

EXTRAORDINARY MEETING

WEDNESDAY 19 JANUARY 2011

The logo for the Mid-Western Regional Council features three overlapping, curved lines in green, orange, and yellow. Below these lines, the text "Mid-Western" is written in a large, bold, black sans-serif font, and "REGIONAL COUNCIL" is written in a smaller, black sans-serif font below it. A blue curved line is positioned at the bottom of the logo.

Mid-Western
REGIONAL COUNCIL



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12 January 2011

Dear Councillor

MEETING NOTICE

EXTRAORDINARY MEETING COMMENCING AT 5:00PM

WEDNESDAY 19 JANUARY 2011

An Extraordinary Meeting of Mid-Western Regional Council will be held at the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick Bennett", written in a cursive style.

WARWICK BENNETT
GENERAL MANAGER

AGENDA

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ITEM 1: APOLOGIES

ITEM 2: DISCLOSURE OF INTEREST

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

ITEM 3: MAYORAL MINUTE (if any)

ITEM 4: GENERAL BUSINESS

- 4.1 PRESENTATION ON COAL MINING IN THE MID-WESTERN REGION BY THE ECONOMIC DEVELOPMENT OFFICER

4.2 COAL MINING IN THE BYLONG VALLEY AND THE DIRECTOR GENERAL'S REQUIREMENTS – MT PENNY COAL

REPORT BY GENERAL MANAGER

Coal Mining in Bylong Valley and Director Generals Requirements for Mt Penny Coal
A0100052, A0420223

RECOMMENDATION

That:

1. the report by the General Manager on the Director General's Requirements for Mt Penny Coal be received;
2. Council endorse the submission to The Department of Planning – Director General's Requirements including the covering letter;
3. Council seeks from NSW Government a moratorium on mining exploration licences and mining licence approvals until detailed studies on the effect of mining can be established and the restoration of the land back to its current pristine condition;
4. the letter from the Mayor calling for the moratorium on mining in the Bylong Valley be distributed to the following recipients:
 - The Premier – New South Wales Government
 - Minister of Planning - New South Wales Government
 - Minister of Industry and Investment – New South Wales Government
 - Leader of the Opposition – Mr Barry O'Farrell
 - Leader of the National Party – Mr Andrew Stoner
 - Opposition Spokespersons for Planning and Industry and Investment
 - Leader of the Upper House for the Nationals – Jenny Gardiner
 - Director General – Department of Planning
 - Director General – Industry and Investment
 - All candidates for the upcoming NSW elections for the seats of Bathurst, Orange and Upper Hunter
 - Mayor - Muswellbrook Shire Council
5. the Mayor and General Manager organise any meetings practical to convey Council's message on the moratorium on mining in the Bylong Valley.

DETAILED REPORT

As Council is aware the draft Director General's Requirements (DGR) has been released for the Mt Penny Coal Project in the Coggan Valley at Bylong. The preliminary environmental assessment was sent to councillors under separate cover.

Please find attached a copy of the DGR (Attachment 1) with the recommended changes shown in red and blue as track changes. Also attached is a recommended covering letter to go to the Director General.

It is important to note that the DGR is just a step in the process towards the assessment of this coal project. Once the application is lodged the DGR set out the matters that will need to be addressed in the Environment Assessment of the project application for exhibition and determination.

In Council's submission to the DGR we should be seeking as much information as possible to assist Council in being able to assess the merits of the final application. This is not the time to oppose the application. We need to make constructive comment on the DGR. Council needs to fully participate in this part of the process to ensure that the community gets as much information and statistical data as possible to make the final submission.

However, in making these comments, it is absolutely the right time to insist that a region-wide study on the cumulative effects of mining occurs. Council and the community are unable to make informed decisions or submissions without this information.

The indisputable facts are if all the current mining applications are approved then the additional direct workforce required to operate the mines in Bylong in the next 3 – 5 years will be in excess of 500 people. If we add the multiplier effect of indirect employment opportunities at approximately 5.5% (this is the factor that mining companies use in their environmental assessments to sell the economic benefits of mining) then that adds an additional 2,750 people to the population – a total 3,250 additional workers plus their families. This is an exciting opportunity that most rural areas would welcome. However, it can only be exciting if all government agencies work together to research and develop tangible outcomes to deal with this growth. It's not a potential for growth, it's a reality.

