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"Regional Centre in Western NSW"

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7 May 2021

Mr Jack Turner
Senior Environmental Assessment Officer
Energy Resource Assessments
Department of Planning, Industry & Environment
Locked Bag 5022,
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Dear Sir

**RE: SUBMISSION IN RESPONSE TO THE EIS ON THE
PROPOSED NEW COBAR COMPLEX PROJECT (SSD-10419)**

Thank you for the opportunity to table this Submission in response to the proposed New Cobar Complex Project planned by Peak Gold Metals Pty Ltd ('PGM'), a subsidiary of Aurelia Metals Limited ('Aurelia').

The project will be located within the Cobar LGA and has physical and socio-economic consequences for Cobar Shire Council ('Council') to manage.

In analysing the proposal, Council is keen to ensure that the development is in accord with the definition of Ecological Sustainable Development and adopts the Precautionary Principle. Council considers the proposal has merit however its ultimate support is contingent upon satisfactory conditions of consent being framed so as to protect the environmental, social and economic attributes of Cobar and its community.

The salient matters are outlined below.

1. Potential Impacts on Council Infrastructure

Council seeks substantive conditions in any consent so as to protect and safeguard assets such as:

- The Great Cobar Heritage Centre;
- The water level in the Great Cobar Historic open cut;
- Council-owned historical water filtration plants, the raw water and potable water tanks;
- The Crown road portion (Filtration Plant Road) east off Kidman Way (is currently being transferred to Council);
- Fort Bourke Hill Lookout;

- Public access to Tower's Hut; and
- Chesney Mine.

In relation to the above, and consistent with previous conditions of consent for PGM/Aurelia projects, Council seeks:

- An updated dilapidation assessment of the Great Cobar Heritage Centre; and
- Time lapse filming of the water level movements in the Great Cobar Historic open cut;

In the event that the abovementioned public assets are damaged or compromised in any way then the burden of proof must remain with PGM and PGM must provide satisfactory make good arrangements. The 'No Disadvantage' rule must apply to all public infrastructure.

2. Roads and Traffic

a) General

Ore is currently transported from the existing operations along 5 kms of public road (Kidman Way) at the rate of 25 trucks (50 truck movements) per day, seven days a week.

The DA proposes that ore will continue to be transported from the New Cobar Complex but at a maximum rate of 100 truck movements per day (in and out of site) (daylight hours only), seven days a week averaged over a calendar year. This represents a doubling of truck movements from a current maximum rate.

This proposed doubling of movements will substantially increase the traffic intensity.

However, given the production rate remains unchanged, Council and TfNSW requires more detailed explanation as to why the truck limit should be permitted to double, even allowing for flexibility for unforeseen disruptions such as poor weather or machinery breakdowns.

Quantification of the total traffic generated by the development to be approved needs to be provided, both for peak daily traffic and peak hour traffic.

Council also concurs with TfNSW's request for additional information as follows:

- The construction related traffic generation component of the development. Whilst construction traffic may be less than the traffic generated by the operation of the development, it will utilise a different intersection with the Kidman Way to the operational traffic;
- The largest vehicle (design vehicle) to use the construction access;
- The daily and peak hour traffic generation (quantification and timing), for both light and heavy vehicles, for construction traffic;
- Trip origin and destination; and
- Number of oversize vehicles.

To be clear, any consent must include a condition that stipulates the Proponent must provide to Council an annual allocation of road maintenance funding to cover, on a road traffic proportional use basis, the repair and maintenance costs of local roads that are used by Project-related traffic.

Given the DA proposes to potentially double the number of truck movements, Council requests the DA examine alternatives to transport ore from the proposed New Cobar complex to the Peak complex, such as conveyors or subsurface transportation.

b) Heavy Vehicles Mixing with School Buses on Kidman Way

Council requires the Proponent provide:

- Documented haulage truck safety procedures that reduce to an absolute minimum the interaction with school buses;
- Documentary evidence every three months of haulage truck driver training regarding school buses; and
- The results of six-monthly independent compliance reports to verify that the heavy vehicle transport procedures regarding school buses are adequate and are being complied with. b

Council reserves the right to impose more stringent safety standards if the audit results show unsatisfactory levels of compliance.

