

25 May 2020

Ms Melissa Anderson
Environmental Assessment Officer
Resource Assessments - Planning Services
GPO Box 39
Sydney NSW 2001

Dear Ms Anderson

DPIE Request for Advice on Submissions Report – Bulga Coal Optimisation Project (MOD 3) (SSD 4960)

I refer to your request via the Major Projects Portal for Singleton Council advice on the Submissions Report prepared by Bulga Coal for the Bulga Coal Optimisation Project Modification 3. Council has reviewed the Submissions Report and provides the following feedback and recommendations, should the proposal be approved.

Social Impacts of the Proposed Modification

The Submissions Report acknowledges at page 56 that the modification will increase the catchment and depth of the final void, which is an increase in the scale and nature of impacts that will be felt by the community over an additional four (4) years of mine life.

In addition, council's submission identified that there is the need to ensure the impacts of mining, both social and economic, do not result in a negative impact to the existing or potential uses of land in the adjacent RU4 zone. Council's Draft Local Strategic Planning Statement (recently exhibited) identified the need to develop a vineyards and rural tourism strategy which responds to land use and infrastructure requirements and takes into consideration complementary land uses, whilst minimising the potential for land use conflict. The minimisation of land use conflict is a critical consideration under clause 12 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Council considers it essential that a plan is in place that addresses how the Applicant will minimise the socio-economic impacts of the Bulga Optimisation Project, including the modification, such that current and future impacts to important viticulture and tourism developments in the adjacent RU4 zone are mitigated, where required, and that adjacent and adjoining land uses are not negatively impacted by the development.

Council notes that Table 10, Condition 53 requires the Applicant to *minimise the adverse socio-economic effects associated with mine closure*. It is unclear how the Applicant would do so without an appropriate plan of management.

Council recommends that a condition of approval be applied to the consent (should the proposed modification be approved) that includes (but is not limited to):

- How the Project, as modified, will minimise the adverse socio-economic impacts associated with mine closure
- Consultation with Council, the Community Consultative Committee, affected communities and other interested parties
- Identification of opportunities to secure and enhance positive social impacts
- Assistance in maintaining community services and facilities
- Improvement of social cohesion within the local community

Any plan should include a requirement to monitor, review and report on the effectiveness of the measures adopted and provide a process for rectifying should the socio-economic consequences begin to trend in a negative direction. A similar condition of approval was applied to the recently determined United Wambo Project.

These requirements are particularly pertinent for the RU4 zone and the development types permissible in that zone. These developments are sensitive to the impacts associated with mining and will be for a further four years, if this proposed modification is approved.

Compatible Land Uses

Council has recognised the importance of land use compatibility in the RU4 zone with a commitment to developing a vineyards and rural tourism strategy in its Draft Local Strategic Planning Statement. This strategy will consider the requirements of viticulture and tourism in the RU4 zone and will minimise the potential for land use conflict. Council is also committed to developing and applying buffer areas around urban settlements and growth areas, again, to minimise potential land use conflicts. Council's Local Strategic Planning Statement recognises and identifies Broke-Fordwich as an Agriculture and Tourism Precinct.

Given the importance of the RU4 zone on the development of viticulture and associated tourism industries in the vicinity of the Project, should the proposed modification be approved, Council recommends that a condition of approval be applied that requires the Applicant to:

- Identify the negative impacts of the Project, as modified, both locally and regionally, taking into consideration the nature and extent of the land uses (current and potential) in the adjoining RU4 zone and the zone objectives
- Specify the measures that will be undertaken to avoid, mitigate and minimise the negative impacts, taking into consideration the nature and extent of the land uses (current and potential) in the adjoining RU4 zone
- Monitor, review and report on the effectiveness of these measures

Amendment to the Voluntary Planning Agreement

Council and the Applicant have been in ongoing negotiations regarding an amendment to the current Voluntary Planning Agreement. The Applicant wrote to council on 19th March 2020 with a proposed quantum. Council has reviewed the proposed quantum

and can confirm acceptance, subject to a resolution of Council to formally adopt the amendment, of an amended quantum of \$1,000,000 to the existing Planning Agreement. It is acknowledged that a yet to be agreed proportion will be allocated towards the Singleton Economic Development Fund.

Mine Closure

Council has raised concerns regarding the timing of, and level of detail within, mine closure planning for mining projects within the Singleton Local Government Area. The current conditions of approval for the Bulga Optimisation Project do not consider detailed mine closure planning requirements, particularly for a mine that has been in operation for over 30 years. The commitment to commence detailed mine closure planning at a point five (5) years from closure is too far into the future, and that detailed mine closure planning should be integrated, iterative and planned well in advance. As such, should the proposed modification be approved, Council recommends a condition similar to that detailed below:

The Applicant is required to prepare a Final Land Use Strategy for the mine. The Applicant shall consult Singleton Council in the development of the Strategy. The outcomes of any Final Land Use Strategy must be consistent with, and complementary to, any Local Strategic Planning Statement prepared by the Council. The Strategy must:

- a. Identify the areas of the mine where proposed final land uses could be applied;*
- b. Identify the relationship between final land uses and the final landform;*
- c. Demonstrate how final land uses will integrate with surrounding land uses;*
- d. Demonstrate how the final land uses will be safe, stable, non-polluting and sustainable;*
- e. Identify final void management actions that will be taken to ensure highwall stability;*
- f. Identify adaptive management actions that will be taken to prevent rehabilitation and landform failure;*
- g. Demonstrate how the final landform will meet the needs of the final land uses;*
- h. Include an assessment of climate change consequences on the likely success of rehabilitation, and what, if any, adaptive management actions are required to ensure rehabilitation success; and*
- i. Include an assessment of the suitability, permissibility and sustainability of final land uses that includes feasibility and economic viability.*

Council considers the development of a final land use strategy within the next five (5) years (or sooner) is essential in ensuring that the final land use is achievable, consistent with surrounding land uses, does not compete across the LGA for land use outcomes and is adequately planned for and incorporated into the design of the mining operation.

I would like to thank the Department for the opportunity to provide advice on the Submissions Report for the Bulga Optimisation Project – Modification 3. Should you

have any questions or comments, please contact Mary-Anne Crawford, Manager Development and Environmental Services on 02 6578 7290.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the left.

Mary-Anne Crawford
Manager Development and Environmental Services