

HVO Continuation Project

Response to Residual Agency Advice

Prepared for HV Operations Pty Ltd

February 2026

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1 Introduction

HV Operations Pty Ltd is seeking approval for the Hunter Valley Operations (HVO) Continuation Project (the Project) from the NSW Minister for Planning and Public Spaces, or delegate, under the provisions of Part 4 of NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The Project broadly comprises the continuation of mining at HVO North and HVO South, beyond the current approved mining completion dates of 2026 and 2030 respectively. Given that the two mine sites operate as one complex, one environmental impact statement (EIS, EMM 2022) was prepared to support the two State significant development (SSD) applications for the Project, being:

- SSD-11826681 – HVO North Open Cut Coal Continuation Project
- SSD-11826621 – HVO South Open Cut Coal Continuation Project.

The EIS (EMM 2022) was prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for HVO North and South on 11 March 2021, and the *State Significant Development Guidelines* (DPIE 2022). The EIS was placed on public exhibition for a period of four weeks from 30 January 2023 through to 27 February 2023.

In response to matters raised in submissions on the Project, HVO completed a detailed review and subsequently sought to amend the SSD applications for the Project, as detailed in the HVO Amendment Report (EMM 2025a) which included, amongst other things, the removal of coal extraction in gas Domain 1. The HVO Amendment Report was placed on public exhibition for three weeks from 5 September 2025 through to 25 September 2025. During the public exhibition of the HVO Amendment Report, submissions were received from government agencies, councils, public authorities, organisations and individuals.

An Amendment Submissions Report (EMM 2025b) was subsequently prepared to respond to matters during the public exhibition of the Amendment Report. Following review of the Amendment Submissions Report (EMM 2025b), residual comments and recommended conditions of approval were received from four government agencies and one local council, being the:

- NSW Environment Protection Authority (EPA)
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Conservation Programs, Heritage and Regulation Group (CPHR)
- Heritage NSW
- DCCEEW Water Group
- Muswellbrook Shire Council (MSC).

This report has been prepared to address the residual comments, and respond to the recommended conditions of approval, within the submissions received on the Amendment Submissions Report.

2 Response to residual submissions

2.1 Environment Protection Authority

Two submissions from the EPA were received comprising:

- correspondence dated 15 December 2025 in relation to air quality, noise and water
- correspondence dated 23 December 2025 in relation to greenhouse gas (GHG) emissions.

HVO notes the submission received on 15 December 2025 includes suggested EPL conditions. HVO considers that consistent with the EP&A Act, EPL conditions should be developed consistent with the development should approval be received for the Project. In this regard HVO notes that ongoing consultation with the EPA would occur during the EPL variation process, subject to approval of the Project.

The following sections provide an overall response to the submissions received.

2.1.1 Greenhouse gas

The EPA submission in relation to GHG emissions acknowledged that the Project's Greenhouse Gas Assessment (EMM 2025d) was prepared in accordance with the requirements of the EPA's *NSW Guide for Large Emitters* (the Guide), and that the proposed GHG mitigation measures align with the principles of the Guide, including application of the GHG mitigation hierarchy. The EPA specifically notes that the amended Project adopts avoidance and reduction measures, including avoiding mining in the gassiest domain (Domain 1), reducing coal extraction rates and mine life, and optimising diesel consumption, with offsets considered as a last resort.

The EPA acknowledges HVO's ongoing mitigation commitments, including trial gas pre-drainage in Domain 3; and review of GHG mitigation technologies every three years, with the assessment of feasibility and identification of measures for implementation. Furthermore, the EPA recognises HVO's commitment to exceed the Commonwealth Safeguard Mechanism obligations by purchasing additional carbon offsets and Safeguard Mechanism Credits (SMCs), and that with these measures, the Project's net emissions will follow a downward trajectory consistent with NSW's emissions reduction goals.

The EPA noted that any proposed GHG offsets must be based on methods that are clear, enforceable and accountable, and that offsets sourced from NSW-based projects are preferred as offsets outside NSW do not currently count towards the NSW emissions reduction inventory.

