

Naomi Nelson - Online Submission from Ricahrd Fairhurst of Anglo American (object)

From: Ricahrd Fairhurst <rick.fairhurst@angloamerican.com.au>
To: Naomi Nelson <naomi.nelson@planning.nsw.gov.au>
Date: 28/10/2010 10:48 AM
Subject: Online Submission from Ricahrd Fairhurst of Anglo American (object)
CC: <assessments@planning.nsw.gov.au>

2 Issues with the modification:

1. Proposed offset area in Appendix C is on land proposed for future open cut mining
2. The extension of mine life takes no cognisance of a potential Dartbrook open cut mine

Letters to Federal and NSW Government attached outlining concerns

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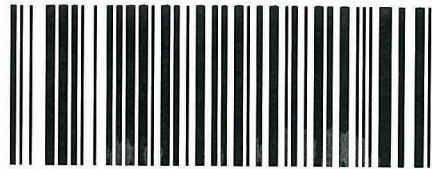
Submission for Job: #4051 Mt Pleasant Coal Mine - Modification 1
https://majorprojects.onhiive.com/index.pl?action=view_job&id=4051

Site: #1394 Mount Pleasant Coal Mine
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1394

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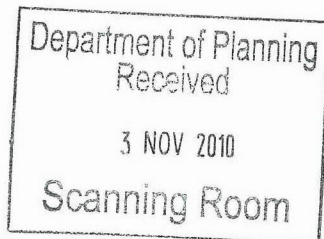


PCU016242

Mr David Kitto
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Rick Fairhurst
Project Studies Manager - NSW

27 October 2010



Direct Line +61 (0)7 38341286
e-mail rick.fairhurst@angloamerican.com.au

Dear Sir,

RE: Modification to Development Consent DA92/97

Anglo Coal (Dartbrook Management) Pty Ltd (ACDM) manages the Dartbrook Mine (at present on care and maintenance) which holds mining authorities to the north of (and within) the boundary referred to in the request for modification to development consent DA92/97, currently before the Department of Planning (DoP).

We support the logical sustainable development of coal mining in the Upper Hunter Valley in an environmentally sensitive manner. This includes a need for relevant consideration of existing and proposed cumulative noise and air quality impacts in any application for a new development or modifications to existing developments.

As you are aware from our discussions, ACDM's future plans include the development of an open cut coal mine immediately adjacent to this development which is planned to be operating during the two year extension period sought by this modification.

To date, we have not been consulted in relation to the proposed modification currently before DoP. It is our view that the two year extension of mine life being sought may have ramifications for our mine development plans and as such consideration should be given by the DoP to the potential for any future cumulative impacts and the interactions of a potential Dartbrook mining operation when considering this application.

We look forward to discussing our submission with you further at your convenience. My contact details are 07 3834 1286.

Kind Regards



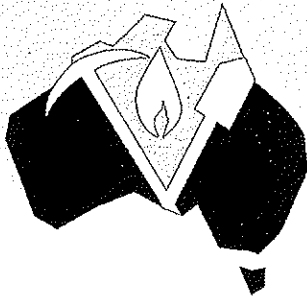
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A member of the Anglo American plc group



THE UNITED MINEWORKERS' FEDERATION OF AUSTRALIA

(Division of the Construction, Forestry, Mining and Energy Union)
(Incorporating the Federal & State Registered Unions)

Northern District Branch

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ABN 80 814 987 748

President: Peter Jordan

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Secretary: Grahame Kelly

29 October 2010

Attention: Ms Naomi Nelson
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Email: plant_comment@planning.nsw.gov.au

Dear Naomi

**RE: MOUNT PLEASANT COAL MINE – MUSWELLBROOK, MT PLEASANT COAL MINE
MODIFICATION 1 (REFERENCE NO: DA 92/97 MOD 1)**

Please find attached the CFMEU, Northern District Branch's Submission in relation to the abovementioned project.

The Union welcomes the opportunity to comment on the Mt Pleasant Coal Mine, Modification 1, Exhibition.

Should you have any queries relating to the same, please do not hesitate to contact our Union Office.

Yours sincerely

**KEENON ENDACOTT
INDUSTRIAL RESEARCH OFFICER**



Mining and Energy Division

Review of Environmental Assessment

Mt Pleasant Coal Mine – Modification 1

Reference No: DA 92/97 MOD 1

Submission

Construction Forestry Mining and Energy

Union (Mining and Energy Division)

Northern District Branch

October, 2010

On 19 May 2010, Coal & Allied Operations Pty Limited applied to the Minister for the Department of Planning seeking approval to facilitate infrastructure areas, extending the life of the development consent, providing an optional conveyor corridor and modifying the existing development consent boundary. This modification to Mount Pleasant Coal Mine is sought under section 75W of Part 3A of the EP&A Act.