The potential growth raises the following questions that need to be answered and answered before any more licences and mining approvals are given:

- Where will these people live?
- Who will build the houses?
- How will these employees get to work? Mt Penny is an hour's drive from any township.
- What will be the impact on other industries if the labour force goes to the mines?
- How will these new workers and their families get to see a doctor?
- What hospital facility will they go to?
- Can the regional schools cope with this influx of students?
- The preschools and child care facilities already have a 6 month waiting list.

- And the big question – where is the water going to come from?

- What impact will mining (including cumulative) have on groundwater and the hydrological systems within the Bylong Valley?
- What are the long terms impacts depleting the state of the agricultural land resource in this Valley?
- What impact will this have on agricultural service industries in the short to long term?

Also attached to this report is a letter under the Mayors signatory calling on a moratorium on all new mining project approvals in the Bylong Valley area until such times as the State Government comprehensively addresses all the cumulative effects on mining. Bylong is one of the most pristine valleys in the region if not New South Wales. The moratorium should include both project approvals and the issuing or renewal of exploration licences. This letter is recommended to be sent to the following:

- The Premier – New South Wales Government
- Minister of Planning - New South Wales Government
- Minister of Industry and Investment – New South Wales Government
- Leader of the Opposition – Mr Barry O’Farrell
- Leader of the National Party – Mr Andrew Stoner
- Opposition Spokespersons for Planning and Industry and Investment
- Leader of the Upper House for the Nationals – Jenny Gardiner
- Director General – Department of Planning
- Director General – Industry and Investment
- All candidates for the upcoming NSW elections for the seats of Bathurst, Orange and Upper Hunter
- Mayor - Muswellbrook Shire Council

It is clear to the Mid-Western Regional Council and the community that to stop applications for mining approvals is almost impossible once the exploration licences have been approved. It should be noted that the community have virtually no say in the issuing of exploration licences. It is the writer’s opinion that the Department of Industry and Investment are totally focused on issuing exploration licences to get the coal out of the ground and have no regard to the damage left behind or the impact on the affected communities. A net commercial benefit to NSW is not necessarily a benefit to our community and in fact may be at our expense.

The land that is proposed to be mined in the Bylong area is on prime crop and pasture land and it is clear that if any approvals are given then the business of short term mining far exceeds the importance of long term agricultural values. While that maybe a government opinion, it is certainly not the opinion of the community. Do all Australians understand that the future food bowls of this country are being totally destroyed for the short term financial gains of mining?

Attachment 3 is the letter asking for a moratorium on mining in the Bylong Valley, whether it be coal or any other form of mining, to enable the environmental, economic and social impacts to be considered. Council and the community need to have evidence to demonstrate that, if this magnificent agricultural area needs to be mined, the ability to return the land to prime crop and pasture land is the priority of any approval. In order to establish the impact of open cut mining of an entire valley definitive research is needed in regard to the interaction between soil and water and the long term consequences of disturbing this balance. If the land cannot be returned to its current state then what are the real long term impacts in terms of the sustainability of agriculture and the loss of productive land for the production of food and fibre?

At this stage the Bylong Valley remains intact in terms of physical mining activity. Now is the opportune time to be proactive in the approach to the impact of mining an entire valley and encourage the NSW government to undertake a definitive investigation into all of the issues. There has been much discussion as to the need for a regional approach to mining in NSW and while the recommendation stops short of advocating such an approach at this time, it would provide the opportunity for a framework for a wider strategy.

FINANCIAL IMPLICATIONS

Nil at this stage.

STRATEGIC OR POLICY IMPLICATIONS

This report sets out a clear strategic policy position on this Councils position on mining in the Bylong Valley.

