

3 PLANNING FRAMEWORK AND PROJECT JUSTIFICATION

This section outlines the statutory requirements relevant to the assessment of the proposed Modification. It also provides a discussion and justification for the proposed Modification on economic, social and environmental grounds when considered against the objects of the EP&A Act.

3.1 EXISTING TARRAWONGA COAL MINE APPROVALS

As described in Sections 1 and 2, TCPL's existing Tarrawonga Coal Mine involves open cut mining and overburden placement, on-site crushing and screening, and transport of coal to the CHPP at Gunnedah. These activities are covered by various approvals and licences, key components of which are summarised in Table 3-1 below.

**Table 3-1
Existing Tarrawonga Coal Mine Tenements, Licences and Approvals**

Issuing/Responsible Authority	Type of Lease, Licence, Approval	Date of Issue	Expiry	Summary
Department of Mineral Resources ¹	EL 5967	24 July 2002 Renewed 4 October 2007	23 July 2012	Approval for exploration.
Minister for Planning	Development Approval (DA) 88-4-2005	9 November 2005	9 November 2017	Approval for the construction and operation of the Tarrawonga Coal Mine.
Environment Protection Authority (EPA) ²	EPL 12365	9 January 2006	Nil Anniversary date: 9 January Next review: 18 September 2014	Authorises the carrying out of the following activities: mining for coal; and coal works.
Department of Mineral Resources ¹	ML 1579	3 April 2006	2 April 2027	Approval of extraction of coal resources.
Department of Land and Water Conservation ³	Water Licences 90BL253276 90BL253278 90BL253279 90BL253280 90BL254253 90BL254254 90BL254255	27 April 2006	Nil	Used for groundwater monitoring purposes.

¹ Now the DII-MR.

² The EPA is now incorporated within the DECCW.

³ Now the NSW Office of Water (NOW).

3.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

3.2.1 Existing Development Consent

The EP&A Act and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) set the framework for planning and environmental assessment in NSW. Modification of the Tarrawonga Coal Mine Development Consent is sought under section 75W, which falls within Part 3A of the EP&A Act.

Section 75W of the EP&A Act states:

75W Modification of Minister’s approval

(1) *In this section:*

Minister’s approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister’s approval, including:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *The proponent may request the Minister to modify the Minister’s approval for a project. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister’s approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

...

Accordingly, an approval granted by the Minister under Part 3A of the EP&A Act to carry out a project may be modified under section 75W.

In addition, clause 8J(8) of the EP&A Regulation provides that certain development consents granted under Part 4 of the EP&A Act may also be modified under section 75W of the EP&A Act. Clause 8J(8) of the EP&A Regulation relevantly states:

8J Transitional Provisions

(8) *For the purposes only of modification, the following development consents are taken to be approvals under Part 3A of the Act and section 75W of the Act applies to any modification of such a consent:*

...

- (b) *a development consent granted by the Minister under State Environmental Planning Policy No 34—Major Employment-Generating Industrial Development,*
- (c) *a development consent granted by the Minister under Division 4 of Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act,...*

The development consent, if so modified, does not become an approval under Part 3A of the Act.

The existing Tarrawonga Coal Mine Development Consent was granted on 9 November 2005 by the NSW Minister for Planning. Schedule 1 to the Development Consent relevantly provides:

State Significant Development: *The proposal is classified as State significant development, under section 76A(7) of the Environmental Planning and Assessment Act 1979, and it has a capital investment value exceeding \$20 million and therefore meets the criteria in State Environmental Planning Policy No 34 – Major Employment Generating Development.*

Given that State Environmental Planning Policy No 34 – Major Employment Generating Industrial Development applied to the Tarrawonga Coal Mine, the Development Consent falls within paragraph (b) of clause 8(J)(8) of the EP&A Regulation.

Furthermore, clause 89 of Schedule 6 to the EP&A Act relevantly provides:

89 State significant development matters

- (1) *If a development application for State significant development is pending on the commencement of Part 3A of this Act, the application is to be determined (unless withdrawn by the applicant) as if the amendments made to this Act by Schedule 1 to the 2005 Amending Act had not been made.*
- (2) *A reference in any Act or instrument to State significant development within the meaning of this Act is taken to be a reference to a project to which Part 3A of this Act applies.*

The application for the Development Consent, which was for State significant development, was pending on the commencement of Part 3A of the EP&A Act (being 1 August 2005). Accordingly, the Development Consent also falls within paragraph (c) of clause 8J(8) of the EP&A Regulation.