The Director General made the Environmental Assessment publicly available on the 8 October 2010 at the DoP Information Centre Sydney, Muswellbrook Shire Council Offices, Nature Conservation Council Newtown, and Coal and Allied Muswellbrook Shopfront, Muswellbrook.

The Union is pleased to take the opportunity to comment on the Mount Pleasant proposal and related activities Environmental Assessment.

The Mining and Energy Division is a Division of the CFMEU under the Federal Workplace Relations Act 1996, with over 120,000 members, one of the largest in Australia. The Division covers several industries including the coal industry, coal ports, metalliferous mining industries, electrical power generation, oil and gas and the Nation's small coking industry.

The Northern District Branch of the CFMEU Mining and Energy Division, being the branch that on behalf of the organisation which is making the submission is the principal Union representing coal miners in the Northern District Coalfields of New South Wales. The Mount Pleasant Coal Mine with its site located 4 kilometres North-West of Muswellbrook is wholly within the State's Northern District coalfields.

The Union is familiar with the Mount Pleasant site and engaged the services of an Environmental Consultant with extensive experience in local government and environmental assessments on coal mining related projects.

After reviewing all the material and taking advice, the Union supports on balance the Mount Pleasant Coal Mine Modification Application Reference No. DA 92/97 MOD 1.

Project Overview

To enable flexibility in detailed design, including reduced earthworks, and to optimise operation efficiency Coal & Allied (C&A) is seeking approval to locate similar infrastructure within an envelope rather than at the specific locations shown in their EIS.

According to the proponent the layout of the infrastructure area and site selection will vary within this envelope due to other factors, such as the preferred option for the transport of product coal. The infrastructure area and CHPP design will be modernised to reflect changes in technology and construction methods.

These improvements will result in changes to the orientation, area, and height of some parts of the design. The proponent indicates that the envelope includes areas of waste dumps and the south-west out of pit emplacement area. Should the detailed design phase determine that the infrastructure area be sited in these locations, minor adjustments will be undertaken to these project components to accommodate the infrastructure area. These adjustments if required will be undertaken within the approved footprint as outlined in the EIS.

The disturbance footprint in the EIS and proposed disturbance footprint would be similar in size to those represented in the EIS.

The proposal also includes provision of the optional conveyor/service corridor as an alternative to the rail facilities. Only one of the two options would be constructed. Whilst consent for the rail facilities will be retained, the application seeks approval for a conveyor/service corridor as an alternative.

The optional conveyor/service corridor would link the Mount Pleasant infrastructure area with the Bengalla Rail Spur to enable transport of product coal. The conveyor would be accompanied by construction of infrastructure at the Bengalla Rail Spur.

Condition 7.1(3) of the development consent contemplates relocation of the approval rail facilities should Bengalla Mine extend further to the west. C & A is seeking that this condition be amended to include the optional conveyor/service corridor.

An extension of the expiry date of the development consent from 22 December 2020 to 31 December 2022 is proposed. The proposed extension to the expiry date would not result in any changes to the approved disturbance footprint, as it would only result in a further two years of the already approved mining schedule to be carried out.

The proposed extension in consent life is considered to have limited environmental consequences beyond the original environmental assessment for the project.

The proponent is further seeking to modify development consent Condition 6.4 to include INP derived criteria and to remove the now outdated L10 based criteria.

In addition the proponent proposes to modify development consent Condition 7.1(3) which reads:

"The Applicant shall enter into an agreement with the Minister for Mineral Resources, in consultation with the operators of the Bengalla Mine, so that if in the future Bengalla mining operation is to extend further to the west, the Applicant shall undertake to;

- Relocate the Mount Pleasant rail loop; or*
- Relocate the conveyor/service corridor and related infrastructure.*

Any relocation may require further approval".

Amendment of the existing development consent boundary is required by the proponent to include the proposed conveyor/service corridor and minor administrative boundary changes.

Consultation

Consultation via briefings during the environmental assessment process was undertaken with State government departments and Muswellbrook Shire Council about the proposed modification.

According to the proponent, community engagement and consultation has been ongoing during the development of the EA. Engagement tools which exist to facilitate this two way consultation include:

- Shopfronts in both Singleton and Muswellbrook;
- Freecall community information line and website;
- Quarterly newsletters distributed to all businesses and residences within Muswellbrook, Denman, Aberdeen and surrounding areas;
- Regular monthly Mount Pleasant Project CCC meetings; and
- Regular Upper Hunter Valley Cultural Heritage Working Group meetings.

