

Introduce myself – Lynne Hamilton- Planning & development Manager
Darkinjung Local Aboriginal Land Council.

Darkinjung remains of the view that the Amended DA should be refused for the following reasons:

(a) The Amended DA is not an amendment.

- The alteration is substantial and is in effect a new proposal.
- The proposal detailed in the original DA involved a project on specific identified land. The Amended DA proposes a development on different land.
- The amended DA places mine infrastructure on Nikko Road which is over 2 kms from the footprint of the original project.
- The development now directly affects two major projects being the Wyee Road Residential Site and the Bushells Ridge Residential Site.
- A long coal conveyor system across public land and prominent train line was not evident in the original development proposal.
- The Director-Generals requirements arising from the original development application do not properly set a framework for the consideration of the issues that arise from such a proposal.
In particular:

- It did not consider issues relevant to the consideration of construction of a coal conveyor and loading facility on a 20m corridor on bushfire prone land.
- It did not consider the full range of issues associated with constructing a lengthy coal conveyor in close proximity to major roads and crossing the main Sydney to Newcastle rail line.
- It did not address the range of issues that arise for the road network around Nikko Rd and Gosford Road.
- It does not set a proper framework to consider the impacts on Darkinjung's Wyee Road and Bushells Ridge Residential sites which are within 400 metres of the proposed coal loading facility.

- The extent of the variations needs to be understood in the context that the project is not occurring in a remote location. It is occurring in close proximity to residential areas, such as Blue Haven, that are part of a rapidly growing population on the Central Coast and where changes to the location of the project impact of a large number of people.

(b) Non-Compliance with Director-General's Requirements.

- The absence of an environmental assessment that complies with the requirements of the Director-General's Environmental Assessment Requirements – Section 78A(8A) of the Environment Planning and Assessment Act 1979 does not permit the PAC to undertake a proper assessment.
- The original Environmental Impact Statement does not include information on the land affected by the amended Development Application and is not sufficient for the purposes of assessing the environmental impacts on the additional land which is now affected.

(c) Nikko Road Closure – Practical Consequences

- The Amended DA is premised on the closure of Nikko Rd. Nikko Rd is a formed dirt road that fronts Lots 60, 196, 197 and 204. It is the only road access (legal and practical) to these parcels that are owned by Darkinjung Local Aboriginal Land Council.
- Nikko Road is used by Darkinjung to access its properties, Central Coast Council to access sewerage infrastructure located on lot 196, Ausgrid to locate infrastructure and various government departments carrying ecological observation and studies. All of these entities currently access Nikko Road via lot 1 which is parallel to the western side of the rail line and under the rail line at Spring Creek.

SLIDE 2

- The applicant has stated that in the 20 metre wide road corridor it will provide an access road the runs within the Nikko Road corridor along with a rail line, a conveyor system and related infrastructure such as a 27 metre high coal loader. The applicant's documentation clearly shows that the rail line and the access road will be constructed at the level of the existing rail line which is well above the existing access via Spring Creek. The applicant has failed to consider how actual access will be maintained when the level to access Nikko Road is well below the proposed new access road. This cannot physically be

remedied within the confines of a 20 metre corridor with other infrastructure.

SLIDE 3

- The applicant has failed to address road and rail levels once again at the intersection of Nikko Road and the Motorway Link Road. The applicant drawings (**SLIDE 4**) clearly show that the proposed infrastructure sits at the same level as the existing rail line. The existing ground level sits well above the existing rail line. Extensive excavation will be required. My question to the commission is how is access to be maintained under the Motorway Link Road when the varying ground levels have not been considered.