WARWICK BENNETT
GENERAL MANAGER

11 January 2011

Attachments:

1. Director General's Requirements with the recommended changes shown in red and blue as track changes
2. Letter to Director General of Planning
3. Letter seeking moratorium on coal mining

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	10_0234
Project	The Mount Penny Coal Project, which includes: <ul style="list-style-type: none"> • establishing an open cut coal mine to produce up to 5 million tonnes of coal per annum (Mtpa) for a period of up to 20 years; • constructing and operating a coal handling and preparation plant, workshops, bathhouses and administration buildings; • constructing a 66kV power line from the Bylong substation to the site; • constructing a bi-directional rail loop north of the proposed open pit; • upgrading the local road network; • providing a biodiversity offset package; and • progressively rehabilitating the mine.
Location	Mt Penny (about 3 kilometres north west of Bylong)
Proponent	Mt Penny Coal Pty Ltd
Date of Issue	
General Requirements	The Environmental Assessment of the project must include: <ul style="list-style-type: none"> • an executive summary; • a detailed description of the project, including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered including justification for the proposed mine plan; – likely staging of the project; – likely interactions between the project and existing, approved and proposed mining operations in the vicinity of the site; and – plans of any proposed building works; • a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment, <u>using sufficient baseline data</u>; – an assessment of the potential impacts of the project, <u>including any cumulative impacts</u>, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); and – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the project, including detailed contingency plans for managing any significant risks to the environment; • a statement of commitments, outlining all the proposed environmental management and monitoring measures; • a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>Environmental Planning & Assessment Act 1979</i>; and • a signed statement from the author of the Environmental Assessment, certifying that the information contained in the document is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – measures taken to avoid, reduce or mitigate impacts on biodiversity; – accurate estimates of proposed vegetation clearing; – <u>a detailed assessment of all flora and fauna communities across the project site and the potential impact of the project on these as well as</u>

Comment [e1]: The area in the vicinity of the project contains significant flora and fauna that is not necessarily and endangered EC but is of 'high' value. Should the development adversely impact on these communities then rehabilitation and restoration will need to be addressed as part of the development.

	<p><u>their progressive rehabilitation and restoration:</u></p> <ul style="list-style-type: none"> - a detailed assessment of the potential impacts of the project on any: <ul style="list-style-type: none"> o terrestrial or aquatic threatened species or populations and their habitats, endangered ecological communities and water dependent ecosystems; and o regionally significant remnant vegetation, or vegetation corridors; and - a comprehensive offset strategy to ensure the project maintains or improves the terrestrial and aquatic biodiversity values of the region in the medium to long term; <ul style="list-style-type: none"> • Traffic & Transport – including: <ul style="list-style-type: none"> - a description of all roads that are proposed to be closed to facilitate the project; - a detailed assessment of the potential impacts of the project on the safety and performance of both the rail and road networks, <u>including:</u> <ul style="list-style-type: none"> o <u>a detailed Traffic Management Plan for all traffic (type and frequency) anticipated as part of the project and proposed routes. Particular attention should be made to the assessment of commuter traffic and the routes taken;</u> o <u>an assessment of the likely travel distances for the workforce and the measures that will be implemented to address the OHS issues in relation to both the distances likely to be travelled as well as the conditions of the routes; and</u> o <u>an assessment of the suitability and capability of the existing road network to accommodate the additional traffic generated by the development.</u> o <u>a detailed strategy on which direction coal will be freighted from the site that ensure that coal is neither transported by road or railed west through the townships of Gulqong, Mudjee and Rylstone.</u> - <u>A Dilapidation Report that surveys the transport routes and establishes the physical condition of the road network prior to any work being carried out;</u> - <u>a description of the measures that would be implemented to upgrade and/or maintain rail and road infrastructure over the life of the project, including</u> <ul style="list-style-type: none"> o <u>initial road upgrades of Wollar Road to a sealed standard and 8m pavement width;</u> o <u>any realignment works or widening required on Bylong Valley Way or Wollar Road particularly in those areas where the roads traverse the ranges.</u> • Air Quality – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction, operational, blasting and rail transportation impacts; - reasonable and feasible mitigation measures, including costing of the proposed measures; - monitoring and management measures, in particular real-time and attended air quality monitoring (including predictive meteorological modelling) to facilitate proactive management of activities to ensure impacts are within relevant criteria and goals throughout the life of the project, <u>and</u> - <u>particulate emissions, including both suspended (TSP) and fine particulate matter being . 10µm (PM₁₀) and how this will be addressed.</u> • Noise & Blasting – including a quantitative assessment of potential: <ul style="list-style-type: none"> - construction, operational, transport and offsite rail and road noise impacts; - blasting impacts on people, livestock and property; - reasonable and feasible mitigation measures, including costing of the proposed measures; - monitoring and management measures, in particular real-time and attended noise monitoring (including predictive meteorological
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Comment [e2]: The existing road pavement has not been designed to accommodate industrial traffic as that associated with mining. We have been informed by the mining companies that for every 100 tonnes of coal exported from the site there is a requirement for 4 tonnes of produce to be imported into the site -such as fuel plant parts staff needs etc.. Wollar Road (transport route back to Mudjee) is unsealed for a distance of approximately 17km and would have to be upgraded. Routes in all directions are steep often narrow and winding this is a concern both for the condition and maintenance of the road network but also for staff commuting significant distances following a 12 hour shift.

