

Our Reference: DA:MH: 1887162
Your Reference: MP09_0182-MOD8
Contact Name: Donna Ausling

Attention: Director Resource Assessments

Planning and Assessment
NSW Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Wednesday 1 September 2021

RE: Narrabri Shire Council Submission - Boggabri Coal MOD 8 (MP09_0182-MOD8)

Thank you for the opportunity to provide comments on the above matter. Please find enclosed a copy of Council's Submission Report in this regard.

Council trust that the above advice provides the necessary assistance and should you have any further questions or require any further clarification on the contents of Council's submission, please contact Ms Donna Ausling, Council's Manager Strategic Planning on (02) 6799 6866 or via council@narrabri.nsw.gov.au.

Kind Regards,



Stewart Todd
General Manager



Narrabri Shire Council
46 - 48 Maitland Street
PO Box 261, Narrabri NSW 2390



P. (02) 6799 6866
F. (02) 6799 6888



E. council@narrabri.nsw.gov.au
www.narrabri.nsw.gov.au



NARRABRI SHIRE
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NARRABRI SHIRE COUNCIL ABN. 95 717 801 656

46-48 Maitland Street
PO Box 261, Narrabri NSW 2390
www.narrabri.nsw.gov.au

P. (02) 6799 6866
F. (02) 6799 6888
E. council@narrabri.nsw.gov.au



BOGGABRI COAL (MODIFICATION 8)

SSD 09_182

NARRABRI SHIRE COUNCIL

SUBMISSION REPORT

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Introduction & Background

It is understood that MOD 8 has been submitted to the NSW Department of Planning, Industry and Environment (DPIE) for approval pursuant to the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and the following changes to the approved operations at Boggabri Coal Mine (BCM) are sought:

- Increasing the approved maximum depth of coal mining down to the Templemore Coal Seam to recover an additional 61.6 Million tonnes of Run of Mine (RoM) coal within the currently approved Mine Disturbance Boundary. This will result in an extension of the mine life by six (6) years; and
- Construction of a specifically designed fauna movement crossing over the existing haul road between the Overburden Emplacement Area and the western side of a regional biodiversity corridor. The establishment of the fauna movement crossing is proposed to improve the movement of fauna from the Leard State Forest through the Southern Rehabilitation Area;

As a key stakeholder, Narrabri Shire Council (NSC) has been invited to make a submission in relation to the project proposal. The following feedback is therefore provided:

Local Context

Narrabri Shire is a local government area in the North West Slopes region of NSW. The primary settlement of Narrabri is located adjacent to the Namoi River and at the confluence of the Newell and Kamilaroi Highways. The local government area (LGA) is strategically positioned half way between Sydney and Brisbane, and is considered to be resource-rich. Key local industries include mining and agriculture. At the last census (2016) the resident population was 13,084 persons.

Narrabri Shire Council's vision is articulated in the Community Strategic Plan as follows:

"Narrabri Shire will be a strong and vibrant regional growth centre providing a quality living environment for the entire Shire community."

Narrabri has been recently announced as a special activation precinct (SAP) location. The master planning process for Narrabri is currently underway by NSW DPIE. Through the SAP process it is anticipated that energy-intensive industries and manufacturers, such as plastics, fertilisers and construction material producers will be able to confidently set up in Narrabri with access to commercial quantities of domestic market gas, enabled by the Narrabri Gas Project.

The precinct will also leverage key infrastructure such as the Inland Rail, the Narrabri West Walgett Railway line and the proposed Narrabri Industrial and Logistics Hub to give investors access to global supply chains and markets.

Further information in relation to the Narrabri SAP is available via:

<https://www.nsw.gov.au/snowy-hydro-legacy-fund/special-activation-precincts/narrabri>

The BCM is located approximately 15km north-east of the township of Boggabri and is located wholly within the Narrabri Local Government Area (LGA). BCM is an open cut mining operation which has operated since 2006. BCM operates in accordance with State Significant Development Approval (SSD) 09_182. The current approval permits the production of up to 8.6 Million tonnes per annum (Mtpa) of Run of Mine (RoM) coal from the site until the end of 2033.

Air Quality & Greenhouse Gas

1. Boggabri Coal Operations Pty Ltd (BCOPL) should continue to manage its impacts to regional air quality in accordance with its endorsed Air Quality and Greenhouse Gas Management Plan. It is acknowledged that this includes, but is not limited to, the implementation of various mitigation and management measures such as watering of haul roads, using a Trigger Action Response Plan in conjunction with real-time air quality results.
2. It is noted that MOD 8 is unlikely to affect air quality beyond the range of historically measured fluctuations of the key air quality indicators around the community of Boggabri. Potential cumulative air quality impacts require ongoing consideration and attention, particularly in the context of increased/altered mining activities such as the adjacent Tarrawonga Mine.

