

SRE
Environment and Development

1 June 2012

Att: Colin Phillips
Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir

(10_0178) SUBMISSION - COALPAC CONSOLIDATION PROJECT, CULLEN BULLEN

At its ordinary meeting of 14 May 2012 Council resolved not to object to the Coalpac Consolidation Project on the basis that "appropriate controls need to be put in place, particularly in regard to noise, dust, blasting and a regime of building inspections 'pre' and 'post' blasting. **Mining is not to take place within 500 metres of the village, residents residing outside of the village and the cemetery itself.**"

The Council also requested "That the company be required to lodge a substantial guarantee in a special fund (bond) that will be forfeited in the event that their standards are not met."

Please find appended to this submission:

- a copy of Council's resolution;
- each submission made to Council on the project, including a petition and surveys Council distributed at its public meeting held on 24th April 2012; and
- a summary of the issues raised in those surveys.

Council requests the opportunity to provide conditions following a Response to Submissions report being submitted by the Proponent, should an approval from the Department of Planning and Infrastructure become imminent. However, please find below comment on a number of issues pertaining to the project following assessment by Council staff:

Voluntary Planning Agreement (VPA): Council has undertaken **confidential** negotiations with Coalpac regarding a potential VPA that would be entered into should the proposal gain approval. The parties have agreed in principle that Coalpac will contribute \$250,000 per year to Council, \$200,000 a year of which would contribute towards sewerage reticulation to the township of Cullen Bullen and \$50,000 a year which would contribute towards local projects. It was agreed that consultation would be held with the community on such projects, however the final say would lie with Council. Discussion was also held regarding potential works in kind to be undertaken by Coalpac for the rehabilitation of the Cullen Bullen Waste Disposal facility following its closure, which may replace any Section 94 Contributions required for the development. Such negotiations are yet to be formalised in writing.



☎ (02) 6354 9999
📠 (02) 6351 4259

🌐 www.lithgow.nsw.gov.au
✉ council@lithgow.nsw.gov.au

✉ ADDRESS CORRESPONDENCE
TO GENERAL MANAGER
PO BOX 19, LITHGOW NSW 2790

Red Springs Road: The EA indicates that a level crossing is proposed for Red Springs Road, which would enable Coalpac to access its Hillcroft Reserve with large mine vehicles. Council has held discussions with Coalpac on the issue, and a number of options were proposed by Coalpac such as a temporary closure of the road or a rail style level crossing. However, Council considers the most appropriate option discussed involved a temporary road realignment into the railway reserve, which would underpass the proposed railway bridge. This would eliminate a conflict of public traffic and mine vehicles, however it would need to be agreed to by the railway authority given that it would be located on their land.

Air Quality: It is understood that an Environmental Management Plan will be prepared which will deal specifically with the issue of dust. However, at Council's public meeting it was apparent that there is a perceived impact on the community by way of dust from the current operations. Given that the Environmental Assessment (EA) indicates that there will be an exceedance of the air quality criteria at a number of residences, the project design requires a proactive approach by the Proponent to potentially alter their operations hourly based on real time monitoring. Accordingly, this process needs to be clear, transparent and reportable.

It is also considered that the process of constructing the bund walls (which will help mitigate visual and noise impacts) will have the potential to create additional dust impacts that will need to be appropriately mitigated. Further consideration should also be given to sealing the internal haul road to help minimise dust impacts, as the road would be in place for the 21 year period of mine operation.

Noise Quality: It is understood that an Environmental Management Plan will be prepared which will deal specifically with the issue of noise. It is also understood that a blanket background noise level of 30dBA has been applied to properties greater than 550m away from the highway based on background measurements taken 550m from the highway and the Industrial Noise Requirements. However, it is considered that a nominal figure of 30dBA may not be reflective of the actual background noise level at many of the properties greater than 550m from the highway, given that night time measurements at a number of places are shown as within the 20-30dBA range. In this context, exceedance of the set 35dBA Adopted Intrusive Noise Criteria will in reality result in an increase of over 10dBA at night time for some residences.

This will mean that regardless of whether Coalpac achieves compliance with the levels set within the EA, there will be a perceived impact which could result in ongoing complaints regarding noise depending on the location of mine works and the regularity of night time rail loading. Also, it may mean that some affected parties would not be afforded a landholder agreement or the compulsory acquisition process as the EA indicates a compliance with the criteria at their property.

Blasting: A management plan will be required that deals directly with blasting in proximity to the Cullen Bullen Cemetery as it is proposed not to blast during any funerals. This management plan will need to be prepared in consultation with Council to ensure that a workable notification process is in place.

