

Enquiries
Please ask for Theresa Folpp
Direct 02 6549 3700
Our reference CM 24/78756

12 December 2024

Jack Turner
Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure

Dear Mr Turner

HVO North DA 450-10-2003 MOD8 – Muswellbrook Shire Council (Staff) Comments on the Modification Report

Reference is made to the following:

- *'Hunter Valley Operations North DA 450-10-2003 Modification 8 Modification Report'* (November 2024) and associated appendices (Modification Report); and
- Request to provide comment on the Modification Report via the Major Project Portal.

Hunter Valley Operations (HVO) North is an existing multi-pit open cut coal mining operation approximately 24 kilometres (km) north-west of Singleton in the Hunter Valley of New South Wales (NSW) and within the Singleton and Muswellbrook Local Government Areas (LGAs). HVO North operates under development consent DA 450-10-2003 (HVO North Consent), which allows extraction of up to 22 million tonnes per annum (Mtpa) of run of-mine (ROM) coal until 12 June 2025.

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

In November 2022, HVOPL submitted two new State Significant Development (SSD) applications and supporting Environmental Impact Statements (EIS) for the HVO North Open Cut Coal Continuation Project (SSD-11826681) and the HVO South Open Cut Coal Continuation Project (SSD-11826621) (the Continuation Project).

The Continuation Project is currently progressing through the assessment process; however, due to the timeframes associated with the assessment, determination may not be received prior to the date on which mining operations are required to cease under the existing HVO North Consent i.e. by 12 June 2025. Therefore, HVOPL is seeking to modify the HVO North Consent to authorise the continuation of mining by a period of approximately 18 months, from 12 June 2025 to 31 December 2026 (the Modification) while the assessment of the Continuation Project progresses through to determination. All other aspects of the existing operations at HVO North remain unchanged.

Council staff appreciate the opportunity to comment on the Modification Report, our submission is as follows:

Planning Agreement

1. Section 7.8 of the Modification Report states that 'The continuation of mining operations at HVO North will result in continued positive impacts to the local... economies through taxes, royalties and community contributions'. However, Council does not have a Planning Agreement with HVOPL, nor has one been proposed in the Modification Report. Therefore, there are no direct community contributions to the

Muswellbrook Shire under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

As part of the HVO North Continuation Project, Staff and HVOPL have been in discussions regarding a Planning Agreement. At the June 2024 Ordinary Council Meeting, Council resolved:

Council:

A. Seeks an annual contribution of \$40,000 per annum from the Hunter Valley Operations (HVO) Continuation Project commensurate with similar placed projects in the Shire;

B. Seeks a \$10,000 per annum contribution toward employment of an Environmental Officer to offset the cost to ratepayers for Council to review plans, monitor outcomes, and contribute to closure/rehabilitation planning over the 25-year life of mine (HVO North), commensurate with similar projects in the Shire; and

C. Seeks the following socio-economic commitments within the PA:

i. Target 10% of supplier expenditure being paid to companies with offices in Muswellbrook Shire.

The Council resolution was the most recent communication to HVOPL and remains the current position of Council regarding the Continuation Project as well as the Modification to permit mining up to 31 December 2026.

Limitation of Assessment

2. Staff have identified several aspects of the existing HVO North Consent that remain unsatisfactory, including rehabilitation and final landform design, management of buffer lands, and socio-economic impact management related to closure. However, given the nature of this modification, which seeks an 18-month timeframe extension to allow for the approval of the Continuation Project, Staff do not consider it appropriate to provide detailed comments at this stage.

It is assumed that, should the Continuation Project not be approved, HVOPL would need to seek a further modification DA 405-10-2003 to allow adequate time to plan for and implement an appropriate closure. However, this remains uncertain.

Council staff appreciate 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, Environmental Planning Officer on 02 6549 3700 or email council@muswellbrook.nsw.gov.au.

Yours faithfully



Sharon Pope
Director Environment and Planning