

14 August 2012

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

Dear Sir/Madam,

Subject Extension Of Mining At Tasman Coal Mine

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.

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 0174 or by e-mail on akleinmeulman@lakemac.nsw.gov.au.

Yours faithfully



Anna Kleinmeulman
Development Planner
Development Assessment and Compliance

Schedule Of Issues

Proposed Extension Of Mining At Tasman Coal Mine – Lake Macquarie City Council Submission

Flora and Fauna

Further to the information contained in the Environmental Impact Statement, the following is recommended:

- Additional survey for large forest owl roost and nest trees should be considered within the area proposed to be cleared for the surface facilities. Nest and roost sites for the sooty, masked, powerful and barking owl are relatively rare within the city. The fauna assessment is not considered to adequately demonstrate that roost and nest trees for these species are absent from the area proposed to be cleared for surface facilities;
- More consideration should be given to modifying the surface facility footprint so that disturbance to the identified *Rutidosia heterogama* population, LHSGIF EEC and yellow bellied glider habitat is minimised;
- The required offset should be substantially increased and preferably include more like for like habitat (i.e. particularly for threatened species such as *Rutidosia heterogama* and the EEC LHSGIF). The offset has been proposed at a ratio of 1:2 within the EIS and at a ratio of less than 1:1 within the FFMP. This is well below that required under the Biometric tool used to administer the Native Vegetation Act and Biobanking as well as offset ratios often applied by OEH for Part 3 and 4 applications with the city. It is recommended that the offset be required at a ratio that is consistent with what has been required of other developers within the area. The legal mechanism to secure this offset would also preferably be conditioned to any consent and be of a level similar to conservation measures identified in Section 126L of the TSC Act;
- The offset should preferably be agreed upon prior to the impact occurring (i.e. as per OEH offset principle 7, App2 of the Guidelines for Biodiversity Certification of Environmental Planning Instruments);
- Conditions relating to rehabilitation, should a consent be issued, should specify the funding responsibilities, sign off arrangements, the schedule of works/requirements, and the expected rehabilitation and maintenance duration / timeframe, noting that rehabilitation may take some 10 to 15 years;
- Conditions relating to monitoring, should a consent be issued, should specify that the FFMP be updated to include monitoring site locations, a monitoring schedule, the monitoring timeframe and monitoring goals and objectives specifically targeting detection of impacts to vegetation associated with subsidence.

Noise

The Noise and Vibration Impact Assessment prepared by SLR contains recommendations in relation to the use and maintenance of trucks traversing the road network, which will be incorporated into the mine management. These recommendations should be included as conditions of consent.

Road Maintenance

Approximately 1.6 km's of George Booth Drive is in the LMCC region where coal haulage is expected. George Booth Drive is currently under the direct control of the State RMS Department. The new Cameron Park to Branxton freeway construction will change traffic flows along George Booth Drive. The RMS have indicated that when the new road is opened the section of George Booth Drive will revert to LMCC ownership. The time frame for this ownership transfer is approximately 18-24 months depending upon the completion of freeway works.

George Booth Drive currently has a reasonable traffic volume that is predominantly light vehicles. Increased heavy truck movements will deteriorate the expected life of the road placing an accelerated burden on Council's resources for maintenance and renewal. In order for Council to manage the heavy truck movements on a road that will become Council's responsibility it is requested, that the mine enter into a Voluntary Planning Agreement (VPA) for the ongoing maintenance of the road whilst coal haulage is undertaken.

The amount payable will need to be agreed upon prior to any DA approval that would be based on the tonnage of coal transported over the distance of LMCC controlled roads. Council officers have developed a methodology to calculate an appropriate haulage rate. The final rate is dependant upon data that needs to be provided by the applicant, relating to current and future traffic movements along the road and tonnage hauled per day. Once this information has been assessed, a final calculation can be formulated based on LMCC's methodology.

Air Quality

Emission Sources

Pollution emission values, as presented in Section 7, were obtained using calculations prescribed by a number of sources. While the sources were approved by the NSW EPA, some calculation inputs were not clear in the relevant sections of the report.

For instance - the calculation for *TSP emissions from Hauling Material/ Coal on Unsealed Roads* (Appendix 2) provides an output in *kg/vehicle km travelled (vkt)*. The total km travelled for hauling per year was not defined and therefore, it is not possible to confirm the *kg/year* value, which is the input for air pollution dispersion modelling, as presented in Section 7.

To ensure that a reviewer can validate the emission inputs, it is recommended that the proponent provide all the required variables and constants for deriving emissions input values, in either Section 7, or Appendix 2. Additionally, worked examples of the calculations would prove helpful.

Control Factors

Air pollution dispersion modelling can incorporate control measures (in the form of percentage reduction), which effectively decreases fugitive emissions (eg. watering an unpaved road to reduce dust emissions). The percentage reduction can have a marked effect on the model output and thereby, influence the predicted impact of the development. General guidance on control factors, as relevant to the proponent, is prescribed in the *National Pollution Inventory - Emissions Estimation Technique Manual for Mining* (Section 5.3), wherein, specific methodologies and the corresponding control factors are detailed. For

instance, control factors of 50%, 75%, and 100% are prescribed for three defined methodologies for minimising dust emissions in Hauling.

Control factors presented by the proponent, being 75% for TSP (Appendix 2), was briefly addressed in Section 10. Council cannot comment on the accuracy of the percentage reduction, and indeed the sincerity of the dust management strategies, without reviewing the site Environmental Management Plan (Dust Control) or equivalent, and associated Work Method Statements. The corporate documents should be consistent with the control measures prescribed in the *National Pollution Inventory - Emissions Estimation Technique Manual for Mining* or other EPA endorsed standard, as used to prescribe the control factors used in dispersion modelling.

Off-Site Emissions

PM₁₀ exceedances are predicted beyond the site boundary at the North and East of the Tasman Extension for both scenario 1 and 2 (Section 8 - Figure 8.1 and Figure 8.2). The exceedances do not occur at a designated sensitive receptor. In accordance with the *EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (Section 7.1.2), the reviewer should consider the potential for future sensitive receptors in the exceedance area.

Creeks and Watercourses

Whilst the impacts of subsidence are rated as low, the effectiveness of remediation strategies on affected streambeds remains unclear. In the first instance, the ability to access an impacted stream may be difficult if not impossible. Further, damage to vegetation may be significant in order for the required machinery to access the stream. Finally, the remediation methods themselves appear to have mixed success.

The proponent should provide scientific rational or case studies of similar mining operations that have successfully remediated creek impacts. Alternatively, buffer zones should be established around all creeklines regardless of order.

Aboriginal Heritage

To meet LMCC LEP 2004 cl.50(4), it is recommended that the consent authority consult with the local Aboriginal Land Council and take into consideration all comments received.