

**Mangoola Coal Mine Modification
(06_0014 MOD 4)
and
500 kV Electricity Transmission Line
Relocation Project (MP 10_0002)**



SYNOPSIS

The mining proposal (Modification 4) abandons the previously Approved Mine Operation Plan in full by the significance of its departure from and radical transformation to the project (as originally and subsequently) approved.

Consequently the modification proposed is incapable of being approved under S75W of Part3A of the Planning Act.

The New Mine Operation Plan:

(a) radically transforms the Approved project such that it bears little relation to the original mine plan,

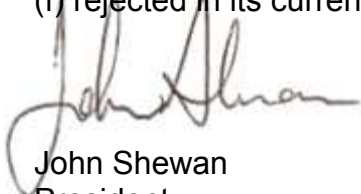
(b) increases the initial extraction rate 25 times ie 2500%, from 200,000 tonne to 5Mt²⁴,

(c) will contribute to a substantial increase in the dispersal of PM1 to PM10 particles into the atmosphere of the Upper Hunter¹ causing associated ill health and increased mortality/morbidity at all ages³,

(d) Its approval at this time, being also incomplete and uncertain, is not in the community interest,

(e) it should lawfully be referred to the Planning and Assessment Commission, and

(f) rejected in its current form.



John Shewan
President
Wybong Action group

¹ NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining

² Relations Between Health Indicators and Residential Proximity to Coal Mining in West Virginia | Michael Hendryx, PhD, and Melissa M. Ahern, PhD

³ NSW Parliamentary e-brief "Mining and the Economy"

Submission Regarding Knowing Inappropriate Application of Noise Contour Calculations to solely determine Acquisition or Eligibility for Noise Amelioration measures to residences in the ‘management zone’ surrounding the Xstrata Mangoola Coal Mine.

There are NO approved industrial developments that influence noise levels relating to this project¹, NO existing industrial noise² at any potentially affected residences or near the disturbance area³ and consequently an intrusiveness sound level of 35 dB(A) maximum is indicated (INP) and adopted for the Mangoola Coal Project.⁴ Noise modelling has utilised a 10th percentile⁵ exceedence (a calculated noise level) as a measure for noise impacts on all residences.

The Mangoola Project and its surrounds however are often affected (> 84% of winter nights and > 42% summer nights) by strong night and early morning temperature inversions ($\geq 4^{\circ}\text{C}/100\text{m}$) which dramatically and unpredictably elevate night and early morning noise from the Xstrata Mangoola mine^{6,7} to obtrusive levels.

During these common combinations of non-linear vertical temperature inversion and calm or light winds operational mine and traffic noise is focussed, magnified and reflected randomly within the adjacent valleys, frequently with increases of 10-20 dB(A)⁸ in magnitude such that coal trains passing Mangoola, road traffic at Sandy Creek on shift changeover and bulldozers operating on the haul road and top surface of the overburden dump can be clearly heard - bulldozers from several kilometres distant as if one hundred metres away.

This striking increase in noise can occur randomly over periods from several minutes to several hours. The frequency of these events, and the level of noise augmentation occurring, “cannot be accurately predicted using ENM or any other known model”⁸.

It MUST be noted also “that the (inversion and noise) calculations rely on predictions produced by the ENM model. This model is based on simple assumed vertical profiles of temperature and wind speed, and CANNOT accurately model more complex situations”⁸ (such as those that occur in the steeply rising foothill and partially enclosed valley topography surrounding the Project along the escarpment from Giants Creek to Manobalai, Castlerock and

¹ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 10

² Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 17

³ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 37

⁴ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p10

⁵ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 18

⁶ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, P 46

⁷ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 5

⁸ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 30

Roxburgh Ridge to Myambat), and that 'the noise modelling software itself has an accuracy of $\pm 5\text{dB}$ '⁹.

The predictions of noise effects for the Mangoola Project can only be regarded as a guide that the Independent Hearing and Assessment Panel experts determined required verification through an active and ongoing program of 'noise monitoring at receiver locations' including to the North and South of the Project 'to determine the extent of impacted properties'.¹⁰

The approved solution¹¹, 'to restrict dump trucks and dozers involved in the distribution of overburden¹² to operating below the maximum elevation of the overburden emplacement areas at night will have limited success in the common event of temperature inversion and even more-so if such restrictions are not observed such as currently during construction of the overburden dump.

Xstrata Mangoola deny residents every claim of exceedence, refuse to provide any noise readings from the monitor nearest the receiver and refuse to timetable positioning of either mobile monitor to verify their model or measure exceedences. The number and location of monitors within the 35-40 dB(A) 'management zone' that surround the site (see dia 1) is inadequate.

Wybong Action Group Submits that the current Xstrata Mangoola noise monitoring network is demonstrably and on its own information concerning calculation of inversion inadequate to:

- 1 enable the model upon which acquisition, noise amelioration or otherwise has been determined to have been finally determined,
- 2 inadequate to enable the model upon which noise calculations are based to be verified, and is,
- 3 inadequate to enable compliance with consent conditions to be determined.

Wybong Action Group Submits that the Xstrata Mangoola Noise Monitoring Program MUST include active noise measurement within the currently (2006) defined, pre-Modification 4, 'management zone' (locations with 35-40 dB(A) modelling projections), that is reported daily on the Xstrata Mangoola web site showing daily maximum readings, for each monitor, with historical results.

Until such data is available, verifying (or otherwise) the noise modelling calculations no changes that remove residences or properties from **Appendix 5 - Landowners with Acquisition Rights**¹³ and **Schedule 3 – Specific Environmental Conditions, Table 1 – Noise Impact Assessment Criteria** (properties previously identified as requiring noise amelioration) should be made.

