

**SUBMISSION BY
RESIDENTS OF MEDWAY AND SURROUNDING PROPERTIES
IN RESPONSE TO**

BERRIMA COLLIERY PROJECT MP10_0172

AND

***APPLICATION DA No. 401-11-2002-i MOD 6
BERRIMA CEMENT WORKS SECTION 75W MODIFICATION OF EXISTING DA IN
RELATION TO COAL STOCKPILING***



MEDWAY GROUP

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- Appendix 2 Report of the Director of Environment & Planning at Wingecarribee
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2011 EXECUTIVE SUMMARY

Medway, classified by Wingecarribee Shire Council as a hamlet, is 7 kilometres west of Berrima in the Wingecarribee Shire, Southern Highlands NSW. Medway is on a local road that is the only route to Berrima Colliery. The road ends at the colliery gates adjacent to the village.

The colliery began production in 1872 and has operated continuously since 1926. The village developed around this time to provide housing for the mine workers.

In the late 1980s the colliery applied for and was granted an increase in production to 1.5 million tonnes per annum (tpa). A condition of this approval was that Boral had to purchase the properties in and around the village.

When the consent for the mine lapsed in 1992, Boral resold the land to a new group of residents, many with young families. Residents bought into Medway village and the surrounding properties in good faith.

Boral currently produces approximately 220,000 tpa and runs around 32 truck deliveries (64 truck movements) per day. It is one of the smaller mines in the state and has produced coal primarily for Berrima Cement Works and has never produced coal for export.

Existing Use

Boral is currently permitted to produce coal at the Berrima Colliery under “existing use rights”. Under the current planning legislation (1979) Boral must formalise its operations and has made application under part 3A for approval.

Residents challenge that Boral, under part 3A and the formalisation of “existing use rights”, is able to more than double the historical output of the colliery from approximately 220,000 tpa to 460,000 tpa. This will have significant effects on the environment and the community.

The residents totally reject the assertion in the EA (page s2 Executive Summary) *“Overall the proposal is expected to have a positive socio-economic impact. Potential negative socio-economic impacts from subsidence, loss of groundwater, traffic noise and air quality, surface water quality, ecology and heritage have been assessed and found to be non-significant.”*

Figures quoted in the EA estimate that production will increase from 210 days per annum to 340 days per annum.

Under current operating conditions, Boral trucks are running from 6.00 am to 9.00 pm weekdays; 6.00 am to 2.00 pm Saturdays and some Sundays and public holidays. The residents find this excessive for a reasonable quality of life.

Truck movements will more than double (from 66 – 132 movements per day); associated vehicle movements on Medway Road will double, as will the amount of noise and dust emitted from heavy vehicle truck movements and pit top operations.

Residents are also confused by the inconsistencies in the EA; 66 fully laden truck movements x 27 tonne load x 340 days pa equates to 605,880tpa, not the 460,000tpa stated in Boral's application. These production figures transform the colliery into an intensive use operation.

Residents request that under the formalisation of the existing use rights, Boral be approved to produce up to 220,000 tpa and for the additional tonnes up to 460,000 that a separate DA be submitted.

With regard to the DA No. 401-11-2002-i MOD 6 for Berrima Cement Works to stockpile 25,000 tonnes for 5 campaigns of coal per annum at Berrima Cement Works, the Office of Environment and Heritage states that this changes the business from a Cement Plant to a Coal Works. The residents request that Boral be made to submit a separate DA as this is a **major**, not minor change to the operation of the Cement Works.

Traffic

Medway Road is classified as a local road by the RTA and Wingecarribee Shire Council. Boral in its EA refers to Medway Rd as a "principal haulage route" (page 13, 3.3, Vol 2). This incorrect assumption means that assessment results in the EA are based on incorrect data.

Medway Road is 7 metres wide but only 6.5metres wide in the village. Arup, in its report, has failed to acknowledge that the required minimum width for Medway Road by AUSTROADS standards is 10 metres.

Residents are so concerned with the current and future safety conditions on Medway Road, that they commissioned Rob Parker Engineering to prepare a report (Appendix 1) which examines the existing pavement, lane widths, speed limits and safety concerns.

Wingecarribee Shire Council has given Boral approval to run B-Doubles on Medway Road; although it has yet to be gazetted. Residents are totally opposed to B-Double haulage or any increase in heavy vehicle movements until Medway Road is upgraded, as a minimum, to AUSTROADS Standards as detailed in the Rob Parker Engineering Report.

Noise

The impacts from noise associated with all current and future operations of the Berrima Colliery are very real and distressing.

Residents question the accuracy of the data provided in the EA in relation to noise as the information provided in the EA is based on the Medway Road being a "principal haul route", when it is classified as a "local road".

Boral noise monitoring locations (EA Appendix G, fig 2.1) do not adequately assess the impact on the most noise-exposed residents. The placement of the monitors can in no way accurately assess the impact on those most affected as they are too far removed to provide adequate readings.

Monitors should have been placed in properties directly fronting Medway Road and close to the entrance to Loch Catherine.

With the proposed intensive increase in operations, residents will be seriously impacted by noise from the pit top operations, coal haulage and associated vehicle movements.

Air Quality – Dust

Records indicate that there has been no long term air monitoring at the colliery and environs.

Boral trucks continuously haul coal in overloaded, uncovered trucks to deliver coal to Loch Catherine. Coal spillage from these trucks can regularly be seen on road verges. The road to Loch Catherine is unsealed, further exacerbating dust emissions.

If truck movements are doubled, dust emissions and the air quality for residents would deteriorate greatly. The Medway community does not have town water and residents are very concerned about the contamination of their drinking water through coal dust on roofs washing into their water tanks.

Residents request that no increase in haulage or production be approved until Boral has remedied the current deficiencies in air quality and proved that it can maintain that level.

Loch Catherine Stockpile Area

The quantity of coal currently alluded to in the EA is around 80,000 tonnes, which Boral proposes to increase to around 115,000 tonnes at Loch Catherine. There is little mention of the controls and monitoring undertaken by Boral for the dust and water run-off from the stockpile. This is of particular concern as this stockpile backs onto the Wingecarribee River, which is part of the Hawkesbury-Nepean system – a major water source for Sydney.

As there is no weighbridge at the Colliery, residents question how coal is accounted for at the stockpile.

Residents request that Boral be requested to complete a separate DA for the management of the Loch Catherine Stockpile.

Consultation

The residents and local community believe that Boral has failed to adequately respond to the Director General's requirements ("DGR") or comply with the

Guidelines for Major Project Community Consultation (Oct 2007). The DGRs for these projects requests that the residents' concerns and/or comments raised in the consultation process be described in the EA.

The views, knowledge and community preferences were **not** taken into consideration in the assessment and decision-making process, particularly in relation to heavy vehicle movements and the impacts from noise and dust.

Residents of Medway and the surrounding properties strongly oppose the EA and Modification Application lodged by Boral on the grounds that:

- The doubling of annual production under existing use rights will have significant impacts on the environment and the community.
- The assessments carried out on behalf of Boral in relation to noise, dust and traffic management are inconsistent and deficient in many areas, in particular that Medway Road has been assessed as being a "principal haulage route" when in fact it is a "local road".
- The inconsistencies concerning tonnage.
- Medway Road does not meet AUSTROADS standards for the use of heavy vehicles.
- The lack of information provided on the monitoring and management of the current Loch Catherine Stockpile.
- Boral failed to comply with the Director General's requirements for community consultation.
- The negative impacts on the community from traffic, noise and air quality will be significant.

This submission raises many issues crucial to the health and well-being of the residents of Medway, surrounding properties and also the environment. We ask that the Minister and the Department seriously consider our concerns and undertake further investigations, on the above issues, to provide a full and factual information base, on which to make decisions to provide positive outcomes both for Boral Limited and the local community.

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CHAPTER 1 - INTRODUCTION

1.1 Purpose of Report

The purpose of this report is to respond to two applications made by Boral Cement Limited ("Boral"):

1. The EA submitted by Boral Ltd for continued existing use operations at Berrima Colliery, Medway (MP10_0172) under Part 3A of the Environmental Planning and Assessment Act 1979; and
2. The Modification Application, Stockpiling of Coal at Berrima Cement Works, reference no. DA No. 401-11-2002-I MOD6.

1.2 Documents

The documents chiefly referred to in this report are those commissioned by Boral Cement Limited:

1. Berrima Colliery Continued Operations Environmental Assessment Volumes I and 2, prepared for Boral Cement Limited by EMGA Mitchell McLennan, dated May 2011 ("the EA"); and
2. Berrima Cement Works Modification 6 Environmental Assessment Coal Stockpiling for Sale, prepared for Boral Cement by EMGA Mitchell McLennan, dated 16 June 2011 ("the Modification Application").

1.3 Residents' Response

The residents of Medway and surrounding properties oppose both these applications.

Boral's applications have failed to adequately meet and comply with many of the criteria required by the NSW Department of Planning and Infrastructure ("DoPI").

Boral's assessments of existing use rights, traffic impacts, noise pollution, air quality and community consultation do not provide sufficient relevant and factual information as detailed in the requirements of the DoPI.

Boral's proposal for continued operations, and the vast variations and increases included in the proposal, bear little resemblance to their existing operations.

The impact on Medway village and the local community will be enormous. Production of coal is to more than double, truck numbers will increase from 32 per day up to 66 per day, air quality will be greatly affected with more coal dust emanating from the trucks, noise will be constant, and all on a road that is a local road that does not meet AUSTROADS requirements for heavy vehicles.

CHAPTER 2 – BACKGROUND

2.1 History of Mining at Berrima Colliery

Mining began at Berrima Colliery in 1872. It is an underground bord and pillar mine owned since 1988 by Boral Limited and operated by Delta Mining from September 2009. In the mid 1920s a cement works was constructed at New Berrima and the colliery was its main source of fuel. This coal was transported from the colliery to the cement works by rail until the 1960s when trucks were used. In 1983 Boral lodged a DA to expand production to 1.5 million tonnes per annum (“tpa”). The consent lapsed in 1992.

Coal output has varied over the years but average production over the past 10 years, as stated in the EA, has been 220,000tpa. The colliery has supplied the Berrima Cement Works and other local customers but has **never** exported.

Up to 100,000 tonnes of coal is also stockpiled at Loch Catherine, 1km south of the colliery.

2.2 History of Medway Village

The village of Medway, 7kms west of Berrima, was developed primarily to house the miners who worked at the colliery. Medway is on a local road (Medway Road) which finishes in a dead end at the Berrima Colliery. There is no other means of road access to the village or the colliery for either residents or trucks servicing the colliery, hence the significance to the residents of Boral’s proposal for greatly increasing production and the consequent increase in transportation along Medway Road.

During the late 1980s, when the mine was granted consent by the NSW Department of Environment and Planning to increase production, one of the conditions of consent was that Boral had to purchase the properties in and around the village.

When the consent lapsed in 1992, Boral resold the land to a new group of residents, many with young families. The village properties range in size from 2000 m² to 2 hectares. The residents range from young couples with young children, families with teenage children, middle-aged couples and retirees. The homes in the village are surrounded by farmland and state forest. The homes surrounding Medway Road are mainly large acreages.

Residents bought into Medway village and the surrounding area in good faith. They believed they would be co-existing with a company that would be a good corporate citizen and would work with the community to reduce negative impacts from the company’s current and future operations.

CHAPTER 3 – EXISTING USE

3.1 Preface

The residents are challenging the validity of the EA and the Modification Application:

MP 10_0172 under Part 3A

Residents of Medway and surrounding properties understand that Boral has been requested to formalise its existing use rights which have historically and primarily been for supply of coal to the Berrima Cement Works, also to some other locations within Australia. We challenge this application on the grounds that Boral is requesting to change the basis of its business from a supplier of coal to local and domestic customers to an export-orientated business and more than doubling the historical production rate of 220,000 tpa. This has vast consequences for the local community – trucks, noise and air quality – on a local road network.

In Boral's own EA, its peak level of extraction was to service local customers as the colliery has never exported coal. Mr Ross Harper, National Operations Manager for Boral, states in a letter to Ms Pru Goward MP, Member for Goulburn "...the colliery has never historically exported coal..."

DA No.401-11-2002-i MOD6

We challenge the assertion that the application modification is a minor application when the Berrima Cement Works will become a Coal Works if coal is stockpiled for export.

3.2 Concerns

There will be a flow-on effect if proposed maximum levels are permitted.

3.2.1 The Colliery

- (a) Boral's EA states *"the current production rate at Berrima Colliery is 220,000tpa ..."*. Wingecarribee Shire Council (page 11 in its report on MP10_0172) states *"the average production over the last 10 years has been approximately 220,000tpa"*.

Boral wants to increase this production by more than double to 460,000tpa. An increase of almost 120% cannot be considered "existing".

- (b) The colliery has historically only supplied the Cement Works at New Berrima and a few local outputs totalling 220,000tpa. Boral is now stating

that it is going to export coal as written in their EA Vol 1 5.6 “...the amount of coal despatched to Port Kembla for export would not exceed 340,000 tpa ...”As stated at 3.1 above, Boral’s National Operations Manager acknowledged that **Boral had never historically exported coal**. How can it claim export is an existing use?

- (c) Boral is going to increase the running of heavy vehicles, on a road that does not meet AUSTROADS guidelines for heavy vehicles, from 32 trucks per day to 66 trucks per day (EA table 11.2). 32 trucks to 66 trucks is a vast change of use on a road that is classed as a **local road** by the RTA and Wingecarribee Shire Council and not, as Boral’s EA suggests “a principal haulage route” (3.3 Volume II).
- (d) The coal was originally transported from the colliery by rail, not road, until the 1960s when road became the preferred option for the *colliery*, not the residents.
- (e) Loch Catherine stockpile (at the colliery) on average holds 80,000 tonnes. Currently it is capable of holding 100,000 tonnes but Boral wants to increase this by 15% to 115,000 tonnes for its as yet to be approved export campaigns. Increasing the stockpile is of great concern to locals as the stockpile backs onto the Wingecarribee River, which is part of the Hawkesbury-Nepean system – a major source for the Sydney Catchment area. There is little mention of the controls and monitoring by Boral for the dust and water run-off from the stockpile. What information concerning any contamination will be available to the public?
- (f) Boral states that production days will increase from 210 days per annum to 340 days per annum - an increase of over 50%. According to the Director of Environment & Planning at Wingecarribee Shire Council, in his report to the ordinary meeting of Council on 13 July 2011 (copy attached at Appendix 2) this “**transforms the Colliery into an intensive operation**”.
- (g) The mine, under its existing rights, has not been subjected to the stringent environmental and social conditions that other mines must now operate under. The Director of Environment & Planning at Wingecarribee Shire Council states in his report to the ordinary meeting of Council on 13 July 2011: “**If the proposal were being lodged as a new development application for a 460,000tpa colliery, it would be naïve for an applicant to believe they could operate within a local street network for amenity and safety reasons.**”

3.2.2 Berrima Cement Works

- (a) Boral has requested to stockpile 25,000 tonnes of coal at Berrima Cement Works for export purposes. As stated in the response by the Office of Environment and Heritage, the loading and stockpiling of coal in the

quantities anticipated by Boral means the **Cement Plant becomes a Coal Works** as in Schedule 1 of the Protection of the Environment Operations Act 1997.

- (b) Boral, in its EA at 2.2 Existing Operations and Facilities, Vol 1, states that it recently trucked coal to Port Kembla for supply to overseas customers. At a Wingecarribee Shire Council meeting on 13 July 2011, the Mayor was adamant that no approval had been given to Boral for the exportation of coal.
- (c) In Boral's EA at Vol 1, 5.6, it is stated that the amount of coal for export would not exceed 340,000 tpa, but in Vol 2 the Transport Impact Assessment (TIA) prepared by Arup Pty Limited states that 100,000tpa would be exported (in 5 separate shipments per year). What actual tonnage is Boral asking for from the Berrima Plant? 340,000tpa or 100,000tpa? **With 20,000 tonne shipments will the stockpile be turned over 17 times per year or 5 times per year?**
- (d) Boral's own figures are confusing and inconsistent. They are also terrifying. Boral wants 66 trucks per day, each carrying 27tonnes - this equates to 1,782 tonnes per day. If haulage is carried out over 340 days as Boral proposes, this equates to 605,880 tpa. **This is an increase of 275% more than what has been produced historically.**

3.3 Verification

- (a) For an informed decision to be made, we ask that Boral's production statistics for the past 25 years be investigated and verified by an independent party agreed upon by both Boral and the residents group, to confirm the accuracy of the records on which Boral has based its existing use rights EA.
- (b) We request that the Minister for Planning and Infrastructure appoint a panel of experts (as per Guidelines for Major Project Community Consultation October 2007) to review the available information, including independently verified production statistics from Boral, provide independent advice and hold a public hearing so that the community and Wingecarribee Shire Council can be fully informed of all *factual* information on the issues that will have a high impact on the local community, prior to any application being granted approval.

3.4 Recommendations

- (a) Residents request that under the formalisation of the existing use rights Boral be approved to produce 220,000 tpa and that a separate DA be submitted for the additional tonnes up to 460,000 tpa.

- (b) We request that, as the stockpiling and loading of coal in the quantities that Boral anticipates changes the Cement Plant to a Coal Works (according to the Office of Environment and Heritage), a separate DA be required.

Boral states that it is simply seeking to formalise its existing use rights, yet from the above it is shown that what Boral is aiming to achieve is significantly greater than what it has historically produced and the usage of that coal produced.

CHAPTER 4 - TRAFFIC

4.1 Preface

Residents of Medway and surrounding properties have expressed to Boral and Wingecarribee Shire Council their very real concerns regarding current and future safety conditions on Medway Road resulting from coal haulage. As a response to those concerns a report was prepared by Rob Parker Engineering which examined the existing pavement, lane widths, speed limits and safety issues.

This is a review of the traffic sections of the Berrima Colliery Continued Operation Environmental Assessment to see if the residents' concerns are appropriately addressed. We are also verifying that Boral has complied with the requirements of the Director General in preparing its Environmental Assessment.

More recently, the Berrima Cement Works Modification 6 Environmental Assessment - Coal Stockpiling for Sale has been put on exhibition and this appears to amend the Berrima Colliery Continued Operation document.

This review addresses issues summarised in the Berrima Colliery Continued Operations EA:

- the Executive Summary,
- Chapter 11 – Traffic,
- Appendix E – Traffic Impact Assessment prepared by Arup and dated September 2010;

and in the Berrima Cement Works Modification 6 EA:

- Chapter 6 Environment Assessment, Part 6.2 Traffic,
- Appendix 2 – Traffic Impact Assessment.

4.2 Specific issues

Specific issues arising out of the review are:

4.2.1 The Director General required inter alia that the Transport section of the Berrima Colliery Continued Operation Environmental Assessment deal with:

Transport - including a detailed assessment of the potential impacts of the project on the safety and performance of the road network, specifically along Medway Road and at its intersections with the Hume Highway.

Safety aspects are not addressed in the EA. In the EA, paragraph 2.6.3 – Total Mine Traffic, Arup advises that the sealed road width is 7 metres typically and that this meets the AUSTROADS Rural Road design standards. They fail to include further AUSTROADS requirements for sealing of shoulders and protection of cyclists, all of which amount to a requirement for a 10 metre width of sealed road on straight sections. The road also includes an “S” bend, urban sections, school bus stops and incident roads, all of which require further lane widening and specific local treatments.

4.2.2 Speed limits are not properly addressed in the EA or Arup reports – Arup endorses a 100km/hr speed limit in paragraph 2.6.3. The Parker report noted under various AUSTROADS design requirements that the appropriate speed limit was either 70 or 80 km/hr. This was subsequently adopted by Wingecarribee Shire Council and the RTA. The speed limit has now been reduced to 80km/hr.

4.2.3 The Director General required that the **consultation** process happen:

During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. The consultation process and the issues raised must be described in the Environmental Assessment.

Our group advises that no consultation occurred with Medway village and surrounding residents during the preparation of the EA for either the EA or the Modification Application. Consultation took place with government agencies, however there is no evidence of the required consultation with the communities within either EA nor of any issues being raised and described within the EA. The process has not been carried out as required by the Director General and the community’s concerns have not been incorporated in either EA.

4.2.4 Boral advises in the Modification Application, Para 6.2.4 that:

The following mitigation measures will be implemented to reduce potential traffic impacts associated with the proposal. ...

- *Cement clinker transport from the Works to Port Kembla and other destinations will be suspended during the coal export campaigns. ...*
- *Coal transport from Berrima Colliery and Loch Catherine to the Works via Medway Road will be suspended during the coal export campaigns.*

As a result of the haulage to Port Kembla carried out in January 2011, Boral has admitted publicly that it was not successful in ensuring that its contractors adhered to the designated haul route. Haulage contractors chose to completely ignore the planned haul route and instead took fully

laden trucks and dogs through Moss Vale, along the Illawarra Highway and down Macquarie Pass.

What guarantees does the community have that:

- (a) Boral will adhere to the limitations stated above; and
- (b) Contractors will not take alternative haul routes?

Who externally audits that these obligations are being met and what penalties exist for breaches of these undertakings? This is, after all, a working cement plant. Were Boral to try to export 340,000 tonnes of coal in a single year, then around 20 weeks of deliveries of clinker and coal to the cement plant would be lost and the cement production curtailed.

4.2.5 Safety and Road Condition - these issues are outlined in detail in the Rob Parker Engineering report of 24 February 2011 – Appendix 1. In summary, the key points from that report are:

- (a) Medway Road needs to be widened by 3 metres generally and 3.5metres in Medway. This widening is required to enable seal widths to increase from the existing 6.5metres in Medway and around 7.2metres elsewhere to at least 10 metres universally throughout the haul route. The seal width recommendations are in accordance with Table 4.5 of the AUSTROADS Guide to Road Design Part 3: Geometric Design.
- (b) The pavement requires reconstruction because it is failing along the edges. The northern loaded shoulder has significant levels of sub grade failure in at least nine locations. Shoulders along the route are deficient and unsealed and fail to provide adequate lateral support to the pavement.
- (c) The pavement failures cause trucks to move towards the centre regardless of line marking, with the increased potential for collisions. The eastern curve has substantial pavement failures and is causing trucks to move out towards the oncoming traffic – this is currently a very dangerous practice and urgent action including speed reductions or cessation of operations should be put into place to prevent this.
- (d) Pavement drainage is inadequate. Subgrade drainage is required in cuttings and culverts will require extending.
- (e) Line marking and sign posting - line marking shall be installed along the entire length of the seal and consideration of reflective raised pavement markers where heavy haulage occurs after dark.
- (f) Speed limits need to be either 70 or 80km/h, depending upon final reconstructed road design.

- (g) Sign posting and local pavement widening are required for school bus stops, curves, property accesses and feeder road intersections.

4.2.6 Deferment of Consideration of Berrima Colliery Continued

Operations Environmental Assessment - Boral can't export coal to Port Kembla until an approved method of haulage exists. Following the failure of a concentrated campaign in January 2011, Boral has proposed a high turnover buffer stockpile of some 25,000 tonnes be located at the Berrima Cement Plant. From paragraph 5.6 – Transportation on page 19 of the EA, up to 340,000 tpa could go through this stockpile. This separate proposal is now publicly exhibited and contains significant issues in its own right.

Until the issues surrounding buffer storage are resolved it is requested that the current consideration of Berrima Colliery Continued Operations Environmental Assessment be deferred.

4.2.7 Error in Traffic Assessment—the Modification Application makes mention throughout of 50 tonne capacity B-doubles. Depending upon length, Wingecarribee Shire Council advises that B-doubles have capacities of 33 tonnes, 36.5 tonnes and 40 tonnes. Are we to assume that Boral intends to overload the B-doubles if given approval to proceed as foreshadowed in Para 4.1.1 on page 27? All the calculations contained in the EA are likely to be in error as are the haulage comparisons and it is requested that Berrima Cement Works Modification 6 Environmental Assessment – Coal Stockpiling for Sale be fully revised to address this error.

Refer to Appendix 1 – Rob Parker Engineering Pty Ltd report dated 24 February 2011: Coal haulage on Medway Road with Semi Trailers and B Doubles.

CHAPTER 5 - NOISE

5.1 Preface

The impacts from noise associated with all current and future operations of the Berrima Colliery are very real and distressing. They have generated significant concerns among the residents of Medway and surrounding properties. These concerns have been expressed to Wingecarribee Shire Council and form the basis of this chapter to ensure that noise impacts from the operation of the colliery are fully considered in any approvals granted.

Medway Road is classified as a “local road”, as confirmed by Wingecarribee Council Shire Mayor Ken Halstead at Council’s meeting on 15 June 2011, and by the RTA, and for the purposes of this proposal should be considered as such and not, as Boral’s EA suggests “a principal haulage route” (3.3 Volume II). It is worth noting that the principal mode of haulage for coal from Berrima Colliery around 1926 was by rail. This was the case until the rail line was deconstructed to enable repairs to the line from Moss Vale to the Boral facility at New Berrima. *Note that the rail corridor still exists under Boral’s ownership.*

Boral has failed to comply with the requirements of the Director General in the preparation of its Environmental Assessment. These failures are addressed below.

The Director General requires the proponent to “... consult with ... community groups and affected land holders”. (Letter from DoPI 8 October 2010)

5.2 Consultation with Community Groups and Affected Landholders

In relation to Boral’s EA, at no time did Boral or its representatives consult with affected landholders in relation to noise impacts from current and/or proposed operations associated with Berrima Colliery (pit top operations, coal haulage or other associated vehicle movements on Medway Road).

Boral claimed that it had consulted with residents of Medway and surrounding properties in relation to hours of operation for haulage of coal along Medway Road. However, representatives of Boral admitted (at the Berrima Colliery Community Meeting held on Wednesday 8 June 2011) that this consultation was in fact simply an impromptu conversation with 1 or 2 residents quite a number of years ago and not during the course of its current proposals.

If Boral had properly consulted with the community then the following crucial noise issues would have been addressed in the EA and listed for the Director General’s attention.

The residents are exposed to a variety of noise sources from the existing operations:

1. Road noise from loaded coal trucks, their engines working hard accelerating up the incline, and hard booming noise from the return of empty metal-bodied trucks bouncing along the bumpy road (both the paved Medway Road and the dirt road to Loch Catherine).
2. Operation of reversing beepers from front end loaders operating at Loch Catherine when trucks are being loaded.
3. Very intrusive noise generated by coal being dumped into the empty metal bodies of trucks.
4. The banging of tail gates and delivery hoppers.

This noise is generated at unacceptable times of day and on weekends and public holidays. This included recent haulage on Anzac Day 2011. It appears that local coal haulers operate at random times to suit their own convenience.

The type of noise generated needs to be properly identified. Intense and sharp metallic sounds are generated throughout the day and most intrusively in the evenings between 7.00 and 9.00pm. This is not a high output colliery. With current outputs of around 200,000 tpa there is no sensible reason why such extended hours are necessary.

Our group requests that no noise-generating activities, either at the colliery or through haulage of coal, be carried out outside the hours of 7.00am to 6.00pm Monday to Friday and 7.00 am to 1.00pm on Saturdays. No noise generation to take place on Sundays or public holidays.

The Director General requires the proponent to carry out a comprehensive and detailed assessment of the impact of noise “including on-site construction and operational noise and off-site road noise and vibration impacts from the haulage of coal along Medway Road”. (Letter from DoPI 8 October 2010) This has not been properly done.

5.3 Noise Impact Assessment

The Noise Impact Assessment conducted by EMGA Mitchell McLennan is fundamentally flawed and **should not apply** in relation to existing or any proposed increased operations because:

1. The monitoring locations (referenced in Noise Assessment Report Appendix G, Figure 2.1) used to take measurements of noise do not adequately assess the impact on the *most noise exposed residents* (i.e. those directly fronting Medway Road and properties close to the entrance to Loch Catherine) where it is reasonable to assume truck noise would be loudest. Logic would dictate that noise monitoring equipment should be located at the site of the most affected residents to accurately assess the impact on those landholders.

Monitoring point 1 was the only point located within the village. It was placed at the northern extremity and some 130 metres away from the most acutely

affected residents facing Medway Road. This does not accurately assess the impact on the most affected residents as required by the Director General.

In the absence of proper monitoring of noise, the Medway and surrounding properties group took their own measurements as listed in Table 1.0. This sampling reflects truck noise experienced by some of the **most noise affected residents**. In contrast to Boral's Noise Impact Assessment this shows truck noise associated with colliery operations assessed at property frontage along Medway Road to be between 58 - 81dB(A). This evidence supports the group's position that the Noise Impact Assessment conducted by EMGA Mitchell McLennan is fundamentally flawed and does not satisfy the requirements of the Director General's requirements in relation to noise.

Table 1.0 samples of recorded noise from operations of Berrima Colliery at property frontage

DATE	TIME (approx.)	LOCATION	DESCRIPTION	NOISE READING dB(A)
24/06/11	10.15am	Medway Rd	Truck travelling from Loch Catherine	79
24/06/11	10.35am	Property 1 fronting Medway Rd	Water truck watering Medway Rd	81
24/06/11	7.53pm	Property 1 fronting Medway Rd	Background noise	41
24/06/11	8.30pm	Property 1 fronting Medway Rd	Loaded truck travelling to Loch Catherine	58
24/06/11	8.25pm	Property 1 fronting Medway Rd	Unloaded truck returning from Loch Catherine	68
24/06/11	7.55pm	Property 2 fronting Medway Rd	Background noise	42
24/06/11	8.14pm	Property 2 fronting Medway Rd	Unloaded truck returning from Loch Catherine	66
24/06/11	8.17pm	Property 2 fronting Medway Rd	Loaded truck travelling to Loch Catherine	58
24/06/11	8.03pm	Cnr Medway Rd & Railway Pde	Unloaded truck returning from Loch Catherine	78
24/06/11	8.06 pm	Cnr Medway Rd & Railway Pde	Loaded truck travelling to Loch Catherine	72

As stated in Para 3.1.2 in page 10 of the Noise Assessment in Boral's EA (Vol 2):

*“The DECCW’s amenity criterion requires industrial noise to be within an acceptable level for the particular locality and land use. Where ambient noise is already high, the acoustic environment should not be deteriorated significantly. The strategy behind the amenity criterion is a holistic approach to noise, **where all industrial noise (existing and future) received at a given location does not exceed the recommended goals**”.*

Based on the site measured noise values in Table 1.0, the recommended goals for levels from industrial noise sources are exceeded across many levels for rural and suburban amenity areas.

