

Appendix A. Illawarra Coal Response to Submissions

Environmental Protection Authority

Environmental Protection Licence

EPA notes the proposal is in accordance with the existing EPLs for the Bulli Seam Operations and EDL gas plant, therefore no modifications are expected to be required for this project.

Construction Management Plan Controls

Illawarra Coal will incorporate the mitigation measures for all media (water, air, noise and soil) into the Construction Management Plans, expanding on the items included in the s75W documentation. Further details on the mitigation measures are described within this response document.

Noise

As outlined in Section 6.4.2 of the s75W environmental assessment, the proposed works will result in temporary noise impacts during the construction phase which exceed standard Noise Management Levels (NMLs).

Consistent with Section 6 of the 'Interim Construction Noise Guideline', the environmental assessment has identified the practices likely to be major contributors to noise and attempted to design the work to minimise noise from the activity, rather than address it at residences. This approach has incorporated:

- The layout of the project;
- Utilising standard construction hours;
- Minimising construction duration by working on multiple points on the pipeline; and
- Turning off unnecessary equipment and parking away from the location of any sensitive receivers. Section 6.4.3 of the environmental assessment lists this mitigation measure for Site 78. These measures will also be applied adjacent to receivers 218 and 280.

While the EPA Standard Construction hours are outlined in the environmental assessment, Saturday activities have been assessed as a contingency measure. As such they are only likely to be utilised if required to meet a condensed timeframe, or potentially lessen duration of exposure to audible works at certain receivers. As such, noise impacts over weekends will be less than the maximum case included in the environmental assessment.

The contractor undertaking the works will be required to develop a Construction Management Plan, which will address managing noise in accordance with the project approvals and to Illawarra Coal's requirements. Noise management will be incorporated in this document and, as such, the contractor will be accountable for noise performance. Noise will also be assessed in site communications, such as toolbox meetings and will be incorporated in reviews by Illawarra Coal representatives. In addition, noise monitoring will be undertaken to confirm noise levels and to investigate any issues or feedback from residents.

Illawarra Coal will continue to consult with residents potentially affected by project noise as per the project Community Consultation Plan. This consultation will address:

- The activities being undertaken;
- The types of noise likely to be experienced;
- Any specific concerns at the residence; and
- Potential actions that could be undertaken to further minimise impacts. This may require changes to operations on site, or supplementing these with mitigation measures at the residence.

The Company has undertaken similar consultation for previous construction projects. Measures implemented have included adjustments to activity location, timing of specific construction activities to avoid sensitive times at the residence, installation of noise barriers, and/or developing noise agreements.

In addition to the consultation strategy, Illawarra Coal operates a 24 Hour Community Call Line (1800 10 22 10) which is available to contact the company for any questions or complaints.

Office of Environment & Heritage

Biodiversity & Offsets

OEH recognises the proposed alignment has been designed to avoid impacts on native vegetation where possible, however recommends that a suitable like-for-like biodiversity offset be prepared for the 0.45 hectares of Cumberland Plain Woodland to be cleared.

The activities proposed for the road easement will choose the route of least, practicable, native vegetation disturbance, favouring areas which are already subject to vegetation maintenance or farming activities. Disturbance beyond the excavated pipeline will be minimised so existing regrowth vegetation can re-establish. The pipeline easement would be grass seeded with a mix containing suitable native seed, which in some instances may replace pre-existing, non-native species.

As described in the s75W Terrestrial Ecology Impact Assessment the project area contains a mixture of introduced vegetation, cleared land and native regrowth vegetation. Field survey determined the native vegetation condition as differing throughout the alignment, relating to the existing road easement management actions such as slashing, mowing, trimming, to which it is subject. Weeds are common throughout the ground layer within the native vegetation community. The assessment determined the Cumberland Plain Woodland TEC would not likely be significantly impacted by the proposal and a referral under the EPBC Act was not recommended.

