

# Western Rail Coal Unloader

ENVIRONMENTAL ASSESSMENT

CHAPTER 4 – ISSUES IDENTIFICATION

- April 2007

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## 4. Issues Identification

*This chapter describes the extent of liaison and consultation with Government and the community, identifies the issues raised during that consultation and outlines how those issues were addressed in the Environmental Assessment.*

### 4.1 Agency Consultation

#### 4.1.1 Environmental Assessment requirements

Documentation requesting the Director-General of Planning's requirements for the preparation of this Environmental Assessment was sent to the Department of Planning on 3<sup>rd</sup> October 2006. The requirements were issued on 17<sup>th</sup> November 2006 and a copy is attached in **Appendix A**.

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

#### ■ Table 4-1 Director-General's Requirements for the Environmental Assessment

Requirement	Detail Required	Location in EA
General Requirements	Executive summary	Executive Summary
	Description of the proposal	Chapter 3
	Assessment of key environmental impacts	Chapter 4
	Justification with consideration of benefits and impacts	Chapter 8
	Draft statement of commitments detailing measures for environmental impact, management and monitoring	Chapter 7
	Certification by the author	Frontpiece
Key Assessment Requirements	Strategic justification: <ul style="list-style-type: none"> <li>■ need, scale, scope and location for the project in relation to coal supply constraints and coal demand</li> <li>■ strategic planning consideration and analysis of suitability of the site</li> <li>■ site feasibility assessment comparing relative merits of alternative sites</li> <li>■ justification for the preferred site.</li> </ul>	Chapter 2
	Air quality: <ul style="list-style-type: none"> <li>■ air quality assessment to be prepared in accordance with approved methods, with particular emphasis on TSP and PM10</li> <li>■ consider the impacts during construction and operation and with respect to impacts from the project in isolation and in a cumulative context</li> <li>■ outline air quality mitigation, monitoring and management measures, assess the effectiveness of the measures and any residual impacts after the implementation of the measures.</li> </ul>	Section 5.4 and Appendix E

	<p>Noise impacts:</p> <ul style="list-style-type: none"> <li>■ Operational noise assessment to be undertaken in accordance with INP. Focus to be given to noises associated with train operations, engine noise, wheel squeal, flanging, brake noise, bunching, stretching wagons and horn use. Meteorological issues characteristic of the locality which may exacerbate impacts at sensitive receivers must be considered and the probability of such occurrences must be quantified</li> <li>■ Construction noise assessment to be considered against criteria in the ENCM</li> <li>■ Outline noise mitigation, monitoring and management measures and assess the effectiveness and reliability of the measures and any residual impacts after the implementation of the measures.</li> </ul>	<p>Section 5.5 and Appendix F</p>
	<p>Flora and fauna:</p> <ul style="list-style-type: none"> <li>■ Undertake assessment in accordance with DEC guidelines</li> <li>■ Specifically consider impacts on Capertee Stringybark, Pink-tailed Legless Lizard and Bathurst Copper Butterfly and other threatened species and their habitat and communities listed under both State and Commonwealth legislation</li> <li>■ Detail measures to avoid or mitigate any impacts on threatened species. Assess the effectiveness and reliability of the measures and any residual impacts after the implementation of the measures.</li> </ul>	<p>Section 5.2 and Appendix C</p>
	<p>Water quality impacts:</p> <ul style="list-style-type: none"> <li>■ Assessment of water quality impacts associated with the construction and operation of the proposal, with particular reference to aquatic ecology, surface and groundwater</li> <li>■ Appropriate assessment of potential flooding impacts, in accordance with DNR's Floodplain Development Manual. Topography and potential flood events up to PMF, floodplain risk management should be considered and impacts due to impedance of floodplain and waters must be considered. Effects of revegetation of riparian corridors on flood behaviour should be considered. Where impacts on waterways are anticipated, detailed mitigation, monitoring and management measures are to be identified</li> <li>■ Engineering design measures to manage impacts must be described. An assessment must be provided as to the effectiveness and reliability of the measures and any residual impacts after the implementation of the measures.</li> </ul>	<p>Section 5.1 and Appendix B</p>
	<p>Heritage impacts:</p> <ul style="list-style-type: none"> <li>■ Assessment of impacts on Aboriginal heritage, in accordance with draft DEC guidelines</li> <li>■ Detail measures to avoid or mitigate any impacts and assess the effectiveness and reliability of the measures and any residual impacts after the implementation of the measures.</li> </ul>	<p>Section 5.3 and Appendix D</p>

