



Director-Resource and Energy Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

19 October 2018

Dear Sir/Madam

**Re: Submission – Application Number SSD 7480
Vickery Extension Project – Braymount Road, Gunnedah**

I refer to the abovementioned development application currently on exhibition.

It is noted that development project is located partly within the Gunnedah Shire and Narrabri Shire Local Government Areas and may have potentially significant physical, environmental and socio-economic impacts on the Gunnedah Shire and community over the 25 year mine life.

Council is keen to ensure that the development is conducted in accordance with the definition of Ecological Sustainable Development and adopts the Precautionary Principle. This development and other developments of similar activity should be evaluated based on strong sustainability principles.

Council would like to take this opportunity to make a submission in regards to the development proposal. Council believes that the following matters of concern require the provision of additional information or require the imposition of a condition of consent to ensure that the development is conducted in an acceptable manner:

Exhibition Details

Documentation should be updated to include details of the property address of each of the development allotments. The Environmental Impact Statement (EIS) and Exhibition of the development proposal does not include any development allotment identification in the form of property Lot and DP numbers.

Clarification of Development Proposal

During the review of the EIS documentation Council has noted several inconsistencies or areas where development details appear to be quite vague and not definitive. It is suggested that the following matters be clarified:

- Staging of construction: The development should be amended to include the exact staging of all infrastructure construction and stages or triggers at which certain works are required to occur.
- Extraction Limits: The development EIS indicated that extraction limits will be approximately 10 million tonnes per annum (Mtpa) and approximately 179 million tonnes over the life of the mine. Council believes that these extraction limits should be limited to 10Mtpa and 179 million tonnes definitively, for the life of the development. Assessment of this application should be made on an exact figure to ensure that appropriate infrastructure and natural impacts are assessed in accordance with these maximums and that no further additional impact may occur.
- Number of Voids: Clarify the number of final voids created. Page 3 of the Executive Summary, makes reference to reducing the number of voids from two (2) to one (1), however the table present on page 5 of the Executive Summary notes reduction from five (5) voids to two (2) voids.

Gunnedah Shire Council
63 Elgin Street, PO Box 63 GUNNEDAH NSW 2380
Tel: (02) 6740 2100 Fax: (02) 6740 2119
Email: council@infogunnedah.com.au
Web: www.gunnedah.nsw.gov.au

- Clarify the alluvial ground water accessed: clarify references to a resulting drawdown or access to the alluvial groundwater system associated with the Namoi River Floodplain despite the statement that the proposed mine site is located entirely over the Maules Creek groundwater system. Confirm that ground water table access is only sourced from Maules Creek groundwater system.
- Impacts of flood heights: The Flood Assessment makes reference to the rail spur loop impacting on flood water heights up to a distance of 1.5km and that all land affected is Whitehaven owned land. Figure 1-5a of the Executive Summary and Figure 6.10 of the Flood Assessment report, note private properties within the impacted areas. This statement that changed flood heights only impact on Whitehaven owned land is incorrect.

Development Consent No. SSD 5000

It has been indicated that in the event development consent is granted for the extension project (SSD 7480), that the previous development consent (SSD 5000) will be surrendered. Mechanisms need to be imposed that require this development consent to operate under the limitations and imposed conditions, where appropriate, of the previous consent where stated in this EIS that management will be ensured through adherence under previous consent.

Submitted Plans

The EIS does not appear to contain any specific plans or documents for the proposed Coal Handling and Preparation Plant (CHPP) and visual screening landscaping plans. These plans should be provided for consideration prior to the application being determined.

Flooding Implications

The development site is partially subject to flood inundation during a 1% ARL flood. It is noted that the developer is proposing the construction of flood contours to protect the development site in the event up to a maximum predicted flood event level and construct a rail spur including culverts and urban banks in its construction. It is noted that these works will have an impact on the flood characteristics and flowrates in the immediate area. Any change to the extent of flood waters during a 1 in 100 year flood event level or greater should be updated on the Gunnedah Local Environmental Plan 2012, flood mapping. The costs of updating these documents should be born exclusively by the developer and should be completed prior to flood mitigation works being conducted.