Based on the existing condition, the land uses and the results of the Terrestrial Ecology Impact Assessment, Illawarra Coal has not proposed any additional biodiversity offsets for the 0.45 hectare directly disturbed by the pipeline construction. However, Illawarra Coal already has in place an existing offset area located at Maddens Plains which was acquired to address the requirements of Condition 2.14 of the Bulli Seam Approval regarding Strategic Biodiversity Offsets. This 598 hectare property is in the process of being transferred to the National Parks Estate and provides in excess of the existing offsetting requirements for Bulli Seam Operations Project Approval, as well as the Dendrobium Mine Development Consent.

Aboriginal Cultural Heritage

OEH determined the archaeological assessment is reasonable in relation to the assessment of disturbance along most of the proposed pipeline easement. However, requested clarification in relation to consultation with the Aboriginal community and the procedure for managing any Aboriginal objects found during project works.

Consultation

Letters were sent out (11th January 2016) to the relevant Registered Aboriginal Parties (RAPs), as per the BSO Heritage Management Plan. These letters outlined the project scope and invited 'Aboriginal people who hold knowledge relevant to the Aboriginal cultural heritage values of the area to register an interest in assisting with the field assessment on 20th January 2016 and to comment on the associated Draft Aboriginal Cultural Heritage Assessment Report'.

The individuals and organisations engaged for the archaeological survey and to provide feedback on the draft document were those listed in Section 5 of the Aboriginal Cultural Heritage Assessment for the s75W application, with the exception that 'Gary Caines' was omitted from the fourth dot point which states 'representing himself'.

Those that contributed to the survey are listed in Section 2 of the same document, with written correspondence also received from Glenda Chalker, representing 'Cubbitch Barta Title Claimants' on the 6th June 2016. This letter stated 'there are no restraints into this project proceeding as planned, due to Aboriginal heritage'.

The mitigation measures in Section 6.6.3 of the s75W Environmental Assessment and the BSO Heritage Management Plan will be incorporated into the Construction Management Plan. This includes stopping works where unexpected Aboriginal objects are discovered and investigation being carried out by a qualified archaeologist in consultation with the relevant Aboriginal stakeholders.

Roads and Maritime Services

The submission acknowledged a minor temporary increase in traffic due to the project construction activities and that a Traffic Management Plan was to be developed and approved by Council.

Illawarra Coal acknowledges the requirement for a Traffic Management Plan. This document is required for obtaining a Section 138 approval from Council prior to the commencement of construction.

No additional follow up items were identified.

Wollondilly Shire Council

The submission stated documentation is considered to have broadly assessed direct and indirect impacts associated with the proposal as well as Council's traffic management requirements, however it followed up with a number of recommendations.

General Comments on the Document and Approach

This general item requests that all items contained in the following sections of their submission be incorporated into the Construction Management Plan where relevant.

Illawarra Coal will include appropriate mitigation measures in the Construction Management Plan.

Consistency of the Modification Application with the Proposed Agreement between Illawarra Coal and Wollondilly Council

Illawarra Coal has a deed in place with Wollondilly Shire Council that was executed on the 16th May 2016. The deed contains a number of terms that require actions by Illawarra Coal.

At the time of response Illawarra Coal was preparing a package of design information for submission to Wollondilly Shire Council.

This section of the submission referred to the Community Engagement Policy being undertaken by Illawarra Coal and the requirement to submit a strategy to Council prior to work commencing. Illawarra Coal has developed an 'Appin East Pipeline Communication Plan' which forms the basis for project stakeholder consultation. This plan includes engagement undertaken since November 2015 and addresses stakeholders including council representatives, residents, infrastructure owners, interest groups, the Illawarra Coal Community Consultative Committee and Douglas Park Advisory Panel. This plan outlines:

- Scope of engagement;
- Background of the project;
- A matrix of consultation completed and planned;
- Key messages to be communicated and project details; and
- Copies of letters distributed to residents.

Illawarra Coal representatives met with the Community Relations representative of Wollondilly Shire Council in May 2016 to discuss the community engagement plan and its content. The document continues to be updated and the most recent version was provided to Council in August 2016.