3. Groundwater

a) General

Council concurs with the recommendations provided by DPIE Water and NRAR, namely:

- Prior to approval, that DPIE engage an independent groundwater specialist to peer review of the numerical groundwater model. Whilst the numerical model has been prepared in accordance with the Australian Groundwater Modelling Guidelines it has not been independently peer reviewed as required by the Aquifer Interference Policy (AIP).
- Prior to approval, that Basic Landholder Rights (BLR) bore, 2.8 km southwest of the project footprint - BLR bore 85WA752553 – be included in the assessment and address whether any mitigation is required.

Furthermore, the proponent should install a monitoring bore in the unconfined aquifer (depth 20 – 25 mbgl) at the New Cobar precinct without relying only on water levels of any third-party water supply bore for future monitoring and assessments.

- Post approval:
 - The Water Management Plan should be updated to document the water management infrastructure, proposed water use, storage and transfer, projected water take and licensing, water metering, water balance, monitoring and management/mitigation responses;
 - The ability to accurately meter and monitor water take from surface and groundwater sources will need to be developed with ongoing review of actual versus modelled predictions. This will be a key component to confirm impact predictions, the adequacy of mitigating measures and compliance for water take;
 - The Proponent must report on water take at the site each year (direct and indirect) in the Annual Review. This should include water take where a water licence is required and where an exemption applies. Where a water licence is required, the water take needs to be reviewed against existing water licences;
 - The Proponent must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring;
 - The Proponent must ensure that relevant nomination of work dealing applications for Water Access Licences proposed to account for water take by the project have been completed prior to the water take occurring; and
 - The Proponent must comply with the rules of the relevant water sharing plans.

b) Impacts on the Cobar District Rugby Union Club (CDRUC) Groundwater Bore

According to 26 September 2019 correspondence from PGM to the CDRUC, the Club bore penetrates to a depth of 22 m and has a standing water level of 3 m below ground level. The same letter indicates modelling for the proposed project will adversely impact the CDRUC bore by generating drawdown of between 4.8 m and 10.4 m, thus generating substantially more than 2 m drawdown.

Under the NSW Government's Aquifer Interference Policy (AIP), if a cumulative groundwater drawdown of more than 2 m is experienced at water supply works (i.e., groundwater bores), then 'make good' arrangements will apply.

It is noted PGM has committed to make good arrangements to supply supplementary water to the Cobar District Rugby Club to replace any reduction in pumping capacity that may occur due to the drawdown of the water table. Such make good provisions may include deepening the existing bore, compensating for extra pumping costs or providing alternative water.

To be clear, Council seeks robust and comprehensive consent conditions that:

- Place the burden of proof on the proponent to ensure the rugby club retains access to the same quantity and quality of water as it has historically used and in a timely manner that satisfies the rugby club's needs;
- Require the implementation of monitoring equipment at the rugby club bore to enable transparent monitoring and recording of the quantity and quality of the groundwater therein; and
- Protect the value and condition of CDRUC assets reliant on water from its bore.

4. Noise and Vibrations

a) Noise - General

Council concurs with the EPA's requests that:

- *the Proponent revise the Noise and Vibration Impact Assessment (NVIA) to show the actual predicted noise levels at each receiver in Tables 6.1, 6.2 and 6.3.*

The NVIA provides the results of the construction and operational noise assessment in Section 6. While the EPA notes that the NVIA predicts compliance with the relevant criteria, Tables 6.1, 6.2 and 6.3 generally only show the predicted noise levels as being a value less than the criterion (e.g., does not provide the EPA with sufficient information about the available noise level margin between the predicted level and the criterion, or the relative predicted noise levels at different receiver locations), which makes a full and proper review difficult.

- *the Proponent clarify the text within Section 3.5.2 of the NVIA to reflect the findings of the meteorological assessment as appropriate following the detailed comments below.*

The NVIA states in Section 3.5.2 that stability category F and G combined temperature inversions 'did occur for 30% or greater of the night-time period' and then goes on to state that 'temperature inversion conditions are not considered significant in accordance with the Noise Policy for Industry' (EPA, 2017).

While the EPA acknowledges that the ISO 9613 prediction method reflects noise propagation under a moderate temperature inversion condition, Section 3.5.2 of the NVIA needs to be updated to clarify the findings.

b) Noise and Vibrations from Blasting causing Amenity and Property Damage Issues

Whilst PGM currently manages the potential impacts from blast vibration at off-site receivers, the results from the NVIA and the SIA consultation reveal a disconnect in the measurement and technical standards related to blast monitoring and management, and the experiences of local stakeholders.

As is acknowledged, blast ground vibration can impact nearby, off-site receivers by generating a startle response and possibly negative physical and mental responses occurring as a result of the body's response to stress.

