THE UNITED MINEWORKERS' FEDERATION OF AUSTRALIA

(Division of the Construction, Forestry, Mining and Energy Union)
(Incorporating the Federal & State Registered Unions)

Northern District Branch

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Dear David

RE: REVIEW OF ENVIRONMENT ASSESSMENT – BULGA UNDERGROUND, MODIFICATION 5, BLAKEFIELD NORTH LONGWALL MODIFICATION AND GAS FIRED POWER PLANT

Please find attached the CFMEU Northern District Branch's Submission in relation to the abovementioned matter.

The Union welcomes the opportunity to commence on the abovementioned Environmental Assessment.

Should you have any questions concerning the same, please do not hesitate to contact the Union Office.

Yours sincerely

KEENON ENDACOTT
INDUSTRIAL RESEARCH OFFICER

Date: 10/12/12

Mining and Energy Division

Review of Environmental Assessment

Bulga Underground

Modification 5 – Blakefield North Longwall and Gas Fired Power Plant

Ref No: DA 376-8-2003

Submission

Construction Forestry Mining and Energy Union (Mining and Energy Division)

Northern District Branch

December 2012

On 29 September 2011, Bulga Coal Management Pty Ltd (BCM) applied to the Minister, Department of Planning seeking approval to realign longwall layout, including expansion of the longwall extraction width up to the previously approved 400 metres, increased pre- and post-mining gas drainage infrastructure above the long wall panels and the construction of a gas drainage plant at the top of the BSO Whybrow open cut highwall.

The Director General made the Environmental Assessment publicly available on the 23 November 2012, at the DPI Information Centre Sydney, Singleton Shire Council and Nature Conservation Council, Newtown.

The Union is pleased to take the opportunity to comment on the Bulga Modification 5 project and related activities Environmental Assessment.

The Mining and Energy Division is a Division of the CFMEU under the Federal Workplace Relations Act 1996, with over 120,000 members, one of the largest in Australia. The Division covers several industries including the coal industry, coal ports, metalliferous mining industries, electrical power generation, oil and gas and the Nation's small coking industry.

The Northern District Branch of the CFMEU Mining and Energy Division, being the branch that on behalf of the organisation which is making the submission is the principal Union representing coal miners in the Northern District coalfields of New South Wales. The Bulga facility is located approximately 12 kilometres south-west of Singleton is wholly within the State's Northern District coalfields.

The Union is familiar with the Bulga Coal Mine facility site and has engaged the services of an Environmental Consultant who has extensive experience in local government and environmental assessments on coal mining related projects.

After reviewing all the material and taking advice, the Union supports the modification to mining activities as proposed.

Project Overview

BCM is seeking to modify Development Consent DA 376-8-2003 pursuant to Section 75W of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to allow for the following: Realigned longwall layout, including expansion of the longwall extraction width up to the previously approved 400 metres;

- Increased pre- and post-mining gas drainage and drilling infrastructure above the longwall panels (similar to that employed in the BFS Underground Mine);
- Construction of a gas drainage plant at the top of the BSO Whybrow open cut highwall, including goaf vacuum plant, gas compressors, workshop, offices, hardstand areas, buried pipelines and associated infrastructure. Five goaf extraction unit flares and five pre-mining gas drainage flares (already approved) are to be relocated to this proposed gas drainage plant;
- Modified mine ventilation, including the relocation of the two currently approved ventilation fans to the base of the open cut highwall within a new access slot;
- Changed coal clearance infrastructure for the clearance of coal during development, by the trucking of coal through the open cut to the existing BFS ROM stockpile;
- The construction of a small-scale power generation plant (up to 32MW), and associated pipeline, pipeline maintenance facility and ancillary service infrastructure (including 5 new gas flares) to manage the increased methane production from gas drainage included within this modification proposal. Two scenarios of either a 32MW (Scenario 1) or 30MW (Scenario 2) power plant were modelled.
- Ongoing exploration activities at the BUO during the life of the BFN Underground Mine.

The timing of the Project is to be in accordance with BCC Life of Mine (LOM) planning process. The proposal will use the same longwall mining methods, type of equipment and infrastructure already in use by BUO. No changes are proposed to the pit-top workshop areas, the Coal Handling Preparation Plant (CHPP), coal handling techniques (other than trucking of coal during development), approved operating hours, or mining methods currently in use at the mine. No extension or reduction to the life of the current development consent or change to the approved total coal mined at the BUO is proposed. The Project would also not require any additional tailings or coarse rejects storage.

