

27 February 2023

**Joe Fittell**  
**Team Leader**  
**Energy, Resources and Industry**

Dear Mr Fittell,

**Hunter Valley Operations Continuation Project**  
**Muswellbrook Shire Council Advice on the Environmental Impact Statement**

Reference is made to the following:

- *Hunter Valley Operations Continuation Project Environmental Impact Statement (EMM, December 2022) (EIS) and appendices; and*
- Request to provide advice on the EIS via the Major Projects Planning Portal.

Hunter Valley Operations (HVO) (the Project) is an existing multi-pit open cut coal mining complex, comprising two mine sites separated by the Hunter River, HVO North and HVO South. HVO is approximately 18km southeast from the township of Muswellbrook.

HVO is owned by subsidiary companies of Yancoal and Glencore, as participants in the unincorporated HVO Joint Venture (JV). HV Operations Pty Ltd is the appointed manager of the JV.

HVO is predominantly in the Singleton Local Government Area (LGA), with a small portion (less than 4%) in the Muswellbrook LGA.

The Project, as it relates to Muswellbrook LGA, includes the following:

- Continuation of the life of HVO North from 2025 to the end of 2050;
- Upgrade of the existing Newdell LP train loading facility and construction of a new product stockpile; or / and extension of the HVLP product coal stockpile. While approval for both options is sought, only one will be constructed. The extension of the HVLP product coal stockpile area will likely require closure of a portion of Liddell Station Road;
- Amendment of the existing consent boundary to include Liddell stockpile area; and
- Continued use of Pikes Gully Road and Liddell Station Road.

The Project seeks to maintain separate development consents for HVO North and HVO South, as is currently the case. Although there are two SSD applications (one for HVO North – SSD 11826681 and one for HVO South – SSD 11826621), the EIS is identical for both, therefore this advice applies to both projects.

Muswellbrook Shire Council (Council) staff appreciate the opportunity to comment, and its submission is as follows:

**Strategic Context**

01. Section 2 of the EIS references the Draft Hunter Regional Plan (HRP) 2041, which has now been finalised by DPE. A review should be undertaken to confirm that the Project aligns with the directions of the final HRP 2041.

## **Employment**

02. There will be no change to annual operational workforce numbers (1,500 full time equivalent for both HVO North and HVO South).
03. HVO North - Construction activities associated with the Project will create approximately 600 temporary employment opportunities over an approximate five-year period.
04. Officers encourage employment of people who reside within the Muswellbrook Shire and employment of women, Aboriginal and young people. To achieve these outcomes, the proponent should:
  - a. Engage the equivalent of two apprentices per year from the Muswellbrook Local Government Area;
  - b. Engage permanent employees over casual labour or labour from labour hire companies;
  - c. Target 25% of supplier expenditure being paid to companies with offices in Muswellbrook Shire; and
  - d. Commit to a strong workforce diversity policy with a target of 20% woman, 10% of Aboriginal people and 10% trainees.

## **Voluntary Planning Agreement**

05. Section 2.6 of the EIS states that “HVO will discuss a Voluntary Planning Agreement (VPA) accounting for the changes arising from the Project with Singleton Council.”
06. Whilst only 4% of the Project Boundary falls within the Muswellbrook Shire LGA, approximately 9% of the current workforce reside in the LGA i.e. approximately 140 employees. The mines are also within the visual gateway to Muswellbrook Shire.
07. Council requests a VPA that includes a contribution for community projects and contribution toward employment of an Environmental Officer to offset community impacts and the cost to ratepayers for Council to review plans, monitor outcomes and contribute to closure / rehabilitation planning in the future.
08. The large number of SSD applications that Council receives each year, and the approved SSD in the shire, places significant workload on staff. Council employs an officer to manage most day-to-day aspects of responding to new SSD applications and monitoring existing SSD.

## **Traffic**

09. A portion of Liddell Station Road is proposed to be closed as part the Project to enable the extension of the HVLP product coal stockpile. Clarification is required, including a figure showing, that there will be no impacts to Council local roads within the Muswellbrook LGA.
10. Traffic generation and distribution – Section 19.3.2 of the EIS and Section 5 of the TIA states that “workforce numbers will remain approximately as approve...in terms of traffic generation, the Project is not expected to change vehicle movements associated with the operation of HVO”. It is difficult to interpret traffic distribution i.e. how many vehicles will enter and leave the site over a given time period without reading the previous EIS’s for the existing mine. The Proponent should briefly include this information within the current application for transparency and better communication with the community given the age of the previous approvals.

