

# BULGA OPEN CUT

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## GLENCORE

18 July 2018

Mr Howard Reed  
Resource Assessments / Planning Services  
Department of Planning & Environment

Dear Howard

**SSD 4960 Modification 2 - Application to extend the period for the construction of the outer face of the noise and visual bund.**

Bulga Coal submits this application to modify SSD 4960 Schedule 3 Condition 47 (b) to include an additional 9 months for the completion of the outer face of the noise and visual bund. This modification application is under section 4.55 (1A) of the Environment and Planning and Assessment Act 1979 as the modification is only seeking a temporal change to one condition.

### **1.0 Background**

Bulga Coal gained SSD 4960 in December 2014. A key element of that approval was the construction of the noise and visual bund along the western perimeter of the operation. This was in response to community concerns about the visual and noise impacts of the mine. As much as the community were appreciative of the longer term benefits of the noise and visual bund they also expressed concerns about the potential visual impacts of constructing the bund at night. In response Bulga Coal also committed to building the outer face of the noise and visual bund during day time only, assisting to mitigate these amenity impacts during construction. Bulga Coal also undertook to develop the outer-face within four years of the granting of approval. This was specified in Schedule 3, Condition 47 b) of SSD-4960 which states:

- 47.** *The Applicant must design, construct and maintain the proposed noise and visual bund to the satisfaction of the Secretary. This bund must:*
- a) be completed as soon as practicable after the commencement of development under this consent;*
  - b) be constructed to ensure the western (outer) edge of the bund is at its full design height (up to 165 m AHD) with an initial vegetation cover, within 4 years of the date of this consent; and*
  - c) be generally consistent with the concept plan in the EIS and the figure in Appendix 12*

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Bulga Coal has worked diligently towards the completion of the outer face within four years of approval (1 December 2018). Unfortunately prolonged protected industrial action in 2017 has impacted on our ability to complete the outer face by 1 December 2018. The Protected Industrial action at Bulga commenced on the 4th July 2017 and continued until the end of October 2017.

## **2.0 Update on the Noise and Visual Bund**

The noise and visual bund is approximately 9.5 kilometers long and varies between 30 and 70 m above the natural topography. **Figure 1** shows what area is included in the outer face of the noise and visual bund (287Ha). It also highlights what has already been built and rehabilitated (125 Ha, 43%) and what is forecast to be completed by the 1st December 2018 (232ha, 81%). Unfortunately this will leave approximately 55ha (19%) to be completed post December 2018.

The 125 ha of noise and visual bund rehabilitation that has been completed has been seeded to the Central Hunter Grey Box – Ironbark Woodland Endangered Ecological Community (EEC). The completed rehabilitation has been to a very high standard with there being very little erosion and good species diversity and growth of the seeded EEC. **Attachment 1** provides an overview of the noise and visual bund outer face rehabilitation completed to date. Bulga Coal has also had a strong focus on direct emplacement of forest topsoil and weed and erosion mitigation which has also played a role in the successful establishment of the emergent EEC.

