

Mr David McNamara  
Director Secretariat  
Planning Assessment Commission  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

Dear Mr McNamara *David*

I refer to letter to the Commission dated 24 January concerning the United Wambo Coal Project (the Project) and referred to the Department's Secretary by the Commission's Chair's for advice on 25 January 2018. This letter raises a number of matters addressed in the Department's preliminary assessment (PAR) for this Project.

In preparing the PAR the Department carefully considered all advice from agencies, independent peer reviewers, the community and the Applicant. The PAR also clearly identifies residual matters that require further consideration in its final assessment report, to be completed after the Commission's review.

The matters raised in the letter relate to the assessment of the Project's proposed vegetation clearance, the critical habitat status of some of the proposed clearing, the size of the biodiversity offset package so far identified by the Applicant, as well as the assessment of cumulative noise air and water impacts of the Project.

Each of those matters are addressed in the PAR and I will deal with those matters in turn.

#### **Assessment of vegetation clearance and offsets**

The extent of vegetation clearance and the listed status of particular native woodland areas is clearly recognised in the PAR (see Section 6.4). The Applicant has committed to provide a complete biodiversity offset package to account for impacts to all species and communities, including the Commonwealth-listed Central Hunter Valley Eucalypt Forest and Woodland (CHVEFW).

The Department has sought advice from the Office of Environment and Heritage (OEH) and the Commonwealth Department of Environment and Energy (DoEE) on the proposed offset package. Both OEH and DoEE attended site visits to inspect the CHVEFW community and OEH has reviewed GIS files to confirm its mapped extent.

OEH's Framework for Biodiversity Assessment (FBA) is endorsed by both the NSW and Commonwealth Governments. The quantum of the offset package for the Project has been calculated in accordance with the FBA biodiversity offset calculator and provision of these offsets would ensure adequate compensation for the impacts associated with the Project.

The PAR notes that the Project has been divided into discrete stages and that each stage could not progress without offsets being retired. The PAR recognises that the Applicant has not yet identified the full quantum of its biodiversity offset requirements. A detailed discussion of the proposed biodiversity offsets is in Section 6.4.4 of the PAR.

The PAR makes clear that the Applicant will be required to identify the full quantum of biodiversity offsets as set out in the FBA before any determination can be made on the application.

Should the application proceed to further assessment following the Commission's review the Department's Final Assessment Report (FAR) will address this issue. The FAR will be made publicly available to allow for further community scrutiny and submissions to be made to the Commission before any determination is made by the Commission.

**Cumulative noise, air and water impacts in the central Hunter Valley**

The PAR considered in detail the incremental and cumulative effects of the Project on noise, air quality and water resources. For air quality and noise impacts this included consideration of the acceptable amenity limits under the *Voluntary Land Acquisition and Mitigation Policy*.

The Department also sought a peer review of the Applicant's air quality assessment. The peer review is discussed in detail in Section 6.1.1 of the PAR, while the Department's overall assessment of air quality impacts is discussed in Section 6.1. Similarly, cumulative noise impacts were assessed and are discussed in Section 6.2 and more specifically in Section 6.2.4.

With respect to water resources, the Department's assessment noted that the area surrounding the Project has already been highly modified by existing mining projects and concluded that the incremental impacts could be accounted for under the NSW Government's water licensing framework. The Department also found that the Project would not significantly exacerbate existing cumulative impacts in the region (see page 85 of the PAR).

**Department will address all issues raised by the Commission in its review**

The Department will continue to respond to and address any issues raised by the Commission in its review, whether these arise out of the Commissioners' own review or from people or groups that make submissions to them.

The Department welcomes the provision by any additional evidence adduced during the review by Lock the Gate, the Hunter Communities Network or the Nature Conservation Council, be that evidence community based or expert opinion. The Department will reconsider any matter already raised by those groups in their submissions at the request of the Commission.

Should you have any further questions in relation to this matter, please contact Mr Howard Reed, Director Resource Assessments, at the Department on [REDACTED]

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
05/02/2018