



21 Sept 2018

**Melanie Hollis
Resource Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001**

Dear Ms Hollis,

Dartbrook Coal Mine Modification 7 RTS Comment

I refer to the Response to Submissions (RTS), prepared by Hansen Bailey for Australia Pacific Coal Ltd ("the Proponent"), for Modification 7 of the Dartbrook mine approval DA 231-7-2000. I make the following comment on the RTS on behalf of Muswellbrook Shire Council ("Council") with respect to the Proponents Environmental Assessment (EA) dated December 2017 and the RTS by Hansen Bailey dated August 2018. Council appreciates the opportunity for comment.

Council's issues of concern were as follows:

- State Government responsibilities to adequately assess and consider cumulative impacts of multiple mine applications and modifications at different locations in the Hunter valley.
- Traffic
- Mine Affected Road network
- Air Quality, Dust and Noise
- Community Contributions
- Other Matters

1.0 State Gove responsibilities

1.1 A number of matters raised by Council relate to the NSW State Government's need to understand and analyse the cumulative impacts of mine development on infrastructure, the environment and the community, as various new proposals and modifications are submitted on an ongoing, ad hoc basis. The RTS does not deal with these concerns as they are beyond the responsibility of an individual mine entity.

1.2 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 as a result of surface temperature inversions and that a 12 hour average would be better. Council acknowledges that may be insufficient empirical evidence as to the effect on human health of exposure to elevated levels of dust at night. In light of this, Council requests that the State Government commission a study into the effects to human health of exposure to night-time dust levels in the Upper Hunter. This research is essential to improving the understanding of the consequences to human health, particularly respiratory and cardiovascular health, of exposure to night-time dust levels generated by mining. This research will inform efforts to promote the health of members of the community.

1.3 The project will add to traffic movements on the New England Highway and train movements Main Northern Railway Line. Projected movements should be included in models held by Transport NSW and Roads and Maritime Services to understand the cumulative impacts on:

- the level of service on State Roads and significant intersections from Muswellbrook through to the Newcastle Link Road and Pacific Highway.
- Passenger rail service movements, including future ability to increase frequencies of service between Muswellbrook and Newcastle.
- Rail noise and dust along the railway corridor from Muswellbrook to the Newcastle Port.

2.0 Traffic

2.1 Council requires that Condition 7.2 (f) (ii) of the consent be retained, so that approval to use local roads only applies to employees approved by the Dartbrook GM and living in the local area. All other mine personnel, including contractors, are to access the mine via the New England Highway and the western access road.

2.2 Condition 7.2(f) (v) requires the Proponent to maintain sections of Kayuga Road and Dartbrook Road. To ensure this occurs a Maintenance Management Plan (MMP) needs to be prepared for Council approval and then implemented.

2.3 The Proponent has agreed in the RTS to both these requests.

3.0 Mining Affected Road Network Strategy

3.1 Due to the age of the original mine approval, the current conditions of consent and the Environmental Assessment Report do not identify or consider Council's Mining Affected Roads - Road Network Plan.

3.2 The Proponent has agreed in the RTS to add funding to update the Muswellbrook Western Roads Strategic Traffic Study (1997) to the VPA with MSC. If the review flags the need for upgrade works the consent should require the Proponent to complete these works as well.

4.0. Air Quality, Dust and Noise

4.1 The modification seeks approval to alter the method of transfer of ROM coal to the coal handling facility at the East Side. This will involve B-double truck movements (estimated to be 192 one-way movements per day) from the Kayuga Entrance to a new shaft site near the New England Highway. The Proponent has agreed in the RTS to sealing the entire length of this road.

4.2 Council sought a revised condition requiring the coal to be kept wet at all stages of its handling on site including loading onto the trains. The proponent has responded in the RTS that the coal to be transported from Dartbrook Mine will be sprayed at multiple points during the coal handling process to ensure that the coal is moist when loaded into trains.

4.3 The proponent has agreed in the RTS to design the shed over the proposed shaft, with rubber belting and water sprays to contain coal dust when the coal is being dumped from the B-double trucks into the shaft.

5.0 Community Contributions

5.1 The current conditions of approval include a requirement for Community Enhancement contribution to Council towards mitigating cumulative impacts of the mine. This condition should be updated to require a VPA between Council and the Proponent that reflects the more contemporary contributions being made by other mines operating in the Shire.

5.2 The Proponent has approached Council with an initial offer on the terms of a VPA, however further negotiations are required before a VPA can be finalised. The consent conditions need to require Council to have input on the final terms.

6.0 Other comments

6.1 The shed enclosure for the new shaft and ROM bin was proposed as in a heritage green colour. The proponent doesn't appear to have a strong colour preference, Council would prefer Woodland Gray as a more recessive colour that better matches the tones of natural tree vegetation and landscape in this location.

6.2 It is noted that the EA advised that it is not known if the proposed shaft into the Hunter Tunnel is within the Hunter River alluvium and so will bear water. The proponent has agreed in the RTS to undertaking a test bore of the site prior to any construction and to lining the shaft if the test bore proves alluvium water will be encountered.

6.3 Council is satisfied that in-stream water quality monitoring in the Hunter River at the southern edge of the water catchment of the mine, is occurring.

6.4 B-double trucks with a 60t payload are planned to transport coal from the Kayuga entrance to the shaft entry. The trucks would be categorised as overloaded for use on public roads. The proponent has agreed in the RTS that loaded trucks will not use Council roads.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested.

Yours faithfully



Fiona Plesman
GENERAL MANAGER