It is acknowledged Illawarra Coal has a deed in place with Wollondilly Shire Council and is required to undertake consultation to comply with the relevant terms of this deed.

Assessment and Management of Potential Impacts

Road Maintenance and Traffic Management Issues

The submission requested the inclusion of design aspects, as well as compliance with mitigation measures already listed in the S75W application, within the project consent.

Illawarra Coal is compiling information to address conditions of the s75W application and the Council deed executed on the 16th May 2016. Items relevant to road and traffic management issues include:

- A package of design documents, including pipeline installation detail, geotechnical information and cross sectional information at road crossings will be submitted to Council prior to commencement of construction, to address requirements of the deed.
- A Traffic Management Plan, which will be required for obtaining Section 138 approval from Council prior to the commencement of construction.

Any documentation required as part of the deed will be dealt with as specified in the deed.

Assessment of Biodiversity Values and Impacts to these Values

Vegetation Communities

The submission required clarity on the extent of direct impact to adjoining vegetation during construction of the pipeline and mitigation measures to be incorporated in the Construction Management Plan.

The Scope of the project is summarised in Table 1 of the s75W Environmental Assessment. A 5-10m construction corridor would generally have some impacts during the construction of the pipeline, with direct clearing required to facilitate construction of the 2m wide pipeline corridor. Indirect impacts will result from equipment and temporary stockpiles of material adjacent to the pipeline alignment. Some small areas along the corridor will require additional works, such as the small road cutting at the crest of Brooks Point Road and portals for the Thrust Bore.

As per the s75W Environmental Assessment, the pipeline route has been selected to minimise clearing of native vegetation. The project will attempt to minimise disturbance where possible, as this will limit the amount of rehabilitation required.

Commitments within the s75W Environmental Assessment, including mitigation measures, will be implemented as part of the project. As per Section 6.3.3 of the s75W Environmental Assessment, appropriate marking/signage will delineate the pipeline route and areas of vegetation to be disturbed. No-go areas will be clearly marked on plans and in the field.

Flora and Fauna Surveys

The submission recommended the Construction Management Plan include requirements for targeted surveys for threatened fauna species within 14 days of work commencing for Cumberland Land Snail and Koalas. As well as relocation of any observed Cumberland Land Snail under the supervision of an ecologist.

Section 6.3.2 of the s75W Environmental Assessment described that the Cumberland Land Snail has the potential to occur within the study area, however the Assessment of Significance Assessment concluded that it is unlikely to be significantly impacted by the project. Similarly, Section 6.3.2 also summarised that the SEPP 44 Koala Habitat assessment has been undertaken and found that Koala Habitat will not be impacted by the project.

Illawarra Coal has controls in place including a 2 stage clearing process for clearing of any hollow-bearing trees to prevent injury to fauna. Any Cumberland Land Snails identified during the marking of the pipe route or during construction will be relocated under the advice of an appropriate specialist.

Site Rehabilitation

The submission notes the rehabilitation mitigation measures are acceptable to Council provided a combination of local province SSTF species is applied in the spray grass or seed broadcasting activities.

Illawarra Coal will seek to utilise a seed mix that represents appropriate native species, while providing a stable, sustaining environment. Section 3.1.2 of the Terrestrial Ecology Assessment describes that the condition of the vegetation community differed throughout the alignment, as it has been subject to various management actions (slashing, mowing, trimming), however weeds were common throughout the ground layer within the native vegetation community. As such this rehabilitation method has the potential to improve on the existing groundcover condition in these areas.

Assessment and Management of Potential Impacts to Water Courses

The submission requests the Construction Management Plan incorporates mitigation measures to address crossing of swales and drainage, as well as requiring a deed condition containing Water NSW consultation requirements to be included in the project approval.

Illawarra Coal will address drainage in the Construction Management Plan. Drainage and sedimentation controls will be implemented, inspected and maintained to prevent downstream impacts in such locations.