Two recommended conditions of consent were proposed by the EPA including:

1. Gas pre-drainage trial

- (a) The Applicant is to develop a scope of work for pre-drainage trial in Domain 3 in consultation with stakeholders.
- (b) The Applicant must submit the gas pre-drainage trial scope to the Planning Secretary within 2 years of the issue of this consent.
- (c) The scope of work must be submitted to the Planning Secretary for approval.
- (d) The Applicant must implement the gas pre-drainage trial following the Planning Secretary's approval of the scope.

2. Review of emission reduction technology

- (a) The Applicant must submit an updated GHG mitigation plan that demonstrates review of GHG mitigation technologies every 3 years from issue of this consent.

- (b) The review must assess the feasibility of GHG mitigation technology and identify measures to be applied to the project.

HVO does not oppose the recommended conditions of approval proposed by the EPA which align with commitments made by HVO throughout the assessment documents in relation to GHG emission reductions.

2.1.2 Air quality

The EPA submission in relation to air quality noted that although the modelling methodology for particulate matter was adopted to avoid double counting, the approach was not supported by the Approved Methods. Regardless, the EPA advised that, as the Project requires a Trigger Action Response Plan (TARP) that must use actual measured particulate matter with a diameter of 10 micrometres or smaller (PM₁₀) concentrations to manage impacts for compliance, the EPA considered that this issue could be resolved through including conditions in an Environment Protection Licence (EPL), should the project be approved.

Seven conditions relating to air quality were proposed in the EPA submission. A response to the EPA proposed conditions is provided below.

Coal moisture content

HVO does not support the inclusion of prescriptive minimum moisture content requirements for run-of-mine (ROM) coal and product coal across all stages of handling, loading, transferring and stockpiling, as proposed by Conditions O.1 and O.2. The imposition of this condition is not practicable, reasonable or feasible.

While moisture assumptions of 8% for ROM coal and 10% for product coal were adopted for the purposes of air quality modelling, these values were not intended to represent fixed operational limits or constraints. Rather, they are generally representative assumptions used to inform predicted impacts and are consistent with accepted modelling practice of coal mining projects within the Hunter Valley.

It is further noted that particulate emissions associated with ROM and product coal handling activities across the HVO Complex represent only a relatively small component of overall site dust emissions, with overburden handling and haulage activities comprising the dominant contribution to the site's emissions profile.

In practice, coal moisture content is inherently variable and influenced by a range of factors, including coal seam characteristics, coal quality, mining location, operational sequencing and prevailing weather conditions. Accordingly, HVO considers that air quality conditions are more appropriate to be outcomes-focused, and aligned with established site-wide compliance monitoring and management systems, rather than prescribing fixed moisture content limits for specific activities.

TARP and adverse meteorological conditions

HVO supports the requirement to maintain and implement a Trigger Action Response Plan (TARP) to manage air quality risks during periods of elevated dust potential. As previously committed to, should the Project be approved, HVO's existing Air Quality Management Plan will be reviewed and updated to clearly document the monitoring and management controls to be implemented to manage air quality impacts associated with the Project, including the ongoing application of proactive and reactive management protocols.

The TARP framework set out in the current Air Quality Management Plan will continue to be implemented, with dust levels investigated when TARP triggers occur to identify likely sources of emissions. The TARP will be reviewed and updated, as required, to ensure it remains appropriate and effective for ongoing operations at HVO following Project approval, if granted.

HVO does not, however, support the prescriptive definition of adverse meteorological and PM₁₀ conditions proposed by Conditions O3.2 and O3.3. The specified wind speed, wind direction and PM₁₀ thresholds do not align with the modelling scenarios or outcomes presented in the Air Quality Impact Assessment (AQIA, Airen 2025) upon which the amended Project's assessed impacts are based. The imposition of these fixed thresholds has the potential to materially alter the operational envelope assessed within the AQIA and may result in unnecessary operational constraints that were not contemplated as part of the impact assessment.