SLIDE 1

(d) Nikko Road Closure – Legal Consequences

- The entire project is premised on, and assumes, the closure of Nikko Road. If Nikko Road is not closed, the project cannot proceed.
- The removal of Nikko Rd will leave Darkinjung's land landlocked.
- The applicant currently has no legal entitlement to ownership of the Nikko Road corridor. In fact the normal course of process in order to close a public road is that adjoining owners only be advised and asked if they have an interest in purchasing the land. In this case, this process has not adhered to. An approach has been made to the applicant only, who owns no land adjoining Nikko Road, nor, in fact, land within 2 kms to Nikko Road.
- Approving the project with a condition to subsequently obtain road closure is putting the cart before the horse.
- The issues involved in road closure and ownership must be fully addressed before the project can be sensibly approved.

(e) Setbacks and Bushfire Hazards

- The Department of Planning is recommending approval of the Amended DA via conditional consent that places an obligation on the applicant to produce a Bushfire Management Plan. This will not address the current planning requirements for appropriate setbacks for both environmental and bushfire mitigation purposes.
- Bushfires are not a remote possibility in the area. The land is identified to be Bushfire Prone Land by Central Coast Council.

The construction of a coal loading and coal conveyor in such an area without any buffer to the adjoining E2 Environmental Conservation land and without an Asset Protection Zone is contradictory to current planning requirements.

- Darkinjung is concerned that the applicant will subsequently require Darkinjung to clear the vegetation on its land to provide the necessary protection for the coal loader. This situation has already arisen on other developments approved adjacent to our landholdings.
- The Amended DA does not comply with the Director-General's requirements which, among other things, require "*particular attention to public safety, and including bushfires*".

(f) Absence of Consultation

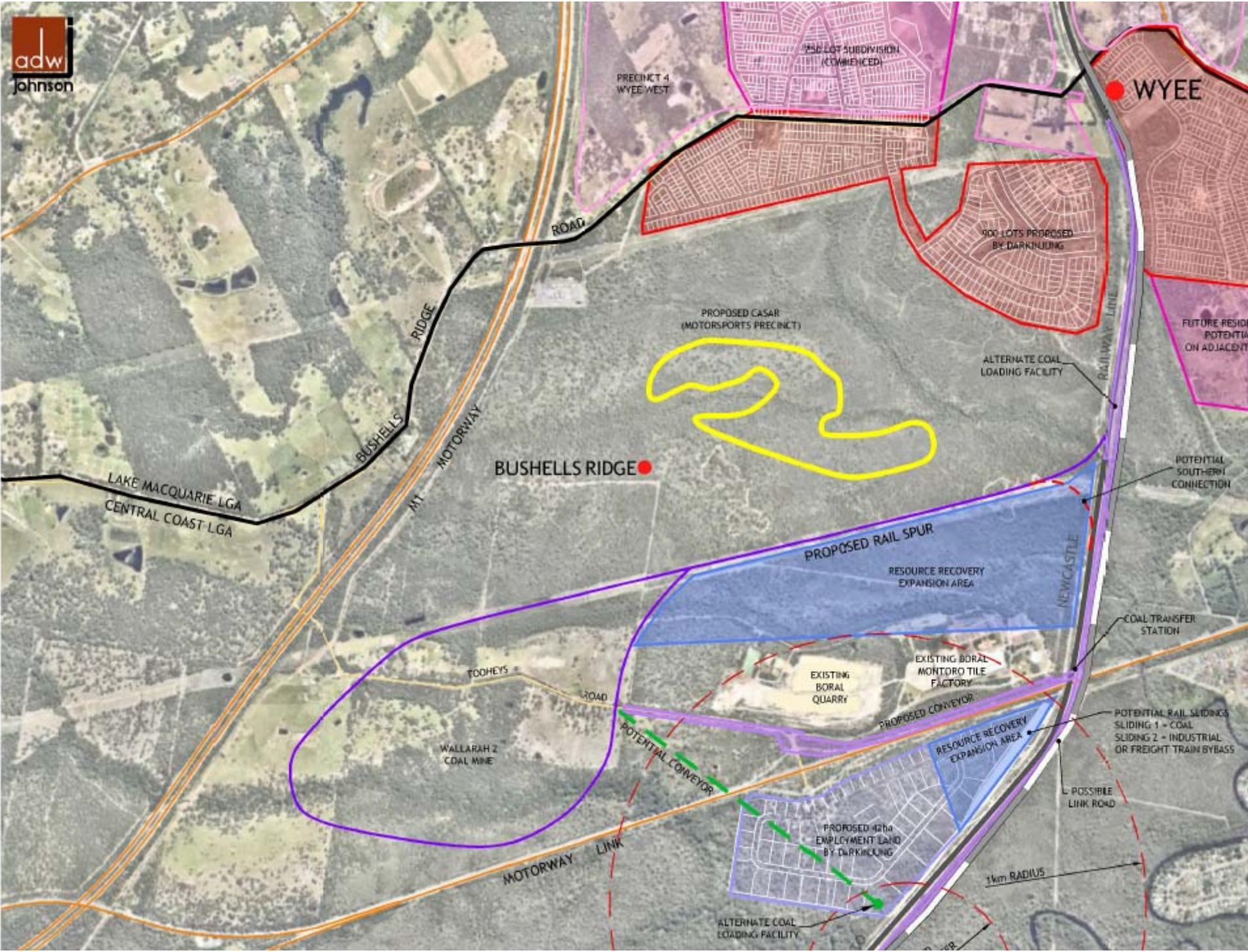
- Darkinjung and the applicant appear to have conflicting views on what consultation actually is. As you will see from our written submission much of the contact between Darkinjung and the applicant was someone merely leaving a message with a receptionist. This is not consultation.
- Much has been made by the applicant of a meeting between Darkinjung and the applicant on 7 September 2016. It is true that the applicant did bring a very large roll of drawings to that meeting. The drawings were observed by Darkinjung for a very short period as the conversation went elsewhere. Obviously not sufficient time to address the design shortfalls that I have mentioned.