2. The Boral EA (Vol 1, page 65, 12.3.3, Road Traffic Noise) refers to the calculated road traffic noise levels for the closest representative residents with a façade 15m from the centre of Medway Road. This calculation EXCLUDES noise from trucks travelling to Loch Catherine. From Table 1.0 above it can be seen that traffic noise, from trucks travelling to and from Loch Catherine, clearly exceeds the night time (6am – 7am) peak level of 52 noted in Table 5.4 on page 10 of the Noise Assessment in Boral’s EA (Vol 2)
3. This report does not accurately depict the closest and potentially most exposed residences to the operations in Figure 3.1 (Vol 1, page 14 of Boral’s EA) for assessment locations R1 – R15. There are a number of newly constructed dwellings that do not appear on the map in Figure 3.1, even though these had finished construction and were occupied at the time of the noise monitoring and site visit.
4. Current and proposed traffic related operations. Based on the table in Boral’s EA (Table 11.2, page 58, Vol 1) reproduced below, Boral is proposing an increase of more than 100% in total colliery-associated vehicle movements. Therefore this will undoubtedly have a significant impact with over a 100% increase in noise impacts (including vibration, vehicle noise and dust) on the residents facing Medway Road (those identified as most affected from noise).

Table 11.2 comparison of current and maximum traffic related operations

Item	Current	Maximum
ROM coal production (tpa)	220,000	460,000
Number of employees	38	63
Production days per annum	210	340
Approximate no. of coal truck deliveries per day	32	66
General delivery times	6am – 9pm weekdays & 6am – 2pm Saturday	6am – 9pm weekdays & 6am – 2pm Saturday
Delivery vehicles	Tri-Axle tipper truck	Tri-Axle tipper trucks and B-Double trucks (subject to a separate approval)

Under the proposal this equates to:

(66 trucks x 27 tonne capacity) x 340 days production = 605,880tonnes coal extracted from Berrima Colliery.

This amounts to an approximate increase of 275% in production. Therefore a 275% increase in noise and dust. Please note that Boral's own EA is proposing maximum production from the Colliery of 460,000 tonnes of coal.

The calculation of 605,880 tonnes is not consistent with Boral's application to lift production to 460,000 tonnes. This inconsistency in the EA requires that it be revised.

5.4 Summary

We request that Boral's proposal be rejected in its current form. This request is based on:

1. The absence of consultation.
2. Generation of random and harsh noise activities at unreasonable hours.
3. Medway Road is not classified as a haulage route and the EA makes the assumption that it is.
4. Boral's Noise Impact Assessment is flawed and does not accurately reflect the current impacts on the most affected residents, let alone any increases in production, due to the location of the monitoring equipment.
5. The EA selectively excludes noise impact from haulage between the colliery and Loch Catherine which does not pass through Medway village but is less than 200 metres from affected residents.
6. The calculated vehicle movements and expected coal production simply don't add up and are not consistent with the applicant's stated maximum tonnage.
7. Boral and its representatives have misrepresented this application to increase production as merely formalising existing use. It is in fact a new operational regime which is being applied for.
8. The current operations are placing great stress on the residents and these problems need to be properly addressed before any expansion is considered.

CHAPTER 6 – AIR QUALITY AND DUST POLLUTION

Records indicate that there has been no long term air monitoring at the colliery and environs.

An air quality assessment was undertaken by Enviro Australia Pty Ltd on behalf of Boral for a period between October 2009 and June 2010. Monitoring data was undertaken at the following sampling sites:

Site 1 – Office
Site 2 – Medway Village
Site 3 – Stockpile

Within Boral's EA it is claimed that emissions generated within the mining lease have been assessed, specifically from the Berrima Colliery Pit Top facility, the Loch Catherine stockpile area, the ventilation shaft in the vicinity of the underground mine entrance, and the access road as far as the Hume Highway on-ramp approximately 4km from the mine, all from 3 sampling sites over a period of only 8 months.

We are told in the EA that emissions from colliery operations were predicted to account for about 40% of dust deposition rates recorded at site 2 (Medway Village) and site 3 (Stockpile).

Upon release of the EA for public exhibition, the Medway residents became aware of major obfuscation in this report – generally known as a “snow job”. On the one hand we have residents who are subjected to continual dust deposition on their roofs, water tanks, cars and washing as shown in the following figures, who daily experienced dust deposited throughout their homes and consequent wheezing. The cause is clearly evident as seen in the dust being generated by the Boral coal haulage truck shown in Figure 9 below and from the spillage shown in Figures 4 and 5 below.

Medway village and the surrounding properties are not on town water. Each residence has water tanks which collect rainwater from its roof. The coal dust emitted from the haulage trucks and the Loch Catherine stockpile when the westerly wind prevails, as well as the dirt road to Loch Catherine, settles on the roofs and is washed into the residents' water tanks.

The report prepared by ENVIRON Australia (Berrima Colliery Continued Operations Project – Air Quality Assessment, in Vol 2 of Boral's EA), makes many predictions and references many possible control measures but in the end it does not address the actual ongoing failings of Boral to mine coal and haul it without harming the local community.

It was for this reason that on 25 June 2011 Medway residents set up 3 sampling sites for monthly monitoring: 2 in Medway village and 1 on Canyonleigh Road (as a control).

Figure 1 - Site 1, 508 Medway Road, Medway



Figure 2 - Site 2 - 512 Medway Road, Medway



Transportation to Loch Catherine Stockpile

Coal delivery to Loch Catherine Stockpile is continuously hauled by overloaded uncovered trucks on a local road. Coal spillage from these trucks can regularly be seen on road verges.

Figure 3 - Heavily loaded and uncovered Boral haul truck to Loch Catherine



Figure 4 - Coal spillage on end of Medway Road, Medway



This coal spillage off uncovered trucks obviously contributes to dust components which are then blown into the village by the prevailing westerly wind.

Any recommendations made in the EA by Boral concerning this dust will obviously be helped by covering the trucks before leaving the colliery, which is currently not being consistently done.

Figure 5 - Coal spillage on shoulder of Medway Road, Medway



Figure 6 - Coal dust on houses and leading to water tanks



This shows the accumulated coal dust blown onto the house nearest to the intersection of “local road” Medway Road and the road leading to the stockpile at Loch Catherine. This house is relatively new, being under five years old.

Figure 7 - Further view of coal dust accumulating on roofs



Figure 8 - Accumulated coal dust wiped off roof



Dust control

Large amounts of dust are generated on the entrance from Loch Catherine as shown below. This dust blows across the village via the prevailing westerly and south-westerly winds. No measures are in place to control this dust and it clearly represents a health hazard and significant nuisance to house holders.

Figure 9 - Dust generation at entry to Medway Road adjacent to local residences





Conclusion

At the end of the ENVIRON Australia report the following conclusion is made:

These predictions indicate that, provided the general design and operational safeguards documented within this report are implemented, particulate matter and dust deposition emissions attributable to the Project are anticipated to be within the current NSW DECCW air quality goals at all surrounding non-Project related residences. Dust control measures proposed are routinely implemented at other mines and are therefore considered feasible.

The consultants appear to be admitting that the current operations are deficient and significant upgrading is required.

The Medway and surrounding properties group requests that no increase in production or haulage be approved until Boral has remedied the current deficiencies in air quality and proved that it can maintain that level for a period to be negotiated with the affected community.

CHAPTER 7 –COMMUNITY CONSULTATION

7.1 Preface

This is a review of the consultation process that was undertaken by Boral with the residents of Medway Village and surrounding properties in relation to Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to coal stockpiling.

The residents and local community are concerned that Boral has failed to adequately respond to the Director General's requirements and comply with the Guidelines for Major Project Community Consultation (Oct 2007).

7.2 Concerns relating to the Director General's Requirement for Consultation

The Director General's requirements state *"The consultation process and the issues raised must be described in the Environmental Assessment"*.

The requirements to consult set by the NSW Department of Planning and outlined in Guidelines for Major Project Community Consultation (Oct 2007) require the proponent to consult with the community and stakeholders to ensure *"that informed views, knowledge from the community and the communities preferences"* are taken into consideration in the assessment process and decision making and to ensure that *"factual information"* about a proposal is widely available to people with an interest.

Both the EA and the Modification Application lack factual information; in fact, the information provided is inconsistent and possibly a duplicitous approach to consultation.

The issues and concerns of residents and interested parties have not been included in either of the documents.

Boral has lost the opportunity to work with the community to achieve positive outcomes for both itself and the community through the failure to properly consult.

7.3 Concerns with Consultation Pre Lodgement

Boral is a major company that has significant resources available to it to prepare the documentation for both of these projects. With the timelines provided in the EA, Boral would have been preparing to lodge the EA for a minimum of two years.

The majority of residents first learnt about the Berrima Colliery application in November 2010, when Ms Pru Goward MP, at the instigation of the residents, met with a small group of them in Medway.

Medway residents were introduced to Mr Brett McLennan, Consultant for Boral Cement, in late November 2010 at a meeting organised by the Southern Highlands Coal Action Group. At this meeting Mr McLennan was unable to provide the residents with any quantifiable data as to when and how Boral had attempted to consult with the residents and interested parties about the Berrima Colliery proposal and/or approval for B-Double haulage on Medway Road.

Mr McLennan informed residents that Boral had approval from Wingecarribee Shire Council for the use of B-Double vehicles on Medway Road.

The residents requested through Mr McLennan that Boral organise community consultation with all local residents relevant to the proposed project. Mr McLennan advised that Boral would initiate consultation in the New Year.

On 7 January 2011 some residents picked up an open letter from Boral at the Berrima Post Office informing residents that Boral would be transporting a shipment of coal from the Berrima Colliery to the Port Kembla Coal Terminal over the next few weeks. The letter stated: *"At this stage, coal will be transported from Saturday 8 January"*. In short, the letter was available to residents to collect at the post office with their mail only the day before the export campaign commenced.

The majority of residents were not aware of this export campaign until very early in the morning on 8 January 2011 when residents were subjected to a large and continuous number of heavy vehicles traversing Medway Road.

The export campaign showed a blatant disregard for the safety and welfare of the local community and the letter in no way prepared residents for what they would be subjected to from such a large number of truck movements, the additional noise and dust from trucks and workings at the mine in this January campaign.

B-Doubles were used in this campaign illegally because Medway Road has not been gazetted for such use.

In February 2011, Boral invited residents to the Berrima Colliery for two information sessions on 18 and 19 February so that the company could update residents on the application and to discuss recent concerns regarding truck movements.

Residents were told that the company would organise further community consultation in support of its application to DoPI. They explained that they had been running community consultation re Berrima Cement Plant for a number of years.

Medway residents were invited to community consultation on 30 May 2011. Medway residents were then uninvited and rescheduled for 8 June 2011, as Boral had also invited New Berrima residents to the consultation on 30 May 2011 re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act

1979. The timing of the consultation on 30 May 2011 and 8 June 2011 by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions NOT COMMUNITY CONSULTATION**.

7.4 Summary of Concerns Pre Lodgment

- (a) At no time did Boral or Wingecarribee Shire Council attempted to consult with the local community regarding B-Double haulage on Medway Road.
- (b) At no time did Boral attempt to consult with the community with regard to the concentrated export campaign that it carried out in January 2011. Boral belatedly informed a few residents. It is most relevant that this campaign occurred closely after New Year when most people are on holidays or enjoying quiet recreation at home.
- (c) Following the community's outrage at this campaign, Boral surreptitiously submitted the Modification Application to DoPI without any attempt to consult with the community or gain any *"informed views or the community's preference"*.
- (d) Therefore the views and concerns of residents and interested parties are not included in the EA and Modification Application.
- (e) These are not the actions of a good corporate citizen wanting to work closely with the community to achieve positive outcomes and to inform DoPI of the community's concerns so that informed decisions can be made.

7.5 Concerns with Consultation Post Lodgment

On 30 May 2011 residents learnt that Boral had engaged the services of independent facilitators for some five years to run the community consultation meetings regarding issues with the cement works at New Berrima and potable water for Medway village.

At the request of both Medway and New Berrima residents a combined community consultation, rather than two separate ones, was undertaken in New Berrima on 8 June 2011, using Boral's independent facilitators. The information provided to residents was conflicting and was not quantifiable in relation to the impacts of additional heavy vehicle movements, noise and dust generated from additional traffic movements and the workings from the mine and cement works site.

Boral staff, when questioned in relation to specific facts and data provided in the EA and Modification Application, would often reply with *"we can't answer that now and we will have to get back to you"*.

Wingecarribee Shire Council conducted a meeting on 15 June 2011 for Medway residents regarding heavy vehicle movements on Medway Road, in particular B-Double haulage.

The community voted not to have B-Double haulage on Medway Road, a road that is classified as a local road and is technically not suitable for any heavy haulage.

7.6 Summary of Concerns Post Lodgment

- 1. In the two years that Boral had been preparing to lodge the EA, it chose not to use its independent facilitators to engage with the community in the preparation of its application.**
- 2. At the time of preparing this submission, Boral staff had not provided residents with factual and quantifiable data in response to questions asked at the consultation meetings post lodgment of the EA and Modification Application.**

7.7 Concerns with the Lack of Information in the Berrima Colliery EA

7.7.1 Community Engagement

Pages 28 and 29 of the EA provide information on community consultation and community engagement. The information provided does not detail the number and type of meetings, the number of people attending or engaged with or how people were notified of any proposed consultation.

The residents question the contrast between the very detailed table provided in the EA on the laudable consultation undertaken with the indigenous community and yet no specifics are offered under the section addressing community engagement.

7.7.2 Risk Assessment

The summary provided in the risk assessment (on page S.2 Executive Summary) is questionable from the residents' perspective. A risk assessment should be prepared in consultation with all affected parties to try and eliminate and/or reduce the hazards.

At no time were any residents consulted or had any input into the risk management process for the EA, in particular in relation to heavy vehicle movements on Medway Road.

Our residents group rejects the assertion in the EA (on page S.2 Executive Summary) which states: *"Overall the proposal is expected to have a positive socio-economic impact. Potential negative socio-economic impacts from subsidence, loss of groundwater, traffic noise and air quality, surface water quality, ecology and heritage have been assessed and found to be non-significant."*

7.7.3 Noise and Dust

At no time has Boral been in consultation with the residents or landholders in relation to noise and dust impacts from the current and/or proposed operations associated with Berrima Colliery (pit top operations, coal haulage or other associated vehicle movements on Medway Road). There is no information provided in the EA or Modification Application in relation to feedback or recommendations from the community on noise or dust impacts.

7.7.4 Continuing Operations

The residents question the lack of information provided in the EA and Modification Application to support the application under existing use rights and continued operations for the Berrima Colliery. The intention is to no longer just supply coal for domestic purposes but to commence a business of exporting coal and more than double its historical output of coal per annum.

The existing conditions for Berrima Cement Works allow for the stockpiling of coal for use in cement production. However a modification to planning approvals is required for the stockpiling of coal for sale. Residents do not agree that the coal stockpiling proposal is a minor modification to be assessed under section 75W of the NSW Environment Planning and Assessment Act 1979.

7.8 Conclusion

The residents question the integrity and transparency in Boral's methodology for consulting with the community regarding projects that will have significant impacts on the lives and well being of local residents and our environment. Of great concern is the fact that Boral had a model and methodology for communicating with the local community in place for 5 years and yet they chose not to work with Medway residents in preparing their applications for Berrima Colliery and the New Berrima Stockpile until they had lodged both applications with DoPI.

Throughout this process Boral has chosen to confront the community with its intentions rather than enter into prior meaningful consultation. The opportunity for positive outcomes for both the company and the community has been lost.

Both the EA and the Modification Application lack factual information in relation to consultation, traffic movements and the impacts in relation to noise, dust and air quality. The residents and interested parties do not believe that Boral fulfilled the requirements to consult set by the NSW Department of Planning as outlined in Guidelines for Major Project Community Consultation (Oct 2007), specifically *"that informed views, knowledge from the community and the communities*

preferences” were not taken into consideration in the assessment process and decision making.

Therefore the residents of Medway and surrounding properties request that the Minister for Planning (as per Guidelines for Major Project Community Consultation (Oct 2007)) appoint a panel of experts to provide independent advice and hold a public hearing so that the panel and the community can be fully informed of all factual information on the issues that will have a high impact on the local community prior to any applications being granted approval.

CHAPTER 8 - CONCLUSION

- 8.1 Boral is a major company with significant resources available to it to prepare Environmental Assessments for both projects. With the timeline provided, Boral would have been preparing to lodge the EA for a minimum of 2 years, yet the residents were only given 28 days for comment from the EA going on exhibition. This was extended to 60 days after protests from the community.

The residents have had to properly assess a very complex and technical document (of approximately 1,000 pages) that contains many inconsistencies and contradictions.

We have not had the expertise or funds available with which to engage legal and technical advice, unlike Boral with its vast technical and financial resources.

Boral has showed a blatant disregard for the safety and wellbeing of the community by stating that the impacts from both proposals are “*NON-SIGNIFICANT*”.

We believe both proposals will have a VERY significant impact.

- 8.2 Therefore, the residents request:

1. That under the formalisation of the existing use rights Boral be approved to produce up to 220,000 tpa and for the additional tonnes up to 460,000 a separate DA be submitted.
2. With regard to DA No. 401-11-2002-1 Mod 6 for Berrima Cement Works Stockpile Boral can't transport coal to Port Kembla for export until an approved method of haulage exists. Following the failure of a concentrated campaign in January 2011, Boral has proposed a high turnover buffer stockpile of some 25,000 tonnes be located at the Berrima Cement Works. From paragraph 5.6 – Transportation on page 19 of the EA, up to 340,000 tpa could go through this stockpile. This separate proposal is now publicly exhibited and contains significant issues in its own right.

Until the issues regarding buffer storage are resolved, it is requested that the current consideration of the Berrima Colliery Continued Operations Environmental Assessment be deferred.

3. We ask that Boral be requested to complete a separate DA for the management of the Loch Catherine Stockpile.

- 8.3 The following list of issues needs to be considered and resolved before any decision can be made by DoPI on the items in 8.2 above:

1. For an informed decision to be made, we ask that Boral's production statistics for the past 25 years be investigated and verified by an independent party agreed upon by both Boral and the residents group, to confirm the accuracy of the records on which Boral has based its existing use rights EA.
2. As Medway Road is unsuitable for heavy vehicles as per AUSTROAD standards, before there is any increase in heavy vehicles that Boral upgrade the road and maintain it to AUSTROAD requirements.
3. That a haul road, bypassing Medway village, be constructed by Boral, one that does not impact on the residents and which also provides Boral with a safe and "whole of life of colliery" sole-purpose haul route.
4. That Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts on dust, noise and water quality for local residents and the environment and that DoPI insists all loads leaving the mine and stockpile areas be covered.
5. The hours of operation of the colliery and truck movements be adjusted to between 7.00 am and 6.00 pm Monday to Friday and between 7.00 am and 1.00 pm on Saturdays, with NO movements on Sundays and public holidays, typical to hours of comparative operations.
7. The colliery, under its current existing use rights, has not been subjected to the same environmental constraints that other mines operate under. We request these same constraints be applied to Berrima Colliery.
8. Ensure that environmental standards are met at the stockpile at Loch Catherine as the runoff from this is into the Sydney Catchment area.

This submission raises many issues crucial to the health and well-being of the residents of Medway, surrounding properties and also the environment. We ask that the Minister and the Department seriously consider our concerns and undertake further investigations, on the above issues, to provide a full and factual information base, on which to make decisions to provide positive outcomes both for Boral Limited and the local community.



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24th February, 2011

Coal haulage on Medway Road with Semi Trailers and B Doubles.

This brief report addresses some of the observed conditions on Medway Road and its suitability to have existing semi trailer use or to increase this to the use of B Doubles for coal haulage. Particular attention is given to the concentrated haulage regimes used to meet specific coal export targets.

Boral, owners of the Medway Colliery have advised of their intention to increase coal production from the existing 220,000 tonnes per annum used to meet the needs of cement manufacture to 460,000 tonnes per annum. This increase is intended for export or for other domestic users.

The issues of dust, noise and traffic observed on site do not accord with the Preliminary Environmental Assessment prepared by EMGA/MitchellMcLennan. For example, the consequence of dust on an asthmatic is major and observed practices make it almost certain elevating its priority from a 4(moderate) to a 9 (critical). Most significantly, the impact of a traffic event is most likely and its consequences are catastrophic lifting its priority from 7 to 9 or 10. Noise impacts of pit top operations are lifted from an assessed 4 to being quite likely with a serious impact going from 4 to 8. The Preliminary Environmental Assessment has been carried out without input from the community and is flawed.

1. Reference Documents

The following two documents have been used to provide design requirements for new operations such as the high intensity coal haulage campaigns now being carried out. The existing condition of Medway road is compared with these current requirements.

- Austroads Guide to Road Design Part 3: Geometric Design
- Austroads Guide to Traffic Management Part 5: Road Management.

2. Road design and construction expertise.

Rob Parker, the principal of Rob Parker Engineering P/L has managed, constructed or designed a significant number of road pavements and formations including:

- Leichardt to Cook Colliery haul road which was shared with private vehicular transport near Blackwater, Qld
- Capricorn Highway to Blackwater Mine access road (8km)
- South Blackwater mine access road (12km)
- Numerous subdivisions and arterial roads in Calwell in the ACT and Blackwater in Qld.
- Berrima Bypass in the Wingecarribee region plus urban roads at Welby and Allambie Road, Old Mandemar Road and Greenhills Road in the Wingecarribee Shire.
- Roads, Bridge and Highway Access Ramps at the Twin Shell Service Centres on the Hume Highway at Sutton Forest
- All roads and earthworks at the Tuggeranong Town Centre in the ACT.
- M5 Tollway western section in the Sydney region.
- Numerous minor roads in factory developments and temporary bypass tracks in highway construction.

Rob Parker holds a Masters in Engineering Science from the University of NSW and has some 36 years experience as a practicing Civil Engineer.

3. Description of current road use

2.1 Calculation of daily traffic flows

Medway road has traditionally been used to provide access to private properties located at Medway and along the route at numerous locations. It also carries traffic to and from Medway mine and a school and town bus service. Coal deliveries to the cement plant have been met by two semi trailers operating at around three trips each per hour.

Road design uses as an important parameter the actual frequency of use or AADT. In the absence of a formal traffic count we have determined the AADT – Average Annualised Daily Traffic as follows:

Item	Description	Daily trips	AADT
Residential Use	49 residences*0.8 discount = 39	2 cars*3 trips one way	234
Mine Workers	Allow for 38	3*38	114
Current Coal haulage	2 trucks to cement production	2 tr*9 hrs*3 trips*2 ways	108
Bus	School plus general	3 trips*2	6
Commercial and Oasis		20*2	40
		Total	502

Table 1 - Calculation of existing AADT for Medway Road

Coal haulage using B Doubles takes place in concentrated campaigns. The most recent campaign was from the 8th January to 21st. It was noted during that cycle that 18 B doubles and 7 semis were counted into the mine in the first 3 hours. We assume for the purposes of this report that haulage to the cement plant was suspended during this campaign. We also assume that each truck carried out 3 cycles to Port Kembla over a 12 to 14 hour period.

The new AADT calculation under this regime is

Item	Description	Daily trips	AADT
Residential Use	49 residences*0.8 discount = 39	2 cars*3 trips one way	234
Mine Workers	Allow for 63	3*63	189
Port Kembla Coal haulage	25 trucks to haulage	3 trips*2 ways*25 trucks	158
Bus	School plus general	3 trips*2	6
Commercial and Oasis		20*2	40
		Total	627

Table 2 - Calculation of new AADT for Medway Road with intense coal haulage campaign

If haulage of coal to the cement plant was carried out in parallel with the use of the B doubles then the AADT would increase to 1129. This is thought to be unlikely as they may not be sufficient loader capacity to meet this production.

We know that the drivers who deliver coal to the cement plant are very aware of the needs of the local community and are sensitive to it.

Note that the truck drivers working under the concentrated export regime are new to the local conditions and the actual personnel may change with each campaign. They do not come from the area and they are not so aware of the need to reduce their impact upon the local residents and the school bus.

3 Road Widths

Existing widths vary along the route and are documented in detail in Appendix A

Section	Length	Seal width	Comment
Colliery gate to Loch Catherine intersection	450m	7.0m to 5.2m	No defined shoulders
Medway village in 50km/hr Zone	650m	6.5m to 6.8m	No defined shoulders
From Medway 100km/hr zone to start of 80km/hr zone	2,800m	7.0m to 7.3 m, one small bit at 7.7m	No defined shoulders
Start of 80km/hr zone through to start of new highway construction seal	250m	7.2 m	No defined shoulders
Highway construction zone east to old pavement	850m	Varies, Lanes line marked at 3.3 – 3.5m widths, shoulders sealed at 1.35m to 1.9m	Sealed shoulders and line marked throughout
Old Pavement zone east of highway overpass	400m	Varies, Lanes line marked at 3.4 – 3.5m widths, shoulders sealed at 1.0m	Sealed shoulders and line marked throughout
New Pavement up to roundabout	100m	Lanes line marked at 3.5m widths, shoulders sealed at 1.3m	Sealed shoulders and line marked throughout
Taylor Avenue to Argyle st	1000m	Lanes line marked at 4.0m widths, shoulders sealed at 0.8m	Sealed shoulders and line marked throughout

Table 3 Existing seal widths, Medway to New Berrima

We have compared the existing widths with those recommended for new road construction. The following text and table are taken from Austroads Guide to Road Design Part 3: Geometric Design

4.2.6 Rural Road Widths

The desirable lane width on rural roads is 3.5 m. This width allows large vehicles to pass or overtake without either vehicle having to move sideways towards the outer edge of the lane. The lane width and the road surface condition have a substantial influence on the safety and comfort of users of the roadway. In rural applications the additional costs that will be incurred in providing wider lanes will be partially offset by the reduction in long-term shoulder maintenance costs. Narrow lanes result in a greater number of wheel concentrations in the vicinity of the pavement edge and will also force vehicles to travel laterally closer to one another than would normally

happen at the design speed. Drivers tend to reduce their travel speed, or shift closer to the lane/road centre (or both) when there is a perception that a fixed hazardous object is too close to the nearside or offside of the vehicle. When there is a perceived fixed hazard, there is a movement by the vehicle towards the opposite lane line.

Element	Design AADT				
	1 – 150	150 – 500	500 – 1,000	1,000 – 3,000	> 3,000
Traffic lanes(1)	3.7 (1 x 3.7)	6.2 (2 x 3.1)	6.2 – 7.0 (2 x 3.1/3.5)	7.0 (2 x 3.5)	7.0 (2 x 3.5)
Total shoulder	2.5	1.5	1.5	2.0	2.5
Minimum shoulder seal (2),(3),(4),(5),(6)	0	0.5	0.5	1.0	1.5
Total carriageway	8.7	9.2	9.2 – 10.0	11.0	12.0

Table 4 - Single carriageway rural road widths (m)

Copy of table 4.5 from referenced text

1. Traffic lane widths include centre-lines but are exclusive of edge-lines.
2. Where significant numbers of cyclists use the roadway, consideration should be given to fully sealing the shoulders. Suggest use of a maximum size 10mm seal within a 20 km radius of towns.
3. Wider shoulder seals may be appropriate depending on requirements for maintenance costs, soil and climatic conditions or to accommodate the tracked width requirements for Large Combination Vehicles.
4. Short lengths of wider shoulder seal or lay-bys to be provided at suitable locations to provide for discretionary stops.
5. Full width shoulder seals may be appropriate adjacent to safety barriers and on the high side of superelevation.
6. A minimum 7.0 m seal should be provided on designated heavy vehicle routes (or where the AADT contains more than 15% heavy vehicles).

The lane widths are also determined by the radius of curves that exist along the route. A reverse curve exists near Liebman's Road as shown on Figure 2 - Plan on Medway Road showing access points.

This contains a tight sub 200m radius curve to the east and a compound curve with an overall radius of around 400m to the west. The eastern curve has substantial pavement failures and is causing trucks to move out towards the oncoming traffic – this is currently a very dangerous practice and urgent action including speed reductions or cessation of operations should be put into place to prevent this. Refer to Figure 1 - Pavement failures on tight curve.



Figure 1 - Pavement failures on tight curve

4 Lane width recommendation

The selection of appropriate lane widths should take account of:

- AADT values of exceeding 500 and
- curves requiring tracking by semi trailers and B Doubles,
- Long historical use of the road by large groups of cyclists
- Tight curve of less than 200m radius.
- Compound radius curve of around 400m.
- Discretionary stops by and school bus, horse floats and commercial road users.

Table 2 recommends the use of 3.5metre lanes as a starting point with sealing of 1.5m wide shoulders to ensure that safety of cyclists. This results in a total seal width of 10.0m. The widening treatment at the curves and bus stops could be localised to those areas to take account of trailer tracking and safe setting down of pupils.

We note that Taylor Avenue currently has 4.0m lane widths with 0.8m sealed shoulders giving a total seal width of 9.8m

At the very least therefore the pavement seal and line marking should be no less than Taylor Avenue though adjustment needs to be made for cyclists.

5 Speed Restrictions

Current speed limit on much of the road is 100km/hr including through the reverse curve section.

References used in selecting the appropriate speed limit include:

- 5.1 Table 7.5: of Austroads Guide to Road Design Part 3: Geometric Design wherein minimum radii of horizontal curves based on superelevation and side friction at maximum values provides for a maximum design speed of 80 km/hr for the 200m radius curve. Speed limits are generally 10km/hr slower than the design speed resulting in a posted speed limit in this section of 70km/hr.
- 5.2 Appendix B lists recommended speed limits in Australia for various road classifications. We consider that Medway road falls into either a Rural Road classification with a sealed road passing through sparse areas of development (i.e. small townships or hamlets) or in urban fringes where alignment is not suitable for the default rural limit of 100 km/h. In this case the speed limit would be 80km/hr or,
- 5.3 It is an undivided arterial road within a partially developed roadside environment with low levels of direct access in which case the speed limit is 70km/hr. In the zone in question we have 11 entrances over a distance of 2.8km.
- 5.4 From the above mentioned references and given the concentration of entrances along the road plus the need to protect bicycle riders, the appropriate speed limit is not more than 70km/hr but may be less.

6 Structural capacity of existing pavement

- The northern loaded shoulder has significant levels of subgrade failure in at least nine locations.
- The table drains have not been properly constructed and do not drain to the major cross drains. The poor road drainage increases the pavement failures.
- No subsoil drains are evident to drain the pavement or subgrade.
- Where subgrade failures are evident, the pavement material is of a poor quality. It is not consistent with material used on a dedicated heavy haul route where at least 30% of the traffic consists of semi trailers or B doubles.

The pavement can be expected to deteriorate significantly with each haulage campaign and this will force trucks to move towards the centre of the road. This will significantly increase the danger of head on collisions and impact with cyclists which generally results in death.

7 Dust and noise control

Large amounts of dust are generated on the entrance from Loch Catherine as shown in the Figure 2. This dust blows across the village via the prevailing west and south west winds.

