

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-4            ENVIRO - 14/05/12 - COALPAC CONSOLIDATION PROJECT                          CULLEN BULLEN

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## REFERENCE

Min No 11-329 - Ordinary Meeting of 22 August 2011  
Min No 11-488 - Ordinary Meeting of 12 December 2011  
Min No 12-131 - Ordinary Meeting of 23 April 2012

## SUMMARY

To provide an update to Council on the recent community meeting between the residents of Cullen Bullen, Coalpac and Council.

## COMMENTARY

At its Ordinary Meeting of 22 August 2011 the Council resolved as follows:

***THAT:***

- 1. A submission stating the Council position of supporting the underground basis and the underground basis be made to the State Government; and*
- 2. A public meeting be held in Cullen Bullen to allow for residents to discuss this matter, with the Department of Planning and Coalpac invited to attend.*

In relation to No. 1, correspondence was forwarded to the NSW Department of Planning & Infrastructure on 8 September 2011, however No. 2 was deferred until the Environmental Assessment was on exhibition.

On 24 April a public meeting was held at Cullen Bullen hall to discuss the potential implications of Major Project 10\_0178 submitted to the Department of Planning and Infrastructure for the consolidation and expansion of Cullen Valley and Invincible Coal Mines at Cullen Bullen.

The meeting was chaired by Gerard Martin and enabled members of the community to publicly raise their concerns with the project to Council and Coalpac. This meeting was attended by approximately 144 members of the community, the majority of which were local to the Cullen Bullen area.

As part of the meeting Council supplied each attendee with a “Your Views” handout, which provided people with the opportunity to give Council feedback on the following issues:

- a) whether they supported the proposal,
- b) whether there were particular areas of concern relating to the proposal,
- c) whether they thought any particular conditions should be imposed if the project was to be approved, and
- d) if contributions were paid what they thought the money should go towards.

Each handout was sequentially numbered and placed in locked boxes. They were available for acceptance up until 27 April 2012. Only one example of an attempt to compromise the process was found whereby one form had been photocopied nine times. The photocopied surveys were not considered. A compilation of the issues raised is attached to this report.

In summary, of the 87 'Your Views' handouts received back, 28 strongly opposed the proposal, 8 opposed the proposal, 19 supported the proposal, 21 strongly supported the proposal and 11 were unsure.

The public were given an opportunity to list particular areas of concern to them, relating to the proposal. A summary of the concerns are:

- Loss of habitat
- Devaluation of homes
- Water quality
- Visual impact
- Dust
- Noise
- Blasting
- Proximity to town centre
- Health concerns
- Damage to homes
- Traffic
- Hours of operation
- Damage to cemetery
- Local employment
- Access to bushland
- Contributions money

If the project is approved, the public were asked to provide particular conditions that they would like to see imposed. A summary of the conditions are:

- Stringent noise & dust & water quality monitoring
- Restricted hours of operation
- Restricted hours for blasting
- Immediate rehabilitation of forest
- Buffer zone around town centre
- No coal transportation on the Castlereagh Highway
- Contributions money to be spent entirely on Cullen Bullen
- Increased local employment
- Better assessment system for damaged homes

The final question on the 'Your Views' handout was asking the public if contributions were paid what they thought the money should go towards. Three options were provided, being Sewerage for Cullen Bullen, Roads & footpaths for Cullen Bullen and Roads in the surrounding area as well as two additional lines for alternative suggestions. The public were asked to rank the options from 1-5 in order of importance, however the majority of handouts were returned with the favourable options simply 'ticked'. As such, each vote has been counted as 'one'. The votes are as follows:

- Roads & footpaths for Cullen Bullen - 66 votes
- Sewerage for Cullen Bullen - 59 votes
- Roads in the surrounding area - 45 votes

### **Alternative Suggestions**

- Hall - 7 votes
- School - 5 votes
- Pedestrian crossing - 5 votes
- Enhancement of landscape - 4 votes
- Roadside clean up - 4 votes
- Improved water supply - 3 votes
- Local organisations - 3 votes
- Recreational facilities - 2 votes
- Skate Park - 2 votes
- Air Conditioners/Air Purifiers for homes - 2 votes
- Indoor Sporting Facility - 2 votes
- State Forest facilities - 2 votes
- Visitor Picnic Area - 2 votes
- Street lighting - 2 votes
- Offsets for habitat loss - 2 votes
- Double glazing for homes - 1 vote
- Visitor Information Centre - 1 vote
- Pipe Work - 1 vote
- Oval & Speedway - 1 vote
- Fuel rebates - 1 vote
- Heritage Walk - 1 vote
- Public Toilets - 1 vote

A copy of a petition handed to Member for Bathurst Paul Toole has also been provided to Council. A copy of this petition has been provided, due to potential privacy issues, to Councillors only. The petition contains 251 signatures with 120 signatures from Cullen Bullen; 99 from elsewhere in the Lithgow Local Government area and 32 from outside the LGA.

### **FINANCIAL IMPLICATIONS**

Coalpac has indicated that they are willing to negotiate a Planning Agreement with Council *under Section 93F "to facilitate the provision of additional services for the forecast increase in demand on existing services due to the Project."* However this process has not been finalised.

**LEGAL IMPLICATIONS**

As the proposal was originally declared a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority. Although Part 3A has now been repealed, it still exists for projects that were already declared major Projects.

Council officers are now undertaking an assessment of the project to enable Council to provide written feedback to the Department on the proposal.

**ATTACHMENTS**

1. Petition – confidential for Councillors only
2. Table of results from handouts
3. Notes from the meeting

**RECOMMENDATION****THAT:**

1. Council prepare a submission to the NSW Department of Planning & Infrastructure indicating its overall position as not objecting to the proposal but highlighting appropriate controls that need to be put in place, particularly in regard to noise, dust, blasting and a regime of building inspections 'pre' and 'post' blasting.
2. The issues of concern raised at the public meeting and the “your views” survey relating to noise, dust, blasting, and independence of structural building assessments be specifically included in Councils submission to the Department of Planning and Infrastructure.
3. A copy of all “your views” surveys and compilation of results be attached to Council’s submission.
4. The views put forward in the “your views” survey in relation to the preferred allocation of any developer contributions be taken into consideration at the appropriate time.
5. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development.