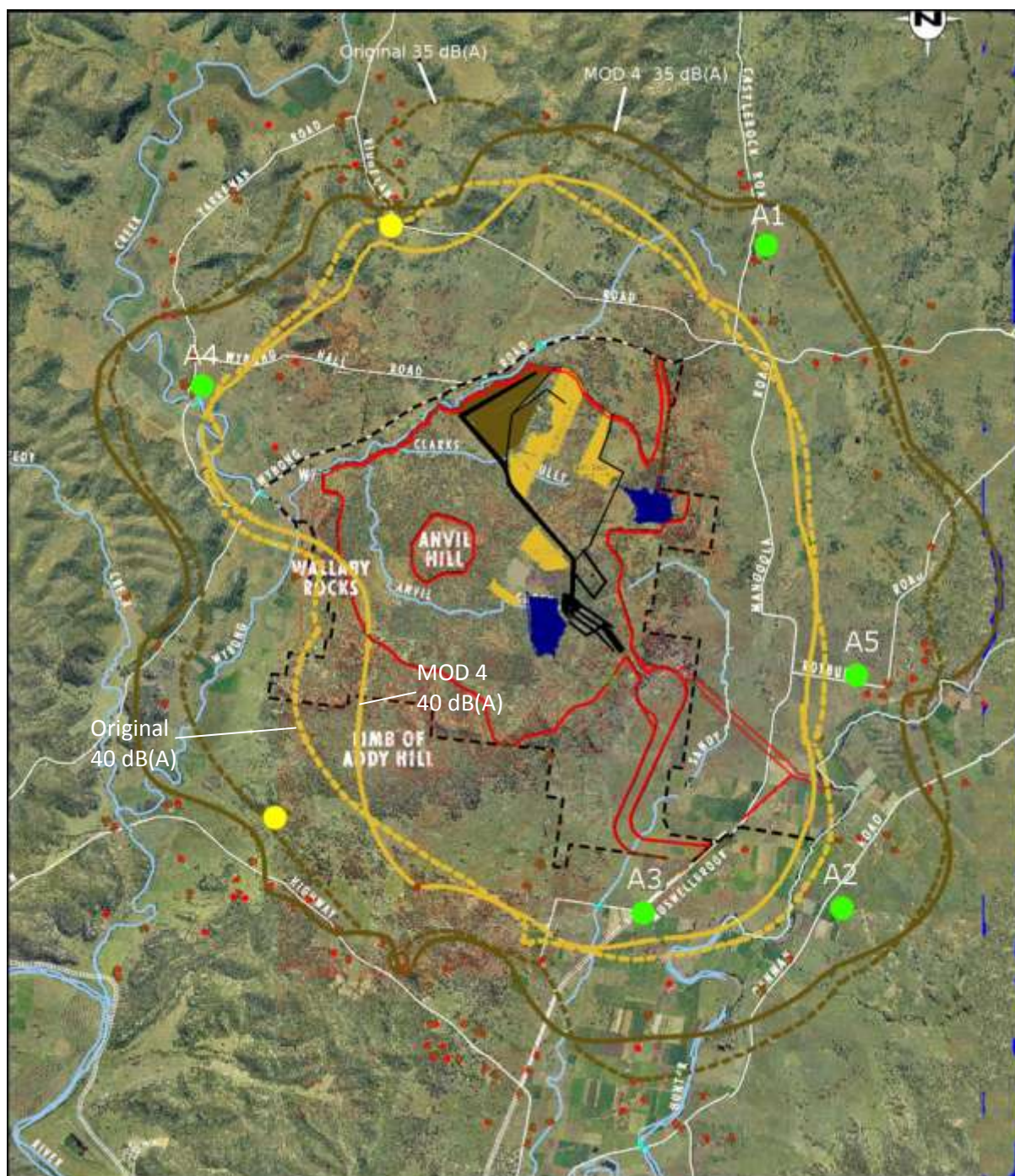
⁹ Director-General's Environmental Assessment Report, June 2007, p 27

¹⁰ Director-General's Environmental Assessment Report, June 2007, p 27

¹¹ Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, P 8

¹² Appendix C7, Mangoola Mine Modifications, Noise and Vibration Assessment, Report No 08190-MO Version C, p 6

¹³ Project Approval



Dia 1 ADDITIONAL CONTINUOUS NOISE MONITORING LOCATIONS (A6 & A7)

- Monitoring Locations (A1 – A5)
- Additional Community Recommended locations for Monitoring to Verify Inversion Noise Modelling and comparison to Consent levels (A6, A7)

A1	Castlerock Road	A6	Ridgelands Rd (39/139)
A2	Opposite 1711 Denman Road	A7	Golden Hwy (54)
A3	Cnr Bells Lane and Mangoola Road		
A4	Yarraman Road		
A5	741 Roxburgh Road		

Submission Regarding Xstrata Mangoola's Invalid Treatment of the North-Eastern 500 kV ETL Route Option

-----Original Message-----

From: Chris Gidney
Sent: Wednesday, 2 February 2011 8:51 AM
To: 'John Shewan'
Cc: Craig Flemming; Steve McDonald; Martin Rush
Subject: RE: Emailing: Alternate Route Main.pdf

John

Thank you for your email dated 30 January 2011.

As you are aware the relocation of the ETL to the north and east of the approved project disturbance boundary was addressed in the EA (section 3.3.2 Option 1) The project working group noted the response in the EA, particularly the two points relating to known coal reserves to the north and the linear feature running along Wybong Road. ~~As a result of these discussions the PWG decided not to pursue this option.~~ (strikeout added: see below)

The report, including recommendations from the PWG will be submitted to Council on Monday evening in order to respond to the Department of Planning by the designated submission date.

Your comments regarding the submission from WAG have also been noted.

Thank you for your comments and advice.

Regards

Chris Gidney
Director Environmental Services
Muswellbrook Shire Council
Telephone: 65493770 or 0407451028

Hello Chris,

As you indicate the EA fails to provide direct comparison, or adequately address the North East Route, on the following points:

Known coal reserves - the greater extent of known coal reserve underlies the western route selected by Xstrata. This will entail the further relocation of the ETL most likely in

- an alignment more adjacent to Wybong Ck,
- parallel to the Yarraman Road, Wybong Creek and the cliff line from the Southern Crown Lands to Manobalai Nature Reserve,
- graffiti of Wallaby Rock, the Wybong Valley & visage to Black Jack Mountain,
- visually dominant of the western entrance to the Wybong Valley.
- rendering the bulk of aboriginal scatters, PAD's and EPBC bat roosts publicly inaccessible
- electromagnetically interfering with the metabolic rate and skin temperature control of EPBC listed bat populations and reduction of potential roosting locations necessary for the sustainability of the local species population and species range. (untested by EA)

The partially relocated route selected by Xstrata is also the most visually obtrusive route (by a large factor) of the two major competing options i.e. NE or SW.