No measures are in place to control this dust and it clearly represented a health hazard and significant nuisance to house holders. Likewise, on the day of the inspection the noise of the loader was quite audible from Medway village



Figure 2 - Dust generation on Loch Catherine Road

8 Construction Recommendations

The road construction needs to suit that of a dedicated heavy haul route. Under the coal export campaigns it is not a quiet rural road. The new road use regime is a significant departure from its former function and neither the road nor the community have previously been subjected to this pattern of use with B doubles and semi trailers. It is the intensity of the campaigns which constitutes a major element in the changed usage. This mimics the patterns of haulage more akin to a 1.5 million tonne per year export than the publically advised 260,000 tonne increment.

8.1 Increase in road seal width.

The pavement seal needs to increase from the existing 6.5m in Medway and around 7.2m elsewhere to at least 10.0m universally throughout the haul route.

8.2 Line marking and sign posting

Line marking shall be installed along the entire length of the seal and consideration of reflective raised pavement markers where heavy haulage occurs after dark.

The revised speed limits together with signs warning of truck haulage and school bus zones need to be installed. It may also be beneficial for a warning sign to be placed at each end of the road when a coal haulage campaign is being carried out.

8.3 Increase in formation and pavement width

The formation and pavement need to be increased in width to accommodate the increased seal width. This will result in pavement widening of 3metres generally and 3.5 metres in Medway. To accommodate the axle loads of the coal trucks we would anticipate pavement depths of at least 400mm.

8.4 Drainage

- Subsoil drains are required in cuttings
- Culverts will require extension and correct signposting.

9 Disclaimer and Warning.

This is not a full or exhaustive list of upgrading requirements and all the suggested measures are subject to a more rigorous review at a design stage. As such, these recommendations need to be recognised as preliminary only. In particular the speed restrictions need more detailed analysis.

The use of semi trailers and B doubles on this road does not meet current design standards. Dangerous conditions currently exist. It is our recommendation that significant speed restrictions be put into place or a cessation of haulage occur until the road is properly constructed.

Prepared by Robert Parker,

M.Eng. Sci, M.I.E.Aust

Rob Parker Engineering P/L



Figure 3 - Plan on Medway Road showing access points

Appendix A

Medway Road Inspection

23rd and 24th February, 2011

Chainage Km	Location	Description or Comment	Seal Width (m)	Shoulders and drainage
0.00	Gate at Medway Colliery		7.2	No defined side drains
0.20	At "Y" branch	Pavement failure G1	5.4	
0.45	"Y" branch to Loch Catherine	Note significant dust generation		
				
0.50	Within built up zone 50km speed zone		6.8	No side drains
				

0.60	T Intersection Pavement failure G3		6.5	
1.10	100km sign		7.2	
1.30	Near No 440		7.1	Unsealed zone approx 0.8m
				
2.30	Near No 334	Pothole	7.0	1.0N, 0 S

2.40	Liebman's Rd		
2.5 – 2.7	Ends at G&L Morrison5 significant pavement failures G4 level, complete subgrade failure, low quality base course	7.7	0.5N,1.0S
			
2.80	Pavement. failure in cutting G2		

			
2.90	Pavement. failure in cutting G3	7.3	1.0N,1.0S
			
3.20	Pavement failure 41m long in nth shoulder and old pavement.	7.3	0.5N,0.5S
3.60		7.1	0.8N,1.0S
3.90	100/80km speed sign	7.2	
3.94	Pavement failure in crown G2		
4.00	Pavement failures at No 158	7.2	
4.10	Pavement. failure Nth shoulder		
4.15	Start new pavement and line marking Pavement. failure Nth. Note new pavement failing and seal failures	10.1	

			
4.20	LHS lane start, seal failures	3.3lane+3.2 island+3.3 lane = 9.8m seal	plus1.5+1.8 = sealed shoulders
5.00 – 5.40	Old pavement zone Southern shoulder failure G4	7.8	1.0N,1.0S unsealed
			

5.4	Start of new ramp to roundabout	7.0 + 1.2S+1.4N sealed shoulders	
			
5.5	Roundabout		

Appendix B – Summary of typical speed limits for Australia

GUIDE TO TRAFFIC MANAGEMENT PART 5: ROAD MANAGEMENT

Speed limits (km/h)	Road function	Typical application	Key features
10 and 20	Shared zone	Pedestrian malls Car parks	Roads where pedestrian and cyclist movements on the road have priority over motorised vehicles.
30	Local	Recreational areas Car Parks	Roads that circulate or traverse recreational areas (e.g. parks, gardens and sports fields) or that are in large car parking areas.
40	Local	Residential streets	Physical treatments may be necessary to constrain vehicle speeds.
	Local	Residential areas	The speed limit may be used on a precinct wide basis using physical treatments to constrain speeds to the imposed limit. Designated residential area is signed with regulatory signing at entry and exit points advising of the application and cessation of the 40 km/h speed limit.
	Local	Commercial areas	The speed limit may be applied on an area wide basis where there are high levels of pedestrian activity. Designated commercial area is signed with regulatory signing at entry points advising of the application of the 40 km/h speed limit. Regulatory speed limit signing advises road users exiting the area that they are entering a higher speed zoned road.
	Traffic	Strip shopping centres	Physical treatments may be necessary to constrain vehicle speeds. The speed limit may be applied on roads within a strip shopping centre during times of high crash risk to pedestrians.
	Local	Urban roads outside of schools	On local roads may need to be supported with physical treatments to constrain vehicle speeds.
	Traffic (part-time)	Urban roads outside of schools	On roads otherwise speed limited 50, 60, 70 and 80 km/h, the school zones may require 40 km/h school zone ahead sign with school times, or transition/buffer speed limit signs with school times.
50	Local	Residential streets and collector roads	Default urban speed limit. Undivided arterial roads within a commercial or industrial roadside environment.
60	Traffic	Urban arterial roads	Generally undivided roads within a residential road environment. Divided arterial roads within a commercial or industrial environment.
	Traffic (part-time)	Rural roads outside of schools	On roads otherwise speed zoned 80km/h or more. The school speed zones may require 60 km/h school zone ahead signs with school times, or transition/buffer speed limits signs with school times.
70	Traffic	Urban arterial roads	Generally divided roads within a residential road environment. Undivided arterial roads within a partially developed roadside environment with low levels of direct access
80	Traffic	Urban arterial roads	Divided arterial roads within a residential environment with service roads or minimal direct access to main roadway. Undivided arterial roads within a sparse roadside environment with very low levels of direct access.
80	Traffic	Rural roads	Sealed roads passing through sparse areas of development (i.e. small townships or hamlets) or in urban fringes where alignment is not suitable for the default rural limit of 100 km/h.
90	Traffic	Rural roads	Sealed roads passing through very sparse areas of development (i.e. small hamlets) where alignment is not suitable for the default rural km/h.
100	Traffic	Urban freeways/motorways	High standard urban roads with no direct access, clear zone requirements met and grade separated interchanges. Variable speed limits (VSL) may be operated on urban freeways and motorways. The speed limit alters to reflect changes in traffic flow conditions and may be reduced to 90, 80 or 70 km/h. This practice can improve safety and capacity during high demand times. The lower speed limits may also be operated when an on-road incident has occurred or during times of adverse weather conditions.

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

This report considers the transport impacts:

Berrima Colliery production level to 460,000 tpa and transport to Berrima CementWorks and to supply export coal through Port Kembla

The Transport Impact Assessment (TIA) (7 September 2010), prepared by ARUP, has been reviewed.

Proposal – Berrima Colliery production to 460,000 tpa

The TIA assesses the transport impacts associated with increasing Run of Mine coal production from 220,000 tpa to 460,000 tpa from Berrima Colliery.

Generally, the TIA limits the scope of assessment to (as listed in Sec. 1.2) to:

- *Assessment of existing site traffic and transport arrangements*
- *Review site parking provision and management*
- *Determine forecast traffic generation with the proposal and its impact to the surrounding road networks*
- *Assessment of the truck ingress, egress and circulation into the site and its impact on external road networks*
- *The impact of the proposal on road network traffic safety and efficiency*

It is considered that the TIA is deficient in its scope of assessment. Also, there are impacts from the Modification Application for Berrima Cement Works that compound issues on Medway Road, between the South Western Freeway and Medway village that have not been considered in the TIA. These issues mainly relate to extended hours of haulage of export coal for sale (4am to 4pm over 5 campaigns per year running for 5 - 7 days per campaign) from Loch Catherine and the Berrima Colliery to Port Kembla (via the South Western Freeway and Port Kembla). This has been discussed further in the report for the cement works modification application.

Additional issues which need to be considered, in terms of traffic impact on roads and villages under the care of Wingecarribee Shire Council, by this proposal include:

1. Appropriate criteria for assessing transport impact on local communities and the road network and access to the Berrima Colliery using local roads in the Medway village
2. The pavement condition of Medway Road
3. The use of Tri-axle tipper trucks vs B-Double vehicles
4. The expected increase in Colliery generated vehicle trips and consideration of the increase in haulage days per annum
5. Further consideration of reinstating the railway line between the colliery and the Berrima Cement Works.

1 Primary Considerations

As the Berrima Colliery is located in close proximity, and adjacent to the residential Medway village, from Council's perspective, impact particularly on that village should be assessed in detail. The TIA, whilst considering potential impact on the wider network (including Picton Road and other roads in the Wollongong and Port Kembla area), does not specifically consider impact on the Medway village (located immediately adjacent to the Berrima Colliery) and other residences between the village and the South Western Freeway, in particular.

As stated in the TIA, coal was transported from the Colliery by rail, at least in part, until the 1960's. Haulage from the colliery was, from that time, then undertaken solely by road.

Medway Road extends from the Old Hume Highway and terminates at the Berrima Colliery. Whilst there may be a view that Medway residents knew that they would be subjected to coal trucks at the time of purchase, there is another view that "the goal posts" continue to shift and that this proposal further compounds the problem (i.e. that of living safely with increasing volumes of heavy vehicles) for the residents in Medway that should be given detailed consideration.

As the TIA does not propose to provide physical improvements, reliance is placed upon adherence to the "Driver's Code of Conduct" (included in the TIA – Appendix F).

Whilst a "Driver's Code of Conduct" is helpful, this should not be relied upon as being the primary means of managing traffic impact on local residents. As the proposal considers an increase in extraction and moving production to a more intense operation, the likely increased use of contract drivers engaged to undertake haulage is likely to diminish the effectiveness of the Code of Conduct.

In the absence of any modifications to the road network, the safe co-existence of an increased volume of heavy industrial traffic and local residential traffic relies upon all drivers, pedestrians and other road users (of all ages) being fully aware of each others presence and activities and responding safely to those activities. As the proposal will most likely be in place for at least several decades (as the coal reserve, according to available information is considerable), the ability to sustain a safe co-existence over the long term, without appropriate physical measures, is considered improbable.

It is recommended that the Berrima Colliery internalise operations where possible. Whilst calculations of increased traffic need to be considered, attention should be given to establishing an inherently safe road environment, which the proposal does not effectively address.

Whilst developed as part of the Australian Transport Council's "National Railway Level Crossing Safety Strategy 2010-2020", the following desirable outcome would also apply to this situation, whereby, any road safety outcomes should be based on a *"....system that recognises human fallibility...."*.

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Predicted traffic volumes have been provided for an increase in daily traffic movements (and this will vary dependant on whether b-double trucks are used – or not). It should be pointed out that production (and presumably haulage) days will increase from 210 to 340 days per annum (TIA: Table 5). Currently, according to the TIA, 4 days per week (on average) are relatively heavy traffic free.

In effect it is proposed that production will move from an average 3 days per week, to an activity occurring 6 days per week, resulting in residents being exposed to the impacts of production and traffic most days of each year. It is considered that the exposure to the effects is considerably more significant than just considering an increase in traffic on a current average haulage day (3 days on average per week).

1.1 Medway Village

Whilst increased operational days and traffic will have an impact on village life amenity, this aspect is not considered specifically in this review. The increased activity will also result in an ongoing and increased exposure to risk by mixing additional heavy industrial traffic with residential life activity on the village road network.

In order for both activities to satisfactorily co-exist, a separation of activities is considered to be the best long term option for both the Colliery and the Medway village residents.

It is recommended that the Colliery access and village activities be physically separated, as the needs of the village and the colliery conflict and will most likely result, at some stage, in a serious adverse outcome.

Options to physically separate the two functions appear to be both feasible and reasonable, given the expected yield and life of the mine. Investigations into providing separate road access around the village (incorporating appropriate dust and noise suppression measures) should be undertaken.

In addition, the connecting road between the nearby Loch Catherine mine stockpile and the Berrima Colliery access gates should be modified to enable a clear physical separation between that road and the local village roads.

AUSTROADS “Guide to Traffic Management Part 12: Traffic Impacts of Developments”,
Sec.

2.1.4 Road Safety Considerations, states:

“...Road safety cannot always be resolved through design; it needs to be given prominence from the earliest stages of strategic planning. For example, if safety is not a primary consideration when the locations of land use zones are decided, intractable safety problems can arise”

Whilst it is acknowledged that land use zones in Medway are existing, the underlying advice in the AUSTROADS statement can still be applied in this situation, should all parties be willing to be open to consideration of options.

As stated, physical separation of Colliery and village traffic and transport activities is considered to be the appropriate countermeasure to the expected long term transport impact arising from this proposal in the Medway village precinct.

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1.2 Medway Road – between the village and South Western Freeway

Medway Road, between the village area and the South Western Freeway, currently performs conflicting road functions. Medway Road functions as a local access road for a number of residences between the village and the freeway, and as a haul road for the Colliery. Between the Medway village and the South Western Freeway, only a relatively minor number of residents on large land parcels need access to their properties from Medway Road.

However, as the number of property access points are low, this in itself introduces unexpected hazards as residents access their properties.

The expected increase in truck movements along Medway Road, due to this proposal, will most likely increase the use of contract drivers. These drivers are likely to be less familiar with movements in and out of properties along Medway Road. It is considered that this will create an unacceptable ongoing risk to the local residents. Basic measures are required to provide additional width to enable trucks to safely pass turning vehicles without stopping.

Separation of the two functions along the entire length outside of the village would appear to be practically possible but costly. However, it is considered that satisfactory improvements on the existing Medway Road alignment could be made at individual driveways by applying localised sealed shoulder widening to AUSTROADS "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections" BAR/BAL treatments Sec. 4.5.1. Note: "BAR" denotes a basic right turn treatment and "BAL" denotes a basic left turn treatment. Also sight lines for vehicles exiting driveways should meet AUSTROADS Approach Sight Distance requirements for the 85th percentile speed or 90kph (whichever is the greater). Generally this could include some roadside vegetation clearing, which will need to be replaced by appropriate offset planting. These treatments are considered to be the desirable minimum treatment that should be provided.

The proposed treatments will also enable buses to pick up and drop off passengers clear of traffic on Medway Road.

It should be noted that these treatments will include the shoulder widening requirements for B – double vehicles, at the driveway locations, as required by AUSTROADS and recommended in the Rob Parker Engineering Pty Ltd report "Coal Haulage on Medway Road with Semi Trailers and B Doubles" 24 February 2011.

Widening and upgrade of pavement and road facilities on Medway Road outside of the proposed treatment areas would still need to be undertaken to meet AUSTROADS standards for use of B – double vehicles as recommended in a separate Council report regarding the gazetted for use by B – doubles and proposed upgrade of Medway Road.

The intersection of Medway Road and Liebman's Road has a number of deficiencies that constitute a safety risk. Liebman's Road itself is unsealed and should be sealed for a distance of 25m minimum. Sight distance is restricted and could be improved by clearing roadside vegetation on the northeast corner of the intersection to establish minimum Approach Sight Distance to AUSTROADS standards. Provision of the AUSTROADS "BAR/BAL" treatment at this intersection is also recommended.

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1.3 Taylor Avenue and New Berrima

The TIA (Sec. 4.1) states *“there will be a likely future reduction in coal deliveries to the Berrima Cement works from 23 per day to 16, there will be reduction of 14 vehicles movements per day typically on Taylor Avenue, east of Old Hume Highway, which will result in a slight improvement in existing traffic movements on this road.”*

Impact on Taylor Avenue and New Berrima is given more detailed consideration in the report for the Berrima Cement Works Modification Application.

1.4 Determination of Additional Traffic

The estimation of additional traffic in the TIA needs to be re-determined.

The TIA (Table 5) states that 220,000 tpa, delivered over 210 production days generates 23 coal truck deliveries per day (i.e. about 1047 tonne per day). This implies that each tri-axle tipper (19m) will carry 45.55 tonne per vehicle, it is assumed that there must be at least 46 truck trips undertaken each day (on average). However, the Gross Mass Limit for each vehicle is only 42.5 tonne (this includes the weight of the truck and trailer) – so the calculations appear to be in error.

In comparison, Table 5 states that if production is increased to 460,000 tpa, delivered over 340 production days (i.e. about 1353 tonne per day), then, using a combination of tri-axle tipper and B-Double vehicles will be undertaken using 66 coal truck deliveries per day. This equates to about 20.5 tonne per vehicle. Whilst it is unclear as to the mix of tri-axes and boubles, it would be expected that using some proportion of larger vehicles, then the load per vehicle should be somewhat greater than the current situation – so these calculations do not appear correct.

These calculations should be reviewed by ARUP and resubmitted for further consideration.

2 Further Considerations

2.1 Appropriate criteria for assessing transport impact on local communities and the road network and access to the Berrima Colliery using local roads in the Medway village

Whilst the TIA provides commentary on a number of areas (e.g. Road Hierarchy and Berrima

Colliery Access) the TIA, in regard to roads and adjacent areas under the care and administration of Wingecarribee Shire Council, has only provided limited consideration of impact of increased Colliery generated traffic on:

- Intersection performance (Level of Service) of the Old Hume Highway/Taylor Ave
- Off-street parking (i.e. on the Colliery site) supply and demand

In regard to the above items, it is agreed that these facilities are adequate in their current form, as the TIA states.

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However, impact on the Medway village and residences between the village and Medway Road (approximately 4km in length) is of greatest concern and it is recommended that the impact on this area be assessed in more detail as discussed.

2.2 The pavement condition of Medway Road

The TIA does not provide details of existing pavement condition. It is recommended that a pavement condition report be prepared by ARRB, using the same procedures used for the 2009 Shire Wide Pavement Assessment to establish an existing base for future reference, and that this process be repeated each 3 years to the satisfaction of Council's Infrastructure Services Asset Branch.

In order to maintain a good quality pavement on Medway Road between the village and the South Western Freeway, an ongoing funding contribution from the Colliery is required. It is considered that an appropriate royalty based on each tonne transported from the colliery be the appropriate basis for the determination of the contribution.

2.3 The geometric and traffic facility requirements of Medway Road considering a proposal to use B-doubles

The TIA states (Sec. 3) that: *".....a separate feasibility study and application report is to be prepared for approval of B – Double vehicles for coal transport to/from the site."*

A separate Council Infrastructure Services report has been prepared for Council's consideration on this matter as discussed in 1.2.

2.4 The expected increase in Colliery generated vehicle trips and consideration of the increase in haulage days per annum

As stated, the actual traffic volumes outlined in the TIA (Table 5) appear to be in error and must be reviewed and resubmitted.

However, given that production will increase from 220,000 tpa to 460,000 tpa, at least a doubling of existing colliery traffic over a period of 12 months (based on the use of 19m Triaxletrucks) is expected. Additional light vehicle traffic is also expected due to an increase in mine visitors and contractors, which the TIA estimates to be in the order of 10-20 vehicle movements per day.

Should Medway Road be gazetted as an approved B-Double route, then overall numbers could be somewhat less, which would be a positive outcome in this respect.

Whilst the TIA states an increase in traffic of 26.6% per day, it should be noted that the TIA also states an increase in production days from 210 days per annum to 340 days per annum.

This transforms the Colliery into an intensive operation (including, presumably, at least some Sundays), operating 15 hours per day (6am to 9pm) during the week (as stated in the TIA Sec. 4.1).

These changes will result in a significant increased exposure to hazard risk from industrial traffic using Medway Road through the village and for residents requiring access to their properties between the village and the South Western Freeway.

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING activities of the colliery to that of residents as discussed in 1.1 of this report.

2.5 Further consideration of reinstating the railway line between the colliery and the Berrima Cement Works.

The TIA states in Sec. 2.1: *“A former railway line corridor still exists between the Colliery and the cement works but the railway has been non operational, since the 1960’s and the tracks have been lifted. The former railway underpass beneath the Motorway (Hume Highway) remains but reinstatement elsewhere would involve railway level crossings being reopened to cross both Medway Road and the Old Hume Highway.”*

During evaluation of the TIA, the option of reinstating the railway line was considered. Transport by rail between the Colliery and the Berrima Cement Works may at first appear to be a very attractive alternative option to road haulage. When further considered, as stated in the TIA, it would also require reinstatement of 2 railway level crossings. The NSW Dept of Transport is working actively to either upgrade existing level crossings or preferably eliminatethem. An application for the re-establishment of a disused crossing would most likely be unsuccessful and would be detrimental to the long term safety for traffic on Medway Road and the Old Hume Highway.

Pursuit of transferring transport to rail between the Colliery and the Berrima Cement Works may prove to be a distraction to focusing on achieving realistic road improvement outcomes. However, using rail to transport at least part of the stock pile report for the Berrima Cement Works Modification Application from the proposed stock pile at the Cement Works to Port Kembla should be given careful consideration as it uses a working rail system owned by Boral Pty Ltd

Based on the information in the TIA, only part of the coal would be delivered to the Berrima Cement Works. Due to double handling issues that would likely arise, it is most probable that road transport by trucks would still need to be used between the Colliery and the Cement Works, even should the rail line be reinstated.

It is recommended that a final position on the long term use of the rail corridor between Medway and the Old Hume Highway be established. Should it be found that the rail corridor not have a viable future, then it is recommended that the rail corridor should be considered (at least in part) for alternative use (e.g. as part of a Medway village bypass for access to the Colliery) and that the necessary legal processes be undertaken to remove it as a rail corridor freeing the corridor for other uses (e.g. the Medway village bypass).

Recommended inclusions into the Department of Planning and Infrastructure Submission

1. The applicant be requested to undertake a feasibility study into separating Berrima Colliery and Medway village traffic by way of constructing a Medway village bypass road with appropriate dust and noise suppression measures incorporated into the design. It should be noted that any future road forming a bypass of the Medway village for access to the Berrima Colliery and Loch Catherine mine shall be for the sole use of the colliery as a private haul road (and be developed to prevent access by others along the route of the bypass)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

2. The applicant investigate options to physically separate traffic moving between the Berrima Colliery and Loch Catherine mine from Medway village traffic.
3. The applicant provide AUSTROADS “BAR” and “BAL” road widening treatments and AUSTROADS Approach Sight Distance requirements for the 85th percentile speed of Medway Road or 90kph (which ever is the greater), at all private driveways along Medway Road, between the Medway village boundary (as defined in Council’s LEP) and the South Western Freeway, and any vegetation (of a reasonable size) removed in the process be replaced with Wingecaribee Shire Council approved offset planting.
4. The intersection of Liebman’s Road and Medway Road be improved to meet AUSTROADS “BAR/BAL” requirements, and that a minimum length of 25m of Liebman’s Road (measured from the existing seal on Medway Road) be bitumen sealed to meet Wingecaribee Shire Council requirements. That clear sight lines be established which meet AUSTROADS Approach Sight Distance requirements for the 85th percentile speed of Medway Road or 90kph (which ever is the greater) and any vegetation (of a reasonable size) removed in the process be replaced with Wingecaribee Shire Council approved offset planting.
5. Medway Road be upgraded as per the recommendations in the Director Infrastructure Services Council report to enable gazettal for use by B – doubles.
6. The applicant engage ARRB to undertake an existing pavement analysis and report of Medway Road between the South Western Freeway and the colliery gates (or the point of juncture of a future Medway village Bypass road) and that the analysis and report be repeated each 3 years thereafter.
7. A funding mechanism based on a per tonne production of coal royalty be developed for the purpose of maintaining Medway Road between the colliery and the South Western Freeway.
8. The future use of the railway corridor between the Berrima Colliery and the Old Hume Highway be determined in order to consider possible alternative options for the rail corridor, or parts thereof, as part of a future Medway village bypass road.
9. The applicant undertake community engagement in the development of proposal recommendations for further consideration

Naomi Montalto - Medway Residents Response to Borals RTS Berrima Colliery MP10-0172

From: Anne Hird <annii07@hotmail.com>
To: <howard.reed@planning.nsw.gov.au>
Date: 7/01/2012 4:56 PM
Subject: Medway Residents Response to Borals RTS Berrima Colliery MP10-0172
CC: Pru Goward <goulburn@parliament.nsw.gov.au>, Hon Chris Hartcher MP <office@hartcher.minister.nsw.gov.au>, Hon Brad Hazzard MP <office@hazzard.minister.nsw.gov.au>
Attachments: Letter to Premier re Borals RTS - Berrima Colliery.docx; Medway_Road_Report_Rev_final.pdf; WSC TIA Report. Medway Submission MP10_0172.docx.pdf; Medway Residents Response to Borals RTS.docx

Mr Howard Reed
 Manager Mining Projects
 Major Project Assessments
 NSW DoPI

Medway Group Response to Borals RTS - Berrima Colliery MP 10_0172

Dear Mr Reed,
 Thank you for allowing us to address some of our deep concerns to the Department

As previously stated by residents we are very concerned over the process applied by DoPI in determining Major Project applications. The community feels strongly that they should be given fair and equal time to respond to Borals Response to Submissions, particularly when the proponent has varied the wording, has not responded to all concerns in submissions and has negated the concerns of Medway, Medway Rd and surrounding property residents, the community that is most affected by Borals EA.

The Medway Group feel that our July submission to Borals EA does not cover aspects that are being detailed differently in Borals RTS. The community consider discrepancies and contradictions between the EA and the RTS need to be clarified and simplified by Boral and that the community should then have a right of reply.
 There are four attachments to this e-mail

att 1 : copy of a letter to the Premier outlining community reasons for requesting a full right of reply to Borals RTS

att 2 : copy of the Engineering Report from Rob Parker Engineering (M.Eng.Sci. M.I.E.Aust) clearly showing that Medway Road is unsuitable for any heavy vehicle

att 3 : copy of Wingecarribee Shire Councils Traffic Impact Assessment showing their concern over Borals lack of detail concerning increased, ongoing and unacceptable risks on a village road ; a request for review and resubmission of calculations from ARUP; concern of the significant increased exposure to hazard from industrial traffic due to the Berrima Colliery being transformed into an intensive operation.....thus the need for a by-pass road

att 4 : Residents of Medway and Surrounding Properties response to Borals RTS

We hope our concerns are able to be processed and considered before the final decision,

Yours faithfully

Annie Hird

Secretary

Residents of Medway and Surrounding Properties

Ph..4877 1615

12 December 2011

The Hon Barry O'Farrell MP
Premier NSW
Level 40, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Premier

Ref: Project 10_0172 - Request for the opportunity to reply to Boral's Response to Submissions to DoPI on the Continued Operations of the Berrima Colliery, Medway.

The Residents of Medway and surrounding properties are deeply concerned after reading Boral's Response to Submissions for Project 10_0172 Continued Operations of the Berrima Colliery and Application DA No. 401-11-2002-I MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to coal stockpiling.

We are concerned that:

A. The safety and impact to residents from these developments has been minimized and negated by Boral in both their EA and Response to Submissions.

B. We are also of the strong opinion that the process applied by DoPI in managing these applications is flawed and excludes the rights of residents and the community from having a fair hearing and being involved in the determining of outcomes that will greatly impact on the safety and amenity of their lives.

In June –July 2011 residents had a 28 day period, extended in our case to approximately 6 weeks (July 2011) to reply to the application for continued operations of Berrima Colliery and a second application for coal Stockpiling at the Berrima Cement Works which was presented to the community in late May 2011 by Boral. Boral on the other hand had known since 2005 that they had to submit an application for the continued operations of the Berrima Colliery and had been preparing their preliminary EA and liaising with government departments from 2008-9. Boral an international company has had unlimited resources available to it to prepare all of its documentation and inform the community of its intentions.

The EA and the response to the various submissions on the EA given by Boral are very long and detailed documents that fail to provide clarity to Medway residents on the impact of the proposed changes to the mines operation. Poorly drafted sections of the EA are clarified in the response to submissions but it is necessary to extract information from different sections of both documents to provide a picture of the impact on Medway residents. Medway residents are the group most affected by Boral's proposals we deserve better.

In order to maximize positive outcomes for the residents involved in the application for the continued operations of the Berrima Colliery and the coal stockpile at the Berrima Cement Works we the residents ask to be provided with clear and accurate information and be given a fair hearing by the DoPI and other government agencies involved in the process.

We ask for the following process to be undertaken:

1. That a short document be provided by Boral that consolidates and clarifies the impact on residents.

We seek clarification on the hours of production (Borals EA states no production after 1pm Saturdays and nothing on Sundays; the response to submissions states that Boral want to produce as per existing rights 24 hours per day, 7 days a week).

Throughout the EA and response documents Boral refers to hours of production at the Colliery, hours of operation for the colliery, hours of operation for stockpiling at Loch Catherine, hours of operation for and heavy vehicle movements to Loch Catherine, and hours of operation along Medway Rd either to the Cement Works or external customers. These hours are varied, confusing and conflicting.

The application talks in terms of historical averages for production being 220,000tpa, Boral are now asking to produce up to 460,000 tpa. The information given regarding hours of operation and coal truck movements required to produce 460,000tpa, equates to substantially greater production outcome than Boral has suggested.

There is also confusion as to the terminology relating to sales for internal and external customers. At what point is Berrima Cement Works considered a customer of Berrima Colliery? The determination of this impacts on the production figures provided by Boral and also on the noise, dust and heavy vehicle movements figures associated with actual production.

The residents group submitted an independent report on the condition of Medway Rd by Rob Parker Engineering and Wingecarribee Shire Council's Transportation Planning Engineer prepared a separate report in July 2011 according to standards set by AUSTROADS. Both reports clearly state that Medway Rd is not suitable for heavy vehicle movements, let alone the transportation by heavy vehicles of up to 460,000tpa. Medway Rd is classified as a local road and should not be used as a "quasi haul road" as it does not meet AUSTROADS Standards.

It would appear that these reports have been ignored in the response to submissions prepared by Boral. In fact the hard copy of the submission prepared by the Residents of Medway and Surrounding Properties although sent by registered mail has not been located within the DoPI. The residents question if either of the engineering reports on the condition of Medway Rd are being taken into consideration by relevant government agencies when applying the conditions of consent for all Boral Part 3 Applications currently with DoPI.

The clarity and accuracy of the information submitted by Boral should provide a clear picture to the residents as to how these applications will impact on road safety and the environmental issues of noise and dust created from the operations that will greatly reduce quality of lifestyle.