In addition, the proposed definitions do not adequately account for the influence of upstream and background air quality conditions, which can materially affect measured PM₁₀ concentrations at regional and site monitoring stations independent of HVO activities. The application of prescriptive triggers without appropriate consideration of background conditions and source attribution risks activating response measures in circumstances where HVO is not materially contributing to observed air quality outcomes.

Equipment shutdown

HVO has committed to the ongoing implementation of reactive air quality management measures in response to elevated dust risk conditions, including the following triggers:

- visual indicators, such as excessive visible dust identified through camera systems and on-site observations
- meteorological conditions conducive to dust generation, such as dry and strong wind conditions
- ambient air quality conditions, including elevated short-term PM₁₀ concentrations identified through air quality monitoring results.

Reactive management measures include the shutdown or curtailment of dust-generating activities where necessary to reduce the risk of exceeding relevant air quality criteria. These measures form part of HVO's established air quality management framework and are implemented following review of monitoring data and operational conditions.

HVO does not support the prescriptive requirement proposed by Condition O3.4 that shutdown of dust-generating activities be completed within a fixed one-hour timeframe following a triggered alarm. HVO considers that any shutdown or curtailment measures should be informed by an assessment of monitoring data and prevailing conditions to determine whether HVO operations are materially influencing observed air quality outcomes, including consideration of background and regional contributions.

Where shutdowns are warranted, HVO considers that responses should be implemented progressively and in a targeted manner, with a focus on identified problematic activities or emission sources, to achieve the most effective and proportionate reduction in emissions. This approach is consistent with an outcomes-focused air quality management framework and enables effective risk mitigation without imposing unnecessary or impractical operational constraints.

Alarms

HVO notes that alarms, associated meteorological conditions and operational responses are already recorded in accordance with established site procedures, with these processes documented within HVO's existing Air Quality Management Plan. This information is routinely maintained as part of HVO's existing air quality monitoring and management framework.

Given that these requirements are already embedded within approved management plans and operational systems, HVO does not consider it necessary for these activities to be captured through a separate or additional EPL condition as proposed by Condition O3.5. The existing framework provides an appropriate and transparent mechanism for recording, reviewing and making such information available to the EPA as required.

2.1.3 Noise

The EPA submission in relation to noise noted that the Noise Impact Assessment (NIA, EMM 2025c) of the amended Project assessed and applied feasible and reasonable mitigation measures. The EPA acknowledged that, even with the adoption of these measures, it is predicted that during some noise-enhancing meteorological conditions the Project Noise Trigger Levels (PNTLs) would be exceeded, requiring the shutdown or modification of certain operations and equipment to further manage noise emissions. The EPA also acknowledged that the nominated Acceptable Noise Levels (ANLs) align with shutdowns and operational modifications that are within Project viability, and that HVO has committed to achieving these ANLs under all meteorological conditions.

The EPA proposed several conditions relating to operational and construction noise monitoring and management that would be considered for the EPL. A response to the proposed conditions is outlined below. Generally, HVO considers that noise conditions applied to the Project should be consistent with, and justified by, the findings of the NIA and supporting documentation. Conditions should reflect the assessment outcomes, demonstrated achievable noise levels, and the mitigation measures committed to by HVO, while remaining practical and enforceable.

Operational noise conditions

HVO generally accepts the EPA's proposed operational noise conditions as an appropriate framework for regulating Project noise. HVO acknowledges that the EPA has proposed indicative noise limits based on the most affected receivers consistent with the assessment outcomes.

HVO has no objection to these operational noise conditions in principle. However, HVO considers that a more detailed review of the proposed conditions would be required during the EPL variation process, subject to approval of the Project, to ensure that nominated monitoring locations, coordinates and compliance points are correct, practical, and representative of the reasonably most affected locations. This review would also ensure that EPL conditions align with relevant development consent conditions if the Project is approved. As previously committed to, HVO intends to review both real-time and attended compliance monitoring locations to ensure the monitoring network provides adequate coverage of the Project Area. The outcomes of this review will be incorporated into a revised Noise Management Plan for the Project which will be reviewed and updated following approval of the Project.