Council recommends any consent include a condition requiring the development and implementation of a blasting notification procedure that informs the community in advance as to when blasts are planned, so they can anticipate them and the element of surprise is removed and habituation will occur.

The blasting notification procedure should remain consistent and appropriately timed to ensure that the local community comes to trust and accept the notification procedure. The notification procedure could incorporate methods such as texts, calls, and/or email alerts that blasting will take place.

Whilst PGM already notifies the Water Treatment Plant and Cobar Heritage Centre prior to blasting, it is recommended additional residential and commercial property owners and Council's main office be added to this notification process.

Open and transparent measures are also required to address property owner's concerns regarding impacts to the structural integrity of homes and buildings.

In addition, Council requests any consent include:

- conditions that limit ground vibration caused by blasting to the tightest standards reasonably possible;
- a condition for the most up-to-date blast and noise monitoring equipment to be installed and maintained at Fort Bourke Hill and adjacent to "Dellavale" to assist in the management of blast and noise impacts; and
- Data from blast monitoring be made available live and in real time on a website and recorded in future AEMRs.

5. Air Quality

Council concurs with the EPA's requests that:

- *the Proponent provides additional information to describe the activities undertaken at both the New Cobar and Peak complexes, including the processing circuit, to demonstrate that the Air Quality and Greenhouse Gas Impact Assessment (AQIA) has accounted for all significant emission sources.*

The New Cobar and Peak complexes are inherently interlinked and are covered by one environment protection licence. While the AQIA states that the "processing of ore will only take place at the Peak Complex, therefore is outside the scope of this project", it is noted that the Proposal will produce ore within current development approvals in relation to the New Cobar and Peak complexes (800,000 tpa) and that the AQIA has assessed cumulative impacts due to activities undertaken at both complexes, including the processing circuit.

However, the AQIA does not include a detailed description of the activities undertaken at the Peak complex including the processing circuit and therefore it is unclear whether all relevant emission sources from this facility have been assessed.

- *the Proponent provides additional information to verify that the assumed throughputs outlined in the AQIA adequately represent a reasonable worst-case scenario with consideration given to any potential variations in annual operations and processing capacities at the New Cobar and Peak complexes.*

The EIS states that current development approvals at the New Cobar and Peak complexes allow for the operations to process up to 800,000 tonnes per annum (tpa) of ore. It is also indicated that the Proposal will produce ore within the existing processing limits.

However, the EIS does not include a breakdown of the proposed annual capacities at the New Cobar and Peak complexes. Table B.2 in the AQIA shows that the assumed ore throughputs are 200,000 tpa for the New Cobar complex and 600,000 tpa for the Peak complex.

The EPA is seeking clarification, or further information, on the extraction rates from the various mine areas. This should include, but need not be limited to, the following:

- Information on the potential for extraction rates to vary from those assessed in the AQIA; and
 - Demonstration that the scenario assessed in the AQIA adequately represents a reasonable worst-case scenario, with consideration of any potential variations in annual operations and processing capacities through the different mine complexes.
- *The Proponent revise the AQIA to include a step-by-step detailed discussion regarding the methodology used to establish emission sources parameters.*

Based on Figure B.1 in the AQIA, the EPA understands that a number of sources representative of different activities have been combined and modelled as one source.

For instance, although it is not clear, it is likely that loading, unloading and wind erosion activities at the New Cobar complex were potentially modelled as either a combined area or a combined area line source. Whilst the EPA recognises the merits of the approach, detailed information is required to allow for a robust and transparent review.

The EPA is seeking that the AQIA give consideration to, but need not be limited to, the following:

- Providing a summary of individual modelled sources and their corresponding parameters (e.g., emission rates, initial vertical dimension -if used-, side length, aspect ratio, release heights, etc);
 - In the case where various sources were combined into one modelled source, provide a segregated list of the activities included in the modelled source;
 - In the case various sources were combined into one modelled source, provide detailed discussion on how the 'combined' total emission rate was estimated and how it accounts (where applicable) for any potential differences in times of the day each activity is proposed to be undertaken; and
 - Including any other relevant information that is not specified in the points above.
- *The Proponent revises the AQIA to benchmark the proposed mitigation measures against best practice dust control measures.*

It is noted that the AQIA does not predict additional exceedances at any of the identified privately owned receptor locations and that it includes mitigation measures primarily through the use of water for dust suppression.

