

DURALIE COAL MINE  
CONSULTATION PLAN  
ADDITIONAL RAIL NOISE MITIGATION MEASURES



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# 1 INTRODUCTION

## 1.1 DURALIE COAL MINE

The Duralie Coal Mine (DCM) is an existing mine situated approximately 35 kilometres (km) south of Gloucester in the Gloucester Valley, New South Wales (NSW) (Figure 1). Duralie Coal Pty Ltd (DCPL) (a wholly owned subsidiary of Yancoal Australia Limited [Yancoal]) owns and operates the DCM. The NSW Minister for Urban Affairs and Planning granted Development Consent for the DCM in August 1997 and coal production commenced in 2003.

DCPL was granted approval for the Duralie Extension Project under Section 75J of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act) on 26 November 2010 (Project Approval [08\_0203]) and under Sections 130 and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC) on 22 December 2010 (EPBC 2010/5396). On 10 November 2011, the Project Approval was amended by Order of The Land and Environment Court of NSW.

The main activities associated with the Duralie Extension Project include:

- continued development of open cut mining operations at the DCM to facilitate a total run-of-mine (ROM) coal production rate of up to approximately 3 million tonnes per annum, including:
  - extension of the existing approved open pit in the Weismantel Seam to the north-west (i.e. Weismantel Extension open pit) within Mining Lease (ML) 1427 and ML 1646; and
  - open cut mining operations in the Clareval Seam (i.e. Clareval North West open pit) within ML 1427 and ML 1646;
- ongoing exploration activities within existing exploration tenements;
- progressive backfilling of the open pits with waste rock as mining develops, and continued and expanded placement of waste rock in out-of-pit waste rock emplacements;
- increased ROM coal rail transport movements on the North Coast Railway between the DCM and the Stratford Coal Mine in line with increased ROM coal production;
- continued disposal of excess water through irrigation (including development of new irrigation areas within the existing ML 1427 and ML 1646);
- raising of the existing approved Auxiliary Dam No. 2 from relative level (RL) 81 metres (m) to approximately RL 100 m to provide significant additional on-site storage capacity to manage excess water on-site;
- progressive development of dewatering bores, pumps, dams, irrigation infrastructure and other water management equipment and structures;
- development of new haul roads and internal roads;
- upgrade of existing surface facilities and supporting infrastructure as required in line with increased ROM coal production;
- continued development of soil stockpiles, laydown areas and gravel/borrow pits;
- establishment of permanent Coal Shaft Creek alignment adjacent to the existing DCM mining area;
- ongoing surface monitoring and rehabilitation; and
- other associated minor infrastructure, plant, equipment and activities.



DCPL subsequently made an application to the NSW Minister for Planning and Infrastructure under Section 75W of the EP&A Act to modify the Project Approval to extend the approved rail hours for the Duralie shuttle train. The application was accompanied by the *Duralie Rail Hours Modification Environmental Assessment* (DCPL, 2012). Approval to modify the Project Approval to extend the approved rail hours was granted by the NSW Planning Assessment Commission (under delegation of the NSW Minister for Planning and Infrastructure) on 1 November 2012.

A copy of the Project Approval (as modified on 1 November 2012) is available on the DCPL website ([www.duraliecoal.com.au](http://www.duraliecoal.com.au)).

## **1.2 PURPOSE AND SCOPE**

This Consultation Plan (the Plan) has been prepared by DCPL to provide a framework for engaging with the owners (and tenants where relevant) of the residences identified in Condition 4(c), Schedule 3 of the Project Approval as being entitled to request additional rail noise mitigation measures to be implemented at the residence at any stage during the life of the DCM. The preparation of the Plan is in accordance with the requirements of Condition 1A, Schedule 4 of the Project Approval.

## **1.3 RELATIONSHIP OF THIS PLAN TO OTHER DURALIE COAL MINE MANAGEMENT PLANS**

The approved Duralie Coal Mine Noise Management Plan (NMP) covers noise management measures and monitoring at the DCM including the relevant rail noise monitoring that will be undertaken to verify the ongoing noise performance of the Duralie shuttle train over the life of the mine. The NMP also describes the mitigation measures to be implemented to control at source noise, including rail noise.