Construction noise and vibration

HVO has committed to the preparation and implementation of a Construction Environmental Management Plan (CEMP) (or equivalent) prior to the commencement of construction activities. The CEMP will specifically address construction-related noise and vibration, including noise generated by construction activities and associated construction traffic.

The CEMP will include, as relevant to construction activities:

- identification of construction activities, work areas, access routes and potentially affected sensitive receivers
- identification and implementation of feasible and reasonable noise mitigation measures relevant to construction
- management measures for construction noise-generating activities, including construction traffic
- procedures for community notification, complaints management and compliance monitoring.

HVO considers that construction noise and construction traffic noise are most appropriately managed through the CEMP. The CEMP provides the necessary flexibility to identify and implement feasible and reasonable mitigation measures that are tailored to specific construction activities, locations and timing. Accordingly, HVO considers that the proposed EPA conditions relating to construction traffic noise would be duplicative and unnecessarily onerous, given that these matters will be comprehensively addressed through the CEMP and associated construction management processes.

Noise monitoring and reporting

Should approval be granted for the Project, HVO will undertake a review of both real-time and attended noise compliance monitoring locations to ensure that the monitoring network provides adequate coverage of the Project Area and appropriately represents the reasonably most affected receivers. This review will inform updates to the monitoring framework within the Noise Management Plan and ensure consistency with development consent and EPL requirements.

Noise monitoring will be undertaken in accordance with the relevant licence conditions and approved methods. Results of noise monitoring, including attended and real-time monitoring outcomes, compliance assessments and any management responses to exceedances, will be reported in accordance with EPL requirements and summarised in the Project's Annual Review.

2.1.4 Water

The EPA submission in relation to water noted that:

It is unclear if the Hunter River upstream of the HVO North and South Projects is a suitable reference site for deriving discharge criteria and that appropriate electrical conductivity trigger values should be developed for offsite discharges.

The EPA recommended DPHI consider a condition of approval for HVO to update HVO's existing Water Management Plan to include, but not be limited to:

- a) ongoing monitoring of the existing and new sediment basins, including all pollutants present in discharges that pose a risk of non-trivial harm to human health or the environment, including but not limited to salinity, major ions, bicarbonate, pH, nutrients and a suite of metals,
- b) mitigation measures to ensure that only sediment free of contaminants is released in controlled discharges offsite,
- c) management of any pollutants in sediment basins other than sediment, e.g. any analytes that are above ANZG (2018) and ANZECC (2000) guidelines in controlled discharges which may include reuse or diversion to the mine water system or resizing basins to larger than that required by the Blue Book,
- d) development of appropriate electrical conductivity values to assess salinity monitoring data for offsite discharges. This should include the identification of a minimally impacted reference site.

HVO generally accepts a condition requiring an updated Water Management Plan to reflect the Project, consistent with existing requirements under the Hunter River Salinity Trading Scheme (HRSTS), the EPL, Water Access Licences and approved discharge arrangements.

HVO notes that water quality monitoring and discharge management are already undertaken in accordance with the HRSTS and EPL, including monitoring of relevant water quality parameters and the implementation of appropriate management measures to ensure compliance with approved discharge criteria. HVO considers that these existing regulatory frameworks provide an appropriate and comprehensive basis for managing water quality impacts.

The updated Water Management Plan will describe aspects such as:

- erosion and sediment control measures
- water sharing arrangements with neighbouring mines
- methods for measuring and estimating water take (where practical), which will be reviewed for compliance with the NSW *Non-Urban Water Metering Policy*
- tailings management
- groundwater model review and validation
- groundwater and surface water monitoring, including review and adaptive management procedures
- trigger action response plans, including trigger action response plans for unexpected changes in surface and groundwater results.

HVO considers that conditions should not require commitments that go beyond those supported by the findings of the Water Assessment (EMM 2025e) for the amended Project or existing regulatory frameworks, nor should they pre-emptively prescribe specific engineering or operational responses (such as basin resizing or diversion measures) in the absence of demonstrated impacts. Accordingly, HVO supports a DPHI condition requiring an updated Water Management Plan that is consistent with the assessment outcomes, existing HRSTS obligations and established regulatory practice.