It is arrant nonsense of Xstrata or any other authority to suggest that a North East ETL realignment presents an eternal barrier to, if ever applied for, if ever approved, removal of coal. Farcical in that the current proposal is itself one to move an ETL so as to access coal not sought in an original proposal.

There is no current proposal, application or approval to extract coal from the area to the North East which has highly disturbed but highly re-generable VEC & EEC listed wooded open canopy and grassland vegetation and habitat, forms part of Big Flat Creek, is adjacent to the Northern Biodiversity Corridor, and such extraction is not part of the Project as described by Xstrata to the Dept of Planning, Federal Minister, Council or Community. Nor can such extraneous considerations as a vague concept of future extraction form any significant basis for a singular determination of the preferred, recommended and justified Route.

It is farcical to suggest that Xstrata have adequately addressed a North Eastern Route or made any substantial attempt to do so beyond to their own significant advantage, surprising in a document and report lawfully barred from partiality.

It would be equally farcical, wilfully derelict, negligent and unlawful for Council or any other authority seeking to make a determination on what is such an incomplete, vague, partially derived and uncriticised proposal, as to be wholly without merit, as offered by Umwelt on behalf of Xstrata, to not seek to evaluate, enforce or have placed into consideration the elements of law, including its DCP, International law and best practice, and that are negatively impacted in this instance by the ETL relocation development proposal., a DCP in this instance that is weight of law binding on all developments and developers within the Shire and should even under remote authority guide with specific justification analysis of the variant proposals.

A North East Route is in every respect superior to the south western route. The matter must lawfully be referred to the Planning and Assessment Commission or Panel of Experts, such as the initial Independent Planning and Assessment Panel, for review and recommendation, prior to any determination.

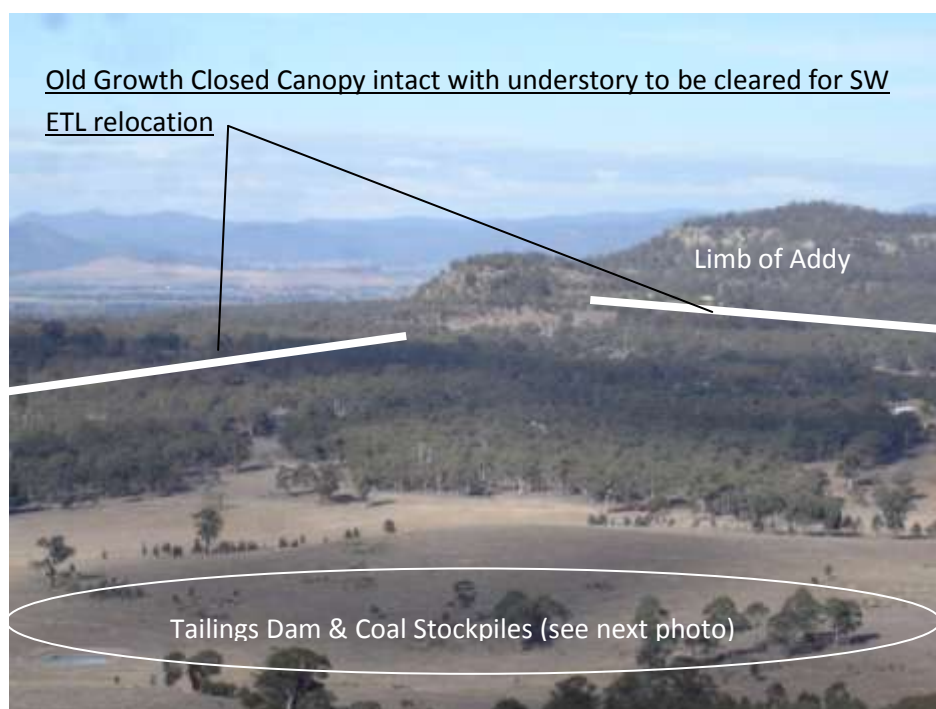
Regards,
John Shewan

Further Chris,

The ETL route was not a matter of motion by the PWG as you are fully aware, discussion centred on conditions for the protection of directly affected residents, and you should not represent any recommendation preferring any route as having been subject to determination by the project working group or Environment Committee.

Regards,
John Shewan

and further, Xstrata Mangoola have such respect for the value of the Northern Biodiversity Corridor and remnant open canopy VEC's & EEC's [with nil understory] that Xstrata plan future coal extraction, and Xstrata subsidiary 'Colinta' continuously graze the Northern Biodiversity Corridor.





Submission Regarding Xstrata Mangoola Failure to consult local community and ‘Management Zone’ ‘stakeholders’

Community Consultation defined

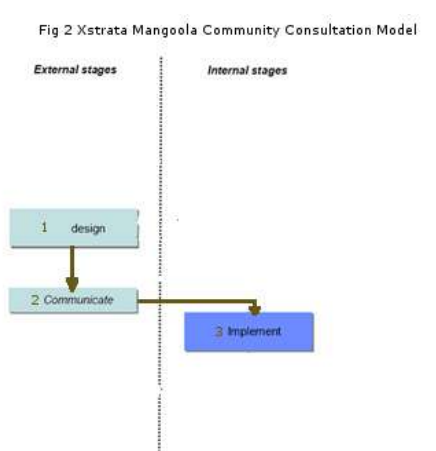
“‘Community’ is an inclusive term that includes private citizens, representatives of industry, commerce, people groups, Government agencies, and any individual or organisation that may be affected by the policies or plans of another person or party.

Consultation involves two-way communication or exchange between an organisation, person or party and the community it seeks to engage.”¹⁴

To Xstrata Mangoola however Community Consultation is a one-way street where the community is informed of Xstrata’s intentions and ‘no correspondence is entered into’.