DCPL will revise the NMP to reflect the modified Project Approval conditions. The revised NMP will include a description of the specific measures to be implemented to minimise the rail noise impacts of the DCM, including braking and train horn impacts and the use of the shuttle train during the approved night-time hours.

## 2 STATUTORY REQUIREMENTS

DCPL's statutory obligations are contained in:

- (i) the conditions of the Project Approval, as modified on 1 November 2012;
- (ii) the conditions of the Commonwealth Approval (EPBC 2010/5396);
- (iii) relevant licences and permits, including conditions attached to mining leases; and
- (iv) other relevant legislation.

Obligations relevant to this Plan are described below.

### 2.1 PROJECT APPROVAL

The conditions of the Project Approval relevant to this Plan are described below.

#### 2.1.1 Consultation Plan

Condition 1A, Schedule 4 of the Project Approval outlines the requirements that are applicable to the preparation of this Plan. Table 1 presents these requirements and indicates where they are addressed within this Plan.

**Table 1  
Consultation Plan Requirements**

Project Approval Condition	Plan Section
<p>1A. <i>Within 1 month of the approval of the first modification to the conditions of this approval, the Proponent shall prepare a Consultation Plan for the implementation of additional noise mitigation measures at the residences listed in Condition 4(c) of Schedule 3. This plan must provide for:</i></p> <p>a) <i>notifying the land owners of these residences that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project;</i></p> <p>b) <i>explaining the sorts of mitigation measures that could be implemented to these residences;</i></p> <p>c) <i>following up the initial notification of these owners with detailed discussions about the potential implementation of suitable mitigation measures; and</i></p> <p>d) <i>explaining to these land owners that they have the rights to refer the matter to the Director-General for resolution if there is a dispute about what measures should be implemented or the implementation of any agreed measures.</i></p> <p><i>The Plan is to be made publically available on the Proponent's website and the plan shall be implemented to the satisfaction of the Director-General.</i></p>	<p style="text-align: center;">Section 4.1</p> <p>Sections 4.1 and 4.3</p> <p style="text-align: center;">Section 4.2</p> <p>Sections 4.1 and 4.3</p> <p style="text-align: center;">Section 5</p>

#### 2.1.2 Additional Noise Mitigation Measures

Condition 4, Schedule 3 of the Project Approval lists the following additional noise mitigation requirements:

***Additional Noise Mitigation Measures***

4. *Upon receiving a written request from the owner of any residence:*
- (a) *on the land listed in Table 1;*
  - (b) *on the land listed as 123, 126, and 172 on the figure in Appendix 3;*
  - (c) *on the land listed as R2, R4-12 on the figure in Appendix 3;*
  - (d) *on privately-owned land where subsequent noise monitoring shows that the noise generated by the project is greater than or equal to LAeq(15 minute) 38 dB(A); or*

- (e) on privately owned land between the Stratford and Duralie mines where the maximum passby rail traffic noise from the Project exceeds 85dBA,

*the Proponent shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible.*

*If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.*

### **3 RESIDENCES TO WHICH THIS PLAN APPLIES**

This Plan applies to the residences listed in Condition 4(c), Schedule 3 of the Project Approval (i.e. R2 and R4 to R12<sup>1</sup> on the figure in Appendix 3 of the Project Approval). The relevant residences are shown on Figure 2. In cases where the owner is not the resident (i.e. the property is tenanted), DCPL will contact the owner and the relevant estate agent<sup>2</sup> as described below.