2.2 Conservation Programs, Heritage and Regulation Group

2.2.1 Hunter Floodplain Red Gum Woodland Endangered Ecological Community

The CPHR submission stated that:

CPHR considers that the reported 0.28% of the *Hunter Floodplain Red Gum Woodland Endangered Ecological Community* (EEC) (Red Gum EEC) that is proposed to be impacted may quantify a serious and irreversible impact (SAIL) and any impacts – direct or indirect, to this species are capable of being considered a SAIL. CPHR recommended that the impacts to known Red Gum EEC be avoided entirely.

The Project is proposing to impact 1.2 hectares (ha) of the Red Gum EEC associated with the HVO North Project. This comprises 1.06 ha in HVO North and 0.15 ha in the River Red Gum Additional Disturbance Area. The River Red Gum Additional Disturbance Area is an area within the existing HVO South Project Approval (PA 06_0261) adjacent to the Hunter River. This area is currently managed in accordance with the HVO River Red Gum Rehabilitation and Restoration Strategy (RRGRRS) developed in accordance with the requirements of Condition 30 of the existing HVO South Project Approval (PA 06_0261).

Impacts to the Red Gum EEC are expected to occur as a result of the proposed transmission line relocation works and discrete areas associated with continued mining operations. No significant impact from groundwater drawdown to this EEC is predicted to occur, and the HVO North Project is not expected to result in substantial indirect impacts such as inappropriate fire regimes, invasive species or pathogens.

Substantial efforts to avoid impacts to the Red Gum EEC has already been made through Project design and site location selection, with 8.1 ha of impact to this EEC avoided through the EIS and subsequent project refinements. Due to the location of this EEC in proximity to future mining operations and the Hunter River, no further avoidance is possible. Impacts to the community in relation to the proposed transmission line relocation works have been assessed conservatively and are expected to primarily be associated with tree trimming and edge impacts. Where possible, mature trees will be avoided. Pre-clearance surveys and clear delineation of easement boundaries avoiding river red gums during construction will be undertaken.

The Biodiversity Development Assessment Report (BDAR, Umwelt 2025) acknowledges that the Red Gum EEC is listed as a potential SAI entity under the Biodiversity Offset Scheme (BOS). Consequently, and in addition to retiring the credits as part of the Project's biodiversity offset strategy, HVO has identified an area of land approximately 6.6 ha in size that would be subject to measures to restore this EEC through revegetation and management, which would result in a net gain for this community and provide a higher level of protection to adjacent areas of this EEC.

This area of land would be incorporated into the RRGRS that would be revised should the Project be approved.

Importantly, the RRGRS has been continuously refined and updated based on ecological monitoring, which has demonstrated which management measures are effective. This adaptive management approach ensures that the Project focuses on implementing measures proven to support successful rehabilitation and restoration, significantly increasing the likelihood of positive outcomes.

Key target actions that are likely to contribute to the improvement of the Red Gum EEC in this area, as outlined in the current RRGRS and are proposed to continue include:

- Fencing and access control: Establish and maintain fencing to exclude stock and support the expansion of the Red Gum EEC over time.
- Passive regeneration: Passive regeneration actions will be carried out to support the natural recruitment of river red gums. This includes removal of stock, restriction of access by stock, vehicles and people, weeding and control of feral animals.
- Assisted revegetation: Assisted regeneration is necessary to establish a diverse, native understorey and groundcover in the Red Gum EEC. This includes supplementary planting of native grasses, forbs and shrubs tubestock and seeds. It may also include ripping the soil and weed control.
- Weed and pest control: Implementation of an appropriate weed and pest control program, with selection of targeted species informed by the results of ecological monitoring.
- Ecological Monitoring: Design and implement an updated ecological monitoring program that will assess the success of the rehabilitation and restoration strategy going forward, as well as inform ongoing management actions.