“It has been determined from management studies and the transport infrastructure sector however that consultation resulting in decisions that, while remaining technically robust, are more in line with community preferences and needs, are more easily accepted by the community. It has also been determined by these studies that undertaking consultation where a project is perceived to be ‘well underway’ or ‘near-to-completion’ can have very serious consequences if it then reveals that a fundamental assumption was false”¹² (such as the non-consultation relating to noise, dust and the failed, substandard material reconstruction of Wybong Road).

“It is important to ensure that consultations with the community, including hard to reach groups occur ‘right-from-the-beginning’, that is when the proposal is being developed. This will ensure that their needs and perceptions about what is important are understood and helps avoid enmity towards the consulting party. Consulting with these groups is important”,¹² except to Xstrata Mangoola.



¹⁴ Road Safety in Rural and Remote areas of Australia, RTA NSW AP-R273 05

¹⁵ A Community Consultation Process and Methods for Quantifying Community Expectations on the Levels of Service for Road Networks, RTA NSW AP-R290/06

27 May 2009 "Muswellbrook Chronicle"

2009

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Road upgrade causes community concerns

By Dayanne Smith

A WYBONG community group has raised concerns about the road upgrade being carried out on Wybong Road by Xstrata Mangoola Coal.

Wybong Action Group (WAG) president John Shewan said the company had not provided adequate community consultation about the upgrade and called for a further community meeting, to be held in Wybong or Sandy Hollow.

He also raised concerns about the creation of a temporary bus stop at the corner of Wybong and Ridgeland Roads, which is claimed to have caused confusion for motorists and safety issues for children when first opened because of lack of signage and road markings.

The road upgrade is part of the mining company's conditions of consent for early works for its Mangoola Mine.

Mr Shewan said the Wybong community was concerned about the lack of consultation and information it had received about the scope and nature of the roadworks, the timeframe for specific parts of the upgrade and plans to safely manage traffic during the upgrade.

He said the residents of Wybong and surrounding areas felt let down by the lack of consideration.

"Particularly as the residents of these

areas are the predominant rate paying, daily users of this section of Wybong Road and are reliant on timely, efficient and generally unimpeded access to Wybong Road on a daily basis for their employment, educational, social and commercial existence," Mr Shewan said.

Xstrata Coal communications manager James Rickards said the company took seriously its responsibility to keep the community informed.

"(We) have actively engaged with local residents to try to ensure all parties are aware of our progress during the roadworks," he said.

"We also believe we have met the requirements for consultation in accordance with Muswellbrook Shire Council and the Department of Planning."

When asked if the company would consider a further meeting at Wybong about the upgrade, Mr Rickards said the company considered all requests for information and was arranging a meeting to discuss the concerns of Wybong Action Group.

Mr Rickards said works had commenced on the Wybong Road upgrades, including repairs to culverts and bridge abutment works.

□ Continued on page 6

□ From page 1

"Work is expected to be complete in early 2010," Mr Rickards said.

In response to questions about the temporary bus stop, Mr Rickards said the Castlerock Road bus stop would not be permanently moved and an upgraded bus stop with bus shelter would be constructed in the next three months.

Barricades have now been placed at either end of the temporary bus stop to prevent the area from being used as a potential shortcut.

"These barricades are removed while the bus stop is being used," Mr Rickards said.

"Additional line marking and signage has also been put in place to reduce the use of the area as a shortcut."

Mr Rickards said safety was a priority and traffic control procedures had been implemented at the bus stop, "to the satisfaction of the Castlerock bus stop users, council and Osborn's bus service".

Mr Rickards said in relation to construction of the mine itself, no formal start date for work had been announced.

LETTERS TO THE EDITOR

Environmental issues

IT seems that (Xstrata) Mangoola Coal are determined to impact the environment at Wybong long before they begin digging holes in our beautiful hills.

The road works have moved to the next phase and again some of our most beautiful trees have fallen victim to progress.

The beautiful aromatic "forest" that signals I am nearly home is hardly recognisable as many of the roadside giants have been cut down and reduced to mulch.

A previous phone call to (Xstrata) Mangoola Coal regarding the removal of our beautiful trees, resulted in a reassurance that the residents of sacrificed trees were "relocated" – and it was only one possum.

My understanding is that relocated wildlife often die as a result of having to fight for new territory.

I have no doubt that any further enquiries regarding the removal of the several dozen eucalypts in the roadworks area will be met with the same platitudes.

Perhaps they would like to relocate me the same way the possum was evicted!

Is our council really aware of what is happening?

Or do they care at all about the precious environment that is being decimated in the name of progress?

The general feeling among those few landowners still in the Wybong area is that there are no questions asked – just our council giving the mine a free rein to do what they will.

Our State and Federal Governments talk about reduction of green house gases is just that – talk! Our elected representatives will agree to anything – as long as the progress of mines is not impeded!

**Pearl Shorter
Wybong**

LETTERS TO THE EDITOR

Thanks for support

I WOULD really like to thank the residents of Muswellbrook Shire who have expressed such support since my letter was published in the *Hunter Valley News* last week.

The level of support and assistance offered reassures me that there are many people in our community who are as concerned as me by the encroachment of coal mines on our wellbeing and the

health of our environment.

One person commented that they had driven through Wybong and felt lost among the multitude of roadwork and changes to the Wybong road. Imagine my frustration and that of many other commuters using the Wybong road to have at least four separate 40 kilometres an hour stretches!

My stress levels at attempting to get a teenager to school and myself to work by 8.30am are horrendous.

The other issue of concern was the stumps left behind on the side of the road where clearing has been done to upgrade the road.

Not only have the beautiful trees been removed, but their stumps are left as an ugly reminder of the carnage that has taken place.

If an accident occurred these stumps could very well be as dangerous as the whole tree.

I am hoping that enough concern by the Muswellbrook Shire

community will encourage Xstrata (Mangoola Coal) to remove these unsightly hazards and plant some small native plants along the road side.

Again I would like to express my appreciation for the support from the community – it is very much appreciated.

