mentioned, it is taken to be prohibited.

However, the note preceding the land use tables in the Gloucester LEP states:

A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:
 ...
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Clause 4 of the Mining SEPP relevantly provides:

4 Land to which Policy applies

This Policy applies to the State.

Clause 5(3) gives the Mining SEPP primacy where there is any inconsistency between the provisions in the SEPP and the provisions in any other environmental planning instrument (subject to limited exceptions).

Clause 5(3) relevantly provides:

5 Relationship with other environmental planning policies

- (3) *...if this Policy is inconsistent with any other environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

The practical effect of clause 5(3) for the Project is that if there is any inconsistency between the provisions of the Mining SEPP and those contained in the Gloucester LEP, the provisions of the Mining SEPP will prevail.

Clauses 6 and 7 of the Mining SEPP provide what types of mining development are permissible without development consent and what types are permissible only with development consent. In this regard, clause 7(1) states:

7 Development permissible with consent

(1) Mining

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*

...

- (d) *facilities for the processing or transportation of minerals or mineral bearing ores on land on which mining may be carried out (with or without development consent), but only if they were mined from that land or adjoining land,*

...

The word "mining" in the Mining SEPP is given an extended definition in clause 3(2) as follows:

mining means the winning or removal of materials by methods such as excavating, dredging, or tunnelling for the purpose of obtaining minerals, and includes:

- (a) *the construction, operation and decommissioning of associated works; and*
- (b) *the stockpiling, processing, treatment and transportation of materials extracted, and*
- (c) *the rehabilitation of land affected by mining.*

All of SCPL's works and activities which occur within the IN3 zone fall within the extended definition of "mining" contained in the Mining SEPP. Under the land use table for the Heavy Industrial (IN3) zone, development for various types of industry are permissible with development consent.

Given that clause 7(1)(b)(i) of the Mining SEPP provides that development for the purposes of "mining" may be carried out with development consent on land where development for the purposes of industry may be carried out, it necessarily follows that all of SCPL's works and activities within the IN3 zone are permissible uses with development consent.

A thin strip of Environmental Management (E3) zoned land adjoins the eastern boundary of The Bucketts Way between the SCM and the North Coast Railway.

As a result, a short section of the existing approved SCM rail loop (near its juncture with the main line) is located within the Environmental Management (E3) zone. The objectives of this zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*

- To provide for a limited range of development that does not have an adverse effect on those values.
- To conserve biological diversity and native vegetation corridors, and their scenic qualities, in a rural setting.

No works are proposed within this zone as a component of the Project and it is considered that the Project is generally consistent with the zone objectives.

Since “mining” is not specifically permitted within the Environmental Management (E3) zone, it is taken to be prohibited under the Gloucester LEP.

However, "Extensive agriculture" is permissible without development consent within the Environmental Management (E3) zone.

As discussed above clause 7(1)(b)(i) of the Mining SEPP provides that development for the purposes of "mining" may be carried out with development consent on land where development for the purposes of agriculture may be carried out, with or without development consent.

The SCM rail loop falls within the extended definition of "mining" contained in the Mining SEPP on the ground that it is development for the purpose of transportation of materials extracted. Therefore the Project use of the existing SCM rail loop within the Environmental Management (E3) zone is permissible with development consent.

A6.2.2 Special Provisions

Parts 5 and 6 of the Gloucester LEP provide a number of provisions of potential relevance to the Project, including the following:

Heritage Conservation

Clause 5.10 sets out the requirements for heritage conservation associated with development.

5.10 Heritage conservation

...

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Gloucester,
- (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 non-Aboriginal or Aboriginal heritage sites located within or adjacent to the Project Application area.

Aboriginal and Non-Aboriginal Heritage Assessments have been conducted (Appendices I and J) and have, 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.

Flood Planning

Clause 6.1 relates to requirements for flood planning associated with development.

6.1 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) will not 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) *will not 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 and drainage requirements associated with the Project are provided in Sections 2.12 and 4.5.

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

SCPL owns all land within the Project Development Application area (Figures 1-3a to 1-3c). As such, it is considered that the Project would not risk life and property associated with the use of the land.

The Project lies within the Avondale and Dog Trap Creek catchments.