The tools the proponent indicates were effective avenues of consultation set out above are in the main not consultation processes, they are provision of information processes. Other than the regular monthly Mt Pleasure Project CCC meeting and the Regional Upper Hunter Cultural Heritage Working Group meetings, there was no consultation. The consultation has to be conducted in a more thorough manner and the Proponents haven't consulted relevant Stakeholders like the employees at the adjacent mine Bengalla, or the principle industrial registered organisation of employees representing mineworkers in the region, the CFMEU

Noise and Vibration

A noise assessment was undertaken in accordance with the DECCW's INP. This study investigated the potential for noise and vibration impacts associated with the proposed modification. In addition, an assessment of a worst case snapshot of the approved mine was also undertaken to contemporary standards.

The INP based noise criteria have been derived for 156 identified residential assessment locations around the Mount Pleasant Project area.

Under the existing consent, those properties affected above, 'acquisition levels' during calm weather conditions outlined in the 1997 EIS were entitled to acquisition upon request. Those properties will continue to be protected under the acquisition entitlement.

The conveyor if pursued will require elevated gantries to be enclosed and overland sections to be enclosed along the western side with roofing, to meet noise criteria for most residences to the west of the Mount Pleasant Project area.

The noise assessment indicates that operational noise will comply with DECCW's operational criteria at all assessment locations during all weather conditions for both day and night periods with the exception of assessment location 43, which is located approximately 400m west of the proposed conveyor/service corridor, and locations 129 and 130, which are within the development consent boundary. A total of four assessment locations (43, 44, 45 and 263) have been identified where noise levels are predicted to be above possible acquisition levels. These four locations each comprise of one residence only and acquisition beyond these properties to the west is not predicted.

The noise assessment also concluded that construction of the conveyor will need to be managed to minimise the potential for construction noise nuisance to neighbouring residences.

The INP assessment found nine properties containing 12 residences that are predicted to exceed acquisition criteria during 'adverse' weather conditions. These properties are in addition to those entitled to acquisition upon request as listed in the Schedule to Conditions 6.2.1 and 6.4.2 of the development consent due to the 1997 EIS which predicted exceedances under 'calm' weather conditions.

The Union considers the proponent C & A as being committed to working with the communities in which it operates and extends the opportunity for upfront acquisition upon request to the additional 13 properties, which includes the four properties identified from the assessment of the proposed conveyor/service corridor, affected

under adverse conditions. Combined with existing practical management measures and protocols that will continue to be adopted should the proposed modification obtain approval is considered feasible and reasonable.

Ecology

Flora and fauna surveys were conducted in February 2010 focussing on the quality of fauna habitat within the proposed modification areas and vegetation mapping of the conveyor/service corridor envelope. Of note no separate fauna surveys were undertaken within the proposed conveyor/service corridor and were not considered necessary due to the prevalence of previous surveys, low likelihood of occurrence of fauna species within the vegetation communities and the low level of clearing requirements due to the proposed conveyor/service corridor.

The landscape of the proposed modification areas has been used for grazing and as a result has been heavily cleared and disturbed. Notwithstanding the landscape is largely dominated by scattered patches of woodland of various sizes and ages, and broad expanses of 'Derived Native Grassland'.

No species listed under the TSC Act were identified within the proposed modification area.

The primary impact from the proposed modifications will be the clearing of vegetation. It is noted that the proposed modifications relate to options relating to already approved infrastructure and may lead, according to the proponents, to reductions in clearing.

Under the proposed worst case scenario, the proposed disturbance would require approximately 47.5ha of vegetation clearing compared to approximately 54.8ha of clearing that would be required for the approved project. The proposed worst case scenario results in total disturbance of approximately 35.5ha of vegetation communities currently listed under the TSC Act, compared with approximately 41.6ha under the approved disturbance footprint.

The removal of vegetation from within the modification areas is not considered to constitute a significant impact to fauna, due to the highly mobile nature of these species allowing them to be able to continue to forage and breed in the area.

The Union considers the DECCW principles on management of potential ecological impacts has been considered by the proponent with the proposed modifications resulting in an approximate 7.3ha reduction in disturbance of vegetation communities should the conveyor/service corridor option be pursued.

Air Quality

An air quality study for the proposed modifications was conducted by consultants PAE Holmes.

The provision of envelope areas to contain the required mine infrastructure and conveyor for the Mount Pleasant Project represents a minor change from the prescribed footprint outlined in the proponents EIS.

The wind patterns of the local area are such that changes to the approved layout are not likely to be significant for the township of Muswellbrook and receivers in the vicinity of the proposed modifications.

Provision of the optional conveyor/service corridor in place of the approved rail facilities would mean that dust emissions due to activities would not change in any significant way.

A review of the dust emissions that would arise if the rail facilities were replaced with a conveyor/service corridor show that the estimated dust emissions from construction of the conveyor system are negligible relative to the total emissions from the mine itself.