Community Consultation

BCM has undertaken consultation with local and state government authorities, Aboriginal groups, and other relevant stakeholders during the preparation of the Project EA.

According to the EA provided BCC played a proactive role supporting and engaging the community throughout 2011. The approaches to the community consultation program included:

- Community Consultative Committee;
- Newsletters, advertisements, websites;
- Face to face community stakeholder engagement program;
- Community BBQ program;
- Broke Village Fair;
- Broke Village Fair Committee; and
- Local Aboriginal Community Consultation

Subsidence

The overall void widths of the longwalls assessed in the 2003 EIS were 275 metres (i.e. 265 metre wide longwalls plus the first workings). However, the 2003 EIS acknowledged that "improvements in mining technology are likely to increase this width to approximately 350-400 metres in the next 10 years". As a result, development consent was sought and granted for the "extraction of longwalls over a face width of between 150 metres and 400 metres" (2003 EIS). The modified longwall layout proposes overall void widths of approximately 410 metres (i.e. 400 metre wide longwall face width plus the first workings) as per the current development consent approval. As a result, the number of longwalls proposed to be extracted in the Blakefield Seam has reduced from twelve to seven and are referred to in the Project as Blakefield North Longwalls 1 to 7 (BNLW1 to BNLW7). As the longwalls assessed in the 2003 EIS assumed overall void widths of 275 metres, an updated Subsidence Assessment has been prepared by Mine Subsidence Engineering Consultants (MSEC). The predicted mine subsidence movements resulting from the extraction of the proposed modified longwalls have been determined using the Incremental Profile Method. The subsidence prediction model has been calibrated for multi-seam mining conditions using the available empirical data and using the results from a numerical analysis. The calibrated Incremental Profile Method was previously used to predict the mine subsidence movements for BSLW1 at the BFS Underground Mine and the observed movements, to date.

The maximum predicted tilts and curvatures for some locations in proposed BNLW1 to BNLW7, based on the modified layout, are greater than those provided in the 2003 EIS. This is because the predictions provided in the 2003 EIS were based on the longwalls in the Blakefield Seam being offset from those in the Whybrow Seam, which provided flatter subsidence profiles than the proposed modified case, which includes some locations where the Blakefield Seam chain pillars are beneath the Whybrow Seam chain pillars.

Whilst the maximum predicted additional tilts and curvatures, based on the modified layout, are greater than those provided in the 2003 EIS, the predicted outcomes are similar to those previously observed as the result of the extraction of the overlying longwalls in the Whybrow Seam at the BFS and Beltana No. 1 Underground Mines. The potential impacts resulting from the extraction of the proposed BNLW1 to BNLW7, therefore, are expected to be similar to those previously observed resulting from the Whybrow Seam longwalls.

The Subsidence Assessment indicates that the levels of impact on the natural features and items of surface infrastructure can be managed by the implementation of suitable management strategies. BCM has developed management strategies for the natural features and surface infrastructure which have been directly mined beneath by previously extracted Whybrow Seam longwalls at the BFS and Beltana No. 1 Underground Mines and by BSLW1 at BFS. With the implementation of these management strategies, it is expected that there would be no long term adverse impacts on the natural features and surface infrastructure resulting from the extraction of the modified longwall layout.

Air Quality

An Air Quality Assessment was undertaken by Todoroski Air Sciences and considered the potential air quality impacts associated with particulate matter and deposited. The assessment also addressed emissions of carbon monoxide (CO), nitrogen dioxide (NO2), hydrocarbons and odour to be generated from key sources proposed in the Project including the ventilation fans, the combustion and flaring of coal seam methane and the truck haulage of development coal.

Air Quality – Construction

The construction phase would be short and relatively small scale in nature. Construction impacts can therefore be effectively controlled through the dust management measures currently applied at the BCC.

