



Frank McKay Building 62-64 Menangle Street, Picton NSW 2571

All Correspondence to PO Box 21, Picton NSW 2571

Telephone: 02 4677 1100 Fax: 02 4677 2339

Email: [council@wollondilly.nsw.gov.au](mailto:council@wollondilly.nsw.gov.au) Web: [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au)

ABN: 93 723 245 808

*Our Reference: 13124#18*

Ms R Hawkeswood  
Senior Planning Officer  
Department of Planning, Industry & Environment  
Sydney NSW 2000  
c/o NSW Major Projects Planning Portal

26th October 2021

Dear Ms Hawkeswood

**SUBMISSION REPORT REGARDING THE VENTILATION SHAFT MODIFICATION APPLICATION**

Thank you for the opportunity to provide comments on the Submission Report associated with the Modification Application for the installation of a Ventilation Shaft in the vicinity of Menangle. The granting of an extension for these comments until after the additional community consultation activities and the presentation by South32 to a council workshop on 26<sup>th</sup> October 2021 is appreciated.

This correspondence outlines residual concerns associated with the Application based on a review of the submission by staff that contributed to the preparation of council's submission. Issues viewed as adequately addressed are also noted. A description of these residual concerns and additional information sought either prior to Determination or post Determination in the form of consent conditions accompanies this correspondence.

**Updated Council position**

Council's submission recognised the stated grounds for the installation of the Shaft and the need for its location in the vicinity of Menangle in the Modification Report as part of the overall operation of the Bulli Seam Project in the Application. It however also stated that the short timeframe required for provision of comments has prevented the opportunity for a formal council position on the Modification Application. In relation to this matter, it is requested to be noted that council resolved subsequently at its meeting on 21 September 2021 to *"Write to South32 and request that they consider ongoing negotiations with affected landowners in regards to the impacts of the Appin Mine Ventilation Project"*.

South 32 were requested to focus their presentation to the council workshop on the outcomes of the additional community consultation and intended response. Comments provided by Councillors based on their received feedback was the need for broader engagement to cover more residents in surrounding suburbs such as Appin, Wilton, Picton, Razorback, Mount Hunter and Camden Park to enhance awareness of the ventilation project and also the public availability of continuous real-time air quality monitoring during its operation.

## Response to issues raised in Council's concerns

### Previous raised issues where residual concerns have been adequately addressed

The review of the Submission Report by staff involved in the preparation of the Report have identified that the following broad issues raised in council's submission have been adequately addressed with no further response from the applicant required:

- Targeted pre-clearance surveys for threatened flora species with the potential to exist on the site.
- The generation of fugitive emissions within the context of the Bulli Seam Project.

### Previous raised issues where residual concerns remain

#### (i) *Biodiversity impacts*

Council's submission requested a number of amendments to the Biodiversity Development Assessment Report (BDAR) and suggested a site specific Biodiversity Management Plan (BMP) as a suitable response mechanism. The stated commitment in the Modification Report to update the Appin Mine BMP prior to the commencement of construction in regard to the riparian corridor is welcomed. However, there is an absence of reference to biodiversity on other parts of the site. The DPIE is consequently requested to require the preparation and implementation of a site specific BMP that addresses all matters raised in Council's submission.

#### (ii) *Noise impacts*

The Submission Report is considered to have adequately responded to the request in Council's submission for ongoing monitoring of noise impacts associated with the Ventilation Shaft. However, Council's Team Leader Environmental Health has advised "*Where noise modelling identifies potential noise issues, particularly during night time periods, the noise producing activity should cease until such time as further acoustic controls, to control noise impacts are investigated which may include limiting blasting to daytime hours*". The inclusion of a condition in the Determination is considered a suitable mechanism to address this comment.

#### (iii) *Technical impacts in regard to groundwater and air quality*

The review of the Submission Report by staff with technical expertise in different aspects associated with the Modification Application identified the following shortcomings in response to these issues raised in Council's submission:

- The considered continued absence of a wastewater report and associated site plans showing the location of any on-site sewage management system or related effluent disposal area.
- The completion of a satisfactory detailed groundwater study which considers potential impacts of the installation of the shaft. *The intended modelling is welcomed however this is not considered to sufficiently respond to Council's submission.*
- The intended air quality monitoring during construction be expanded to occur as part of the operation of the ventilation shaft. *The advice provided by South 32 at the council workshop that such monitoring is being investigated is welcomed and is recommended to be required as a condition of consent.*

The reasoning in relation to each of the above residual concerns is attached to this correspondence as assistance.