Accordingly, by operation of clause 8J(8) of the EP&A Regulation, the existing Tarrawonga Coal Mine Development Consent is taken to be an approval under Part 3A of the EP&A Act for the purposes of the proposed Modification, and section 75W of the Act applies to the proposed Modification.

3.3 OTHER APPLICABLE PLANNING INSTRUMENTS AND STATUTORY APPROVALS

3.3.1 Other Planning Instruments

ML 1579 is located in the Narrabri LGA (Figure 1-1) and is wholly within lands zoned 1(a) (General Rural) under the Narrabri LEP.

Clause 10 of the Narrabri LEP relevantly provides:

- (1) *The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:*
 - (a) *the present use of the land, the potential use of the land for the purposes of agriculture and the potential of that land for sustained agricultural production,*
 - (b) *vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),*
 - (c) *the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,*
 - (d) *the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
 - (e) *the cost of providing, extending and maintaining public amenities and services to the land, and*
 - (f) *future expansion of settlements in the locality.*
- (2) *As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land and on other land in the locality, including the effects of potential aerial spray drift.*

...

Under clause 9 of the Narrabri LEP mining is permissible on lands zoned 1(a) with development consent.

Zone Objectives

Pursuant to the Table to clause 9 of the Narrabri LEP, the objectives for land zoned 1(a) (General Rural) under the LEP are to promote the proper management and use of resources by:

- (a) *protecting, enhancing and conserving:*
 - (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
 - (ii) *soil stability by controlling and locating development in accordance with soil capability,*
 - (iii) *forests of existing and potential commercial value for timber production,*
 - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,*
 - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,*
 - (vi) *water resources for use in the public interest,*
 - (vii) *areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and*
 - (viii) *places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places,*
- (b) *preventing the unjustified development of agricultural land for purposes other than agriculture,*
- (c) *preventing residential development of prime crop and pasture land, except where it is ancillary to agriculture or another use permissible in the zone,*
- (d) *facilitating farm adjustments,*
- (e) *ensuring that any allotment created for an intensive agricultural pursuit is potentially capable of sustaining a range of such purposes or other agricultural purposes,*
- (f) *minimising the cost to the community of:*
 - (i) *fragmented and isolated development of rural land, and*
 - (ii) *providing, extending and maintaining public amenities and services.*

The proposed Modification of the Tarrawonga Coal Mine is considered to be generally consistent with these objectives in that it comprises a relatively minor alteration to an approved coal mine that would extract coal and involves relatively short-term surface developments.

3.3.2 State Environmental Polices

The following SEPPs (further to the Major Developments SEPP discussed in Section 3.2.1) may also be relevant to the proposed Modification.

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

The SEPP (Mining, Petroleum Production and Extractive Industries), 2007 (Mining SEPP), which commenced on 16 February 2007, regularises the various environmental planning instruments that previously controlled mining activities.

Clause 5(3) of the Mining SEPP gives it primacy where there is an inconsistency between the provisions of the Mining SEPP and the provisions of any other environmental planning instrument (except the Major Development SEPP, *State Environmental Planning Policy No. 14 [Coastal Wetlands]* and *State Environmental Planning Policy No. 26 [Littoral Rainforest]*).

- **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.*

- **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).*

Land use in the vicinity of the Tarrawonga Coal Mine is dominated by grazing (primarily cattle) and cereal/fodder cropping in the flatter and more fertile areas to the south, east and west. State-owned forestry (Leard State Forest) and another coal mining operation (Boggabri Coal Mine) occur to the north of the Tarrawonga Coal Mine. The land in the immediate vicinity of the proposed Modification is the Tarrawonga Coal Mine itself. Accordingly the proposed Modification would be generally consistent with the preferred use of the land in the vicinity of the development.

Noise and air quality impact assessments have been conducted for the modified Tarrawonga Coal Mine and these assessments indicate that it would not result in significant additional impacts on adjoining land uses near the approved mine (Sections 4.4 and 4.5, respectively).

As described in Section 4, the modified Tarrawonga Coal Mine would not have a significant impact on regional water resources or users (Sections 4.9 and 4.10), or biodiversity values (Section 4.11), and is not incompatible with the existing land uses within the vicinity of the approved Tarrawonga Coal Mine (Section 4.2). As described in Section 4.14, the modified Tarrawonga Coal Mine would result in continued employment and business opportunities in the Narrabri LGA and adjoining Gunnedah LGA.