## **Noise and Air Quality**

11. The closest receivers to the Project in the Muswellbrook LGA are located approximately 5.5km northeast along Hebden Road and north near Lake Liddell.
12. The facilities north of the NEH including the Newdell LP train loading facility, new product stockpiles, HVLP stockpiles and Liddell stockpile area has not been included in the air quality modelling. Provide justification as to why this is the case, and if a reasonable justification cannot be determined, remodel to include these areas.
13. The Lake Liddell Recreation area and caravan park has not been included in the Noise Impact Assessment. The recreation area comprises an extensive camping ground and recreational activities such as go-karting, laser tag and rock climbing. Confirmation is required as to why this area has not been included in the assessment.

## **Bayswater Creek**

14. Officers are concerned about the water quality and ecological health of Bayswater Creek located at monitoring points Bayswater Creek Upstream NLP, Bayswater Creek Upstream HVLP, Bayswater Creek Midstream and Bayswater Creek Downstream. Very little information can be found for this area other than the following:
  - At least 0.14ha of riparian vegetation adjacent to Bayswater Creek must be revegetated to represent Swamp Oak Floodplain Forest Community (EIS Section 3.2.8);
  - It is located near the licenced discharge point and was subject to uncontrolled discharges of sediment in 2017 and 2018 (2019 Independent Audit);
  - All monitoring points were on a “watching brief” following trigger exceedances in 2021 (2021 Annual Review);
  - Bayswater Creek was dry in April and September 2020, and the channel was full of terrestrial weeds, and was assessed to be poor habitat (Section 4.7.3 Water Assessment); and
  - The site was not visited in January 2022 (Section 6.2 Aquatic Ecology and GDE Assessment).

## **Housing and Accommodation**

### Construction Workforce

15. The Upper Hunter regularly experiences shortages in temporary accommodation, affordable accommodation, and housing close to mines, particularly in phases of infrastructure construction, and mine and power station shut down periods where larger maintenance workforces are required for a short-term.
16. The cumulative impact of mining and other development on the surrounding short-term housing market is likely to peak in years 2023-2025 with the commencement of construction for Maxwell Underground (up to 250 personnel), Mangoola Continued Operations and Mount Pleasant (up to 645 additional temporary personnel), Muswellbrook Bypass (up to 120 personnel) Bowmans Creek Wind Farm (up to 156 personnel) and Hunter Gas Pipeline.
17. The SIA appears to assume that up to 180 construction workers will require temporary accommodation for six months during the peak construction period.
18. Council requests that prior to commencement of construction, the proponent prepares a Workforce Accommodation Strategy that:

- a) provides updated estimates of the likely accommodation demand of the development, including consideration of the potential interaction with projects listed in Ref 08, in consultation with the applicant of those projects;
- (b) proposes a strategy to facilitate the accommodation of the workforce associated with the development;
- (d) investigates options for prioritising the employment of local workers for the construction of the development where feasible; and
- (e) includes a program to monitor and review the effectiveness of the strategy during the construction period.

## **Heritage**

- 19. Officers request a summary identifying any significant links to heritage items within the Muswellbrook LGA from those items identified in Table 7.2 of the Heritage Impact Assessment.