Air Quality – Operation

The Project would not change the rate of coal extraction or any surface infrastructure for receiving and processing the coal. The only changes with potential for additional air quality impacts would occur from the use of trucks to transport development coal (which would occur until a new surface conveyor can be established) and the development of a small scale power generation plant (up to 32MW) and the flaring operations. The assessment found that the predicted additional air impacts arising from the Project would be negligible at the worst impacted receptor (217s – Russell). The change in impacts is unlikely to be detectable and the predictions show that levels would be below acceptable criteria at the privately owned receptors.

The predicted maximum nose-response odour level that would be caused by the proposed ventilation fans would be 0.05 OU (odour units) and is below the odour detection threshold of 1 OU (and therefore below any applicable criteria).

Greenhouse Gas

The combined Scope 1 and Scope 2 emissions generated without the proposed flares and power station would result in significant fugitive methane emissions. However, the use of the proposed flares and power station would result in an approximate 78% reduction in the approved GHG emissions for the proposal.

There would be a decrease in the Scope 2 emissions based on the difference in the amount of electricity generated by the proposed onsite power station and the amount of additional electricity required by the proposal. While the Project would require approximately an additional 2000kW of electricity usage resulting from the additional surface infrastructure proposed (as compared with the approved development) this will be off-set by the proposed power station which would generate up to 32MW of electricity. The surplus electricity generated from the power station would be fed back into the grid, resulting in a net reduction in potential GHG emissions.

Noise

An Environmental Noise Assessment was undertaken by Global Acoustics Pty Ltd. This assessment considered operational noise, construction noise, low frequency noise and potential sleep disturbance impact from the Project. Additionally, cumulative noise impact with BSO and neighbouring mines was considered, including the proposed Western Extension modification to the BSO.

Noise - Operation

Two operational noise scenarios were modelled, comprising the period 2012 to 2014 and the period 2015 to 2018 to reflect the change in implementation and quantity of infrastructure over this time. Predicted noise levels for the supplementary BFN infrastructure were combined with predicted noise levels from the BCC to assess the potential impacts and compared against the BCC noise criteria.

Results indicated there would be a minor 1 dB increase to BCC noise emissions due to proposed Blakefield North (BFN) infrastructure at receptors 217m and 217s (Russell). This increase does not result in an exceedance of development consent criteria and the temporary truck haulage of development coal would primarily be responsible for this increase. Although truck haulage of development coal was included in the evening and night scenarios (for which the increase is predicted), haulage is expected to be required approximately 12 hours per day (primarily during the day period when no increase in noise is predicted).

Noise – Construction

A series of construction scenarios were considered to assess worst-case construction impact. The four most exposed gas well locations were modelled to assess worst-case impact. Predicted construction noise levels for BFN were combined with predicted levels for the remainder of the Bulga Coal Complex (BCC) , in this case Bulga Surface Operations (BSO) , Bulga Underground Operations (BUO) and BFN to assess potential cumulative impact from the complex as a whole.

Results indicated that operational noise criteria specified in the BUO Consent would be exceeded due to gas well compound construction and drilling works. Ten receptors are predicted to receive construction noise levels greater than or equal to LAeq, 15 minute 40 dB during the day period; the highest prediction being LAeq, 15 minute 53 dB. The highest prediction for the evening and

night periods is LAeq, 15 minute 39 dB. Given the relatively short duration of drilling impact, and the restriction of gas well compound civil works and vertical gas well drilling to the day period, it is considered reasonable that a construction noise criterion of LAeq, 15 minute 53 dB is allowed for the Project during the day period, and LAeq, 15 minute 39 dB be allowed for the evening and night periods. It is recommended that community consultation be undertaken prior to commencement of critical gas well drill sites, and best practice management techniques be adopted, including use of acoustic barriers, selection of quietest available plant and placement of noise sources within the drilling compound as close to acoustic barriers as possible.

Noise – Sleep Disturbance

Operational noise sources are not considered likely to cause sleep disturbance impact due to the relatively constant noise emission level. Exceedance of the construction noise sleep disturbance criterion of up to 6 dB is predicted at three receptors (all on the Russell property and one unoccupied). This would be due to the drilling works associated with one Surface to In-seam (SIS) well (SIS1), which is located relatively close to this property. For the majority of drill sites, no exceedance of the sleep disturbance criterion would result.