It is noted that a Flood Assessment was submitted as part of the EIS. However, this assessment does not appear to adequately address the implications of alterations to flood heights and the impacts that this will have on the safety of surrounding residences. The development should be designed in such a way that it has no impact on flood levels at existing residences. Alternatively, in the event that flood heights are altered, such as residences 5 and 15 (noted in Figure 6.10 of this assessment), further assessment should be conducted and measures proposed to ensure that the risk to life and property are not adversely impacted and flood planning levels (being 500mm freeboard above the 1 in 100 flood level) are retained where previously adhered to or imposed. This assessment should also be updated to investigate the provision of safe wading depths at each residence, property accesses or internal access ways, in accordance with Figure L1 of the Flood Planning Manual.

Upon completion of final rail spur loop design, an updated flood assessment should be completed and provided to Council for review to ensure that no additional impact on surrounding residences will occur. In the event further implications arise, mitigation measures should be instigated where required. Council should be provided with a flood impact analysis to ensure that the resulting final impacts to flood heights at each of the measured flood events are recorded for future reference.

Road Infrastructure

Council acknowledges that the intent of the construction of the rail spur is to reduce the number of haulage vehicles on the public road network. It should be a condition of consent that haulage along Council's local road network should not exceed the 4.5Mtpa limit of the previous consent (SSD 5000) to ensure that there is no increased impacts on Council's road network in exceedance of previous assessed implications. It is Council's understanding this would include a requirement for the Blue Vale Road overpass of the Kamilaroi Highway at a haulage limit of 3.5Mtpa, in the event that the construction of the CHPP and rail spur is not completed in the timeframe expected.

Until such time as the rail spur is constructed and the use of Council's road network as the haul route is discontinued, the road maintenance agreement for the upkeep and maintenance of Council's local road network, including Blue Vale Road, shall be retained. Any changes to the haul routes beyond the current agreement shall be renegotiated with Council as the road authority.

The project requires the realignment of sections of Blue Vale Road where they are located within the Project disturbance area. The Blue Vale Road realignment is proposed to be constructed adjacent to the western and southern boundaries of the Vickery State Forest, and around the East of the development impact area to allow continued public access within the area. It should be noted that Council is the Road Authority for this local road network.

Council requires all realignments and adjustments to the public road network as a consequence of this development to be completed as part of the construction phase of the project, to be funded by the Proponent and designed and constructed subject to Council's approval. All road construction should be designed and constructed to the relevant Ausroad design standards.

Noise

Council believes that the mitigation measures that are proposed for the development area are insufficient and that further mitigation measures should be proposed or a change to the development proposal should be proposed to ensure that there is no noise impact at adjoining residences. The noise assessment did not appear to include an investigation into the noise generated from rail activities such as shunting. It is recommended that the noise assessment be updated to include the potential impacts of these activities within the rail spur. As a minimum, adherence with the Rail Infrastructure Noise Guidelines (NSW EPA) should be conditioned.

The noise impact assessment that was provided as Appendix D of the EIS, indicates that noise levels are exceeded during evening and night periods for up to 5 residences by year 21. Two of these residences are affected as early as year 3. These dwellings are occupied and noise levels should not be exceeded at any residential receiver during any time period. The exceedance of noise levels during evening and night periods are particularly concerning because this can affect occupants health through disruption to sleep patterns and loss of amenity. Council does not believe that any exceedances of noise levels are acceptable regardless of being secondary or primary (main) residences within any property. Land owners and residential occupants have the right to a suitable amenity both inside and outside of their homes. It is suggested that the proposed real time monitoring that is identified within Section 7 Summary of Management, Mitigation, Monitoring and Reporting of the EIS, Clause 7.3.3, should be undertaken at these adjoining residences to ensure that no exceedance of operational noise levels occur.

Further testing and modification to the development and possible relocation of high noise generating activities should be relocated to such a position that will ensure that predicted noise levels are not exceeded at any residential receiver at any period of the day. The mine will be a 24 hour 7 days a week operation and if excessive noise levels are experienced at nearby receivers this could result in a loss of amenity and potential health implications that can be attributed to this loss of amenity and sleep disturbance with little to no respite.

