

Mr Stephen Barry
Planning Director
NSW Independent Planning Commission

Attention: Brad James (via email: bradley.james@ipcn.nsw.gov.au)

27 June 2022

Dear Mr Barry

Mount Pleasant Optimisation Project (SSD 10418)

I refer to your letter dated 20 June 2022 concerning the Independent Planning Commission's (the Commission's) consideration of the above application.

The Department of Planning and Environment's (the Department's) responses to the questions in the Commission's letter are provided below. The Commission's questions are included in bold italics for reference.

Blasting:

- 1) ***Can the Department provide clarification as to how blasting activities are co-ordinated between mining operations under the recommended conditions of consent and whether those arrangements are formalised?***

The recommended conditions include conditions aimed at minimising potential cumulative impacts associated with blasting operations by co-ordinating blasting on nearby mines including:

- Condition B22(f) – Blast Operating Conditions – which requires MACH to use all reasonable efforts to co-ordinate the timing of blasting at the site with any nearby mines to minimise cumulative blasting impacts; and
- Condition B24 – Blast Management Plan – which requires MACH to include in the management plan a strategy to manage potential blast interactions with nearby mines.

MACH's existing consent includes similar requirements, and its existing Blast Management Plan includes a protocol for managing cumulative impacts. The management plan (which can be viewed on MACH's website at <https://machenergyaustralia.com.au/>) notes that the existing protocol has been prepared in consultation with a number of nearby mines, including:

- Bengalla Mine;
- Mount Arthur Coal Mine;
- Dartbrook Mine;
- Mangoola Coal; and
- Muswellbrook Coal Mine.

The protocol states that:

"Prior to each blasting event, MACH Energy will review the scheduled blasts listed on the MSC website (<http://www.muswellbrook.nsw.gov.au/index.php/blasting/blasting-announcements>). Communication via email, fax or telephone to representatives of each of the above mines will be undertaken. During this communication, MACH Energy will confirm with the above mines that the schedule listed on the MSC website is correct.

Following communication, blast times will be rescheduled when there is potential for blasts to occur concurrently. Additionally, blasts will be coordinated with nearby mines (including the Bengalla Mine) so that back-to-back closures of public roads are avoided, where practical.”

Noise:

- 2) The EPA in its submission to the Department dated 26 July 2021 recommended draft noise limit conditions (pg 12) at sensitive receivers. The Commission notes that receivers 193, 667b, 667c, 667d and 667e were included in the EPA’s recommended condition but not in the Department’s recommended condition of consent. Can the Department advise the Commission if the inclusion of these receivers is warranted in any conditions of consent?**

Receiver 193 is included in Table 1 of the Department’s recommended conditions, however it has marginally higher noise criteria for the day and evening time periods than identified in the EPA’s letter dated 26 July 2021. The noise criteria for this receiver (and other receivers in Noise Assessment Group 2) in the day and evening periods are based on the project noise trigger levels (PNTLs), as noise levels in this area are affected by traffic noise on New England Highway, with mining-related noise difficult to distinguish from traffic noise.

With regard to Receiver 667, while the noise impact assessment identified 5 structures on this property (i.e. Receivers 667a-e), the EIS notes that only one of these appears to be a residence. This is acknowledged in the EPA’s subsequent letter dated 10 November 2021.

Importantly, the Department notes that the EPA has reviewed the recommended conditions and did not raise any concerns with the recommended noise criteria.

Biodiversity:

- 3) Can the Department comment on the potential impacts of the Project on the Squirrel Glider?**

The Squirrel Glider (*Petaurus norfolcensis*) has been identified in the project area, including in the approved disturbance area, Additional Disturbance Area, and in and around the Relinquishment Area. As outlined in the Department’s assessment report, the project would impact up to 217.1 hectares of habitat for the species.

The Squirrel Glider is listed as vulnerable under the NSW *Biodiversity Conservation Act 2016* (BC Act). It is not listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It is classified as a ‘species credit species’ under the BC Act, and as such the Biodiversity Development Assessment Report (BDAR) for the project has calculated the credits generated by the project’s impacts on the Squirrel Glider habitat. As indicated in Table 12 of the Department’s assessment report, the Additional Disturbance Area generates a requirement for up to 4,675 species credits for the Squirrel Glider, although it is also noted that the Relinquishment Area contains some 7,679 credits and around 260.9 ha of Squirrel Glider habitat. That is there would be a net reduction in impact compared to the approved project.

The Department notes that the Squirrel Glider is not addressed in Appendix H (Matters of National Environmental Significance) of the Department’s assessment report, as the species is not listed as threatened under the EPBC Act.

