



Mr William Dean  
General Manager Projects  
Maxwell Ventures (Management) Pty Ltd  
Thomas Mitchell Drive  
Muswellbrook NSW 2333

30/03/2020

Dear Mr Dean

**Maxwell Underground Coal Mine Project (SSD-9526)  
Request for Additional Information**

I refer to the above application. Following further review and consultation with relevant agencies, the Department has identified several areas where additional information is required (see **Attachment A**).

I note that you have previously indicated you are progressing several of the matters identified in Attachment A. These matters have been included here for completeness. Please keep the Department updated of your progress in relation to these matters, noting that each of these matters must be addressed prior to the finalisation of the Department's assessment.

The Department requests a detailed response to the matters outlined in Attachment A by **30 April 2020**.

If you wish to discuss this matter further, please contact Lauren Evans at the details above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Sprott'.

Matthew Sprott  
Director  
Resource Assessments (Coal & Quarries)

## **Attachment A**

### **Traffic and Transport**

1. Transport for NSW (TfNSW) has raised residual concerns with respect to the intersection of Thomas Mitchell Drive and Denman Road and the timing of the upgrade required under the development consent for the Mt Arthur Coal Mine Open Cut Consolidation Project (MP 09\_0062). A copy of TfNSW's most recent advice is included in **Attachment B**.

The Department notes that the Traffic Impact Assessment (TIA) for the Project included SIDRA modelling of the intersection both with and without the required upgrading. The Department also notes that the modelled level of service (LOS) for the existing intersection (without upgrading) during the 2020 and 2026 scenarios was LOS F, with or without the Project.

This conclusion appears to conflict with GHD's *Thomas Mitchell Drive and Denman Road Traffic Study* (October 2018) which was prepared on behalf of Hunter Valley Energy Coal. This study indicated that the intersection would continue to operate at an acceptable LOS (not accounting for the Maxwell Underground Coal Project) until 2028. A copy of this study can be made available on request.

The Department considers that the discrepancy between the two studies is likely attributable to the conservatism of the TIA, which assumed that the Mt Arthur and Bengalla Mines would be operating at maximum capacity under both the 2020 and 2026 scenarios. Therefore, the Department requests that additional modelling be undertaken. This analysis should assess the performance of the intersection:

- (a) for the 2020 scenario based on the most recent available data regarding the operational workforce at the Mt Arthur, Mount Pleasant and Bengalla Mines; and
- (b) for the 2026 scenario, assuming that the operational workforce at Mt Arthur remains at or below 1500.

This analysis will further inform the Department's assessment of the Project, as well as the likely timing of the intersection upgrade.

2. As you are aware, each of the various mines in the locality are required to contribute to the upgrade and maintenance of Thomas Mitchell Drive and its intersection with Denman Road. Each mine's respective contribution is proportionate to its level of impact, as outlined in the *Thomas Mitchell Drive Contributions Study, May 2015* (TMD Contributions Study). Should the Project be approved, recommended conditions of consent would require Malabar Coal to:
  - (a) pay to Muswellbrook Shire Council (Council) a proportionate contribution for the Thomas Mitchell Drive upgrade works within an agreed timeframe following the determination of the Project;
  - (b) provide ongoing payments to Council for road maintenance over the life of the Project; and
  - (c) pay to relevant roads authority (or if another mining company is undertaking the works, to that mining company) a proportionate contribution for the upgrading of the Thomas Mitchell Drive/Denman Road intersection.

The timing of the payment for the intersection upgrade would be subject to further discussion between Malabar Coal and the Department, following the completion of the additional modelling requested above.

The Department requests confirmation of Malabar's acceptance of these proposed conditions to inform further discussions with TfNSW.

### **Air Quality**

3. The Department requests clarification regarding the methodology for the cumulative air quality assessment in Appendix J of the EIS. In particular:

- Given their geographical proximity, it is unclear why emissions from the Bengalla Mine were included in the air quality model (see Table 7-4) while emissions from the Mount Pleasant Mine (Mt Pleasant) were not.

Section 7.4.2 of Appendix J indicates that Mt Pleasant is sufficiently far away from the Project Area that 'its explicit inclusion in the model would not make any discernible contribution to dust levels at receptors near the Project'. This section also states that the residual level of dust due to non-modelled sources (such as Mt Pleasant) has been included in the cumulative results in Table 7-6. However, the background levels shown in Table 7-6 are based on monitoring data, from 2015, when Mt Pleasant was not yet operating. The Department requests further explanation/justification in this regard.

- Please clarify how emissions for the Mt Arthur Complex have been calculated. The Department notes that estimated emissions for the Complex (as shown in Table 7-4) range from approximately 16-17 million kilograms of total suspended particulate matter (kg of TSP). Section 7.4.2 also indicates that these are conservative predictions, based on maximum extraction rates in the respective environmental assessments for each Project. However, the Air Quality and Greenhouse Gas Assessment for MP 09\_0062 – Modification 1 (dated January 2013) estimated that maximum emissions from the modified project over the various modelled scenarios would range from approximately 22 to 28 million kg of TSP.
- Table 7-4 also indicates that the model incorporates emissions from 'Hunter Valley Operations (Open Cut)'. However, it appears that these emissions relate to Hunter Valley Operations – North only. The Department requests confirmation in this regard.

## Water Licensing

4. The Department notes that Malabar Coal intends to provide a more detailed response to DPIE Water's request for further information dated 5 February 2020. The Department will proceed with its assessment on the basis that any residual issues raised by DPIE Water must be suitably addressed, prior to the finalisation of the Department's assessment.

## Matters raised Council

5. The Department has received further email correspondence from Muswellbrook Shire Council following Malabar Coal's most recent correspondence dated 30 January 2020 and subsequent discussions between Malabar Coal and Council. A copy of Council's email correspondence dated 25 March 2020 will be provided separately. The Department requests Malabar Coal's response with respect to the:
  - (a) need for an adaptive biodiversity management plan with respect to subsidence impacts;
  - (b) establishment of a biodiversity corridor (including timing);
  - (c) realignment of Edderton Road; and
  - (d) terms of a potential Voluntary Planning Agreement with respect to the Project.

The Department will seek advice from its Biodiversity and Conservation Division with respect to the adequacy of surveys for *Diuris tricolor*. However, Malabar Coal may provide further comment on this issue if it wishes to do so.

## Figures

6. Please provide high-resolution versions of Figures E-21, E-23, E-24 and E-26 from Appendix J of the EIS. Please include receiver numbers for the receivers closest to the Maxwell Underground and Maxwell Infrastructure sites on these figures.