Social and Economic Impacts

The social and economic assessment of the development does not provide adequate detail. The assessment provides insufficient evidence with regard to the ability for the surrounding local centres to accommodate an increase in population, taking into consideration the current demand.

- The Social Impact Assessment (SIA) appears to reference outdated health profiles and suggests that there is a broad level of access to health professionals in Gunnedah. The assessment makes no reference to existing wait lists and the capacity of services to accept new patients. In addition there is a causal link to health care, schools and local housing and rental stock post construction due to increases in population from new settlements. The assessment identifies that 54% of the operational workforce will be drawn from Gunnedah which has the potential to increase population numbers by approximately 243 workers excluding families and relatives.
- The Project has the capacity to be a significant economic driver for the region however it is noted that the use of external workforces to such a large scale will reduce its potential for economic generation and jobs growth for the Gunnedah and Narrabri Shires. The SIA states that due to the level of professional skills required only 10% in the construction phase will be drawn from Boggabri and Gunnedah, with the remaining 90% to be drawn from outside the area. Therefore, with the creation of approximately 500 construction jobs, only 50 would be sourced locally from either Boggabri, Gunnedah or both with 450 sourced outside the Shire. The assessment goes further to indicate that to relieve suggested pressure on local rental stock, all non-local construction workers in the 12 month construction phase would be encouraged to live in the Civeo Boggabri Accommodation Village. Council suggests that a higher emphasis be given to the use of local workforce during both the construction and the operational phases of the mine and that consideration be given to strategies that yield a greater balance between village accommodation and town based accommodation to support local investment and social cohesion.

- In the event that some staffing is unable to be accommodated through the local employment opportunities, Council requests that non-local construction and permanent staff be encouraged not to utilise the Civeo Boggabri Accommodation Village, but to source local accommodation within the surrounding local communities.
- Council acknowledges the efforts by the Project to engage with key stakeholders across the region however, notes it could have been strengthened with the inclusion of quantifiable data around consultation with key stakeholders in the Gunnedah Shire, rather than a strong reliance on broad motherhood statements. The SIA suggests broad support for the mining project however fails to provide indications of the numbers of those consulted, key feedback etc. which would have been helpful. For example on page 24, the SIA indicates that community surveys were conducted in June 2017 and included responses from 600 participants across 4 Shires. Of those respondents, 43% indicated support for coal mining and 28% did not. The SIA does not isolate responses relevant to each Shire and provides Gunnedah Shire Council with no clarity regarding the level of support or non-support relevant to the Shire. With the absence of supporting information and despite information regarding additional smaller community engagement activities, it could be argued by some within the community that with a total population across four (4) Shires of approximately 94,986, the views of 600 does not constitute a representative sample (0.63%).
- The SIA outlines a number of additional stakeholders consulted however there appears to be a gap in consultation with key emergency services and first response agencies. The SIA identifies that road works during the construction phase could potentially leading to a 15 minute delay and that mitigation strategies involve keeping stakeholders informed. It is suggested that further consultation with all key stakeholders be undertaken as a joint activity to determine if the strategies are sufficient.
- The SIA makes reference to community engagement activities with Traditional Custodians and that a significant number of submissions received by traditional custodians regarding the Project which is noteworthy and commendable. The SIA notes that representatives from Red Chief LALC emphasised during consultations the importance of maintaining access through Crown Land and Travelling Stock Routes on, to and from, Crown Land and that in this context, the project's construction and operations are unlikely to adversely affect or change existing Aboriginal social uses of land, or access to the Namoi River. However, in the actions on page 138 (4.3.2) there are references to the project limiting access by Kamilaroi Peoples due to safety issues, with the resultant strategy to notify stakeholders when the route will be open or closed. With the potential for the safety considerations to extend the length of time and number of periods where access is limited, it is suggested that a communication strategy be considered to ensure all Traditional Custodian groups are informed of key impacts throughout the life of the project.
- Council acknowledges that Whitehaven has made a commitment to promote training programs and apprenticeships as well as promoting employment opportunities for indigenous persons within their organisation. Council requests that this development consent require ongoing commitment to these practices. It is suggested that Whitehaven commit to achieving a target of at least 10% staff indigenous employment and that efforts be made to source trainees and apprentices from within the surrounding local communities.
- While Council acknowledges references throughout the document for the need to support locally based workforce employment programs, there is limited detail regarding the realisation of the potential for delivering training programs within the local community. The availability of skilled workers has not been considered based on current availability of contractors within the surrounding communities. It is suggested that a skills and employment strategy be developed in consultation with key stakeholders from the affected Shires, prior to the commencement of works.
- Displacement of employment opportunities from agricultural sector needs to be considered within the social and economic assessments. A suggestion would be to update the EIS to address the reduction in economic activity that would occur due to the displacement of agriculture as a result of the proposed activity. This should be expanded to consider displacement from other industries. Gunnedah is currently experiencing a relatively low unemployment rate and a skills shortage. It would be expected that the increased demand as a result of the expansion of Vickery South would drive up incomes and displace workforce from other industries in addition to agriculture including but not limited to construction and manufacturing. It would be relevant to see the displacement to other key industries as this will be where the bigger impact will be.