Pearl Shorter
Wybong

No community consultation

AFTER reading the front page of last week's *Hunter Valley News*, I was absolutely amazed at how Xstrata Coal can say that they keep the community informed.

There was no consultation with the families who use the Castlerock/Wybong Road bus stop.

At the time Osborns Bus Service had not been informed or consulted of the alternative arrangements.

Some families received a notification letter on the afternoon of April 16 stating "that work will commence on April 20, and Mangoola Coal has developed alternative arrangements for the school bus stops and student drop off and pick up points which are located close to the Castlerock/Wybong road intersection."

These "alternative arrangements" had the temporary bus stop dropping off on a blind sweeping bend with double yellow lines.

Mr Rickards said safety was a priority, the only priority that Xstrata Coal has is to have their Mangoola mine up and running, with little regard for the safety of children catching school buses or the local community.

I raised my concerns to Xstrata Coal about the bus stop being temporarily moved to make way for a stockpile area.

Xstrata Coal assured me that the area would not be used for a stockpile area.

The bus stop has been closed for three weeks and for the last two weeks the area has been used for a stockpile area.

Why didn't this temporary bus stop and road diversion go through the (council) Traffic Committee for approval?

Did Xstrata Coal have approval to cut down 120 trees along 1.2 kilometres of Wybong Road?

Muswellbrook Shire Council and the Department of Planning needs to review the process of approval for such developments of this scale.

It's not satisfactory.

They sign off on developments and then have no idea of what is happening two years on.

Karilyn Hobbs
Castlerock

Wybong residents' road woes

BROOKE LEES

11 Feb, 2011 03:53 PM

Resident David Clay told the Muswellbrook Chronicle large amounts of tar became stuck to his tyres as he travelled to Muswellbrook.

"There isn't any other way for Wybong residents to get to Muswellbrook so we have to use the road whether we like it or not," he said.

"The road is breaking down and in the recent heat the tar has been melting and big clumps have been sticking to our tyres."

Mr Clay said residents feel like no-one is listening.

"We didn't want the mine, but when that went through the least we thought we'd get out of it was a good road," he said.

Xstrata Coal Communications manager James Rickards said Mangoola Coal had continued to meet regularly with Muswellbrook Shire Council to discuss the works it is undertaking on Wybong Road.

"The upgraded section of road constructed by Mangoola has undergone some premature failures of the base course, which is the top 150mm, and as such temporary repairs and maintenance have had to take place.

"As this work is conducted, some short term speed restrictions have been put in place in the interests of road user safety."

Muswellbrook council's manager of community infrastructure Neil Pope said there had been some defective sealing work done by Xstrata but there were also underlying problems with the road which the mine was trying to pinpoint.

The company is watering the road to keep the temperature down, which Mr Pope said is normal practice for this type of problem.

Mr Pope said the speed limit would be adjusted once the roadwork was finished.

Mr Rickards said pending council approval, the work to fix the affected area is expected to take approximately three months.

"The long-term repair strategy has been submitted to council and is currently undergoing an engineering review," he said.

"The fix is temperature dependent and could be delayed until warmer months towards the end of 2011, depending upon weather conditions."

Mr Rickards said if this occurred short term fixes would continue and the council would be kept informed.



Rapidly deteriorating condition of the Xstrata reconstruction of Wybong Road due to the use of 'substandard road base'¹⁶ and 'substandard seal.'¹⁴

¹⁶ Muswellbrook Shire Council Submission, 7 February 2011



Wybong Action Group ^{Incorporated}

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C/ 740 Ridgeland Road
Manobalai NSW 2333



Mr Grant Farrar
Xstrata Mangoola P/L
PO Box 495
Muswellbrook NSW 2333
22 May 2009

In response to your letter dated 20 May 2009 received 22 May 2009.

A. Re: Wybong Road Upgrade Information

1. At the Denman Community Information Session in relation to the proposed 500kV power line relocation the subject of the Major Wybong Road Upgrade (Roxburgh Road to Mangoola Mine Access Road) was raised by myself as President of the Wybong Action Group, on behalf of the residents of Yarraman, Brogheda, Manobalai and Cuan Cua Parishes (the Wybong Community), many of whom have raised the issue with us, with Evalina Hendry and Jane Yelland, in your presence and a specific request was made for a copy of the Traffic Management Plan relating to the Major Wybong Road Upgrade (Roxburgh Road to Mangoola Mine Access Road) as distinct from the Early Works. Your denial of the issue being raised is surprising but not unexpected as clearly Xstrata Mangoola P/L does not wish to consult with or disclose its plans for the Major Wybong Road Upgrade (Roxburgh Road to Mangoola Mine Access Road) to the Wybong Community and the major quantum of Wybong Road Users.

B. Community Consultation

The Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish Residents) is distinct from the Denman, Sandy Hollow and Muswellbrook Communities and has its economic, social and transport links direct with Muswellbrook and Sandy Hollow, a historical fact well known to Xstrata Mangoola P/L, RTA and Muswellbrook Shire Council and verifiable from traffic data. Denman is a distant and infrequent destination for Wybong Community residents who are 'outsiders' in that community. Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish) Residents work hours that generally preclude the potential for any casual attendances to Denman between 3pm and 7pm on weekdays. The newspaper in which the Denman CIS meetings are advertised is not delivered to all residents, if it is delivered at all. Meetings are not advertised on commercial or ABC radio which again is not receivable by all residents due to topography. Hence it is unlikely that Wybong Community members would attend any meetings held at Denman that are advertised particularly when they are advertised as Denman Community Information Sessions, other than by chance or great determination.

1. The Community Information Sessions at Denman, Sandy Hollow and Wybong to which you refer were held in 2008 (not 2009 as incorrectly stated by you), **after the Early Works (Modification 1) approval, and they dealt only with the Modification 1 Application Early Works.**
2. The Early Works Road Works detailed in the Modification 1 Application and associated Traffic Management Plan included the construction of the Mine Access Road and its Intersection with

Wybong Road and ONLY cosmetic issues dealing with the “making safe” of Wybong Road [such as minor curve widenings, centre line making and signage].