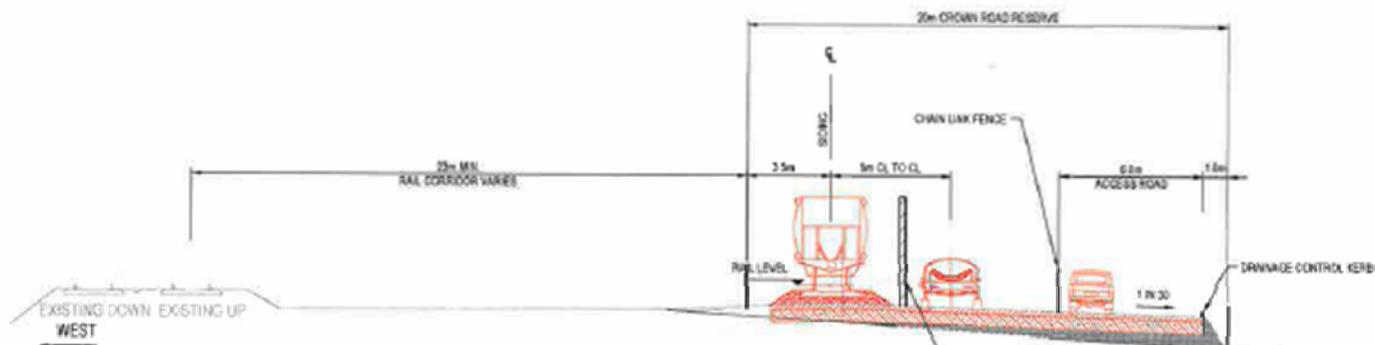
Alternatives to the amended Project

During the meeting held on 7 September 2016 Darkinjung raised the possibility for an alternate location for the coal loader, associated convey and other infrastructure, to the south west of the current location. The alternate location, is located within an existing buffer to the Charmhaven sewer treatment plant and adjacent to proposed industrial/employment land, and would not require the closure and development within the Nikko road corridor, thus preserving a strategic road link for future generations. It would also take the proposed coal loader, rail and other infrastructure away from the residential areas of Blue Haven, Darkinjung's proposed residential developments along Bushells Ridge Road and Wyee Road and Darkinjung's commercial developments (CASAR and Resource Recovery Hub) at Bushells