Avondale Creek bisects the Project area (Figure 4-1). Two existing haul road crossings have been constructed across Avondale Creek which cause localised increases in creek levels upstream of these crossings during high flow events (Appendix B). No lands would be affected by flood waters in this area of the Avondale Creek floodplain, other than those already owned by SCPL.

Hydraulic design and modelling of these crossings has been commissioned by SCPL in order to design flood mitigation measures (including bunding) to reduce the risk of flooding of mine areas, with the designs to be based on a 100-year average recurrence interval flow event (Appendix B).

SCPL has demonstrated over the life of the Stratford Mining Complex that it can operate mining operations effectively within the floodplain of Avondale Creek.

Dog Trap Creek is located to the north of the Project and flows in a generally north-west direction to join Avondale Creek to the north of the Project (Figure 4-1). Flows in Dog Trap Creek would continue to be unimpeded by the Project.

It is considered that there is no potential for impacts of flooding and flood liability on individual private owners, occupiers and the public resulting from the Project.

Project erosion and sediment control measures and general water management principles are provided in Sections 2.12 and 4.5.

Development in Areas Subject to Airport Noise

Clause 6.2 of the Gloucester LEP provides guidance for appropriate development of areas potentially subject to airport noise. The objectives of this clause are:

- a) *to prevent certain noise sensitive developments from being located near the Gloucester Airport and its flight paths,*
- b) *to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
- c) *to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impact on the ongoing, safe and efficient operation of that airport.*

The northernmost portions of the Project are within the ‘low level noise exposure’ zone in the relevant Noise Exposure Forecast Map. Notwithstanding, the Project is consistent with the objectives of clause 6.2 of the Gloucester LEP, as it is not a ‘sensitive development’ and does not hinder or have any adverse impacts on the Gloucester Airport.

Industrial Release Area

Clause 6.3 of the Gloucester LEP provides guidance with respect to a designated industrial release area that is located on lands zoned Heavy Industrial Zone (IN3) in the vicinity of the Project. The object of this clause is:

...to require assistance to authorities of the State towards the provision of State and regional roads before the subdivision of land to which this clause applies to satisfy needs that arise from development on the land, but only if the land is developed for industrial purposes.

The Project does not involve any proposed development for “industrial purposes”, or subdivision of these lands (i.e. it is proposed that the Heavy Industrial Zone lands within the Project Development Application area would continue to be used for mining purposes) and hence, no specific application of this clause to the Project is anticipated.

Earthworks

Clause 6.4 relates to requirements for earthworks associated with development.

6.4 Earthworks

...

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (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 proposed 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 watercourse, drinking water catchment or environmentally sensitive area*

An Agricultural Assessment, incorporating a Agricultural Resource Assessment has been completed as part of the Project (Appendix K) 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.

A6.3 STRATEGIC PLANNING DOCUMENTS

A6.3.1 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 do not apply to the Project.

A6.3.2 Gloucester Contaminated Land Management Policy

The Gloucester *Contaminated Land Management Policy* came into force in December 2005 (GSC, 2005).

Section 1.1 provides the purpose of the Policy:

In some situations, the use of land can result in its contamination by chemicals, posing a risk to human health or the environment and precluding later development of a site for particular uses. The purpose of this Policy is to establish 'best practice' for managing land contamination through the planning and development control process.

Section 1.2 provides the key principles of the Policy which include:

... The integration of land contamination management into the local planning and development control process will enable Council to:

- *consider the likelihood of land contamination as early as possible in the planning and development control process*
- *link decisions about the development of land with the information available about contamination possibilities*
- *adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination*
- *exercise statutory planning functions with a reasonable standard of care.*

A Land Contamination Assessment has been completed for the Project by Ardill Payne (Appendix M) with reference to the Gloucester *Contaminated Land Management Policy* and the Contaminated Land Register that is maintained by the GSC in accordance with that Policy.

A6.3.3 Upper Hunter Draft Regional Strategic Land Use Plan

The *Upper Hunter Draft Regional Strategic Land Use Plan* (DSRLUP) represents one component of the government’s broader Strategic Regional Land Use Policy which comprises multiple initiatives being staged over time to address land use conflict in regional areas, with a particular focus of these policies being management of coal and CSG development (DP&I, 2012a).