TCPL would, where practicable, continue to implement environmental management measures to avoid or minimise incompatibility with existing and future land uses in the vicinity of the mine.

- **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:

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

In addition, clause 14(2) requires that, without limiting clause 14(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 modified Tarrawonga Coal Mine on surface water and groundwater resources are discussed in Sections 4.9 and 4.10, respectively, including measures to minimise potential impacts. The potential impacts of the modified Tarrawonga Coal Mine on threatened species and biodiversity are discussed in Section 4.11, including measures to minimise potential impacts.

The greenhouse gas emissions assessment for the modified Tarrawonga Coal Mine is provided in Section 4.6, including greenhouse gas abatement measures.

- **Clause 15**

Clause 15 of the Mining SEPP requires that:

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

A review of potential coal production indicated that the changes associated with the proposed Modification would ultimately result in more efficient coal recovery. The new infrastructure areas would integrate with the approved infrastructure components and facilities, to minimise the required total surface disturbance area.

- **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.*

The proposed Modification does not involve any changes to the approved transport routes or traffic numbers.

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 Traffic Authority (RTA) (if the RTA 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,*

...

TCPL will continue to consult with the RTA as and when required in regard to traffic and road transport.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

Clause 13 of SEPP No. 33 - Hazardous and Offensive Development (SEPP 33) requires the consent authority, in considering a Development Application for a potentially hazardous or a potentially offensive industry, to take into account:

- (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)...*

The Tarrawonga Coal Mine operates in accordance with the environmental management plans and management procedures required by the existing Development Consent. These plans and procedures have been developed to minimise the environmental risks associated with operation of the mine.

The proposed Modification does not significantly alter the consequences or likelihood of a hazardous event occurring at the Tarrawonga Coal Mine, as the operational activities on-site would be generally unchanged.

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

SEPP No. 44 (Koala Habitat Protection) (SEPP 44) requires the consent authority for any Development Application in certain LGAs (including the Narrabri LGA) to consider whether land subject to a Development Application is *potential Koala habitat* or *core Koala habitat*.

Surveys targeting Koala's were undertaken by Eco Logical Australia Pty Ltd (Eco Logical) as part of the biodiversity assessment of the proposed Modification (Appendix F). The surveys included spotlighting, playback of male calls and targeted scat searches. The Koala was not recorded during the surveys. Based on these findings the provisions of SEPP 44 are not applicable to the proposed Modification.

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

SEPP No. 55 (Remediation of Land) (SEPP 55) aims to provide a State-wide planning approach to the remediation of contaminated land. Under SEPP 55, planning authorities are required to consider the potential for contamination to adversely affect the suitability of the site for its proposed use.

A consent authority must consider the following under clause 7(1):

- (a) *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.*

Further under clause 7(2), before determining an application for consent to carry out development that would involve a change of use of land, 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.

The proposed Modification areas are located within the existing ML 1579. As a result no change of use is proposed and no preliminary land contamination investigation is required.

3.3.3 Other Statutory Approvals***Environment Protection and Biodiversity Conservation Act, 1999***

The objective of the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) is to provide for the protection of those aspects of the environment that are of *national environmental significance*. Proposals that are likely to have a significant impact on a matter of environmental significance are defined as a *controlled action* under the EPBC Act. Proposals that are, or may be, a controlled action are required to be referred to the Commonwealth Minister for the Environment, Water, Heritage and the Arts for determination as to whether or not the proposed action is a controlled action.

Based on the biodiversity assessment presented in Section 4.11 and Appendix F, which include assessment of potential impacts on matters of national environmental significance currently identified under the EPBC Act, no matters of national environmental significance are likely to be significantly impacted by the modified Tarrawonga Coal Mine. The proposed Modification has therefore not been referred to the Commonwealth Minister for a controlled action determination under the EPBC Act.

Other Approvals

Additional approvals that may be required as a result of the proposed Modification include:

- a variation to EPL 12365 from the DECCW;
- an amendment to the existing Mining Operations Plan (MOP) from the DII-MR;
- an Aboriginal Heritage Impact Permit (AHIP) under section 87 of the *National Parks and Wildlife Act, 1974* to salvage any Aboriginal objects associated with the Aboriginal cultural heritage site NAS02 (Section 4.7.3); and
- an AHIP under section 90 of the *National Parks and Wildlife Act, 1974* for Aboriginal objects that may be unknowingly destroyed, defaced or damaged within the proposed Modification area (Section 4.7.3).

