

Mt Piper Power Station Ash Placement Project

ENVIRONMENTAL ASSESSMENT CHAPTER 4 – ISSUES IDENTIFICATION

■ August 2010



Contents

4.	Issues Identification	4-1
4.1.	Agency Consultation	4-1
4.1.1.	Environmental Assessment Requirements	4-1
4.1.2.	Consultation with Agencies	4-3
4.2.	Community Consultation	4-5
4.3.	Consultation with Indigenous Communities	4-6

4. Issues Identification

This chapter summarises agency and community consultation activities for the project. The Director-General's requirements were to:

- *Undertake an appropriate and justified level of consultation during the preparation of the Environmental Assessment; and*
- *Clearly describe the consultation process and indicate the issues raised by stakeholders during consultation and how these matters have been addressed.*

4.1. Agency Consultation

4.1.1. Environmental Assessment Requirements

The requirements for the content of the Environmental Assessment were issued by Department of Planning on 12 November 2009 and a copy is attached in **Appendix A**.

The requirements are summarised in **Table 4-1**, along with an indication of where in the document the requirements are addressed.

■ **Table 4-1 Director-General's requirements for the Environmental Assessment**

Summary of Requirements	Chapter of the EA
General Requirements	
The Environmental Assessment must include:	
■ An executive summary.	Executive Summary
■ A detailed description of the proposal including construction, operation and rehabilitation details, the general location of those components relevant to the concept plan and detailed location and dimensions of those components relevant to the project application, the finished profiles of the sites and identification of any third party approvals.	Chapter 3
■ Consideration of any relevant statutory provisions.	Chapter 1
■ An assessment of the key issues outlined below, during construction and operation.	Chapter 5 to 10
■ A draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project.	Chapter 13
■ A conclusion justifying the project taking into consideration the environmental, social and economic impacts of the project; the suitability of the sites and the public interest.	Chapter 12
■ Certification by the author of the Environmental Assessment that the information contained in the assessment is neither false nor misleading.	Front of document
Key Assessment Requirements	
The Environmental Assessment must include assessment of the following key issues:	
■ Strategic Planning and Justification	Chapter 2
■ Undertake a strategic assessment of the need, scale, scope and	

SINCLAIR KNIGHT MERZ

Summary of Requirements	Chapter of the EA
<p>location for the project, an overview of the relationship between the project and its relevance to the existing Mt Piper Power Station Units 1 & 2, the existing brine and ash co-placement area and the proposed Mt Piper Power Station Units 3 & 4.</p> <ul style="list-style-type: none"> ■ Illustrate how the project will effectively respond to the management of flyash and brine from Units 1 & 2 and how the project will cater for the management and storage of the potential waste products from Units 3 & 4. ■ Describe a strategy for developing and implementing short, medium and long term ash management options. 	
<ul style="list-style-type: none"> ■ Air Quality Impacts ■ For the concept plan application at Neubecks Creek and Ivanhoe No 4 provide an analysis of potential air quality constraints to the development of the sites. ■ For the project application at Lamberts North and Lamberts South sites undertake an assessment of the air quality impacts in accordance with the <i>Approved methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DECC, 2005). 	Chapter 5 Appendix B
<ul style="list-style-type: none"> ■ Noise Impacts ■ For the Neubecks Creek and Ivanhoe No 4 sites (concept plan) include an analysis of potential noise constraints to the development of these sites. ■ For the Lamberts North and Lamberts South sites (project application) a construction and operational noise assessment that identifies impacts on surrounding residential premises and other sensitive receivers, with particular consideration to traffic generated noise associated with the construction works and the transportation of flyash and brine to the ash placement areas during operation. 	Chapter 6 Appendix C
<ul style="list-style-type: none"> ■ Water Management ■ For the Neubecks Creek and Ivanhoe No 4 sites (concept plan) include an analysis of potential surface water, hydrology, groundwater and water supply constraints to the development of these sites. ■ For the Lamberts North and Lamberts South sites (project application) characterise and assess site hydrology and water management including drainage, stormwater, flooding and water supply and provide an assessment of potential risks to surface water and groundwater quality with consideration of relevant State policies and ANZECC water quality guidelines. 	Chapter 7 Appendix D
<ul style="list-style-type: none"> ■ Ecological Impacts ■ For the Neubecks Creek and Ivanhoe No 4 sites (concept plan) include an analysis of potential ecological constraints to the development of these sites. ■ For the Lamberts North and Lamberts South sites (project application) an assessment of likely impacts on native vegetation, threatened species, populations, ecological communities and their habitats, with particular reference to downstream aquatic habitats. The assessment must be prepared in accordance with the <i>Draft Guidelines for Threatened Species Assessment</i> (DEC & DPI, 2005). 	Chapter 8 Appendix E
<ul style="list-style-type: none"> ■ Indigenous Heritage ■ For the Neubecks Creek and Ivanhoe No 4 sites (concept plan) include an analysis of potential heritage constraints to the 	Chapter 9

