



Reference: dla:DLA 15/0355

Contact: Donna Ausling

25 May 2015

**Attention:** Mr Matthew Riley

NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Email: [Matthew.Riley@planning.nsw.gov.au](mailto:Matthew.Riley@planning.nsw.gov.au)

Dear Sir,

**Proposed Modification to Werris Creek Coal Mine  
Amendment No.2 (Project No. PA 10 0059)**

Thank you for your invitation to comment on the abovementioned project modification. Council sincerely apologises for the delay in providing a written response.

As requested, the following feedback is provided:

***Proposed Increase of Storage Capacity of the Overburden Emplacement Area***

No objections are raised to the amendments as proposed.

***Inclusion of a Dry Processing Plant***

No objections are raised to the incorporation of a dry processing plant on the basis of the following being achieved:

- Equipment is operated in such a manner to ensure compliance with the current overarching approvals framework, with particular regard to air quality and noise levels as prescribed under the current terms of the development consent.
- The operation of such equipment should not result in a deterioration of current air quality levels nor increased noise levels at potential receptors.

***Alternate Beneficial Uses for Mine Void Water***

The proposed alternate uses for void water for compatible agricultural activities are strongly supported by Council. It is recommended that the external distribution of water to third parties be undertaken within an appropriate legal framework. Such arrangements may be documented within a formal contractual 'Agreement' structure between the proponent and the landholder recipient, as alluded to in sub section 2.5.4.3 of the submitted EA documentation. It is considered that such an approach will assist in the management of community expectations.

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### ***Modification of Drainage from Acoustic and Visual Amenity Bund***

No objections are raised to the works as proposed.

### ***Increase of Hours of Road Transportation for Coal Products***

Maintaining local road conditions and the current condition of road assets, is a key consideration for Council. In this regard, it is noted that there is minimal detail in the submitted EA in respect of potential implications of the amendments to road conditions and prospective impact on road infrastructure. Additionally, the following aspects of the EA, as referenced on pp. 34-35 require further clarification and explanation:

- The approved 50,000 tpa transportation limit is the upper threshold of materials to be hauled by road. This tonnage limit is inclusive of any materials delivered to the Whitehaven Coal Handling and Processing Plant in Gunnedah.
- S.4.4.2 of the Life of Mine (LoM) Traffic Study for the 2010 Environmental Assessment Report, as prepared by Constructive Solutions states, inter alia:

*"There are only expected to be an additional 8 return heavy vehicle movements per day on Werris Creek Road."*

The EA is currently largely silent on the number of vehicle movements proposed as part of this modification as impacting Werris Creek Road and the township of Werris Creek. As a result, Council is concerned on the potential impacts on the local road network (particularly Werris Creek Road) from a road traffic safety and pavement maintenance perspective. The poor condition of this road was also acknowledged in the 2010 Constructive Solutions report:

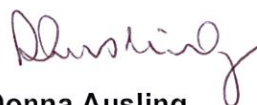
*"Werris Creek Road varies significantly in condition. Significant sections of the road have been 'heavy patched' and others are displaying some initial signs of failure."*

- With regard to the above point, no detail has been provided in respect of the payment of section 94 contributions. At present, these are currently only levied in respect of Taylor's Lane.

Any impacts on the local road network resultant from the development are required to be the responsibility of the Proponent, not Council or Council's ratepayers. It is requested that details of the quantities of materials to be hauled by road be furnished to Council to enable appropriate assessments to be made and any commensurate section 94 contribution payments to be coordinated.

I trust that the contents of this correspondence provide the necessary clarification. Should you have any questions or require further information regarding this issue, please contact the undersigned on (02) 6746 1755 or email [lpssc@lpssc.nsw.gov.au](mailto:lpssc@lpssc.nsw.gov.au).

Yours faithfully,



**Donna Ausling**  
**A / DIRECTOR OF ENVIRONMENTAL**  
**SERVICES**