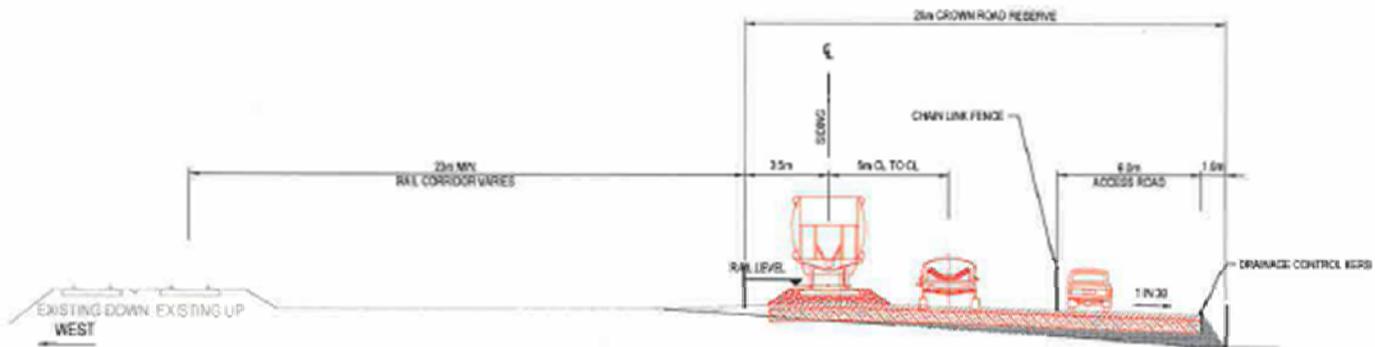
Ridge. On 28 September the applicant confirmed their refusal to consider this proposal.

Darkinjung maintains that the current Amended DA Proposal fails to adequately assess all alternate options, as required under the DGs Requirements and therefore we ask the Planning and Assessment Commission to reject the Amended DA and require Wallarah 2 to properly prepare a coherent plan based on properly amended DG requirements after full and adequate consultation with all the relevant Stakeholders.





