

Thank you for the opportunity to comment on the proposal by Mach Energy for the Mount Pleasant Coal Mine Modification 3 Project.

The Upper Hunter Shire Council acknowledges that the Mount Pleasant mining lease area is located wholly within the boundary of the adjoining Muswellbrook Shire, however, we feel compelled to highlight again the cumulative impacts of coal mining which extend at a regional scale beyond the boundaries of this and other mining operations within the Muswellbrook shire.

Further, as the project butts right up to the boundary fence, residents of our shire, particularly in the neighbouring township of Aberdeen, built and located on a western facing slope will see it, hear it, breath it and be greatly impacted by it.

Council has three main areas of concern in relation to this application -

That the cumulative impacts of coal mining are not being considered, particularly in relation to projects being developed around Aberdeen.

That this project's Development Consent is from a bygone and far laxer era which does not reflect the considerable evolution of the environmental planning assessment process that has taken place since consent was granted.

And thirdly that proposed changes sought under Section 75 W of the Environmental Planning and Assessment Act, amount to much more than a Modification and warrant careful consideration as to whether Section 75W is the appropriate avenue for assessing this application.

#### Cumulative Impacts

Mount Pleasant is one of three open cut coal mining projects being actively pursued by their proponents, projects which neighbour one another and which all are in close proximity to Aberdeen, the others being Idemitsu's misnomered "West Muswellbrook Project" a 15mtpa two pit operation that has been granted a Conditional Gateway Certificate, and Australian Pacific Coal's Dartbrook project which has recently lodged an application to recommence underground mining whilst simultaneously progressing an Open Cut application.

Despite numerous promises by State Governments off all stripes and political persuasions, there is still no Cumulative Impact Assessment Methodology, quite simply it has been placed in the too-hard basket. For many residents of the Upper Hunter that is profoundly worrying and represents an abrogation of duty by our State peers, because the result is that mining applications are to this day still being assessed in an ad-hoc manner, on a case by case basis, even while the Upper Hunter Air Quality Network shows that the annual PM2.5 benchmark has been exceeded every single year in Muswellbrook.

Council can give a small amount of credit to Australian Pacific Coal and their advisers who have, in their Air Quality Assessment for the Dartbrook underground modification, a document that was put on public exhibition just last week, actually looked at and modelled the cumulative impact of their own proposed underground operation together with this Mount Pleasant proposal. They found that the lowest predicted annual microgram per metre cubed at any of the 85 listed sensitive receptors would be 7.7 against a limit of 8. The lowest was 7.7 against a permitted maximum level of 8.

Why does Council give only small credit to Australian Pacific Coal for doing this modelling? Quite simply because they have not included any modelling at all for their other neighbours at West Muswellbrook, the people developing a two pit open cut mine producing 15mt of coal a year, operating 24/7 363 days a year. What additional impacts will that mine have?

Council notes that 77 other submissions, as well as our own, raised the issue of cumulative impacts and that the Department's Environmental Assessment Report states

“Cumulative impacts are considered in the relevant sub-sections of Section 5”

In the relevant section titled Updated Air Quality Predictions, the Department's evaluation concentrates solely on specific receivers, recommends that 3 receivers be granted acquisition rights and completely ignores the wider community that is already suffering annual PM2.5 exceedences. Cumulative Impacts are simply not being assessed.

Ageing Consent.

The consent relied upon by the proponent was granted in December 1999, many years ago, personally I had just arrived from the US, where Bill Clinton was the President. Since those days the assessment of mining projects has evolved considerably and numerous changes have been made to the EP&A Act and the Mining SEPP.

Even since the first modification was granted in 2011, further changes have been made. Those changes are not purely concerned with Environmental and associated Health issues either, they also cover and update the Economic assessment of projects as well.

It has been well noted that the application being considered includes no assessment of its economic impacts. How can the Panel adequately assess the economic impacts of this application under section 79C and determine whether the altered proposal is to the benefit of the public and in their interests? A cost benefit analysis simply cannot be done. We note that the Department of Planning's 2015 Guidelines for the Economic Assessment of Mining and CSG Proposals states

“The economic assessment is just one part of the broader EIS. However, it is a widely used tool for deciding between alternative development options. It is intended to allow decision-makers to consider trade-offs and decide whether the community as a whole is better or worse off as a result of the proposal. It should be based on rigorous, transparent and accountable evidence that is open to scrutiny”. In this case it isn't, this proposal has avoided it entirely.

In addition to the Regulatory and Assessment framework, the area surrounding the mine has also changed dramatically since the original approval in 1999, with over 60 million tonnes of coal now approved to be mined annually by the 3 other large scale open cut mines that are in close proximity to the Mount Pleasant project, Mangoola, Mount Arthur and Bengalla. Mangoola wasn't even on the drawing board, Mount Arthur was further south at Bayswater 3 and Bengalla was just getting into stride. All three are now in full production, it is a very different landscape.

Council has formed the view therefore, that the ageing consent is particularly problematic and respectfully submit that the proponents should, for their own benefit and for that of the community, be made to progress their proposal via a new development consent under the terms of the Environmental Planning and Assessment Act as it currently stands with a full and thorough Environmental Impact Statement together with a full economic assessment.

Modification or Radical Transformation

The validity of the application being considered under Section 75W has been widely questioned and Council is concerned that this may indeed be inappropriate and that consideration of the application remains open to legal challenge.

These concerns fall under three headings.

- 1). The timescale of Mining
- 2). The Amount of Coal to be Mined
- 3). Physical differences in Mining method, Mining Area and Final Landform.

Timescale. The original consent was for Mining to cease in 2020. The application seeks a further six years of mining. This is a fundamental change to the mine's lifespan, particularly as mining operations never actually commenced. The consent granted to Modification 1 in 2011 contained no such time extension, although an extension was considered during that assessment it did not survive the approval process. Further Mod 2 granted just last year sought no extension. The time limit has remained constant and can therefore be considered to be intrinsic to, and an underlying and essential part of the original approval.

The Amount of Coal to be Mined. Obviously the significantly reduced lifespan of the mine significantly curtails the amount of product coal that can be recovered from it, and might have a radical impact on any cost benefit analysis, had one been done. The original consent allowed the extraction of nearly 200 million tonnes. The current proposal would recover less than a third of that amount of coal, with a maximum of around 63 million tonnes of product coal to be produced.

There are a multitude of other physical differences. Whilst the deletion of the North Pit will reduce the mine's visual impact on the township and residents of Aberdeen, this does mark a radical difference to the project, and furthermore the respite for Aberdeen is likely to be only a temporary one with the proponent already foreshadowing a State Significant Development Application within the next two years. The final Landform, which may or may not be the actual final landform depending on that SSD application is also radically different, as is the removal of the dragline etc. etc. Further, there are more radical changes being considered in Modification 4.

So in conclusion, Council remains highly concerned that the cumulative impacts of mining are not being considered, indeed they are being ignored. We have ongoing concerns with the outdated and effectively obsolete original consent and yet more concerns as to whether this application constitutes a modification at all or whether it could be better described as a radical transformation.

We feel that for the good of the project in it's entirety, for the good of the community and for benefit of wider faith in the assessment process, this project should seek a new development consent and be subjected to a full, proper and rigorous environmental planning assessment process.

Finally, Council also calls, again, for the oft promised but never delivered, Cumulative Impact Assessment Methodology, New South Wales needs it and Aberdeen is really going to need it.