### **4 CONSULTATION PROCESS**

#### **4.1 INITIAL NOTIFICATION REGARDING ENTITLEMENT TO REQUEST IMPLEMENTATION OF ADDITIONAL RAIL NOISE MITIGATION MEASURES**

DCPL would initiate discussions by first notifying the land owners (and relevant estate agent if tenanted) of residences R2 and R4 to R12<sup>1</sup> (Figure 2) of the owner's eligibility for additional rail noise mitigation measures in accordance with Condition 4, Schedule 3 of the Project Approval. The initial notification procedure would comprise of a formal letter to the land owners (and copied to the relevant estate agent if applicable) of these residences that would include:

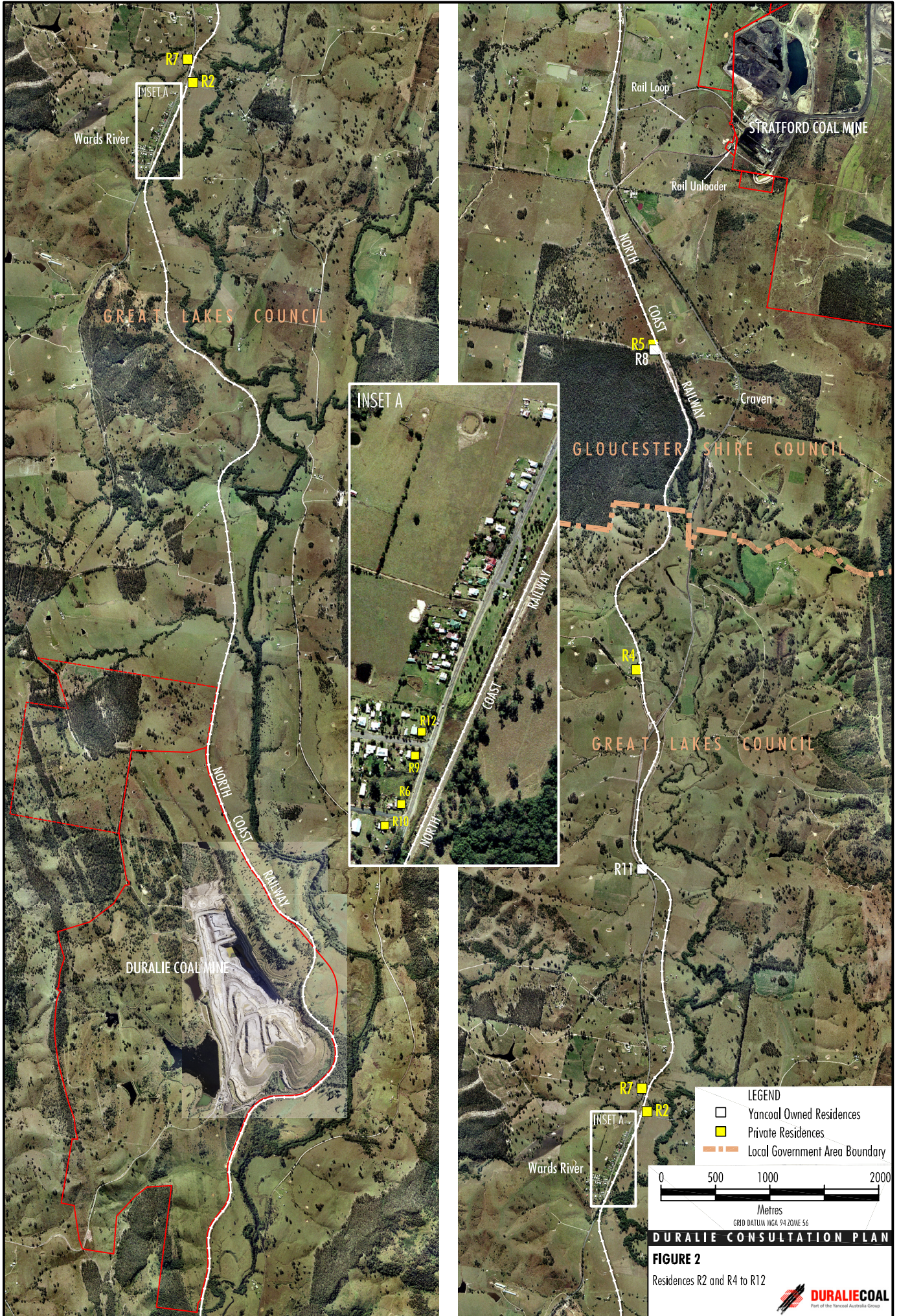
- explanation that the land owner is entitled to ask for additional rail noise mitigation measures to be implemented at the residence at any stage during the Project<sup>3</sup> in accordance with Condition 4, Schedule 3 of the Project Approval;
- explanation of what constitutes "at receiver" mitigation and the types of rail noise mitigation measures that could potentially be implemented at the residence (such as double glazing, insulation and/or air conditioning) depending on any site specific limitations;
- an overview of the proposed consultation process/next steps for site specific investigation and potential implementation of rail noise mitigation measures at the residence including:
  - an offer to engage a suitably qualified building contractor to undertake a building inspection at the residence to investigate the practicality of potential implementation of rail noise mitigation options identified by a suitably qualified acoustic specialist;
  - follow-up detailed discussions with the land owner about the potential implementation of reasonable and feasible rail noise mitigation measures at the residence;