	<p>Visual amenity impacts:</p> <ul style="list-style-type: none"> <li>■ Assess the visual impacts from key viewing points within the local area and from residential areas. Should include a photographic assessment</li> <li>■ Describe the visual amenity mitigation and management measures for the project</li> <li>■ Virtual images should be provided demonstrating the effect of mitigation measures</li> <li>■ Assessment of the effectiveness and reliability of the measures and any residual impacts after the implementation of the measures.</li> </ul>	Section 5.6
	<p>General environmental risk analysis:</p> <ul style="list-style-type: none"> <li>■ Analysis to identify potential environmental impacts associated with the project (construction and operation)</li> <li>■ Identify proposed mitigation measures and potentially significant residual environmental impacts after the application of the mitigation measures</li> <li>■ Identify any further key issues and undertake detailed impact assessment.</li> </ul>	Chapter 6
Consultation Requirements	<p>Appropriate and justified level of consultation with:</p> <ul style="list-style-type: none"> <li>■ NSW Department of Environment and Consultation</li> <li>■ NSW Roads and Traffic Authority</li> <li>■ NSW Department of Natural Resources</li> <li>■ RailCorp</li> <li>■ Australian Rail Track Corporation</li> <li>■ Sydney Catchment Authority</li> <li>■ Mine Subsidence Board</li> <li>■ Lithgow City Council</li> <li>■ Rail operators.</li> </ul> <p>Issues raised by stakeholders during consultation must be indicated and how those issues have been addressed.</p>	Section 4.1.2
	<p>Appropriate and justified level of consultation with:</p> <ul style="list-style-type: none"> <li>■ the local community.</li> </ul> <p>Issues raised by stakeholders during consultation must be indicated and how those issues have been addressed.</p>	Section 4.2

#### 4.1.2 Consultation with Government Agencies

##### Department of Environment and Conservation (DEC)

The DEC is now known as the Department of Environment and Climate Change (DECC). The DEC provided comments to the Department of Planning by letter dated 25<sup>th</sup> October 2006. The comments are summarised in **Table 4-2**.

■ **Table 4-2 Issues raised by DEC**

Key Requirement	Detail Required	Location in EA
General environmental impacts to allow DEC to consider matters outlined in Section 45 of the POEO Act	Water management, Noise, Air quality and Cumulative	Chapter 5
Threatened species and their habitat	Reference to draft Guideline for Threatened Species Assessment. Particular attention to be paid to Capertee Stringybark, Pink-tailed Legless Lizard, Bathurst Copper Butterfly	Section 5.2 Appendix C
Aboriginal cultural heritage	Reference to draft Guidelines for Aboriginal Cultural Heritage Assessment	Section 5.3 Appendix D
Aboriginal cultural heritage	Reference to Community Consultation Requirements for Applicants	Section 4.3
Licence Variation	Variation to existing EPL 766 for scheduled development work and scheduled activities	Section 1.4.2

A site meeting was held on 2<sup>nd</sup> November 2006, with a representative from DEC in attendance. Issues raised by the DEC officer were consistent with those in the previous correspondence.

**Roads and Traffic Authority (RTA)**

The RTA provided comments to the Department of Planning by email dated 13<sup>th</sup> November 2006. The comments are summarised in **Table 4-3**.

■ **Table 4-3 Issues raised by RTA**

Requirement	Location in EA
Pipers Flat road (MR531) – access to site required and consent under Section 138 of the Roads Act may be required	Section 1.4.2
Traffic volumes and types during construction and operation. Include information on indivisible loads during construction	Section 3.4 Section 6.2
Access <ul style="list-style-type: none"> <li>■ Direction of travel of vehicles</li> <li>■ Access locations and dimensions</li> <li>■ Sight distances in accordance with RTA Road Design Guide</li> </ul>	Section 6.2
Traffic generation – impacts on network and other developments	Section 6.2
Hours of operation	Section 3.3
Accident history	Section 6.2
Vegetation within road reserve	Not addressed

**Department of Natural Resources (DNR)**

The DNR ceased to exist on 27<sup>th</sup> April 2007. Relevant functions relating to catchment management and flooding were transferred to the new DECC. The DNR provided comments to the Department of

Planning by letters dated 24<sup>th</sup> October and 3<sup>rd</sup> November 2006. The comments are summarised in **Table 4-4**. Details on the methodology of the flood study were sent to DNR on 30<sup>th</sup> November 2006.