A SECTION
TYPICAL SECTION
SCALE 1:200

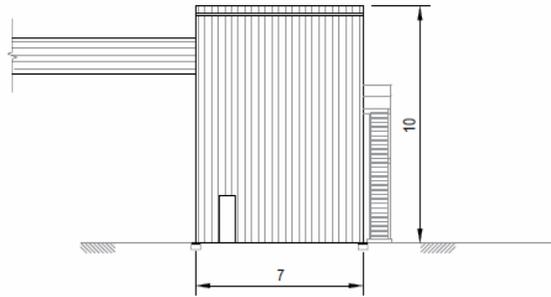


B SECTION
TYPICAL SECTION
SCALE 1:200

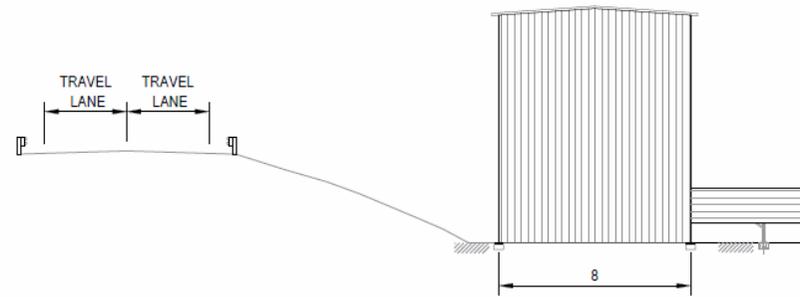
IN PROGRESS

<p>0 2 4 6m SCALE 1:200 = 1" = 20m/635"</p>		<p>GHD (Level 3) 24 Moorabie Drive, Moorabie VIC 3207 Australia P: 61 3 9575 8888 F: 61 3 9575 8888 GHD.com.au GHD.com.au</p>		<p>DO NOT SCALE</p> <p>Revised: 01/10/18 This document may only be used for the project described on this drawing. It is not to be used for any other purpose without the written consent of GHD. It is provided for your information and may be used for any other purpose at your own risk.</p>		<p>Drawn: J. JENNINGS Checked: J. JENNINGS Approved: (Project Director) Date: 01/10/18</p>		<p>Client: WYONG COAL WALLARAH 2 Title: RAIL SPUR - 6m ACCESS ROAD OPTION Typical Sections</p>		<p>Scale: AS SHOWN Drawing No.: 22-17704-C322 Rev: A</p>	
<p>1. ISSUED FOR COMMENT</p>		<p>2.2</p>		<p>28.10.18</p>		<p>22-17704-C322</p>		<p>22-17704-C322</p>		<p>22-17704-C322</p>	





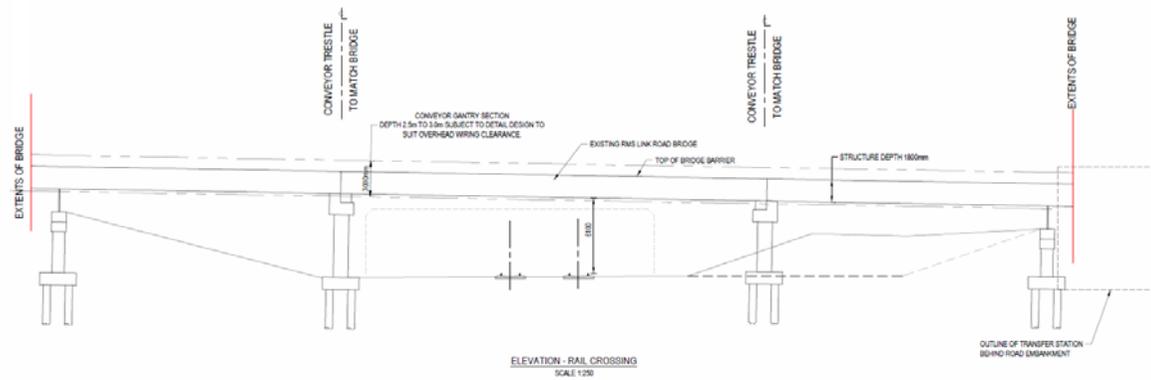
TRANSFER STATION
SOUTH ELEVATION
SCALE 1:200



TRANSFER STATION
EAST ELEVATION
SCALE 1:200

CONCEPT ONLY

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A FOR DA SUBMISSION No. Revision Note: * Indicate approvals on original issue of drawing or last revision of drawing Drawn: JJ PH PY 06.05.16 Checked: JJB Date:						0 2 4 6m SCALE 1:200 AT ORIGINAL SIZE		Approved (Project Director) Date:		Title: OVERLAND CONVEYOR LINK ROAD BRIDGE DRIVE AND TRANSFER STATION
						Scale: AS SHOWN		This Drawing must not be used for Construction unless signed as Approved.		Original Rev: A3
								Drawing No: 22-17704-C203		Rev: A



ELEVATION - RAIL CROSSING
SCALE 1:200

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A FOR DA SUBMISSION No. Revision Note: * Indicate approvals on original issue of drawing or last revision of drawing Drawn: JJ PH PY 06.05.16 Checked: JJB Date:						0 2.5 5.0 7.5m SCALE 1:200 AT ORIGINAL SIZE		Approved (Project Director) Date:		Title: EXPORT OVERLAND CONVEYOR RAIL CORRIDOR CONVEYOR CROSSING
						Scale: AS SHOWN		This Drawing must not be used for Construction unless signed as Approved.		Original Rev: A3
								Drawing No: 22-17704-C204		Rev: A

