

**STRATFORD EXTENSION PROJECT
PLANNING ASSESSMENT COMMISSION REVIEW
SUBMISSION BY THE
BARRINGTON-GLOUCESTER-STROUD PRESERVATION ALLIANCE**

The Barrington-Gloucester-Stroud Preservation Alliance (BGSPA) made a substantial submission in response to the original EIS. Contributors to that submission from within the community have expertise in the areas of economics, health, environmental management, ground and surface water hydrology and rural resource management. BGSPA also engaged consultants to assist its evaluation of the acoustic impacts and socio-economic justification of the project.

Gloucester Shire Council and a number of other community groups also made substantive submissions.

BGSPA wishes to identify the following matters of concern regarding the Preliminary Assessment and proposed conditions. These will be discussed in detail at the public hearing at which time a detailed transcript will also be provided.

PROCESS

1 None of the recommended conditions of consent proposed by BGSPA (and others) has been adopted by the Department of Planning in its recommendation to the PAC. It has simply endorsed the proponent's proposals as outlined in the EIS.

2 The Preliminary Assessment at Page 55 states "many more public submissions were received in support than objected to the proposal". This is misleading. Most of the submissions in favour were simple statements by individuals, many of whom were Yancoal employees. BGSPA and other groups made substantive submissions on behalf of their collective memberships, numbering in excess of 500 people.

3 Both the Proponent's Response to Submissions and the Department's Preliminary Assessment make statements that don't accord with the facts.

4 Much of the Preliminary Assessment is lifted directly from the proponent's Response to Submissions.

NOISE

5 Intrusive noise disturbance from the Stratford mining complex is a pivotal issue for consideration of the proposed expansion. It is currently a significant problem for neighbouring residents. Noise disturbance occurs over a wide area and would seem to be greater than that predicted by previous noise modelling. The complaints record – excluding the most recent period during which operations have been significantly scaled down - indicates that the disturbance is actually getting worse.

6 The Preliminary Assessment acknowledges that noise complaints have been steadily increasing over the past five years and states on Page 17: "These complaints relate to night-time noise from train loading/unloading and associated dozer operations on the product coal stockpile. Analysis of complaint records shows that these complaints tend to emanate from a small number of properties near the mine, rather than the wider area."

This statement does not accord with the facts.

A survey of residents by BGSPA revealed that intrusive noise nuisance was experienced over a wide area and at all points of the compass. There was little variation in the descriptions of the noise. It was usually described as being a constant low roar or rumble accompanied by the sound of heavy machinery operating under load. The nuisance is largely due to the constancy and nature of the noise rather than its volume. There was some variation noted in the time of day when the noise nuisance was most intrusive. For some, it

was essentially a problem at night while for others it was a problem during the day, particularly in the morning and late afternoon. For a few, it could occur at any time of the day and night. (Refer to BGSPA Submission to SEP EIS Section 2). Most complaints in fact relate to noise during the daytime hours when current mining operations occur.

7 The proposed return to 24-hour mining operations is strongly opposed within the community on the basis of predicted effects, current experience of noise from existing mining operations, and past experience of 24-hour mining that was discontinued following completion of mining in the Stratford main pit. Even supporters of the project have spoken out against a return to 24-hour mining.

The Department has recommended that operations in the Avon North and Stratford East open cut pits be approved on a 24-hour basis. The key reason being that “eliminating night-time mining will not significantly reduce night-time noise levels for residents” citing a potential 1dB(A) reduction for residents of Stratford village (Preliminary Assessment Page 1).

This is a misleading assessment.

Stratford village will not be the area primarily affected by mining at the Avon North and Stratford East pits. The residents of Craven and elsewhere will be. Table 3 on Page 21 of the Preliminary Assessment paints the true picture. The elimination of night-time mining at Avon North is predicted to result in a reduction in noise levels of 11dB(A) at Receiver 23. The elimination of night-time mining at Stratford East is predicted to result in a reduction in noise levels of 10 dB(A) at Receiver 60. These are significant reductions. Reductions of similar magnitude would occur at numerous other privately owned residences that would experience noise levels that would be intrusive and affect the amenity of their property, despite being marginally below the noise criteria. Yancoal has agreed to restrict the hours of operation at Roseville West Extension Pit to protect the residents of Stratford village. This restriction should apply at all pits to protect all residents.

8 The negative impact on the community resulting from the longer period of mining required if hours are restricted is also cited by the Department to support its recommendation that 24-hour mining be approved. This is not a valid argument. As evidenced by the piecemeal expansion of the Stratford Coal Mine since opening in 1995, once this project is finished, new pits are likely to be opened to exploit the extensive additional resource and mining will continue. The negative impact on the community will go on.

