

ACM:SRE
Environment and Development

14 September 2012

Att: Carl Dumpleton

Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Carl,

**(MP10_0178) COALPAC CONSOLIDATION PROJECT, CULLEN BULLEN –
RESPONSE TO SUBMISSIONS**

Thank you for the opportunity to comment on the Response to Submissions submitted for the Coalpac Consolidation Project. Council provides the following comments in relation to the Response to Submissions:

- 1) Council previously requested that mining is not to take place within 500 metres of the village, residents residing outside of the village and the cemetery itself.

Council notes the comments made by Coalpac in relation to this issue in terms of management of mining that falls within 500 metres of residents residing outside of the village and the cemetery itself. However, Council would like to reinforce that its position on this matter remains unchanged.

- 2) Council previously requested that Coalpac be required to lodge a substantial guarantee in a special fund (bond) that will be forfeited in the event that the relevant standards are not met.

It is noted that Coalpac have indicated that there will be a security deposit payable to Department of Resources and Energy in relation to rehabilitation. However, Council considers that a bond to ensure compliance with Project Approval conditions has no relationship to the aforementioned security deposit. Accordingly, Council maintains its position and requests that should the project be approved, that a condition be imposed requiring the payment of a bond/guarantee to Council or the Department of Planning and Infrastructure. Such bond/guarantee would only be released following a reasonable period of proven compliance with the conditions of Project Approval.

- 3) Council agrees that Option 1 for the Red Springs Road Crossing is the most appropriate, subject to further discussion and agreement from Country Rail Infrastructure Authority and Roads and Maritime Services. Council notes that all road diversion and re-establishment works are to be at no cost to Council.



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- 4) Council would like to maintain its concerns regarding the impact of an additional 128 trucks per day along the Great Western Highway, particularly between South Bowenfels and Mount Victoria. However, we defer to the knowledge and expertise of the Roads and Maritime Services in relation to this matter.
- 5) Council previously requested that Coalpac include a Commitment indicating that trucking of sand will not commence prior to the completion of the Castlereagh Highway overpass. It was considered that any commencement prior to the overpass being in place may result in trucking of sand along the highway through the centre of Cullen Bullen which would be unfavourable. The Commitment proposed that relates to utilising the Cullen valley Private Haul Road does not address this concern. Accordingly, should the project be approved Council requests that this issue is addressed by through a condition of the Project Approval.
- 6) Council notes the information provided in relation to the real-time monitoring system. However, it is still considered that in the interest of transparency and ongoing compliance, that the response to real-time monitoring should be reportable on a yearly basis. Such information would be valuable when examining the cause of any potential exceedances.
- 7) Council acknowledges that no changes are proposed in relation to the adopted background noise levels. Council maintains its concern with this issue however, we defer to the knowledge and expertise of the Environment Protection Authority in relation to this matter.
- 8) Council acknowledges that Coalpac have indicated they will provide Council and Department of Planning and Infrastructure with copies of all formalised landholder agreements (without commercially in-confidence information). However, as the Environment Protection Authority is the regulatory authority for licence issues, it is considered they should also be provided with the relevant information. Also, Council still considers it may be appropriate for such issues to be addressed as part of any required annual reporting process.
- 9) Council previously raised the issue of a dispute resolution mechanism in the event that communication breaks down between Coalpac and Landowner in relation to compliance with landholder agreements. Council maintains its concern that this matter has not been adequately addressed, and requests that this issue is addressed by through a condition of the Project Approval should the project be approved.
- 10) The Response to Submissions indicates that Department of Planning and Infrastructure will likely include conditions on any Project Approval confirming those landholders with the right to request that their property be acquired by Coalpac at "market value". Council would like to maintain its concern is that the project may devalue some properties, thereby decreasing "market value", and therefore decreasing the compensation. Accordingly, it is requested that this matter be fully considered by Department of Planning and Infrastructure.
- 11) Council acknowledges that the Response to Submissions indicates that Department of Planning and Infrastructure will identify who is entitled to

compulsory acquisition. However, Council maintains its concern that some properties will potentially endure an increase of over 10bBA at night time, and because of the Adopted Intrusive Noise Criteria, would not be considered within the EA as actually be experiencing an exceedance. Accordingly, it is requested that this matter be fully considered by Department of Planning and Infrastructure.

- 12) Council would like to maintain its concern regarding the level of detail provided in relation to the proposed bunds. It is considered that should the project be approved that the proponent should be required to prepare a detailed plan which addresses the proposed rehabilitation and slope of bunding, particularly for bunding adjacent to the Castlereagh highway. It is requested that Council be consulted prior to the approval of this plan to enable consideration of the visual impact such bunds will have on users of the Castlereagh Highway.
- 13) Council previously raised the issue of the potential for subsurface heating to be exacerbated by new mining and notes that Department of Resources and Energy has suggested a limit of mining within 1km of the subsurface heating area. Council supports Department of Resources and Energy's recommendations on this issue and notes that Coalpac has not committed to altering their proposal to rectify this matter.

It is advised that Council has reached an agreement in principle for the Voluntary Planning Agreement, which is now ready to go through the public consultation process.

Please do not hesitate to contact Skye Ellacott, Council's Team Leader of Development Planning 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 & DEVELOPMENT