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<sup>1</sup> Yancoal is the owner of the residences listed as R8 and R11 on Figure 2.

<sup>2</sup> Mitigation measures will only be implemented at the request of the land owner in accordance with Condition 4, Schedule 3 of the Project Approval.

<sup>3</sup> The Project is defined as the development described in the Environmental Assessment titled *Duralie Extension Project*, dated January 2010, as modified by the associated response to submissions dated 25 March 2010 and 12 July 2010, the correspondence dated 12 March 2010, 9 April 2010, 30 June 2010, 12 and 19 July 2010 and 31 August 2010, and the Environmental Assessment titled *Duralie Rail Hours Modification*, dated April 2012, and associated responses to submissions dated 17 May 2012 and 24 May 2012.



**LEGEND**

- Yancoal Owned Residences
- Private Residences
- Local Government Area Boundary

0 500 1000 2000  
 Metres  
 GRID DATUM: MGA 94 ZONE 56

**DURALIE CONSULTATION PLAN**

**FIGURE 2**  
 Residences R2 and R4 to R12





- subject to a written request and agreement between the land owner and DCPL (and any necessary Council<sup>4</sup> approvals), implementation of reasonable and feasible rail noise mitigation measures at the residence;
- an explanation that the land owner has the right to refer the matter to the Director-General of the DP&I for resolution if DCPL and the land owner cannot agree on the measures to be implemented or if there is a dispute about the implementation of these measures, in accordance with Condition 4, Schedule 3 of the Project Approval;
- an offer to meet with the land owner to discuss the investigation and rail noise mitigation implementation process further;
- a copy of the relevant Project Approval conditions; and
- general information about DCPL’s approved rail operations on the North Coast Railway.

#### **4.2 FOLLOW-UP CONSULTATION**

Following the initial notification letters, a follow-up phone call to the land owner and/or visit to the residence would be made by the Manager - Community Liaison repeating the offer to arrange a meeting and/or to discuss the investigation and rail noise mitigation implementation process further.

#### **4.3 INVESTIGATION AND POTENTIAL IMPLEMENTATION OF RAIL NOISE MITIGATION MEASURES**

Prior to building inspections being undertaken, DCPL would obtain advice from a suitably qualified acoustic specialist to identify the “at receiver” rail noise mitigation options that may potentially be available/suitable.

Subject to agreement by the relevant land owner, DCPL would engage a suitably qualified building contractor to undertake building inspections at residences R2 and R4 to R12<sup>5</sup>. The building contractor would undertake the building inspection to investigate the practicality of implementation of the rail noise mitigation options identified by the acoustic specialist and to discuss the building inspection findings with DCPL and the landowner.

If structural rail noise mitigation measures are not deemed reasonable and feasible by DCPL (in consultation with the acoustic specialist, as necessary) for a particular residence, due to its structure or condition, alternative reasonable and feasible mitigation options would be discussed with the land owner, if available. In the event that the land owner has other suggestions, DCPL will consult with the acoustic specialist and building contractor to identify if the suggested measures are reasonable and feasible and discuss further with the land owner. Discussions would also include an explanation that the land owner has the right to refer the matter to the Director-General of the DP&I for resolution if DCPL and the land owner cannot agree on the measures to be implemented or if there is a dispute about the implementation of the measures, in accordance with Condition 4, Schedule 3 of the Project Approval.

