

# PART B

**Assessment of project changes and response to submissions**



## 4 Environmental Assessment – general submission issues

### 4.1 Introduction

Each of the following chapters addresses changes to the Project and then provides responses to the EA submissions. The issue topic is identified in the chapter title, any relevant changes to the Project are described and their impacts assessed. The response to submission sections provide the applicable submitter codes, a description of the issues and responses.

Responses to submission comments that are not described by environmental topics in the following chapters are provided below.

### 4.2 Response to general issues in submissions

#### 4.2.1 Support for the Project

##### **Submissions**

NA-6, C-1, G-7, G-12, G-14, G-23, G-25, G-26, I-5, I-42, I-77, I-92

##### **Issues**

These submissions support the Project for a variety of reasons, including:

- Office of Communities Aboriginal Affairs and one other submission supports the Project due to the opportunities it will offer for employment of Aboriginal people and for the provision of services by Aboriginal businesses;
- Dubbo City Council provides “its support to this very important project for the region”;
- as a stimulus for regional growth and sustainability;
- to provide employment and training opportunities;
- to help retain local school leavers and to bring new residents into the area; and
- to help supply competitively priced electricity.

##### **Responses**

These comments are noted and further details of these benefits are provided in the relevant sections of the EA and in response to submissions in this report.

#### 4.2.2 In principle support for Project

##### **Submission**

NA-1

##### **Issue**

The EPA supports the Project subject to a number of amendments being made to the draft statement of commitments and provision of additional information about potential water, air, noise, lighting and land contamination impacts.

##### **Response**

EPA's in principle support is noted. Amendments will be made to the Project commitments and additional information provided either elsewhere in this response or in the relevant management plan where longer-term investigations are necessary.

#### 4.2.3 Consultation and additional review time

##### **Submissions**

G-1, G-10, G-18

##### **Issue**

These submissions ask to delay the close of the submissions period until the full details of the biodiversity offset package are known and have been provided to the community.

##### **Response**

The EA exhibition and submissions period is determined by the DP&I.

The EA presents a biodiversity strategy that will be developed into a biodiversity package that will detail all of the offsets for the Project. As is the case for many major Projects in NSW, this package is being developed in consultation with NSW and Commonwealth agencies and may not be completed before the Project is approved. If this is the case, it is expected project approval conditions would include a timeframe for this package to be completed to the satisfaction of the relevant agencies. CHC has already secured a large proportion of land proposed for offset areas. Additional areas have recently been identified and are being investigated to determine their suitability. This is discussed further in Chapter 9. An updated biodiversity offset strategy is provided in Appendix H.

#### 4.2.4 Exhibition period

##### **Submission**

G-1

One submission comments the limited available time to review the proposal prevented a more detailed submission being provided.

## **Response**

The EA exhibition and submissions period is determined by the DP&I.

### **4.2.5 Overall adequacy of EA and project justification**

#### **Submission**

G-10

#### **Issue**

This submission considers the EA to be unhelpful, “completely inadequate” and based on “key data inaccuracies” and “does not meet the Director General’s requirements”. The submission states the NSW government has a “major conflict of interest” in the assessment process.

#### **Response**

The sections of the EA that address each of the Director General’s environmental assessment requirements are summarised in Table 1.2 of the EA. The assessment process for the Project is the same as all transitional Part 3A projects (see Section 1.2) and includes an independent review by the PAC.

### **4.2.6 Map scale**

#### **Submission**

NA-2

#### **Issue**

The OEH comments the inset in EA Appendix H Figure 3.16 does not show the scale and the distance of the water supply pipeline from Yarrobil NP cannot be determined. The OEH recommends amending Figure 3.16.

#### **Response**

The updated Figure 3.13 provides a scale and shows the amended pipeline route as described in Section 3.4.2.

### **4.2.7 Crown lands**

#### **Submission**

NA-7, NA-10



## Issue

Crown Lands (part of the DPI) comments there are a number of Crown (and council) roads located within the mining area and the proponent will need to make applications to close and purchase these roads before any mining works begin. Contact should be made with the Catchments and Lands Division (Crown Lands) for further details and to determine appropriate actions. Crown Lands goes on to comment that there are a number of areas of Crown land as well as a large number of Crown (and council) roads within the Project Application Area (but located outside the mining area). The proponent will need to contact the Catchments & Lands Division (Crown Lands) to obtain the necessary approvals to occupy Crown land and/or to determine appropriate actions to allow any Crown roads to be used for ingress and egress from the mining area.

Crown Lands requested the following development conditions be included in any project approval granted by NSW Planning:

1. Where Crown roads are utilised for the purposes of the project or impacted on by the project activities, the applicant must within 12 months of project approval, obtain a License or Lease over the Crown road in accordance with the Crown Lands Act 1989.
2. Crown roads within holdings owned by Cobbora Holding Company Pty Limited or impacted on by projects activities as described above, may be included in a road closing application lodged by the applicant. Where Crown roads under application cannot be closed and purchased within a 12 month period following project approval, then Condition 1 above applies.
3. Where Crown land (other than Crown roads) is utilised for the purposes of the project, as identified in the table above and where later identified to be impacted on by project activities, the applicant must within 12 months of project approval, obtain a License or Lease over the Crown road in accordance with the Crown Lands Act 1989.
4. Where the purpose of any existing Crown land Licence or Lease, held or acquired by the applicant, is not compatible with the proposed project activities, the applicant must within 12 months of project approval, obtain a new License or Lease over the Crown road that reflects the proposed use of the land in accordance with the Crown Lands Act 1989.
5. Where the applicant fails to meet any of the above conditions, the applicant is subsequently not in compliance with the project approval, and all necessary enforcement from NSW Planning should come into effect.

