



7 February 2018

Mr Tertius Greyling
Senior Environmental Assessment Officer
Dept of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Greyling,

REF: Mt Pleasant Coal Mine Modification 4 – Environmental Assessment

I refer to the application from MACH Energy ("the Proponent") for Modification 4 of the Mt Pleasant mine approval DA 92/97. I am pleased to provide the following submission on behalf of Muswellbrook Shire Council ("Council") with respect to the Proponent's Environmental Assessment (EA) dated December 2017.

The proposal seeks the:

- duplication of product coal transport infrastructure, including construction and operation of a second rail spur, rail loop, conveyor, rail load-out facility and associated services;
- duplication of water supply infrastructure, including construction and operation of a second pump station, water pipeline to the Hunter River and associated electricity supply; and
- demolition and removal of the existing approved product coal transport infrastructure and water supply infrastructure within the extent of Bengalla Mine, once the new infrastructure is fully operational.

Each of the three proposed changes to the existing consent are to address the significant land use conflict that will arise as mining at the neighbouring Bengalla Mine moves westward, with respect to the currently approved rail and water infrastructure. Whilst the movement of the railway line and water infrastructure to the east of the Bengalla and Mt Pleasant Mines removes the risk of future conflict with the Bengalla Mine, it does bring both items of infrastructure closer to the Muswellbrook urban area and requires a further crossing of the flood plain with rail infrastructure.

Council's issues of concern as a result of these changes are as follows:

Flooding

As the revised location has the railway line crossing the floodplain near the Muswellbrook Racecourse, there is the potential to increase flood heights and velocities. The design of the works (Sect 3.2.13) is to have no more than a 0.01m increase in flood height at private residences and no more than 0.1m/sec increase on flow velocities at private residences. These figures would appear acceptable. However the detail is yet to be provided on how this is to be achieved. The Flood Assessment shows a bridge

opening, but provides no detail other than they may be box culverts. To be effective this structure would need to be designed so it will not be blocked by flood trash.

In earlier discussions with Council, MACH Energy was requested to consult with Council's Flood Study consultants as a part of their flood assessment. This does not appear to have occurred.

Council request that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. Council is not yet in a position to support the revised location of the railway on the flood plain until it is able to assess the conceptual design of the works within the flood plain and determine if designed increase in flood height can be achieved and the risk of blocking with flood trash is minimal. The Department of Planning and Environment will need to seek further information from the applicant regarding this;
- ii. Council requests that MACH Energy consult with Council's Flood Study consultants, at the Proponent's expense, and demonstrate that the study in this Application is consistent with all aspects of the most recent study undertaken on Council's behalf. Council notes that the Application uses the 2014 Study as a basis of the design and the 2014 Study has been found to be based on inaccurate information.

Noise

It is noted that the assessment has Receiver 23 eligible for acquisition for noise (Table 12). Given the noise and vibration levels predicted at this residence, this is important. The assessment also has a number of other properties eligible for mitigation for noise.

Noise modeling does not include the risk of train brake squeal. Council has identified brake squeal as a highly likely occurrence as trains will be loaded, travelling downhill slowly and will need the brakes applied to maintain this slow speed: this is when brakes are most likely to squeal.

The Proponent's noise assessment (Section 4.3.2) advises that the impacts on those properties affected by noise should be assessed against the levels of noise allowed for the Main Western line and not the spur line as defined in the Rail Infrastructure Noise Guideline. Council cannot support this statement. It is not the choice of MACH Energy as to when and which State guidelines should be applied to an individual situation.

It is predicted construction noise levels will exceed Interim Construction Noise Guideline (ICNG) levels at nearby residences for construction works outside the Mining Lease. This has not been adequately addressed in the application. Further, works are planned to occur at all hours and not to the construction hours outlined in the Guideline. It is a fundamental principal of the ICNG that the construction times are limited in recognition of higher noise levels affecting nearby residences.

The original noise assessment for this project was undertaken in around 1998. This was before the Industrial Noise Policy and other more recent noise regulations were drafted. This matter has been partially addressed in the Mod 3 application where a number of noise management matters have been updated but not approved. Council considers that the use of the Mod 3 assumptions in this application is flawed, as this modification is not yet approved.