Subject to a written request and agreement between DCPL and the land owner on the reasonable and feasible site specific rail noise mitigation measures to be implemented at the residence (and subject to any necessary local Council<sup>4</sup> approvals), a letter and contractual agreement would be provided to the land owner formalising the offer to proceed with implementation of the agreed rail noise mitigation measures.

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<sup>4</sup> Great Lakes Council or Gloucester Shire Council (refer Figure 2).

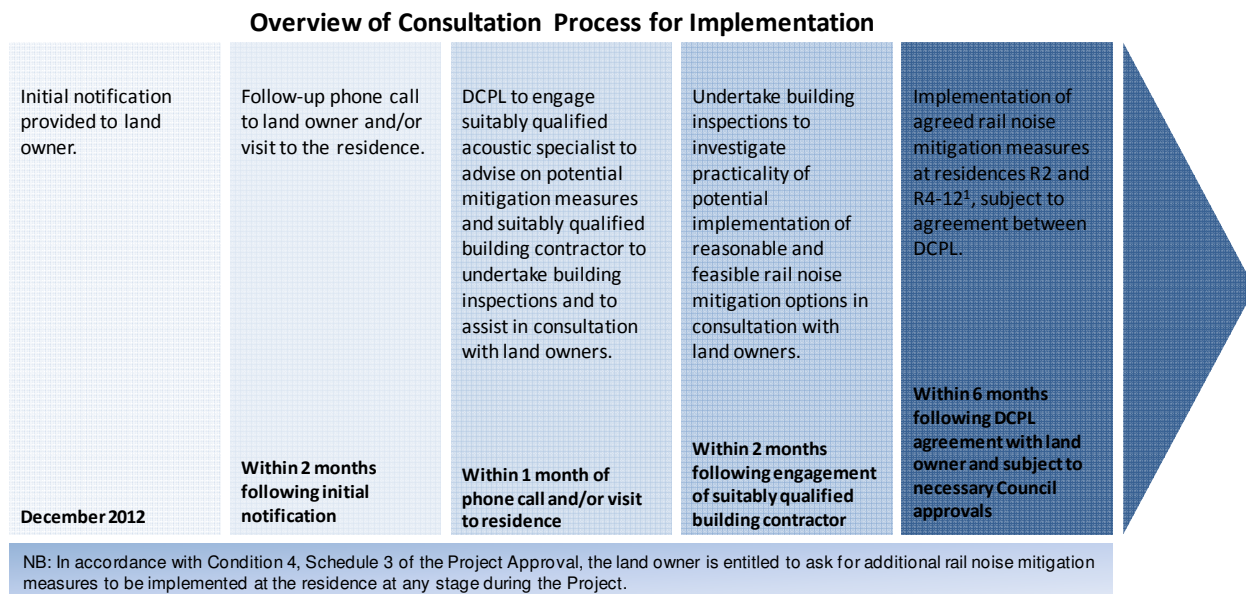
<sup>5</sup> Yancoal is the owner of residences R8 and R11 as shown on Figure 2.

## 5 TIMING

This Plan will be made publicly available on the DCPL website, in accordance with Condition 1A, Schedule 4 and Condition 10, Schedule 5 of the Project Approval. A hard copy will also be kept at the DCM.

An overview of the consultation process (including indicative timing) for implementation is shown in Flow Diagram 1. It is anticipated that the consultation process would commence in December 2012.

Flow Diagram 1



<sup>1</sup> Yancoal is the owner of residences R8 and R11.

## 6 RESPONSIBILITIES

The Manager - Community Liaison will be responsible for the implementation of this Plan. The site specific rail noise investigations and the implementation of agreed rail noise mitigation measures will be the responsibility of both the Manager - Environment and Approvals and the Manager - Community Liaison.