## **2.1 Revised completion of the outer face of the noise and visual bund.**

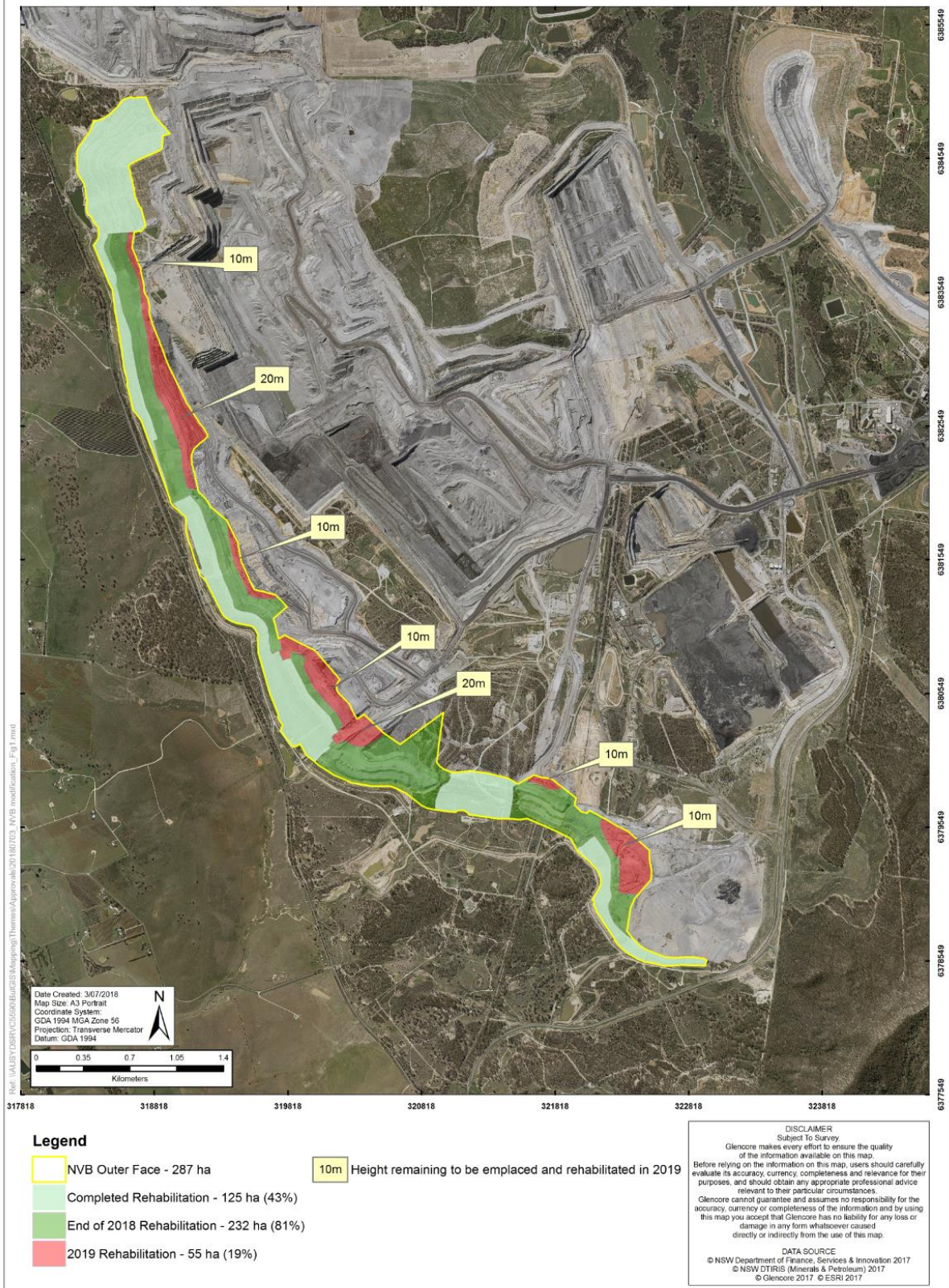
Without accounting for any potential wet weather or unforeseen delays Bulga Coal is confident it can have the outer face of the noise and visual bund emplaced by the end of April 2019 and the rehabilitation completed by the end of June 2019. Bulga Coal is also requesting allowance of an additional 2 months as a contingency for potential impacts of wet weather and unforeseen delays. Thus Bulga Coal is seeking an additional 9 months to complete the outer face.

The substantially reduced manning available during the Industrial action meant Bulga Coal had to shorten the haul distances to enable us to still meet our customer's coal requirements. This escalated the impact on the planned development of the noise and visual bund. Thus 4 month of industrial action had more than 4 months of impact on the development of the noise and visual bund.

## Bulga Open Cut

Figure 1 - NVB Rehabilitation Progression

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## **2.0 Evaluation of other options to complete the outer face by December 2018.**

Bulga Coal has evaluated three different approaches to expediting the completing the outer face of the noise and visual bund. Two of these may have had the potential for the outer face to be completed by December 2018. The third option being a delayed completion of the outer face of the noise and visual bund. A discussion of the three options is presented below.