Groundwater

3. Given ongoing community interest and concern regarding cumulative groundwater impacts, predicted water takes from all groundwater water sources should remain with the entitlements provided in the Water Access Licences held for the BCM to ensure that no additional water entitlements are required for the predicted water takes for MOD 8.
4. Predicted impacts of groundwater should be managed in accordance with the Water Management Plan and associated Groundwater Management Plan. As outlined in the submitted Modification Report, the site's Water Management Plan and Groundwater Management Plan will also need to be reviewed and updated with the view of incorporating those additional measures specific to MOD 8, including the installation of additional monitoring bores to supplement the

existing groundwater management network, and in consultation with the relevant Regulators and in accordance with prevailing legislative requirements.

Surface Water

5. The potential impacts of MOD 8 to surface water should continue to be managed in accordance with the endorsed Water Management Plan and corresponding Surface Water Management Plan.
6. In line with the recommendations of the submitted Geochemical Assessment, Council concurs that BCOPL should include several metals/metalloids on a periodic basis into the existing site water quality management program to verify that the dissolved concentration of these elements remains low.
7. Council concurs that BCOPL should continually ensure that any impacts of outcomes of proposed MOD 8 be consistent with the conditions of any approval given.
8. The realignment of the localised drainage paths adjacent to the existing haul road is not to negatively impact the haul road in any event by way of flooding.

Traffic

9. The following statement, as contained within section 7.4 *Traffic Distribution* of the Modification Report, is noted:

"The primary access to the BCM from the Kamilaroi Highway is via the former Haul Road that runs between the mine site and the former rail load-out facility... Access to BCM is also possible via Leard Forest Road for vehicles travelling from the east, although this route is the least desirable and all access is advertised to be from (the) Kamilaroi Highway."

Council strongly agrees with the above statement, and the minimal usage of Leard Forest Road for mines traffic is encouraged.

10. It is understood that a Construction Traffic Management Plan (CTMP) is currently pending. Council will provide specific feedback on the TMP upon its finalisation.

Visual Impact

11. It is noted that no material impacts are anticipated from a visual perspective, and therefore no additional management or mitigation measures are proposed beyond those currently implemented at the BCM. It is further noted that operations at the BCM will continue to be managed in accordance with the relevant conditions of State Significant Development Approval 09_182.
12. The MOD 8 Landform Design generally aligns to the approved Conceptual Landform Design and has been developed to ensure the partially infilled final void remains above the modelled post-mining groundwater levels. It is also acknowledged that MOD 8 does not seek to change the approved rehabilitation objectives under the current terms of the approval. The Department's attention is drawn to Council Policy on Mining and Extractive Industries which is enclosed at Appendix A. This methodology is considered generally consistent with the objectives and principles of Council's adopted Policy stance regarding void management.
13. The integration of the final landform with the adjoining Tarrawonga mining area is supported. It is considered that this approach will improve overall visual outcomes.
14. Measures should be incorporated within the project approval to prevent the reinstatement of the Dragline without appropriate assessment and concurrence.

Rehabilitation & Soils

15. It is acknowledged that the completed Soils Assessment identified that the minor area of disturbance (1.21 ha) associated with the proposed fauna movement crossings falls across the boundaries of mapping units. Accordingly, the mitigation and management strategies currently detailed within the relevant environmental management plans and protocols as pertaining to erosion and sediment control at the BCM should incorporate and recognise the disturbance and rehabilitation activities associated with MOD 8.

Biodiversity

16. It is understood that whilst up to 1.21 ha of new disturbance is proposed within the MOD 8 Disturbance Footprint, overall, there will be a net decrease in total native vegetation disturbance of 2.06ha. This reduction in the disturbance footprint is supported and opportunities to further minimise the disturbance footprint should be actively pursued as opportunities arise.

17. As detailed in the submitted Report, the existing Groundwater Dependent Ecosystem Monitoring Program should be continued and supplemented by the three (3) additional monitoring programs as identified within the predicted zone of alluvial drawdown to monitor the progressive effects of this drawdown on potentially impacted terrestrial and stygofauna communities.
18. Council is generally supportive of the proposed fauna crossing as it will improve connectivity across rehabilitation areas.