(iv) *Community engagement*

The recent community consultation and further advice over previous and intended consultation by South32 is welcomed. However, feedback received indicates the need for raising awareness of the ventilation shaft and ongoing consultation during its implementation. The implementation of a community engagement strategy that applies to the construction and operation of the ventilation shaft (consistent with the resolution of Council referred to above) is therefore recommended.

Councillors requested the following specific actions to be considered for future community engagement:

- Installation of an informative sign relating to the project at a safe location, either on the roadside or at the entry gate of the property at 345 Menangle Road.
- Consultation is to be extended beyond the residents of Menangle and Douglas Park to include residents of Appin, Picton, Wilton, Razorback and Camden Park.

(v) *Road design*

Council's submission provided a number of conditions provided by council's Assets, Transport and Engineering Team on the design of the intersection, road design and traffic management. It is noted that consultation with council has been occurring with the applicant to progress the design of the road intersection. The Team Leader has further advised that updated conditions for inclusion in the Determination based on the outcomes of this discussion as soon as practically possible.

In relation to this matter, Council's submission requested that a detailed reviews should be conducted with council at the design stage, construction phase and approval stage. The Submission Report indicates this timing may not occur in stating "*the design of the intersection is a high priority and all necessary approvals will be obtained*". Updated comments provided by the Team Leader in relation to this timing is presented in the attachment for consideration and response.

**Issues for addressing by conditions of consent**

Council's submission contained a number of recommended amendments that were considered suitable for addressing by conditions of consent in the interests of progression of the Application. These conditions as well as recommended conditions above in regard to issues with residual concern are presented in Attachment 2 to this correspondence.

**Summary of information required based on Response to Submission Report**

The review by Council Staff have identified the need for further information to be provided to South32 to enable the following issues raised in Council's submission to be addressed following the project Determination:

- The completion of a satisfactory detailed groundwater study which considers potential impacts of the installation of the shaft as well as private bores and farm dams. **Note: Council recognises the installation of the shaft does not involve subsidence but requests this assessment based on received specialist advice.**
- The development of a site specific Water Management Plan that could be based and/or have consistency with the Appin Mine Surface Water Management Plan.

Specific details in terms of justification over the above viewpoint and additional information viewed as necessary is provided in Attachment 1.

The involvement of Council in the Modification Application preparation and review process has been appreciated. Council would appreciate a receipt of the following prior to issue of Determination:

- Draft updated conditions following review

- A copy of the requested groundwater assessment and community engagement strategy.

Please contact Council's Team Leader Environmental Services, Bianca Klein, on (02) 4677 9610 or via e-mail [Bianca.Klein@wollondilly.nsw.gov.au](mailto:Bianca.Klein@wollondilly.nsw.gov.au) for any enquiries regarding this correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mandy Marino', with a stylized flourish at the end.

Mandy Marino  
Acting Manager Waste and Environmental Services

# COMMENTS AND REASONING IN REGARD TO AREAS OF RESIDUAL CONCERN

## COMMUNITY ENGAGEMENT

### Overview of Council's submission

The submission raised the following concerns over the approach of the community engagement based on advice received from Council's Community Engagement Section

- The community engagement both undertaken and proposed is more like communication (informing), and consultation with a view to identifying concerns in order to provide relevant information, rather than involving the community in decisions.
- The Community Engagement Section also seems more focused on outputs rather than explicitly showing how community concerns were addressed (recognising there are tables present which categorise issues raised through the engagement).

The submission requested that DPIE require the development and implementation of a community engagement strategy that applies to the construction and operation of the ventilation shaft.

### Comments on the Submission Report

The following is based on updated comments provided by Council's Senior Community Engagement Officer

The statement in the Submission Report that the Community and Stakeholder Engagement Strategy (CSES) developed for the Project will continue during the determination process and, if the Project is approved, the construction and operational phases is consistent with the recent resolution of Council and is viewed as positive. However, the commitment to ongoing engagement *in Appendix B that IMC will continue to liaise with and provide information regarding surface activities via the IMC Community Consultative Committee, or any other such community group that is deemed appropriate is viewed as generic and not providing specific details in regard to community and landowner consultation: **A more clear commitment in the report to ongoing consultation / communication with landowners and the community in the provision of information, understanding community concerns, and taking appropriate action to address or mitigate those concerns is consequently requested.***

In relation to this matter, the further consultation events by South 32 regarding the Ventilation Shaft is viewed as positive in responding to the above comments. **It is the preferred position of Council Staff that the Determination not be granted to allow for potential adjustments to the application in response to feedback received as well as incorporation of the consultation event outcomes into the conditions.**

## PRODUCTION OF A WASTEWATER REPORT

### Overview of Council's submission

There is a considered absence of a wastewater report associated with these activities as site plans showing the location of any on-site sewage management system or related effluent disposal area. It is considered important and requested that the DPIE require this information prior to Determination given the large areas of hard surface site coverage and proximity to Foot Onslow Creek.