	<p>modelling) to facilitate proactive management of noise to ensure impacts are within relevant criteria and goals throughout the life of the project; <u>and</u></p> <ul style="list-style-type: none"> - <u>an assessment of the background noise levels having regard to existing background noise in this rural location;</u> - <u>a strategy on how the proponents will address any noise issues that arise from the operations of the mine that are not identified at the time of approval.</u> <ul style="list-style-type: none"> • Heritage – both Aboriginal and non-Aboriginal, including a landscape heritage assessment; • Soil and Water – including: <ul style="list-style-type: none"> - a detailed project water balance, including a description of site water demands, water disposal methods, water supply infrastructure and water storage structures; - <u>a detailed hydrological assessment which identifies the groundwater systems, related geology and how they interact within the region;</u> - a detailed assessment of potential impacts on: <ul style="list-style-type: none"> o the quality and quantity of existing surface and ground water resources; o affected licensed water users and basic landholder rights; and o proposed management of flows in Coggan Creek and associated catchment runoff during mining; - a detailed description of the proposed water management system and water monitoring program for the project and other measures to mitigate surface and groundwater impacts; - a detailed flood impact assessment identifying the impact of the project on the floodplain of the Bylong River, Goulburn River and Coggan Creek, and measures proposed to mitigate potential flood impacts; - a detailed assessment (environmental, hydrogeological and geomorphic) of the proposed final alignment of Coggan Creek; and - detailed assessment of the likely impacts on soil and the proposed soil management measures to avoid, mitigate or offset those impacts; • Agricultural Land – including: <ul style="list-style-type: none"> - <u>a detailed assessment of the project area in relation to the agricultural land capability classification using the methodology established by DPI – Agriculture; and</u> - <u>the proposed rehabilitation methods to achieve a long term land use consistent with the current land use; and</u> - <u>a detailed assessment of the cost of the project to the medium to long term sustainability of agriculture in the Coggan and Bylong Valleys and this region as a whole.</u> - consideration of offsets or compensation in relation to agricultural production. • Visual - including a detailed assessment of the pre-mining, operational and proposed post mining landforms <u>including:</u> <ul style="list-style-type: none"> - <u>details of how the proposed operations will not be able to be sighted from the Wollar Road or any other used public road in the area.</u> • Greenhouse Gases - including: <ul style="list-style-type: none"> - a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project; - a qualitative assessment of the potential impacts of these emissions on the environment; and - an assessment of all reasonable and feasible measures that could be implemented to minimise greenhouse gas emissions and ensure energy efficiency; • Waste - including: <ul style="list-style-type: none"> - accurate estimates of the quantity and nature of the potential waste streams of the project, including coarse reject; and
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Comment [e3]: Council believes that the current NSW Industrial Noise Policy is an inappropriate tool in circumstances where the development is in a pristine rural environment with almost no background noise and an increase in noise levels should be proportionate to the existing background levels.