State Environmental Planning Policy No. 44 – Koala Protection (SEPP 44)

The assessment provided within the EIS has identified that the development site is regarded as being Core Koala Habitat and that a Koala Plan of Management (KPoM) is proposed to be completed for the site. Council believes that this KPoM should be prepared prior to the development being determined to ensure that management practices are consistent with management of Core Koala Habitat and resident Koala populations within the Gunnedah Shire LGA.

Council would also like to request to be consulted and given the opportunity to comment and endorse this plan to ensure that the objectives and measures within this document are consistent with previous individual KPOM documents that have been implemented within the Gunnedah LGA. The Gunnedah community prides itself on being the Koala Capital of the world. The potential for any core habitat loss to result in a further reduction in Koala Population numbers could impact on that identity with a further reduction of an already drastically reduced population.

Habitat and Biodiversity Loss

Council acknowledges that the development will require the removal of 380ha of vegetation which includes 78ha of native vegetation and that the developer has Biodiversity offset credits available to be retired and can purchase further credits from the market to offset the loss of this habitat from the development site. It is also acknowledged that further reinstatement of habitat will be completed during rehabilitation efforts. However, the loss of habitat will impact on the following endangered fauna species identified within the Biodiversity Assessment Report and Biodiversity Offset Strategy, which may rely on the habitat contained within the site, being the Honeyeater, Squirrel Glider and Koala populations.

Council implores the developer to consider implementing suitable biodiversity offsets within the development site itself or on immediate adjoining allotments, to ensure that the endangered ecological communities present within the immediate area are not faced with destruction and reduction in available habitat. Replanting should be conducted onsite and should be enacted at the commencement of operations. Trees should be monitored and unsuccessful planting should be replaced. Trees species should be characteristic of plant communities within the site prior to clearing and should include a high percentage of Koala fee trees.

Other Impacts

In addition to the above specific matter, the impact of the proposed development should also address the following:

- Visual Impacts – Statements within the EIS identify minimal visual impact following rehabilitation works.
Council acknowledges that the visual impacts of the development will be mitigated upon completion of remediation works however, the visual impacts of the proposal should be considered for the operational life of the mine activity including the CHPP, during all stages. Visual impact assessment should also be conducted of the proposed rail spur over the floodplain and Kamilaroi Highway. Council considers it should be mandatory requirement that the proponent develop a tree screening program, including implementation of temporary screening barriers until vegetation has reached maturity, as a priority to be implemented as part of the construction phase of the project.
- Rail Spur – As stated previously through this response, the development proposal does not contain any specific designs for the construction of the Rail Spur to the CHPP. The EIS currently contains vague comments about the use of pylons throughout the spur construction with the provision of culverts and earth embankments where appropriate. Council believes that detailed plans and designs of the Rail Spur construction should be provided prior to the determination of this development proposal to ensure that the design is compatible with the surrounding landscape and does not have any detrimental impacts to adjoining land holders and the wider community.
- Heritage – The developer should make attempts to preserve the weatherboard dwelling that is directly impacted noted as having heritage significance. Relocation of the residence and archival records of its previous location could be a possible alternative to marginally preserving the heritage significance of this residence in the event that it is unable to be preserved in its current location. The development should also make consideration to the heritage significance of the Kurrabede Homestead. Council requests that this property be preserved and maintained in a manner consistent with the national heritage significance of this item and that greater access of it be made available to the community.
- Ground Water Impacts – the submitted EIS does not appear to include any ongoing ground water testing or mitigation measures should any degradation or contamination of the ground water table occur throughout the life of the development.
- Surface Water Impacts – Mine water dams should be constructed in such a way as to ensure no potential leakage of water into ground water tables. The EIS did not appear to contain any measures to be implemented to ensure that there is no change to water quality in receiving water courses.
- Water Resources – There is no detail provided that ensures suitable water allocation and no source for water in the event water cannot be sourced from the Namoi River or groundwater tables. There is also no assessment as to the impact of removing water allocation from the Namoi River system and the impacts on environmental (natural) flow rates. Aquatic species that rely on environmental flow may be inadvertently impacted. An assessment needs to be made as to the capabilities of the natural environment is within the capabilities of the natural environment.

- Air Quality – Council believes that the development presents an opportunity to expand the Namoi Region Air Quality Monitoring Program, with the potential for new monitoring stations to be created in Boggabri and the Curlewis villages.
Rehabilitation – The rehabilitation report should include the requirement for a final site validation report for the entire impacted development area. Testing should not be only limited to the final fill voids. The rehabilitation works should attempt to return as much of the project area back to a sustainable agricultural use as possible. The ongoing management of final voids in perpetuity is to be adequately addressed within the updated rehabilitation plan.

Preparation of Reports

There are several Management Plans that are yet to be completed for inclusion in this development proposal. The following Management Plans should be provided to ensure that the matters raised within these Management Plans meet the required and acceptable level of management to ensure that the development reduces or mitigates the impacts on the development for each area. The reports that should be provided for endorsement area:

- Water Management Plan;
- Noise Management Plan;
- Blast Management Plan;
- Air Quality Management Plan;
- Heritage Management Plan;
- Traffic Management Plan;
- Koala Plan of Management; and
- Mine Closure Strategy;

Council is unsure how any determination can be made to the direct impacts of this development without the provision of some of the documents identified above, as these matters are considered by Council to be crucial integral management practices for the ongoing operation of the mine to ensure compliance and reduce ongoing impacts. It is requested that Council be given the opportunity to review each of these documents and be given the opportunity to provide comments on the content and recommendations of each of these plans and strategies prior to approval by the Department of Planning and Environment.

Expert Review

Council is extremely conscious of the critical importance of the implications that this development may have on flooding, critical habitat and the amenity of the surrounding area. Council believes that where there may be adverse impacts from developments such as coal projects that rigorous scientific appraisal of those impacts is undertaken by appropriately qualified, independent experts. Accordingly reports such as Noise Impacts, Air Quality, Ground and Surface Water and Biodiversity Assessments, should be subject to a thorough review by independent scientific experts engaged by the relevant State Government authorities.

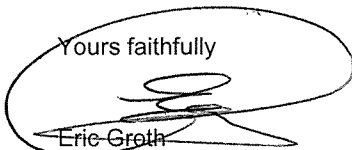
Financial Contribution to Gunnedah Shire Council

It is noted that Gunnedah Shire Council is currently in discussions with the proponent with regard to a Voluntary Planning Agreement (VPA). At the time of this correspondence no final preparation of any such document has occurred. Council supports these discussions as a potential agreement to offset the economic and social implications that this development may incur on the wider Gunnedah Community. Approval should not be granted until such time as this matter has been settled.

Upon updating of the relevant sections of the development EIS and any amendments to the development proposal Council would appreciate the opportunity to review any amended documents and be enabled to provide any comments and submission at such a time.

If you have any questions regarding this matter, please contact Council's Town Planner, Wade Hudson on 02 6740 2100.

Yours faithfully



Eric Groth
GENERAL MANAGER

Contact: 6740 2100
Reference: 1261097
wh.aj:eg