2. We ask that residents be included in a consultation and engagement process that includes a representative from DoPI, Wingecarribee Shire Council, Boral and agencies that have provided information on the impact and management relating to dust and noise.

We are extremely concerned that we have been excluded from a truly open community engagement process by both Boral and DoPI in the preparation and lodgment of Boral's applications with DoPI.

Mr Stuart Hutchins CEO, Berrima Cement has acknowledged on a number of occasions that Boral didn't get it right when consulting with the community. This admission has been made at their community information sessions in 2011 and in his presentations to Wingecarribee Shire Council. In fact Council has chastised Boral for their lack of community consultation and community engagement on a number of occasions. It was also stated at the Council Meeting 14.12.11 *"Boral has not been consistent in the information that they have providedsceptical of how they will manage their operations and Boral must be subject to scrutiny"*.

Mr Brett McClelland has offered various reasons as to why there was a lack of notification to residents concerning consultation. From "if no one was home then they couldn't legally come onto the properties" to Boral not wanting to pay the independently run local Post Office a fee to put Borals notices into people's PO Boxes. Residents accept none of the excuses.

The information provided in the response is totally subjective to Boral's cause and as in the EA's negates the impact that these developments will have on the local community.

Residents are also concerned that due to the "limited environmental data available from the colliery", the DoPI and Boral have "agreed" that the current application for continued operations should be for a period of 8 years without fully informing the community of this intention in all literature and correspondence relating to the application.

We question the relevance of an agreed period of 8 years when there is copious data available to both DoPI as the licensing authority and Boral on the conditions and parameters set for the operation of Coal Mines in NSW. Literature such as the "NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining prepared for DECCW KE1006953 December 2010 and available to all parties compares precedents for conditions of operation particularly in relation to dust. Other licensing approvals set out conditions pertinent to noise, working hours, traffic arrangements and water quality. Precedence gained from these conditions and parameters should be the determining factors when granting the license to operate and this should be for a 30 year period in line with other coal mines in NSW.

Proper processes for approval of applications to operate and precedents set should not be compromised by any government agency in the processing of Boral's applications.

Residents will be forced to put their lives on hold for another 10-15 years if the license is granted for only 8 years and then wait while a further application for 30 years is processed. Property values will be significantly affected, it will be difficult to sell properties and residents will be forced to continue to live in an unsafe environment that has severe affects on their quality of life.

3. We the Residents request a right of response to Boral's Response to Submissions

We ask that we be granted a full right of reply to Boral applications after we have been provided with the information that consolidates and clarifies the impact on residents.

4. Another important issue is the monitoring of the performance of the mine to ensure it lives up to its agreements.

The EA contains no such suggestions but it would be entirely reasonable for the Department to request that a monthly statistical report giving details of production and production hours and transportation information be supplied to the community.

The operating arrangements proposed by Boral have the potential to bring significant benefits to the company and their shareholders, with an increased burden falling on the residents of Medway. The Boral proposal does very little to ease the impact on Medway residents and we seek your support in the clarification of all data provided by Boral in relation to their applications, a fair hearing in relation to our very deep concerns as to the impact of these developments on residents, and the setting of conditions that provide for the safety and wellbeing of residents.

Yours faithfully

Annie Hird
Secretary
Residents of Medway and Surrounding Properties
"Somerset"
Medway Rd
BERRIMA NSW 2577

Mobile: 0404 476 054

cc: Premier NSW Premier Barry O'Farrell
The Hon Pru Goward MP – Member for Goulburn
The Hon. (Chris) Christopher Peter Hartcher, MP



Rob Parker Engineering Pty. Ltd.

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Medway Residents Group,

c/- Greg and Lynne Morrison

P.O. Box 7004

Berrima, NSW 2577

24th February, 2011

Coal haulage on Medway Road with Semi Trailers and B Doubles.

This brief report addresses some of the observed conditions on Medway Road and its suitability to have existing semi trailer use or to increase this to the use of B Doubles for coal haulage. Particular attention is given to the concentrated haulage regimes used to meet specific coal export targets.

Boral, owners of the Medway Colliery have advised of their intention to increase coal production from the existing 220,000 tonnes per annum used to meet the needs of cement manufacture to 460,000 tonnes per annum. This increase is intended for export or for other domestic users.

The issues of dust, noise and traffic observed on site do not accord with the Preliminary Environmental Assessment prepared by EMGA/Mitchell McLennan. For example, the consequence of dust on an asthmatic is major and observed practices make it almost certain elevating its priority from a 4 (moderate) to a 9 (critical). Most significantly, the impact of a traffic event is most likely and its consequences are catastrophic lifting its priority from 7 to 9 or 10. Noise impacts of pit top operations are lifted from an assessed 4 to being quite likely with a serious impact going from 4 to 8. The Preliminary Environmental Assessment has been carried out without input from the community and is flawed.

1. Reference Documents

The following two documents have been used to provide design requirements for new operations such as the high intensity coal haulage campaigns now being carried out. The existing condition of Medway road is compared with these current requirements.

- Austroads Guide to Road Design Part 3: Geometric Design
- Austroads Guide to Traffic Management Part 5: Road Management.

2. Road design and construction expertise.

Rob Parker, the principal of Rob Parker Engineering P/L has managed, constructed or designed a significant number of road pavements and formations including:

- Leichardt to Cook Colliery haul road which was shared with private vehicular transport near Blackwater, Qld
- Capricorn Highway to Blackwater Mine access road (8km)
- South Blackwater mine access road (12km)
- Numerous subdivisions and arterial roads in Calwell in the ACT and Blackwater in Qld.
- Berrima Bypass in the Wingecarribee region plus urban roads at Welby and Allambie Road, Old Mandemar Road and Greenhills Road in the Wingecarribee Shire.
- Roads, Bridge and Highway Access Ramps at the Twin Shell Service Centres on the Hume Highway at Sutton Forest
- All roads and earthworks at the Tuggeranong Town Centre in the ACT.
- M5 Tollway western section in the Sydney region.
- Numerous minor roads in factory developments and temporary bypass tracks in highway construction.

Rob Parker holds a Masters in Engineering Science from the University of NSW and has some 36 years experience as a practicing Civil Engineer.

3. Description of current road use

2.1 Calculation of daily traffic flows

Medway road has traditionally been used to provide access to private properties located at Medway and along the route at numerous locations. It also carries traffic to and from Medway mine and a school and town bus service. Coal deliveries to the cement plant have been met by two semi trailers operating at around three trips each per hour.

Road design uses as an important parameter the actual frequency of use or AADT. In the absence of a formal traffic count we have determined the AADT – Average Annualised Daily Traffic as follows:

Item	Description	Daily trips	AADT
Residential Use	49 residences*0.8 discount = 39	2 cars*3 trips one way	234
Mine Workers	Allow for 38	3*38	114
Current Coal haulage	2 trucks to cement production	2 tr*9 hrs*3 trips*2 ways	108
Bus	School plus general	3 trips*2	6
Commercial and Oasis		20*2	40
		Total	502

Table 1 - Calculation of existing AADT for Medway Road

Coal haulage using B Doubles takes place in concentrated campaigns. The most recent campaign was from the 8th January to 21st. It was noted during that cycle that 18 B doubles and 7 semis were counted into the mine in the first 3 hours. We assume for the purposes of this report that haulage to the cement plant was suspended during this campaign. We also assume that each truck carried out 3 cycles to Port Kembla over a 12 to 14 hour period.

The new AADT calculation under this regime is

Item	Description	Daily trips	AADT
Residential Use	49 residences*0.8 discount = 39	2 cars*3 trips one way	234
Mine Workers	Allow for 63	3*63	189
Port Kembla Coal haulage	25 trucks to haulage	3 trips*2 ways*25 trucks	158
Bus	School plus general	3 trips*2	6
Commercial and Oasis		20*2	40
		Total	627

Table 2 - Calculation of new AADT for Medway Road with intense coal haulage campaign

If haulage of coal to the cement plant was carried out in parallel with the use of the B doubles then the AADT would increase to 1129. This is thought to be unlikely as they may not be sufficient loader capacity to meet this production.

We know that the drivers who deliver coal to the cement plant are very aware of the needs of the local community and are sensitive to it.

Note that the truck drivers working under the concentrated export regime are new to the local conditions and the actual personnel may change with each campaign. They do not come from the area and they are not so aware of the need to reduce their impact upon the local residents and the school bus.

3 Road Widths

Existing widths vary along the route and are documented in detail in Appendix A

Section	Length	Seal width	Comment
Colliery gate to Loch Catherine intersection	450m	7.0m to 5.2m	No defined shoulders
Medway village in 50km/hr Zone	650m	6.5m to 6.8m	No defined shoulders
From Medway 100km/hr zone to start of 80km/hr zone	2,800m	7.0m to 7.3 m, one small bit at 7.7m	No defined shoulders
Start of 80km/hr zone through to start of new highway construction seal	250m	7.2 m	No defined shoulders
Highway construction zone east to old pavement	850m	Varies, Lanes line marked at 3.3 – 3.5m widths, shoulders sealed at 1.35m to 1.9m	Sealed shoulders and line marked throughout
Old Pavement zone east of highway overpass	400m	Varies, Lanes line marked at 3.4 – 3.5m widths, shoulders sealed at 1.0m	Sealed shoulders and line marked throughout
New Pavement up to roundabout	100m	Lanes line marked at 3.5m widths, shoulders sealed at 1.3m	Sealed shoulders and line marked throughout
Taylor Avenue to Argyle st	1000m	Lanes line marked at 4.0m widths, shoulders sealed at 0.8m	Sealed shoulders and line marked throughout

Table 3 Existing seal widths, Medway to New Berrima

We have compared the existing widths with those recommended for new road construction. The following text and table are taken from Austroads Guide to Road Design Part 3: Geometric Design

4.2.6 Rural Road Widths

The desirable lane width on rural roads is 3.5 m. This width allows large vehicles to pass or overtake without either vehicle having to move sideways towards the outer edge of the lane. The lane width and the road surface condition have a substantial influence on the safety and comfort of users of the roadway. In rural applications the additional costs that will be incurred in providing wider lanes will be partially offset by the reduction in long-term shoulder maintenance costs. Narrow lanes result in a greater number of wheel concentrations in the vicinity of the pavement edge and will also force vehicles to travel laterally closer to one another than would normally

happen at the design speed. Drivers tend to reduce their travel speed, or shift closer to the lane/road centre (or both) when there is a perception that a fixed hazardous object is too close to the nearside or offside of the vehicle. When there is a perceived fixed hazard, there is a movement by the vehicle towards the opposite lane line.

<i>Element</i>	<i>Design AADT</i>				
	<i>1 – 150</i>	<i>150 – 500</i>	<i>500 – 1,000</i>	<i>1,000 – 3,000</i>	<i>> 3,000</i>
<i>Traffic lanes(1)</i>	<i>3.7 (1 x 3.7)</i>	<i>6.2 (2 x 3.1)</i>	<i>6.2 – 7.0 (2 x 3.1/3.5)</i>	<i>7.0 (2 x 3.5)</i>	<i>7.0 (2 x 3.5)</i>
<i>Total shoulder</i>	<i>2.5</i>	<i>1.5</i>	<i>1.5</i>	<i>2.0</i>	<i>2.5</i>
<i>Minimum shoulder seal (2),(3),(4),(5),(6)</i>	<i>0</i>	<i>0.5</i>	<i>0.5</i>	<i>1.0</i>	<i>1.5</i>
<i>Total carriageway</i>	<i>8.7</i>	<i>9.2</i>	<i>9.2 – 10.0</i>	<i>11.0</i>	<i>12.0</i>

Table 4 - Single carriageway rural road widths (m)

Copy of table 4.5 from referenced text

1. Traffic lane widths include centre-lines but are exclusive of edge-lines.
2. Where significant numbers of cyclists use the roadway, consideration should be given to fully sealing the shoulders. Suggest use of a maximum size 10mm seal within a 20 km radius of towns.
3. Wider shoulder seals may be appropriate depending on requirements for maintenance costs, soil and climatic conditions or to accommodate the tracked width requirements for Large Combination Vehicles.
4. Short lengths of wider shoulder seal or lay-bys to be provided at suitable locations to provide for discretionary stops.
5. Full width shoulder seals may be appropriate adjacent to safety barriers and on the high side of superelevation.
6. A minimum 7.0 m seal should be provided on designated heavy vehicle routes (or where the AADT contains more than 15% heavy vehicles).

The lane widths are also determined by the radius of curves that exist along the route. A reverse curve exists near Liebman's Road as shown on Figure 2 - Plan on Medway Road showing access points.

This contains a tight sub 200m radius curve to the east and a compound curve with an overall radius of around 400m to the west. The eastern curve has substantial pavement failures and is causing trucks to move out towards the oncoming traffic – this is currently a very dangerous practice and urgent action including speed reductions or cessation of operations should be put into place to prevent this. Refer to Figure 1 - Pavement failures on tight curve.



Figure 1 - Pavement failures on tight curve

4 Lane width recommendation

The selection of appropriate lane widths should take account of:

- AADT values of exceeding 500 and
- curves requiring tracking by semi trailers and B Doubles,
- Long historical use of the road by large groups of cyclists
- Tight curve of less than 200m radius.
- Compound radius curve of around 400m.
- Discretionary stops by and school bus, horse floats and commercial road users.

Table 2 recommends the use of 3.5metre lanes as a starting point with sealing of 1.5m wide shoulders to ensure that safety of cyclists. This results in a total seal width of 10.0m. The widening treatment at the curves and bus stops could be localised to those areas to take account of trailer tracking and safe setting down of pupils.

We note that Taylor Avenue currently has 4.0m lane widths with 0.8m sealed shoulders giving a total seal width of 9.8m

At the very least therefore the pavement seal and line marking should be no less than Taylor Avenue though adjustment needs to be made for cyclists.

5 Speed Restrictions

Current speed limit on much of the road is 100km/hr including through the reverse curve section.

References used in selecting the appropriate speed limit include:

- 5.1 Table 7.5: of Austroads Guide to Road Design Part 3: Geometric Design wherein minimum radii of horizontal curves based on superelevation and side friction at maximum values provides for a maximum design speed of 80 km/hr for the 200m radius curve. Speed limits are generally 10km/hr slower than the design speed resulting in a posted speed limit in this section of 70km/hr.
- 5.2 Appendix B lists recommended speed limits in Australia for various road classifications. We consider that Medway road falls into either a Rural Road classification with a sealed road passing through sparse areas of development (i.e. small townships or hamlets) or in urban fringes where alignment is not suitable for the default rural limit of 100 km/h. In this case the speed limit would be 80km/hr or,
- 5.3 It is an undivided arterial road within a partially developed roadside environment with low levels of direct access in which case the speed limit is 70km/hr. In the zone in question we have 11 entrances over a distance of 2.8km.
- 5.4 From the above mentioned references and given the concentration of entrances along the road plus the need to protect bicycle riders, the appropriate speed limit is not more than 70km/hr but may be less.

6 Structural capacity of existing pavement

- The northern loaded shoulder has significant levels of subgrade failure in at least nine locations.
- The table drains have not been properly constructed and do not drain to the major cross drains. The poor road drainage increases the pavement failures.
- No subsoil drains are evident to drain the pavement or subgrade.
- Where subgrade failures are evident, the pavement material is of a poor quality. It is not consistent with material used on a dedicated heavy haul route where at least 30% of the traffic consists of semi trailers or B doubles.

The pavement can be expected to deteriorate significantly with each haulage campaign and this will force trucks to move towards the centre of the road. This will significantly increase the danger of head on collisions and impact with cyclists which generally results in death.

7 Dust and noise control

Large amounts of dust are generated on the entrance from Loch Catherine as shown in the Figure 2. This dust blows across the village via the prevailing west and south west winds.

No measures are in place to control this dust and it clearly represented a health hazard and significant nuisance to house holders. Likewise, on the day of the inspection the noise of the loader was quite audible from Medway village



Figure 2 - Dust generation on Loch Catherine Road

8 Construction Recommendations

The road construction needs to suit that of a dedicated heavy haul route. Under the coal export campaigns it is not a quiet rural road. The new road use regime is a significant departure from its former function and neither the road nor the community have previously been subjected to this pattern of use with B doubles and semi trailers. It is the intensity of the campaigns which constitutes a major element in the changed usage. This mimics the patterns of haulage more akin to a 1.5 million tonne per year export than the publically advised 260,000 tonne increment.

8.1 Increase in road seal width.

The pavement seal needs to increase from the existing 6.5m in Medway and around 7.2m elsewhere to at least 10.0m universally throughout the haul route.

8.2 Line marking and sign posting

Line marking shall be installed along the entire length of the seal and consideration of reflective raised pavement markers where heavy haulage occurs after dark.

The revised speed limits together with signs warning of truck haulage and school bus zones need to be installed. It may also be beneficial for a warning sign to be placed at each end of the road when a coal haulage campaign is being carried out.

8.3 Increase in formation and pavement width

The formation and pavement need to be increased in width to accommodate the increased seal width. This will result in pavement widening of 3metres generally and 3.5 metres in Medway. To accommodate the axle loads of the coal trucks we would anticipate pavement depths of at least 400mm.

8.4 Drainage

- Subsoil drains are required in cuttings
- Culverts will require extension and correct signposting.

9 Disclaimer and Warning.

This is not a full or exhaustive list of upgrading requirements and all the suggested measures are subject to a more rigorous review at a design stage. As such, these recommendations need to be recognised as preliminary only. In particular the speed restrictions need more detailed analysis.

The use of semi trailers and B doubles on this road does not meet current design standards. Dangerous conditions currently exist. It is our recommendation that significant speed restrictions be put into place or a cessation of haulage occur until the road is properly constructed.

Prepared by Robert Parker,

M.Eng. Sci, M.I.E.Aust

Rob Parker Engineering P/L



Figure 3 - Plan on Medway Road showing access points

Appendix A

Medway Road Inspection

23rd and 24th February, 2011

Chainage Km	Location	Description or Comment	Seal Width (m)	Shoulders and drainage
0.00	Gate at Medway Colliery		7.2	No defined side drains
0.20	At "Y" branch	Pavement failure G1	5.4	
0.45	"Y" branch to Loch Catherine	Note significant dust generation		
				
0.50	Within built up zone 50km speed zone		6.8	No side drains
				

0.60	T Intersection Pavement failure G3		6.5	
1.10	100km sign		7.2	
1.30	Near No 440		7.1	Unsealed zone approx 0.8m
				
2.30	Near No 334	Pothole	7.0	1.0N, 0 S

2.40	Liebman's Rd		
2.5 – 2.7	Ends at G&L Morrison5 significant pavement failures G4 level, complete subgrade failure, low quality base course	7.7	0.5N,1.0S
			
2.80	Pavement. failure in cutting G2		

			
2.90	Pavement. failure in cutting G3	7.3	1.0N,1.0S
			
3.20	Pavement failure 41m long in nth shoulder and old pavement.	7.3	0.5N,0.5S
3.60		7.1	0.8N,1.0S
3.90	100/80km speed sign	7.2	
3.94	Pavement failure in crown G2		
4.00	Pavement failures at No 158	7.2	
4.10	Pavement. failure Nth shoulder		
4.15	Start new pavement and line marking Pavement. failure Nth. Note new pavement failing and seal failures	10.1	

			
4.20	LHS lane start, seal failures	3.3lane+3.2 island+3.3 lane = 9.8m seal	plus 1.5+1.8 = sealed shoulders
5.00 – 5.40	Old pavement zone Southern shoulder failure G4	7.8	1.0N, 1.0S unsealed
			

5.4	Start of new ramp to roundabout	7.0 + 1.2S+1.4N sealed shoulders	
			
5.5	Roundabout		

Appendix B – Summary of typical speed limits for Australia

GUIDE TO TRAFFIC MANAGEMENT PART 5: ROAD MANAGEMENT

Speed limits (km/h)	Road function	Typical application	Key features
10 and 20	Shared zone	Pedestrian malls Car parks	Roads where pedestrian and cyclist movements on the road have priority over motorised vehicles.
30	Local	Recreational areas Car Parks	Roads that circulate or traverse recreational areas (e.g. parks, gardens and sports fields) or that are in large car parking areas.
40	Local	Residential streets	Physical treatments may be necessary to constrain vehicle speeds.
	Local	Residential areas	The speed limit may be used on a precinct wide basis using physical treatments to constrain speeds to the imposed limit. Designated residential area is signed with regulatory signing at entry and exit points advising of the application and cessation of the 40 km/h speed limit.
	Local	Commercial areas	The speed limit may be applied on an area wide basis where there are high levels of pedestrian activity. Designated commercial area is signed with regulatory signing at entry points advising of the application of the 40 km/h speed limit. Regulatory speed limit signing advises road users exiting the area that they are entering a higher speed zoned road.
	Traffic	Strip shopping centres	Physical treatments may be necessary to constrain vehicle speeds. The speed limit may be applied on roads within a strip shopping centre during times of high crash risk to pedestrians.
	Local	Urban roads outside of schools	On local roads may need to be supported with physical treatments to constrain vehicle speeds.
	Traffic (part-time)	Urban roads outside of schools	On roads otherwise speed limited 50, 60, 70 and 80 km/h, the school zones may require 40 km/h school zone ahead sign with school times, or transition/buffer speed limit signs with school times.
50	Local	Residential streets and collector roads	Default urban speed limit. Undivided arterial roads within a commercial or industrial roadside environment.
60	Traffic	Urban arterial roads	Generally undivided roads within a residential road environment. Divided arterial roads within a commercial or industrial environment.
	Traffic (part-time)	Rural roads outside of schools	On roads otherwise speed zoned 80km/h or more. The school speed zones may require 60 km/h school zone ahead signs with school times, or transition/buffer speed limits signs with school times.
70	Traffic	Urban arterial roads	Generally divided roads within a residential road environment. Undivided arterial roads within a partially developed roadside environment with low levels of direct access
80	Traffic	Urban arterial roads	Divided arterial roads within a residential environment with service roads or minimal direct access to main roadway. Undivided arterial roads within a sparse roadside environment with very low levels of direct access.
80	Traffic	Rural roads	Sealed roads passing through sparse areas of development (i.e. small townships or hamlets) or in urban fringes where alignment is not suitable for the default rural limit of 100 km/h.
90	Traffic	Rural roads	Sealed roads passing through very sparse areas of development (i.e. small hamlets) where alignment is not suitable for the default rural km/h.
100	Traffic	Urban freeways/motorways	High standard urban roads with no direct access, clear zone requirements met and grade separated interchanges. Variable speed limits (VSL) may be operated on urban freeways and motorways. The speed limit alters to reflect changes in traffic flow conditions and may be reduced to 90, 80 or 70 km/h. This practice can improve safety and capacity during high demand times. The lower speed limits may also be operated when an on-road incident has occurred or during times of adverse weather conditions.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

This report considers the transport impacts:

Berrima Colliery production level to 460,000 tpa and transport to Berrima CementWorks and to supply export coal through Port Kembla

The Transport Impact Assessment (TIA) (7 September 2010), prepared by ARUP, has been reviewed.

Proposal – Berrima Colliery production to 460,000 tpa

The TIA assesses the transport impacts associated with increasing Run of Mine coal production from 220,000 tpa to 460,000 tpa from Berrima Colliery.

Generally, the TIA limits the scope of assessment to (as listed in Sec. 1.2) to:

- *Assessment of existing site traffic and transport arrangements*
- *Review site parking provision and management*
- *Determine forecast traffic generation with the proposal and its impact to the surrounding road networks*
- *Assessment of the truck ingress, egress and circulation into the site and its impact on external road networks*
- *The impact of the proposal on road network traffic safety and efficiency*

It is considered that the TIA is deficient in its scope of assessment. Also, there are impacts from the Modification Application for Berrima Cement Works that compound issues on Medway Road, between the South Western Freeway and Medway village that have not been considered in the TIA. These issues mainly relate to extended hours of haulage of export coal for sale (4am to 4pm over 5 campaigns per year running for 5 - 7 days per campaign) from Loch Catherine and the Berrima Colliery to Port Kembla (via the South Western Freeway and Port Kembla). This has been discussed further in the report for the cement works modification application.

Additional issues which need to be considered, in terms of traffic impact on roads and villages under the care of Wingecarribee Shire Council, by this proposal include:

1. Appropriate criteria for assessing transport impact on local communities and the road network and access to the Berrima Colliery using local roads in the Medway village
2. The pavement condition of Medway Road
3. The use of Tri-axle tipper trucks vs B-Double vehicles
4. The expected increase in Colliery generated vehicle trips and consideration of the increase in haulage days per annum
5. Further consideration of reinstating the railway line between the colliery and the Berrima Cement Works.

1 Primary Considerations

As the Berrima Colliery is located in close proximity, and adjacent to the residential Medway village, from Council's perspective, impact particularly on that village should be assessed in detail. The TIA, whilst considering potential impact on the wider network (including Picton Road and other roads in the Wollongong and Port Kembla area), does not specifically consider impact on the Medway village (located immediately adjacent to the Berrima Colliery) and other residences between the village and the South Western Freeway, in particular.

As stated in the TIA, coal was transported from the Colliery by rail, at least in part, until the 1960's. Haulage from the colliery was, from that time, then undertaken solely by road.

Medway Road extends from the Old Hume Highway and terminates at the Berrima Colliery. Whilst there may be a view that Medway residents knew that they would be subjected to coal trucks at the time of purchase, there is another view that "the goal posts" continue to shift and that this proposal further compounds the problem (i.e. that of living safely with increasing volumes of heavy vehicles) for the residents in Medway that should be given detailed consideration.

As the TIA does not propose to provide physical improvements, reliance is placed upon adherence to the "Driver's Code of Conduct" (included in the TIA – Appendix F).

Whilst a "Driver's Code of Conduct" is helpful, this should not be relied upon as being the primary means of managing traffic impact on local residents. As the proposal considers an increase in extraction and moving production to a more intense operation, the likely increased use of contract drivers engaged to undertake haulage is likely to diminish the effectiveness of the Code of Conduct.

In the absence of any modifications to the road network, the safe co-existence of an increased volume of heavy industrial traffic and local residential traffic relies upon all drivers, pedestrians and other road users (of all ages) being fully aware of each others presence and activities and responding safely to those activities. As the proposal will most likely be in place for at least several decades (as the coal reserve, according to available information is considerable), the ability to sustain a safe co-existence over the long term, without appropriate physical measures, is considered improbable.

It is recommended that the Berrima Colliery internalise operations where possible. Whilst calculations of increased traffic need to be considered, attention should be given to establishing an inherently safe road environment, which the proposal does not effectively address.

Whilst developed as part of the Australian Transport Council's "National Railway Level Crossing Safety Strategy 2010-2020", the following desirable outcome would also apply to this situation, whereby, any road safety outcomes should be based on a *"....system that recognises human fallibility...."*.

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Predicted traffic volumes have been provided for an increase in daily traffic movements (and this will vary dependant on whether b-double trucks are used – or not). It should be pointed out that production (and presumably haulage) days will increase from 210 to 340 days per annum (TIA: Table 5). Currently, according to the TIA, 4 days per week (on average) are relatively heavy traffic free.

In effect it is proposed that production will move from an average 3 days per week, to an activity occurring 6 days per week, resulting in residents being exposed to the impacts of production and traffic most days of each year. It is considered that the exposure to the effects is considerably more significant than just considering an increase in traffic on a current average haulage day (3 days on average per week).

1.1 Medway Village

Whilst increased operational days and traffic will have an impact on village life amenity, this aspect is not considered specifically in this review. The increased activity will also result in an ongoing and increased exposure to risk by mixing additional heavy industrial traffic with residential life activity on the village road network.

In order for both activities to satisfactorily co-exist, a separation of activities is considered to be the best long term option for both the Colliery and the Medway village residents.

It is recommended that the Colliery access and village activities be physically separated, as the needs of the village and the colliery conflict and will most likely result, at some stage, in a serious adverse outcome.

Options to physically separate the two functions appear to be both feasible and reasonable, given the expected yield and life of the mine. Investigations into providing separate road access around the village (incorporating appropriate dust and noise suppression measures) should be undertaken.

In addition, the connecting road between the nearby Loch Catherine mine stockpile and the Berrima Colliery access gates should be modified to enable a clear physical separation between that road and the local village roads.

AUSTROADS “Guide to Traffic Management Part 12: Traffic Impacts of Developments”,
Sec.

2.1.4 Road Safety Considerations, states:

“...Road safety cannot always be resolved through design; it needs to be given prominence from the earliest stages of strategic planning. For example, if safety is not a primary consideration when the locations of land use zones are decided, intractable safety problems can arise”

Whilst it is acknowledged that land use zones in Medway are existing, the underlying advice in the AUSTROADS statement can still be applied in this situation, should all parties be willing to be open to consideration of options.

As stated, physical separation of Colliery and village traffic and transport activities is considered to be the appropriate countermeasure to the expected long term transport impact arising from this proposal in the Medway village precinct.

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1.2 Medway Road – between the village and South Western Freeway

Medway Road, between the village area and the South Western Freeway, currently performs conflicting road functions. Medway Road functions as a local access road for a number of residences between the village and the freeway, and as a haul road for the Colliery. Between the Medway village and the South Western Freeway, only a relatively minor number of residents on large land parcels need access to their properties from Medway Road.

However, as the number of property access points are low, this in itself introduces unexpected hazards as residents access their properties.

The expected increase in truck movements along Medway Road, due to this proposal, will most likely increase the use of contract drivers. These drivers are likely to be less familiar with movements in and out of properties along Medway Road. It is considered that this will create an unacceptable ongoing risk to the local residents. Basic measures are required to provide additional width to enable trucks to safely pass turning vehicles without stopping.

Separation of the two functions along the entire length outside of the village would appear to be practically possible but costly. However, it is considered that satisfactory improvements on the existing Medway Road alignment could be made at individual driveways by applying localised sealed shoulder widening to AUSTROADS "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections" BAR/BAL treatments Sec. 4.5.1. Note: "BAR" denotes a basic right turn treatment and "BAL" denotes a basic left turn treatment. Also sight lines for vehicles exiting driveways should meet AUSTROADS Approach Sight Distance requirements for the 85th percentile speed or 90kph (whichever is the greater). Generally this could include some roadside vegetation clearing, which will need to be replaced by appropriate offset planting. These treatments are considered to be the desirable minimum treatment that should be provided.

The proposed treatments will also enable buses to pick up and drop off passengers clear of traffic on Medway Road.

It should be noted that these treatments will include the shoulder widening requirements for B – double vehicles, at the driveway locations, as required by AUSTROADS and recommended in the Rob Parker Engineering Pty Ltd report "Coal Haulage on Medway Road with Semi Trailers and B Doubles" 24 February 2011.

