

NSW Department of Planning
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NSW 2011

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Attention: Alison Thomas

Dear Madam

**West Cliff Colliery Diesel Storage and Refuelling Facility
Response to Submissions**

Thank you for providing the submissions received by the Department of Planning (DoP) in regard to the Part 3A application for West Cliff Colliery Diesel Storage and Refuelling Facility. BHP Billiton – Illawarra Coal (BHPBIC) has reviewed the submissions made in regard to the application. Our response to these submissions is provided in Appendix A.

Should you have any queries, please do not hesitate to contact the undersigned on (02) 4255 3394.

Yours Faithfully,



James Anderson
Environment & Community Coordinator
Processing & Logistics
BHP Billiton - Illawarra Coal

APPENDIX A

AGENCY SUBMISSIONS

Department of Primary Industries – Mineral Resources

In the Department of Primary Industries submission, dated 24/12/08, the DPI suggests the use of an oil- water separator. The Humeceptor, which is proposed for the development is used in applications where capture of water including free and floating oils, grease, hydrocarbon and petroleum products and fine suspended solids is required. The system effectively captures and retains total suspended solids and petroleum hydrocarbons in applications such as car parks and petrol stations. The Humeceptor is seen as adequate for the proposal considering that the proposed storage tank is double skinned, and a primary catch pond is also proposed, coupled with the sites significant existing water management system.

Additional information of the product is available at

<http://www.humes.com.au/ProdsServices/EnvWaterSolns/humeceptor.shtml>

BHP Billiton Illawarra Coal also acknowledges that the Mining Operations Plan Amendment will be required and a revised Rehabilitation Cost Estimate will also be required.

Department of Environment & Climate Change

Several queries and comments were raised by the Department of Environment and Climate Change in their letter dated 31/12/08. Responses to these are provided below.

1. Decommissioning of the Existing West Cliff Colliery Refuelling Station

Due to operational delays associated with removing the existing tank, it is proposed that the existing tank be permanently disabled and left in its current position until rehabilitation of the West Cliff site is carried out at the cessation of mining activities.

It is therefore proposed that the following actions be undertaken:

- a) Following commissioning of the new refuelling station, a validation report will be prepared according to the UPSS Regulation.
- b) The tank and rehabilitation provisions will be described in the closure plan for the site. This will also be included in the rehabilitation cost estimate for the site.

- c) The site will be managed on an ongoing basis in compliance with UPSS Regulation, Work Cover and relevant Australian standards
- d) At the cessation of mining activities, the decommissioned refuelling facility will be removed and remediated, as necessary.

2. Impacts on Threatened Species and their Habitats

Significant studies of impacts on threatened species and their habitats have been carried out on the West Cliff site, the most recent being for further approval for the West Cliff Stage 3 Emplacement Area. These studies have taken into consideration the surrounding areas of the site in regards to threatened species and were used as the basis for siting the proposed refuelling facility.

The use of the flora and fauna Species Impact Statement (SIS) undertaken for the West Cliff Colliery Stage 3 Coal Wash Emplacement Application is considered valid for this Part 3A application as the study area for this application has been surveyed. To support this opinion, the second paragraph on page 19 of the SIS (Biosis Research, June 2007) for the Emplacement Application details the study area states: :

"In accordance with the DGR's, the Subject Site includes all areas that will be directly impacted by the Proposal. The Study Area includes the Subject Site and an area of indirect impacts. In the current project, an indirect impact zone has been adopted for the reasons detailed below. In addition to this, the entire West Cliff lease area and selected off-site areas have been included in the study in order to provide contextual information" (Page 19, Species Impact Statement, Biosis Research, 2007).

Figure 6 is the GIS mapping from the SIS, which confirms locations and areas surveyed using transects and random meanders for the Emplacement Application, and can be found in Appendix B of this report. Figure 6 shows that the location for the diesel facility contains transects and random meander lines. This confirms that the proposed location for the diesel facility was surveyed and adequately considered threatened plants.

The site assessment for the SIS was undertaken in accordance with the draft Threatened Species Survey and Assessment: Guidelines for Developments and Activities (DECC, 2004). The follow up visit to the proposed location for the diesel facility by Biosis on 2 April 2008 was to confirm and mark the location of the *Pultenaea aristata* (Prickly Bush-pea) and confirm the continued validity of information contained in the SIS. . Given the recent and contemporary nature of the SIS, we consider that an adequate assessment of threatened species impacts for this proposal has been performed, and is consistent with the DGR's for this project.

a) Additional Commitments for Pultanea Aristata

It was proposed by the DECC that conditions in relation to Pultanea Aristata be placed in the conditions of approval for the development. As noted in the DECC submission letter, the measures in regards to Pultanea Aristata have already been agreed to on the entire West Cliff site by BHP Billiton. These are seen as a duplication of work already carried out, and BHP Billiton sees no need to apply the same conditions to the current approval. The location of the proposed refuelling station has been selected to avoid any impact of the Pultanea Aristata threatened species. As the proposal does not impact on any Pultanea Aristata, BHPBIC see no reason to specify conditions relating to the species.

