

Ms Carolyn McNally
Secretary
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Ms McNally

We are writing to voice our objection to the Dartbrook Coal Mine and specifically to Australian Pacific Coal's Dartbrook Mine DA 231-7-2000 Modifications 2, 3, 4, 5 and 6 and DA 30/91 Modification 5.

First and foremost, this proposal must be required to undergo thorough community consultation and a proper environmental assessment process including the issue of SEARs. Key local stakeholders, such as the Upper Hunter Shire Council, and agencies such as the Environmental Protection Authority and Hunter Area Health, must have an opportunity to provide proper input to the SEARs and the local community must have the opportunity to comment on thorough contemporary environmental investigations that take current community expectations and environmental regulations into account.

Given the longstanding environmental and safety issues that this mine had under the management of an experienced tier one mining company, we think it would be imprudent to allow the junior mining company that now owns the mine a free pass when it comes to environmental assessment. To do so would not be in keeping with Object 1.3(b) of the EP&A Act *to facilitate ecologically sustainable development by integrating relevant environmental and social considerations in decision-making about environmental planning and assessment* and would most certainly fail in meeting Object 1.3 (j) of the EP&A Act *to provide increased opportunity for community participation in environmental planning and assessment*.

Secondly, in reading the documents issued by Australian Pacific Coal to the ASX and looking at the company website it is clear that this proposal is part of a much larger plan for a new open cut coal mine which in our opinion will pose an unacceptable threat to the Upper Hunter's agricultural industries and Critical Equine Cluster and which will certainly have a detrimental impact on the health and amenity of the Upper Hunter community. We believe the Department should insist on a thorough joint environmental planning assessment for both the underground extension and the opencut mine with full community consultation.

Third, Object 1.3 (j) of the EP&A Act *(to provide increased opportunity for community participation in environmental planning and assessment)* clearly prioritises community involvement. Despite this, **the stakeholder and community consultation described by the proponent represents a bare minimum approach** - with no community meetings, no information sessions, no pop ups, no letterbox drops and little more than two newsletters to inform the community of their plans. In comparison to the approach taken by the NSW Government on even the simplest of road upgrades, let alone the extensive best-practice consultation being delivered on projects such as Sydney Metro, this seems completely inadequate. Is there some reason why country residents shouldn't expect the same level of consultation as their city cousins?

Furthermore, having only seen a single advertisement in the Hunter Valley News to promote the Department's consultation on this proposal, we're concerned that the lack of commitment to consultation may extend to the Department. We would be happy to stand corrected on this point and would appreciate the Department's feedback on its own activities. **In the mean-time we would**

ask that the Department counsel this proponent that a far more serious commitment to community consultation is required. There would be an opportunity to achieve meaningful consultation while this proponent prepares a thorough environmental assessment to re-submit to the Department.

If the Secretary is inclined to assess based on what has been presented by the proponent (and we would find this very concerning) our key objections are:

1. The proposed modification and the accompanying opencut plans are entirely inconsistent with the vision for the region which is clearly expressed in the Upper Hunter Shire Council *Sustainability Action Plan* (2017-2021), and your Department's *Hunter Regional Plan 2036*ⁱ particularly *Direction 5 – Transform the productivity of the Upper Hunter* which, among other things, highlights the need to protect the Equine Critical Industry Cluster, deal with land use conflicts and transition the Upper Hunter economy toward renewable energy production, the equine industry and food production.
2. Given that the Upper Hunter Air Quality Network shows that the annual PM2.5 benchmark has been exceeded every single year in Muswellbrook due to pollution from existing mines, and given the likely approval of the new Mount Pleasant open cut mine despite many hundreds of community objections, we do not believe the area has the capacity to deal with another new mine without seriously compromising the health of residents.
3. The proposal poses an unacceptable risk to Hunter River water quality, the Hunter Valley's most important source of water for residents and agriculture.
4. The proposal will create unacceptable environmental and reputational impacts for sustainable multi-billion dollar industries such as agriculture, tourism and the thoroughbred industry – all important, longstanding employers in the Upper Hunter.
5. The proposal will create unacceptable noise and visual amenity impacts for the Upper Hunter.
6. Additional coal from Dartbrook mine will create further impacts on the quality of life and health of residents living adjacent to ARTCs Hunter Valley Coal Rail Network.
7. The proponent has not dealt with the unacceptable risks for workers at the mine given the longstanding safety issues created by gas and water.
8. The project will create further unacceptable climate change implications.

Finally, we reiterate the concerns that we raised with respect to the recent Mount Pleasant Mine modification about the mining industry generally, its vastly overstated economic benefits (particularly for the local economy) and the unacceptable cumulative impact created by simply having too many coal mines in one area and no agreed methodology to assess or regulate this cumulative impact.

Even if the economic benefits were everything that the proponent would have us believe (and there is ample evidence to the contrary), this region simply can't sustain more mines.

We trust you will take our concerns seriously.

Sincerely,

Kirsty and Matthew O'Connell
70 Blairmore Lane
ABERDEEN NSW 2336

ⁱ Department of Planning and Environment *Hunter Regional Plan 2036*
<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/hunter-valley-regional-plan-implementation-plan-2016-21-10.ashx>