

David Mooney - TRIM Outwards Document : OUT13/10073 : Bulga Mining Complex - Bulga Open Cut Extension Project - Singleton LGA (response)

From: <cathy.kelly@dpi.nsw.gov.au>
To: <david.mooney@planning.nsw.gov.au>, <matthew.collins@industry.nsw.gov.au>
Date: 11/06/2013 1:48 PM
Subject: TRIM Outwards Document : OUT13/10073 : Bulga Mining Complex - Bulga Open Cut Extension Project - Singleton LGA (response)
CC: <david.davis@dpi.nsw.gov.au>, <liz.rogers@dpi.nsw.gov.au>
Attachments: 20130611134431.pdf.pdf

Hi everyone

Please find enclosed our response to the above project.

-----< TRIM Record Information >-----

Record Number : OUT13/10073
Title : Bulga Mining Complex - Bulga Open Cut Extension Project - Singleton LGA (response)

Thanks

Cathy Kelly | Executive Assistant for
Director Office of Agricultural Sustainability & Food Security |
Department of Primary Industries
1447 Forest Road | Locked Bag 6006 | ORANGE NSW 2800 |
☎: 02 6391 3314 | F: 02 6391 3551 |
E: cathy.kelly@dpi.nsw.gov.au W: www.dpi.nsw.gov.au

This message is intended for the addressee named and may contain confidential information.
If you are not the intended recipient, please delete it and notify the sender.
Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.



Department of Primary Industries

OUT13/10073

Mr D Mooney
Senior Planner
Mining Projects
GPO Box 39
SYDNEY NSW 2001

11 JUN 2013

Dear Mr Mooney

Thank you for your letter of 26 April 2013 concerning the review of the Agricultural Impact Statement for the proposed Bulga Extension Project (also known as the Bulga Optimisation Project).

The Office of Agricultural Sustainability & Food Security (O AS&FS) has reviewed the AIS provided by Umwelt (Australia) Pty Ltd dated April 2013.

Specific issues are included in Attachment 1 enclosed. A brief summary follows:

There remains a significant amount of insufficient detail within the AIS thereby limiting the assessment of potential agricultural and socio-economic impacts of the project.

This advice from the O AS&FS is forwarded directly to the Department of Planning & Infrastructure in accordance with agreed arrangements for mining applications that affect agricultural land.

Additional advice from the other divisions within the Department of Primary Industries may be forwarded by separate letter.

If you wish to discuss the issue further please call Liz Rogers on telephone 02 63913642 or by email liz.rogers@dpi.nsw.gov.au.

Yours sincerely

Regina Fogarty
Director Office of Agricultural Sustainability & Food Security

Encl

Socio-economic Assessment of the AIS

The following provides a review of the socio-economic component of the Agricultural Impact Statement (AIS) provided as part of the Bulga Mine Extension Project EIS. The AIS and supporting documentation were reviewed with reference to the following material: Strategic Regional Land Use Policy Delivery Guideline – Guideline for AISs (March 2012), AIS Fact Sheet (September 2012), and the Strategic Regional Land Use Policy Guideline for AISs (Re-issued October 2012).

Two possible conditions of consent are identified relating to the noise and visual bund to be constructed over the first 3 years of the project, which is one of the primary mitigation actions offered by the proponent to reduce identified noise and visual amenity impacts.

Condition 1:

A monitoring program should be included to assess the effectiveness of the bund. Additional mitigation measures should be considered if the performance of the bund does not meet expectations.

Condition 2:

Additional mitigation measures should be developed to address noise, visual and social amenity impacts that may eventuate during the construction phase of the bund.

1. Impacts on agricultural enterprises, including farm productivity, land values and flow on impacts to regional communities and the environment.

a) Farm productivity

The project will result in minimal land being removed from commercial agricultural production, affecting only a limited number of agricultural enterprises. The proponent has undertaken to help preserve important vine genetic stock and thus maintain regional viticultural productivity potential.

b) Land values

A general discussion about the impacts of the mine development on local land values is provided. In the absence of any quantitative data being presented to assess any change, no comments can be made. The proponent does state that “the project will have short term impacts on the surrounding community” (AIS Section 5.2.2., p.48), which will be reduced following the construction of the noise and visual bund over the first 3 years of the project. Potential impacts on local land values should be investigated and reported, as well as monitored and assessed over time.

c) Flow on impacts to regional communities

There is limited discussion of flow on impacts to regional communities in the AIS. However, there is adequate discussion of the impacts on population, housing, community infrastructure and local business in Appendix 3 - Social Impact and Opportunities Assessment.

2. Any water that is transferred or will no longer be available for agricultural use.

No additional water will be diverted away from agriculture. The proponent has reported that it currently owns 867 ML of high security water in the Hunter Regulated River water source. The Regulated Hunter WSP has an allocation of 21,740 ML of high security water. Thus, the proponent owns 4% of available high security water, which has a high market value.