The BDAR determined that with rehabilitation and management, this site is suitable and appropriate and is designed to result in a net gain and to eliminate any SAI on this EEC.

It should also be noted that this area which will be rehabilitated and restored will be in addition to any credit obligations under the BOS for the Project.

2.2.2 Offset and rehabilitation areas

The CPHR submission recommended that all previous offset and rehabilitation areas associated with HVO be mapped against the Project works and include the proposed additional restoration area.

As noted above, the Project will impact 0.15 ha of the Red Gum EEC occurring adjacent to the Hunter River as a result of the construction of relocated transmission lines. This area of impact is currently managed in accordance with the RRGRS.

The RRGRS identifies a range of monitoring, management and restoration actions for the Red Gum EEC, focusing on the Carrington Billabong within the existing HVO North development consent boundary, and includes stands of River Red Gums occurring along the Hunter River and Wollombi Brook and within the current HVO South Project Approval boundary. These areas are not secured under any formal offset arrangement.

The proposed additional 6.6 ha of land to be incorporated into the RRGRS adjoins existing 'Priority' areas managed in accordance with this Strategy and will not be impacted by the Project.

As also stated above, the additional 6.6 ha of land to be incorporated into the RRGRS will be in addition to any credit obligations under the BOS for the Project. Except for the above, the Project does not propose to impact any other areas of land managed for conservation purposes or any existing or proposed legally secured offset areas.

2.2.3 Land categorisation

The CPHR submission noted that matters regarding land categorisation for the Project were provided in correspondence (DOC25/744898-16) dated 11 September 2025. A response to this submission is being prepared and will be provided to DPPI and CPHR independent of this response to residual agency advice.

2.3 Heritage NSW

The Heritage NSW submission noted that the Amendment Submissions Report (EMM 2025b) adequately addressed previous comments on the HVO Amendment Report (EMM 2025a). Heritage NSW requested evidence be provided to confirm that each Registered Aboriginal Party (RAP) was contacted as part of the consultation undertaken. This information has been provided to DPPI and Heritage NSW independent of this response to residual agency advice.

2.4 DCCEW Water Group

The DCCEW Water Group submission requested the following improvements be made to the HVO Water Management Plan:

- measured groundwater levels should be depicted in figures, and groundwater level predictions should capture the variability evident in the past modelling of alluvial heads
- groundwater dependant ecosystem (GDE) impact assessments should consider the risks to existing, and especially more juvenile vegetation, during prolonged drier periods
- use of cumulative rainfall deviation curves to depict rainfall patterns instead of a histogram.

HVO has committed, should the Project be approved, to review and update the HVO Water Management Plan. As detailed in the Amendment Submissions Report (EMM 2025b), the plan will:

- be prepared by a suitably qualified and experienced person(s)
- be prepared in consultation with the DCCEW Water Group and the EPA
- detail water use, metering, disposal and management on-site
- detail the water licence requirements for the development
- contain a Groundwater Management Plan, including:

- baseline data on groundwater levels and quality
- a program to monitor groundwater levels and quality (including nutrients and pathogens), including details on:
 - the number, design and location for all monitoring bores
 - timelines for establishment and sampling regime(s) for the monitoring bores
 - monitoring frequency and suites of analytes to be monitoring
 - reporting requirements for the sampling results
- the construction and spatial details of all and any newly installed groundwater monitoring bores commensurate with the Project
- groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts to aquifers and other groundwater users in the area
- a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.

HVO does not oppose the recommended conditions of approval proposed by DCCEEW.

2.5 Muswellbrook Shire Council

2.5.1 Planning agreement

The Muswellbrook Shire Council (MSC) submission noted the importance of a planning agreement to provide certainty that the Project will deliver tangible economic and social outcomes within the Muswellbrook Shire Council Local Government Area (LGA). HV Operations supports MSCs commitment towards economic and social improvement of the community within the MSC LGA. If approved, the HVOCP will continue to provide ongoing benefits to the local community to the end of 2045 including through direct employment opportunities for around 1500 people, up to 600 temporary jobs during construction, ongoing supplier expenditure (including via local suppliers) as well as support for local community charity and volunteer organisations.