Noise - Cumulative

The only other significant industrial noise source in the local area is the Mount Thorley Warkworth (MTW) mine located to the north of the BCC. The results of modelling of operational noise indicate the proposed BFN infrastructure would cause an increase to BCC noise emissions at only one property (217m and 217s – Russell). The environmental assessment for the recently approved MTW Extension undertaken in 2010 predicted that the worst-case noise level from the MTW complex is LAeq, 15 minute 34 dB. The worst-case noise level predicted for the BCC for the habitable Russell residence (217s) in this assessment is LAeq, 15 minute 36 dB. When combined, these levels total LAeq, 15 minute 38 dB. As this level is less than the most stringent cumulative noise criterion (night period) of LAeq, 9 hour 40 dB, no exceedance of cumulative noise criteria is predicted at Russell due to operational noise. As there is no predicted change to BCC operational noise emissions at all other receptors, it is highly unlikely that BFN infrastructure could combine with noise emissions from MTW to cause an increase to cumulative noise levels.

Predictions for construction noise during the day period are high at some receptor locations due to the relatively close proximity of the worst-case drill sites. Mining noise during the day period

is generally low level, and the likelihood of mining noise combining with construction noise to cause an increase to received levels is considered very low. Night period drilling activities in the Bulga area have the potential to combine with MTW to increase total received noise levels. At the Russell property, the predicted worst-case LAeq, 15 minute from the MTW complex is 34 dB, and from the BCC, 36 and 34 dB for the evening and night periods respectively. Predictions for SIS drilling at the Russell residence (217s) are LAeq, 15 minute 27 and 33 dB for the evening and night periods respectively. The total predicted cumulative noise at Russell is then LAeq, 15 minute and 38 dB for both the evening and night periods. As this level is less than the most stringent cumulative noise criterion (night period) of LAeq, 9 hour and 40 dB, no exceedance of cumulative noise criteria is predicted at the Russell property due to construction noise.

Groundwater

Comprehensive groundwater assessment of mining in the Blakefield seam for the approved BFN Underground Mine was undertaken by Mackie Environmental Research (2003) for the 2003 EIS.

This identified the pre-mining groundwater quality within the hard rock aquifer associated with the coal measures as typically poor. Consistent with currently approved operations, it is unlikely that any measurable improvement in groundwater quality would be observed in the coal measures as a result of the Project. Mackie Environmental Research (2003) identified that a minor improvement in the water quality of the deeper alluvial aquifer may occur during approved mining operations due to the reduced input of saline water from the hard rock aquifer.

This trend is also relevant for the proposed modified mine layout and is likely to revert back to the current groundwater flow regime as the hard rock aquifer recovers from the cessation of mining. Generally the alluvial groundwater quality is predicted to remain unaffected.

The modified longwall layout for the BFN Underground Mine has been designed to ensure that there is an adequate buffer to protect the Wollombi Brook alluvials, consistent with the currently approved longwall layout. The 40 metre buffer zone for the limit of the alluvials lies outside the 20 millimetre predicted subsidence contour. The limit of alluvium is located 145 metres south-west of the Subsidence Area, at its closest point.

There are around 35 groundwater monitoring bores within and around the Project Area and a number of registered bores within the vicinity. These are generally located within the Wollombi

alluvium and are located outside of the predicted 20mm subsidence line. As these bores are located within the alluvial aquifer it is considered very unlikely that they will exhibit any loss of yield due to the lack of a predicted impact. Should the groundwater supply to these bores be affected by mining within the BFN Underground Mine area, the existing current consent requires BCC to provide an alternative water supply until such time as a more permanent supply can be re-established.

Surface Water

No significant impacts on surface water resources as a result of the proposed modification are anticipated, provided the proposed management and mitigation measures are implemented as required.

Ecology

An Ecological Assessment was undertaken by Umwelt (Australia) which identified two Endangered Ecological Communities (EECs) and one Endangered Flora Population listed on the Threatened Species Conservation Act (TSC Act), within the Project Area. No TSC Act listed threatened flora species were identified as present or considered likely to occur within the Project Area. Assessment of the potential impacts on the two EECs and one Endangered Flora Population found that none of them would be significantly impacted by the Project. No Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed threatened ecological communities (TECs) or threatened flora species were considered likely to occur within the Project Area.