Widening and upgrade of pavement and road facilities on Medway Road outside of the proposed treatment areas would still need to be undertaken to meet AUSTROADS standards for use of B – double vehicles as recommended in a separate Council report regarding the gazetted for use by B – doubles and proposed upgrade of Medway Road.

The intersection of Medway Road and Liebman's Road has a number of deficiencies that constitute a safety risk. Liebman's Road itself is unsealed and should be sealed for a distance of 25m minimum. Sight distance is restricted and could be improved by clearing roadside vegetation on the northeast corner of the intersection to establish minimum Approach Sight Distance to AUSTROADS standards. Provision of the AUSTROADS "BAR/BAL" treatment at this intersection is also recommended.

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1.3 Taylor Avenue and New Berrima

The TIA (Sec. 4.1) states *“there will be a likely future reduction in coal deliveries to the Berrima Cement works from 23 per day to 16, there will be reduction of 14 vehicles movements per day typically on Taylor Avenue, east of Old Hume Highway, which will result in a slight improvement in existing traffic movements on this road.”*

Impact on Taylor Avenue and New Berrima is given more detailed consideration in the report for the Berrima Cement Works Modification Application.

1.4 Determination of Additional Traffic

The estimation of additional traffic in the TIA needs to be re-determined.

The TIA (Table 5) states that 220,000 tpa, delivered over 210 production days generates 23 coal truck deliveries per day (i.e. about 1047 tonne per day). This implies that each tri-axle tipper (19m) will carry 45.55 tonne per vehicle, it is assumed that there must be at least 46 truck trips undertaken each day (on average). However, the Gross Mass Limit for each vehicle is only 42.5 tonne (this includes the weight of the truck and trailer) – so the calculations appear to be in error.

In comparison, Table 5 states that if production is increased to 460,000 tpa, delivered over 340 production days (i.e. about 1353 tonne per day), then, using a combination of tri-axle tipper and B-Double vehicles will be undertaken using 66 coal truck deliveries per day. This equates to about 20.5 tonne per vehicle. Whilst it is unclear as to the mix of tri-axes and boubles, it would be expected that using some proportion of larger vehicles, then the load per vehicle should be somewhat greater than the current situation – so these calculations do not appear correct.

These calculations should be reviewed by ARUP and resubmitted for further consideration.

2 Further Considerations

2.1 Appropriate criteria for assessing transport impact on local communities and the road network and access to the Berrima Colliery using local roads in the Medway village

Whilst the TIA provides commentary on a number of areas (e.g. Road Hierarchy and Berrima

Colliery Access) the TIA, in regard to roads and adjacent areas under the care and administration of Wingecarribee Shire Council, has only provided limited consideration of impact of increased Colliery generated traffic on:

- Intersection performance (Level of Service) of the Old Hume Highway/Taylor Ave
- Off-street parking (i.e. on the Colliery site) supply and demand

In regard to the above items, it is agreed that these facilities are adequate in their current form, as the TIA states.

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However, impact on the Medway village and residences between the village and Medway Road (approximately 4km in length) is of greatest concern and it is recommended that the impact on this area be assessed in more detail as discussed.

2.2 The pavement condition of Medway Road

The TIA does not provide details of existing pavement condition. It is recommended that a pavement condition report be prepared by ARRB, using the same procedures used for the 2009 Shire Wide Pavement Assessment to establish an existing base for future reference, and that this process be repeated each 3 years to the satisfaction of Council's Infrastructure Services Asset Branch.

In order to maintain a good quality pavement on Medway Road between the village and the South Western Freeway, an ongoing funding contribution from the Colliery is required. It is considered that an appropriate royalty based on each tonne transported from the colliery be the appropriate basis for the determination of the contribution.

2.3 The geometric and traffic facility requirements of Medway Road considering a proposal to use B-doubles

The TIA states (Sec. 3) that: *".....a separate feasibility study and application report is to be prepared for approval of B – Double vehicles for coal transport to/from the site."*

A separate Council Infrastructure Services report has been prepared for Council's consideration on this matter as discussed in 1.2.

2.4 The expected increase in Colliery generated vehicle trips and consideration of the increase in haulage days per annum

As stated, the actual traffic volumes outlined in the TIA (Table 5) appear to be in error and must be reviewed and resubmitted.

However, given that production will increase from 220,000 tpa to 460,000 tpa, at least a doubling of existing colliery traffic over a period of 12 months (based on the use of 19m Triaxletrucks) is expected. Additional light vehicle traffic is also expected due to an increase in mine visitors and contractors, which the TIA estimates to be in the order of 10-20 vehicle movements per day.

Should Medway Road be gazetted as an approved B-Double route, then overall numbers could be somewhat less, which would be a positive outcome in this respect.

Whilst the TIA states an increase in traffic of 26.6% per day, it should be noted that the TIA also states an increase in production days from 210 days per annum to 340 days per annum.

This transforms the Colliery into an intensive operation (including, presumably, at least some Sundays), operating 15 hours per day (6am to 9pm) during the week (as stated in the TIA Sec. 4.1).

These changes will result in a significant increased exposure to hazard risk from industrial traffic using Medway Road through the village and for residents requiring access to their properties between the village and the South Western Freeway.

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING activities of the colliery to that of residents as discussed in 1.1 of this report.

2.5 Further consideration of reinstating the railway line between the colliery and the Berrima Cement Works.

The TIA states in Sec. 2.1: *“A former railway line corridor still exists between the Colliery and the cement works but the railway has been non operational, since the 1960’s and the tracks have been lifted. The former railway underpass beneath the Motorway (Hume Highway) remains but reinstatement elsewhere would involve railway level crossings being reopened to cross both Medway Road and the Old Hume Highway.”*

During evaluation of the TIA, the option of reinstating the railway line was considered. Transport by rail between the Colliery and the Berrima Cement Works may at first appear to be a very attractive alternative option to road haulage. When further considered, as stated in the TIA, it would also require reinstatement of 2 railway level crossings. The NSW Dept of Transport is working actively to either upgrade existing level crossings or preferably eliminatethem. An application for the re-establishment of a disused crossing would most likely be unsuccessful and would be detrimental to the long term safety for traffic on Medway Road and the Old Hume Highway.

Pursuit of transferring transport to rail between the Colliery and the Berrima Cement Works may prove to be a distraction to focusing on achieving realistic road improvement outcomes. However, using rail to transport at least part of the stock pile report for the Berrima Cement Works Modification Application from the proposed stock pile at the Cement Works to Port Kembla should be given careful consideration as it uses a working rail system owned by Boral Pty Ltd

Based on the information in the TIA, only part of the coal would be delivered to the Berrima Cement Works. Due to double handling issues that would likely arise, it is most probable that road transport by trucks would still need to be used between the Colliery and the Cement Works, even should the rail line be reinstated.

It is recommended that a final position on the long term use of the rail corridor between Medway and the Old Hume Highway be established. Should it be found that the rail corridor not have a viable future, then it is recommended that the rail corridor should be considered (at least in part) for alternative use (e.g. as part of a Medway village bypass for access to the Colliery) and that the necessary legal processes be undertaken to remove it as a rail corridor freeing the corridor for other uses (e.g. the Medway village bypass).

Recommended inclusions into the Department of Planning and Infrastructure Submission

1. The applicant be requested to undertake a feasibility study into separating Berrima Colliery and Medway village traffic by way of constructing a Medway village bypass road with appropriate dust and noise suppression measures incorporated into the design. It should be noted that any future road forming a bypass of the Medway village for access to the Berrima Colliery and Loch Catherine mine shall be for the sole use of the colliery as a private haul road (and be developed to prevent access by others along the route of the bypass)

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2. The applicant investigate options to physically separate traffic moving between the Berrima Colliery and Loch Catherine mine from Medway village traffic.
3. The applicant provide AUSTROADS “BAR” and “BAL” road widening treatments and AUSTROADS Approach Sight Distance requirements for the 85th percentile speed of Medway Road or 90kph (which ever is the greater), at all private driveways along Medway Road, between the Medway village boundary (as defined in Council’s LEP) and the South Western Freeway, and any vegetation (of a reasonable size) removed in the process be replaced with Wingecaribee Shire Council approved offset planting.
4. The intersection of Liebman’s Road and Medway Road be improved to meet AUSTROADS “BAR/BAL” requirements, and that a minimum length of 25m of Liebman’s Road (measured from the existing seal on Medway Road) be bitumen sealed to meet Wingecaribee Shire Council requirements. That clear sight lines be established which meet AUSTROADS Approach Sight Distance requirements for the 85th percentile speed of Medway Road or 90kph (which ever is the greater) and any vegetation (of a reasonable size) removed in the process be replaced with Wingecaribee Shire Council approved offset planting.
5. Medway Road be upgraded as per the recommendations in the Director Infrastructure Services Council report to enable gazettal for use by B – doubles.
6. The applicant engage ARRB to undertake an existing pavement analysis and report of Medway Road between the South Western Freeway and the colliery gates (or the point of juncture of a future Medway village Bypass road) and that the analysis and report be repeated each 3 years thereafter.
7. A funding mechanism based on a per tonne production of coal royalty be developed for the purpose of maintaining Medway Road between the colliery and the South Western Freeway.
8. The future use of the railway corridor between the Berrima Colliery and the Old Hume Highway be determined in order to consider possible alternative options for the rail corridor, or parts thereof, as part of a future Medway village bypass road.
9. The applicant undertake community engagement in the development of proposal recommendations for further consideration

Medway Residents Response to Borals RTS

Residents Concerns

a) Borals RTS(Response to Submissions) appears to disregard a Primary Consideration from WSC (Wingecarribee Shire Council) stating that the impact on Medway Village should be assessed in detail in Borals TIA. This is inherent to the safety of residents and should not be passed over by Boral.

b) WSC TIA recommends that as calculations concerning the number of trucks and load per vehicle (TIA Table 5) do not appear correct, that figures should be reviewed by ARUP and resubmitted for further consideration. We ask that Boral clarify these figures not just state that 8 deliveries per day go to Loch Catherine and the rest to New Berrima

c) The RTS states that truck movements to Loch Catherine are essentially internal truck movements....trucks travel along Medway Rd from the Colliery to the stockpile road and as such DO affect the residents. Borals EA *"the stockpile area is accessed via a private haul road off Medway Road"*. Hence these truck movements should also be included in truck numbers and in noise monitoring.

d) Borals EA Vol 1 (5.7) *"Should production increase to 460,000tpa ...the number of production days would increase to 340 days a year"*.....the RTS (2.2.4) says this is worst case scenario and 340 days is only to give flexibility. Yet in the same section Boral state 340 days would be necessary if the asking tonnage of 460,000tpa was achieved. Why have Boral requested 340 days per year haulage and production and 460,000tpa if they don't intend to attain maximum resultsconflicting and contradictory

e) RTS (2.2.4) *" a maximum of 5.5 haulage days per week would be maintained"*yet Boral in the same paragraph state if they produce 460,000tpa then they will be transporting 340 days per year. This is confusing conflicting and totally unacceptable on a village road.

f) Boral in RTS states they will widen the 50k section of Medway Rd to 10mts.. To bring the road to AUSTROAD standards widening and using the existing pavement is not ample. Some parts of the road through the village are less than 6mt wide so an additional 4mt width would be required (see attached pictures). It is noted that Boral do not mention AUSTROADS standards in their upgrade to the 50k section. If the road is not done to AUSTROADS standards the road would still be deemed unsuitable for heavy vehicles.

g) Medway Rd as agreed by Boral, WSC and independent engineers is unsuitable for heavy vehicles. Why is a multinational permitted to not only use the road with fully laden coal trucks, but allowed to increase truck numbers and thus increase the danger to residents. Who is to be held responsible when that serious accident occurs?



Medway Rd, western end of Medway Village, less than 6mt wide, limited line of sight on a bend, no footpath, no drainage, road edges crumbling, hazardous entry and exit for private driveway owners.

The information that Boral has provided DoPI in relation to the quality of Medway Rd, particularly through the Village, has been vague and lacking detail. If a car is parked on the side of the road, quite legally, the coal trucks have barely enough room to pass the car as the road edges are crumbling and the road is just not wide enough. There are private residences on one side and a drop on the other. Hence WSC stating that Boral should assess the impact on residents in more detail.

The photos below show the road narrowness, the limited line of sight and the folly of Boral being permitted to use Medway Rd as a coal haul route.

h) The RTS states the 80kph section of Medway Rd will not be upgraded until 2015, as long as sales volumes exceed 250,000tpa. Residents ask again who is monitoring sales, are sales and production one in the same, where is data from Boral to show production/sales figures. Again AUSTROADS standards should be applied to the entire road not just some driveways. This section should be upgraded at the same time as the 50kph section.

i) The implementation of the 80kph zone on Medway Rd was brought about by residents after a meeting with RTA at Council Chambers. The RTA saw the immediate danger of speed and trucks on an unsuitable road and reduced the limit.



Medway Rd....narrow, limited line of sight, driveway

dangers



j) RTS states that the proposal will lead to an increase in truck movements, but not compared with historical movements. Residents refute this, until the 1960s rail was used for transport of coal, where is Borals quantifiable data to show past truck movements?

k) Residents were informed that Boral own land north of Medway, the community ask that there be research into this as a prospect for a haul road to by-pass the Village.

l) Boral uses the argument of only 8 years of approval life to not construct a by-pass road. Residents question why only 8 years was decided for approval. Who decided this time frame, who was consulted during discussion and why was this 8 years not mentioned in Borals EA.

m) The EA states that haulage campaigns are usually 10,000t, but could reach 20,000t. The RTS adds even more and says worst case scenario could be 25,000t. Yet another change of figures.

n) Confusing data has been noticed concerning Borals production levels. 220,000tpa has been used as an average for the past 10 years by Boral. At a Colliery meeting Boral informed the community that production in 2009 was 227,852 tonnes. A Delta SBD newsletter stated in August 2010 that production had increased by 25% (284817tonnes), An ASX report stated that Berrima Colliery was increasing production from June 2011 by 25% (356,021tonnes).....are Boral now producing 356,021 tpa?

o) Despite agreeing to truck movements ceasing at 6pm, the RTS in the Noise section now states *"evening operation may be pending"*. How many times is Boral going to move the goal posts and hope that people do not have time to read the fine print?

p) In the EA (hours of production) it is stated that there were two current production shifts and that out of respect for the environment operations are between 6am and 9pm Mon to Fri with truck movements 7am to 6pm Mon to Friday. The RTS is worded *"hours of production would remain....24 hours, seven days a week."* Again there are conflicting and worsening changes.

Due to time constraints put upon us, we unfortunately have not had time to thoroughly read and compare the remaining sections of Borals RTS and compare these with the original EA. We note that government departments have requested more monitoring and more detail from Boral re water, environment, dust and noise.....

Residents are astounded at what we perceive a lack of openness and honesty by Boral, and also that regulations allow the proponent to alter information without the affected parties having the right to oppose.

Boral are now able to more than double their coal output, but at the same time halve the value of the homes that the community have worked hard for.

Boral, a huge multinational company, is expanding, creating jobs and gaining more profit for their shareholders.....residents acknowledge that jobs are good for the area but this shouldn't be at the expense of the safety, health and well-being of the residents of Medway Rd, Medway Village and surrounding areas.

We ask that DoPI consider our request for a formal right of reply to Borals Response to Submissions and also that a full and open inquiry be held so that all stakeholders are provided with consistent and transparent information pertaining to Berrima Colliery and Boral Cement Works, New Berrima

Yours faithfully

Annie Hird

Secretary

Residents of Medway and Surrounding Properties

"Somerset"

Medway Rd

MEDWAY NSW 2577

1 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

**Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I
MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to
coal stockpiling**

We would like to express our concerns in relation to the above two projects and list a number of requests for the Departments consideration:

1. We are concerned that both Environmental Assessments lack validity and verifiable data in many areas but in particular the evidence that supports the applications that Berrima Colliery should be approved under existing use rights and that the uncovered 25,000 tonne coal stockpile for export at New Berrima constitutes a minor modification.

We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

2. We are also concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise and dust for the residents of Medway and Surrounding Properties and the residents of New Berrima.

3. Safety on Medway Rd

We have very real concerns regarding the current and future safety conditions on Medway Rd. The safety aspects for residents travelling along Medway Rd and through Medway Village have not been addressed in the EA and have been trivialized in the Risk Assessment Summary.

Medway road is a local road managed and maintained by Wingecarribee Shire Council. It needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already failing in many areas causing trucks to move out towards the oncoming traffic.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There is no where to go.

There are a number of young families in the village of Medway and the safety of the children is of utmost concern when you have heavy vehicles continually not abiding by the speed limits particularly in school bus times. We ask that consideration be given to school bus movements and the safety of school children with regard to both EAs.

We ask that Medway Rd not be gazetted for B Double haulage. We would like the Dept to outline the duty of care of both Council and Boral under the NSW Local Government Road Safety Program if Medway Rd is gazetted for B Double haulage and Boral's application is approved resulting in a high increase in heavy vehicle movements when Medway Rd does not meet the Standards of the Austroads Guide.

We request that consideration be given to an alternate heavy vehicle route around the village of Medway.

4. Dust and Noise

We ask that the Dept to support the community by requesting that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment.

The community questions the methodology for the assessment of noise and dust monitoring in the EA and residents are concerned that Boral already exceeds acceptable noise levels on a routine basis.

We request that all haulage take place only on sealed roadways to prevent contaminated runoff and dust generation and that all loads leaving the mine and stockpiling areas are covered.

We request that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6 pm Mon to Fri and 7.00am to 1.00pm Saturdays. No loading and haulage to occur on Sundays or Public Holidays.

5. Of major concern is the lack of consultation that has been carried out by Boral prior to the lodgment of both EAs and the lack of accountability and transparency detailed in the reports.

The majority of residents learnt about this proposal approximately 9 months ago when Pru Goward meet with a small group of local residents in Medway.

The Consultation and information provided by Boral to the community has been extremely limited and conflicting. Residents were promised consultation in February 2011 and it was suggested that we join in with Boral's Community Consultation sessions that specifically related to the operations of the Cement Plant at New Berrima. The first invitation to this meeting was on the 30 May. Medway residents were then uninvited and rescheduled for the 8 June as they had specifically invited New Berrima Residents to the consultation on the 30 May re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The timing of the consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

We believe that the level of consultation undertaken by Boral does not meet the Guidelines as set by the Dept.

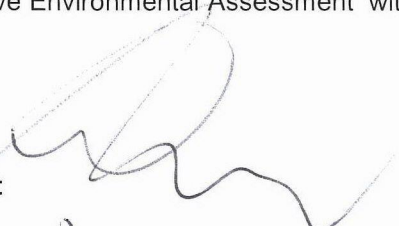
We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and we request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with a more detailed and comprehensive Environmental Assessment with valid and verifiable data.

Yours faithfully

Name:

JOHN BREWER

Signature:



Date:

8/1/2011

Address:

5 Railway Pk

Medway NSW

1 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

**Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I
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Yours faithfully

Name:

Patricia Browne

Signature:

Patricia Browne

Date:

19.7.11

Address:

*504 Medway Rd.
Medway NSW 2577*

Joshua N Cook
508 Medway Rd,
Medway,
NSW 2577.

THE PROPOSAL BY BORAL SHOULD BE REJECTED.

The Director General has instructed the applicant (Boral) to conduct a thorough and factual Environmental assessment of the impacts of their 3A application, making particular reference to areas that would have a significant impact on the residents of Medway Village and those residents facing Medway Rd.

The Environmental Assessment prepared for Boral by Mitchell/McLennon is fundamentally flawed in several areas and therefore should be rejected.

I have discussed six key areas where the EA has not been conducted in the manner as directed by the NSW Dept of Planning.

I have demonstrated that the applicant has not accurately assessed the impacts of their proposal on the community and attempting to make a mockery of the authorizing department.

- 1) Existing use rights
- 2) Consultation
- 3) Noise
- 4) Heavy Vehicles
- 5) Dust
- 6) Safety

Boral historically produces between 110000t and 220000t of coal per annum. Not 460000t. A one off yearly output of around 300000t was achieved in the early eighties. The coal produced was transported via rail to the New Berrima cement plant. Not via Medway Rd and never to export markets.

The New Berrima to Medway rail line was deconstructed and the parts used to repair the Moss vale to New Berrima line when the demand from Berrima colliery was low. At this time the Berrima coal co subjected the residents of Medway village and those who live along Medway Rd to the intrusion and danger of large trucks.

Around 1986-87 approval was given to extract a large amount of coal from the colliery and the transportation was again to be via rail.

Due to the negative social impacts of this operation, land acquisitions took place.

After the down turn in the coal industry around 1992, the approval to extract this increased amount of coal lapsed and any ideas of resurrecting the rail line disappeared as well. It was a popular belief that the future of the Berrima Colliery was bleak. This view was shared by Boral, so much so that, the land they had acquired along with land in the village of Medway was sold off as residential blocks. Which were quickly snapped up by young families looking for a quiet lifestyle.

Up unto around 2008 Centennial Coal was the mining contractor working at Berrima Colliery. In their last 3 – 4 years of operations at Berrima they lost around 3 Million dollars per annum.

Under Boral's "LEAN PROGRAM" the plan is "become viable or you'll be dropped." Seems straight forward enough. The only problem is, extraction of coal at the Berrima Colliery is a costly exercise, in fact the extraction costs outweigh the return around 3:1.

Therefore there is an urgent need to source new markets ie EXPORT.

The NSW Government has asked numerous mines that have been operating for many years, to comply with modern standards. In doing so, Boral, has seized the opportunity to submit a proposal under the existing use rights to increase coal production to satisfy their new export markets. It is my recommendation that the Department of Planning reject this application and insist that Boral submit a new one that is an accurate reflection of the new enterprise.

Consultation. Boral has failed to consult with the community most affected by the current and any proposed operation. I have not received any mail, telephone calls or received any personal visits from Boral or any of its representatives.

In relation to the operating hours, Boral have imposed these times on the community, they are currently unacceptable and the community requests that any operation that generates noise at the "pit top," and coal haulage should be in alignment with normal industrial standards. Starting at 7am and ceasing at 6pm.

Noise. The current levels of noise pollution are unbearable, from around 0600hr to midnight there is a baseload noise coming from the pit top operation. (conveyor and crusher). At all hours (even Sundays) there are banging noises coming from the pit top. The noise generated by the trucks hauling coal from the colliery travelling to Loch Catherine and New Berrima reaches around 80 decibels at my front door. The operation of the front end loader at Loch Catherine up to 2100hr is very disturbing.

Boral have not identified this noise as negative impact on those "most affected" in their EA, in fact they have allegedly monitored noise generated by the colliery and the truck movements from 3 locations, Richards Lane, Joadja. Nowhere near Medway Rd. Liebman Rd, approx 120m from Medway Rd and 6 Railway Pde, the other side of the village, again, some distance from Medway Rd. At all three locations the recordings are deemed to be within accepted limits.

Boral are proposing an increase in truck movements to a level of one every 6-7 mins. That is a truck roaring past my front door at up to 80 decibels every 6-7 mins. This does not meet any accepted practice in fact it amounts to torture.

Boral's proposal of 132 trucks per day (66 each way) is an annual increase in heavy vehicle movements on Medway Rd, of 28500.

A total of 44880 heavy vehicle movements on a local Rd, (only 6m wide in some parts) through a built up residential area.

This is unspeakable, I strongly recommend that the Dept of Planning require Boral to 1) reinstate the rail line, 2) construct a road that bypasses the village or purchase the properties identified as the most affected. (those fronting Medway Rd).

With the increased production there will also be an additional 26460 employee car movements. That is a total of 42840 cars per annum again on a local Rd (not more than 6m wide in parts) per year. A total of 87720 mine associated vehicle movements on Medway Rd, right through the village every year. This of course does not take into consideration other associated vehicles eg deliveries, maintenance ancillary staff, visitors etc.

With the increased traffic comes a proportional increase in noise, dust and reduced safety to the Rd users and the residents. None of these have been accurately assessed in the EA. The authors have merely generated a document that favours the big mining co that is paying the bill.

Currently in Boral's Polluters Licence there is no mention of Noise or Dust, therefore the co just go about there business totally unaccountable. According to Boral the operation at Berrima Colliery does not produce noise or dust.

The current operation generates significant pit top noise, significant heavy vehicle noise and significant heavy machinery noise. At all hours of the day and night.

There is also large amounts of dust generated mainly through the operation of heavy vehicles along the many unsealed roads, particularly the route the trucks take exiting the mine site onto Medway Rd, and the Loch Catherine access Rd.

These two areas are closest to the resident's, approx 25m.

There is also a significant amount of coal dust whipped up every time a vehicle travels over the powdery surface of the Loch Catherine storage area.(The 100000t capacity coal storage area, that has absolutely no dust suppression equipment). When the trucks leave the mine site and head to either Loch Catherine, or to New Berrima the loads are uncovered allowing coal dust to be blown right across the Medway Village. Contrary to Boral's EA the prevailing winds come from the West and South Westerly direction, blowing coal dust and road dust across the village with every gust.

This has been brought to Boral's attention many times before, and to no avail they dismiss every report.

When reviewing Boral's application and accompanying EA I strongly recommend the Director General pay particular attention to the requests made of the applicant and their failure to address the specific areas of Noise, Dust, Safety and the impacts of the increased heavy vehicle movements to those residents identified as most affected (residents facing Medway Rd).

I also encourage the Director General to reject the application on the grounds that it is not merely an upgrading of approvals of their existing rights it is a covert way of increasing the output of the mine and a complete alteration to the core business.

In 1986-87 a commission of enquiry was conducted into a proposal to increase output from the Berrima Colliery, as a result it was recommend that land acquisitions be made. Boral bought out several landholders which was the right thing to do. However shortly after, there was a down turn in the industry and the planned expansion never went ahead. The approvals for the expansion lapsed in 1992, Boral then resold the land along the rail corridor and in the village to young families, who were led to believe the mining operation would remain the same or reduce. Rather than increase and intensify by more than 150%.

If the director General was to consider granting approval to the applicant to expand the operation at Berrima Colliery I would encourage the following conditions 1) Land acquisitions at market value, to the residents most affected. 2) A rail link be reconstructed linking the cement plant at New Berrima and the Colliery for the haulage of coal. 3) Medway Village be completely by passed with the construction of a new dedicated haulage Rd along the North East side of the Village. (Boral owns the Rail corridor and the land for which the bypass could be built).

Joshua N Cook

Naomi Montalto - Berrima Coal Project - Boral.

From: "Cook, Joshua N" <Joshua.Cook@railcorp.nsw.gov.au>
To: "'howard.reed@planning.nsw.gov.au'" <howard.reed@planning.nsw.gov.au>
Date: 20/12/2011 8:54 PM
Subject: Berrima Coal Project - Boral.

Dear Howard,

I have been informed that you are now overseeing the Berrima Coal project.

Whilst I have no real concerns regarding the extraction of coal at Medway, it "beggars belief," that the coal extracted is to be hauled in either, tri axle semi trailers or B - doubles, or a combination of both, through a residential area.

Medway Rd is classified as a local Rd and Boral are using it as a "quasi" haul Rd.

An independant report (Parker report) has been prepared and submitted to both local and state Gov't agencies. This report concludes, Medway Rd is unsuitable in its current form for an heavy haulage, let alone an increase.

Wingecaribee Shire Council has backed the proponant on this occasion, for fear of them (Boral) withdrawing from the Mossvale entrprise zone project. This is to the detriment of the residents of Medway.

I ask you to look carefully at Boral's proposal as their are a lot of inconsistencies in relation to the amount of coal to be extracted, stored and transported from the mine.

I ask you to consider the Medway residents group, proposal of an alternative route around the Village. This Bypass Rd, would be approximately 3 - 4km long and transverse lightly vegetated, almost level land which is currently owned by Boral.

The Bypass would take all mine associated vehicles away from the village, thus ensuring the safety of the residents. It would also eliminate the negative impacts of noise, dust and annoyance.

Medway Rd is 5.8m wide at my front gate and is 17m from my bedroom and living room. I currently have on average a truck roaring past every 3 - 6 mins most days.

At Marulan, NSW. "HOLCIM" were required as part of their expansion to their quarrying project, to construct a haul Rd. I believe Boral should be made to comply in the same manner.

Boral are claiming their proposal is only for 8 yrs, however the mine has approximately 100yrs worth of coal. Boral made \$167.7 million profit in 2011, with a forecast of an additional \$20 million + p/a from this project alone. So I think it's a fair and reasonable request to invest in the safety of their neighbours. Those identified by the DG as most affected.

Look forward to your reply.

Joshua N Cook

Train Controller

level 3, Rail Management Centre

Service Delivery Group/Operations Division/Rail Management Centre.

Railcorp

PO Box K349 Haymarket NSW 1238

Level 3, East Wing, 1 Eddy Avenue, Central Station

Tel:93795457 Fax:93795183 Mobile: 0407711063

E-mail joshua.cook@railcorp.nsw.gov.au

Glenn Corney and Jane Lawler
Postal address: PO Box 1610
Bowral NSW 2576
Residential Address: "Gilgai" :
317 Medway Road
Medway NSW 2577

19 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to coal stockpiling

We would like to express our concerns in relation to the above two projects and list a number of requests for the Departments consideration:

Existing Use Rights Berrima Colliery and Modification of Stockpile for Berrima Cement Works New Berrima

We are concerned that both Environmental Assessments lack validity and verifiable data in many areas but in particular the evidence that supports the applications that Berrima Colliery should be approved under existing use rights and that the uncovered 25,000 tonne coal stockpile x five campaigns per annum for export at New Berrima constitutes a minor modification.

We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

We challenge that Boral under part 3A and the formalization of "existing use rights" are able to double the historical output of tpa of the colliery from approximately 220,000 tpa for local and domestic use to 460,000 for local, domestic and export.

In particular we reject the assertion in the EA (pages.2 Executive Summary) "*Overall the proposal is expected to have a positive socio-economic impact. Potential negative socio-economic impacts from subsidence, loss of ground water, traffic noise, and air quality, surface water quality, ecology and heritage have been assessed and found to be non-significant*".

The doubling of production p.a. will have significant impacts on the environment and the community.

We request that under the formalisation of the existing use rights Boral be approved to produce up to 220,000 tpa and for anything over and above that amount a further DA is required.

Traffic Issues and Road Safety on Medway Rd

We are also concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise and dust for the residents of Medway and Surrounding Properties.

Traffic Issues and Road Safety on Medway Rd cont.

We have very real concerns regarding the current and future safety conditions on Medway Rd. The safety aspects for residents travelling along Medway Rd and through Medway Village have not been addressed in the EA and have been trivialized in the Risk Assessment Summary.

Medway road is a local road managed and maintained by Wingecarribee Shire Council. It needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already failing in many areas causing trucks to move out towards the oncoming traffic.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There are two 'blind' bends, no signage, no line marking and there is no where to go.

