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Our Reference: OUT-8723/18



31 July 2018

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Rob Beckett

Dear Sir,

Submission - Dartbrook Mine Modification - DA 231-7-2000 MOD 7

Thank you for the opportunity to comment on the application by AQC Dartbrook Management Pty Ltd (AQC) to modify its development consent (DA 231-7-2000) for Dartbrook Coal Mine.

It is understood that the proposed modification involves:

- Extracting up to 1.5 million tonnes per annum run-of-mine coal using bord and pillar methods;
- Hauling the extracted coal on the surface by private road from the west site to the east site; and
- Extending the project duration by five (5) years to 2027.

Upper Hunter Shire Council has reviewed the Environmental Assessment accompanying the modification application and provides the following comments:

1. Council has serious concerns regarding the lack of consideration given to the cumulative impacts of mining in the Hunter Valley. In this regard, we note that since Dartbrook Mine was originally approved many other mining operations have been approved or commenced in the Upper Hunter. Over this time, the impacts of mining on the local area have increased significantly through additional traffic and rail movements, increased dust, lighting and odour impacts. This change in context needs to be taken into account and further consideration must be given to the cumulative environmental and social impacts of mining when assessing the proposed modification.
2. In March 2015, Council adopted a Position Statement on Coal and Coal Seam Gas Activities, a copy of which is attached. The Position Statement makes it clear that Council is committed to protecting the Shire's prime agricultural land, surface and

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groundwater resources, air quality and the community's health and amenity by opposing coal mining activities within the Shire. Accordingly, Council objects to the proposed extension of the approval period under DA 231-7-2000 as it will also extend the potential for the mine to impact on the community and the environmental attributes Council is trying to protect.

3. Council is concerned that the proposed modification is part of a much larger plan by Australian Pacific Coal for a new open cut coal mine which would have profound and unavoidable environmental, health and amenity impacts, particularly on the community of Aberdeen. We note that in March 2018, AQC announced to the Australian Stock Exchange that a pre-feasibility study has confirmed the technical and financial capability of the Dartbrook Open-Cut Project. The announcement was accompanied by a short media release which stated: 'AQC's vision is to develop Dartbrook as an open cut operation, using modern, low impact, mining technologies. The pre-feasibility study outlined mining of around 10 million tonnes of high-quality coal per year over 25 years.'
4. Council is of the opinion that the current proposal to modify the method of mining is unlikely to be economically viable given the low volumes of coal to be produced. As such, Council questions whether the proponent has a genuine interest in pursuing the modified mining method or is simply 'buying time' to enable an open cut mining proposal to be further developed.
5. Condition 11.4 of the current approval includes a requirement for the applicant to make an appropriate contribution under Section 94 of the *Environmental Planning and Assessment Act 1979* to Scone Shire Council. In accordance with this condition, the previous owner of Dartbrook Mine, Anglo Coal (Dartbrook Management) Pty Ltd, made a contribution of \$100,000 in 2008 and a further contribution of \$100,000 in 2009 to Upper Hunter Shire Council (formerly Scone Shire Council) towards the redevelopment of Taylor Park, Aberdeen.

Should the proposed modification be approved, it is recommended that the consent conditions be updated to require the proponent to enter into a Voluntary Planning Agreement (VPA) with Council to reflect the more contemporary contributions being made by other State Significant Developments. The requirement for a VPA is considered to be reasonable given that the proposed modification is seeking an extension to the life of Dartbrook Mine.

It is noted that the applicant has made an initial offer to enter into a VPA with Council, 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.

Council's willingness to enter into a VPA in no way implies Council's support for the proposed modification.

6. The modification will involve continual B-double truck movements (192 one-way movements per day) during daylight hours from the Kayuga Entry along an unsealed section of haul road, then a sealed private road to a new shaft site located west of the New England Highway. It is considered that 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 truck movements over pot holes.

7. The noise assessment indicates that the modification would result in a minor exceedance of the night noise limit at approximately five of the southernmost Aberdeen residences west of the New England Highway. Whilst this exceedance is considered to be minor and does not trigger any acquisition or mitigation requirements under the *Voluntary Land Acquisition and Mitigation Policy* (VLAMP) it is recommended that additional noise monitoring be undertaken at the affected residences once mining operations recommence to confirm that actual noise emissions are not exceeding the predicted noise levels. If exceedances are identified then mitigation measures should be implemented by the applicant.
8. The shed over the proposed shaft into the Hunter Tunnel will be a drive through structure open on two sides. The design of the shed will make it difficult to control dust emissions when coal is being dumped from the trucks into the proposed shaft. It is critical that dust control measures such as water sprays and screens are installed to minimise dust emissions from the shed.

Thank you for your consideration of this submission.

Should you have any questions, please contact Council's Director Environmental & Community Services, Mathew Pringle on 6540 1139.

Yours faithfully


Steve McDonald
GENERAL MANAGER

Encl.