

3 August 2011

THE DIRECTOR
MAJOR INFRASTRUCTURE ASSESSMENTS
DEPARTMENT OF PLANNING
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Subject Chain Valley Colliery - Domains 1 And 2 Continuation Project

This correspondence is in reference to the Department of Planning's correspondence in relation to the above application lodged under Part 3A of the Environmental Planning and Assessment Act, 1979.

Council officers have prepared this submission on behalf of Council. The concerns expressed in the attached Schedule are therefore the collective views of Council officers.

Council does not support the Project based upon the information currently submitted. Detail reasons are contained in the attached Schedule.

The Department is requested to report these concerns to the Minister when seeking a decision under Part 3A of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy (Major Projects) 2005.

Should you require further information, please contact the undersigned on 4921 0358 or by e-mail on aregado@lakemac.nsw.gov.au.

Yours faithfully

Amy Regado
Development Planner
Development Assessment and Compliance

Schedule Of Issues

Proposed Chain Valley Colliery - Domains 1 And 2 Continuation Project -- Lake Macquarie City Council Submission

Subsidence Impacts

Council has concerns over the potential subsidence impacts associated with the proposal, and the level of analysis provided in the EA documents describing these potential impacts. Specifically,

- The level of subsidence proposed (up to 500mm for board and pillar extraction) has the potential to impact on the ecology and hydrodynamics of Lake Macquarie. The documentation inadequately considers alternatives that would result in reduced subsidence impacts. Council is aware that various board and pillar mining operations occur under Lake Macquarie, and most of these other operations result in a significantly reduced subsidence impact compared to the 500mm predicted for this proposal. Council believes that alternate mine plans with a reduced subsidence impact should be considered, and documented in the EA.
- Inadequate details have been provided on previous subsidence levels under Lake Macquarie. The documentation indicates that subsidence was monitored via bathometric surveys, but the *original data was lost*. Council is aware that OEH have recently completed a recent bathometric survey of Lake Macquarie and comparisons with this data to the 1977 bathometric survey data for Lake Macquarie. Consideration of this data should be included within the EA to more adequately describe previous subsidence within Chain Valley bay as well as with other similar mining operations under Lake Macquarie.
- Regarding the assessment of potential subsidence impacts on Lake Macquarie, its foreshore and seagrass beds, inadequate information is provided to adequately describe these potential impacts. In particular, inadequate detail is provided to describe potential increases in foreshore erosion as a result of subsidence in near-shore areas. It is requested that the altered wave climate (due to deepening caused by subsidence) should be considered, as well as Bruun Rule calculations for potentially impacted foreshore locations (undertaken by a suitably qualified coastal engineer).

Aquatic Ecology

Council has concerns over the potential impacts on aquatic ecology associated with the proposal, and the level of analysis provided in the EA documents describing these potential impacts. Specifically,

- It is noted in the EA documentation that monitoring of seagrass has identified a decline of approximately 47% in some locations between 2008 and 2010. This is well above the 20% decline threshold identified in the seagrass management plan. The EA document identifies a number of potential threats to seagrass health potentially caused by the proposal. Council is concerned there may be an unacceptable risk to

expose a seagrass community, which is currently showing signs of decline to the additional potential impacts resulting from the proposal.

Additional information should be provided to adequately describe the cause of the current decline in seagrass communities within the project area. Analysis of potential mining related impacts should then occur once the current state of seagrass communities is understood.

- Inadequate detail is provided to describe the sensitivity of benthic communities to light penetration and water depth. Further details should be provided to describe how light availability affects benthic communities, and how any potential changes to light availability (due to deepening caused by subsidence) will impact upon these communities.

On-site Water Management

The Environmental Assessment indicates that the water quality indicators from discharge points have been exceeded on numerous occasions. Lack of upstream and background data is cited as the rationale for not taking any action on these exceedances. Given that there is no apparent barrier to obtaining this information, immediate commencement of upstream and background monitoring should commence. This is particularly important in light of the substantial past and present NSW and Council funded projects dedicated to improving the water quality of Lake Macquarie.

Chain Valley Colliery propose “improvements in car-park and site entry storm water quality” however no specific measures are proposed. It is requested that a Stormwater Management Plan for these facilities be developed utilising water sensitive urban design principles. This plan should be provided prior to project approval.

Social Impact

Council requests for a Social Impact Assessment to be prepared and submitted. Even though the proposal is for continuation of mining activities, there are still many social impact issues associated with both the continuation, as well as the ceasing of mining activities. The information contained within Section 18 of the Environmental Assessment (EA) fails to fully investigate all of these key social impact issues.

Furthermore, the EA should also outline what measures will be implemented to address any negative social impacts, and enhance the social benefits of the proposal.

Land Use Compatibility

Part 3 of State Environmental Planning Policy (Mining, Petroleum Production, and Extractive Industries) 2007 sets out matters to consider for development consent for the purposes of mining. Clause 12 requires consideration of the compatibility of the proposed mine with other land uses prior to determination of the Project. The EA does not address land use compatibility and thus fails to meet the provisions of Clause 12.