

JLW/J Webb
F2009/01371
D02678589

18 August 2011

Department of Planning and Infrastructure
Major Projects Assessment
Mining and Industry Projects
GPO Box 39
SYDNEY NSW 2001

Attn: Colin Phillips

Dear Mr Phillips

Chain Valley Colliery Domains 1 and 2 Continuation Project (10_0161) - Exhibition of Environmental Assessment

Thank you for the opportunity to provide comment on the Environmental Assessment (EA) for the Chain Valley Colliery Domains 1 and 2 Continuation Project (10_0161). Council has previously raised several issues with the proposed development in correspondence relating to the Director-General's Requirements and the Adequacy Review. Further to Council's previous correspondence, the following matters are provided for your consideration.

Statutory Planning

1. Section 5.2.2 does not make any reference to gaining approval from Wyong Shire Council under the Water Management Act 2000 for the proposed increase in potable water and any works and contributions associated with supplying this additional water. Further consultation is required with Council in relation to this matter.

Surface Water

2. The water quality assessment states that concentrations of cobalt, copper, mercury, nickel, silver and phosphorus within discharge water have exceeded the ANZECC (2000) criteria, although it has not been established what the source was, as there is insufficient long term sampling data. As this matter has not been adequately addressed in the EA, concerns are raised as to how the potential impacts of the proposal can be accurately predicted and the impact on water quality assessed. Appropriate base-line data is required to ensure that ongoing monitoring of the mining operations is meaningful.
3. Clarification is requested in relation to whether there is to be any discharge of waste water to the sewer. An approval under the Water Management Act would be required if waste water is to be discharged to Council's sewerage system.
4. Should approval be granted for the mining operations, it is recommended that the following conditions are included in relation to water management:



- A detailed Water Management Plan detailing the current waste water treatment from the generated mine workings and mine ground surface areas is to be submitted. The plans must clearly show the existing basin/pond capacity, the entire treatment train with information regarding pollutant removal and disposal, water infiltration, discharge point and rates and the on-going maintenance program.
- The Water Management System upgrading and augmentation works required to treat the existing and increased operations shall be undertaken to current best practices and guidelines. A detailed and comprehensive report prepared by an experienced and qualified person shall include supporting information such as water quality modelling i.e. MUSIC, engineering plans, specifications, Management Plans, licences and necessary Government Agency approvals prior to the commencement of works.

Biodiversity

5. There is a minor inconsistency whereby Table 5-1 states that a Protected Matters search was conducted for the area within a 5 km radius of the mine, whereas sections 12.1.2 and 12.2.6 states the database was searched for records within a 10 km radius of the project area. The map contained within the report in Appendix B appears to indicate a 5 km radius was searched. It is noted that a 5km radius from the pit top only just covers the full extent of the proposed workings. Therefore a 10 km radius would ensure a suitable area around all areas potentially affected by the proposal is searched.
6. The mitigation measures detailed in section 12.5 should include restoration of the existing ventilation shaft and fan site following relocation of the ventilation fan shaft to the pit top area.
7. The Assessment of Significance appears to have only considered the potential impacts of the proposed relocation of the ventilation shaft and does not appear to have considered any indirect impacts of the continuation of operation of the pit top in regards to lighting, noise and dust on threatened fauna species.

Transport

8. The supply of coal between the mine and Vales Point Power Station should be managed internally either by conveyor or truck. There appears to be a conveyor linking the mine and power station, however the proposal indicates that coal is supplied by truck via Ruttleys Road. This will generate a significant number of right turn movements from Construction Road onto Ruttleys Road and from Ruttleys Road into the power station, which will severely lower the level of road safety at these intersections. It is noted that the nearby Centennial Mannering mine supplies 100% of coal to Vales Point power station by conveyor (approximately the same distance).
9. Council has concerns with the safety of the trucking operations. Should mining operations extend beyond the 5 years of this application, the proponent should be required to provide a study identifying alternative methods of transporting the coal, including use of conveyor belts and rail to Port Waratah Coal Services (PWCS). The study should identify routes, operational and interface management risks and costs to demonstrate whether there are viable alternatives to trucking.
10. A Dilapidation Report on Ruttleys Road is required to determine the impact from the increase in truck movements and the extension of the mining period if alternative means of transporting the coal is not possible. A method for determining the reduced pavement life of the approved haulage route attributable to the development and method of rectification at sole expense of the developer needs to be determined.