Berrima Bus Lines has two school bus runs morning and afternoon, as well as other services during the day. When the bus departs the local public school in Berrima in the afternoon it is full of Medway and New Berrima children. It travels out on Medway road to the village dropping off along the way before returning on Medway road into New Berrima. We as parents cannot stress enough the danger at which these children will be in if there is no consideration given to these circumstances. We ask that extreme consideration be given to school bus movements and the safety of school children with regard to both EAs.

25m B Double haulage

We ask that Medway Rd not be gazetted for 25m B Double haulage. We would like the Dept to outline the duty of care of both Council and Boral under the NSW Local Government Road Safety Program if Medway Rd is gazetted for 25m B Double haulage and Boral's application is approved resulting in a high increase in heavy vehicle movements when Medway Rd does not meet the Standards of the Austroads Guide.

We request that consideration be given to an alternate heavy vehicle route.

Noise and Dust

The impacts from noise associated with all current and future operations of the Berrima Colliery are very real and distressing.

Medway Road, by definition of Wingecarribee Council Shire Mayor Ken Halstead, is a "Local Road" (15/06/2011) and for the purposes of this proposal should be considered as such and not a Principle Haulage Route. It is worth noting that the principle mode of haulage for coal from Berrima Colliery around 1926 was by rail. This was the case until the rail line was deconstructed to enable repairs to the Moss Vale to Boral facility at New Berrima. *Note that rail corridor still exists under Boral's ownership.*

Boral have failed to comply with the requirements of the Director General in the preparation of this Environmental assessment

We requests that no noise generating activities either at the colliery or through haulage of coal be carried out outside of the hours of 7.00am to 6.00pm M to F and 7.00 am to 1.00pm on Saturdays. No noise generation to take place on Sundays or public holidays.

Concerns relating to the lack of Consultation

The residents and local community are extremely concerned with the following issues:

1. The lack of consultation undertaken by Boral with the community prior to the EAs being lodged with the DoPI.
2. That there is no clear definition or set criteria provided by the DoPI with which to gage the "adequacy" of the consultation that was undertaken prior to the EAs going on exhibition.

Concerns with Consultation Pre- lodgement

Boral is a major company that has enormous resources available to it in order to prepare the EAs for both of these projects. With the time lines provided in the EA, Boral would have been preparing to lodge the EA for a minimum of two years.

Of real concern to the residents and interested parties is the fact that the majority of residents first learnt about this proposal approximately 9 months ago when Ms Pru Goward, MP, met with a small group of local residents in Medway. Ms Goward informed the residents at this meeting that Boral conducted Community Consultation Meetings with representatives of Council, the business community and residents of New Berrima re the operations of the Berrima Cement Plant and that a couple of Medway residents had attended these meetings re the supply of potable water to Medway Village.

Medway Residents were introduced to Mr Brett McLennan in late November 2010 at a meeting organised by the Southern Highlands Coal Action Group. Mr McLennan, Consultant for Boral Cement, was a guest speaker at this meeting and it was the first time that the majority of Medway residents were provided with information on Project 10_0172 Berrima Colliery Medway. Mr McLennan also informed residents that Boral had approval from Wingecarribee Shire Council for the use B Double Vehicles on Medway Rd.

At this meeting Mr McLennan was unable to provide the residents with any quantifiable data as to when and how Boral had attempted to consult with the residents and interested parties re the Berrima Colliery proposal and or B Double Haulage.

At no time had Boral or Wingecarribee Shire Council attempted to consult with the local community re B Double Haulage on Medway Rd.

The residents requested through Mr McLennan that Boral organise community consultation with all local residents re the proposed project. Mr McLennan advised that Boral would organise consultation in the New Year.

On the 7 January 2011 some residents picked up a letter at the Berrima Post Office informing residents that Boral would be transporting a shipment of coal from the Berrima Colliery to the Port Kembla Coal Terminal over the next few weeks. *"At this stage, coal will be transported from Saturday 8 January".*

The majority of residents were not aware of this export campaign until very early in the morning on the 8 January when residents were subjected to a large and continuous number of heavy vehicles traversing Medway Rd.

At no time did Boral attempt to consult with the community re this export campaign. Boral left a pile of letters at the Berrima Post Office and if a "local" happened to pick up a letter on the Friday they were "informed" not consulted.

The export campaign showed a blatant disregard for the safety and welfare of the local community and the letter in no way prepared residents for what they would be subjected to from such a large number of truck movements, the additional noise and dust from trucks and workings at the mine in this January campaign.

25m B – doubles were used towards the end of this campaign although Medway Rd had not been gazetted for such use.

These are not the actions of a good corporate citizen wanting to work closely with the community.

February 2011, Boral invited residents to the Berrima Colliery for two information sessions on 18 & 19 February so that the company could update residents on the application and to discuss recent concerns regarding truck movements. Many issues were raised at this info session.

(These points below are taken from my notes from both the information sessions)

- 1 Why are 25m B – doubles travelling at 100km/h on a country road NOT gazetted for that use. Who and how was this allowed?
- 2 Existing use rights – Boral can operate 24/7 if they choose.
- 3 Hours of operation – local knowledge disputed Boral's claims
- 4 Dust and noise especially affecting the village. Why has the road watering stopped?
- 5 Lack of consultation and what is to happen next in that regard? Wondering why locals are concerned as no one has had any previous issues. All amazed at this as they seem unaware of the impact that the export campaign had on all residents.

Residents were told that the company would organise further community consultation re its application to DoPI. They explained that they had been running community consultation re Berrima Cement Plant for a number of years. They would look at whether the Medway community should be included with the existing group or organise consultation specifically relating to the Berrima Colliery application.

Medway residents were invited to community consultation on the 30 May. Medway residents were then uninvited and rescheduled for the 8 June as Boral had also invited New Berrima Residents to the consultation on the 30 May re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The timing of the consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

With regard to the export campaign in January at no time did Boral attempt to consult with the community or gain any informed views or the communities preferences before applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act.

Concerns with Consultation post lodgement

At the Community Consultation (CC) meeting on the 30 May to which Medway residents were uninvited but attended anyway we learnt that Boral had engaged the services of independent facilitators to run the community consultation meetings re issues with the Cement works at New Berrima and potable water for Medway Village for the past five years and yet in the two years that they had been preparing to lodge the EA they didn't think to engage with the community in a meaningful way via the same process re their proposal for the continued operations of the

Berrima Colliery and their application to modify the stockpiling of coal at New Berrima (to reduce the impact of heavy vehicle movements on Medway residents).

Residents asked Boral to conduct consultation on the 8 June for both Medway and New Berrima Residents at a site that could accommodate all interested parties so as not to divide the two villages.

CC was undertaken in New Berrima on 8 June for both New Berrima and Medway Residents via Boral's independent facilitators. The information provided to residents was conflicting and was not quantifiable in relation to the impacts of additional heavy vehicle movements, noise and dust generated from additional traffic movements and the workings from the mine and cement works site.

Boral staff when questioned in relation to specific facts and data provided in the EAs would often reply with *"we can't answer that now and we will have to get back to you"*.

No dates or times were provided as to when they would provide the community with factual and quantifiable data.

Wingecarribee Shire Council conducted a meeting on the 15 June for Medway residents re heavy vehicle movements on Medway Rd, in particular B double haulage.

Boral Staff and the local community were invited to this meeting.

The Community voted not to have B double haulage on Medway Rd, a road that is classified as a local road.

Local residents received a letter and Newsletters from Boral on the 8 July informing them of Boral's Application for the Berrima Colliery and the Stockpile at New Berrima.

Concerns with the Lack of Information provided in Berrima Colliery EA

a) Community Engagement

Pages 28 & 29 of the Berrima Colliery EA, provides information on community consultation and community engagement. The information provided does not detail the number and type of meetings, the number of people attending or engaged with or how people were notified of any proposed consultation.

The residents question the legitimacy of the information provided in the EA, particularly when there is a very detailed table provided in the EA on the consultation undertaken with the indigenous community and yet no specifics are offered under the section, community engagement.

b) Risk Assessment

The summary provided from the risk assessment on page s.2 (Executive Summary) is questionable from the resident's perspective. A risk assessment should be prepared in consultation with all affected parties to try and eliminate and or reduce the hazards.

At no time were any residents consulted or had any input into the risk management process for the EA in particular in relation to heavy vehicle movements on Medway Rd.

c) Noise and Dust

At no time has Boral been in consultation with the residents or landholders in relation to noise and dust impacts from the current and or proposed operations associated with Berrima Colliery (pit top operations, coal haulage or other associated vehicle movements on Medway Rd.

There is no information provided in the EAs in relation to feedback or recommendations from the community on noise or dust impacts.

d) Continuing Operations

The residents question the lack of information provided in the EA's to support the application under existing use rights and continued operations for the Berrima Colliery when the intention is to no longer just supply coal to the Cement works but to commence a business of exporting coal.

The existing conditions for Berrima Cement Works allows for the stockpiling of coal for use in cement production a modification is required for the stockpiling of coal for sale. Residents question that this is a minor modification to be assessed under section 75W of the NSW Environment Planning and Assessment Act 1979.

Conclusion

The residents question the integrity and transparency in Boral's methodology for consulting with the community re projects that will have significant impacts on the lives and well being of local residents. Of great concern is the fact that Boral could have communicated with the local community yet they choose not to work with Medway residents re their applications for Berrima Colliery and the New Berrima Stockpile until they had lodged both applications with the DoPI.

Throughout this process Boral has chosen the role of advising the community of its intentions not of meaningful consultation that may have resulted in positive outcomes for the company and the community and less stress for residents and interested parties.

Both EAs lack factual information in relation to consultation, traffic movements and the impacts in relation to noise, dust and air quality and the residents and interested parties do not believe that Boral fulfilled the requirements to consult set by the NSW Dept Planning and outlined in Guidelines for Major Project Community Consultation (Oct 2007) specifically **that informed views, knowledge from the community and the communities preferences** were not taken into consideration in the assessment process and decision making.

We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and quality of living in regard to noise, dust and road safety. We request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with a more detailed and comprehensive Environmental Assessment with valid and verifiable data.

SUMMARY

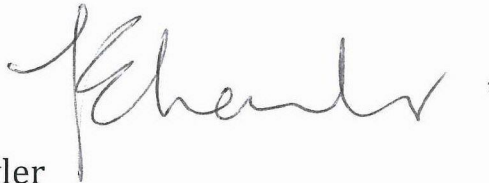
We request that Boral's current proposal be rejected in its current form.

This request is based on:

1. The absence of consultation.
2. Medway Rd is not classified as a haulage route and assessment makes assumption that it is.
3. Noise impact assessment is flawed and does not accurately reflect the current impacts on the most effected residents, let alone any increases in production due to location of monitoring equipment.
4. Dust: We request that all loads be covered and that measures be put in place to stop any dust, ie sealing roads and watering as a rule not as a request.
5. The calculated vehicle movements and expected coal production simply don't add up and are not consistent with the applicant's stated maximum tonnage.
6. Boral and its representatives have misrepresented this application to increase production as merely formalising existing use. It is in fact a new operational regime which has been applied for. The current operations are placing great stress on the residents and these problems need to be properly addressed before any expansion is considered.

Thanks you for your time and consideration.

Yours faithfully



Glenn Corney and Jane Lawler



PCU028427

Re DOPi enq. MP IO-0172

Dept. of planning and infrastructure.

Attn. Clay Preshaw.

R.H& J. ELSE

299, MEDWAY Rd

MEDWAY

NSW 2577.

19-11-11.

Department of Planning
Received

28 NOV 2011

Scanning Room

At a presentation given to council by Stuart Hutchings, operations manager for Boral cement plant on Nov. 8 2011 we were appalled as residents of Medway Rd, to learn that the enquiry into Medway mine continued operation was suggesting that an eight year interim approval should be given to the mine before conditions of operation be set, allowing Boral to continue disregarding the duty of care to residents of Medway rd.

Surely this is a departure from all previous mine approvals in NSW, and sets a dangerous precedent, not only for this area but the whole of N S W. Why should Boral be an exception?

Boral has been mining Medway colliery since 1926, with virtually no regulation, unlike any other NSW mine. This practice should stop immediately, not in another eight years. The duty of care for the safety and health of residents is of paramount importance, and to date seems to be completely overlooked by Government and Boral. Due consideration only appears to have been given to maintaining the workforce and gaining Borals corporate objectives , but very little consideration has been given to the people most affected by the colliery's operations. Surely we have the right to a normal standard of living.

No approval for increased output over 220000 TPA should be given until proper conditions have been set for the control of:-

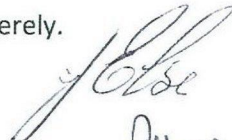
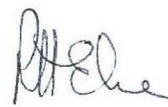
- 1) Working hours for transport from the mine and stockpiling operations. These should be, 7am-6pm Monday to Friday, and 7am-1pm Saturdays. No transport or loading to take place on Sundays or public holidays.
- 2) Environmental control of DUST, NOISE and WATER.
- 3) Improvements to Medway road to be undertaken immediately to appropriate standards, as per engineering reports already undertaken, and to be funded by Boral. These improvements are vitally important for the safety of all residents and users of Medway road, and should be completed before any approval for increased tonnage over 220000TPA.
A great improvement for village residents would be the development of a dedicated haul road on Boral owned land, which would go a long way to eradicating the noise and dust problems currently being experienced. Also the same solution could be applied to the road to Loch Catherine stockpile area, again eliminating the noise and dust problems of coal being transported to the stockpile from the minehead.

For the process of this approval of conditions to be clear and open to all parties, a public enquiry would be the appropriate way to proceed.

In the meantime the lives of residents and property valuations for the area are in limbo, more so than they already are due to the current uncertainty. This is totally unacceptable in this day and age.

Boral is yet again trying to opt out of their obligations by using the eight year interim approval as an excuse to say that it is not economically viable to do the necessary work for such a short term approval.

Yours sincerely.

Dear Sir,
Could you please re-submit this
last page of our submission with the other
three pages previously sent. It got left in
the copies by mistake

Thank you

Pattela
Jag Modhury Rd
Medbury
NSW
2577

NRJ DEU 10/01/22

Existing Properties along Medway Rd, & Medway village, were originally purchased under the assumption that the colliery is there only to supply fuel stock to Bettina Cement plant. Except of coal from Bettina mine has never previously occurred, & Borad now wishes to change this situation for their own commercial gain, with little or no regard for the consequences on local residents.

The general feeling in the community is that the coal in Bettina Colliery Leases should only be used for the purpose it was originally mined for, to supply the local works. Except of the resource should be rejected, & it should be preserved for local use by future generations. If we can't look after their interests who will?

Not withstanding the above comments, the road from the colliery to the freeway junction is a focal rural road. It has been highlighted in reports by both Borad (AROP) & by the Rob Parkes report to council, that in its present structure it isn't even suitable for the current traffic load it is forced to carry. Let alone an increase of the magnitude predicted if any increase in output is approved. A precursor for any increase in production should be a full upgrade of Medway Rd to RTA specifications at Borad's expense, & a voluntary ongoing maintenance program by Borad funded by a \$/tonne of product moved, similar to the agreement reached in the 1987 proposals.

Yours

Sincerely

Michelle

5/6/88

MAJOR DEV 10/0172

R.H& J. ELSE

299, MEDWAY Rd

MEDWAY

Re DOPI enq. MP I0-0172

The Honourable Minister for Planning & Infrastructure. NSW 2577.

Mr Brad Hazzard.

19-11-11.



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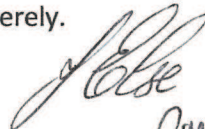
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Yours sincerely,




**SUBMISSION REGARDING EXISTING RIGHTS USAGE AT BERRIMA
COLLIERY
DEBRA HEBBARD & RACHEL HEBBARD
421 MEDWAY RD, MEDWAY
POSTAL ADDRESS – P.O. Box 376 MOSS VALE, 2577**

**ISSUES OF CONCERN REGARDING THE ENVIRONMENTAL
ASSESSMENT**

I have cut and pasted sections from the report (highlighted in blue) and made comment on them as appropriate.

1. My primary concern relates to the application being for existing usage when the company has stated clearly that they are applying for significantly greater production than they currently mine.

I am a long term resident of the Medway Rd area and was in residence when the mine was working three shifts a day and working many weekends (in the 1970's), I would assume that at that time they would have been mining a greater quantity of coal than at present.

During that time the mine moved all the coal by rail and therefore did not impact on the residents of the road, except for the rail crossing which was not a major problem.

If you were driving on the road the crossing was clearly visible and if you slowed down then the train would be gone by the time you got to the crossing.

Thus I can not see this being an existing usage application when the mode of transport is clearly different.

With that being the case it would appear that the current suggestion to increase production dramatically and transport it by road makes this a far different proposal to the existing usage, or in fact the way the mine functioned at its peak production rate.

2. Next relates to the significant discrepancies within the report, as presented. With regard to the clearing of vegetation there are several parts of the environmental assessment that give significantly different figures for the clearing of vegetation.

Clearing of vegetation is required, according to the report for the increased stock piling of coal at Loch Catherine and asset protection zones at both Loch Catherine and the pit top.

VEGETATION CLEARING

There appear to be inconsistencies in the areas to be cleared for the extension of the stock pile / APZ & of the pit top APZ. This causes concern as the area does have unique flora (& possibly endangered fauna).

- Taken from page 13

ES3 The proposal

Coal will continue to be stockpiled at Loch Catherine with the total capacity increased to 115,000 t. The

increase in capacity will require an expansion to the stockpiling area. This will require the clearing of 2.24

ha of vegetation within this expansion area and a surrounding Asset Protection Zone (APZ). An APZ will

also be implemented at the pit-top with the clearing of around 1.35 ha of vegetation required. The APZs

are required to reduce the risk of bushfire destroying the mine's assets.

- Taken from page 36

5.4 Stockpiling

In addition, a further 20 m perimeter around the expanded stockpile area will be cleared to provide an asset protection zone (APZ) to protect coal stockpiles during bushfires. Collectively, approximately 1 ha of vegetation will be cleared to expand the stockpile area and provide the APZ. then on page

- Then on page 37-38 the numbers are

5.8 Asset Protection Zones

This area of the APZ totals 3.74 ha

- Then 112 the figures alter again

15.1 Introduction

A terrestrial ecology assessment was prepared by OzArk Environmental & Heritage Management Pty

Limited to assess the potential ecological impacts of the proposal. Specifically the assessment includes the following:

- documentation of the ecological values in the SMP area; and
- assessment of the ecological impacts associated with the clearing of approximately 3.6ha of vegetation for:

- page 17

ES4.8 Ecology

Potential ecological impacts resulting from the proposal include the clearing of around 3.59ha of natural vegetation and potential impacts on the species present.

- So my summation gives these areas in ha to be cleared at each site.

Loch Catherine clearing for extension to stock pile & APZ

- Page 13 states 2.24ha to be cleared
- Page 36 states 1 ha to be cleared
- Page 112 states 3.6 ha to be cleared at both areas

Pit top clearing for an APZ

- Page 13 states 1.35 ha to be cleared
- Page 38 states 3.74 ha to be cleared

The document has other discrepancies in other sections as well.

I feel this illustrates a lack of professionalism and wonder if this carries through to the rest of the business.

3. COMMUNITY CONSULTATION ISSUES

As a resident of almost 50 years I have rarely been contacted in recent years by Delta or Boral. I live within 1.5 km from the pit top & was never letter dropped

as I do not live within the village. I also do not receive mail at Berrima Post Office.

- This appears to be the only contact deemed necessary by Delta / Boral.
- After a meeting at Berrima Anglican Church Hall in mid 2010, I spent more than 30 min personally discussing the lack of consultation with a mine representative; I was assured that I would be included in letter drops etc. This did not occur. My first knowledge of the January trucking campaign was when I passed a number of trucks on the road the day it started.
- I can not see how community consultation has been adequate in the planning of this document when all residents within 2 km have not been included in the process. As the traffic issue is significant then all land owners on Medway Rd need to be contacted, we all drive the road and will be impacted.
- Prior to February 2011 consultation with the community was poorly carried out. It would appear that only the actual village residents had any notification of changes at the mine. Many other residents live outside the village and use Medway Rd on a daily basis. We are as effected as the village residents.
- On July 11th I had a neighbour let me know that another letter drop had been made re the two applications they have pending. Again I was not contacted. **Boral has my postal address.** An email to them was answered with we don't have all the contact details available. This does show that even after all the fuss we have made **they still can not contact those who will be impacted upon.**

4. GROUND WATER CONCERNS

The E.A. has focused on the three properties above the lease. Any subsurface cracking may change the underground movement of water in the whole area.

Taken from pages 17-18

ES5 Justification and conclusions

Potential negative social impacts may arise from mining operations. These include damage to dwellings and properties through subsidence, noise and dust impacts, traffic impacts, impacts to groundwater and water quality, and impacts to ecology and Aboriginal heritage. Assessments of these potential impacts have been conducted for the proposal. The likely impacts are minimal and considered non-significant. In all cases under the proposal potential adverse impacts can be easily managed or mitigated.

- The document states that 'any loss or damage due to subsidence, **loss of ground water....are not deemed significant**'. For those who depend on the supply of ground water any loss is significant. I am dependent on ground water to grow my own produce and therefore feed my family.
- Much has been made of the 'good will' showed when the company continues to supply non-potable water to the village. Many more people are dependent on ground water than the village accessed mine water. We have all invested significant amounts of money putting in infrastructure (tanks, dams, water systems etc) linked to bore water. If mining cracks the underground rock then this can change the water flow etc.
- Page 17-18 makes the statement that 'adverse impacts can be easily managed and mitigated'. **How can this damage be mitigated?**

- Instead of focusing so much on the provision of non-potable water to the few houses in the village, as many are not connected to the mines water, perhaps tanks could be provided with specific fire hose fittings as a fire protection feature.

10.2 Existing environment

10.2.1 Local topography and climate

The CRD for Berrima West indicates a period of below average rainfall between 2001 and 2005, with a relatively stable rainfall from 2005 onwards and no indication of a significant period of drought.

Then we have the following ...

10.2.3 Groundwater monitoring

... between November 2007 and October 2009. The declining trend in groundwater levels, when compared with the CRD, was attributed to the below average rainfall over the monitoring period.

- Page 67 states 'stable rainfall from 2005 ... no indication of a significant period of drought' then on page 68 the document says 'starting in 2007 a declining trend in ground water levels....attributed to below average rainfall'.

How can both of these statements both be correct? There is a drought with lower than average rainfall or there is no indication of drought. This is another example of inconsistencies in this report.

5. SUBSIDENCE ISSUES

Again only the immediate residents have been considered. The possible subsidence again links back to alterations in the movement of ground water.

ES4.2 Subsidence

Other potential subsidence

impacts include surface and sub-surface cracking, landslips, upsidence and ponding. While these impacts

are considered unlikely under the proposal, control measures will be put in place where required to

reduce the likelihood of potential impacts. If subsidence impacts do eventuate, appropriate mitigation

measures will be implemented.

- Page 14 Subsurface cracking affecting ground water cannot be repaired or mitigated.

Is there a moratorium on drilling bores in Wingecarribee Shire Council area?

- It is my understanding that there is a moratorium on the drilling of bores in the shire. Once drilled even for monitoring purposes there is no way of ensuring they will not be used to remove water, therefore permission should not be granted to drill them in the first place.

6. ECOLOGICAL CONCERNS

The vegetation community being cleared for the expansion of the stock pile & the increase in the APZ is poor sandstone derived soils with marginal vegetation.

These harsh environments generally support unique flora and fauna. Any danger to these creatures must be avoided, not mitigated.

ES4.8 Ecology

Potential ecological impacts resulting from the proposal include the clearing of around 3.59ha of natural vegetation and potential impacts on the species present. The vegetation proposed to be cleared does not consist of any threatened species or communities and clearing is unlikely to have impacts in terms of availability of habitat for fauna species. However, clearing will result in the loss of some habitat hollows which will be compensated for through the provision of hollows constructed in surrounding vegetation. There is potential for negative impacts on fauna species during clearing of vegetation. Management and mitigation measures during clearing are to be undertaken to ensure negative impacts to any species are avoided.

Ecology page 635

It is possible that threatened bats would be impacted by tree clearing (habitat based assumption) and as such precautions are requisite. It is possible that Squirrel Gliders (TSC Act), Spotted-tail Quoll (TSC and EPBC Act) and much less likely the Pygmy Possum (TSC Act) have potential to be affected by tree clearing at Loch Catherine Study Area.

Here we have two statements one saying unlikely to have impacts on fauna and a second saying there are potential to be affected quoll, bats, gliders and possums.

Page 643

2. Inducting

2.1 All personnel undertaking works should be inducted such that they are aware that any stand of native vegetation beyond the limits of clearing (APZ and coal stockpile expansion area) is protected and as such, there are legislative consequences of deliberately or accidentally impacting it without approval under Part 3A of the EP&A Act.

2.2 Evidence of all personnel receiving an induction must be kept on file (signed induction sheets etc). Should an incident happen followed by a DECCW investigation, this process is likely to reduce the severity of the repercussions to Proponent whilst encouraging the willingness to comply with the ground crews.

2.3 Limiting effects to *Eucalyptus apiculata* would form part of the wider vegetation management within the area. Inductions would include an A4 sheet with information about the species and colour photographs that would assist the lay person undertaking clearing to identify them in the field and as such conserve them in-situ. There is scope within the Berrima Colliery Study Area to avoid individuals within the Impact Footprint without compromising the integrity of the APZ. A specific A4 sheet for this species has been provided as **Appendix III** of this report.

2.4 Similarly, to reduce potential harm to *Kunzea cabbagei* which remain undetected in the Study Area, the induction would include an A4 sheet with information about the species and colour photographs that would assist the lay person undertaking clearing to identify them in the field and as such conserve them in-situ. There is scope within the Berrima Colliery Study Area to avoid individuals within the Impact Footprint without compromising the integrity of the APZ. A specific A4 sheet for this species has been provided as **Appendix III** of this report.

2.5 Threatened microbats have potential to utilise habitat within the Impact Footprint. When a tree is cleared it would be pushed then and left overnight prior to stacking / removal so that bats have an opportunity to flee that night. It is understood that the logistics of

vegetation removal would require some areas to be manipulated to a higher degree than

Page 644

4. Due diligence

2.7 To ensure potential impacts to Koalas (both indirect and direct) are minimised, an inspection of the trees to be cleared in the APZs would be undertaken by a qualified environmental manager (ecologist / environmental scientist) immediately prior to clearing.

Who will this qualified person be?

Page 673-4 plant profiles are not very adequate. These profiles will be given to those involved in the clearing so that the endangered species will not be cleared. From the cab of a bull dozer they would not be able to see or identify these plants from the information sheets they will be given.

7. TRANSPORT CONCERNS

This part of the report has so many different figures I believe it has been done to confuse.

11.3.2 Current traffic volumes

The total mine related traffic on Medway Road west of the Hume Highway is approximately 116 vehicle

movements per day (70 car movements plus 46 truck movements) representing approximately 23% of the

total daily traffic on a weekday (511 vehicle movements daily). The current daily traffic flow is low (less

than 1,000 vehicle movements per day) and permits the highest LOS (LOS A) for a rural road.

Then in Table 11.2 Comparison of current and maximum traffic related operations

States currently 32 movements so which is it ???

Table 11.4 Maximum daily traffic increases on major roads due to increase of coal production

Road	Location	Existing Traffic (AADT)	Source	Traffic Increase	% Increase
Medway Rd W of Hume Hwy	511		Arup Count	136	26.6%

Refer to page 14 council document re pavement width

From page 415 . 8. Operating Times

Although the Medway Mine lease allows for 24/7 operations in respect of the environment and the

residents we only allow operations between 6.00am and 9.00pm Monday to Friday with the

occasional need to operate on a Saturday.

Drivers are to comply with these operating hours at all times, unless authorised in the case of

specific campaign movements. In this case the residents will be notified in advance.

specific campaign movements. In this case the residents will be notified in advance.

- this has already been breached as the majority of the residents had no notification of this campaign in Jan .

- If production increases from 200 days to 340 will be more vehicle movements on more days?

2.4.2 Traffic Counts

Three seven day tube traffic counts were undertaken by an Arup appointed private contractor 'CFEIT' on October and November 2009 on Old Hume Highway, Medway Road and Taylor Avenue (refer to Figure 3) and a summary of the traffic data is presented in Figure 4. The detailed data is attached in Appendix A.

The traffic data in Figure 4 shows that Taylor Avenue carried the highest volume of traffic including heavy vehicles. Medway Road west of the Hume Highway carried just over 500 vehicles per day.

The recorded heavy vehicles on Medway Road (**124 movements per day**) are mostly the Colliery associated heavy vehicles travelling to and from the Berrima Cement Works.

- Previously the document stated 70 + 46 mine related movements. Another different figure.

2.10 Public Transport

Public transport is limited in Berrima. The only bus operator in the area is Berrima Buslines. It provides bus services throughout Mittagong and the Southern Highlands. It provides commuter, school bus services and day charter operations in the region.

Only one

bus stop was noticed during the site visit which was located in New Berrima village on Taylor Avenue near the intersection of Melbourne Street

- **School bus route** Medway rd bus stops at gates and driveways children as young as 5 catch the bus, there are no bus stops marked, no bus shelters kids wait on road side for the bus. Increased truck traffic increases the risk to these children as they wait on the side of the road.

Look at table page 387 table 5

The amount of coal produced for supply to external customers outside the Berrima local area would vary, but is unlikely to exceed approximately 340,000 tpa. Out of 340,000 tpa, maximum 115,000 tpa of coal is proposed to be stockpiled to Loch Catherine site before delivery to external customers and remaining 225,000 tpa is proposed to be transported directly to the external customers. This means the coal deliveries to the Berrima Cement Works would reduce to approximately 120,000 tpa.

As shown in the table above, the future external coal delivery would potentially utilise B – Double vehicles. This report has not undertaken any technical assessment of the B – Double access routes. A separate feasibility study and application report is to be prepared for approval for using B – Double vehicles for coal transport to/ from the site.

- Has this separate feasibility study been carried out and will the community be informed of the results?

taken from page 392

The forecast traffic generation due to the increase of coal production of the Berrima Colliery will have only a minor impact on surrounding roads. There will be a maximum potential **136 additional vehicle movements** generated per day, distributed relatively uniformly throughout a 15 hour period on a typical weekday. This will not generally be noticeable at any location on the existing road network except for Medway Road, where the level of service for all traffic will still remain at the highest Level of Service (LOS A) with generally free flowing traffic conditions for all traffic. Due to the likely reduction in future coal deliveries to the Berrima Cement Works, there will be slight reduction in truck movements on Taylor Avenue.