Aboriginal & Historic Heritage

19. Although no items of Aboriginal Cultural Heritage or Historic Heritage value were identified within the disturbance area required for the fauna crossing, management of heritage matters should continue in accordance with the Boggabri Coal Mine Cultural Heritage Management Plan.
20. It is noted that the proponent expects that only 1.2ha of disturbance will be required within the total disturbance footprint area (3.3ha), however the exact location will not be determined until detailed design of the fauna crossing and with consideration of other environmental constraints. However, the final site of the proposed fauna crossing could be anywhere within the 110ha of land surveyed. Council request that if the location of the fauna crossing changes to anywhere outside of polygon 4 that it be notified and consulted further with regard to any potential negative impacts.

Social & Economic Impact

21. Council understands that the Social Impact Assessment (SIA) engagement program for MOD 8 occurred in early 2021 and entailed 13 telephone interviews/surveys with a total of 19 participants. In this regard, the rate of participation seems extremely low for a facility of this type and size. Consideration should therefore be given as to whether or not feedback is representative of broader community opinion given that the sample size is unlikely to be representative.
22. In terms of the current Voluntary Planning Agreement (VPA), it is noted that royalty payments have increased in parallel with the increased production. To ensure that Council meets its community service obligations, contributions must continue to be paid to Council in a timely manner in accordance with the approved VPA.
23. It is noted that workforce requirements are not specified in the conditions of SSD 09_182. This is considered to be a potential gap in the current approvals framework and as a consequence, this should be remedied as appropriate, in line with accepted best practice.

24. The current draft Social Impact Management Plan (SIMP) will be required to be updated as a response to approval of MOD 8 following additional consultation with relevant stakeholders, including NSC. According to the submitted documentation, the proposed MOD 8 workforce will be an average of 620 FTEs from 2022 to 2039, with a peak number of 770 FTE. This considerably exceeds the 2010 estimate of 500 FTE and as a consequence, commensurate impacts need to be appropriately addressed in an amended SIMP.
25. The Boggabri State Suburb (SS) has experienced a trend of significantly increasing median rent, in the order of 150%. Consideration should be given to the incorporation of additional housing measures in the SIMP with the view of maintaining rental housing access and affordability.
26. The draft SIMP should be updated to ensure performance goals are updated in recognition of the impacts of the proposal, across the full ambit of identified impact categories, as follows:
- Housing affordability and availability
 - Employment and training
 - Local business development
 - Social and community infrastructure
 - Farming communities
 - Aboriginal opportunities
 - Traffic management
 - Cumulative impacts
27. In relation to the housing affordability and availability impact criterion, ongoing compliance with the Boggabri Coal Housing Commitment is needed. The Boggabri Coal Housing Commitment describes the actions to be undertaken by BCOPL to mitigate the cumulative pressure on housing availability and affordability in both the Narrabri and Gunnedah local government area (LGAs). The Boggabri Coal Housing Commitment includes a requirement for BCOPL to:
- Implement the Boggabri Housing Commitment in consultation with Council, to provide for:
 - Construction of a minimum of 10 dwellings in Boggabri, within a timeframe agreed by NSC;
 - Construction of a minimum of 20 dwellings in Narrabri, within a timeframe agreed by NSC; and
 - Monitor the effect of increasing employment numbers at BCOPL on housing affordability and availability in the Narrabri and Gunnedah LGAs.

It is acknowledged that BCOPL has consulted with Council and has agreed to commence the planning and scheduling for the construction of three (3) dwellings during the second half of 2021. It should be noted that Council is currently preparing a Shire-wide Housing Strategy and the relevant undertakings detailed within the Boggabri Coal Housing Commitment, including delivery timeframes, will be embedded in this Strategy so that a clear line of sight exists.

As detailed in a preceding section, housing affordability and accessibility is a critical local issue. The statement in the submitted SIA on page 7 that “... construction of the Boggabri ELF is expected to meet the requirements for part of the housing commitment to NSC ...” is not concurred with or supported.

28. Council concurs with the BCOPL proposal to have non-local workers utilising short-term accommodation options (such as Civeo facilities) with the view of partially alleviating current rental availability stress.
29. Council is aware of the economic benefits that are present with the existence of a new or expanding operational coal mine. Benefits being capital expenditure, direct and indirect jobs and corresponding career paths, community social and sport assistance and support of ancillary businesses.