3. The Traffic Management Plan relating to the Early Works Approval stated:

[Traffic Management Plan, Mangoola Coal Project, Early Works Program, Sept 2008](#)

S3.3, p8 [“Upgrade works on Wybong Road WILL require separate Traffic Management & Traffic Control Plans.”](#),

S3.6, p8 [“This TMP ONLY relates to access and traffic arrangements as part of the Mangoola Coal Early Works Program”](#)

4. The three Early Works meetings you identify were attended by a number of Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish) Residents and members of Wybong Action Group and inquiries of Muswellbrook Shire Council, Xstrata Mangoola P/L and the Parsons-Brinkerhoff Engineer present concerning the Major Upgrade of Wybong Road (Roxburgh Road to Mangoola Mine Access Road) confirmed that [the meetings were ONLY concerned with the defined Early Works and that further documentation and meetings concerning the FUTURE Major Upgrade of Wybong Road \(Roxburgh Road to Mangoola Mine Access Road\) would occur when preliminary designs were available FOLLOWING further investigation of that section of roadway with no specific planning of works for that section of road having yet been compiled.](#)
5. The reason the Major Wybong Road Upgrade was raised by Wybong Action Group at the [Denman Community Information Session](#) in April 2009 in relation to the proposed 500kV power line was because [there has been NO COMMUNITY CONSULTATION held by Xstrata Mangoola P/L whatsoever concerning the specific details of the Major Wybong Road Upgrade \(Roxburgh Road to Mangoola Mine Access Road\) as distinct from the Early Works.](#)
6. The detailed information that the Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish) residents and Wybong Road users are seeking, that has NOT been made available to date, is the information related to the Major Wybong Road Upgrade ([Roxburgh Road to Mangoola Mine Access Road](#)) including (again):
- A. Upgrade Roadworks Scope and Sequence -
carriageway and sealed shoulder widths, alignments, environmental drainage controls, excavations (locations, depths, lengths), construction methods, indicative timetable and sequence, proposed locations of material dumps, site sheds and truck accesses,
 - B. Traffic Management Plan & Traffic Control Plan - Proposed speed restrictions, lane and road closures,
 - C. vehicle bypasses and Traffic Control methods,
 - D. Proposed design of any intersection reconstructions or reconfigurations at:
 - a) Mangoola Road/Wybong Road,
 - b) Limvardy Road/Wybong Road,
 - c) Castlerock Road/Wybong Road,
 - d) Ridgelands Road/Wybong Road,
 - e) Wybong PO Road/Wybong Road,
 - E. Proposed location and design of any temporary school bus stops and any school bus stop reconstructions or reconfigurations,
 - F. Proposed location and extent of any roadside vegetation and tree clearing
 - G. Measures proposed to reduce events of and likelihood of conflict between native animals, stock and road users.

7. This information is required by the Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish) Residents and Wybong Road users pursuant to Consent Condition 51 (below) and we fail to understand Xstrata Mangoola P/L's refusal, reluctance and inability to provide this information or engage in Consultation with the Wybong Community regarding the Major Wybong Road Upgrade (Roxburgh Road to Mangoola Mine Access Road).

51. Prior to carrying out any development on site, the Proponent shall prepare (and subsequently implement) a construction traffic management plan for the project to the satisfaction of the RTA and Council; and following approval, implement the plan to the satisfaction of the RTA and Council. The plan shall include specific measures in relation to:

- [REDACTED] based on a detailed road safety audit;
- restriction of project-related traffic to the nominated access routes, including an effective driver education and self-policing penalty system;
- restriction of heavy vehicle access during school bus hours; and
- [REDACTED] and relevant agencies regarding the project and traffic management measures.

Table 1 Summary of Wybong Community & Wybong Road Users Consultation

Date	Activity	Information Provided
4 Dec 2007 – current	Ongoing meetings with MSC	In camera and privy to MSC & XTA
Dec 2007 – current	Consultation with (OBS) Osborne Bus Service	In camera and privy to OBS & XTA
Sept 2008 Newsletter	Newsletter http://www.xstrata.com/operation/mangoola/publications/	The Wybong Road Upgrade [June 2008] loosely described and without detail was NEVER COMMENCED and was superseded by the Early Works Application - with details of the Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade to follow on completion of the Early Works [see 3. above]
Jan 2009 Newsletter	Newsletter http://www.xstrata.com/operation/mangoola/publications/	No mention of Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade or any road works
18 Feb 2009	MCCCC minutes http://www.xstrata.com/operation/mangoola/publications/	No mention of Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade or any road works
Feb-April 2009	Meetings with residents along Wybong Rd East	11 one on one meetings were apparently held with a lesser number of residents purely to advise them of roadwork and offer driveway sealing. These meetings were In camera and privy to MSC, XTA & the individual resident concerned ONLY – The meetings were NOT PUBLIC MEETINGS.
18 March 2009	Denman Community Information Session	No detail (Traffic Management Plan, Concept or Design Drawings) of Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade was available. The Manager (Earthworks) was not made available when questions re: Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade were asked between 6 & 7pm
Oct 2008 – April 2009	Distribution of Flyers	NO Flyers related to the Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade. Not all flyers were distributed to residents of Yarraman, Brogheda, Manobalai and Cuan Cua Parishes. Following the issue of nil flyers received at

		<u>Brogheda being raised at the April Denman CIS several copies of a single flyer were dumped, in petulance, into a Ridglands Road letterbox and onto the adjacent roadway. They did not relate to the Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade as was requested.</u>
April – May 2009	Flyers, letters and meetings with users of Castlerock Road School Bus Stop	Privy only to parents of children currently using the School Bus Stop and WITHELD from the Wybong Community and Wybong Road Users. NOT PUBLICLY ADVISED. The Wybong Community and Wybong Road Users had no prior knowledge of the relocation of the Castlerock School Bus Stop or warning that the new road surface was a School Bus Stop and not a vehicle carriageway.
January – April 2009	Meetings with OBS	In camera and privy to OBS & XTA. Privy only to parents of children currently using the School Bus Stop and WITHELD from the Wybong Community and Wybong Road Users. NOT PUBLICLY ADVISED.