Summary of Requirements	Chapter of the EA
<ul style="list-style-type: none"> development of these sites. For the Lamberts North and Lamberts South sites (project application) a detailed assessment of indigenous heritage values (archaeological and cultural) that may be impacted by the project. Demonstrate effective consultation with indigenous stakeholders regarding the potential impacts of the concept plan as a whole and the particular impacts of the project application sites consistent with the draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation (DEC, July 2005). 	<p>Appendix F</p> <p>Chapter 4 Appendix F</p>
<ul style="list-style-type: none"> Visual Amenity For Lamberts North and Lamberts South sites (project application) provide an assessment of visual impact of the sites on visual amenity with specific reference to the maximum height of the proposed ash placement areas from neighbouring residences, adjacent roads, watercourses and the public domain. For the Neubecks Creek and Ivanhoe No 4 site (concept plan) provide a general screening of likely visual impacts should these sites be developed. 	Chapter 10
<ul style="list-style-type: none"> General Environmental Risk Analysis An environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. 	Chapter 11
Consultation Requirements	
An appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment.	Chapter 4 Appendix A
<ul style="list-style-type: none"> NSW Department of Environment, Climate Change and Water. 	Chapter 4
<ul style="list-style-type: none"> NSW Office of Water. 	Chapter 4
<ul style="list-style-type: none"> Department of Industry and Investment (NSW). 	Chapter 4
<ul style="list-style-type: none"> Sydney Catchment Authority. 	Chapter 4
<ul style="list-style-type: none"> Lithgow City Council. 	Chapter 4
<ul style="list-style-type: none"> The local community. 	Chapter 4
The Environmental Assessment must clearly describe the consultation process and indicate the issues raised by stakeholders during consultation and how these matters have been addressed.	Chapter 4

4.1.2. Consultation with Agencies

Correspondence from NSW Department of Environment, Climate Change and Water and the NSW Office of Water was provided by the Department of Planning. As these letters outlined relevant issues required for consideration in the EA, there was no further consultation considered necessary. Telephone calls were made to agencies to status of relevant guidelines and plans.

Separate letters were sent to the following agencies in February 2010:

- Sydney Catchment Authority;
- Lithgow City Council; and
- NSW Department of Industry and Investment.

Responses were received from the Sydney Catchment Authority and Lithgow Council. The issues raised in the received correspondence are summarised in **Table 4-2**.

■ **Table 4-2 Issues raised from correspondence with agencies**

Issue raised	Chapter of the EA
Department of Environment, Climate Change and Water	
<ul style="list-style-type: none"> ■ DECCW noted that draft DGRs covered air quality, noise, visual amenity, water management and general environmental risk analysis. Additional matters required to be considered are listed below. 	
<ul style="list-style-type: none"> ■ Water – The proponent should carefully consider the impacts of the proposal on the water quality of Huon Creek and Neubecks Creek. 	Chapter 7
<ul style="list-style-type: none"> ■ Waste and Chemicals – The EA should include an assessment of all likely waste streams associated with the project both during construction and operation, and how waste would be managed by the project in line with the principles of waste avoidance, reuse and recycling. ■ The EA should also consider alternative ash management measures aimed at maximising the use of the potential resource and the available life of emplacement areas. ■ The EA should provide details of chemicals to be stored in bulk on site. 	Chapter 11 Chapter 2 n/a
<ul style="list-style-type: none"> ■ Contaminated Land – The EA should assess the risk of encountering contaminated material within the proposed ash placement project area. 	Chapter 3
<ul style="list-style-type: none"> ■ Threatened Species and their Habitat – Likely impacts on threatened species and their habitats should be reported on. 	Chapter 8
<ul style="list-style-type: none"> ■ Cumulative Impacts – The EA should assess the cumulative impacts on air, noise and water of the proposal, given that the immediate area includes power generation and coal mining activities. 	Chapters 5, 6 and 7
<ul style="list-style-type: none"> ■ Aboriginal Cultural Heritage – The EA should identify the nature and extent of any impacts on Aboriginal Cultural Heritage values across the project area and the strategies proposed to avoid/minimise these impacts. 	Chapter 9
NSW Office of Water	
<ul style="list-style-type: none"> ■ The proposal should seek to protect, maintain and enhance waterways. Recommendations are provided for Huon Creek, Neubecks Creek. 	Chapter 7
<ul style="list-style-type: none"> ■ The EA should assess the impact of the proposal on surface water and groundwater resources. ■ The EA should provide details on the presence and distribution of Groundwater Dependent Ecosystems in the vicinity of the site. ■ The need for a water licence under part 5 of the Water Act, 1912 should be addressed. 	Chapter 7
Sydney Catchment Authority	
<ul style="list-style-type: none"> ■ Description of the Project – to include landform, drainage, watercourses 	Chapters 3 and 7