Council recognises that the local area determined in Modification 8 comprises both the Narrabri and Gunnedah Local Government Areas which combined represents 57% or 353 full time equivalent positions of the direct total personnel of 620.

Council is of the belief that Boggabri Coal has a higher percentage of workers that reside in Gunnedah Shire than Narrabri Shire. This is despite the fact that 100% of the Boggabri Coal operations is geographically located within Narrabri Shire. Therefore, Council requests that the number of employees per individual Local Government Area be provided. If there is a higher number of employees living in Gunnedah Shire than Narrabri Shire then a request is made through this submission to Modification 8, that a strategy is undertaken to consider mechanisms to increase the number of Boggabri Coal's employees that reside in the Narrabri Shire LGA.

General Commentary

30. The submitted documentation makes a series of references to the Shenhua Watermark Coal Mine. It should be noted that this project is not proceeding.
31. BCOPL should continue to work closely and in collaboration with surrounding operators, including Whitehaven Coal Limited, to ensure cumulative impacts are proactively managed.

32. It is noted that a change of plant use is proposed as part of ongoing mine operations, with the dragline no longer being required. Council has recently received community representations expressing concerns regarding the widespread industry practice of waste tyre burial. As a consequence, the operator should ensure that appropriate measures are put in place to manage such waste, and that such mechanisms comply with overarching environmental legislation, the terms of the consent and contemporary social expectations.
33. Lighting design principles described within the *Dark Sky Guidelines* should continue to be implemented for operations under MOD 8 in addition to compliance with the relevant Australian Standards.

Conclusion

NSC expects that BCOPL has, and will continue to, adhere to all conditions of approval pursuant to PA 09_0182, and all applicable legislative requirements they are bound by.

NSC appreciates the opportunity to review the documentation in support of MOD 8 for the Boggabri Coal Mine and that these comments will be considered as part of the corresponding determination process.

I trust this information provides the necessary assistance and should you require any further clarification in this regard please contact Council's Strategic Planning Team on (02) 67996855 or council@narrabri.nsw.gov.au.

APPENDIX A

COUNCIL POLICY ON MINING & EXTRACTIVE INDUSTRIES

EXTRACTIVE INDUSTRIES POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Strategy and Land Use Management
Responsible Officer: Manager Strategy and Land Use Management

Objective

To ensure outcomes pertinent to the community's economic, environmental, social and civic leadership wellbeing are in harmony with the community's wishes.

To ensure that the mining and extractive industry does not have an unacceptable impact on the environmental attributes, human health and amenity of the area in which the mining and extractive industry is to operate.

To ensure that private and public decisions relating to the mining and extractive industry exploration, development and operation are guided by careful evaluation to avoid adverse impacts to human health.

To ensure quadruple bottom line considerations of environmental, social, economic and civic leadership cumulative impact of mining and extractive industry exploration and development within the Shire of Narrabri are beneficial to the community at large.

To ensure key assets and defining values of cultural heritage, native title, biodiversity, communities, ground water, surface water and prime agricultural land are not compromised from the impact of the mining and extractive industry.

Preamble

Narrabri Shire Council recognises that the mining and extractive industry exploration and development has the potential to deliver substantial benefits to the Narrabri Shire, the region, the state and the nation during and after the life of the mining and extractive activity, such as:

- Provision of energy;
- Direct and indirect employment leading to;
 - Regional prosperity and wealth creation;
 - Retention of young people and population growth in the shire; and
 - Improved infrastructure.
- Increased local expenditure on goods and services;
- Private sector funding for community development;
- Increased gross regional product;
- Increased gross state and national product; and

- Tax revenue streams to government.

Narrabri Shire Council recognizes that the mining and extractive industries are not sustainable in the long term and that they compete for a wide range of resources including (but not limited to) the natural resources of land, air and water and in particular may:

- Make a significant contribution to greenhouse gas emissions;
- Impact on the natural landscape, with rehabilitation resulting in lower value natural habitat;
- Alter geological structure resulting in land use change;
- Impact on groundwater flows due to subsidence of landform or the interception of aquifers;
- Impact on community health;
- Impact on the availability of affordable housing; and
- Result in other social impacts.

All of which must be assessed as part of the state based (and if applicable commonwealth) planning approval process.