The Upper Hunter DSRLUP considers a number of key policy areas for the Upper Hunter region including (DP&I, 2012a):

- balancing agricultural and resource developments;
- infrastructure provision;
- economic development and employment;
- housing and settlement;
- community health and amenity;
- terrestrial and aquatic biodiversity;
- natural hazards and climate change; and
- cultural heritage.

One of the key aspects of the Upper Hunter DSRLUP is the definition and mapping of critical industry clusters and biophysical strategic agricultural land and the proposed application of a gateway process to State Significant Developments on or within 2 km of strategic agricultural land.

The Project is not located within a critical industry cluster and the nearest biophysical strategic agricultural land that is mapped in the Upper Hunter DSRLUP is along the Avon River to the west of the Project (Figure 4-3).

This mapped biophysical strategic agricultural land is greater than 2 km from the nearest Project open cut mining area (i.e. the Roseville West Pit Extension) (Figure 4-3). However, the westernmost components of some existing Stratford Mining Complex infrastructure (e.g. the existing rail loop and site access road - Figure 4-3) and the associated Project Development Application area is within 2 km of the mapped biophysical strategic agricultural land.

The Upper Hunter DSRLUP was on public exhibition between 8 March and 14 May 2012 on the DP&I website and at council chambers and public libraries throughout the Upper Hunter region. At the time of preparation of this EIS the NSW Government was considering the feedback received and the Upper Hunter DSRLUP and its associated regional mapping and gateway requirements have not been finalised.

Notwithstanding its draft status, the potential application of the draft gateway requirements of the Upper Hunter DSRLUP to the Project has been considered in general accordance with the requirements of the *Interim Strategic Agricultural Land Policy for State Significant and Transitional Part 3A Mining and Coal Seam Gas Proposals in the Upper Hunter and New England North West Regions* that was issued in April 2012 (DP&I, 2012b).

Summary consideration of the draft gateway criteria for biophysical strategic agricultural land for the Project is provided in Table A6-1.

**Table A6-1
Potential Impacts of the Project on Biophysical Strategic Agricultural Land**

Consideration*	Project Potential Impacts
(a) impacts on the land through surface area disturbance and subsidence;	Not applicable (mapped biophysical strategic agricultural lands are outside of the Project area - Figure 4-3).
(b) impacts on: <ul style="list-style-type: none"> (i) soil fertility; (ii) rooting depth, or; (iii) soil profile materials and thicknesses; 	
(c) increases in land surface micro-relief or soil salinity, or significant changes to soil pH.	
(d) impacts on highly productive groundwater...	Groundwater modelling demonstrates that the predicted Project only watertable drawdown contours would not extend as far as Stratford (Figure 4-9), and cumulative drawdown contours would not extend as far as the nearest mapped biophysical strategic agricultural land (Appendix A).

* After DP&I (2012a).

The Project would continue to provide employment and build on the existing mining and associated supporting industries in the Upper Hunter region, and the Gloucester and Great Lakes LGAs.

Consideration of the costs and benefits of the Project has been undertaken and the results of this analysis are provided in Section 6.9 and the Socio-Economic Assessment (Appendix P).

Consultation regarding the Project is described in Section 3.

In addition, the Agricultural Assessment (Appendix K) for the Project has been prepared in consideration of the *Guideline for Agricultural Impact Statements* (DP&I, 2012c) and identifies that the Project area does not include highly productive soils, nor does it include areas that would be classified as high value or strategic agricultural lands (Appendix K).

Similarly, adjoining Yancoal-owned lands and the proposed Project biodiversity offset areas also do not comprise lands that would be classified as high value or strategic agricultural lands based on the available mapping information (Appendix K).

Based on the analysis undertaken in this EIS, the Project would not be likely to compromise important agricultural land and associated resources and therefore the Project is a suitable use of the subject lands.

A6.3.4 Hunter Central Rivers Catchment Action Plan

The Hunter-Central Rivers Catchment Action Plan (Hunter-Central Rivers CAP) provides an outline of the natural resource issues in the Hunter-Central Rivers region and guides natural resource management and investment. The region covers some 3.7 million hectares and extends from Taree in the north to the Central Coast in the south, and to the Merriwa Plateau and Great Dividing Range in the west.

The Hunter-Central Rivers CAP was developed by the Hunter-Central Rivers Catchment Management Authority (Hunter-Central Rivers CMA) and is endorsed by the NSW Government.