As the noise studies for the original 1998 application were to the requirements of obsolete noise standards, they should be commenced as if it was a new application, the current guidelines and policies used as intended, and not as modified by MACH Energy.

This assessment should include the noise generated by all existing trains (without MACH Energy trains), the proposed MACH Energy trains added from the spur line, using spur line guidelines, and conclusions drawn from this study to be implemented in the revised Consent. Council expect that this will result in noise affecting a significant number of residences with current guidelines requiring far more residences requiring noise mitigation works at MACH Energy's expense.

Council requests that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. Advice to be sought to confirm or otherwise Council's opinion that the Rail Infrastructure Noise Guideline non-network rail line specifications should apply in this instance for rail noise generated from the Mt Pleasant spur line;
- ii. The consent must include a requirement to prohibit any brake squeal audible at any off site receiver;
- iii. The consent should require that construction only occur during Construction hours identified in the Interim Construction Noise Guidelines unless an agreement can be reached with affected landholders. The consent will also need to identify how MACH Energy is to address the predicted exceedance of noise levels against the guidelines during construction hours;
- iv. The Application's noise assessment should be redrafted to exclude assumptions from the yet to be approved Mod 3, and acknowledge the fact that the existing approval noise requirements are based on what are now obsolete requirements. Should the results of these revised studies result in additional properties requiring mitigation, a system be established to fund noise attenuation that recognises the existing and ever increasing noise generated by coal trains with the MACH Energy contribution clearly identified in the consent.

Rehabilitation

It is noted that MACH Energy has not committed to rehabilitate the former rail line easement once the railway is removed (Sect 3.4). This land will become the responsibility of Bengalla mine. This may result in sediment or dust generation that could leave the site. The road reserve on the Bengalla Link Road will need to be reinstated to allow the access of stock and pedestrians where the bridge is currently located. Drainage in and around the bridge will need to prevent damage to the road and nearby lands.

Council requests that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. The consent should include a requirement to temporarily stabilise all areas of the former railway line easement and provide it to Bengalla in a way that is easy to manage and can be included in Bengalla's water management system;
- ii. A consent condition is required to ensure the demolition, or otherwise as agreed with Council, of the Bengalla Link Road Bridge over the railway line and reinstatement of the road reserve to Council's satisfaction.

Lighting

Whilst the effect of lighting on the Muswellbrook township is addressed in the application, lighting on the nearby Wybong Road is not well covered. The users of Wybong Road may be affected by train headlights and the lighting from the rail loop.

Council requests that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. The Consent will need to consider the use of train headlights when the trains are adjacent to Wybong road. There is a risk that road users will be blinded or confused as to whether the light source is from a train or oncoming traffic. The lights on the rail loop and coal loader will need to be shrouded to prevent any direct lighting of Wybong Road.

Construction Traffic

It is likely that rail spur construction traffic will significantly affect Wybong Road. This will need to be managed by a Construction Traffic Management Plan, to the satisfaction of Council.

Council requests that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. The Consent requires a Construction Management Plan to be prepared to the satisfaction of Muswellbrook Shire Council.

Heritage

The rail line proposal passes through the Overton Homestead area, the Overton Colliery and the Blunt's Butter Factory site. Some of these heritage items are listed in the 2009 Muswellbrook LEP. With construction works so close to heritage items there is the possibility of unintended damage.

The Statement of Heritage Impacts (SOHI) recommends the following further actions which Council considers to be an appropriate heritage response:

- i. The visible sheds within the Modification area (see Figure 1): works are to proceed without any particular management measures being put in place. They are not heritage places.
- ii. MP13 (House, dairy and piggery): it is recommended that the modification proceed without the need for an excavation permit pursuant to section 140 of the *NSW Heritage Act 1977* or the presence of an archaeologist, with the following exception: If artefacts are exposed at the base of the well, works are to cease while an archaeologist is engaged to advise on whether or not they constitute 'relics' under the *NSW Heritage Act 1977* and whether or not works might proceed pursuant to an application for an 'exception' or excavation permit.
- iii. Bengalla Homestead and the broader Bengalla Estate: there are no adverse heritage impacts and no recommendations for heritage management.