**2.1 Bringing in extra equipment** – A full mine plan scenario, including detailed haulage simulations, was conducted to determine the requirement to achieve the December 2018 completion date for the noise and visual bund outer face. To achieve this plan an additional **two excavators and 18 additional haul trucks (793)** were required to be added to the current Bulga fleet. The extra equipment required would represent approximately a 40% increase in active mobile equipment on site. This would result in a similar increase in:

- the amount of overburden blasting required
- the amount of overburden required to be moved;
- the amount of dust generation by the additional equipment;
- the noise generated, leading to exceedance of Bulga Coal's noise criteria;
- the intensity of activity on the noise and visual bund, visible to our neighbours;
- the intensity of mining equipment, beyond what is considered practical and safe operating levels at Bulga Open Cut; and
- is not consistent with our approved operations.

This option does however have the potential to meet the visual screening requirements of SSD 4960 Schedule 3, condition 47 b).

**2.2 Working 24/7 on the outer face.** Continual operations on the outer face of the noise and visual bund would substantially increase the mine noise and visual impact on the community at night. Working 24/7 on the outer face is in direct contraction to the purpose of committing to the construction of the outer face between 7am and 7pm as included in SSD4960 schedule 3 condition 6 (b) *only undertake works on the outer face of the bund along Charlton Road between 7am and 7pm.*

This option does however meet the visual screening requirements of SSD 4960 Schedule 3, condition 47 b).



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## **2.3 Extending the period to complete the outer face of the Noise and Visual Bund.**

### **Noise**

Extending the period to complete the outer face of the noise and visual bund, whilst maintain the works between the hours of 7am to 7pm would not lead to Bulga Coal exceeding the noise criteria as it is currently, or when the criteria is changed as per Schedule 3, Condition 4 of SSD-4960 which states:

*"At the direction of the Secretary, Table 3 above must be replaced with the Table in Appendix 6.*

*Note: This direction will be given following the construction of the proposed noise and visual bund (see the figure in Appendix 2) to a height of 150m AHD or the start of year 7 of the development under this consent, whichever occurs sooner."*

Bulga Coal has and will continue to operate within the approved noise criteria.

### **Air Quality**

The option to extend the period to complete the outer face of the noise and visual bund between the hours of 7am to 7pm, does not impact on Bulga Coal ability to meet the air quality criteria as there will be no change to the rate of overburden emplacement or dust generation.

### **Blasting**

Extending the period to complete the outer face of the noise and visual bund between the hours of 7am to 7pm does not require additional blasting or an increase in the rate of overburden emplacement.

### **Visual Screening**

Extending the period allowed to complete the remaining 19% of the outer face of the noise and visual bund (at 1 December 2018) does delay a portion of the visual screening benefit. The visual impact of the delayed completion of the noise and visual bund is presented in Section 3.0 Consultation.

## **2.4 Options Comparison**

As much as bringing substantial extra equipment to site or working 24/7 on the outer face have the potential to enable the outer of the noise and visual bund to be completed by the 1 December 2018, both of these options have additional noise and in the latter case also visual impacts that Bulga Coal wouldn't want to impose on our neighbours. Both of these options would also require modification of SSD 4960.

The delay to the completion of the remaining 19 % of the outer face of the noise and visual bund by as much as 9 months is considered to be substantially less impact on the community than the considerable noise impacts that would be generated by the other two options. For this reason Bulga Coal decided to make application to modify SSD 4960

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Schedule 3 visual performance condition 47 (b) to extend the completion period to the end of August 2019. In coming to this decision Bulga Coal has consulted extensively with the community as is presented in the following section.

## 3.0 Consultation

The following timeline of consultation was undertaken to fully inform the community and receive feedback. Full details on the presentation materials, community letters and newsletters has been included in the attachments to this letter. Considerable effort went into communicating what the delayed completion of the noise and visual bund would look like from the community perspective.

### 3.1 November 2017

Bulga Coal first publically discussed the prospect of a delay in the completion of the outer face of the noise and visual bund at community barbeques in November 2017. 71 community members attended the barbeque held at the Bulga Community Hall on the 7<sup>th</sup> November 2017 and 61 community members attended the barbeque held at the Broke Community Hall on the 9<sup>th</sup> November 2017.