- Here it states 136 additional movements that is more than double the 124 movements yet the report uses the figure of 26.6% increase in traffic on Medway Rd

Page 470

Coal delivery will comprise 50 truck trips from the loading bin directly off-site, 16 truck trips to Loch Catherine and 16 truck trips from Loch Catherine off-site.

Page 418

Medway Road

Turn right into Medway Road and head west towards the Medway Mine. Prior to reaching the

Mine site you will pass through the village of Medway and speed limit is to be reduced to 30km/hr

before passing the turn off to the left for Loch Catherine and the entry to the Mine site. All speed

limits and signage to be obeyed at all times and maintain respect for local traffic and residents.

Obeying a speed limit of 30km/hr through the Medway village will ensure compliance of dust standards applicable to operation of the mine.

- If this speed is not enforced by the mine management then are they admitting that the dust standards will not be achieved?
- When has this speed limit been done? Will it be implemented by the company.

CONCLUSION

I feel this report has a number of over sights, inconsistencies and has not addressed many of the issues that the community needs to know. I am still not happy with the effort to seriously consult those who live close to the mine and who will be affected by the significant increase in trucks on the road.

1. Is this really a consent for existing usage or should it actually be treated as a new concern as the previous transportation of the higher production was by rail not by road.

2. In relation to the clearing of vegetation there are significant discrepancies regarding the areas to be cleared.

3. Community consultation has been inadequate, despite repeated requests for information to be provided to all residents many families that live along Medway rd still aren't included in information drops. This occurred with our family this week (July 11, 2011)

4. Ground water concerns and subsidence may be an issue to more than the three properties mentioned in the report.

5 Ecological concerns

6. Transport issues

1 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

**Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I
MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to
coal stockpiling**

We would like to express our concerns in relation to the above two projects and list a number of requests for the Departments consideration:

1. We are concerned that both Environmental Assessments lack validity and verifiable data in many areas but in particular the evidence that supports the applications that Berrima Colliery should be approved under existing use rights and that the uncovered 25,000 tonne coal stockpile for export at New Berrima constitutes a minor modification.

We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

2. We are also concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise and dust for the residents of Medway and Surrounding Properties and the residents of New Berrima.

3. Traffic Issues and Road Safety on Medway Rd

We have very real concerns regarding the current and future safety conditions on Medway Rd. The safety aspects for residents travelling along Medway Rd and through Medway Village have not been addressed in the EA and have been trivialized in the Risk Assessment Summary.

Medway road is a local road managed and maintained by Wingecarribee Shire Council. It needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already failing in many areas causing trucks to move out towards the oncoming traffic.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There is no where to go.

There are a number of young families in the village of Medway and the safety of the children is of utmost concern when you have heavy vehicles continually not abiding by the speed limits particularly in school bus times. We ask that consideration be given to school bus movements and the safety of school children with regard to both EAs.

We ask that Medway Rd not be gazetted for B Double haulage. We would like the Dept to outline the duty of care of both Council and Boral under the NSW Local Government Road Safety Program if Medway Rd is gazetted for B Double haulage and Boral's application is approved resulting in a high increase in heavy vehicle movements when Medway Rd does not meet the Standards of the Austroads Guide.

We request that consideration be given to an alternate heavy vehicle route around the village of Medway.

4. Dust and Noise

We ask that the Dept supports the community by requesting that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment.

The community questions the methodology for the assessment of noise and dust monitoring in the EA and residents are concerned that Boral already exceeds acceptable noise levels on a routine basis.

We request that all haulage take place only on sealed roadways to prevent contaminated runoff and dust generation and that all loads leaving the mine and stockpiling areas are covered.

We request that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6 pm Mon to Fri and 7.00am to 1.00pm Saturdays. No loading and haulage to occur on Sundays or Public Holidays.

5. Of major concern is the lack of consultation that has been carried out by Boral prior to the lodgment of both EAs and the lack of accountability and transparency detailed in the reports.

The majority of residents learnt about this proposal approximately 9 months ago when Pru Goward meet with a small group of local residents in Medway.

The Consultation and information provided by Boral to the community has been extremely limited and conflicting. Residents were promised consultation in February 2011 and it was suggested that we join in with Boral's Community Consultation sessions that specifically related to the operations of the Cement Plant at New Berrima. The first invitation to this meeting was on the 30 May. Medway residents were then uninvited and rescheduled for the 8 June as they had specifically invited New Berrima Residents to the consultation on the 30 May re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The timing of the consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

We believe that the level of consultation undertaken by Boral does not meet the Guidelines as set by the Dept.

We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and we request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with a more detailed and comprehensive Environmental Assessment with valid and verifiable data.

Yours faithfully

Name: CAROLINE HILL

Signature:



Date: 18.07.11

Address: 334 MEDWAY RD MEDWAY 2577

Diary from Annie Hird to Clay Preshaw on 21/07/2011

Diary against Annex [Website Submissions](#) for job [#3765 Berrima Coal Project](#)

Online Submission from Annie Hird (object)

Email Details

Received	8:41PM, Thu 21st Jul, 11
Status	Actioned on 21/07/2011
Time Spent	0:00:00 (hh:mm:ss)
Priority	Medium 
Class	Object

Interactions



Contacts (1)

Inbound email from:

[Annie Hird](#)

annii07@hotmail.com



Staff (1)

Email to:

[Clay Preshaw](#)

This is my personal objection to Berrima Colliery Project MP10_0172.

I oppose any extension of production by Boral under existing use rights.

Boral have given stated their current production is 220,000tpa. To more than double this cannot be considered existing use.

Boral want to export coal, they have never exported from Berrima Colliery before, as written in a letter to Pru Goward MP from Mr Ross Harper (Boral executive)

Boral did not consult with residents before lodging their EA as is required by the Director General.

Boral wish to increase their stockpile at Loch Catherine by 15%, the runoff from this stockpile goes into the Wingecarribee River which is part of the major water source for Sydney water. Who is monitoring this?

Medway Rd, the only route to the Colliery is a local road and has been assessed by engineers as not being suitable for heavy vehicles as required by AUSTROADS. Boral wants to increase truck movements from 66 per day to 132. This endangers all who use the road and as far as I am concerned trucks should be halted until the road is up to standard to handle heavy vehicles. Medway Rd is only 6.5m wide, AUSTROADS requirements state it should be 10m wide. This is a local country road through a small village, lives will be at risk.

Medway Rd ends at the Colliery gates which are only 100m from homes.

Boral also wants to increase production days from 210 per year to 340 per year. This is not existing use and I query the figures Boral has given.

(66 trucks x 27tonne load) x 340 days per annum = 605,880 tonnes per annum.....no where near their current production use or the output that Boral requests of 460,000tpa.

Residents have to put up with noise from trucks, loading of

coal and pit operations up to 9pm most nights. We find this excessive. Any added production will seriously impact residents.

Dust and air quality are a huge concern. Medway does not have town water and all the coal and road dust (the road to the stockpile is dirt) settles on our roofs and gets washed into our drinking water tanks. Doubling production doubles coal dust, road dust, runoff from stockpile, noise, traffic numbers and the risk of harm to anyone who uses Medway Rd.

For these reasons Boral should not be granted any increase in production in the formalisation of their existing use rights.

1 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

**Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I
MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to
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We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

2. We are also concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise and dust for the residents of Medway and Surrounding Properties and the residents of New Berrima.

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Medway road is a local road managed and maintained by Wingecarribee Shire Council. It needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already failing in many areas causing trucks to move out towards the oncoming traffic.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There is no where to go.

There are a number of young families in the village of Medway and the safety of the children is of utmost concern when you have heavy vehicles continually not abiding by the speed limits particularly in school bus times. We ask that consideration be given to school bus movements and the safety of school children with regard to both EAs.

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We request that consideration be given to an alternate heavy vehicle route around the village of Medway.

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We ask that the Dept to support the community by requesting that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment.

The community questions the methodology for the assessment of noise and dust monitoring in the EA and residents are concerned that Boral already exceeds acceptable noise levels on a routine basis.

We request that all haulage take place only on sealed roadways to prevent contaminated runoff and dust generation and that all loads leaving the mine and stockpiling areas are covered.

We request that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6 pm Mon to Fri and 7.00am to 1.00pm Saturdays. No loading and haulage to occur on Sundays or Public Holidays.

5. Of major concern is the lack of consultation that has been carried out by Boral prior to the lodgment of both EAs and the lack of accountability and transparency detailed in the reports.

The majority of residents learnt about this proposal approximately 9 months ago when Pru Goward meet with a small group of local residents in Medway.

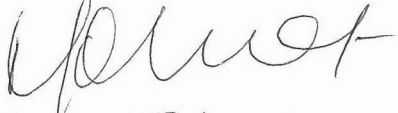
The Consultation and information provided by Boral to the community has been extremely limited and conflicting. Residents were promised consultation in February 2011 and it was suggested that we join in with Boral's Community Consultation sessions that specifically related to the operations of the Cement Plant at New Berrima. The first invitation to this meeting was on the 30 May. Medway residents were then uninvited and rescheduled for the 8 June as they had specifically invited New Berrima Residents to the consultation on the 30 May re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The timing of the consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

We believe that the level of consultation undertaken by Boral does not meet the Guidelines as set by the Dept.

We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and we request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with a more detailed and comprehensive Environmental Assessment with valid and verifiable data.

Yours faithfully

Name: *Kate Johnson* Signature: 

Date:

4/7/11

Address:

*Lot 1 Railway Parade
Medway 2577*

**THE OFFICER IN CHARGE
MAJOR PROJECTS ASSESMENT
DEPARTMENT OF PLANNING AND INFRASTRUCTURE
G.P.O. BOX 39
SYDNEY N.S.W. 2001**

**100 LIEBMANS RD
(P.O. BOX 7111)
BERRIMA N.S.W. 2577**

1ST JULY 2011

DEAR SIR,

**YOUR REF'S : (MP 10_0172) BERRIMA COAL PROJECT
AND (DA 401-11-2002-1 MOD 6) ASSOCIATED
MODIFICATION - BERRIMA CEMENT WORKS.**

**PURSUANT TO YOUR INVITATION FOR EFFECTED PARTIES TO LODGE
COMMENT IN RESPECT OF THE ABOVE PROPOSALS, WE WOULD WISH TO
MAKE THE FOLLOWING OBSERVATIONS.**

**IF BORAL CEMENT LTD. HAD SIMPLY LODGED AN APPLICATION WITH
THE DEPARTMENT TO ALLOW IT TO CONTINUE THE EXISTING USAGE OF
THE COLLIERY AT IT'S PRESENT LEVEL OF PRODUCTION, THEN IT IS
HIGHLY LIKELY THAT THE LOCAL RESIDENTS WOULD NOT HAVE HAD
MUCH OBJECTION. PERHAPS THEY WOULD HAVE SOUGHT SOME
ADDITIONAL DUST CONTROL AND NOISE ABATEMENT MEASURES AND
THEY WOULD HAVE ASKED THAT A WAY BE FOUND FOR BORAL TO
FINANCIALLY CONTRIBUTE TO THE UPKEEP OF THE WINGECARRIBEE
SHIRE COUNCIL'S ROAD ASSETS DAMAGED BY IT'S OPERATIONS.**

**UNFORTUNATELY, BORAL HAS NOT LODGED AN APPLICATION TO
CONTINUE IT'S EXISTING USAGE, RATHER THEY HAVE LODGED AN
APPLICATION WHICH WILL SEE THEIR PRODUCTION DOUBLE.
ALTHOUGH THEY HAVE ADOPTED A NUMBER OF SUBTERFUGES TO TRY
TO DRESS UP THEIR APPLICATION AS A MERE CONTINUATION OF THEIR
EXISTING USE- IT IS ANYTHING BUT.**

**THEY WISH TO EXPORT COAL WHEN THEY NEVER HAVE. THEY WISH TO
ESTABLISH A MASSIVE STOCKPILE AT NEW BERRIMA WHERE NONE
EXISTED IN THE PAST. THEY WISH TO USE LARGER TRUCKS THAN THEY
HAVE IN THE PAST. THEY WISH TO HAVE LONGER OPERATING HOURS**

THAN THEY HAVE IN THE PAST AND THEY WISH TO DOUBLE THE OUTPUT OF THE MINE.

ALL THIS RENDERS THEIR CONTENTION THAT THEY ONLY SEEK APPROVAL TO CONTINUE THEIR EXISTING OPERATIONS, TO BE AN ABSOLUTE NONSENSE.

IT NEEDS TO BE BORNE IN MIND THAT ALL THE NEGATIVE IMPACTS OF COAL MINING (I.E. NOISE, DUST, TRAFFIC CONGESTION, WATER POLLUTION AND ROAD DAMAGE) ARE IN PROPORTION TO THE VOLUME OF COAL EXTRACTED.

IN THE 1980'S BORAL SUBMITTED TO THE GOVERNMENT ANOTHER PLAN TO EXPORT LARGE QUANTITIES OF COAL FROM THIS MINE. THE COMPANY OBTAINED CONSENT TO DO SO BUT ONLY AFTER MANY STRINGENT CONDITIONS WERE IMPOSED UPON IT AND IT WAS REQUIRED TO BUY UP PROPERTY FROM MANY EFFECTED LAND HOLDERS IN RECOGNITION OF THE FACT THAT THE OPERATIONS WOULD HAVE HAD INTOLERABLE CONSEQUENCES FOR THOSE LAND HOLDERS.

THE CURRENT APPLICATION IS NOT OF A SCALE COMPARABLE TO THE EARLIER APPLICATION BUT NONETHELESS A NUMBER OF INTOLERABLE CONSEQUENCES WILL ARISE IF BORAL IS PERMITTED "CARTE BLANCHE" TO HAVE IT'S WISHES.

INTERESTINGLY ENOUGH, THE LITERATURE SUBMITTED (BY VARIOUS PARTIES, INCLUDING BORAL AND ITS CONSULTANTS) TO THE ENQUIRY SET UP TO EXAMINE THE EARLIER PROPOSAL IS USEFUL IN DETERMINING THE PRECISE NATURE OF THE LONG TERM OPERATION OF THIS COAL MINE.

FOR EXAMPLE, BORAL'S CONSULTANTS, KNIGHT, SINCLAIR PARTNERS INFORMED THE ENQUIRY THAT BETWEEN THE 1920'S AND 1980'S 6.8MILLION TONNES OF COAL WERE EXTRACTED FROM THIS MINE (APPROXIMATELY 110,000TONNES PER ANNUM). THEY SIMILARLY PROVIDED PRODUCTION FIGURES FOR 1982-1986. THESE AVERAGED ABOUT 225,000TONNES PER ANNUM. THIS IS VIRTUALLY THE SAME AS THE STATED OUTPUT OF THE MINE TODAY.

IN THE LIGHT OF BORAL'S APPLICATION TO EXTRACT UP TO 460,000 TONNES PER ANNUM IT WILL BE READILY SEEN THAT WHAT THEY ARE IN FACT ASKING FOR IS A MORE THAN DOUBLING OF CURRENT AND HISTORIC PRODUCTION.

BORAL'S OPERATIONS CAUSE A NUMBER OF DELETERIOUS EFFECTS TO THE RESIDENTS AND LAND HOLDERS IMMEDIATELY ADJACENT TO THEIR OPERATIONS AND TO THE RATE PAYERS OF THE WINGECARRIBEE SHIRE IN GENERAL. THE LOCAL RESIDENTS MUST PUT UP WITH NOISE, DUST AND TRAFFIC CONGESTION. THE WIDER COMMUNITY FOOTS THE BILL FOR THE COMPANY'S DAMAGES TO THE COUNCIL ROADS AND POLLUTION TO THE COMMUNITY WATER SUPPLY.

ALL THE DELETERIOUS EFFECTS OF BORAL'S OPERATIONS ARE RELATED TO THE VOLUME OF COAL PRODUCED. IT MATTERS NOT WHETHER THE COMPANY SEEKS TO CAMOUFLAGE THE EFFECTS ON THE LOCAL COMMUNITY BY ROSTERING COAL SHIPMENTS IN ONE FORM OR ANOTHER.

THE CRITICAL POINT IS THAT DUST POLLUTION, NOISE POLLUTION, WATER POLLUTION, TRAFFIC CONGESTION AND ROAD DAMAGE ALL INCREASE LINEARLY WITH THE VOLUME OF COAL PRODUCED.

BORAL CLAIM THAT PRODUCTION OF THE MINE HAS BEEN UP TO 460,000 TONNES PER ANNUM IN THE PAST BUT THEY DO NOT AND CANNOT SUPPORT THIS CONTENTION. EVEN IF THEY WERE ABLE TO DEMONSTRATE THE ODD YEAR OR TWO IN WHICH SUCH LEVELS OF PRODUCTION HAD BEEN ATTAINED, IT IS QUITE CLEAR FROM THE FIGURES QUOTED ABOVE, THAT THESE WOULD HAVE BEEN EXCEPTIONAL PERIODS AND NOT AT ALL REPRESENTATIVE OF THE USUAL LEVEL OF PRODUCTION.

IN THE LIGHT OF ALL THE ABOVE IT IS VERY EVIDENT THAT BORAL IS ATTEMPTING TO DISGUISE A PROPOSITION THAT WILL SEE IT DOUBLE IT'S COAL OUTPUT AND ENHANCE IT'S PRIVATE PROFIT AT THE EXPENSE OF THE PUBLIC'S AMENITY.

WE BELIEVE THAT ANY APPROVAL FOR BORAL'S COLLIERY OPERATIONS TO CONTINUE SHOULD REQUIRE THEM TO ADDRESS THE ISSUES OF DUST GENERATION AT AND AROUND THE MINE AND THE CEMENT WORKS; NOISE GENERATION AT THE MINE AND CEMENT WORKS; AND COMPENSATION FOR DAMAGE TO PUBLIC INFRASTRUCTURE(WHICH IS ALREADY OCCURRING) CAUSED BY THE OPERATION OF THEIR HEAVY VEHICLES ON MEDWAY ROAD AND TAYLOR AVENUE.

WE NOTE IN RELATION TO ROAD DAMAGE, THAT IN THE WINGECARRIBEE SHIRE COUNCIL'S SUBMISSION TO THE 1980'S COAL EXPORT ENQUIRY, THE COUNCIL ASKED FOR COMPENSATION OF 10 CENTS PER TONNE PER ANNUM OF COAL SHIPPED ALONG IT'S ROADS. THE PRINCIPLE BEHIND THAT REQUEST IS AS VALID TODAY AS IT WAS 25 YEARS AGO ALTHOUGH

INFLATION IN THE INTERVENING PERIOD WOULD NOW REQUIRE A SUBSTANTIALLY LARGER CONTRIBUTION. WE WOULD URGE THAT ANY DEPARTMENTAL APPROVAL FOR THIS OPERATION TO CONTINUE SHOULD CONTAIN A CONDITION THAT BORAL CONTRIBUTE COMPENSATION ACCORDINGLY.

ADDITIONALLY, ANY APPROVAL THAT THE DEPARTMENT ISSUES MUST ALSO INCORPORATE THE HOURS OF OPERATION FOR THE MINE AND ANCILLIARY TRANSPORT FLEET. IN BORAL'S MODIFICATION 6 TO THEIR CEMENT WORKS APPLICATION THEY MENTION OPERATING HOURS OF 4AM-4PM. THIS IS ABSOLUTELY INTOLERABLE TO EVERY RESIDENT OF MEDWAY VILLAGE, MEDWAY ROAD, TAYLOR AVENUE AND NEW BERRIMA.

WE ARE NOT SURE OF EXACTLY WHAT OPERATING HOURS BORAL CURRENTLY LEGALLY ENJOYS BUT THE COMPANY CLAIMS THAT THEY ARE ABLE TO OPERATE 6AM-9PM ON WEEKDAYS AND 6AM-1PM ON SATURDAYS. HOWEVER, WE BELIEVE THAT BORAL IS UNABLE TO SUBSTANTIATE APPROVAL FOR THESE TIMES.

IN THE E.I.S. TO THE 1980'S EXPORT ENQUIRY, BORAL ASKED FOR ROAD TRANSPORT TIMES OF 7AM-5PM WEEKDAYS ONLY. THE COUNCIL SUBMISSION TO THE SAME ENQUIRY ASKED FOR THOSE TIMES BUT WITH THE SUSPENSION OF TRANSPORTATION BETWEEN 8.15AM - 9AM AND 3PM - 4PM TO ALLOW FOR THE OPERATION OF THE SCHOOL BUS ALONG MEDWAY ROAD. THESE TIMES ARE WELL DOCUMENTED AND WE WOULD URGE THEIR ADOPTION RATHER THAN THE TIMES BORAL HAS CLAIMED BUT ARE UNABLE TO SUBSTANTIATE.

FINALLY, BORAL HAS APPLIED TO STOCKPILE UP TO 25,000 TONNES OF COAL AT THE BERRIMA CEMENT WORKS FOR EXPORT PURPOSES. ALTHOUGH THE CEMENT WORKS IN THE PAST HAS STOCKPILED SMALL AMOUNTS OF COAL FOR ITS OWN FUEL USE, THE STORAGE OF COAL FOR EXPORT IS CLEARLY A "NEW USE" AND SHOULD NOT BE SEEN AS PART OF "EXISTING USE PRACTICE OR PROCEDURES". ACCORDINGLY, THAT PART OF BORAL'S APPLICATION SHOULD BE TREATED SEPARATELY AND THE COMPANY SHOULD BE REQUIRED TO APPLY FOR A SEPARATE ENVIRONMENTAL ASSESSMENT.

WE WOULD APPRECIATE YOUR ACKNOWLEDGMENT OF THE RECEIPT OF THIS SUBMISSION.

YOURS FAITHFULLY

S.U AND D.L. MCCOLL

To: Major Project Assessment
Department of Planning and Infrastructure
G.P.O. Box 39
Sydney N.S.W. 2001

From: Michael and Robyn McLeavy
140 Liebmans Road
Medway. N.S.W. 2577

Date: 22 July 2011

Re: Continued Operations at Berrima Colliery
Project MP 10 _ 0172

In relation to the above, we have specific safety concerns regarding the condition, structure and construction of Medway Road. Our concerns also involve the management of traffic on Medway Road. These two areas of concern are particularly highlighted at the Liebmans Road junction.

We request that:

1. Liebmans Road, at the junction of Medway Road, be properly constructed and sealed, for an agreed distance, to allow safe traffic flow for all vehicles exiting and entering Liebmans Road.
2. Medway Road be reconstructed according to Austroads Guide to Road Design Part 3: Geometric Design taking into specific account sub-grade and pavement construction and road drainage i.e. table and subsoil drains.
3. Medway Road be widened to "at least 10.0m universally throughout the haul route" as per recommendation by Robert Parker, Rob Parker Engineering Pty Ltd dated 24 February 2011 (#8.1). And that the road shoulders be defined and structured.
4. "Line marking ... be installed along the entire length of the seal and consideration of reflective raised pavement markers where heavy haulage occurs after dark." (Rob Parker report # 8.2).
5. Medway Road, be marked with double white lines at the Liebmans Road junction, to ensure that traffic remains on the correct side of the road. Further, that a right turn centre lane be incorporated for traffic travelling west who want to access Liebmans Road.

This would provide further safety for all traffic negotiating the bend at Liebmans Road, giving westbound traffic a safe turning area, and eastbound traffic an alternative should a problem occur e.g. low visibility in fog.

.../2

We take this opportunity to applaud the decision to reduce the speed limit on Medway Road to 80 km/h.

Further, we fully support the Medway Residents Group submission including concerns regarding:

- Dust issues especially as it relates to water/air quality
- Noise issues
- Sign posting on Medway Road – including “signs warning of truck haulage and school bus zones” (Rob Parker #8.2)

We also question the use of historical existing usage data as a basis for this application as trains were previously used to transport coal.

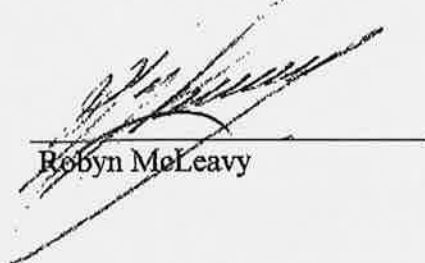
Lastly we bring to your attention that discrepancies appear in the information provided e.g. operational times.

Should you require further information please do not hesitate to contact us. We also hold a copy of Rob Parker's report and can make it available.

Yours,



Michael McLeavy



Robyn McLeavy

Greg & Lynne Morrison
PO Box 7004
Berrima NSW 2577

17 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to coal stockpiling

We would like to express our concerns in relation to the above two projects and list a number of requests for the Departments consideration:

1. Existing Use Rights Berrima Colliery and Modification of Stockpile for Berrima Cement Works New Berrima

We are concerned that both the Environmental Assessment and Modification Application lack validity and verifiable data in many areas but in particular the evidence that supports the applications that Berrima Colliery should be approved under existing use rights and that the uncovered 25,000 tonne coal stockpile x five campaigns per annum for export at New Berrima constitutes a minor modification.

We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

We challenge that Boral under part 3A and the formalization of "existing use rights" are able to double the historical output of tpa of the colliery from approximately 220,000 tpa for local and domestic use to 460,000 for local, domestic and export.

In particular we reject the assertion in the EA (pages.2 Executive Summary) "*Overall the proposal is expected to have a positive socio-economic impact. Potential negative socio-economic impacts from subsidence, loss of ground water, traffic noise, and air quality, surface water quality, ecology and heritage have been assessed and found to be non-significant*".

The doubling of production p.a. will have significant impacts on the environment and the community.

Figures quoted in the EA estimate that production will increase from 210-340 days per annum this equates to the fact that the colliery will be working every second Sunday and public holidays. . These figures transform the colliery into an intensive use operation.

In effect it will double the amount of noise and dust emitted from heavy vehicle truck movements and pit top operations, it will double coal haulage (66 – 132 movements per day) and other associated vehicle movements on Medway Rd.

We are also confused by the inconsistencies in the EA as a further quote for 66 fully laden truck movements x 27 tonne load x 340 days p.a. equates to 605, 880 tonnes not the 460,000 stated in Boral's application

Loch Catherine Stockpile Area

The quantity of coal currently alluded to in the EA is around 80,000 tonne which is likely to increase to around 115,000 tonne at Loch Catherine. There is little mention of the controls and monitoring undertaken by Boral for the dust and water run off from the stockpile particularly as this stockpile backs onto the Wingecarribee River which is part of the Hawkesbury – Nepean system a major water source for the Sydney Catchment.

The road to Loch Catherine is unsealed creating major dust problems for residents and we request that this road be fully sealed to minimise impacts on the residents of Medway and any additional flow on effects to the Wingecarribee River.

Boral are currently running uncovered and overloaded coal trucks from the mine onto Medway Rd and through to Loch Catherine. Coal is spilled onto the road verge and dust emitted that falls onto nearby houses.

Recommendations:

1.1. We request that under the formalisation of the existing use rights Boral be approved to produce up to 220,000 tpa and for additional tones up to 460,000 that a separate DA be submitted.

1.2. With regard to the modification application for Berrima Cement Works to stockpile 25,000 tonnes x 5 campaigns of coal per annum at Berrima Cement Works, the Office of Environment and Heritage states that this changes the business from a Cement Plant to a coal works.

With regard to the export campaign in January at no time did Boral attempt to consult with the community or gain any informed views or the communities preferences before applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The community's views or preferences were not detailed in the modification application.

We request that Boral be made to submit a separate DA as this is a major not minor change to the operation of the Cement Works.

1.3. We request that Boral be requested to complete a separate DA for the management of the Loch Catherine Stockpile.

2. Traffic Issues Safety on Medway Rd

We are very concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise and dust for the residents of Medway and Surrounding Properties.

The safety aspects for residents travelling along Medway Rd and through Medway Village have not been adequately addressed in the EA.

Medway road is a local road managed and maintained by Wingecarribee Shire Council. In Boral's EA Medway Rd is referred to as a principle haulage route.

Medway Rd needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already seriously deteriorating and failing in many areas causing trucks to move out towards the oncoming traffic. Medway Rd does not meet AUSTROAD standards for the use of heavy vehicles including B-Doubles.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There is no where to go.

There are a number of young families in the village of Medway and the safety of the children is of utmost concern when you have heavy vehicles continually not abiding by the speed limits particularly in school bus times. We ask that consideration be given to school bus movements and the safety of school children with regard to both EA and the modification application.

Recommendation:

2.1 We ask that there is no increase in heavy vehicle movements and or B-Doubles on Medway Rd until Medway Rd is upgraded as a minimum to AUSTROAD standards for heavy vehicle haulage.

3. Dust and Noise

The community questions the methodology for the assessment of noise and dust monitoring in the EA and residents are concerned that Boral already exceeds acceptable noise levels on a routine basis.

As expressed previously in this document Boral are currently running uncovered and overloaded coal trucks from the mine onto Medway Rd and through to Loch Catherine. Coal is spilled onto the road verge and dust emitted that falls onto nearby houses.

Recommendations:

3.1 We ask that the Dept supports the community by requesting that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment.

3.2 We request that all haulage take place only on sealed roadways to prevent contaminated runoff and dust generation and that all loads leaving the mine and stockpiling areas are covered.

3.3 We request that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6 pm Mon to Fri and 7.00am to 1.00pm Saturdays. No loading and haulage to occur on Sundays or Public Holidays.

4. Consultation

Of major concern is the lack of consultation that has been carried out by Boral prior to the lodgment of both the EA and the Modification Application and the lack of accountability and transparency detailed in the reports.

Boral had lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act prior to the community consultation carried out on 30 May and 8 June. The timing of the community consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

We believe that the level of consultation undertaken by Boral does not meet the Guidelines as set by the Dept.

4.1 Concerns pre - lodgment of the EA and the Modification Application

a) At no time did Boral or Wingecarribee Shire Council attempt to consult with the local community regarding B Double Haulage.

4.1.1 At no time did Boral attempt to consult with the community with regard to the concentrated export campaign that they carried out in January 2011. Boral belatedly informed a few residents. It is most relevant that this campaign occurred closely after New Years when most people are on holidays or enjoying quiet recreation.

4.1.2 With regard to the export campaign in January at no time did Boral attempt to consult with the community or gain any informed views or the communities preferences before applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act.

4.1.3 Therefore the views and concerns of residents and interested parties are not included in the EA and modification application.

4.1.4 These are not the actions of a good corporate citizen wanting to work closely with the community to achieve positive outcomes and inform the DoPI of the communities concerns so that informed decisions can be made.

4.2 Concerns post lodgement of the EA and Modification Application

4.2.1 For approximately five years Boral has engaged the services of independent facilitators to engage with the community with regard to issues that have a high impact on the community from the operations of the Berrima Cement Works.

4.2.3 In the two years that Boral had been preparing to lodge the EA Boral didn't engage the Medway community through the same process of community engagement with their independent facilitators until after the EA and modification application had been lodged.