The design of an enclosed western side and roof for overland sections and full enclosure of the conveyor system at elevated sections has afforded the proposed modification reductions in potential emissions.

The Union therefore considers the potential air quality impacts resulting from the modified configuration of infrastructure, within the proposed infrastructure envelope, are considered negligible.

Aboriginal Cultural Heritage

Rio Tinto Coal Australia provides Aboriginal cultural heritage management services to Coal & Allied at its Hunter Valley operations, including the Mount Pleasant Project.

Between 2006 and 2009 Rio Tinto Coal Australia commissioned a series of supplementary Aboriginal cultural heritage assessments to upgrade the quality of the cultural heritage data derived from the survey undertaken for the EIS in 1995 and to inform discussions with the Aboriginal community and State government on the development of an Aboriginal CHMP as a condition (2.3.3.1a) of the existing development consent.

The majority of the proposed optional conveyor/service corridor lies outside of the areas assessed for Aboriginal cultural heritage within the Mount Pleasant Project, therefore Rio Tinto Coal Australia commissioned a specific cultural heritage study for this area

The preliminary results of the assessment survey and community consultation feedback from a meeting held on 20 April, 2010 were provided to the community members. There was consensus within the CHWG that there appear to be no major cultural heritage constraints to the proposed modifications, based upon avoiding disturbance to cultural heritage and that the proposed optional conveyor/service corridor should have less impact on cultural heritage than the approved rail facilities.

With respect to the proposed infrastructure envelope and optional conveyor/service corridor, it is considered that the proposal would have a relatively minor impact on Aboriginal cultural heritage through careful and informed design and construction,

based on the management principle of avoiding disturbance of Aboriginal cultural heritage sites where possible.

There are no identified cultural heritage sites in the proposed infrastructure envelope and optional conveyor/service corridor of such significance that they represent a constraint to the proposed modification.

The Union considers careful design, and siting of the infrastructure and optional conveyor/service corridor within the envelopes is likely to decrease the potential impacts on cultural heritage as compared with the approved project.

Visual Amenity

Six view scape locations were selected as representative locations where the proposed modifications would be visible.

Potential impacts have been assessed by considering the visibility of the proposed modification components to surrounding areas, the visual absorption capacity of the area with respect to these components, and the visual sensitivity of the view scapes.

The modified configuration of the infrastructure within the infrastructure envelope is anticipated to result in a negligible change to the potential impacts to visual amenity in comparison to the specific locations of the infrastructure detailed in the proponents EIS, regardless of its position within the envelope area.

The Union concludes undulating nature and existing vegetation of the local landscape limit viewing opportunities of the proposed modification areas. Furthermore, viewing opportunities of the proposed modifications will be restricted to intermittent views from passing motorists along Wybong Road.

Surface Water

The primary watercourse in the vicinity of the Mount Pleasant Project is the Hunter River.

The proposed modification areas are located a considerable distance from the Hunter River, with the closest edge being approximately 4km to the west of the 1 in 100 year Hunter River flood Average Recurrence Interval.

The construction of the infrastructure area will be undertaken in accordance with the descriptions outlined in the proponents EIS.

There would be negligible change to the potential surface water impacts associated with siting of similar infrastructure within the infrastructure envelope rather than at specific locations.

The proposed modifications to the Mount Pleasant Project would have minor alterations to the existing Water Management System for the operations. The construction works for the proposed optional conveyor/service corridor and the infrastructure area are considered to have a low potential to impact surface water resources, and according to the proponent can be adequately managed through the implementation of construction environmental management techniques.

In Summation

The proposed modifications provide options, subject to engineering and commercial agreements, that would comprise manageable environmental impacts overall. It also provides an opportunity to update the development consent with INP based noise limits, and more significantly, provides modern day rights to those additional 13 properties affected under adverse weather conditions to upfront acquisition upon request, whereas the existing development consent requires monitoring and mitigation during operations.

Based on comparative analysis of the key elements detailed in the Mount Pleasant Coal Mine Statement of Environmental Effects, it is considered the Modification Activities to build on the attributes of existing project approval. An appropriate risk assessment has been undertaken to identify any potential environmental impacts associated with the proposed Modification Activities. This risk assessment identified that there will be minimal environmental impacts associated with the proposed

activities and that these can be avoided, further mitigated or controlled through the implementation of existing environmental management procedures or additional procedures that have been identified for these particular activities.

The Union on balance supports the Mount Pleasant Coal Mine Modification 1,
Reference No: DA 92/97 MOD 1.

A handwritten signature in black ink, appearing to read 'Grahame Kelly', written in a cursive style.

Grahame Kelly

DISTRICT SECRETARY