3. Impacts on agricultural support services, processing and value adding industries and regional employment.

a) Agricultural support services

No discussion is provided, but limited impact is expected.

b) Processing and value adding industries

The Broke-Fordwich wine area is a specialist wine area with vertical integration and specialist local market in conjunction with tourism. The industry promotes itself as the tranquil side of the Hunter Valley. Limited assessment of the potential impacts on this industry sector is provided in the AIS. It is noted that in the short term, noise and visual impacts are expected to be incurred until the noise and visual bund is established and vegetated. In the absence of relevant data being provided, no assessment can be made.

The proponent is working with the owner of an exiting mushroom compost making facility to facilitate its relocation.

c) Regional employment

Some discussion is provided and limited impact is expected.

4. Impact on visual amenity, landscape values and tourism infrastructure relied upon by local and regional agricultural enterprises.

a) Visual amenity

The proponent indicates that the development of the noise and visual bund will be one of the primary mitigation measures to address the identified noise and visual impacts. However, the proponent states that the benefits of this mitigation action won't be experienced until year 4 of the project onwards (AIS Section 4.2.6., p.41). Mitigation measures that will be undertaken prior to year 4 to compliment this activity should be discussed.

b) Landscape values

The development of the noise and visual bund will change the regional landscape, given its substantial size. The proponent has undertaken considerable consultation with the community to assist in the development of a sympathetic design. Ongoing community participation in the performance assessment of the bund should be encouraged. It is recommended that a performance monitoring program, incorporating the community, should be developed by the proponent to assess the performance of the bund.

c) Tourism infrastructure

Limited information is provided to assess potential impacts of the mine development on agricultural tourism in the Broke-Fordwich wine area. It is recognised that this development is an expansion of an existing mining operation. Community consultation reported in Appendix 3 - Social Impact and Opportunities Assessment identified that the issues of most concern to local communities in proximity to the existing mine are air quality, noise and visual amenity. The ongoing sustainability of smaller localities was also identified as an issue of concern. The proponent needs to address these issues relating to agricultural tourism more thoroughly in the AIS.

5. Mitigation measures for minimising adverse impacts on agricultural resources, including agricultural lands, enterprises and infrastructure at the local and regional level.

a) Agricultural lands

Reference is made to the conceptual mine closure plan and resultant landscape design. Community participation in the design and construction of the final landscape should be encouraged.

b) Agricultural enterprises

The preservation of viticulture genetic stock is commended (also see Point 1a)). However, as noted in Point 4c), limited information is provided regarding potential impacts on agricultural tourism enterprises, primarily wine tourism. The lack of data limits the assessment of impacts and without a discussion of the impacts it is difficult to determine mitigation requirements.

c) Agricultural infrastructure

Some discussion is provided and limited impact is expected.

6. Documented consultation with adjoining land-users and Government Departments.

In the AIS, details are provided regarding with whom consultation was undertaken, including a general description of the issues discussed. However, the key issues and outcomes of the consultation are not provided.

It is noted in Appendix 3 - Social Impact and Opportunities Assessment (p.232) that "of particular concern to community stakeholders ... were the social amenity issues and impact on village community sustainability". It is also noted that "and use conflict was also perceived as high from a stakeholder perspective". These issues should have been discussed in more detail in the AIS.

Agricultural Issues arising from the AIS

1. *Biophysical Strategic Agricultural Land (GSAL).*

The proponent claims that there is no BSAL in the area but there is insufficient evidence to determine whether there is BSAL which will be affected. The AIS identifies potential BSAL on the Wollombi soil landscape then precludes this due to low to moderate soil fertility. However, the proponent has not undertaken any sampling in this soil landscape to assess this. Whilst it is acknowledged that the Wollombi soil landscape in the north western corner of the project area is not planned to be disturbed, either more information on this area is needed or this area should be excised from the project area if it is not being used.

2. *Critical Industry Cluster (CIC) Strategic Agricultural Land (SAL)*

A significant portion of the project area (314 ha) has been mapped as CIC SAL of which 150 ha (p4, AIS) will be disturbed. The final landform proposes that 115 ha of CIC SAL will be set aside for conservation purposes. Clarification is requested from DP&I as to whether conversion of CIC SAL to permanent conservation is acceptable use of this land.

3. *Effects on mushroom composting facility*

Which the AIS indicates there have been some discussions, effects of this project on the nearby mushroom composting facility are not clear. Clear evidence of consultation and agreement with the mushroom composting business over alternative arrangements at the proposed site of the Eastern Emplacement Area should be provided before this project is approved. Section 3.6 states that "The overall economic value of the enterprises located within the project area, with the exception of the Stage 1 mushroom composting facility which is linked to a mushroom growing operation on the Mitchell Line of Road, is low."

4. *Agri-tourism*

It should be noted that agri-tourism is considered an agricultural industry. More information is required on the value of the agri-tourism industry in the locality and the expected impact of the project on it.

5. *Rehabilitation and long term impacts.*

The proponent has not specified the extent of agricultural land which will be rehabilitated. The long term impacts (Section 5.2) cannot be determined because there is no final concept of agricultural land. There will be a removal of 1220 ha of grazing land along with the removal of mine owned vineyards and olive groves. No agricultural offset has been proposed for the loss of this productivity.