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Our Ref: JEW:JK:38944

11 October 2013

The Director  
Major Development Assessment  
Dept of Planning and Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2001

Dear Sir,

BENGALLA COAL MINE  
BENGALLA CONTINUATION PROJECT

We act for Elva Rankin and her son Warren James Rankin and on their behalf make the following submission by way of objection in relation to this development.

The application by Bengalla seeks approval for the development and continuation of the Bengalla Mine Project, currently operating pursuant to Development Consent 211/93 granted in 1995, to facilitate the westerly progression of open cut mining operations for a further twenty four (24) years.

Elva Rankin is the owner the property at 1166 Denman Road, Muswellbrook comprised in Lot 3 DP 29451, identified in the existing project approval as Receptor 117. Elva and Warren are the co-owners of the properties at 1100 and 1106 Denman Road, Muswellbrook comprised in Lots 1 DP 416130 and Lot 2 DP 29451, and identified as Receptors 118 and 119 respectively. An active dairy farming operation is conducted on the land.

Our clients' properties are identified within the existing approval for the Mount Arthur North Project as subject to acquisition upon their request on the basis of air quality impacts from the operation. Our clients also have the right under the approval to request mitigation measures by undertaken by Mount Arthur North in respect of noise, dust and visual impacts.

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The environmental assessment in relation to this application predicts that these properties will be further impacted by dust and noise emissions from the Bengalla Continuation Project. That is of great concern to our clients given their knowledge and experience of existing impacts.

#### Air Quality

The report of Todoroski Air Services in relation to Air Quality Assessment identifies our clients' properties as predicted to experience exceedences of air quality criteria, some of which are expressed to be systematic exceedences. The report notes that the properties are within the zone of acquisition under the existing Mount Arthur North approval. That of course does not assist our clients unless and until they exercise their right to request acquisition and in the meantime, they are left to endure increasingly uncomfortable and unacceptable conditions.

Our clients request that the applicant address the measures that are proposed to mitigate the impact at our clients' properties.

#### Noise and Blasting

The Acoustic Impact Assessment undertaken by Bridges Acoustics similarly identifies our clients' properties as predicted to experience significant noise impact during all conditions for the Project, including sleep disturbance noise impacts (again, described as "significant"). Similarly, it is noted that these properties fall within the Mount Arthur North zone of acquisition.

That of course is also of great concern to our clients given their experience of existing noise levels. Our clients request that the applicant specifically address the measures proposed to ameliorate noise impacts experienced by our clients.

Our clients also anticipate significant impacts from blasting operations and note that they fall within the group of residents who will be notified of a Sunday blast.

As previously stated, the properties are used in conjunction for the operation of a dairy farm and the safety of livestock depasturing thereon, as well as the safeguarding of improvements including underground irrigation infrastructure, is of vital importance.

### Cumulative Impacts

Needless to say, having been residents of their Denman Road properties for over forty (40) years, our clients are gravely concerned as to the contribution of this Project to the adverse cumulative impact that now affects the ambience of the Upper Hunter region as a result of existing coal mining and other projects under consideration. Our clients have witnessed with dismay the severe and adverse degradation of the local environment.

### Visual

Our clients specifically note the visual impacts predicted from Denman Road, indicated to be of "high sensitivity". Our clients expect that the Project will be very visible from their properties. Our clients request specific screening treatments to limit the impact, noting that the ameliorative measures that have been, and will continue to be, undertaken by Mount Arthur North on their properties will not extend to screening at the northern boundaries of their land.

### Conclusion

Our clients now seek that the matters that have been raised in this submission be addressed.

Yours faithfully  
SCONE LEGAL



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