4.2.4 At the time of preparing this submission Boral Staff have not provided residents with factual and quantifiable data in response to questions asked at the consultation meetings on the 30 May and the 8 June.

4.3 Concerns with the Lack of Information provided in Berrima Colliery EA

4.3.1 Community Engagement

Pages 28 & 29 of the Berrima Colliery EA, provides information on community consultation and community engagement. The information provided does not detail the number and type of meetings, the number of people attending or engaged with or how people were notified of any proposed consultation.

We question the contrast between the very detailed table provided in the EA on the laudable consultation undertaken with the indigenous community and yet no specifics are offered under the section addressing community engagement.

4.3.2 Risk Assessment

The summary provided from the risk assessment on page s.2 (Executive Summary) is questionable from the resident's perspective. A risk assessment should be prepared in consultation with all affected parties to try and eliminate and or reduce the hazards.

At no time were any residents consulted or had any input into the risk management process for the EA in particular in relation to heavy vehicle movements on Medway Rd.

Our residents group rejects the assertion in the EA which states " *Overall the proposal is expected to have a positive socio-economic impact. Potential negative socio-economic impacts from subsidence, loss of groundwater, traffic noise and air quality, surface water quality, ecology and heritage have been assessed and found to be non-significant*"

4.3.3 Noise and Dust

At no time has Boral been in consultation with the residents or landholders in relation to noise and dust impacts from the current and or proposed operations associated with Berrima Colliery (pit top operations, coal haulage or other associated vehicle movements on Medway Rd.

There is no information provided in the EA or modification application in relation to feedback or recommendations from the community on noise or dust impacts.

4.4.4 Summary of Lack of Consultation

The residents question the integrity and transparency in Boral's methodology for consulting with the community regarding projects that will have significant impacts on the lives and well being of local residents and our environment. Of great concern is the fact that Boral had a model and methodology for communicating with the local community in place for 5 years and yet they choose not to work with Medway residents in preparing their applications for Berrima Colliery and the New Berrima Stockpile until they had lodged both applications with the DoPI.

Throughout this process Boral has chosen to confront the community with its intentions rather than enter into meaningful consultation. The opportunity for outcomes for the company and the community has been lost.

Both EAs lack factual information in relation to consultation, traffic movements and the impacts in relation to noise, dust and air quality and the residents and interested parties do not believe that Boral fulfilled the requirements to consult set by the NSW Dept Planning and outlined in Guidelines for Major Project Community Consultation (Oct 2007) specifically **that informed views, knowledge from the community and the communities preferences** were not taken into consideration in the assessment process and decision making.

4.5 Recommendation:

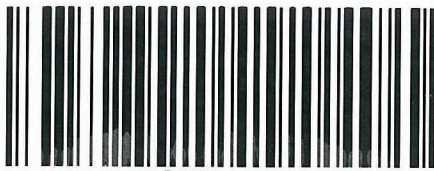
4.5.1 Therefore the residents of Medway and surrounding properties request that the Minister for Planning (as per Guidelines for Major Project Community Consultation (Oct 2007) appoint a panel of experts to provide independent advice and hold a public hearing so that the panel and the community can be fully informed of all factual information on the issues that will have a high impact on the local community prior to any applications being granted approval.

5. Conclusion

We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and we request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with more detailed and comprehensive Environmental Assessments with valid and verifiable data as these projects will have a significant impact on residents and the local community.

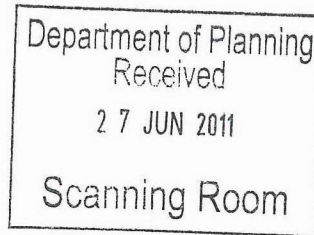
Yours faithfully

Greg & Lynne Morrison



PCU023623

NSW Planning & Infrastructure
GPO Box 39
Sydney, 2001



16 St. Clair Street
Bowral, 2576
22nd. June, 2011

Dear Sir,

Re: Berrima Colliery – Continuation of mining.

As a resident and landowner in the Wingecarribee Shire I object to the above proposal until a realistic appraisal of the hydrogeology has been completed.

The report by Australian Groundwater & Environmental Consultants (AGEC) relies on a previous assessment by Larry Cook and Associates (2008). That study “included a desktop review of the local hydrogeology and test pumping at two bore sites”, the Belpin Bore and the Culpepper Monitoring bore. Apparently, data from those pumping tests were used by Larry Cook to determine Groundwater levels and Hydraulic Gradients (Section 6.7), Water Quality (Section 6.8) but I assume that data for Section 6.9 Groundwater Ingress to Underground Mine was obtained by AGEC.

Neither of the assessments includes data on individual aquifers. Mostly they rely on existing water bores. If Culpepper Monitoring Bore was drilled for one of the assessments, its details are not provided on Table 3. Because individual water samples are not available/were not obtained for aquifers within the Hawkesbury Sandstone (HS) or for the aquifer within the Wongawilli Seam, the conclusions in Section 6.8 are not valid.

Page 3 of the report quotes objectives of the NSW Groundwater Quality Protection Policy (1998), including Item 3 regarding prevention of groundwater pollution. A 24 hour pumping test of the Belpin Production Bore, including good quality, very low saline water usually present in the Hawkesbury Sandstone with much more saline water from the Wongawilli Seam does not appear to meet the stated objective.

At the risk of appearing pedantic, my reasons for criticism are best presented according to sections of the report.

5.2 Climate. Goulburn is the closest source of evaporation levels but, based on its differing geography, is hardly relevant to Berrima Colliery.

6.2 Coal Seam Geology. It is correct that “The upper part of the (Wongawilli) Seam hosts interbedded carbonaceous shale, mudstone and shaly coal”. Therefore, it is most unlikely that the seam contains a “10m thick coal seam aquifer” as stated in paragraph 2, page 10. Only the lower, coal-rich porous mining section is a likely significant aquifer.

6.5 Registered Bores. Water is quoted as having low salinity if it has Electrical Conductivity (EC) of less than 1,000us/cm. I do not argue with that definition but suggest that the very low EC for water normally from the basal HS is sufficiently low, at less than 100us/cm, that it would be in the category of “fresh water”, as used in Section 6.8 Water Quality. As such, as mentioned above, it should be excluded from contact with/mixing with more saline waters, such as in the Wongawilli seam.

6.6 Hydraulic Parameters. As mentioned previously, it may be an offence to combine very low salinity water from the basal HS with much more saline water from the Wongawilli Seam. Also, I cannot see the objective as the transmissivity and storativity determined refer to what? The hydraulic conductivity is estimated for “a 73m thick aquifer zone” but even if the true 19m zone (119m-138m) is considered, it includes some Hawkesbury Sandstone and some Illawarra Coal Measures, each with vastly differing rock types and, presumably, with varying hydraulic conductivity and other parameters.

6.7 Groundwater Level and Hydraulic Gradients. As mentioned, no details are provided in Table 3. Also, it would appear that the Belbin and Culpepper bores are production bores and that the hydrostatic levels rose and fell according to “pumping”. Does that mean that water was extracted? If so, are the tests valid? The last paragraph on page 11 indicates that AGECS are dubious of those results.

6.8 Water Quality. As mentioned, there are no samples of groundwater from boreholes. Seepage into the coal mine workings, in the lower portion of the seam, is from the HS, via dykes and faults and from the aquifer within that portion of the coal seam. Water samples used for the assessment were taken at a dyke and at a fault and at an advancing face. Logically, they respectively represent seepage as above but the fault and dyke samples are not representative of water from the HS. That water has to pass through the upper portion of the Wongawilli seam, from which it would accumulate some “salts”. Those samples have similar chemistry (page 13) because they have the same source, the HS, and similar pathways. Dykes intrude weaknesses in the strata, some of which may be faults.

6.10 Recharge and Discharge. The discussion of chloride concentration, to indicate a recharge rate of 10% does not appear to be valid. The “40mg/l in groundwater samples collected from the colliery” cannot be related to 4mg/l in rainfall, to show a 10% recharge rate. The colliery samples include water from some part of the Wongawilli Seam, as well as from the HS.

Table 4: Groundwater Inflow Estimates. The 2.83ML/day “is within the observed range of 2ML/day to 3.5ML/day range measured in the colliery”. Does the range include water introduced to the mine and used by mining machinery?

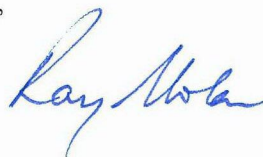
9.2 Installation of Additional Monitoring Bores. The Water Biodiversity Committee (2003) Guidelines referred to appear to be the same as Minimum Construction Requirements for Water Bores in Australia (2003). Chapter 6 of that Standard requires that formation and water sampling be carried out “to determine the nature and type of

strata beneath the site and the water quality in **any water bearing formation** (my emphasis). Reliable information on specific geological materials and aquifer conditions at a site is necessary to establish the optimum design for various elements of a final production bore." As I have said!

Like many other hydrogeologists, who have reported on this Shire, AGECC have not considered individual aquifers and have not allowed for the differing water quality in the various formations. Therefore, some of their conclusions are not well founded.

Yours faithfully,

Ray Nolan.



**From: Robert Parker,
Ramaling, Old Mandemar Road,
Berrima, NSW 2577
Ph 0428 482 066
Email: rob.parker@acenet.com.au**

21st July, 2011

Submission regarding:

**Berrima Coal Project Application Number 10_0172 and
Boral Cement Works DA No. 401-11-2002-i MOD 6 – Coal Stockpiling**

I wish to convey my concern regarding both the proposed coal exports from the Berrima Coal project operating out of Medway Colliery and the associated coal stockpiling at the Berrima Cement works.

I have a number of objections and they are listed numerically as follows:

1. Carbon Dioxide emissions.

I am concerned about the increased carbon dioxide emissions that will occur from the additional coal exports that are not a part of cement production. We are told that Boral currently mine in the order of 110,000 tonnes of coal to meet current cement production. Lifting this to the applicants requested 460,000 tonnes will effectively quadruple the carbon emissions from Boral Cement plant associated with coal burning. On top of this we have the additional emissions due to calcining of the limestone. As a civil engineer involved in projects in Australia and internationally which consume very large amounts of cement I am acutely aware of the need to minimise where ever possible unnecessary emissions arising from cement production.

I am also very supportive of the ongoing profitable operation of the Berrima Cement plant. It helps no one if its operations are so cost constrained that Boral are unable to be innovative or are forced to compete with imports of low cost clinker from highly polluting Asian plants.

Nevertheless Boral have stated publicly that the income derived from coal exports is required in part to offset the costs of the Federal Government's proposed carbon tax. This is a corruption of the intention of that scheme and the need to reduce Australia's emissions. It is also in direct conflict with the principles set out in the Australian Cement Industry "Sustainability Report" to which that company is a founding participant.

Boral's application to expand production for export should be rejected. I seek the State Government's support for border adjustments to ensure imported cement and clinker are subject to the same carbon costs and environmental standards that Australian manufacturers are required to meet. These are in line with the recommendations of Professor Michael Grubb

of Cambridge University at ANU on April 13. We must ensure that critical industries do not come into conflict with the need to reduce carbon emissions.

2. Change of Use

I express concern that the Berrima Cement Works Modification 6 Environmental assessment - Coal stockpiling for sale does not correctly address a substantial change in use of the Berrima Cement plant. This is effectively changing the cement plant into a coal works. This is especially significant for the Berrima Cement plant because of the proposed mining of coal at the Sutton Forest exploration lease owned by Hume Coal. With exports from that deposit being in the region of 1.5 million tpa, a very likely option would be to locate a coal loader at the Berrima Cement Plant with a second option being at the existing Medway mine. Other options would not be as cost effective for loading out the coal from Sutton Forest.

It is critical therefore that given the large scale of community opposition to the Hume Coal operations, a very careful Environmental Assessment be prepared by Boral for any coal works at the cement plant.

The current EA is neither careful nor thorough. For example a substantial confusion over scale of operations in Boral's two documents namely:

1. Berrima Colliery Continued Operation Environmental Assessment (DOC 1) and,
2. Berrima Cement Works Modification 6 Environmental assessment - Coal stockpiling for sale (DOC 2)

There is a significant contradiction in the two EA's prepared by Boral as to the scale of exports from Port Kembla.

1. In DOC 1, Paragraph 5.6 – Transportation the report states:

Notwithstanding the above, the amount of coal despatched to Port Kembla for export would not exceed 340,000 tpa but in reality is likely to be much less than this figure.

2. In DOC 2 the ARUP Executive summary states:

Surplus coal which will be produced at the Berrima Colliery in future years is proposed to be exported via Port Kembla in shipments of 20,000 to 25,000 tonnes each, subject to a maximum export capacity of 100,000 tonnes per annum (5 export shipments per year).

3. In para 3.1 of DOC 2 – Proposed Activities

Production rates at Berrima Colliery have varied over time between 125,000 and 460,000 tonnes per annum of run of mine coal with capacity to produce up to 500,000 tonnes per annum. The current production rate is approximately 220,000 tonnes per annum. Therefore, there is an excess capacity of up to 230,000 tonnes per annum which is available for sale. Boral proposes to sell up to 100,000 tonnes of this coal annually.

What actual export tonnage are Boral asking for and from where will it be shipped? Do they wish to ship 340,000 tpa or 100,000 tpa through the Berrima plant? With 20,000 tonne

shipments this means the stockpile is turned over either 17 times per year or five times per year. What does Boral actually propose to do?

3. Unsafe Road Conditions

Boral propose to continue and increase coal haulage along Medway Road to both the cement plant and to external customers. As civil engineer with considerable design and construction of similar roads I advise The current road does not meet Austroads design standards is currently unsafe and presents a clear current danger to the residents of Medway and surrounding properties.

In summary:

- a) The road is structurally inadequate for heavy haulage and contains many pavement failures along its loaded side.
- b) These failures will cause heavy trucks to move towards the crown of the road increasing the likelihood of head on accidents particularly on bends
- c) The road has inadequate drainage.
- d) The road lacks shoulders which weakens the pavement. Of significant concern is the safety to numerous bicycle riders who use the road and will likely be killed through impact with coal trucks.
- e) The road is too narrow to safely line mark in that the final lane widths would be less than 3.5 metres. No line marking exists.
- f) No local widening or safe refuges exist for school buses or the entry and exit of landholders on adjacent properties.

4. Excessive Dust

Upon release of the EA for public exhibition the Medway residents became aware of major obfuscation in this report – generally known as a “snow job”. We have residents who are subjected to continual dust deposition on their roofs, cars and washing as shown in the following figures. Who daily experienced wheezing and deposited dust throughout their homes. The cause is clearly evident as seen in the dust being generated by the Boral coal haulage truck shown in the accompanying photo.



The report prepared by ENVIRON Australia makes many predictions and references many possible control measures but in the end it does not address the actual ongoing failings of Boral to mine coal and haul it without harming the local community.

5. Noise

Boral failed to consult with the local community during the preparation of either of the currently displayed proposals. If Boral had properly consulted then the following very key noise issues would have been addressed in the EA and listed for the Directors attention.

The residents are exposed to a variety of noise sources from the existing operations:

- a) Road noise from loaded coal trucks and hard booming noise from return empty metal bodied trucks
- b) Operation of reversing beepers from front end loaders operating at Loach Catherine when trucks are being loaded.
- c) Very intrusive noise generated by coal being dumped into the empty metal bodies of trucks
- d) The banging of tail gates and delivery hoppers.

These noises are generated at unacceptable times of day and on weekends and public holidays. This included recent haulage on Anzac day. It appears that local coal haulers operate at random times to suit their own convenience.

The type of noise generated needs to be properly identified. Intense and sharp metallic sounds are generated throughout the day and most intrusively in the evenings at 7 and 8pm. This is not a high output colliery. With current outputs of less than 200,000 tonnes per annum there is no sensible reason why extended hours of operation are carried out.

I request that no noise generating activities either at the colliery or through haulage of coal be carried out outside of the hours of 7.00am to 6.00pm M to F and 7.00 am to 1.00pm on Saturdays. No noise generation to take place on Sundays or public holidays.

6. Deferment of Consideration of Berrima Colliery Continued Operations Environmental Assessment

Boral can't export coal to Port Kembla until an approved method of haulage exists. Following the failure of a concentrated campaign in January 2011, Boral have proposed a high turnover buffer stockpile of some 20,000 tonnes be located at the Berrima Cement plant. From paragraph 5.6 – Transportation on page 19 of the EA, up to 340,000 tonnes per annum could go through this stockpile representing a turnover of 17 times per year with accompanying dust emissions to New Berrima

Therefore, until the issues surrounding:

- buffer storage,
- road safety and capacity,
- noise,
- working hours and
- dust generation

are resolved it is requested that the current consideration of Berrima Colliery Continued Operations Environmental Assessment and the coal stockpiling be deferred.

Yours faithfully

Robert Parker

“Ramaling”,

Old Mandemar Road

Berrima NSW 2577

Ph 0428 482 066

Email Rob.parker@acenet.com.au



1 July 2011

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

**Ref: Project 10_0172 Berrima Colliery Medway and Application DA No. 401-11-2002-I
MOD 6 Berrima Cement Works Section 75W Modification of Existing DA in relation to
coal stockpiling**

We would like to express our concerns in relation to the above two projects and list a number of requests for the Departments consideration:

1. We are concerned that both Environmental Assessments lack validity and verifiable data in many areas but in particular the evidence that supports the applications that Berrima Colliery should be approved under existing use rights and that the uncovered 25,000 tonne coal stockpile for export at New Berrima constitutes a minor modification.

We ask that the Department of Planning and Infrastructure (DoPI) request Boral Cement to provide all relevant records that supports the validity of these applications before any approvals are granted.

2. We are also concerned with the accuracy of the data in the Environmental Assessments in relation to the proposed number of traffic movements, and the impact of truck and operational noise, and dust for the residents of Medway and Surrounding Properties and the residents of New Berrima.

3. Safety on Medway Rd

We have very real concerns regarding the current and future safety conditions on Medway Rd. The safety aspects for residents travelling along Medway Rd and through Medway Village have not been addressed in the EA and have been trivialized in the Risk Assessment Summary.

Medway road is a local road managed and maintained by Wingecarribee Shire Council. It needs to be widened to allow for the current heavy vehicle movements let alone the high increase in movements referred to in the application. The road pavement is already failing in many areas causing trucks to move out towards the oncoming traffic.

It is extremely dangerous for residents and their families and friends when turning into their driveways across on coming traffic when you have heavy vehicles thundering along behind you and you may have to come to a dead stop because of oncoming traffic. There is no where to go.

There are a number of young families in the village of Medway and the safety of the children is of utmost concern when you have heavy vehicles continually not abiding by the speed limits particularly in school bus times. We ask that consideration be given to school bus movements and the safety of school children with regard to both EAs.

We ask that Medway Rd not be gazetted for B Double haulage. We would like the Dept to outline the duty of care of both Council and Boral under the NSW Local Government Road Safety Program if Medway Rd is gazetted for B Double haulage and Boral's application is approved resulting in a high increase in heavy vehicle movements when Medway Rd does not meet the Standards of the Austroads Guide.

We request that consideration be given to an alternate heavy vehicle route around the village of Medway.

4. Dust and Noise

We ask that the Dept to support the community by requesting that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment.

The community questions the methodology for the assessment of noise and dust monitoring in the EA and residents are concerned that Boral already exceeds acceptable noise levels on a routine basis.

We request that all haulage take place only on sealed roadways to prevent contaminated runoff and dust generation and that all loads leaving the mine and stockpiling areas are covered.

We request that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6 pm Mon to Fri and 7.00am to 1.00pm Saturdays. No loading and haulage to occur on Sundays or Public Holidays.

5. Of major concern is the lack of consultation that has been carried out by Boral prior to the lodgment of both EAs and the lack of accountability and transparency detailed in the reports.

The majority of residents learnt about this proposal approximately 9 months ago when Pru Goward meet with a small group of local residents in Medway.

The Consultation and information provided by Boral to the community has been extremely limited and conflicting. Residents were promised consultation in February 2011 and it was suggested that we join in with Boral's Community Consultation sessions that specifically related to the operations of the Cement Plant at New Berrima. The first invitation to this meeting was on the 30 May. Medway residents were then uninvited and rescheduled for the 8 June as they had specifically invited New Berrima Residents to the consultation on the 30 May re the stockpiling of coal at New Berrima.

Boral had finally lodged its EA for Berrima Colliery with DoPI as well as applying for modifications to its existing license to stockpile coal at the New Berrima Cement Works under Section 75W of the NSW Environment Planning and Assessment Act. The timing of the consultation on the 30 May and 8 June by Boral would have to be considered **POST CONSULTATION** and **advising the local community of its intentions** not community consultation.

We believe that the level of consultation undertaken by Boral does not meet the Guidelines as set by the Dept.

We are extremely concerned for the safety and well being of our local community if the Dept approves both of the applications in their current state. We believe that the current applications will have a negative impact on our property values and we request that the Dept requests Boral to undertake further consultation, relevant studies and provide both the Dept and the community with a more detailed and comprehensive Environmental Assessment with valid and verifiable data.

Yours faithfully

Name

Date

Peter Labash / *Robyn Walsh*
1st July 2011.
LOT 9 MEDWAY ROAD,
MEDWAY, 2577

Submission to the NSW Department of Planning and Infrastructure by SHCAG Pty Ltd

by way of objection to Boral Cement Limited's Major
project application MP10 -0172 for approval under
Division 2 of Part 3A of the Environmental Planning and
Assessment Act 1979

Date 14 July 2011

Disclaimer

This submission has been prepared for the exclusive use of the Department of Planning and Infrastructure. SHCAG Pty Ltd accepts no liability whatsoever for it in respect of any use of or reliance upon this report by any person other than the Department of Planning.

14 July 2011

Mr Clay Preshaw
Planner Major Projects
NSW Department of Planning and Infrastructure

Dear Mr Preshaw,

Submission to the NSW Department of Planning and Infrastructure by SHCAG Pty Ltd by way of objection to Boral Cement Limited's Major project application MP10 -0172 for approval under Division 2 of Part 3A of the Environmental Planning and Assessment Act 1979

This letter is an objection by SHCAG Pty Ltd (**SHCAG**), on its own behalf and on behalf of those it represents, to the Major project application (**Application**) lodged on 29 September 2010 by Boral Cement Limited (**Boral**). In that Application Boral states "[t]he proposal includes:

- continued operations of Berrima colliery, including:
- mining within the approved SMP area (59 Southwest 1 and 406 panels);
- annual production of up to 460,000 tonnes per annum (**tpa**) of run – of – mine coal;
- stockpiling of coal at Loch Catherine stockpile area; and
- continued despatch of coal by road.

1 Objection to increase rate of production to 460,000tpa

- 1.1 SHCAG objects to Boral's application to increase annual production from rates at which it would most probably be able to establish "existing use rights" being 220,000 tpa to 460,000 tpa which SHCAG argues Boral has never produced and for which it would not have existing use rights. In this respect, SHCAG would suggest that the Department check royalty received from the Berrima Colliery over the years to ascertain whether there has ever been produced **continuously** 460,000 tpa. The relevant date before which the continuous production must have taken place for it to be an established existing use right could¹ be under the Wingecarribee Local Environment Plan 1989 gazetted 12 Jan 1990.
- 1.2 SHCAG argues that Boral should not be granted rights to double production primarily because the existing infrastructure, roads, Loch Catherine stockpile area, a conveyor system extending across the Wingecarribee River have not been constructed to take such loads. We note that Boral states "The proposal for continued operations...will involve little variation from existing operations or approvals"².
- 1.3 In other words, Boral does not intend to upgrade the existing mining facilities or support structures to ensure that these, which appear old (how old we are not told) are capable of safely handling double production. We note that there are no intensification, expansion or enlargement consents, or alteration or extension

¹ SHCAG acknowledges that the ascertaining of the "relevant date" is an issue due to inconsistency in the case law's interpretation of Part 5 of the EP&A Regulations which refers to the "date on which an EPI having the effect of prohibiting use **first** comes into force". Alternatively, SEPP (Major Developments) 2005 which applies to coal mining or SEPP (Mining, Petroleum, Extractive Industries) 2007 to the extent that it is not inconsistent with SEPP (Major Developments) 2005 see its cl.5.

² Boral Cement Limited "Berrima Colliery Continued operations Environmental Assessment – Volume 1 " at ES2

consents set out in its Environmental Assessment Volume 1 (**EA**) Para 3.1. Further suggesting that the current infrastructure, built to supply 220,000tpa to the cement works as its energy supply³, has not been upgraded for some significant amount of time. All references in the EA to upgrading simply refer to “possible upgrade”⁴.

- 1.4 No major project approval should be given to double the rate of production without a thorough review of the capability of the existing mining facilities and support structures to cope with double the load for up to 8 years. We would suggest that significant upgrades are required before approval is given to a doubling of capacity.
- 2 **Boral has not established its existing use rights and as such statements that it has existing use rights must be given no credence until these are properly established according to law**
- 2.1 On Boral's website it has an information sheet entitled *Boral Berrima Colliery Medway Part 3A approval application – July 2011* attached (**Boral Information Sheet**). In that sheet Boral states that its “Part 3A application seeks to formalise activities already taking place at the site, or those which were allowed under existing use rights”.
- 2.2 Boral does not establish its existing use rights in its Application.
- 2.3 In order to establish its existing use rights, Boral must do so within the bounds of Part 4 Division 10 Environmental Planning and Assessment Act 1979 (NSW) (**EP&A Act**) and Part 5 of the Environmental Planning and Assessment Regulations (**EP&A Regs**). Boral has not done this in its Application.
- 2.4 Boral has:
 - (a) not defined its existing use rights;
 - (b) not established the relevant environmental planning instrument which prohibited its existing use or the nature of the prohibition;
 - (c) not established the “relevant date” from which its “existing use” became prohibited;
 - (d) not established continued production rates of 460,000 tpa before its existing use was prohibited by an EPI;
 - (e) not sought development consent for intensification from 220,000 to 460,000 tpa [Possibly because it has not produced 460,000tpa]; and
 - (f) not sought development consent for enlargement of the stockpile at Loch Catherine for the 460,000 tpa [Possibly for the same reason set out in 2.3(e), otherwise the intensification and enlargement set out in 2.3(e) and (f) would have been in breach of the EP&A Act and relevant EPI's].

As a consequence, it is difficult to know exactly what Boral's existing use rights are and no reliance should be placed on suggestions that Boral has these rights because it has not properly established that it has them.
- 2.5 Boral does however succinctly state in its press release July 2011 “The colliery fulfils the same role today as it did when initially established. Coal mined at the site is transported to the Berrima Cement works for use in the cement manufacturing process.”

³ see Boral information sheet attached.

⁴ See ES3, 5.1 of EA, the only upgrades referred to are to the septic system and the surface water management plan.

- 2.6 SHCAG respectfully argues that any approval given should be restricted to production of 220,000tpa, otherwise Boral must be made to change its operations and upgrade the infrastructure substantially to be able to safely, both environmentally and from an OH&S perspective, operate the colliery.
- 2.7 The Minister should give no credence to comments like “Berrima Colliery operates under existing use rights” as set out in para 3.1 Existing approvals of its Environmental Assessment – Volume 1 as it has not established those rights in its EA.

3 False and misleading statements

- 3.1 Boral states in its Information Sheet⁵, that it is formalising its existing use rights. SHCAG would argue that this is disingenuous in the least, if not false and misleading. Boral has not established its existing use rights in its Part 3A application, its EA or its Preliminary EA. If its existing use rights are not established, how can they be formalised?

4. Acceptance of this submission

- 4.1 Boral’s Information sheet states that the “Part 3A application is now on exhibition for public comment until 22 July 2011”, yet the Major Projects assessments page on the DPI website states that the exhibition period ended on 5 July 2011⁶. On the basis that SHCAG has relied upon the Boral misstatement of the exhibition phase, it respectfully requests that the DPI accept this submission as a valid submission under s75H(4) of the EP&A Act and acknowledges as much in writing to SHCAG.

SHCAG thanks you for your attention to this submission and looks forward to receipt of the DPI’s written acknowledgment of this submission as a valid submission under the EP&A Act to the Berrima Coal Project Major Project Application.

Signed by SHCAG Pty Ltd

Attachment
Boral Information Sheet July 2011

⁵ http://www.boral.com.au/Images/common/stakeholder-relations/cement-nsw/FINAL_Part_3A_information_sheet_Medway.pdf

⁶ http://majorprojects.planning.nsw.gov.au/page/project-sectors/mining--petroleum---extractive-industries/mining/?action=view_job&job_id=3765

Build something great™

Boral Berrima Colliery Medway

Part 3A approval application – July 2011



Building something great in the Southern Highlands

Coal mining in the Medway area dates back to the 1880s. The Boral Berrima Colliery was established in 1924 on the back of the original mining operation which, in turn, led to the development of the Medway village.

The Colliery fulfills the same role today as it did when initially established. Coal mined at the site is transported to the Berrima Cement Works for use in the cement manufacturing process. The interconnection of the two sites assists Boral in supplying a large proportion of the building and construction industry's cement needs in NSW.

The combined Colliery and Cement Works employ around 180 people.

'Existing Use Rights' and 'Part 3A' approval

Currently we are permitted to produce coal at Medway under 'existing use rights'. These were granted to the Colliery well before today's planning legislation was introduced in 1979. These 'rights' protect the continuation of the site as a coal operation.

During the past few years, the NSW Department of Planning and Infrastructure (DoPI) has moved to replace 'existing use rights' for mines with approvals reflecting modern standards. The DoPI is doing this through the use of the 'Part 3A' application process.

Part 3A was introduced to the *Environmental Planning and Assessment Act 1979* during 2005. A very simple explanation is that Part 3A captures a range of development application (DA) types for assessment by the DoPI rather than local Councils.

While legislation has been introduced by the new NSW Government to repeal Part 3A, we have been advised it will continue to apply to the application for the Colliery. Until the application is determined, 'existing use rights' apply.

What changes under a Part 3A approval?

The Part 3A application seeks to formalise activities either already taking place at site, or those which were allowed under 'existing use rights'.

Looking long term

The Cement Works is reliant on the supply of coal as part of the cement production process. Part 3A approval of the Colliery is important to Boral as it provides a proximate and viable source of coal to the cement works.

Both Boral sites have provided a significant economic and social contribution to the Southern Highlands for almost a century. The Part 3A application approval assists in securing a future competitive position for the Colliery.

Where can I find out more?

The Part 3A application is now on exhibition for public comment until **22 July 2011**.

It can be viewed on the DoPI website <http://majorprojects.planning.nsw.gov.au> – select 'On Exhibition'.

A website is also being established for the Cement Works and Colliery as an ongoing communication tool which includes this information and contact details for further feedback.

Visit www.boral.com.au/berrimacement.