It should be noted that Illawarra Coal has undertaken extensive consultation with Water NSW to date. The Company will continue to consult with Water NSW on aspects including design, access, mitigation and any approvals to be issued by Water NSW.

Illawarra Coal has an executed deed in place with Council and will comply with requirements of the deed.

Impacts to Aboriginal Heritage

The submission acknowledges sufficient modelling and survey work to obtain a broad understanding of the likely presence of potential sub-surface archaeological deposits within the area of impact. It goes further to suggest a suitably qualified archaeologist be present on site to accurately identify any recovered artefacts.

Two qualified archaeologists were present for the survey undertaken on the 20th January 2016 for the s75W assessment and compiled the specialist report included in the application.

The appropriate mitigation measures determined from this study are outlined in Section 6.6.3 of the s75W Environmental Assessment. For unexpected Aboriginal object the mitigation measure states 'should any Aboriginal objects be unexpectedly uncovered during the works, all activity must stop and further investigation must be carried out by a qualified archaeologist in consultation with the relevant Aboriginal stakeholders.'

The project will be appropriately supervised and managed by an Illawarra Coal project team, including a qualified environmental scientist with experience in Aboriginal archaeological surveys. A qualified archaeologist would be called to the site should an object be identified.

Consideration of Social and Cumulative Impacts

The submission requests an expanded assessment of social impacts based on views it has received on the overall Mine Safety Gas Management Project. It also requires consultation aspects within the executed deed between Illawarra Coal and Council be replicated in the project approval.

Illawarra Coal has undertaken extensive consultation to understand social impacts and gain input on Mine Safety Gas Management Activities and continues to do so. This includes:

- Consultation undertaken for this project and outlined in the Environmental Assessment and previous responses;
- Consultation for the Bulli Seam Operations project assessment; and
- Consultation regarding Illawarra Coal's Mine Safety Gas Management activities including:
 - Community information days;
 - Community workshops/forums;
 - Feedback sessions; and
 - Site visits.

This project will improve the operation of existing infrastructure, and has been adopted to be consistent with general feedback received throughout the consultation processes.

Illawarra Coal has a deed in place with Wollondilly Shire Council and is required to undertake consultation to comply with the relevant terms of this deed.

Wollongong City Council

No follow up actions are required to address the submission from Wollongong City Council.

Department of Primary Industries

DPI commented that:

1. Where the suction gas pipeline is to be trenched through first and second order watercourses, the proponent should ensure operations are consistent with requirements set out in 'Controlled Activities on Waterfront Land. Guidelines for laying pipes and cables in watercourses on waterfront land, 2012'.
2. To manage the spread of any noxious weeds across properties, the Illawarra District Noxious Weeds Authority established under the Noxious Weeds Act, 1993 should be consulted.

This Guideline will be referred to in the Construction Management Plan.

Point 2 is noted. Illawarra Coal will review the website for Illawarra District Weeds Authority for relevant material to the project.

Water NSW

Water NSW provided detailed comments relating to interaction of the project with the Upper Canal corridor and infrastructure. These were summarised under sections addressing water quality, protection of Water NSW infrastructure, operation and maintenance of the Upper Canal, security and working within the Controlled Area and heritage.

Much of the comments relate to Water NSW consents/approvals that are required, engineering design and aspects that will be incorporated into the Construction Management Plan.

Illawarra Coal has been consulting with Water NSW regarding the project design and will continue to do so. The project team will incorporate Water NSW requirements into the relevant documentation and implement them as part of the Project.

Illawarra Coal will arrange a Dilapidation Report for the Upper Canal infrastructure and undertake vibration monitoring to the appropriate standard within 25m of the Canal.

Department of Planning & Environment

Attachment A of the letter received from DPE on the 10th August 2016 at the conclusion of the public exhibition period lists an additional two points for consideration:

- The disturbance of the proposed construction works, which would extend beyond the 2m trench width used for vegetation clearing calculations. e.g. from large plant and machinery moving through the construction corridor; and
- Whether hollow bearing trees 177, 178 and 179 can be avoided.

