



27 October 2017

**Mr Matthew Sprott
Team Leader, Resource Assessments
Dept. of Planning & Environment
GPO Box 39
SYDNEY NSW 2001**

Dear Matt,

Mt Pleasant Coal Mine Modification 3 RTS Comment

I refer to an application submitted in May 2017 to the Department of Planning and Environment (DP&E) by MACH Energy for a modification of the Mt Pleasant approval DA 92/97 to modify the current approved Consent (the **Application**).

Council and representatives of MACH Energy met on 13 and 19 September 2017 to discuss a number of potential matters of concern to Council. Resulting from our discussions with MACH Energy, Council asks that the following consent conditions be incorporated in any revised consent conditions recommended to the PAC at the conclusion of the assessment. These are requested to reflect and manage the impact of the proposed Mt Pleasant mine operational changes on the Muswellbrook community.

Impact on the Bengalla mine

It is critical that the adjoining mining operation at Bengalla not be prematurely idled because of the impact of the rail loop and the extension of the consent period. The Bengalla operation is a significant local employer and the premature idling of the mining operation would have substantial and unassessed environmental impacts as a result of the truncated mine life. Council have discussed this matter extensively with both the Bengalla Mining Company and MACH Energy.

To that end, we request a consent condition be added as follows:

1. That, provided the owner and operator of the adjoining Bengalla Coal Mine (SSD 5170) provides, at all times, its reasonable cooperation, the Applicant shall construct an alternative product coal rail out loading facility within two years of approval.

Mining Affected Road Network Strategy

The Western Roads Strategy has been superseded by the Mining Affected Road Network Plan (the **Plan**). The Western Roads Strategy underpinned almost all the traffic management arrangements originally assessed for the mine site. Key aspects of the Plan involve the Mt Pleasant mine. For these reasons, Council would request to have a Consent Condition, in the following form, as follows:

2. The Applicant shall pay the reasonable costs incurred by Council in:
 - (a) Reviewing the Mining Affected Road Network Plan as it relates to or is impacted upon by the project;
 - (b) Designing a link road, in accordance with Council's Mining Affected Road Network Strategy from Denman Road to the New England Highway north of Muswellbrook.
3. The Applicant pay the contribution, reasonably assessed to be payable pursuant to the Council's Resourcing Strategy for the Funding of Mining Affected Roads as amended from time to time, for the construction, renewal or maintenance of road infrastructure.

In discussions with MACH Energy, it was agreed that there was a need to move away from the Western Roads Strategy and MACH Energy agreed with the proposed condition.

Rehabilitation and Mine Closure Plan

In previous discussions with MACH Energy prior to this submission, Council raised its concerns with respect to the incorporation of macro and micro relief into the landform, particularly the Eastern Out of Pit Emplacement, and void design. MACH Energy responded with a significantly improved design over the dated design principles included in the original 1997 EIS. Council considers these improved design principles need to be included as a component of the revised consent to provide clarity to the community and with adequate detail, should assessment against compliance be needed in the future. To that end, Council seeks a condition as follows:

4. The applicant shall prepare a Rehabilitation Strategy to the satisfaction of the Secretary and in consultation with Council. The Rehabilitation Strategy must comply with the following requirements:
 - a. The Rehabilitation Strategy must include plans for progressive rehabilitation and final landforms with both macro and micro relief, and in sufficient detail in the descriptions to guide enforcement implementation requirements;
 - b. Include an outline of the proposed post mining land uses of the site and detail the measures to achieve and test those outcomes;
 - c. Include an outline of the closure objectives of the site and details of the measures by which the objectives may be modified over time to adjust to changing community expectations; and
 - d. Include an outline of the available and preferred options for a final void(s) for both the end of the Consent period and for the probable end of mine life. The outline must include details on void shape, depth and volume and the measures by which the design will minimise the size and volume of voids and optimise shape and the viable land use options for the final void(s) post mine closure.
5. The Applicant shall prepare a Closure Plan to the satisfaction of the Secretary. The plan must:

- a. Be prepared in consultation with Council;
- b. Provide indicative post mining land uses proposed for the mining land;
- c. A plan showing the topographic features of the completed landforms;
- d. Provide a program that indicates what criteria will be used to assess land against for its early release for post mining land uses;
- e. Provide an indicative time table for the early release of land for post mining land uses;
- f. Provide an indication of potential employment generating developments that will be compatible with the completed landforms and sympathetic with existing developments and maximise, to the extent possible, the labour intensity of post-mining land uses;
- g. Describe what services are planned to be provided or available for the land, post mining. This should include, but not limited to, the provision of:
 - I. Access, with the indicative location of existing and new roads
 - II. Water, power and phone supplies
 - III. Fencing based on land capability
 - IV. An indication of lot layout
 - V. An indication of future limitations of the land for buildings and other built structures.
- h. Provide for regular reviews of the Closure Plan at reasonable intervals.