Bulga Coal committed to further consultation once it was clear how much the completion of the outer face would be delayed. A copy of the November 2017 community barbeque presentation is included in **Attachment 2 (Slide 4)**. *There were no questions or concerns expressed about the delay in the completion of the outer face of the noise and visual bund in response to our presentations throughout the evenings.*

Bulga Coal also met with members of the Hunter Valley Protection Alliance (a Non-Government Organisation, largely consisting of Broke, Milbrodale and Bulga community members) on the 17<sup>th</sup> of November where we provided what was included in the November 2017 community barbeque presentation. Stewart Ewen responded by sending Glencore's Chief Operating Officer Ian Cribb the letter included in **Attachment 3**. Our responses to the Hunter Valley Protection Alliance letter are also included in Attachment 3. *At the meeting with the Hunter Valley protection Alliance and in subsequent correspondence there was reference to the delayed construction of the noise and visual bund but the delay was not the focus of concern.*

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## 3.2 December 2017

Bulga Coal consulted with the Department of Planning and Environment on the 12<sup>th</sup> December 2017 to provide an update of the matter and inform the Department that we were planning to apply for a modification of SSD 4960 Schedule 3 Visual Performance Condition 47 (b) to extend the completion period to the end of August 2019.

## 3.3 January 2018

Bulga Coal distributed the letter included in **Attachment 4** to the letterboxes in the Broke and Bulga communities. The letter outlined how the industrial action had impacted on Bulga Coal's ability to complete the outer face of the noise and visual bund by the 1 December 2018 and Bulga Coal's intention to apply for a Development Consent modification to extend the Noise and Visual Bund completion date. *There has been no request for further information/consultation or concerns expressed about the delay of the completion of the outer face of the noise and visual bund in response to the letter distribution.*

Bulga Coal Environment and Community Manager Ralph Northey also met separately with our immediate neighbours (list of face to face consultations with neighbours included in **Attachment 4**). A meeting was also offered to the Bulga Milbrodale Progress Association (a Non-government Organisation consisting of Bulga and Milbrodale community members) but it was agreed by John Krey of the Bulga Milbrodale Progress Association that consultation could be achieved at the Bulga Coal community barbeques scheduled for April 2018. *There was no request for further information/consultation or concerns expressed about the delay the completion of the outer face of the noise and visual bund in response to the face to face meeting with our neighbours.*

## 3.4 April 2018 Community barbeques

Bulga Coal hosted community barbeques at the Bulga Community Hall (10<sup>th</sup> April 2018, 57 community members attended) and at the Broke Community Hall (12<sup>th</sup> April, 44 community members attended). The presentation we gave at the barbeques is included in **Attachment 5** and contained:

- An update on the progress of the Noise and Visual Bund including our intention to apply for a modification to the development consent to extend the period to complete the outer face to the 31 August 2019.
- Where the construction of the noise and visual bund would be up to at the end of 2018 and the outline of the completed noise and visual bund. This was provided so the community would understand the visual impacts of the delayed completion.
- Clarification that the delay in the completion of the noise and visual bund outer face did not impact on Bulga Coal's ability to operate within our noise criteria.

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- Clarifying Bulga Coal's intent to modify our development consent to extend the period to complete the outer face of the noise and visual bund from the 1<sup>st</sup> December 2018 to the 31<sup>st</sup> of August 2019.

*There were no questions or concerns expressed about the delay in the completion of the outer face of the noise and visual bund in response to the presentation our throughout the evening.*

### **3.5 April 2018 Community newsletter and flyer**

In April Bulga Coal distributed a community newsletter (**Attachment 6**) to every Broke, Milbrodale and Bulga residential address. The newsletter includes an update on the completion of the outer face of the noise and visual bund and a separate flyer presents similar information to that presented at the April community barbeques. *There has been no request for further information, consultation or concern expressed about the delay of the completion of the outer face of the noise and visual bund in response to the April 2018 community newsletter and flyer distribution.*

### **3.6 Bulga Coal May 2018 CCC Meeting**

Bulga coal hosted a Community Consultative Committee (CCC) meeting on the 9<sup>th</sup> May 2018. Unfortunately only Stewart Mitchel and John Krey (community representatives) were able to attend, with CCC representative Helen Sharrock and Singleton Councilor Godfrey Adamthwaite being apologies.