Council request that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. The consent require that a heritage management plan be written for the rail construction project and Council both inspect the site as a part of the drafting of the plan and has a consultation role for its review and approval.
- ii. The movement of heavy vehicles and machinery over the parts of the Overton Orchard and Race Track is to be kept to a minimum. Low vibration construction equipment is to be utilised.
- iii. The sensitive areas of Overton Orchard and Race Track as illustrated in blue on Figure 6 of page 24 of Appendix F: Statement of Heritage Impact (SOHI) by Extent Heritage Pty Ltd (Extent) (2017) are to be fenced off with a sufficient buffer zone as determined by Council's Heritage Advisor prior to construction of the proposed infrastructure to prevent movement of vehicles and machinery in those areas.
- iv. In those parts of the Overton Orchard and Race Track that will be retained, the extant cultural plantings are to be retained in situ.
- v. The movement of heavy vehicles and machinery is to be prevented in and around Blunt's Butter Factory within the (curtilage) area bounded in orange in Figure 33 of Appendix F: Statement of Heritage Impact by Extent Heritage Pty Ltd (Extent) (2017). If construction requirements make this impossible, relevant contractors must work with an archaeologist to identify appropriate points of access and routes through the area of archaeological sensitivity. Councils Heritage Advisor is to be consulted in line with clause iii. above.
- vi. Prior to the works proceeding, a photographic record is to be made of the Overton Orchard and Race Track. This is to comprise two (2) bound reports containing colour images with supporting text. One (1) copy of this report is to be sent to Council's Heritage Advisor for approval. The further copy of the report is to be deposited with the Muswellbrook Shire Council Library.
- vii. The two areas of cuttings in the side of the slope located east of Overton Orchard and the possible pump house (both illustrated in Figure 1 of the Statement of Heritage Impact), are to have movement of heavy machinery and vehicles prohibited and they are to be treated in line with clause iii. above.
- viii. The following items are to be clearly identified by marking on a site plan (or photograph) prior to demolition works: M404 (work building- industrial comprising concrete slab, columns and wooden beams): demolition to proceed without further involvement of a heritage practitioner. No conservation measures are required. It is not a heritage place.
- ix. Council's Heritage Advisor is to be involved in the above activities which will involve inspection of the site/s with the proponent to determine site management and protection activities.

Western Link Road and the Railway crossing Council roads

The replacement of the Western Link Road is not considered as a part of this application. It was always expected that the Wybong Road would be closed for mining purposes early in the mine's life triggering the need for the Western Link Road. With the building of the eastern rail spur this will now not occur, it would appear for the life of the mine. This leaves issues with the condition and maintenance of Wybong Road east and the longer term construction of a Western Link Road. Currently the use of the Wybong Road is increasing with the development of Mt Pleasant and Council has concerns relating to the safety of the road. It is noted that as a part of Mt Pleasant Mod 3, design work was undertaken for a replacement for the Western Link Road through Bengalla land to the east of the mine. It is noted that the Mod 4 proposal has the railway line cross Overton Road, Wybong Road and Skippen's Lane. Council notes that MACH Energy is proposing to close Skippen's Lane as it will be redundant.

Council request that the following be required of MACH Energy, or additional requirements be included within the revised Consent:

- i. It is recommended that the Mt Pleasant Consent require the commencement of discussions between Council and the Proponent regarding a replacement for the Western Link Road and safety improvement on Wybong Road East, and to develop a memorandum of understanding between Bengalla Mine, Mt Pleasant Mine and Council prior to the triggering of Bengalla Consent condition 34 Schedule 3 that requires the realignment of the Bengalla Link Road prior to mining within 200 metres of the existing road.
- ii. An approval under section 138 of the *Roads Act* will be required to be sought and granted by Council before any works can be undertaken on or over Council roads.

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

Yours faithfully

A handwritten signature in black ink that reads "SM McDonald". The signature is written in a cursive, slightly slanted style.

Steve McDonald
General Manager