The Hunter-Central Rivers CAP provides guiding principles which *provide direction for all natural resource managers to achieve Ecologically Sustainable Development and allow organisations to align their activities so that they are compatible with the CAP* (Hunter-Central Rivers CMA, 2007). The guiding principles include:

- principles to maintain or improve the condition of terrestrial biodiversity, land, rivers and freshwater wetlands, groundwater systems, and estuary and marine areas;
- principles that outline appropriate ways of managing natural resources through land use planning, integrated water cycle management, the implementation of economic tools and incentives and managing mining and extractive operations; and
- principles for consideration/integration in natural resource work (e.g. climate change).

The Project is considered to be generally consistent with the potentially relevant guiding principles of the Hunter-Central Rivers CAP as:

- The Project has been developed in consideration of ecologically sustainable development principles (Section 6.9.4).
- The Project has included assessment of potential impacts on aquatic and terrestrial biodiversity, including consideration of key threatening processes under the NSW *Threatened Species Conservation Act, 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* and the provision of biodiversity offsets and other measures to maintain or improve biodiversity values including a Biodiversity Management Plan (Appendices E, F and G and Sections 4.9, 4.10, 4.11, 5, and 7).
- The Project includes implementation of a range of land management measures including erosion and sediment controls, soil management and progressive rehabilitation of Project disturbance areas (Sections 4.3.3, 4.5.3 and 5).
- The Project is consistent with the principles of the *Water Management Act, 2000* and has been designed to avoid the release of contained water, which would only be released during drought conditions in compliance with the relevant Environment Protection Licence and with the formal written approval of the NSW Office of Environment and Heritage (Appendix B, Sections 2.12 and 4.5 and Attachment 5).
- Project groundwater extractions would be appropriately licensed (Section 4.4 and Attachment 5). The Groundwater Assessment concluded that there is expected to be negligible change in groundwater quality as a result of mining and cumulative impacts including the AGL Gloucester Gas Project and the proposed Rocky Hill Coal Project have been assessed (Appendix A and Section 4.4).
- The Project would not involve any disturbance of biophysical strategic agricultural land and a rehabilitation strategy has been developed for the Project that allows for rehabilitation of the Project area to achieve a combination of final land uses that meet community and regulatory expectations in consideration of the pre-mining land use (Sections A6.3.3 and 5).

- Carbon pricing mechanisms (i.e. environmental economic incentives) have been considered (Section 4.8) and the potential implications of climate change on local surface water and groundwater resources have also been considered (Appendices A and B).

Department of Planning and Infrastructure (2012b) *Interim Strategic Agricultural Land Policy for State Significant and Transitional Part 3A Mining and Coal Seam Gas Proposals in the Upper Hunter and New England North West Regions.*
- The Project would include comprehensive environmental management, monitoring and reporting commitments (Section 7), including comprehensive water resources monitoring and reporting in accordance with a Water Management Plan throughout the Project life (Sections 4.4 and 4.5).

Department of Planning and Infrastructure (2012c) *Guideline for Agricultural Impact Statements.*
- The EIS includes assessment of Aboriginal and Non-Aboriginal heritage impacts and Aboriginal stakeholders have been consulted as part of the Aboriginal Cultural Heritage Assessment in accordance with relevant guidelines (Appendices I and J and Sections 4.12 and 4.13).

Department of Urban Affairs and Planning and Environment Protection Authority (1998) *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land.*
- The Project has been developed in consideration of relevant legislation, policies, plans and strategies (Section 6, Attachment 5 and this Attachment).

Gloucester Shire Council (2005) *Contaminated Land Management Policy.*

Hunter-Central Rivers Catchment Management Authority (2007) *Hunter-Central Rivers Catchment Action Plan.*

R.W. Corkery and Co. Pty Limited (2012) *Documentation Supporting an Application for Director-General's Requirements for the Rocky Hill Coal Project.* Dated February 2012.

A6.4 REFERENCES

- AECOM (2009) *AGL Gloucester Gas Project Environmental Assessment.*
- Ardill Payne and Partners (2012a) *Land Contamination Assessment Stage 1 – Preliminary Investigation Stratford Extension Project.*
- Ardill Payne and Partners (2012b) *Land Contamination Status Review Existing Stratford Mining Complex.*
- 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 (2012a) *Draft Upper Hunter Strategic Regional Land Use Plan.* March 2012.