## Comments on the Submission Report

*The following is based on updated comments provided by Council's Team Leader Environmental Health*

The submissions report advises that the project sewerage treatment facility will be connected to a centralised sewerage system, should one with sufficient capacity become available in the area. Sydney Water typically provides reticulated wastewater disposal to towns and villages. The connection to a centralised sewerage system would appear to be outside the scope of Sydney Water's scope, and capacity at this point in time. There are consequently concerns over the treatment of sewerage with potential associated environmental impacts if this connection cannot be provided

As an alternative, the application is noted to propose a sewage treatment plant with surface spray irrigation. However, there is no apparent evidence of where a wastewater report has been provided and similarly, site plans which show the location of any on-site sewage management system or related effluent disposal area. **To ensure that adequate effluent disposal area/s are provided, taking into account all development upon the site, and relevant buffer distances, a detailed Wastewater Assessment should be provided for review), prior to consent for the project being granted.** This Assessment should include a comprehensive assessment of flow rates, details of climate, geology, hydrogeology, topography, soil composition and vegetation coverage of any related effluent application area/s, together with an assessment of the site. Specifications of the sewage treatment plant and operation and maintenance requirements should be required at design stage.

## AIR QUALITY AND GREENHOUSE GAS ASSESSMENT

### Overview of Council's submission

Air quality impacts has been the dominant issue raised by local residents in feedback received to date regarding the proposed ventilation shaft. As a broad position, Council would expect that concerns raised by the local community regarding air quality be adequately addressed during the assessment, construction and operation of the ventilation shaft. Council would also expect as a broad position that the installation of the ventilation shaft would not result in a net adverse impact to local air quality.

### Comments on the Submission Report

The Submission Report is noted to state that air quality monitoring was "*not originally proposed based on the recommendation of the specialist Assessment that such monitoring was not needed as the Project would not result in exceedences of NSW EPA air quality impact assessment criteria during construction or operational phases*". This position is not supported in principle by Council staff given the potential for emissions beneath the EPA criteria to impact on local air quality and residents

Council's submission also requested a peer review of the Air Quality Assessment based on received related community concerns and the specialised nature of the Assessment. The response by South 32 that "*the request for a peer review of the Air Quality and Greenhouse Gas Assessment is considered unnecessary as the potential impacts to sensitive receivers is anticipated to be minor*" is not viewed as a sufficient response to Council's submission. **The DPIE is requested to require a peer review as a means of providing a demonstrated transparent response to the community feedback prior to the granting of Determination.**

## THE COMPLETION OF A DETAILED GROUNDWATER STUDY

### Overview of Council's submission

Council's submission expressed concern that the Modification Application does not include a site specific assessment of potential impacts on the local groundwater environment during the establishment and operation of the Ventilation Shaft that could be based on the Bulli EA. The submission also expressed concern over a number of generic statements over the likelihood of such impacts. It requested a groundwater analysis based on received specialist advice from a structural geologist who is co-author of a draft *Characterization and Modelling of Geological Fault Zones Guidelines* recently exhibited by the Commonwealth Independent Expert Scientific Committee.

### Comments on the Submission Report

The statement in the Submission Report that "*a groundwater assessment was not initially proposed due to the very low level of impact anticipated and that the progressive lining of the shaft with an in-situ concrete lining system will act to reduce the ingress of groundwater into the shaft*" is not opposed in principle. However, the description on the establishment of the Shaft in both the Modification Report for the Application and Assessment Report contain a number of statements regarding the interaction with groundwater sources. The assessment of potential impacts from the installation of the shaft broadly in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is therefore viewed as warranted

The Submission Report also states in relation to this matter, IMC has commissioned further groundwater modelling to inform the detailed design of the project, specifically the ventilation shaft construction. The intention to carry out such modelling is welcomed as a means of obtaining a level of understanding over the groundwater environment. However, it does not adequately respond to the requested groundwater assessment based on received specialist advice.

The Submission Report further states in relation to this matter that "*the outcomes of the assessment, which is being prepared in consideration of the concerns raised in the submissions (including an assessment of private bores), will be supplied to DPIE upon completion*". **It is (alternatively to this approach), requested that a groundwater analysis with the following components be carried out, (as requested in Council's submission) to enable the consent authority to adequately carry out its statutory responsibilities:**

- A study of the existing fracture network and groundwater environment in the immediate vicinity of the site to the full depth of the ventilation shaft.
- The potential for the sinking of the shaft to enhancing existing geologic fractures or create new fractures.
- The potential for groundwater to migrate through any enhanced fracture network including any pathway for its upward migration as a consequence of dewatering operations during the installation and operation of the ventilation shaft.
- The potential for impacts to shallow groundwater sources and any interconnected surface waters identified from the above analysis.