8. The contact details provided on flyers connected to an offshore call centre where operators were/are instructed to take a name and obtain a contact phone number AND RECORD/IMPART NO OTHER INFORMATION. I am aware of numbers of calls being made to this contact response line and **it is KNOWINGLY UNTRUE of Xstrata Mangoola to state that only one call had been received.**
9. Inquiries were made of Xstrata Mangoola by Wybong Action Group in August and September 2008 and a detailed submission made regarding the Proposed Early Works to occur on Wybong Road.
10. The Denman Community Information Sessions (March and April 2009) **would expect** to see a markedly reduced attendance from the Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parishes) but NOT a reduced requirement for information and consultation from those who attended specifically in relation to the Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade for reasons of:
 - a. Numbers of non-Xstrata-contract residents in the Management Zone have diminished substantially following property purchases by Xstrata Mangoola P/L and the subsequent public letting of ONLY a small number of properties ie the area has been depopulated by Xstrata Mangoola P/L, many properties are vacant and in gross disrepair (see MCCCC minutes: <http://www.xstrata.com/operation/mangoola/publications/>).
 - b. Denman is a distant, indirect, infrequent and uncommon destination for the remaining residents of the Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parishes) for the reasons given (A above.)
 - c. The Denman Community Information Sessions are advertised ONCE only in a newspaper that is NOT delivered to all residents of Yarraman, Brogheda, Manobalai and Cuan Cua Parishes prior to meeting dates, if it is delivered at all.
 - d. The Denman Community Information Sessions are NOT advertised on commercial or ABC radio which is again limited in reception by topography.
 - e. An Agenda or List of Specialist Attendees and interview times (eg Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade Manager) is NOT provided.
 - f. Attendance at Denman Community Information Sessions, discussions, submissions and attempted telephone contact with Xstrata Mangoola P/L and/or Muswellbrook Shire Council has proved a fruitless exercise for many residents as they are frequently told, "if you don't like the situation then maybe it is time you moved on and lived somewhere else."
 - g. Xstrata Mangoola P/L has held NO MEETINGS at Wybong Public Hall subsequent to September 2008.**

h.

C. Wybong Road Upgrade Documentation

1. The ONLY Traffic management Plan in existence to public knowledge is [Traffic Management Plan, Mangoola Coal Project, Early Works Program, Sept 2008] that states:

S3.3, p8 “Upgrade works on Wybong Road WILL require separate Traffic Management & Traffic Control Plans.”

S3.6, p8 “This TMP ONLY relates to access and traffic arrangements as part of the Mangoola Coal Early Works Program”

2. Any Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade Traffic Management Plan or Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade Traffic Management Plan or Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade documents subsequent to the Early Works Documents, EA and Application, developed in conjunction with Muswellbrook Shire Council and RTA are in camera and privy to Xstrata Mangoola P/L, Muswellbrook Shire Council and the RTA and are not publicly available or accessible and NO CONSULTATION has been held in relation to any such documents or plans.

D. Response to Other Specific Issues

1. The Wybong Community (specifically the Castlerock Community) School Children have been relocated from the safety of the Castlerock Road School Bus Stop and were **NEGLIGENTLY** placed at risk at the hazardous intersection of Ridgeland Road and Wybong Road solely for the convenience of Xstrata Mangoola P/L in the location of a gravel stockpile and not because of the immediate re-construction of the Castlerock Road School Bus Stop. **Xstrata Dumps Children for Gravel!**

2. Line marking, signage and placement of moveable barricades at the relocated bus stop (pictured below) did NOT OCCUR prior to its commencement of use and occurred **SEVERAL DAYS AFTER** a serious child safety incident on the day of the bus stop opening was reported to the NSW Police and referred by members of the Castlerock Community, Wybong Community and Muswellbrook Shire Council Environment Committee to the Mayor and referred to the Muswellbrook Shire Council Traffic Committee.



3. The location of the Major Wybong Road (Roxburgh Road to Mangoola Mine Access Road) Upgrade Road Contractor Site Shed and any associated Traffic Control Plan mentioned is privy to Muswellbrook Shire Council and Xstrata Mangoola P/L and is NOT a public document nor has any associated Traffic Control Plan mentioned been subject to any Community Consultation or provided to the Wybong Community or Wybong Road Users for information.

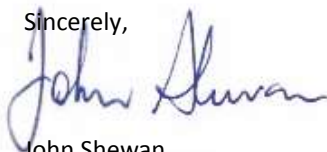
4. The tree clearing between 17000 & 18300 was described in document numbers 98 PBH 540 1000 C0402 Rev F & 98 PBH 540 1000 C0403 Rev E as "Remove required trees and overhanging branches to improve clear zones and sight distances" which implies selective felling rather than the clear felling from fence line to fence line for over 1 km of numerous old growth and hollow bearing Red Gums, Ironbarks and Spotted Gums from "The Forest". The trees to be felled were not marked as such in the months or even days prior to felling and no prior consultation took place with the Wybong Community. No overhanging branches were removed, instead ALL TREES in the road reserve were felled and chipped immediately in situ.

Again,

The Wybong Community must rely upon the NSW Department of Planning to ensure that Wybong Community (Yarraman, Brogheda, Manobalai and Cuan Cua Parish) Residents and majority Wybong Road Users, are fully consulted concerning, and informed of pending road changes, to ensure their safety and the safety of all users of Wybong Road, during the lengthy 8-12 month Wybong Road Upgrade wherein rural, residential and unfamiliar road users will shortly, by the minute vie, with ever changing road conditions and pathways between, amongst and through heavy road construction machinery and mine related traffic, on what effectively will become a seven km long, major construction site, as we have learned from our experience and dealings with that Xstrata Mangoola P/L that we cannot rely on Xstrata Mangoola P/L to abide its Conditions of Consent or concern itself with Residents, Road Users or School Children's Safety.