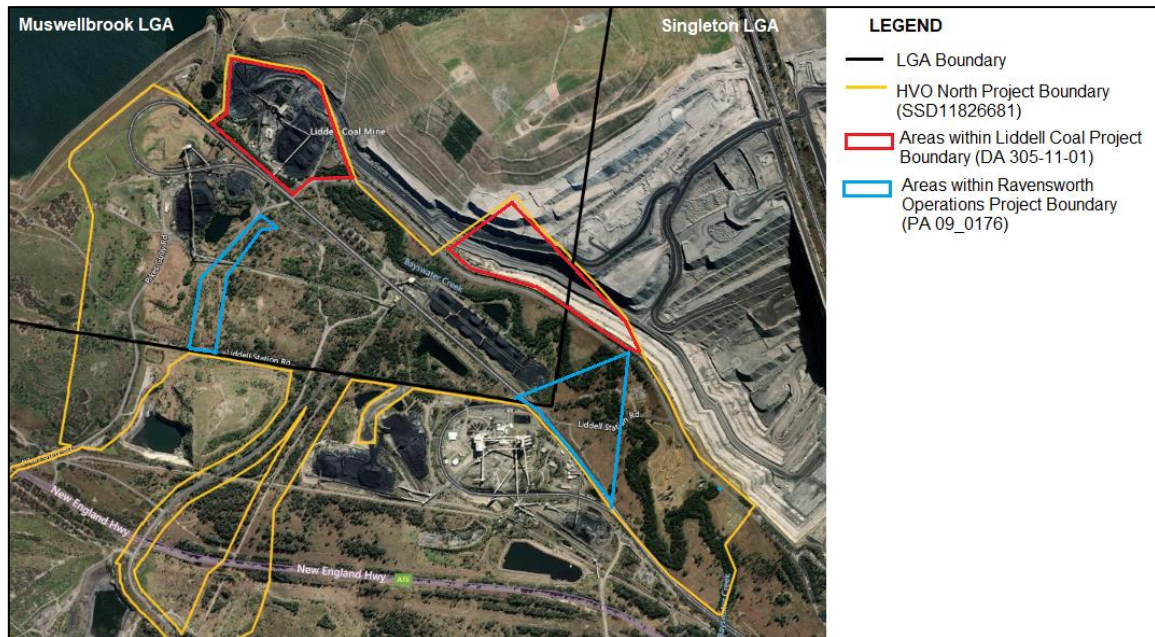
## **Rehabilitation and Closure**

### Interactions and responsibilities with neighbouring mines

- 20. Some of the Project infrastructure within the Muswellbrook LGA is within the project boundaries for Liddell Coal Mine (DA 305-11-01) and Ravensworth Coal Mine (PA 09\_0176) (see **Figure 1**). Rehabilitation responsibilities in these areas (including for the extension of the HLVP product coal stockpile area) should be clearly documented and evidence that neighbouring sites have agreed to responsibilities. Is it assumed that the underlying tenements will govern rehabilitation however this needs to be clarified as tenement holders vary. Noting that the extent of HVO rehabilitation is the southern side of Bayswater Creek (see figure 4.1 of the EIS Appendix T).
- 21. Clarification is required on why the HVO North Project Boundary has been amended to include the Liddell Coal stockpile area (see image below) when this area is not shown as “infrastructure” in the EIS mine plans (EIS Figures 4.5 – 4.9).
- 22. Officers support the use of the Liddell Coal South Cut Void for tailings disposal to assist in achieving the “Complete Fill Scenario” proposed in GRAWTS Stage 2 Modification for Liddell Coal Mine.
- 23. As the Glendell Mine has not been approved, there may be additional capacity within the Liddell Mine South Cut Void to store tailings.

### Final Landform

- 24. A new conceptual final landform has been designed utilising geomorphic landform design principles and erosion modelling techniques. Officers support these techniques.
- 25. For areas within the Muswellbrook LGA, there are no contours shown on the “Proposed final landforms and post mine land uses” figure in the *Mine Closure and Rehabilitation Strategy* so it is assumed that slopes will remain generally as they are.



**Figure 1 – Neighbouring Project Interactions**

### Buffer land

26. Section 2.4 of the EIS states that existing land uses surrounding HVO include buffer land that is used for low intensity grazing. The Hunter Regional Plan 2041 states that “mine buffer land could be suitable for employment-generating purposes subject to site specific investigation”. This land could also be used for alternate power generating activities to minimise electricity use at the site.
27. Officers request that alternate uses for buffer land be continually considered and investigated as part of the project.

### Closure Planning

28. Council supports rehabilitation and closure mitigation measure RC4 outlined in the EIS to prepare a “detailed closure plan within five years of cessation of mining”.
29. Council requests that any Closure Plan outlines measure to:
- a. Actively manage site closure to minimise adverse impacts for workers, firms and the community – the goal should be to secure new uses that would employ a similar number of people on site pre and post closure;
  - b. Assist workers to secure new jobs and to maximise their future career options;
  - c. Strengthen the long-term sustainability of the Upper Hunter economy;
  - d. Maintain and improve social cohesion and community spirit throughout the change process; and
  - e. Maintain collaborative and inclusive governance dedicated to promoting community cohesion through the transformation process.

And consider the report ‘Identifying measures of success for a global best-practice thermal coal mine and thermal coal-fires power station closure’ (UniSA, 2020).

30. A working party with participants from the two councils, DPE, Premiers and Cabinet, the Proponent, Chamber of Commerce, traditional owners, local land council members and

the Hunter JO Economic Transitions Committee should be established within five years of cessation of mining to commence planning for the transition to a post-mining suite of uses for the site.

