

Enquiries

Please ask for Tracy Ward
Direct 02 6549 3700
Our reference CM 25/15004

10 April 2025

Tegan Cole
Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure

Dear Ms Cole,

Dartbrook Mine DA 231-7-2000 Mod 8 – Council comments on Modification Report

Reference is made to the following:

- ‘*Dartbrook Mine Modification 8 Modification Report*’ (Xenith, 2025) (Modification Report); and
- Request to provide comment on the Modification Report via the Major Projects Portal.

Dartbrook Mine is an existing underground coal mining operation located approximately 10 km north-west of Muswellbrook and 4.5 km south-west of Aberdeen. The operation is managed by Dartbrook Operations Pty Ltd (Dartbrook Operations) (Proponent) pursuant to Development Consent DA 231-07-2000. DA 231-07-2000 was granted under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and has subsequently been modified on seven occasions.

Modification (MOD8) to DA 231-07-2000 seeks to extend the period of mining operations by 6 years (i.e. from 5 December 2027 until 5 December 2033) (the Extension Period). Other than the duration, all other aspects of mining operations will remain consistent with DA 231-07-2000 including mining methods, maximum production rate, disturbance footprint and ancillary activities.

The six-year extension sought by MOD8 will restore some of the development opportunity that was lost due to the extended MOD7 determination process and court appeals.

Council has reviewed the Modification Report, and provide the following comments:

1.0 General

1.1 DA 231-7-2000 was originally approved in 2001 and was supported by an Environmental Impact Statement dated 2000. Given the considerable time that has passed, the original assessment may no longer reflect current environmental, social, and regulatory standards or community expectations. It is noted that opportunity was taken to update conditions of consent applying to this mine as part of MOD 7.

1.2 MOD8 will extend the impact of the mine on the community and the environment. Council reminds the Department of Planning, Housing and Infrastructure that Dartbrook exists in an area that also includes Mangoola Mine, Mount Arthur Mine, Bengalla Mine and Maxwell Mine. Whilst cumulative impacts have been considered as part of MOD8, extending the timeframe for DA 231-7-2000 will also extend the impact on the community.

1.3 The Modification Report does not identify dust mitigation when coal is being transported by train. Council would like to see the State Government implement a comprehensive dust and noise monitoring program across the entire rail network within the Local Government Area to the Port of Newcastle. This would ensure a clearer understanding of impacts on the Hunter community. Any State government monitoring should be reported annually, and mitigation measures funded if noise and dust levels consistently exceed EPA or other relevant standards.

1.4 Council's view is that the 24-hour averaging period for air pollution monitoring has the unintended consequence of obscuring issues of elevated dust levels at night, particularly when a surface temperature inversion is present, and that a 12-hour average would be better.

Temperature inversions can trap dust close to the ground for extended periods, resulting in elevated dust concentrations during the night. These are often offset by lower daytime levels, which mask the impact by reducing the chance of an exceedance under the 24-hour averaging framework

1.5 Council requests that the State Government fund a study on the effects on human health of exposure to nighttime dust levels in the Upper Hunter so that data is available for research, particularly respiratory and cardiovascular conditions. These findings could contribute to efforts to protect and improve community health.

1.6 Given that it has been twelve years since the Upper Hunter Fine Particle Characterisation Study was undertaken and both Muswellbrook and Singleton councils have progressed several community wood smoke reduction education campaigns and wood heater replacement programs, Council calls upon the State Government to undertake a new Upper Hunter Fine Particle Characterisation Study to assess if wood smoke is still a major contributor to PM_{2.5} in the airshed in the Shire.

2.0 Planning Agreement

2.1 Council requests that the existing Planning Agreement (PA) condition be amended to a contemporary format with contributions to be paid into the Muswellbrook Shire Community Benefit Fund (MSCBF); which is supported by the recently adopted [MSCBF Policy](#) to guide the allocation of planning agreement contributions.

3.0 Social and Employment

3.1 Council acknowledges that the Proponent has considered Muswellbrook and Upper Hunter Shire strategic documents in their Social Impact Assessment and has committed to employing staff from the local area or encouraging its workforce to relocate to the local area. Council is also pleased to see a preference for local procurement and expenditure and direct investment in community infrastructure through the PA.

3.2 Council acknowledges that the PA includes a target of two apprentices. In addition, Council requests that the Proponent:

3.2.1 Target 25% of supplier expenditure being paid to companies with offices in Muswellbrook Shire; and

- 3.2.2 Commit to a strong workforce diversity policy with a target of 20% women, 10% of Aboriginal people, and 10% trainees.

4.0 Closure Planning

- 4.1 If MOD8 is approved, the potential closure of Dartbrook Mine would occur at a similar time to many other developments. Council requests that a condition of development consent be included in DA 231-07-2000, requiring the preparation of a Closure Social Impact Management Plan, as follows:

The Applicant must prepare a Closure Social Impact Management Plan to the satisfaction of the Secretary. This plan must:

- (a) be submitted to the Secretary for approval within 12 months of the approval, unless otherwise agreed with the Secretary;*
- (b) be prepared by suitably qualified and experienced person/s;*
- (c) be developed in consultation with Council and the CCC;*
- (d) include a Stakeholder Engagement Framework including details about communications with relevant stakeholders, including local services providers, and particularly focused on the Muswellbrook community, and incorporating risk communication techniques;*
- (e) describe the measures that would be implemented to manage and mitigate negative (and cumulative) social impacts from mine closure,*
- (f) describe the community benefits funding arrangements to support the transition to closure of the mine;*
- (g) include a program to monitor, review and report on the effectiveness of these measures, including identifying performance indicators, incorporating a trigger action response plan*

5.0 Housing and Accommodation

- 5.1 The Upper Hunter Region regularly experiences shortages in temporary accommodation, affordable accommodation, and housing close to mines, particularly in phases of infrastructure construction, and mine and power station shut down periods where larger maintenance workforces are required for a short-term.