HV Operations recognises that a portion of the project area is within the Muswellbrook Shire Council LGA. HV Operations has consulted with MSC regarding the establishment of a Planning Agreement and acknowledges that revised General Terms were reported to the June 2024 Ordinary Council Meeting and the subsequent resolution provided to HV Operations in July 2024. It is noted that since the time the initial offers were made to, and responses received from MSC, HV Operations has prepared and submitted the HVO Amendment Report (EMM 2025) included ongoing consultation with MSC throughout this time.

As at the date of this correspondence, discussions with MSC remain open and ongoing in respect to the establishment of the general terms for a Planning Agreement.

2.5.2 Housing and accommodation

In its submission, MSC requested that HVO secure suitable worker accommodation prior to determination. It advised that the approach proposed by HVO to secure short term and rental accommodation from within surrounding communities will place increasing housing pressure on these communities, and risks contributing to cumulative housing impacts that have already been identified as a significant issue across the LGA.

As previously noted, given HVO's relatively accessible location and the depth and capacity of the Hunter region labour market, the majority of construction workers are expected to be sourced locally, within an approximate one-hour commute and accommodated at their existing place of residence. This reflects established workforce patterns for major construction projects in the Hunter Valley. Where workers are required from outside this catchment, HVO anticipates they would be accommodated in a combination of short-term and rental housing within the surrounding communities.

The Hunter Valley supports a well-established and highly mobile construction workforce, and HVO's central location provides ready access to skilled workers who already live and work in the region. This approach supports local employment without reliance on specific companies or recruitment sources. Importantly, the scale, duration and composition of the construction workforce does not warrant the provision of purpose-built worker accommodation, nor would such an approach be proportionate to the likely level of demand generated by the Project.

As detailed in the Submissions Report (EMM 2025b), should approval be granted, HVO will continue to engage with MSC during construction planning and throughout the construction period. This ongoing engagement will enable potential accommodation pressures to be monitored and managed proactively, including consideration of factors such as seasonal tourist demand or major regional events. Where necessary, appropriate and reasonable mitigation measures will be identified and implemented in consultation with Council. This adaptive management approach is considered more effective and proportionate than imposing prescriptive conditions.

The submission from MSC also requested that DPHI introduce conditions of consent to encourage improved uses of buffer land surrounding the Project that is occasionally utilised for low-intensity grazing.

Any alternative use of these lands beyond their current and approved use is beyond the scope of the Project and has the potential to result in land use conflicts with the current approved and proposed mining activities.

While no such conditions are proposed or considered necessary for this Project, HVO acknowledges MSC's broader strategic interest in future land use outcomes. Consideration of alternative post-mining land uses will occur through the established mine closure planning process, which provides the appropriate statutory framework to assess land capability, risk, compatibility and long-term community outcomes in a holistic manner.

2.5.3 Closure planning

MSC has requested DPHI consider including a contemporary condition on any approval to require the preparation of a Closure Social Impact Management Plan within 12 months of the approval, unless otherwise agreed with the Secretary.

Development of any Closure Social Impact Management Plan within 12 months of approval is often ineffective, and particularly where approval to the end of 2042 and 2045 is proposed as at HVO South and HVO North respectively. Future social conditions, economic trends, community priorities, workforce dynamics and regional development trends and trajectories are highly uncertain and will change significantly over the proposed life of HVO. A Closure Social Impact Management Plan developed so early would be based on projections that are unlikely to reflect the real situation at closure, making it less relevant and potentially obsolete long before closure approaches.

HVO has committed to the development and implementation of a Social Impact Management Plan (SIMP) for the Project to ensure all consultation commitments are upheld and to monitor the social impacts of the Project over time. Additionally, within five years of mine closure, HVO has committed to preparing a detailed Mine Closure Plan in consultation with key stakeholders. As part of this process, a Social Impact Assessment (SIA) will be undertaken to evaluate the potential impacts of mine closure on local and regional communities. Preparing a closure-specific social impact management plan closer to the time of closure will ensure the plan is informed, relevant, timely, and effective in addressing the actual social impacts identified in the SIA.