9 The large number of complaints concerning intrusive noise, lodged by residents located in areas where noise modelling and monitoring for current operations predict noise impacts below the current PSNL, suggest that either the modelling is not a good indicator of potential noise impacts or the monitoring is not accurately recording noise levels.

Residents therefore, have no confidence in the noise modelling presented in the EIS. The EPA submission noted the “significant number of noise amelioration measures the proponent has proposed in order to achieve lower noise levels” and that noise modelling contours show “that the ‘line’ of noise greater than the Project Specific Noise Level (above the criteria) just skirts the village of Stratford”. With the telling observation that, “if noise modelling slightly under predicts the noise impacts, it is likely that many more residents (from Stratford village) would potentially be adversely affected by noise.”

10 Residents have no confidence in Yancoal’s noise monitoring and complaints handling process. Residents impacted by intrusive noise nuisance report that it can be highly variable despite identical weather and operating conditions. They find Yancoal’s apparent inability to identify the specific source(s) of noise or explain its variability to be an additional irritant.

The Complaints Handling Procedures are seen to be completely inadequate, focussed more on ‘managing’ the complaint and the complainant rather than investigating the complaint to finality by identifying the noise source and implementing mitigation measures. There is rarely any explanation of investigative and corrective measures undertaken and inadequate follow-up with the complainant to assess whether the problem has been resolved. This point was made to the Department of Planning, but has not been addressed in the Preliminary Assessment.

The Department has recommended that Yancoal develop a fully revised Noise Management Plan for the project. BGSPA contends that this should be submitted to the Community Consultative Committee, to provide an opportunity for review and comment by community representatives before being submitted for approval.

11 To further reduce the impact of the project on private landholders, the Department has proposed that certain additional mitigation measures be implemented at residences where exceedances of PSNLs are predicted. BGSPA contends that the suggested measures are too prescriptive and limiting. For example, some residences may already have insulation, air conditioning and double-glazing. And people cannot be expected to isolate themselves inside their homes to escape the intrusive noise. A better, more flexible and more equitable approach would be to require Yancoal to negotiate an arrangement with each landholder that suits the particular circumstances of that landholder.

BIODIVERSITY OFFSETS

12 The community has fundamental concerns about the validity of Biodiversity Offset arrangements given that there is no guaranteed protection for these areas from future mining. Given the decision of the Planning Assessment Commission in the matter of the Warkworth Coal Mine Modification 6 on 29 January 2014, these concerns are obviously well founded.

SOCIO-ECONOMIC

13 BGSPA notes that the Preliminary Assessment offers no comment on the socio-economic critique provided for BGSPA by Mr Rod Campbell of the economic consultants, Economists at Large.

14 The Preliminary Assessment states at Page 2, “the project is considered to be a relatively significant coal resource”. In comparison with other coal mines (for example, Warkworth 12 Mtpa of product coal and Boggabri 7 Mtpa of product coal versus 2.1 Mtpa of ROM coal at Stratford) this assertion seems a significant exaggeration that casts doubt on the objectiveness of the assessment.

15 The Preliminary Assessment states at Page 56 “Some properties to the south of the project (such as 58, 59, 60, 60, 65, 68 and 70) are surrounded by mine-owned land. The owners of these properties claimed this had affected their ability to sell their properties, and argued that they should be given acquisition right to address this impact. The Department has met with these owners, inspected the relationship between these properties and the surrounding mine-owned land, and investigated the impacts of the project on these properties”.

This statement does not accord with the facts.

BGSPA can find no evidence that any of the identified landowners made such a claim. While it cannot speak for all of the landholders identified, none of those for which it can speak either had contact from the Department, met with the Department or had their properties inspected by the Department.

At Page 7 of its submission, BGSPA identified the very real collateral damage that mining projects have on landholders living within the very large footprint of a coal mine and made the following recommendation.

If the owners of the properties identified in the Relevant Land Ownership Plan in the EIS (Figures 1-3a, 1-3b and 1-3c) seek to sell their property for any reason during the course of this project and the property is unable to be sold because of the proximity of the Stratford mining complex, SCPL (Yancoal) must acquire the property in accordance with the procedures in condition 11.1 of the BRNOC development consent (DA-39-02).

At Page 56 of the Assessment Report, the Department attempts to refute that this collateral damage actually concurs. This represents either appalling ignorance or wilful misrepresentation. This is a very real situation that is causing enormous social harm and needs to be factored into the cost-benefit analysis for the project.