The cumulative impact of mining, renewable energy and other development on the surrounding short-term housing market is likely to peak in years 2026-2029.

Council requests a condition of development consent in DA 231-07-2000, requiring the preparation of a Workforce Accommodation Strategy that:

- a) provides updated estimates of the likely accommodation demand of the development, including consideration of the potential interaction with other development;*
- b) proposes a strategy to facilitate the accommodation of the workforce associated with the development;*
- c) investigates options for prioritising the employment of local workers during operation; and*
- d) includes a program to monitor and review the effectiveness of the strategy during operation.*

6.0 Land Use (mining and post-mining)

6.1 Section 2.2.5 of the Modification Report states that 'The co-existence of agriculture and mining is demonstrated by the livestock business HV Agriculture Pty Ltd's continual growth in conjunction with the continued operation of Dartbrook Mine'.

It should be noted that a substantial portion of land in the Muswellbrook Shire is mine-owned or classified as 'mine buffer land,' and utilised by Proponents for low-intensity grazing. Unfortunately, there is no requirement for Proponents to monitor grazing performance or implement improvements, and while these areas have potential to support other compatible industries, such diversification is not currently mandatory. The Hunter Regional Plan 2041 encourages the activation of alternative uses in these areas, and Council seeks DPHI support for more formalised mechanisms through consent conditions to facilitate and secure long-term economic and environmental outcomes on these lands.

6.2 Section 2.4.1.2 of the Modification Report states:

'Dartbrook Operations has reached an agreement with the primary landowner relating to post-mining uses of the existing infrastructure. All infrastructure that has utility for future agricultural enterprises (such as offices, workshops, roads, bridges, dams etc) will be retained for the landowner's benefit. Infrastructure that cannot be re-purposed for agricultural use (such as coal processing facilities and mine entries) will be decommissioned and removed'.

Council requires evidence that the planned retention of infrastructure is justified for the post-mining land use activity proposed, and consultation with the appropriate authorities. Council requests that upon approval of MOD8, the Rehabilitation Strategy is updated to include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site that:

- considers regional and local strategic land use planning objectives and outcomes;
- support a sustainable future for the local community;
- utilise existing mining infrastructure, where practicable; and
- avoid disturbing self-sustaining native ecosystems, where practicable.

6.3 Council will request a condition of development consent in DA 231-07-2000 for an appropriate rehabilitation objective that encourages retention of infrastructure (as opposed to implying the removal of infrastructure), as follows:

Rehabilitation Feature	Objectives
Retention of Infrastructure	<p>All infrastructure that is to remain as part of the final land use is safe, does not pose any hazard to the community.</p> <p>All infrastructure that is to remain as part of the final land use benefits from the relevant approvals (e.g development consent and / or licence/lease/binding agreement, etc).</p>

It is understood that the Resources Regulator (RR) allows the above objective which was conditioned in the development consent for the Muswellbrook Coal Mine, with approval from the RR.

7.0 Greenhouse Gas

Council supports the following commitments outlined in the Modification Report:

- Feasibility studies into the implementation of a VAMMIT / VAMCAT (or similar) unit at Dartbrook Mine; and
- Implementation of a pre-mining drainage system prior to the commencement of MOD8, with the gas being flared as a minimum. If possible, it may be used in gas-fired engines to generate electricity.

8.0 Traffic

MOD8 will result in traffic impacts on the surrounding road network for a longer period. Council notes that there have been previous complaints about traffic from the community and are pleased that the Proponent will continue to implement traffic controls for MOD8. Council will also review the draft conditions for DA 231-07-2000 in relation to traffic to ensure that current conditions are maintained as part of MOD8.

9.0 Mining Affected Road Network Strategy

Council is pleased to note a commitment as part of the Planning Agreement to:

- reimburse Council for the costs involved in revising the Mine Affected Road Network Plan; and
- a contribution for road upgrades related to traffic impacts associated with the project.

10.0 Air Quality and Noise

10.1 Council is disappointed that the Modification Report relies on an eleven-year-old background annual average for PM₁₀, rather than incorporating more recent data that includes periods of drought and bushfire. Given that climate change is expected to increase the frequency of these events, such events may no longer be considered extreme anomalies.

10.2 It is understood that the results for the PM_{2.5} assessment was calculated using a ratio of PM₁₀ data. Council is disappointed with the use of a non-approved method to calculate PM_{2.5} data. It is widely acknowledged that whilst a ratio may be used to calculate PM_{2.5} from PM₁₀ that it is, at best, a rough calculation.

10.3 The National Environment Protection (Ambient Air Quality) Measure emphasises the importance of direct measurement for both PM₁₀ and PM_{2.5} to accurately measure air quality. This approach reflects the need for specific measurements acknowledging that each particulate size fraction has distinct health impacts associated.

Council therefore requests that rather than calculate $PM_{2.5}$ as a ratio of PM_{10} , that a $PM_{2.5}$ monitor be installed in an agreed location, be included in the Upper Hunter Air Quality Monitoring Network and that all data be publicly available.

10.4 Council notes that whilst there will be no additional noise impacts, MOD8 will see noise impacts to nearby residents extended for a longer period and whilst these residents are also impacted by other mining operations, Council is pleased that noise controls remain applicable to MOD8.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Tracy Ward, Sustainability Officer, on 02 6549 3700 or email council@muswellbrook.nsw.gov.au

Yours faithfully

A handwritten signature in dark ink, appearing to be 'SP', is located below the 'Yours faithfully' text.

Sharon Pope
Director Environment and Planning