The meeting consisted of a tour with the aim of collectively viewing our operations from the community perspective, to see the progress of the noise and visual bund and visit the proposed site of the Teaching and Keeping Place at our Wollombi Brook Conservation Area. The April community newsletter and flyer were provided to help understand where the noise and visual bund would be up to at the end of 2018 and when completed.

Bulga Coal also presented an overview of the 2017 Annual Review. The draft minutes of the meeting are included in **Attachment 7**. *The discussions through the tour and CCC meeting were more focused on the visibility of the noise and visual bund not the delay in the completion of the outer face. There was no concern expressed about the delay in the completion of the outer face, but this is not to say that those present were happy about the delay.*



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## **3.6 Subsequent meeting with Hunter Valley Protection Alliance 8<sup>th</sup> May 2018**

Hunter Valley Protection Alliance (Stewart Ewen OAM and Chair of HVPA) requested a meeting with us to discuss a range of topics that included the delayed completion of the noise and visual bund. A meeting was held on 8<sup>th</sup> May 2018. This meeting was attended by Stewart Ewen and two other members of the Hunter Valley Protection Alliance (Chris Elsmore and John Krey), Glencore's Chief Operating Officer Ian Cribb, Glencore's Environment and Community General Manager David O'Brien and Bulga Coal's Environment and Community Manager Ralph Northey.

*Hunter Valley Protection Alliance expressed concern about the noise criteria that is not a direct consequence of completion of the outer face of the noise and visual bund but did not express specific concern about the delay to the completion of the outer face.* Glencore clarified "there are two distinct obligations in relation to the noise and visual bund. The first is a four year commitment and relates to the development and vegetation of the outer batter (SSD 4960, Schedule 3 condition 47 (b)). This is to address visual impacts from the project. The second relates to the completion of the noise and visual bund within seven years at which time the noise compliance limits for the mine will reduce at a number of receivers." (SSD 4960, Schedule 3 condition 4). It should be noted that as per SSD 4960, Schedule 3 condition 4 "construction of the noise and visual bund (see figure in Appendix 2)" refers to the completion of the whole of the noise and visual bund not just the outer face. Bulga Coal will have the noise and visual bund completed within seven years of approval.

## **3.7 Bulga Open Cut Mine Operations Plan for the period 29 May 2018 to 31 December**

**2023** was developed in consultation with Monique Myer of the NSW Resources Regulator and was approved on the 13<sup>th</sup> June 2018. This MOP includes the delayed completion of the outer face of the noise and visual bund noting that this is subject to a pending DA modification application.

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## 4.0 Conclusion

Bulga Coal has worked diligently towards the completion of the outer face of the noise and visual bund and also the progressive rehabilitation of all overburden dumps, particularly where visible to the community. Bulga Coal also believes that the rehabilitation completed to date is of a very high standard.

Bulga Coal believes that the Broke, Milbrodale and Bulga communities are aware of our efforts in progressing our rehabilitation and of the quality of the rehabilitation.

Given the considerable efforts Bulga Coal has gone to consult with community about the delay in the completion of the outer face of the noise and visual bund and the lack of concern expressed by the community in response to this consultation, we can only conclude that the community are more accepting of the delay than an option that would increase noise impacts or lead to 24hr operations on the bund.

Bulga Coal has reviewed alternatives and found them to have greater Environment and community impacts than that proposed.

Bulga Coal therefore request that SSD 4960 Schedule 3 Condition 47 (b) be amended to include an additional 9 months for the completion of the outer face of the noise and visual bund. Bulga Coal submits this modification application under section 4.55 (1A) of the Environment and Planning and Assessment Act 1979. We propose that the revised condition would be:

47. *The Applicant must design, construct and maintain the proposed noise and visual bund to the satisfaction of the Secretary. This bund must:*
- a) be completed as soon as practicable after the commencement of development under this consent;*
  - b) be constructed to ensure the western (outer) edge of the bund is at its full design height (up to 165 m AHD) with an initial vegetation cover, within 4 years and **9 months** of the date of this consent; and*
  - c) be generally consistent with the concept plan in the EIS and the figure in Appendix 12*

Do not hesitate to contact me should you require any further information or clarification.  
Yours sincerely.



Ralph Northey  
Environment and Community Manager  
Bulga Coal