Issue raised	Chapter of the EA
and hydrology, water quality, groundwater quality and flow, characteristics of ash and brine, water requirements and details for the management of contaminated water.	
<ul style="list-style-type: none"> ■ Cumulative Impacts – the cumulative impact assessment should consider cumulative impacts associated with other past, present and reasonably foreseeable land uses in the catchment of Neubecks Creek. 	Chapter 7
<ul style="list-style-type: none"> ■ Beneficial reuse – the EA should examine further opportunities to increase the beneficial reuse of flyash. 	Chapter 2
<ul style="list-style-type: none"> ■ Water Cycle Management – the water cycle management assessment should address potential implications of the project on the quality and quantity of groundwater and surface waters including Huon Creek, Neubecks Creek and the Coxs River, neutral or beneficial effect on water quality. Rehabilitation plans are recommended for Huon Creek and Neubecks Creek. 	Chapter 7
Lithgow Council	
<ul style="list-style-type: none"> ■ Assessment of amenity issues for residents within Blackmans Flat ■ Avoidance of road transport of ash ■ Justification for economic, employment and social impact ■ Impacts on infrastructure, community facilities and services ■ Cumulative impacts of dry ash placement ■ Water quality impacts (electrical conductivity) on downstream water bodies ■ Potential impacts on Council's approved landfill. 	<ul style="list-style-type: none"> ■ Chapter 11 ■ Chapter 11 ■ Chapter 12 ■ Chapter 11 ■ Chapters 5,6,7 ■ Chapter 7 ■ Chapters 5,6,7

4.2. Community Consultation

The Director-General's requirements requested consultation with the local community during the preparation of the Environmental Assessment. A comprehensive community consultation program was developed targeting the local community. The aim of the community consultation program was to provide accurate and timely information to the community, and to facilitate community engagement in the approval planning process.

A range of local information activities was undertaken as well as some communications activities coordinated centrally. A dedicated free-call 1800 number was established, as well as a special purpose email address. There has been one response to the 1800 number and no relevant responses to the email address. Approximately 800 newsletters were distributed to the region of Lidsdale and Blackmans Flat in February, 2010.

At the time of the Preliminary Environmental Assessment (PEA) announcement, Delta Electricity's website (www.de.com.au) was provided with the PEA and Director-General's requirements with a summary and links to the Department of Planning website. Delta's newsletter was also placed on the website.

An advertisement was placed in the Lithgow Mercury in February 2010, providing information on the project and contact details for the free-call number and the email address.

Letters were sent to Lithgow Council, State and Commonwealth members of Parliament.

A number of briefing meetings, including issues associated with ash management, have been held with Delta Electricity's Mt Piper Community Reference Group throughout 2008 and 2009 and the most recent on 17 February 2010 dealt specifically with this project.

Issues raised at various community Reference Group meetings have included the question of ash management. **Table 4-3** outlines how these issues have been addressed.

■ **Table 4-3 Issues raised at the Community Reference Group**

Issue	Where addressed
Proposed areas are too close to Blackmans Flat	Chapter 11
Information required on the "make up" of ash	Chapter 3
Concern over ash dust being blown to residential areas	Chapter 5
Consideration should be given to alternative uses for ash	Chapter 2

No other issues have been raised through any of the forums listed above.

4.3. Consultation with Indigenous Communities

The Study Area falls within the boundaries of the Bathurst Local Aboriginal Land Council (BLALC). The consultation was undertaken as outlined in Department of Environment, Climate Change and Water's Interim Community Consultation Requirements (ICCRs)¹ as recommended in the DEC 2005 *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (for Part 3A assessments).

An advertisement seeking expressions of interest from Indigenous community organisations was placed in the local paper the 'Lithgow Mercury' on the 23rd January, 2010. Letters were also issued to Aboriginal groups or individuals known to have an interest in Indigenous heritage within the Study Area, in addition to letters sent to DECCW, Lithgow City Council, the Register of Aboriginal Owners, BLALC and Native Title Services Corporation (NTSCORP). A second round of letters was then sent to additional groups identified as a consequence of the first round of advertising and agency contact.

¹ It should be noted that the new DECCW *Aboriginal cultural heritage consultation requirements of proponents 2010*, came into effect on 12th April 2010. The process undertaken in this project is consistent with transitional arrangements specified in the new requirements.

As a result of these processes, 12 organisations / individuals formally registered interest by the close of Stage 1. The details of these organisations and individuals are provided in **Appendix F**.

Letters describing the proposed heritage assessment methodology were sent to all registered stakeholders on 22nd March, 2010 with a request for any specific cultural information (should any be available), as well as inviting comment / input on the methodology proposed. Input into the proposed heritage management measures for the Aboriginal Cultural Heritage Management Plan (ACHMP) was also sought. Responses to the Stage 1 and 2 letters can be found in **Appendix F**.

Desktop review had demonstrated that Lamberts South and North had been fully assessed for heritage in the past and that both were now completely disturbed through mining and consequently, full pedestrian assessment of these Study Areas was not deemed appropriate for occupational health and safety reasons. However, to ensure that the Impact Footprint lay completely within disturbed areas, a site visit was made to the Study Area on 4th March, 2010 in the company of Mr Rick Peters representing the BLALC. Due to the Project Site being within the boundaries of the BLALC, one position was made available for an Aboriginal community representative from this organisation to participate in the site visit.

Irrespective of field representation, all groups who have expressed interest in being part of the consultation process have been kept informed of the methods and results, and invited to comment on draft documents prepared for the project.

A record of all consultation with the Aboriginal groups kept during the course of the project which can be reviewed in **Appendix F**.