3.4 PROJECT JUSTIFICATION

A justification of the proposed Modification on economic, social and environmental grounds, including consideration of alternatives and consideration of the consistency of the Project with the objects of the EP&A Act is provided below.

3.4.1 Consideration of Project Alternatives

The proposed extension to the approved Tarrawonga Coal Mine open cut would generate approximately 4 Mt of additional coal. The extension is located immediately adjacent to the existing open cut, and could be mined using the same conventional mining methods and generally the same mining fleet.

Mining of this coal by underground mining methods has been evaluated by TCPL but is considered to be unviable due to the high up-front establishment costs to convert from an open cut to underground mine, and the fact that the deposit is made up of eight relatively thin coal seams (Section 2.1.1) which are generally not suitable for underground mining at the proposed 2 Mtpa rate.

The additional overburden that would be generated by the proposed Modification would be placed on the two existing emplacements, and used to in-fill the open cut. The height of the Northern Emplacement would be increased from 330 to 370 m AHD and the Southern Emplacement would be extended by approximately 100 to 300 m to the south (Section 2.2.3). Alternatives to this component of the proposal were considered by TCPL as part of the project design and included development of new overburden emplacement to the south west of the open cut, and raising the heights of both emplacements. These alternatives were discounted for the proposed Modification on economic grounds (i.e. haul distance to a new emplacement) and amenity grounds (additional noise, visual and air quality impacts associated with raising the Southern Emplacement above its currently approved maximum height).

As an alternative to the proposed additional topsoil stockpile, TCPL evaluated the potential for placing topsoil in two new stockpiles rather than just one. The second stockpile was discounted in order to restrict land disturbance areas to one location.

The proposed new hardstand/infrastructure areas are located in close proximity to the existing mine infrastructure areas (Section 2.2.5), as is the proposed new mine water dam (Section 2.2.7). Alternative locations for these facilities were considered on the cleared agricultural land in the vicinity of the proposed new soil stockpile (i.e. to the west of the internal access road), however these locations were discounted due to the distance from the existing infrastructure areas.

3.4.2 Ecologically Sustainable Development Considerations

The concept of sustainable development came to prominence at the World Commission on Environment and Development (1987), in the report entitled *Our Common Future*, which defined sustainable development as:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

For the purposes of this EA, the relevant definition of ecologically sustainable development (ESD) is that in section 6(2) of the *Protection of the Environment Administration Act, 1991*, which is the definition adopted by the EP&A Act. This definition provides as follows:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) *the precautionary principle – namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*
In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options.*
- (b) *inter-generational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity – namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms – namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

Project design, planning and assessment have been carried out applying the principles of ESD, through:

- incorporation of environmental considerations and the results of the impact assessments in decision-making processes;
- adoption of high standards for environmental and occupational health and safety performance;
- assessment of potential greenhouse gas emissions associated with the modified Tarrawonga Coal Mine; and
- optimisation of the economic benefits to the community arising from the modified Tarrawonga Coal Mine.

Assessment of potential long-term impacts of the modified Tarrawonga Coal Mine was carried out during the preparation of this EA on visual aspects, surface water, biodiversity, air quality (including greenhouse gas emissions) and noise. The design of the proposed Modification, and proposed mitigation measures to minimise environmental impacts, takes into account biophysical considerations, including the principles of ESD as defined in section 6(2) of the *Protection of the Environment Administration Act, 1991*.

3.4.3 Consideration of the Project Against the Objects of the EP&A Act

Section 5 of the EP&A Act describes the objects of the EP&A Act as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed Modification is considered to be generally consistent with the objects of the EP&A Act, because it:

- incorporates measures for the management and conservation of natural resources including water and natural areas, development of the State's coal resources, and control measures to minimise potential amenity impacts associated with surface activities in the vicinity of ML 1579 (Section 4);
- includes the economic use and development of land, while maintaining key existing land uses including agricultural uses on surrounding Whitehaven and privately-owned land;
- would support the ongoing provision of community services and facilities through royalties, tax revenue and contributions;
- incorporates a range of measures for the protection of the environment, including the protection of biodiversity values (Section 4.11);
- incorporates relevant ESD considerations (Section 3.4.2);
- is a Major Project that would be determined by the Minister for Planning (Section 3.2), however feedback and consultation with Local Government agencies has been undertaken where relevant (Section 1.3); and
- involves public consultation through the EA consultation programme (Section 1.3), which would be ongoing following the public exhibition of the EA document and DoP assessment of the proposed Modification in accordance with the requirements of the EP&A Act.