Traffic and Transport

During the discussions with MACH Energy, Council was unable to determine how far to the east on Wybong road MACH energy needed access for mining purposes. Both Council and MACH Energy agreed that the road will not be a through road to the New England Highway for mining purposes. It was further agreed that the point to the east could be flexible, however, the portion of Wybong road maintained by the mine would be the portion required by the mine. The suggested outcome is as follows:

Council requests the following Conditions of Consent with respect to traffic and transport:

6. No project related heavy vehicle traffic shall use Wybong Road to the east of Rosebrook Creek and west of the Mangoola Mine Entrance to access the site, except in an emergency to avoid the loss of lives, property and/or prevention of environmental harm;
7. Amend Schedule 3, Condition 41 of the Consent as follows:
 - “41. During the development, the applicant must maintain the roads and intersections between the Bengalla Mine entrance and the Wybong Road Rosebrook Creek Culvert, including:
 1. Part of the Bengalla Link road;
 2. Part of the Wybong road;
 3. Part of Mount Pleasant Western Link road.

The Applicant must develop a Maintenance Management Plan in respect of these roads to the satisfaction of Council.”

Thomas Mitchell Drive Contributions Study

Although not discussed yet discussed with Mt Pleasant, the Contributions Study was predicated on the assumption it would need to be reviewed if Mt Pleasant proceeded or if any of the assumptions of the plan significantly changed. One such significant change has already occurred in that Drayton South has not proceeded as proposed. The Study is presently underfunded as a result by approximately \$1.45M. Council has provided ‘bridging finance’ of approximately \$450k to underwrite part of the expected mining contributions because of the need to construct the road in whole stages. A condition should be imposed as follows:

8. The Applicant shall pay the reasonable costs incurred in:
 - (a) Reviewing the Thomas Mitchell Drive Contributions Study as it relates to or is impacted upon by the project;
 - (b) The Applicant pay the contribution, reasonably assessed to be payable pursuant to the Thomas Mitchell Drive Contributions Study as reviewed.

Noise management

It is noted the development is moving closer to the urban areas of Muswellbrook and the use of truck and shovels has the potential to generate greater levels of noise than the equipment (dragline) planned to be used in the 1997 EIS. In discussions with MACH Energy agreement could not be reached on whether Council’s requirements below would best be incorporated in Conditions of Consent or in a relevant management plan. The requirements themselves were agreed upon. Council contests that it provides more certainty and clarity for the community when requirements are included within the Consent, whilst MACH Energy contest that the management plan provides flexibility and the possible opportunity to improve requirements over time. Should Council’s requirements be included within the Development Consent, Council propose the following Conditions of Consent:

9. Replace Conditions 8 & 9 Schedule 3 Noise with the following:

“Operating Conditions”

The Applicant must:

- (a) implement best noise management practice, which includes implementing all reasonable and feasible noise mitigation measures to minimise the construction, operational, road and rail noise of the development;
- (b) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
- (c) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 1);

(d) ensure that:

- all trucks, dozers, drills and excavators purchased for use on site after the date of this consent are commissioned as noise suppressed (or attenuated) units to a level of 115dBA;
- all attenuated equipment is tested annually to ensure noise levels do not exceed 2dBA over the original commissioning (or attenuated) sound power level results;
- the real time noise management system include a component to provide attendant noise assessments at locations identified in the Noise Management Plan and as needed to the satisfaction of the Secretary; and
- no works on the outer (eastern) face of the Eastern Out of Pit Emplacement take place outside the hours of 7am and 7pm.

(e) undertake all reasonable and feasible measures to coordinate noise management at the Mt Pleasant Mine with noise management at the Mt Arthur and Bengalla Mines to minimise cumulative noise impacts; and

(f) carry out regular attended monitoring to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of the Secretary.”

“Noise Management Plan”

The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:

(a) be prepared in consultation with the EPA, and submitted to the Secretary for approval within 6 months of the date of this consent;

(b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;

(c) describe the proposed noise management system in detail; and

(d) include a noise monitoring program that:

- evaluates and reports on:
 - the effectiveness of the noise management system;
 - compliance against the noise criteria in this consent; and
 - compliance against the noise operating conditions;
- includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and
- defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.”

Air quality management

10. Addend the following to Schedule 3, Condition 22:
“Air Quality Operating Conditions”

...

(g) Utilise fixed and mobile cameras to monitor and manage visible air pollution.

MACH Energy has agreed with this request.

11. Addend the following to Schedule 3, Condition 23:

“Air Quality and Greenhouse Gas Management Plan”

...

(e) include a real time Air Quality Monitor on the north western perimeter of the mine site.”

Mach Energy has agreed with this request.

Water Management

Council seeks a Commitment, in the form of an enforceable undertaking or Condition of Consent with respect to the use of water on site:

12. The Applicant must ensure all reasonable and feasible efforts are undertaken to utilise underground water from the Dartbrook Coal Mine (DA 231-07-2000), and other nearby mine sites to supplement imported mine water to the Mt Pleasant site;

Other Matters

For the purpose of clarity, Council seeks the inclusion of the following definition in the Consent:

1. “Public Infrastructure – Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.”

It is also noted that Mt Pleasant has provided a Statement of Commitments to lodge a full EA within two years of approval.

Your consideration of Council’s proposed amendments to the Conditions of Consent and response in due course would be appreciated.

Yours faithfully



Steve McDonald
GENERAL MANAGER