The 2m disturbance footprint of the proposed construction works related to direct soil disturbance from the trenching activity. Disturbance within the remaining 10m corridor will be indirect, such as from the use of machinery and stockpiling. An excavator will be used for much of the pipeline installation and is expected to straddle the excavation for the majority of this activity. Existing vegetation, while subject to these activities will be left intact as best as practicable to enable it to regenerate. It should be noted that a large proportion of the pipeline route is non-native grass and as per Section 3.1.2 of the s75W Terrestrial Ecology Assessment, the existing native vegetation community differs in condition throughout the alignment, as it has been subject to various management actions (slashing, mowing, trimming). The assessment found that weeds were common throughout the ground layer within the native vegetation community.

Spray grass or broad seeding rehabilitation will include appropriate native species within the mix to maintain or improve the original vegetation ground cover make up as best as practicable.

Illawarra Coal has planned the pipeline route to minimise disturbance. The final design work associated with the route is still being completed, however these hollow bearing trees have been GPS marked in the design and the intent is to avoid them where possible.

Trade & Investment, Resources & Energy

This submission provided recommendations for consideration by DPE as follows:

- Obtain a Mining Lease for mining purposes for the proposed pathway of the pipeline, including any easement; and
- Submit to the Secretary of the Department of Industry for approval, an Amendment to the Bulli Seam Operations MOP.
 - This Amendment must, at a minimum, consider that section of the pipeline that traverses Mining Lease 1382.

Infrastructure within the footprint of Ventilation Shafts No. 1, 2 and 3 is currently addressed in the BSO Mining Operations Plan (MOP). These areas are referred to as Rehabilitation Planning Domains 6 and 7. The descriptions of Domains 6 and 7 in the MOP will be modified to accommodate the gas pipeline installation.

Illawarra Coal will provide an addendum to the MOP to reflect the above activities. The project infrastructure will be incorporated in the security cost estimates updated in the BSO Annual Environmental Management Report.

As referred to in the submission, the remainder of the pipeline will be located in parcels of land not owned by the Company but within the area of the subsurface lease of Consolidated Coal Lease 767. Illawarra Coal has undertaken an extensive consultation process with landholders, and obtained landholder consent for the majority of the pipeline route (with the remaining consent to be determined as part of the approvals process i.e. Water NSW). The consent mechanism is executed Deeds with Wollondilly Shire Council and a private land holder, with consultation on the remaining Water NSW Upper Canal section well advanced. Illawarra Coal has noted such in the response to the Water NSW submission above.

Illawarra Coal has rehabilitation commitments for the pipeline outside of the lease area, which have been developed with input from the relevant landholders. These are described as Terms within the executed Deeds and address rehabilitation process, costs and timing. Illawarra Coal continues to consult with Water NSW, including rehabilitation requirements for the area within the SCA Upper Canal.

The relevant Deeds also contain requirements to secure the constructed pipeline route, which will occur through a Section 88 Approval under the Conveyancing Act 1919 once the pipeline has been installed.

Illawarra Coal notes that Section 6 of the Mining Act does not list constructing and operating a gas pipeline as a 'mining purpose', while a person may apply for a 'mining purpose' in Clause 7 of the Mining Regulation. Illawarra Coal and the relevant landholders believe a Section 88 easement adequately addresses the requirements of each party and at this time does not plan to apply for additional mining purposes lease for the pipeline route.

Heritage Council of NSW

This submission recommended the Department of Planning and Environment include in the conditions of consent that the gas pipeline be installed under the Upper Canal System.

Illawarra Coal investigated this option during the planning phase of the project. In consultation with Water NSW, Illawarra Coal considered geotechnical conditions, risk of damage to the Upper Canal, visual amenity, extent of excavation, operational and maintainability aspects, as well as management of condensate water in the pipeline. In summary:

- Installing the pipe beneath the Upper Canal System would require significantly larger construction disturbance to create a portal and additional drainage facilities. The underground option would create a low point that would require the additional drainage facilities to address accumulated condensate. This condensate would need to be pumped out and removed with a vacuum truck.
- Underground construction would be subject to greater geotechnical risk, particularly in the strata below the sandstone base of the Upper Canal.