Policy

In line with the roles and responsibilities of Narrabri Shire Council on behalf of the local community, the community at large and in line with our obligations to the state and federal governments, the Narrabri Shire Council has a responsibility to:

- Assume a leadership role in negotiating outcomes that provide benefit to our community;
- Acknowledge that the minerals in the Shire belong to the people of NSW and that exploration for minerals, gas and energy resources will continue;
- Ensure that impacts on Narrabri Shire Council infrastructure are adequately compensated for in the immediate and future life of that asset;
- Adopt a position requiring that mining proposals are designed to have no final void;
- Effectively lobby state and federal government to financially support the infrastructure needed to adequately deal with additional local mining and extractive industries;
- Actively encourage and support the local establishment of service industries to the mining and extractive industries operating in our shire;
- Ensure, in regard to the community's environmental assets, that the appropriate oversight body, whether government or private, is engaging effectively and is communicating with Council and that processes are put in place to independently obtain baseline data on air and water quality
- Demand a 'Nil' effect position in regard to the quality of surface water, domestic, stock and irrigation aquifers used by our community.
- Demand a 'Nil' net effect on above ground environmental assets.
- Ensure Health and Environmental Impact Assessments are conducted for all significant Mining and extractive industries during the approval process.
- Support individual property rights in regards to unwelcome drilling, exploration and/or extraction activities; and

- Support the ten (10) International Council of Mining and Metals(ICMM) principles that are:
 - **Implement and maintain ethical business practices and sound systems of corporate governance;**
 - develop and implement company statements of ethical business principles, and practices that management is committed to enforcing
 - implement policies and practices that seek to prevent bribery and corruption
 - comply with or exceed the requirements of host-country laws and regulations
 - work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies
 - **Integrate sustainable development considerations within the corporate decision making process;**
 - integrate sustainable development principles into company policies and practices
 - plan, design, operate and close operations in a manner that enhances sustainable development
 - implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value
 - encourage customers, business partners and suppliers of goods and services to adopt principles and practices that are comparable to our own provide sustainable development
 - training to ensure adequate competency at all levels among our own employees and those of contractors
 - support public policies and practices that foster open and competitive markets
 - **Uphold fundamental human rights and respect for cultures, customs and values in dealings with employees and others who are affected by our activities;**
 - ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour
 - provide for the constructive engagement of employees on matters of mutual concern
 - implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities
 - ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance
 - minimize involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided
 - respect the culture and heritage of local communities, including Indigenous Peoples.
 - **Implement risk management strategies based on valid data and sound science;**
 - consult with interested and affected parties in the identification, assessment and management of all significant social, health, safety, environmental and economic impacts associated with our activities
 - ensure regular review and updating of risk management systems
 - inform potentially affected parties of significant risks from mining, minerals and metals operations and of the measures that will be taken to manage the potential risks effectively
 - develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties.

- **Seek continued improvement of our health and safety performance;**
 - implement a management system focused on continual improvement of all aspects of operations that could have a significant impact on the health and safety of our own employees, those of contractors and the communities where we operate
 - take all practical and reasonable measures to eliminate workplace fatalities, injuries and diseases among our own employees and those of contractors
 - provide all employees with health and safety training, and require employees of contractors to have undergone such training
 - implement regular health surveillance and risk-based monitoring of employees
 - rehabilitate and reintegrate employees into operations following illness or injury, where feasible.

- **Seek continued improvement of our environmental performance;**
 - assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure
 - implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts
 - rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses
 - provide for safe storage and disposal of residual wastes and process residues
 - design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.

- **Contribute to conservation of biodiversity and integrated approaches to the land use planning;**
 - respect legally designated protected areas
 - disseminate scientific data on and promote practices and experiences in biodiversity assessment and management
 - support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining.

- **Facilitate and encourage responsible product design, use, re-use, recycling and the disposal of our products;**
 - advance understanding of the properties of metals and minerals and their life-cycle effects on human health and the environment
 - conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials
 - develop and promote the concept of integrated materials management throughout the metals and minerals value chain
 - provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions
 - support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products

- **Contribute to the social, economic and institutional development of the communities in which we operate; and**
 - engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts
 - ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalized groups have equitable and culturally appropriate means of engagement
 - contribute to community development from project development through closure in collaboration with host communities and their representatives
 - encourage partnerships with governments and non-governmental organizations to ensure that programs (such as community health, education, local business development) are well designed and effectively delivered
 - enhance social and economic development by seeking opportunities to address poverty

- **Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.**
 - report on our economic, social and environmental performance and contribution to sustainable development
 - provide information that is timely, accurate and relevant
 - engage with and respond to stakeholders through open consultation processes

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
932/2013	3 December 2013	Adopted
164/2017	15 August 2017	Reviewed