11. Should approval be granted for the continuation of mining operations, Council, as Roads Authority, recommends that the following conditions are included:
- All deficiencies identified in the Road Safety Audit Findings (AECOM 4 April 2011) should be addressed by the applicant, at no cost to Council, prior to commencement of mining operations.
 - The Ruttleys Road/ Construction Road intersection is to be upgraded in accordance with the Road Safety Audit to an Austroads standard CHR to ensure safe traffic movements for all users. A bicycle lane should be provided through the intersection in accordance with Austroads. All work is to be carried out at no cost to Council. The works to upgrade the intersection shall include the provision of a left turn slip lane from Construction Road onto Ruttleys Road. It is to be kerb and guttered and include an appropriate length acceleration lane on Ruttleys Road. The works including reconstruction works shall be supported by a Geotechnical Investigation and Report to ensure continued safe and sufficient service to accommodate the increased demand. Design engineering plans shall be prepared in accordance with Wyong Shire Councils DCP 2005 Chapter 67 and be lodged with Council for assessment and approval prior to the commencement of work.
 - An agreement is to be entered into with Council as the Roads Authority for the methodology of determining the reduced pavement life of the approved haulage route attributable to the development. The agreement must be made prior to the issue of the Construction Certificate and shall include an agreed method of rectification at sole expense of the developer.
 - The Ruttleys Road carriageway, the Pacific Highway and the intersection require a thorough dilapidation analysis of the existing condition and design life expectancy in relation to the predicted heavy haulage traffic movements. A Geotechnical Report shall examine the existing pavements recommending rehabilitation and reconstruction works to ensure continued safe and sufficient service to accommodate the increased demand. Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RTA, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA for any works and traffic control on State roads.
 - The informal gravel and bitumen area adjoining the intersection is to be formalised (kerb and guttered) as an access into the electricity sub-station off Construction Road. There is to be no direct access from the sub-station to Ruttleys Road. Appropriate barriers are also to be erected on the eastern side of Ruttleys Road to prevent this area being used to by-pass the intersection.
 - All linemarking is to be re-established, including the full length of painted medians on Ruttleys Road.

Noise

12. Predicted noise levels from existing site activities for Chain Valley Bay receivers show a predicted exceedance of 1 dB(A) at one noise-sensitive receiver during the daytime and evening period. During the night-time period there is a predicted exceedance of 1 dB(A) at four receivers, and a predicted exceedance of 2 dB(A) at one noise-sensitive receiver. During the early morning shoulder period there is a predicted exceedance of 1 dB(A) at one receiver. The EA states that these predicted noise levels are the result of existing operational activity at the Chain Valley Mine, which has been ongoing for over 45 years, and that no additional plant is to be added to the site and therefore there are no proposed mitigation measures. However, regardless of whether or not additional plant is to be installed on the site, efforts should be made to reduce the existing non-compliances prior to expanding the life of the mine. Existing non-compliances should also be taken into account when considering the cumulative impact of the proposal.

Social and Economic Considerations

13. Section 18.2.5 states that LakeCoal is committed to assisting the local community by paying a levy on each tonne of coal produced at the Chain Valley Mine. Such a levy is supported should this application be approved. Wyong Shire Council is identified as the administrator of one of the funds, which is to benefit the Summerland Point, Gwandalan, Chain Valley and Mannering Park communities. Given that the levy is to assist four communities, it is requested that the value of the levy be reassessed to ensure that there are sufficient funds for each of the four communities to benefit. The establishment of such funds needs to be detailed within any approval that may be granted.

Statement of Commitments

14. The Road Safety Audit identified that the intersection of Ruttleys Road and Construction Road needs to be improved to provide safe movements of loaded trucks leaving Construction Road and joining Ruttleys Road. However, the Statement of Commitments does not refer to any improvements to this intersection or other matters raised in the Road Safety Audit.

Should you have any enquiries, please contact Jenny Webb on (02) 4350 5441.

Yours faithfully



Peter Fryar

Manager

DEVELOPMENT ASSESSMENT