We believe that the Department of Planning, given such full and accurate detail of the **COMPLETE LACK OF COMMUNITY CONSULTATION - WYBONG ROAD MAJOR UPGRADE [BENGALLA LINK RD (Roxburgh Rd) TO MANGOOLA MINE ACCESS ROAD]** by Xstrata Mangoola P/L, such as we have detailed, can only find that Xstrata Mangoola P/L have not adequately consulted the Wybong (and wider Wybong Road User) Community or complied with Consent Condition 51 and we rely on the instruction of the Department of Planning for Xstrata Mangoola P/L to be compelled to do so forthwith.

Sincerely,



John Shewan
President
Wybong Action Group
Cc Mr Phil Jones

The Wybong Community Concludes

The remaining residents of the Wybong Community have come to the conclusion that Xstrata Mangoola is a rogue foreign corporation that treats local and indigenous communities, community resource ownership and community determined Conditions of Approval with wholesale contempt and wanton disregard.

The rogue foreign corporation purchases an approved mine plan and mining lease knowing that it is required to construct an access prior to commencement of mining. How does the rogue foreign corporation act? It demands to commence 'Early Works' (its internal roadworks, water pipeline and dam construction) before external roadworks are complete - and gets what it wants by official corruption and tantrum, withdrawing its development application, pressuring the decision maker and demanding direct intervention in decision making by a Sam Haddad, Department of Planning¹⁷.

Having completed those 'Early Works', with external access complete, but before its own (substandard)¹⁸ roadworks are finished, it demands to commence mine construction – and again gets what it wants – despite community forewarning of road fatalities - at the cost of a human life¹⁹.

Having achieved so much by finishing the "Early Works" and not the shared public road the rogue foreign corporation immediately commences mining whilst stating publicly that it is constructing a (dismissed as ineffective)²⁰ 'noise bund'²¹ and without completing the approved plans/programs and strategies documents necessary as a precursor to mining.

Having achieved such magnificence Xstrata Mangoola now demand immediate approval for their radically altered mining proposal, in the process bequeathing the Wybong Community nothing beyond a slumping, disintegrating, potholed liability that is closed to them randomly for up to 1 hour without notice every time a load wider than 3m is delivered to the mine, a view of Xstrata's denuded, oversized and steeped Mesa in lieu of the natural views of Anvil Hill, Wallaby Rocks and The Book, excess dust, excess noise, excess light, dilapidated, unkempt, unoccupied dwellings, slaughtered kangaroo and wallaby populations, disturbed native and migratory birds and unhoused reptile and mammal populations, cleared forest, climate change, hectares of poisoned billabongs and external costs²² and liabilities that exceed the royalty paid – with no benefit whatsoever, only detriment²³, to the quality and longevity of human and terrestrial life within the Wybong and its Community.

¹⁷ Muswellbrook Shire Council, Xstrata Mangoola Early Works Development Application File and MSC Email, Tues, 10 June 2008, 8:53am, Request to withdraw Agenda Item – MSC meeting 10 June 2008

¹⁸ MSC Submission to Mod 4, p7

¹⁹ Mr David Patten 17/12/1954 – 7/1/2010

²⁰ Umwelt, Response to Submissions, Visual Amenities, p 6.1

Director-Generals Assessment Report, NSW Government Department of Planning, 7 June 2007, p 62

²¹ Mangoola Community Information Sheet Nov 2010

²² NSW Parliamentary e-brief "Mining and the Economy"

²³ 2010 Higginbotham, N., Freeman, S., Connor, L. and Albrecht, G. Environmental Injustice and air pollution in coal affected communities, Hunter Valley, Australia; *Health and Place* 16, pp. 259-266.

Recommended Further Mangoola Coal Approval Conditions

Schedule 4	Additional Procedures
2a	<p>The proponent will conduct continuous noise monitoring at the boundary fence between residences 76/39 and this condition will be immediately included in the Xstrata Mangoola EPL 12894 and Noise Monitoring Program GEN-HSE-PLN-0003 and the proponent will immediately amend the Noise Monitoring Program GEN-HSE-PLN-0003 S8.2 'Exceedence Reporting Protocol' (p16) to include "To be reported to the Department (of Planning) and any other relevant agency, in this case DECCW within 7 days of detection" <u>and to the residents of all properties within 1km of the exceedence and place a copy of its report on the Xstrata Mangoola website.</u></p>
3a	<p>The proponent will immediately amend the Air Quality Management Program S3.3.1 "Incident Reporting" (p8) to include "within 7 days of detecting an exceedence or identifying an incident relating to an Air Quality exceedence Mangoola Coal will report the exceedence to the Department of Planning, DECCW" <u>and to the residents of all properties within 1km of the exceedence and place a copy of its report on the Xstrata Mangoola website and also amend Table 4.1 'Corrective Action' accordingly.</u></p>

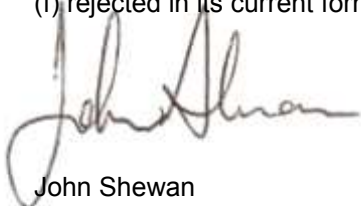
SYNOPSIS

The mining proposal (Modification 4) abandons the previously Approved Mine Operation Plan in full by the significance of its departure from and radical transformation to the project (as originally and subsequently) approved.

Consequently the modification proposed is incapable of being approved under S75W of Part3A of the Planning Act.

The New Mine Operation Plan:

- (a) radically transforms the Approved project such that it bears little relation to the original mine plan,
- (b) increases the initial extraction rate 25 times ie 2500%, from 200,000 tonne to 5Mt²⁴,
- (c) will contribute to a substantial increase in the dispersal of PM1 to PM10 particles into the atmosphere of the Upper Hunter¹ causing associated ill health and increased mortality/morbidity at all ages³,
- (d) Its approval at this time, being also incomplete and uncertain, is not in the community interest,
- (e) it should lawfully be referred to the Planning and Assessment Commission, and
- (f) rejected in its current form.



John Shewan

President

Wybong Action group

1 NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of

Particulate Matter from Coal Mining

2 Relations Between Health Indicators and Residential Proximity to Coal Mining in West Virginia | Michael Hendryx, PhD, and

Melissa M. Ahern, PhD

3 NSW Parliamentary e-brief "Mining and the Economy"