Comment [e4]: Given that EL exist over most of the pristine Bylong Valley a Catchment-wide water study needs to be undertaken BEFORE any approvals are granted for mining operations. As such Council will be calling for a MORATORIUM on mining in the Bylong Valley so that a full and independent assessment can be made of the likely potential and cumulative impacts of mining (including water and impact on sustainability of agriculture) can be determined.

Comment [e5]: The project consumes the entire Coggan Valley. This land is classified by the DII-Agriculture in its Agricultural Land Classification Maps as almost entirely Class 2 Land. The Council has grave concerns about the medium to long term sustainability of agriculture if the best agricultural land is allowed to be pillaged for short term gain when there are viable alternatives available. If this is allowed to occur then it is crucial that the site is reinstated.

	<ul style="list-style-type: none"> - a detailed description of the measures that would be implemented to minimise the production of waste on site, and ensure that any waste produced is appropriately handled and disposed of; • Hazards - including bushfires; and • Rehabilitation - a detailed description of the proposed rehabilitation strategy for the project area having regard to the key principles in the Strategic Framework for Mine Closure, including: <ul style="list-style-type: none"> - rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; and - the potential for integrating this strategy with any other offset and rehabilitation strategies in the area; <u>and</u> - <u>rehabilitation of the site post mining to Class II Agricultural land.</u> • Social & Economic - including: <ul style="list-style-type: none"> - an assessment of the potential impacts of the project on the local and regional community, paying particular attention to the demand it may generate for the provision of additional infrastructure and services; <u>including</u> <ul style="list-style-type: none"> o <u>the accommodation of the workforce (and families)</u> o <u>the measures that will be put in place to address the displacement of community services workers (police, teachers, para-medical) and those on lower incomes as they compete for accommodation;</u> o <u>the impact of the influx on essential medical services and the ability of the schools within the region, particularly Mudgee High School, to accommodate the additional population;</u> o <u>health and safety of the workforce in their daily commute to and from work on winding, steep and narrow roads spanning a minimum of 55km to Rylstone, 60km to Mudgee, 75km to Gulloong, 80km to Denman and 105km to Muswellbrook;</u> - <u>the measures that will be implemented to ensure that the workforce relocate to the Region rather than commute; and</u> - a detailed description of all contributions that would be provided to service the demand on hard and soft infrastructure generated by the project; and - a detailed assessment of the costs and benefits of the project as a whole <u>to both the Region and the State</u>, and whether it would result in a net benefit for <u>either the Regional and/or</u> the NSW community.
References	<p>The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.</p>
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with the:</p> <ul style="list-style-type: none"> • Commonwealth Department of Sustainability, Environment, Water, Population and Communities; • Department of Environment, Climate Change and Water, including the NSW Office of Water; • Industry and Investment NSW; • <u>Housing NSW;</u> • Mid-Western Regional Council; • <u>Muswellbrook Shire Council;</u> • NSW Roads and Traffic Authority; • Australian Rail Track Corporation; • Heritage Office of NSW; • <u>Hunter-Central Rivers Catchment Management Authority;</u> • <u>Bylong Valley Protection Alliance;</u> • <u>Mudgee District Environment Group;</u>

Comment [e6]: One of the issues that has been overlooked in the past 5 years of mining both in this region and the Hunter is the second and third tier social impact on communities. For example mining employees may be able to find accommodation but at the expense of other critical staff such as teachers and police. Housing shortages are in Mudgee leading to inflated rents. New development for 3-4 bedroom dwellings replaces 1-2 bed units because returns are greater. In the case of MWRC recent strategic planning work has been undertaken to ensure that there is land available for development however, the area does not have the economic base to bankroll the investment in residential development on the scale that is/will be required to accommodate the anticipated increase on population associated with mining.