A total of 13 threatened fauna species were recorded within the Project Area and comprised five birds and eight mammals (all bat species). All 13 of the threatened species are listed as Vulnerable on the TSC Act and two are also listed as Vulnerable on the EPBC Act. Potential habitat was identified for a total of 24 threatened fauna species listed on the TSC Act and/or EPBC Act. Assessment of the potential impacts on the 24 threatened fauna species listed on the TSC Act and/or EPBC Act found that none of the species would be significantly impacted by the Project.

The Project would result in the clearing of around 34 hectares of land for surface infrastructure facilities, comprising:

- Up to 5.0 hectares of Central Hunter Box – Ironbark Woodland for pre and post-mining gas wells and access tracks;
- 22 hectares of Central Hunter Box – Ironbark Grassland for pre and post-mining gas wells, the proposed pipeline maintenance facility, proposed gas drainage plant, proposed power generation plant and access tracks;
- 0.54 hectare of Central Hunter Bulloak Forest Regeneration for pre and post-mining gas wells and access tracks;
- 0.38 hectare of Central Hunter Swamp Oak Forest for pre and post-mining gas wells and access tracks;
- 0.71 hectare of Riparian Grassland for pre and post-mining gas wells and associated access tracks;
- 0.34 hectare of Exotic Grassland for pre and post-mining gas wells and associated access tracks;
- 0.42 hectare of Olive Grove for pre and post-mining gas wells and access tracks;
- 0.5 hectare of Planted Areas for pre and post-mining gas wells and access tracks;
- 2.3 hectares of Disturbed land for the proposed gas drainage plant, ventilation fans, SIS drill pads, pre and post-mining gas wells and associated access tracks; and
- 1.9 hectares of Rehabilitation land for the proposed gas drainage plant.

The proposal would also result in the subsidence of around 709 hectares of land with the main component comprising:

- 103 hectares of Central Hunter Box - Ironbark Woodland (EEC);
- 0.15 hectare of Hunter Valley Weeping Myall Woodland (EEC);
- 465 hectares of Central Hunter Box – Ironbark Grassland; and
- 141 hectares of non-threatened vegetation communities, olive groves, vineyards, planted areas, and disturbed areas.

Due to removal of up to 5 hectares of Central Hunter Box – Ironbark Woodland (EEC), a biodiversity offset strategy would be developed in consultation with the NSW Office of Environment and Heritage (OEH) to offset this impact.

Assessment under the EPBC Act found that the proposal was unlikely to have a significant impact on any threatened ecological communities, threatened flora, threatened fauna or migratory species.

Mitigation measures to minimise the potential impacts of the proposal on the ecological values of the Project Area would be undertaken. This primarily involves ensuring the positioning of gas drainage wells and access tracks above the longwall panels avoids woodland areas where possible.

Aboriginal and Cultural Heritage

The archaeological values of the Project Area are well documented and addressed in previous studies. The overall BCC and the Project Area have been subject to numerous archaeological investigations (Koettig 1991, Heffernan and Klaver 1997, ERM 1999/2000, Umwelt 2001, Umwelt 2003, Umwelt 2007) resulting in recordings of a profusion of archaeological sites. Of these sites, the majority comprise open sites (consisting of stone artefact scatters) and isolated finds. A total of 371 registered Aboriginal sites are mapped in the vicinity of the BCC and around 48 fall within (and up to 300m from) the Project Area boundary. However, small portions of the Project Area are located in areas that have not been assessed as part of the approval process for the BUO. An Aboriginal Heritage Assessment was therefore undertaken by OzArk Environmental and Heritage Management which specifically targeted the unassessed land within the Project Area.

No new Aboriginal sites or objects were recorded during the assessment. However, the assessment allowed a better understanding of the spatial extent of several previously recorded sites and enabled the formulation of appropriate management recommendations for the mitigation of impact to Aboriginal cultural heritage places and/or objects.

The assessment recommended that the existing practices at the BCC encapsulated in the Aboriginal Cultural Heritage Management Plan (ACHMP) should be continued within the subsidence area of the BFN Underground Mine.

Visual Amenity

A Visual Impact Assessment was undertaken by Terras Landscape Architects which assessed the surface infrastructure components of the Project.

The ventilation fans and pipeline maintenance facility would not be seen externally by the community and would be sited in a severely degraded visual environment. These elements were deemed to have no visual impact.

