

24 July 2018

Rob Beckett
Resource Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Beckett,

Dartbrook Mine DA 231-7-2000 MOD 7 Submission

I refer to the application by AQC Dartbrook Management P/L (the Proponent) for modification to the proposed extraction method for coal mining at Dartbrook Mine (DA 231-7-2000 MOD 7) that is being exhibited from 28 June 2018 to 25 July 2018. On the basis of information supplied in the Environmental Assessment (EA) dated 15 June 2018, and meetings with the proponent on 18 July 2018, I make the following submission on behalf of Muswellbrook Shire Council. Council appreciates the opportunity for comment on the modification.

1.0 General

1.1 The Proponent seeks to modify the operation of the mine that was originally approved in 1991 and issued new approval in 2001. Council notes that the Environmental Impact Statement, which formed the basis on which the 2001 consent was granted, was prepared in 1999.

1.2 The proposal to extend the operating period for the mine to December 2027 will also extend the potential for the mine to impact on the community and environment.

1.3 Council submits that, when the mine was approved, many other mining operations within the Muswellbrook Local Government Area (LGA) were not contemplated. Such operations include the Mt Arthur mine, the Mangoola mine, the Bengalla expansion and extension, the continuation of the Muswellbrook open cut and the commencement of the Mt Pleasant mine.

1.4 This means any assessment of cumulative environmental and social impacts completed for the original proposal is now out of date and unreliable as a predictor of impact. The number of coal train rail movements through Muswellbrook, being the nexus of the Ulan and New England lines, and then on to the Newcastle Port, and the traffic movements on the area wide road network are now substantially different. The water allocations under the various Water Sharing Plans are also now very different.

1.5 The EA generally doesn't consider the impacts of the mine beyond the immediate boundaries of the site. For example, the air dispersion modelling (described on page 60 of EA) does not include movement of unwashed material on the rail network and does not identify dust mitigation measures when coal is being transported by train.

1.6 Council requests that the State Government instigate a rail-network wide dust and noise monitoring program, from the northern edge of Muswellbrook Shire, to the Port of Newcastle, to develop an improved understanding of the cumulative impacts the individual mine approvals are having on the Hunter community. Results should be reported annually and mitigation programs funded if noise and dust levels regular exceed EPA/RING and any other adopted standards.

1.7 Generally conditions in mining consents require that all feasible and reasonable mitigation and avoidance measures are taken to ensure that dust emissions from the development do not exceed particular levels. These levels are typically averaged over a 24 hour period.

1.8 Council's view is that the 24 hour averaging period has the unintended consequence of obscuring issues of elevated dust levels at night as a result of surface temperature inversions. Council submits that the result of these inversions is to trap dust emitted from this and other mining developments in the Shire for sustained periods. This causes the level of dust in the air to increase substantially at night, which is in turn obscured by the lower levels of dust in the air during the day. Consequently, the average over a 24 hour period does not result in a technical exceedance.

1.9 It is Council's preference that air quality conditions of consent be predicated upon the differing levels of concentration of particulate matter in the air during the day and night respectively. However, Council acknowledges that there is arguably insufficient empirical evidence as to the effect on human health of exposure to elevated levels of dust at night.

1.10 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.

1.11 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.

2.0 Traffic

2.1 The main administration buildings at Dartbrook Mine are located at the West Site. Access to the West Site is primarily via the Western Access Road, which is owned by the proponent. 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 most directly accessed by local roads. 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.

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 Applicant should contribute toward the review of this Plan and for any road upgrades the review flags as necessary due to the impact of Dartbrook mine on Council's roads infrastructure.

4.0. Air Quality, Dust and Noise

4.1 Table 7 – Environmental Risk Ratings on page 58 of the EA should identify Air Quality as a high risk, not moderate.

4.2 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 continual B-double truck movements (estimated to be 192 one-way movements per day) during daylight hours from the Kayuga Entrance, along an unsealed section of haul road, then a sealed private road to a new shaft site near the New England Highway. The unsealed section of road should be sealed to manage dust (rather than 'regular water carts'), to prevent sediment loss in wet weather, sediment being tracked onto the sealed sections of road and then making dust, and noise generation from pot holes.

4.3 The modification identifies that ROM coal will not be washed prior to loading on to trains. The product will be crushed to meet size requirements and marketed as an unwashed product. Coal loading to train carriages may occur day and night. Most coal loaded on trains for export is washed, significantly lowering the risk of dust being generated from the coal in the train. Dartbrook's unwashed coal will need to be loaded wet to reduce the risk of dust generation. Council asks that a revised consent require the coal to be kept wet at all stages of its handling on site including loading onto the trains.

4.4 The shed over the proposed shaft into the Hunter Tunnel is of a drive through design and not the conventional 3 sided design with rubber belting and water sprays. This will make it far more difficult to contain coal dust when the coal is being dumped from the B-double trucks into the proposed shaft. This dust will be clearly visible from the New England Highway. The proposed shed needs to be designed to contain the dust as far as possible, and external screen walls/mounds placed on the site to obscure dust spill from the shed from the New England Highway.

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. For example, it is typical to require:

- Annual contributions for community projects
- Annual contributions for road maintenance within the Muswellbrook Shire and upgrades to Thomas Mitchell Drive

- An annual payment for work by Council staff on environmental review, inputs and feedback
- The employment of a minimum number of apprentices each year for the life of the mine, with apprentices trained through the Mine Industry Skills Centre at Muswellbrook TAFE.

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 It is noted in Table 15 - Management and Mitigation measures (page 94) that the shed enclosure for the new shaft and ROM bin will be heritage green in colour. 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. A test bore of the site should be undertaken to determine this prior to any construction. Revised consent conditions need to require the shaft to be lined if the test bore proves alluvium water will be encountered, to ensure no unnecessary alluvial water is lost to the Hunter Tunnel at any time.

6.3 The Shed enclosure will require a Construction Certificate before works commence.

6.4 The Muswellbrook township draws its raw water supply from the Hunter River a short distance downstream of the Dartbrook Mine. The EA proposes a groundwater monitoring program to assess impacts of the mining operation as it progresses. Council also seeks in-stream water quality monitoring in the Hunter River at the southern edge of the water catchment of the mine, to monitor changes in oxygenation, turbidity, salinity, heavy metals and other pollutants.

6.5 Monitoring should commence as soon as practicable (and no later than the date of lodgement of a Construction Certificate for the shed enclosure) to establish pre-mining water-quality conditions (although the current drought will have impacted on water quality). Revised consent conditions will need to require Dartbrook Mine to promptly advise Council should the results fall outside acceptable levels.

6.6 B-double trucks with a 60t payload are planned to transport coal from the Kayuga entrance to the shaft entry. This will have the trucks overloaded for use on public roads. A revised consent conditions are required to exclude the trucks using any Council roads whilst loaded.

Should you have any concerns or questions regarding this correspondence it is recommended you contact Council's Assistant Director Community and Planning, Sharon Pope, on 6549 3868.

Yours faithfully

Fiona Plesman

General Manager