## Response

CHC will apply to buy and close the required Crown and council roads and for ongoing access to Crown land. An updated map of Crown land is provided in Appendix D. CHC does not object to the conditions proposed by Crown Lands but notes that draft project approval conditions are prepared by the DP&I and final project approval conditions are prepared by the PAC where the commission is the determining authority as will be the case for the Project.

#### 4.2.8 Waste disposal

##### Submission

C-1

##### Issue

Dubbo City Council comments it should be noted that the Whylandra Waste Depot in Dubbo LGA cannot accept any hazardous liquid or toxic wastes.

##### Response

The limitations applying to the Whylandra waste depot are noted. Detailed waste management and disposal procedures for both the construction and operations phases of the Project will be specified in the respective management plans. This will include identifying facilities with EPA licences for hazardous and liquid wastes for the Project's contractors to use.

#### 4.2.9 Hazardous chemical and waste management

##### Submission

NA-1

##### Issue

The EPA recommends an additional heading be created for "Hazardous Chemical and Waste Management". The EPA also recommends adding the following commitments to this section so it reads:

- dangerous goods will be transported in accordance with the requirements of the Australian Code for the Transport of Dangerous Goods by Road and Rail, current edition;
- store all hydrocarbon and chemical products within a bunded area complying with the relevant Australian Standard;
- toxic chemicals will be stored in accordance with the requirements of ASNZS 4452 - The Storage and Handling of Toxic Substances; and
- all wastes onsite must be classified as waste in accordance with the document Waste Classification Guidelines Part 1: Classifying Waste (DECCW 2009) and subsequently disposed at landfill facilities that can lawfully accept the waste following classification.

##### Response

These commitments will be included in the waste management plan to be prepared (EA Section 23.2.2).

#### 4.2.10 Land contamination

##### Submission

NA-1

### **Issue**

The EPA comments the Project site includes two former piggeries and requests that the intended future use of these properties be clearly stated. The EPA requests contaminated land assessments for both properties to inform land management decisions and considers this should occur before the Project is determined. If this does not occur, it recommends applying a condition requiring contamination assessments before development starts.

### **Response**

One of the piggeries is within the footprint of the mining area and will be decommissioned and removed as part of mining. The other is north of the Golden Highway and will also be decommissioned. Phase 1 contamination assessments will be made at both sites to determine the extent of contamination. CHC will liaise with the EPA about the results and the further assessment and decontamination works required.

## **4.2.11 Mining beyond the project life**

### **Submission**

G-10

### **Issue**

One submission comments the Project is the “first phase of mining” that will extend beyond the proposed 21 years. Although not stated, the rationale for this claim is presumably that there will be substantial coal resources left after 21 years (about 354 Mt). The submission comments it has no confidence that any of the longer-term management or mitigation measures will be achieved, including offsets and socio-economic benefits.

### **Response**

There are coal resources in the area surrounding the mine that could be recovered. As described in the EA (Section 3.20), it will be decided in Year 14 whether to seek additional approvals to mine beyond Year 21.

## **4.2.12 Emergency response**

### **Submission**

C-1

### **Issue**

Dubbo City Council comments that CHC should engage with the local community, specifically through local emergency management committees, about proposed response measures. CHC should make a commitment in this regard.



## Response

As the council notes, the EA includes a preliminary hazard assessment and an environmental risk assessment. The results have been used to prioritise issues in the Project's design, particularly safeguards. Further risk assessments may be undertaken during the preparation of the construction and operations environmental management plans and CHC will consult local emergency management committees then. CHC has begun discussions with the regional emergency management committee will consult the local emergency management committees as part of the risk assessment and emergency planning for the Project.

### 4.2.13 Safeguards

#### Submission

C-4

#### Issue

Wellington Council comments the safeguards should be included in any planning consent that are comprehensive and exacting enough to protect the adjoining residents from adverse environmental, social and economic impacts, including noise, vibration, dust, water impacts and visual impacts.

#### Response

Where the PAC is the determining body and approves a project, it prepares exacting and comprehensive project approval conditions that consider the social and environmental impacts of the project.

### 4.2.14 Wider environmental issues

#### Submissions

I-43, I-160

#### Issue

These submissions comment on broad matters:

- fossil fuels will be required while there is no population plan for Australia;
- the growth-based economic model cannot be maintained on a finite planet; and
- the electorate needs to learn that we are living above our means and that our current lifestyle has been borrowing resources from future generations.

#### Response

These points all form part of the wider environmental debate in Australia. However, they are beyond the scope of the EA for the Project.