■ **Table 4-4 Issues raised by DNR**

<b>Requirement</b>	<b>Location in EA</b>
Objected to proposed location on the basis of potentially adverse impacts on Pipers Flat Creek (a Category 1 watercourse)	Section 5.1 and 5.2.
Provided general advice on: <ul style="list-style-type: none"> <li>■ Stream crossings</li> <li>■ Crossing structure designs</li> <li>■ Accessways</li> <li>■ Stream works design</li> <li>■ Maintenance of stream works</li> <li>■ Retaining walls</li> <li>■ Earthworks</li> <li>■ Constructed basins</li> <li>■ Stormwater outlets</li> <li>■ Scour protection</li> <li>■ Site rehabilitation</li> </ul>	Section 5.1 and 5.2.
Required the EA to address an alternative on the southern side of Pipers Flat Road which would avoid interfering with Pipers Flat Creek	Section 2.2.2
Flood study required in accordance with Floodplain Development Manual 2005	Section 5.1 Appendix B

**Rail Authorities and Operators**

The Director-General's requirements suggested that consultation be undertaken with RailCorp, Australian Rail Track Corporation (ARTC) and the rail operators. The Rail Infrastructure Corporation (RIC) has advised by email dated 20<sup>th</sup> November 2006 that RailCorp owns and operates the electrified passenger network and this line does not fall within RailCorp's area of responsibility. The line is owned by RIC and train control and infrastructure maintenance services are provided by ARTC under contract to RIC. The email from RIC (received on 20<sup>th</sup> November 2006) indicated that there were no environmental issues with the proposal that are of concern to RIC. Information was provided on the status of flooding and hydrological studies, survey and the working timetable for the Wallerawang to Gulgong line. RIC also advised that the main operator on the line is Pacific National. No direct contact was made with ARTC on environmental matters, although liaison on matters of design has been undertaken.

Delta sought expressions of interest from rail operators by advertising in October 2006 and providing a brief to operators on what services may be required. Responses were received from 5 operators and, subject to approval of the project, tenders would be invited from those operators for the transport of coal to the rail unloader site.

### Sydney Catchment Authority (SCA)

The SCA provided comments to the Department of Planning by letter sent in early November 2006 (not dated). The comments are summarised in **Table 4-5**.

#### ■ Table 4-5 Issues raised by SCA

Requirements	Location in EA
Water quality issues to be comprehensively considered	Section 5.1
Soil and water management practices applied during construction using Landcom(2004) guidelines	Section 5.1
Crossing and realignment of Pipers Flat Creek to be consistent with DPI-Fisheries guidelines	Section 5.2
Opportunities to improve the quality of watercourses exist	Section 5.2
Controls to prevent coal spillage from polluting waterways	Section 6.1
Controls to prevent and manage fuel spills	Section 6.1
Sustainability of systems and management measures over the long term	Section 5.1

### Mine Subsidence Board (MSB)

The MSB provided comments to the Department of Planning by letter dated 17<sup>th</sup> October 2006. They advised that the site is not within a Proclaimed Mine Subsidence District and the MSB's approval was not required for the development. It was noted that the proposed conveyor route may traverse abandoned mine workings and any impact on the project from old mining should be addressed.

### Lithgow City Council (LCC)

The LCC provided comments to the Department of Planning by letter dated 27<sup>th</sup> October 2006. The comments are summarised in **Table 4-6**.

#### ■ Table 4-6 Issues raised by LCC

Requirement	Location in EA
Acoustic effects of rail and conveyor haulage	Section 5.6
Access across rail line is of concern	Section 6.3
Alternative coal transport should conveyor breakdown occur	Chapter 3
Effects on existing rural amenity – landscaping and noise attenuation	Chapter 5
Consideration of alternative sites and how the preferred site was chosen	Chapter 2
Positive pre-lodgement community consultation	A consultation program has been undertaken during the preparation of the EA. Details are provided in Section 4.2



Telephone conversations and other correspondence with Lithgow Council staff occurred during November 2006 seeking information on available data – planning, water quality - and advice about distribution of newsletters.