The Submission Report states that the groundwater assessment will be supplied to DPIE upon completion. A condition requiring the completion of the analysis with all components outlined above prior to the commencement of the installation is requested

## **SITE SPECIFIC WATER MANAGEMENT PLAN**

### **Overview of Council's submission**

Council's submission expressed concerns over the adequacy of the intended approach involving the updating of the Appin Mine Management Plan in providing a sufficient water management framework given the questionable direct applicability of this Plan to the ventilation shaft site. It consequently requested that the Determination require a site Water Management Plan that specifically applies to the site that could be based and/or have consistency with the Appin Mine Surface Water Management Plan.

### **Comments on the Submission Report**

The submission report is noted to state that in updating the Plan (the Appin Mine Surface Water Management Plan), the Project must take into consideration the practical elements of construction activities that will be defined in association with the shaft sinking contractor. While this consideration in part responds to the above request in Council's submission, a Site Water Management Plan (within the overall context of the Appin Plan if needed) is still viewed as warranted to provide a framework that is specific to the site. **The inclusion of a condition for such a Plan is therefore recorded in accordance with Council's submission on the Application.**

## **TRAFFIC MANAGEMENT**

### **Overview of Council's submission**

Council's submission stated that a detailed design and construction phase review and approval stage should be conducted with Council prior to development works on site commencing. It also stated that there is limited details on the proposed road property widening required for the intersection and that a detailed plan should be provided on any road widening proposed or the arrangements to be made for the placement of public infrastructure on private land. In addition, it provided a recommended condition *"To ensure traffic is adequately managed during the construction phase of the development, the construction of the Ventilation Shaft should not commence until a Certificate of Practical Completion for the site access intersection is issued by Council"*.

### **Comments on the Submission Report**

The following updated comments have been provided by Council's Engineering Development Leader

*Council has concerns over the management of construction traffic for the shaft construction stages. A satisfactory permanent access is likely to be achieved for management of traffic along Menangle Road. The applicant is in discussions with Council in relation to design requirements, however there are a considerable number of design elements that must be finalised before an approved design can be issued. While it is understood that delays in commencing ground works is critical for the success of the project, there must be controls relating to the staging of construction of adequate site access. Works should not commence until a 100% approved design is reached. There should be an undertaking that site access construction works be completed to the satisfaction of Council within a reasonable timeframe after commencement of first stage works.*



## ATTACHMENT 2

### Recommended conditions for inclusion in the Determination

Council would expect that the Determination contain the following conditions based on issues raised in its submission as well as review of the Summary Report.

#### Biodiversity and landscaping

- *Landscaping screening be required to include specific reference to this recommendation of Council's Draft Scenic Landscapes Study and Management Strategy.*
- *The site specific Biodiversity Management Plan be required to be updated to incorporate the ventilation shaft and recommended amendments to the BDAR contained in this submission that applies to the riparian corridor as well as retained biodiversity on other parts of the site prior to the commencement of any construction.*

#### Noise related impacts

- *Blast monitoring in accordance with the guidelines provided in Australian Standard 2187.2-2006: Explosives – Storage and use, Part 2: Use of explosives (AS 2187.2-2006) and the installation and implementation of an automated monitoring system that allows for the instant and automatic uploading of collected data to a central server be required.*
- *Noise producing activities be required to cease in the event of modelling identifying potential noise issues, particularly during night time periods, the until such time as further acoustic controls, to control noise impacts are investigated which may include limiting blasting to daytime hours.*

#### Community engagement

- *The development of a community engagement strategy that applies to the construction and operation of the ventilation shaft (consistent with the resolution of Council referred to above) and extends Community and Stakeholder Engagement Strategy (CSES) developed for the Project be required.*

#### Water related impacts

- *The completion of a satisfactory detailed groundwater study which considers potential impacts of the installation of the shaft as well as private bores and farm dams be required prior to the commencement of any construction activity.*
- *The development of a site specific Water Management Plan that could be based and/or have consistency with the Appin Mine Surface Water Management Plan be required prior to the commencement of any construction activity.*

#### Wastewater related impacts

- *A wastewater report and associated site plans showing the location of any on-site sewage management system or related effluent disposal area be required prior to the commencement of any construction activity.*

