



9 May 2019

Howard Reed
Director – Resource Assessments
Department of Planning and Environment

By email: Howard.Reed@planning.nsw.gov.au
Cc: Megan.Dawson@planning.nsw.gov.au

Dear Mr Reed,

**Dartbrook Coal Mine Modification 7 (DA 231-7-2000 MOD7) –
Request for Additional Information**

I refer to the Independent Planning Commission's (**Commission**) letter that was sent to the Department of Planning and Environment (**Department**) on 29 April 2019. Please disregard the 29 April 2019 letter, this letter replaces it.

On 9 April 2019 the Commission held a public meeting as part of its consideration of the Dartbrook Coal Mine Modification (the **Project**).

On 23 April 2019, the Commission received further information from the Proponent including a response to the public comments (**April 2019 Letter**).

The Commission is seeking additional information from the Department and other NSW Government agencies (if relevant) to assist in considering these issues raised.

Economics

Members of the public and the Upper Hunter Shire Council raised comments in relation to the alleged inaccuracies of the cost-benefit analysis (**CBA**) undertaken by the Proponent and assessed by the Department. The April 2019 Letter also includes new information about greenhouse gas emissions.

In order to assess these comments and in considering the Project against the relevant objects of the Act, the Commission is seeking advice from the Department in relation to the following aspects of the Project's CBA:

1. coal price and quality assumptions;
2. tax, royalty and VPA payments;
3. capital cost assumptions;
4. head count for operation;
5. site rehabilitation costs;
6. greenhouse gas emissions;
7. minimal or no costs for impacts (greenhouse gas, amenity, health agricultural and equine industries); and
8. costs associated with the reopening and operation of the coal washery.



Mine Safety – Resource Regulator

Members of the public raised concerns in relation to the mine safety of the Project.

The Commission notes in the Department's assessment report that the Resource Regulator was satisfied with the Applicant's Environmental Assessment and raised no specific concerns over the Project.

The April 2019 Letter raises the issue of mine safety.

The Commission is seeking clarification to assist in considering the issues raised in relation to mine safety. In particular, did the Resources Regulator review and provide advice in relation to the proposed conditions of approval that include provision for:

1. the nature and magnitude of the risks of the Project;
2. how the Project complies with the environmental assessment criteria of the Environmental Compliance Operations;
3. potential safety issues and risk of spontaneous combustion, with regard to the previous high gas levels experienced;
4. safety issues associated with high gas levels anticipated using the bord and pillar mining method and longwall mining should these methods be resumed; and
5. safety and suitability of the proposed mine shaft.

Groundwater – Department of Industry - Water

Members of the public raised concerns in relation to the impact on groundwater resources.

The April 2019 Letter also raised water management issues, including that currently that "*there is no requirement for an Aquifer Interference Approval under the Water Management Act*".

The Commission is seeking further information from the Department that the Department of Industry has considered the event that the proposed shaft into the Hunter Tunnel is within the Hunter River alluvium and will incur groundwater ingress, and that this has been adequately reflected in the proposed conditions of approval, in particular:

1. adequate protection measures consistent with the proposed measures by the Proponent in its RtS i.e. conducting a test bore of the site prior to the commencement of any shaft construction and lining the shaft if alluvium water is encountered; and
2. adequate assessment of the interference of any aquifer including the obtainment of necessary and required approvals.



Impact on Upper Hunter Equine Critical Industry Cluster

The Commission notes in the Department's assessment report it stated that the Project would not disturb any land mapped as Upper Hunter Equine Critical Industry Cluster (CIC).

The April 2019 Letter states that "a small area of mapped ECIC is located above the Indicative Bord and Pillar Mining Area". The Proponent states that "bord and pillar mining will ensure surface levels be maintained at levels that are imperceptible and thus far less than currently approved".

The Commission seeks the Department's advice in relation to:

1. the suitability of mining beneath mapped ECIC;
2. the impact of bord and pillar mining beneath mapped ECIC; and
3. possible impacts if the currently approved longwall mining beneath mapped ECIC is recommenced.

Cumulative Impact of Air Pollution

Members of the public raised concerns in relation to the cumulative impact of air pollution in the Upper Hunter region.

The Commission is seeking clarification from the Department to assist in the Commission's consideration of the Project's air quality impacts:

1. How do the proposed conditions of approval monitor and manage cumulative impacts of air pollution and what is the relationship, if any, of this approach with the EPA's monitoring network;
2. Is the Department aware of any frequent and significant exceedances of the air quality criteria in the airshed? and if so, did the Department consider these in their assessment report.

Attachments

Please find attached the following information for reference:

- A. Upper Hunter Shire Council Presentation dated 8 April 2019;
- B. Michael White Mining Review Presentation dated 9 April 2019;
- C. Owen Droop Water Resources Presentation dated 9 April 2019;
- D. Environmental Justice Australia Presentation dated 9 April 2019;
- E. Proponent's Additional Comments to the Commission dated 23 April 2019;
- F. Hunter Thoroughbred Breeders Association comments to the Commission dated 26 April 2019; and
- G. Marsden Jacobs Associates Economic Impact Presentation dated 26 April 2019.



New South Wales Government
Independent Planning Commission

If you have any questions, please contact Brad James, Senior Planning Officer on 9383 2100 or bradley.james@ipcn.nsw.gov.au.

Regards,

A handwritten signature in black ink, appearing to read 'Sam McLean', with a long horizontal flourish extending to the right.

Sam McLean
Executive Director
Independent Planning Commission NSW Secretariat