### Final Land Use

31. Majority of land within the Muswellbrook LGA is proposed to be returned to Agriculture – grazing post-mining, with some areas of native ecosystem and swamp oak floodplain forest adjacent Bayswater Creek.
32. For areas proposed as Agriculture – grazing, completion criteria should include evidence that cattle have been successfully grazed.
33. Officers note that “Stock fences, dams and access tracks will be established as part of rehabilitation in areas accommodating a final land use of cattle grazing. The condition of this infrastructure will be assessed during an annual rehabilitation walkover and targeted agricultural or pastoral assessments completed as part of grazing activities conducted by leases.” (EIS Section 18.3.2).

### Alternate Final Land Uses

34. Section 21.3.3 of the EIS provides a discussion on alternate post-mining land uses and states that viability of alternate land uses “cannot be anticipated at this stage”, and “commercial negotiations over the ownership and use of mine infrastructure could be undertaken closer to the time when coal mining is planned to cease, and detailed mine closure planning can be undertaken”.
35. Officers are aware that proponents have obligations under the *Mining Act 1992* to rehabilitate the site. However, these obligations can inhibit the future land use of the site for other industry and utilisation of infrastructure that was constructed for the operation of the Mine and may still have an economic purpose. Whilst Council Officers acknowledge that in the first instance the site should be safe, stable, and non-polluting, there should be an increasing move in the industry toward planning for a range of uses on sites dependent on capability, services and infrastructure and vehicle access. This may allow employment generating activities on part of the site, and similar equivalent employment numbers, rather than the simply returning all the site back to farmland and native ecosystems with minimal employment opportunities.
36. The HRP 2041 contains a discussion on strategic land use opportunities in Strategy 1.1 and 1.2 to encourage early consideration of alternate land uses in mine planning. Although the timing of when alternate land use planning is required is not clear, the proponent should incorporate any relevant outcomes of these studies as part of mine closure.
37. Any final land use option study should consider and build upon future plans for the neighbouring AGL site, where appropriate.

### **Visual**

38. Officers are interested in the impacts to motorists travelling along the New England Highway and Golden Highway toward Muswellbrook. The Visual Impact Assessment (VIA) states that “motorists travelling along Golden Highway and New England Highway may experience transitory and distant views of Project elements within the Project area, as is currently the case. As it is assumed that the focus of these motorists will be in line with their direction of travel along these road corridors, potential views are considered insignificant and will not be materially different because of the Project. While these views

are currently possible, the Project will result in an extension of the time over which active mining will occur”.

39. Officers are concerned about the combined landscape and visual / aesthetic effect of the presence of coal mines adjacent the NEH and Golden Highway, and how they impact the perception of Muswellbrook.
40. The Project is within a rural environment close to several other mining operations. As stated in the VIA, “the character of the immediate visual environment surrounding HVO is strongly influenced by existing operations within the Project area and surrounds including Liddell Coal Operations, Ravensworth Operations, Mount Owen Complex, United Wambo, Mount Thorley Warkworth and Ashton. AGL’s Bayswater and Liddell power stations are to the north-west. The results of the viewshed analysis indicate that a number of the selected viewpoints already do, and will continue to, experience cumulative visual amenity impacts (i.e concurrent views of multiple mining operations)”.
41. Officers request an assessment of views travelling north along New England Highway and Golden Highway, including a figure showing existing visual treatments (if any) and options for additional treatments to mitigate cumulative impacts adjacent each road.
42. The VIA has used the *Wind Energy: Visual Assessment Bulletin for State Significant wind energy development* (2016) (VA Bulletin) as some of the methods for describing visual sensitivity and landscape character are considered relevant to the Project. The VA Bulletin includes a “Multiple Wind Turbine Tool” to assess potential cumulative impacts arising from a project. This tool could be used to inform placement of visual mitigation treatments for VIA viewpoints and key locations on NEH and Golden Highway.
43. Officers are drafting a Rehabilitation Policy which is expected to be finalised in 2023. The Policy will include an expectation that any rehabilitated slopes facing the NEH and Golden Highway (designated tourist route) is designed utilising geomorphic landform design principles / micro relief and erosion modelling techniques to improve visual amenity.

Council staff appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Development Compliance Officer on 02 6549 3700 or email [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au).

Yours faithfully



Sharon Pope  
**Director Environment and Planning**