3. Impacts on Native Vegetation

In regards to site selection for the new facility, assessment of possible alternative sites was carried out as part of the Environmental Assessment and risk assessments. While West Cliff is a large site, it is constrained in regards to availability of areas for new developments which can accommodate large vehicles.

As noted in the Environmental Assessment, the proposed location for the refuelling station is the most suitable option as the assessments show:

- There will only be minimal impacts on ecology and no impacts on heritage at this site.
- There will be no increased vehicle trips
- The access and egress to existing roads will be in a safe location and of a safe design
- Light vehicles and surface mobile equipment are isolated from heavy vehicles during refuelling for improved safety
- BHPBIC have an existing lease over the proposed location which allows vegetation clearing for operational purposes,
- The location is remote from residential areas
- The location provides four onsite water catchment points for possible oil spills that allows protection of the environment.

It should be noted that the Environmental Assessment for West Cliff Stage 3 emplacement area showed that the regional distribution of the Exposed Sandstone Scribbly Gum Woodland is 37015 ha (NPWS 2003). The majority of the regional distribution of this vegetation type is protected in

either the National Parks estate or land managed by the Sydney Catchment Authority. The proposed area to be cleared will be less than 1 ha, which is less than 0.00003% of the regional distribution of this vegetation community. We consider that this magnitude of the proposed clearing will have no discernable direct or cumulative impact on the regional viability of this vegetation community.

4. Water Quality

Queries were raised regarding the capacity of the primary spillage pond to effectively manage the any diesel spillage from the facility without discharge. The proposed facility will have a double skinned tank, and in addition to the addition to the primary spillage pond, a “Humeceptor” is also proposed to capture runoff and spills from the refuelling area. Modelling has been carried out on the existing water management system at West Cliff, and with the addition of hard standing area the site has sufficient capacity to capture all spills from the facility under a range of operating scenarios. In the unlikely event that any spillage should leave the facility, the existing treatment facilities contained within the Water Management System on site will be capable of treating the water up to a design storm event of 1:10 year frequency and 72 hour duration.

The site has equipment which is capable of pumping out spillage solids and sludge from collection pits for disposal.

Department of Water & Energy

It is noted in the DWE submission, dated 3/12/08, that no matters falling under the regulatory consideration or licensing of DWE are contained in the Environmental Assessment. DWE notes that the regulatory authority in relation to runoff storage design criteria is DECC under the Protection of the Environment Operations Act. The DWE recommends that the Detention Basin and Pond 1 be designed for 1 in 20 year, 12 hour event. Significant design has been carried out on the Water Management System for the West Cliff Site, in consultation with the Department of Environment and Climate Change. Based on the existing water management system of the site, and approved water management system upgrades as proposed in the West Cliff Stage 3 Emplacement Application approval, the West Cliff Water Management System has been designed to a 1 in 10 year ARI, 72 hour rainfall event.

Wollondilly Shire Council

Wollondilly Shire Council offered no objection to the proposal in their submission dated 22/1/09.

Three areas of clarification were raised which are addressed below.

Lighting

Clarification was sought on the lighting proposed for the facility and whether this would be visible from Appin residents. There will be no visual impact on the Appin Township or on public place due to the location of the facility. The facility will not be visible from Appin Road or Appin township due to its low elevation in relation to the West Cliff Coal Wash Emplacement and other terrain features of the area. Sufficient lighting will be installed at the facility to allow safe access and egress to the facility, and while carrying out refuelling operations by way of single and double arm overhead street lighting. Lights will be operated during night time hours to allow trucks and equipment to refuel on a 24 hour basis. A total of five lighting structures are proposed.

Security

The facility will be in operation on a 24 hour basis, and will be frequented by trucks and equipment at all hours. The primary storage tank will be in a locked fenced compound, and the dispensing bowsers will only be activated by a card reader. Regular security patrols are carried out of the West Cliff site during night time and weekends

Containment overflow

A query was made in regard to whether the containment overflow would affect the threatened *Pultanea Aristata* identified in the area. The area has been checked and the overflow will flow into an existing rock channel, which will not affect the plants. The plants are located on the high side of this channel, and will be unaffected by these flows.

NSW Roads & Traffic Authority

No comments or objections to the proposal were noted in the RTA's submission, dated 9/12/08.

NSW Rural Fire Service

No comments or objections to the proposal were noted in the NSW Rural Fire Services' submission dated, 28/11/08.

Appendix B