Rehabilitation:

- 4) Can the Department provide comment on the extent of the modelling used to determine the long-term stability of the final void? What are the potential impacts of highwall or batter slope failures and how would these be managed post mining?**

Highwall and final landform stability risk is considered in the Environmental Risk Assessment (Appendix P) and Preliminary Hazard Analysis (Appendix Q) of the EIS. Both of these assessments conclude that the risk associated with this issue is low, subject to implementation of the proposed controls. These controls include geomorphological modelling, design to applicable geotechnical standards (with highwall slopes to approximately 18 degrees), appropriate buffer distances to off-site infrastructure, progressive rehabilitation, soil and water management measures, and highwall monitoring and inspections.

The Rehabilitation and Mine Closure Assessment in Attachment 8 of the EIS provides more detailed consideration of landform and erosional stability. As outlined in the assessment, the erosional stability of the final landform has been iteratively assessed in two ways, including:

- a static erosion risk assessment as part of the design process; and
- modelling of the conceptual final landform using the Landscape Evolution Model (LEM) SIBERIA to determine the likely long-term erosion rates.

The modelling, which included consideration of erosional potential 100 years and 500 years post-mining, indicates that long term erosion rates for the final landform would be similar to erosion rates for the natural hillslopes in the area.

The assessment also included geotechnical stability review of the operational highwalls and final landforms, concluding that the slopes would be geotechnically stable, with adequate factors of safety.

The recommended conditions include conditions aimed at ensuring the long term stability of the project and final landform, including:

- Condition B86 – Rehabilitation Objectives – which include objectives for ensuring the project and final landforms are safe, stable and non-polluting, including for the intended post-mining land uses, and minimising high wall instability risk;
- Condition B88 – Rehabilitation Strategy – to be prepared in accordance with applicable rehabilitation and mine closure guidelines, and building on the rehabilitation objectives; and
- Condition B91 – Rehabilitation Management Plan – to be prepared in accordance with the requirements of the *Mining Act 1992*.

The Department notes that mine rehabilitation, including geotechnical stability, is primarily regulated by the Resources Regulator under the Mining Act.

Aboriginal Cultural Heritage:

5) Can the Department provide clarification as to how the recommended conditions would work in practice in the event of a conflict between biodiversity and Aboriginal heritage values (see conditions B62(h), B65 – B67 and B68 – B71)?

Condition B62(h) of the recommended conditions requires MACH to, amongst other things, manage any potential conflicts with Aboriginal heritage values in undertaking biodiversity management measures on site.

Conditions B65 to B67 provide standard conditions regarding protection and recording of Aboriginal sites outside the approved disturbance area, and Conditions B68 to B71 provide conditions relating the Aboriginal Cultural Heritage Management Plan.

If a conflict arose between biodiversity and Aboriginal heritage values (e.g. managing bushfire hazard in an area of known Aboriginal sites), this would need to be managed in accordance with the conditions and the respective management plans, as well as wider legislation. This would typically involve a process of consideration of avoidance measures and mitigation measures. If an event arose that would result in an unavoidable impact on Aboriginal heritage sites outside the approved disturbance area, then separate approval for disturbance of the site would be required in accordance with the provisions of relevant legislation, including the *National Parks and Wildlife Act 1974* and/or *Environmental Planning and Assessment Act 1979*.

Social Impacts:

6) Can the Department provide comment on the potential impacts of the Project on housing availability and affordability?

The EIS, as well as the social impact assessment (EIS Appendix N), acknowledges that the project's increased workforce (ie. 450 additional workers) and flow on economic effects would generate some additional demand for housing. It would also contribute to maintaining housing and rental prices in the region for an additional 22 years. The increase in the project's workforce would occur gradually over the project life, as mining production increases.

The Department expects that this increased demand on housing would be offset to a large extent by planned mine closures over the next two decades. These include the recently announced closure of Mount Arthur Coal Mine by BHP in 2030. The Mount Arthur Mine provides employment for approximately 2,000 people.

The Department is satisfied with MACH's proposed measures to reduce potential impacts on housing affordability, which include:

- continuing to maximise locally sourced employees and contractors; and
- participating in an employment working group (or similar) with Muswellbrook Shire Council and other industry to keep the council and the private sector informed regarding planned Mount Pleasant Operation employment growth.

The Department trusts that this information addresses the Commission's request. Should you have any further enquiries in relation to this matter, please do not hesitate to contact me on [REDACTED] or via email at Stephen.ODonoghue@planning.nsw.gov.au.

Yours sincerely



Steve O'Donoghue
Director
Resource Assessments