A presentation and briefing on the project was provided to the Mayor and General Manager of Council on 20<sup>th</sup> November 2006. The briefing was provided by Delta's Chief Executive Officer and General Manager - Strategy.

#### **4.2 Community Consultation**

The community was consulted during the preparation of the Environmental Assessment, their views on the proposal being sought and, where practicable, their input helping to develop the project outcomes and minimise the potential for environmental impacts. To assist this newsletters have been distributed, information sessions held, access to a 1800 number, email and reply paid postal address provided and a number of meetings and telephone communications between Delta staff at Mt Piper and residents have occurred.

A first newsletter was prepared and 2,500 copies distributed in the first week of November 2006 to residents of Pipers Flat, Portland, Wallerawang, Cullen Bullen, Lidsdale and Blackmans Flat. The newsletter introduced the project and sought comment from the community. It also outlined the information sessions proposed to be held at Portland and Wallerawang on 18<sup>th</sup> November 2006.

The information sessions were also advertised in the Lithgow Mercury and mentioned as a news bulletin over the regional radio station.

The information sessions were held on Saturday 18<sup>th</sup> November 2006 and comprised:

- Provision of display material and the availability of Delta and SKM staff for discussion at Portland, from 10am to midday;
- Provision of display material and the availability of Delta and SKM staff for discussion at Wallerawang, from 2pm to 4pm.

A Saturday was chosen as the most likely day that most interested people would be able to attend. Approximately 30 members of the public attended each session and discussion points concentrated on the following:

- Many felt that consultation should have happened earlier during the options stage and communication about the proposal has been very poor;
- There was an assumption that it is a 'done deal' and that there is little the community can do to affect the decision;
- Participants thought that senior managers from Delta should be attending meetings to hear people's views;

- There was concern about the impact on quality of life because of the noise related to the number of trains, unloading and night operations;
- Environmental impacts were of concern, such as noise, dust, water/ impact on Thompsons Creek, location; the appearance of the facility;
- There was an expectation that information about environmental impacts would already be available;
- The impact on property values was raised with particular reference to advice provided recently by a local valuer;
- Council representatives and the local Member of Parliament should attend the community meetings.

A second newsletter was distributed over the same area during the first week of December 2006. The newsletter addressed the issues raised during the information sessions and provided material about the options that were considered for the location of the rail unloader.

As of 1<sup>st</sup> March 2007, 84 submissions have been received by mail, email and telephone and responses provided.

The relevant environmental issues raised by the community have been addressed in the Environmental Assessment, as follows:

- Environmental impacts and effects on quality of life such as noise, dust, effects on creeks and the appearance of the structure are addressed in the relevant sections in Chapter 5, and summarised under the heading of social impacts in Chapter 6;
- The choice of options and the preferred option is discussed in Chapter 2;
- Effects on property values are discussed in Chapter 6 (Section 6.4).

Delta proposes to issue a third newsletter during the public exhibition of the Environmental Assessment. The newsletter will advise on the locations and timing of the exhibition (to be undertaken by the Department of Planning) and how Delta may be contacted for further information on the project.

### **4.3 Consultation with Indigenous Communities**

The proponent sought to identify stakeholder groups or people wishing to be consulted about the project and invited them to register their interest in the project. Notification about the project was sent to:

- Bathurst Local Aboriginal land Council;
- Registrar of Aboriginal Owners;
- Native Title Services;
- Lithgow Council;
- Department of Environment and Conservation.

An advertisement was placed in the Koori Mail and Lithgow Mercury in December 2006 inviting registrations from interested groups or individuals. The due date for registration was 31<sup>st</sup> January 2007. No responses have been received.

The Office of the Registrar has advised (13<sup>th</sup> December 2006) that the land does not appear to have Registered Aboriginal Owners, pursuant to Division 3 of the *Aboriginal Land Rights Act, 1983*.

A cultural heritage study has been undertaken by Navin Officer Heritage Consultants (**Appendix D** of this report). Bathurst Land Council representative was involved in the site survey work associated with the study. A response from the LALC is provided in the report.

The Bathurst Local Aboriginal Land Council and other registrants will continue to be consulted on the content of the report and any other cultural heritage issues.