	<ul style="list-style-type: none">• Rylstone Environment Group;• NSW Farmers Association; and• Land & Property Management Authority. <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed Refusal Period	90 days

DRAFT

Policies, Guidelines & Plans

Policies, Guidelines & Plans	
Risk Assessment	AS/NZS 4360:2004 Risk Management (Standards Australia) HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)
Biodiversity	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) (DEC) NSW State Groundwater Dependent Ecosystem Policy (DLWC) Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries) Policy & Guidelines - Fish Friendly Waterway Crossings (NSW Fisheries) State Environmental Planning Policy No. 44 – Koala Habitat Protection
Soil & Water	
Soil	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC) Rural Land Capability Mapping (DLWC) Agricultural Land Classification (DPI) National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ) National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC) National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC) Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC) State Water Management Outcomes Plan
Surface Water	Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003 NSW Government Water Quality and River Flow Objectives (DECC) Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC) Managing Urban Stormwater: Soils & Construction (Landcom) Managing Urban Stormwater: Treatment Techniques (DECC) Managing Urban Stormwater: Source Control (DECC) Floodplain Development Manual (DIPNR) Floodplain Risk Management Guideline (DECC) A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH) Technical Guidelines: Bunding & Spill Management (DECC) Environmental Guidelines: Use of Effluent by Irrigation (DECC)
Groundwater	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC) NSW State Groundwater Policy Framework Document (DLWC, 1997) NSW State Groundwater Quality Protection Policy (DLWC, 1998) NSW State Groundwater Quantity Management Policy (DLWC, 1998) Murray-Darling Basin Groundwater Quality. Sampling Guidelines. Technical Report No 3 (MDBC) Murray-Darling Basin Commission. Groundwater Flow Modelling Guideline (Aquaterra Consulting Pty Ltd) Guidelines for the Assessment & Management of Groundwater Contamination

	(DECC, 2007)
	Water Sharing Plan for the Lower Macquarie Groundwater Sources (2003)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Noise & Blasting	
	NSW Industrial Noise Policy (DECC)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Interim Guidelines for the Assessment of Noise From Rail Infrastructure Projects (DECC)
	Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC)
	Interim Construction Noise Guideline (DECC)
	DIN 4150 Part 3 - Structural Vibration: effects of vibration on structures (ISO, 1999)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DoP and DEC)
	NSW Heritage Manual (NSW Heritage Office)
<i>Non-Aboriginal</i>	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
Greenhouse Gases	
	National Greenhouse Accounts Factors (Australian Department of Climate Change (DCC))
	Guidelines for Energy Savings Action Plans (DEUS)
Waste	
	Waste Classification Guidelines (DECC)
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Strategic Framework for Mine Closure (ANZMEC-MCA)
Social & Economic	
	Draft Economic Evaluation in Environmental Impact Assessment (DoP)
	Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)

sjm: A0420223

Office of the Mayor

(Date)

Mr Sam Haddad
Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sam

DIRECTOR GENERAL'S REQUIREMENTS – MT PENNY COAL MINE

Thank you for the opportunity for Mid-Western Regional Council (Council) to comment on the Director General's Requirements (DGR) for the Mt Penny Coal Mine.

Please find attached Mid-Western Regional Council's recommended amendments in track changes (in red) to the original draft DGR.

Firstly, Mid Western Regional Council would like the opportunity to discuss the DGR with you prior to finalisation. There are some significant issues associated with the Bylong Valley area. It is vitally important to our community that you have a complete understanding of the issues before releasing the final document. Mid-Western Regional Council representation will be Mayor Des Kennedy, General Manager, Warwick Bennett, and Acting Group Manager Planning and Regulatory, Elizabeth Densley. We are aware of the department's statutory notice period to issue the DGR but can be in Sydney with short notice.

We wish to bring to your attention that we will be calling for a moratorium on mining in the Bylong Valley. This is a pristine valley of natural beauty and high agriculture potential that to destroy it with mining for a short term gain is unacceptable to a community with long term commitments. Once the Bylong area is mined for coal the underground aquifers are destroyed forever - not for the life of the mine but forever. However if mining is to proceed, the effect on water supply (streams and underground aquifers) in the valley needs to be thoroughly addressed through a valley-wide water study prior to any approvals whatsoever being granted. The impact of the removal of an entire water catchment (Coggan Valley) that feeds directly into the Bylong and Goulburn Rivers, both surface and sub-surface hydrology, is potentially irreversible. Coupled with this is the real danger of contamination given the shallow nature of the ground water and the cumulative impact if the other exploration licences in the valley reaches fruition. Mid Western Regional Council and its community want a thorough research and strategic study undertaken on the impact of mining in the Bylong Valley before this and any other approvals are given.