The Environmental Assessment identified that the pipeline will have some visual impact on a short section of the Upper Canal. However the pipeline will be located in conjunction with an existing transmission line corridor, consisting of two 66kV transmission lines and one 11kV transmission line, while there is a precedent of other pipes crossing the canal both to the north and south of the proposed route.

The planning and design work undertaken in consultation with Water NSW considered both underground and aboveground options of pipeline installation to address the Upper Canal System. Due to the reasons summarised above, the aboveground option was assessed to have less overall risk. Key design features have been identified to address Water NSW requirements to further minimise potential for impact on the Upper Canal infrastructure and to facilitate ongoing operations.

The condition of the Upper Canal is also considered in the response to submission for Water NSW and will be addressed in their approval requirements. In respect of the heritage values of the Upper Canal the following management measures will be implemented:

- A dilapidation survey of the canal at the crossing will be completed prior to any works and at the completion of works;
- The pipeline will not contact the Canal;
- The pipeline foundations will be located at least 5m from the edge of the Canal walls;
- Vibration monitoring will be installed for the works period; and
- Records and documentation of the condition of the Canal and the effectiveness of monitoring and management, will be provided as required by Water NSW approvals.

Campbelltown City Council

This submission recommends:

- The removal of 0.45ha of Cumberland Plain Woodland is rehabilitated through a Vegetation Restoration Plan prepared and implemented with Wollondilly Shire Council as part of the Environmental Management Plan for the project.
- No targeted searches were undertaken for the Cumberland Plain Land Snail or for a number of species of micro-bats recorded within the locality, including the Eastern False Pipistrelle, Yellow-tailed Sheath-tail-bat, Large-footed Myotis, Eastern Freetail-bat and Little Bentwing Bat. In order to address the likelihood that these species may be impacted by the MSGMP works it is important that a Cumberland Land Snail Translocation Protocol and Micro-bat Nest Box Plan is prepared and implemented with Wollondilly Shire Council as part of the Environmental Management Plan for the project.

A Construction Management Plan will be developed to detail the mitigation measures referred to in the S75W Environmental Assessment for Cumberland Plain Woodland vegetation. This will also incorporate aspects included in the response to submissions for Wollondilly Shire Council under 'Biodiversity values and impacts to these values'. The general approach will be to minimise impacts as much as practicable to reduce the amount of rehabilitation required. Native grass species will be incorporated into the rehabilitation as appropriate.

The Terrestrial Ecology Impact Assessment included as Annex 3 of the Part 75W Environmental Assessment considered threatened fauna species, including those referenced in this submission. A Seven Part Test was undertaken to address each species.

The field survey did not detect any Cumberland Land Snail under larger trees, or under bark. Nor did the field survey detect any of the noted hollow-dependent species. The study identified that the construction area was only marginal foraging habitat of low quality for these hollow-bearing species due to the young age of the trees within the study. The project area is also subject to existing fragmentation from previous land clearing and proximity to the road (with the majority of the pipeline route located within road easement).

Illawarra Coal will incorporate mitigation measures in the Construction Management Plan as outlined in the s75W Environmental Assessment document and incorporate details described in the responses to submissions. This will include the following aspects relative to the Cumberland Land Snail and the referenced hollow-dependant species:

- The avoidance of clearing hollow-bearing trees as much as practicable. Any removal will be as per the clearing protocol provided in Section 5 of the Terrestrial Ecology Impact Assessment (including a 2-stage clearing process). While there is only a low-moderate probability of the listed hollow-dependant species being present in these trees, this will further reduce the likelihood of any impacts to these species; and
- Any Cumberland Land Snails identified during the marking of the pipe route during construction will be relocated under the advice of an appropriate specialist.