The proposed gas drainage plant and power plant would produce only a low visual impact on their surroundings notwithstanding having the highest visibility arising from their proximity to Broke Road. The night-time glow created by the flares would have a minor impact and would generally not be discernible from the spill lighting emanating from other existing mining structures.

The proposed SIS well/drill pads and the new powerlines were found to have a minor impact during the construction phase due to siting and scale of development involved. The installation of the gas drainage structures and associated roads and services (primarily above the longwall panels) particularly where this occurs in open pastures to the west of Charlton Road, was assessed as producing a short-term loss of visual quality to the area for a period of around 9 years. Giving consideration to the siting of elements, the use of screens and landform and the establishment of screen planting along Charlton Road would all assist in minimising this visual impact.

The Visual Impact Assessment concluded that the proposed surface infrastructure produced a low to insignificant visual impact on the local visual environment either as individual elements or as a collective group in the long term, however, there would be a short term impact caused by the installation of gas drainage infrastructure west of Charlton Road. The assessment found that practices currently being undertaken by the mining company were found to be appropriate in addressing short-term and long-term disturbances to the visual environment. In addition, the assessment recommends additional screen planting of locally occurring native species in various locations along both Charlton and Broke Roads to augment existing screen planting and screen views of the gas drainage infrastructure and the power plant.

Traffic and Transport

An assessment of traffic impacts has been undertaken by GHD. The Project would generate traffic during construction and operation of the Project. Construction traffic would be the critical activity as operational activities are infrequent and essentially require few staff to operate. The critical period for the work is likely to be 2013 when the power plant, gas plant and gas drainage

are proposed to be constructed. All these components would be jointly under construction for a period of approximately 6 months.

The traffic counts undertaken as part of the assessment show that the Broke Road/Golden Highway intersection currently operates at capacity. Furthermore, this intersection would fail under background growth conditions, without the proposed development, by 2012.

The results of the traffic assessment show that the intersection of Broke Road with the Golden Highway would continue to exceed capacity for the duration of the 6 months of construction works through 2013. This will require the implementation of a Construction Traffic Management Plan. Following completion of the construction of surface infrastructure, the intersection would continue to operate at existing levels.

All other intersections impacted by the proposal would continue to operate at good level of service with spare capacity.

In terms of cumulative impacts, the proposed Warkworth Expansion Project to expand adjacent Mt Thorley and Warkworth mines would impact the Broke Road/Golden Highway intersection. Impacts from this project, if it proceeds, are expected in Year 4 of that project which could be in 2015 or 2016. This timing is beyond the critical period for the BFN modification and therefore impacts would not be cumulative.

In Summation

Bulga Coal Management Pty Ltd, on behalf of the Bulga Underground Operations, seeks to modify Development Consent DA 376-8-2003. The modification relates to the approved but not commenced Blakefield North Underground Mine. The Project includes the realignment of the approved longwall layout, increased gas drainage infrastructure, relocation of mine ventilation fans, changed coal clearance for development coal, regularisation of current employment numbers, the addition of a small scale power plant (up to 32 MW) and associated surface infrastructure.

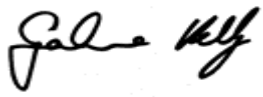
The technical studies conclude that adverse environmental impacts would be either negligible or very minimal, with limited environmental consequences beyond those already approved. The

Project Area therefore requires few new environmental controls and existing environmental management strategies would be applied to the Project.

Assessment under the EPBC Act found that the proposal was unlikely to have a significant impact on any threatened ecological communities, threatened flora, threatened fauna or migratory species. Due to removal of up to 5 hectares of Central Hunter Box – Ironbark Woodland (EEC), a biodiversity offset strategy would be developed in consultation with the NSW Office of Environment and Heritage (OEH) to offset this impact.

Given the minor alterations to the mining operations mentioned above, a modification of development consent is appropriate with respect to the Project, as it will have limited environmental consequences beyond those originally approved in DA 376-8-2003.

The Project is considered to be consistent with relevant objectives of the EP&A Act, including the principles of Ecologically Sustainable Development. The proposed modification would not change the nature of the development originally approved. On considering the balance of environment and community impacts, it is considered reasonable to conclude that the benefits of the Project outweigh the impacts. The Union on balance supports the proponent's application DA 376-8-2003 and ask the Modification be approved in the form sought.



Grahame Kelly
DISTRICT SECRETARY