Comments on specific issues are as follows:

1. Biodiversity - The area in the vicinity of the project contains significant flora and fauna that is not necessarily an endangered ecological community but is of 'high' value. Should the development adversely impact on these communities then rehabilitation and restoration will need to be addressed as part of the development.
2. Traffic and Transport - The existing road pavement has not been designed to accommodate industrial traffic associated with mining. We have been informed by the mining companies that for every 100 tonnes of coal exported from the site there is a requirement for 4 tonnes of produce to be imported into the site -such as fuel, plant parts, staff needs etc.

Wollar Road (transport route back to Mudgee and Gulgong) is unsealed for a distance of approximately 17km and would have to be upgraded. Routes in all directions are steep and often narrow and winding. This is a concern both for the condition and maintenance of the road network and also for staff commuting significant distances following a 12 hour shift.

3. Noise and Blasting – Mid-Western Regional Council believes that the current NSW Industrial Noise Policy is an inappropriate tool in circumstances where the development is in a pristine rural environment with almost no background noise, and an increase in noise levels should be proportionate to the existing background levels. The Department of Planning will be very aware of the noise problems associated with the Combo Valley next to the Wilpingjong Mine and the stress and disruption to family life those problems that occurred.
4. Soil and Water - Given that exploratory licence exist over most of the pristine Bylong Valley a catchment-wide water study needs to be undertaken before any approvals are granted for mining operations. As such Mid-Western Regional Council will be calling for a moratorium on mining in the Bylong Valley so that a full and independent assessment can be made of the likely potential and cumulative impacts of mining (including water and impact on sustainability of agriculture) can be determined.
5. Agriculture Land - The project consumes the entire Coggan Valley. This land is classified by the Department of Primary Industries as Agriculture in its Agricultural Land Classification Maps as almost entirely Class II Land. Mid-Western Regional Council has grave concerns about the medium to long term sustainability of agriculture if the best agricultural land is allowed to be pillaged for short term gain when there are viable alternatives available. If this is allowed to occur then it is crucial that the site is reinstated.
6. Social and Economic - One of the issues that has been overlooked in the past 5 years of mining both in the Mid-Western Region and the Hunter is the second and third tier social impact on communities. For example, mining employees may be able to find accommodation but at the expense of other critical staff such as teachers and police. Housing shortages have already led to inflated rents. New development for 3-4 bedroom dwellings replaces 1-2 bed units because returns are greater. In the case of Mid-Western Regional Council's recent strategic planning, work has been undertaken to ensure that there is land available for development. However, the area does not have the economic base to bankroll the investment in residential development on the scale that is/will be required to accommodate the anticipated increase on population associated with mining.

It takes a minimum of 3 to 4 weeks to get a doctor's appointment in our region now. With the approval of more mines and thus more population, how will these proponents be able to get medical services for their employees? In addition we have concerns about the capacity of the education facilities, in particular Mudgee High School, to accommodate the sharp increase in enrolments.

Thank you for your time in reading Council's submission and we look forward to further ongoing consultation. Should you have any queries in relation to this matter please contact me on 02 6378 2850.

Yours sincerely

CR DES KENNEDY
MAYOR

Office of the Mayor

sjm: A0420223

(Date)

<insert recipient name>
<insert recipient address>

Dear <insert recipient name>

MORATORIUM ON COAL MINES IN THE BYLONG VALLEY

Mid-Western Regional Council is seeking your support for a moratorium on all mining in the Bylong Valley 60 kilometres east of Mudgee.