HVO considers this would be a more appropriate time to consider the impacts of mine closure and future land uses on the workforce and local communities of Singleton and Muswellbrook.

2.5.4 Visual

The MSC submission noted concerns regarding the combined landscape and visual/aesthetic effect of the presence of coal mines adjacent the New England Highway and Golden Highway, and how visual/aesthetic impacts can impact negatively on community identity, economic development through tourism, and residents' quality of life.

A detail visual impact assessment, including cumulative impacts on visual amenity was prepared in support of the EIS (EMM 2022), with supplementary assessments completed as part of the EIS Submissions Report (EMM 2023). The visual assessments determined that visual impacts were restricted to a limited number of view points and would be temporary in nature. Significant visual impacts were not predicted as a result of the Project with visual impacts to remain consistent with those previously assessed and approved.

HVO has committed, as part of detailed design process, to investigate the feasibility of planting vegetation adjacent to the realigned Lemington Road to provide an effective visual screen and reduce views of the road primarily from residences of Maison Dieu. It is noted that control measures already in place at HVO to minimise impacts to visual amenity will continue throughout the extended mine life with visual impacts decreasing over time as progressive rehabilitation is completed as the mine progresses.

It is also important to recognise that mining has been a defining feature of the Upper Hunter region for decades, shaping not only the local economy but also the community's identity and sense of place. Coal mining and related industries have provided significant employment and economic opportunities for the local community, with many residents living and working in mining or mining-related sectors deeply connected to the industry and its contribution to regional life. For a substantial portion of the community, including both direct employees and those in supporting businesses, mining is seen as integral to the region's character, contributing to social cohesion, economic stability and quality of life.

Abbreviations

ACHA	Aboriginal Cultural Heritage Assessment
ANL	Acceptable Noise Level
BDAR	Biodiversity Development Assessment Report
CPHR	Conservation Programs, Heritage and Regulation Group
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DPHI	Department of Planning, Housing and Infrastructure
EEC	Ecological Community
EPA	Environment Protection Agency
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPL	Environment Protection Licence
GHG	Greenhouse gas
ha	Hectares
HTP	Hunter Transmission Project
HVO	Hunter Valley Operations
LGA	Local Government Area
MSC	Muswellbrook Shire Council
PNTL	Project Noise Trigger Level
RAP	Registered Aboriginal Party
SAII	Serious and irreversible impact
SEARs	the Secretary's Environmental Assessment Requirements
SIA	Social Impact Assessment
SIMP	Social Impact Management Plan
SMC	Safeguard Mechanism Credits
SSD	State significant development
TARP	Trigger Action Response Plan

References

Airen 2025, *HVO Continuation Project Amendment – Air Quality Impact Assessment*, Airen Consulting.

DPIE 2022, *State Significant Development Guidelines*, Department of Planning, Industry and Environment.

EMM 2022, *HVO Continuation Project – Environmental Impact Statement*, EMM Consulting Pty Ltd.

EMM 2023, *HVO Continuation Project – EIS Submissions Report*, EMM Consulting Pty Ltd.

EMM 2025a, *HVO Continuation Project – Amendment Report*, EMM Consulting Pty Ltd.

EMM 2025b, *HVO Continuation Project – Submissions Report*, EMM Consulting Pty Ltd.

EMM 2025c, *HVO Continuation Project – Noise Impact Assessment*, EMM Consulting Pty Ltd.

EMM 2025d, *HVO Continuation Project – Greenhouse Gas Assessment*, EMM Consulting Pty Ltd.

EMM 2025e, *HVO Continuation Project – Amendment; Water Assessment*, EMM Consulting Pty Ltd.

EPA 2025, *NSW Guide for Large Emitters*, Environment Protection Authority.

Umwelt 2025, *HVO Continuation Project – Biodiversity Development Assessment Report*, Umwelt (Australia) Pty Limited.