

Joe Fittell
Team Leader
DPE Planning

C/O Major Projects Portal

DPI – Agriculture response to HVO South Open Cut Coal Continuation Project (SSD-11826621)

Dear Mr Fittell,

This letter comprises NSW Department of Primary Industries (DPI) Agriculture’s review of potential agricultural impacts associated with the proposed continuation and alteration of the Hunter Valley Operations (HVO) South coal mine (SSD-11826621).

DPI Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment. The proposal is categorised as State Significant Development (SSD) and located on or near mapped Biophysical Strategic Agricultural Land (BSAL), Critical Industry Clusters (CICs) and other agricultural land resources.

It is noted that this SSD proposal is submitted in conjunction with the related proposal for HVO North. Both proposals rely upon the same submission documentation, and cumulative impacts have been considered where relevant.

DPI Agriculture has undertaken an assessment of the proposal, with particular reference to the *Guideline for Agricultural Impact Statements* (NSW Department of Planning, Industry and Environment (formerly Department of Trade, Investment, Regional Infrastructure and Services) [DTIRIS], 2012). The assessment has specifically relied upon the following information provided as part of the SSD application:

- *Hunter Valley Operations Continuation Project – Environmental Impact Statement* by EMM Consulting Pty Ltd, 19 December 2022 (the **EIS**)
- *Soils and Land Impact Assessment Report* by Minesoils Pty Ltd, 28 November 2022 (the **SLIAR**)
- *Agricultural Impact Statement* by Minesoils Pty Ltd, 28 November 2022 (the **AIS**)
- *Mine Closure and Rehabilitation Strategy* by EMM Consulting Pty Ltd, 30 November 2022 (the **MCRS**)
- *Consultation Report* by EMM Consulting Pty Ltd, no date given

A summary table of that assessment is provided as **Attachment 1**, below.

The agricultural impact assessment information provided is considered to be sufficient with the exception of some inconsistencies which require clarification.


Specifically there are inconsistencies between the EIS and AIS, and the MCRS with respect to whether there is a net loss of agricultural land as a result of the proposal. It is stated throughout the EIS and AIS that there will be no net loss (e.g. p.351 of the EIS, and p.51 of the AIS), while the MCRS states that the area of land to be dedicated to agriculture following rehabilitation will be reduced (e.g. p. 30).

The latter is consistent with our interpretation of land and soil capability (**LSC**) area change between Tables 7 and 17 of the AIS, representing baseline LSC and proposed post-mining LSC respectively. Clarification is requested around this point including if possible consolidated tables for baseline and proposed LSC for ease of interpretation.

In all other regards the information and assessment submitted are considered to be sufficient. Key impacts are noted as being overall reduction in LSC across the site, and temporary reduction in agricultural land across the site throughout the extended mine operation timeframe. These impacts are considered by DPI – Agriculture to be acceptable in the context of the site, locality and proposal, pending clarification of overall loss or gain of agricultural land as discussed above.

Should you require clarification on any of the information contained in this response, I have arranged for Mary Kovac, Agricultural Land Use Planning Officer to assist you. Mary can be contacted on 0427 949 987 or by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Tamara Prentice
Manager, Agricultural Land Use Planning

1 March 2023

Encl: Attachment 1 – DPI – Agriculture Assessment Summary

Attachment 1 – DPI Agriculture Assessment Summary

Guideline for Agricultural Impact Statements (DTIRIS, 2012) section		Assessment
1. Project overview and description		Addressed AIS Section 1
2. Detailed assessment of agricultural resources and production of the project area	2.1 Soil information	Addressed AIS Section 2.4
	2.2 Slope and land characteristics	Addressed AIS Section 2.5
	2.3 History of agriculture in project area	Addressed AIS Sections 2.2, 3.4
	2.4 Land to be temporarily removed from agriculture	Addressed AIS Section 4.1.2
	2.5 Land to be returned to agriculture post project	Addressed AIS Section 4.1.3, but inconsistent with Mine Closure and Rehabilitation Strategy (MCRS)
	2.6 Land that will not be returned to agriculture	Addressed AIS Section 4.1.3, but inconsistent with Mine Closure and Rehabilitation Strategy (MCRS)
	2.7 Agricultural enterprises on any buffer and/or offset zones	Not directly addressed but interpreted to consist of grazing and minor cropping in alluvial soil areas.
3. Identification of agricultural resources and current enterprises in project locality	3.1 Agricultural resources within the locality, including soil characteristics, topography, agricultural support infrastructure, water resources, vegetation and climate	Addressed AIS Sections 3.1-3.3
	3.2 Current agricultural enterprises within surrounding locality	Addressed AIS Section 3.4
4. Assessment of impacts	4.1 Identification and assessment of impacts	Addressed AIS Section 4 and 6, however clarification needed on net gain or loss of agricultural land due to inconsistency with MCRS
	4.2 Physical movement of water	Addressed AIS Section 4.2.3
	4.3 Socio-economic impacts	Addressed AIS Section 4.4
5. Mitigation measures	5.1 Project alternatives	Addressed AIS Section 5.1
	5.2 Monitoring programs to assess impacts	Addressed AIS Section 5.2
	5.3 Trigger Response Plans and trigger points	Addressed AIS Section 5.2
	5.4 Remedial actions	Addressed AIS Section 5.2, MCRS Section 8
	5.6 Demonstrated capacity for rehabilitation	Addressed AIS Section 5.4
	5.7 Planning for progressive rehabilitation	Addressed AIS Section 5.4, MCRS Section 4.4
6. Consultation		Addressed AIS Section 7, Consultation Record