As background on mining applications in the Bylong Valley, two exploration licences have been issued, one being to Mt Penny Coal Pty Limited and the second to a joint venture of companies known as Cockatoo Coal Ltd and Kepco (Korean Electricity Power Co). It is proposed by the proponent that they will be in full production for Mt Penny in 2013 and Cockatoo/Kepco in 2016.

The Bylong Valley is a pristine valley of natural beauty and high agriculture potential that to destroy it with mining for a short term gain is unacceptable to a community with long term commitments. Once this area is mined for coal the underground aquifers are destroyed forever - not the life of the mine, but forever. However, if mining is to proceed the effect on water supply (streams and underground aquifers) in the valley needs to be thoroughly addressed through a valley-wide water study prior to any approvals being granted. The impact of the removal of an entire water catchment (Coggan Valley) that feeds directly into the Bylong and Goulburn Rivers, both surface and sub-surface hydrology, is potentially irreversible. Coupled with this is the real danger of contamination given the shallow nature of the ground water and the cumulative impact if the other exploration licences in the valley reaches fruition. Mid Western Regional Council and its community want a thorough research and strategic studies done on the impact of mining in the Bylong Valley before this and any other approvals are given.

This land is classified by the Department of Primary Industry as Agriculture in its Agricultural Land Classification Maps as almost entirely Class II Land. Mid-Western Regional Council and the community has grave concerns about the medium to long term sustainability of agriculture if the best agricultural land is allowed to be pillaged for short term gain when there are viable alternatives available. If this is allowed to occur then it is crucial that the site is reinstated.

It is clear to Mid-Western Regional Council and the community that to stop applications for mining approvals is almost impossible once the exploration licences have been approved. It should be noted that the community have virtually no say in the issuing of exploration licences. It is the writer's opinion that the Department of Industry and Investment are totally focused on issuing exploration licences to get the coal out of the ground and have no regard to the damage left behind or the impact on the affected communities. A net commercial benefit to NSW is certainly not a benefit to our community and in fact may be at the community's expense.

The land that is proposed to be mined in the Bylong area is on prime crop and pasture land and it is clear that if any approvals are given then the business of short term mining far exceeds the importance of long term agricultural values. May I remind you that this land is not in the middle of the Pilbarra or outback Queensland. But is some of the richest and most productive land in Australia. You as Leaders of our great country more than anyone should be aware that some of the future food bowls of this country are going to be totally destroyed for the short term financial gains of mining? That is not in the long term interest of this community and indeed Australia.

This letter is asking for a moratorium on mining in the Bylong Valley, whether it be coal or any other form of mining to enable the environmental, economic and social impacts to be considered. Mid-Western Regional Council and the community need to have evidence to demonstrate that, if this magnificent agricultural area needs to be mined, the ability to return the land to prime crop and pasture land is the priority of any approval. In order to establish the impact of open cut mining of an entire valley definitive research is needed in regard to the interaction between soil and water and the long term consequences of disturbing this balance. If the land cannot be returned to its current state then what are the real long term impacts in terms of the sustainability of agriculture and the loss of productive land for the production of food and fibre?

At this stage the Bylong Valley remains intact in terms of physical mining activity. Now is the opportune time to be proactive in the approach to the impact of mining an entire valley and encourage the NSW government to undertake a definitive investigation into all of the issues. There has been much discussion as to the need for a regional approach to mining in NSW and it would provide the opportunity for a framework for a wider strategy.

Yours sincerely

CR DES KENNEDY
MAYOR

CONFIDENTIAL

SESSION

CLOSED COMMITTEE

LOCAL GOVERNMENT ACT, 1993

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.

- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

CLOSED COMMITTEELOCAL GOVERNMENT ACT, 1993**664 Disclosure and misuse of information**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the [Ombudsman Act 1974](#) or the *Freedom of Information Act 1989*, or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units.

CONFIDENTIAL SESSION

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Chairman

The following matter has been listed for consideration in Confidential Session:

Subject:

The reason for dealing with this report confidentially is that it relates to Section 10A(2) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion “to close the meeting” to the vote.

ITEM 5: CONFIDENTIAL SESSION