Council considers an independent process should be implemented for any community requested dilapidation surveys, whereby residents are able to choose who undertakes the survey of their home from a panel of experts.

Note: Council would like to be consulted prior to the adoption of an Environmental Management Plan for the project that deals with air quality, noise and blast management.

Landholder Agreements: There are a number of impacts that will result from the proposal, that are to be mitigated through individual agreements with affected land holders. It is understood that some of the content of these agreements may be private between Coalpac and the land holder, however the operational content of these agreements will need to be reportable. It is unclear at this stage as to how these agreements will be administered, and how compliance with the content will be measured and reported upon. Also a process would need to be put in place to deal with a potential break down in communication between parties, should it be considered that an agreement is not being upheld or land ownership changes hands. Such a process may need to include mediation.

At the time of exhibition, Coalpac had not yet entered into agreements with all the affected landowners. The EA does not indicate how the impacts will be mitigated should an affected landowner and Coalpac be unable to reach an agreement.

Land Acquisition Process: The EA indicates that some affected land owners would be able to request Coalpac to compulsorily acquire their land even if they have a written agreement. It is considered that the legal process of acquisition should be understood by all parties prior to the project commencing. Council considers that as a minimum, fair compensation should be provided based on the likely value of the land as if it were not impacted upon by mining.

Further, in the context of Council's previous comments regarding noise, there may be land holders that will be affected by the proposal that are not identified within the EA as there is no "predicted exceedance". This may mean there would be affected land owners that have not been identified as being entitled to request compulsory acquisition.

Effluent Disposal: It is considered that in the context of the proposed staff increase and increased hours of operation, an assessment of the current adequacy and capability of the existing on-site effluent disposal systems should be undertaken. This is particularly relevant to the system that involves on-site spray irrigation. Such an assessment should also detail the capability of the systems to handle the additional load, and if any upgrades are required separate approval will need to be obtained from Council.

Sand Haulage: Council would like to acknowledge that Coalpac have committed to not hauling any sand through Lithgow and via the Bells Line of Road, which is considered to be appropriate. However, Council would like to raise the issue of the additional 128 trucks per day hauling sand along the Great Western Highway, particularly between South Bowenfels and Mount Victoria. There is significant uncertainty regarding an upgrade of this section of potentially dangerous highway, and it is considered that a process of reinforcing safe driving and reporting on incidents should be implemented by Coalpac.

It is also understood that sand trucks will not be travelling through the township of Cullen Bullen as they will use the internal haul road that will bypass the township. Council considers that this procedure should be backed up with a Statement of

Commitment or through any conditions of consent, to ensure that trucking of sand does not commence prior to the completion of the Castlereagh Highway overpass.

Bund Walls: The EA provides minimal information on the proposed bund walls heights, widths, rehabilitation and construction material. Discussions with Coalpac indicated that in some places "freeway style" fencing may also be proposed to screen the development from the Castlereagh Highway. It is considered that further detail will need to be provided on the final design and location of the bund walls, and that Council would like to be consulted prior to the final approval of the proposed walls. In particular Council would like to be able to assess the visual impact of the proposal from the Castlereagh Highway. Council considers that the timing of the bund wall construction should either be conditioned or included within the Statement of Commitments.

Fish River Water Supply: The project will at some stage involve a relocation of the Fish River Water Supply. Council considers that this relocation should be undertaken without significantly impacting upon the continuity of the water service.

Subsurface heating: Council acknowledges that a management plan already exists for subsurface heating which will continue to be implemented as part of the project. Council considers that it would be appropriate for such a management plan to include a procedure in the event that old workings are opened up (due to inaccuracies in the old plans showing the existing workings) that may result in subsurface heating elsewhere on site.

Rehabilitation: The timing of rehabilitation is shown within the EA, however Council considers that such timing should be backed up with a Statement of Commitment or through any conditions of consent.

State Forest Access: The project will involve mining within a State Forest and at times this will result in certain access points being unavailable to the general public. Council considers that Coalpac should implement a process that provides alternative access and advisory signage of such alternative access, in consultation with State Forests.

Conditions/Advisory Notes: As previously mentioned, should an approval be imminent, then Council would like the opportunity to provide conditions of consent. Many of the issues covered in this submission could potentially be addressed via conditions. Also, the issue of what type of works would require Construction Certificates and approval under the Local Government Act would be clarified.

Please do not hesitate to contact Skye Ellacott on (02) 6354 9991 in Council's Environment and Development Department should you have any queries in relation to this matter.

Yours faithfully



Mr Andrew Muir
GROUP MANAGER ENVIRONMENT AND DEVELOPMENT