Nonetheless, considering the close proximity to the Cobar township, a detailed review of best practice dust control measures is necessary to demonstrate that the proponent has

evaluated and/or committed to all reasonable and feasible mitigation measures to prevent and minimise air pollution.

Particular emphasis should be given to the largest emissions sources such as the proposed ventilation shaft, the existing ventilation shafts, and activities related to hauling and wind erosion.

The EPA is seeking that the AQIA give consideration to, but need not be limited to, the following:

- Any measures to minimise emissions from the ventilation shafts, including those that can be implemented when undertaking underground works;
 - The use of chemical suppressants to reduce emissions from haulage on unpaved roads; and
 - The use of alternative methods (i.e., conveyors, subsurface transportation) to transport ore from the proposed New Cobar complex to the Peak complex.
- *The Proponent nominates and commits to the implementation of mitigation measures during the construction phase of the Proposal, if approval is granted.*

The AQIA indicates that the construction phase of the Proposal is expected to take six months and therefore the potential emissions will be minor and short term in nature. Nonetheless, considering the proximity of the proposed construction works to Cobar, the EPA considers that the Proponent must nominate and commit to specific mitigation measures to be undertaken during the construction works as required.

6. Enhanced Openness and Transparency Regarding Environmental Monitoring Results

Council recommends any consent require a condition that the environmental monitoring program results for noise, air quality (including particulates, lead, etc) vibration, blasting, surface water and groundwater be available live and in real time on a website.

Such an open and transparent availability of data should be key component of the community and stakeholder engagement strategy mentioned below.

7. Livelihood Benefits from Ongoing Employment and Mining Operations

It is noted:

- The 2019/2020 workforce (staff and on-site contractor personnel) at PGM totalled 404 FTEs across both the Peak and New Cobar complexes;
- This number will ramp up to 414 FTE in 2026/27 before ramping down to the end-of-mine life. The number represents an increase in 10 FTE at peak production during additional mining at Great Cobar and Gladstone;
- Annual labour estimates for the New Cobar Complex for mining and underground maintenance staff range from 57 FTE in 2020/21 to a peak of 272 FTE in 2026/27; however, these will not be new employees. Staff will relocate from the Peak Complex to the New Cobar Complex as their primary location of employment activity as mining at the Peak Complex ramps down and mining at the New Cobar Complex ramps up.
- These numbers can be accommodated within the existing facilities at New Cobar Complex without the need for further development as workforce facilities were constructed for a much larger workforce which operated during the development of the open cut between 2000 and 2004. This figure also includes the continued employment of administrative staff, maintenance staff and processing plant staff at the Peak Complex; and

- The Project is not expected to result in significant changes to workforce and economic benefits from existing levels.

Council notes and appreciates that more than half of the workforce at the Peak and New Cobar complexes reside locally.

To enhance the livelihood benefits arising from ongoing employment and mining operation it is recommended that any consent require PGM and workforce contractors implement a local participation strategy.

The strategy should facilitate local sourcing of labour where possible and practical as part of the operation, as well as provide training and skill-enhancement opportunities to the employees. The provision of staff development and training and apprenticeship opportunities increases job satisfaction amongst employees, resulting in increased productivity and quality of work. Additionally, training and upskilling employees leads to improved company competitiveness due to maximisation of employee knowledge and innovation.

Council supports the enhanced workforce stability through ongoing secure employment, as well as benefit the local community through the flow-on effect of supporting local businesses and services and improved community well-being and resilience.

8. Social Cohesion and Resilience Benefits in the Local Community

Council acknowledges that approval of the Project will stabilise the community by providing ongoing secure employment, which is particularly important due to the local and regional areas' current declining populations.

Council is committed to as much as is possible to Cobar being a community-based mining town this is documented in the Cobar Shire Local Strategic Planning Statement (LSPS). Council would like to see PGM support Council in achieving this commitment by PGM adopting workforce rosters and schedules that are in accord with the LSPS.

Council also requests that any consent require the Proponent to *develop and implement a community and stakeholder engagement strategy* aimed at strengthening social cohesion, capital, and resilience in the local area by increasing Project transparency and facilitating investment into the local community.

It is recommended the proposed community and stakeholder engagement strategy:

- be founded on respect for the personal and property rights of the local community, including the perceived or actual risks of damage to housing and structures from blasting vibrations, loss of groundwater, diminution of air quality impacts, etc;
- aim to improve the company relationship with the community and address trust issues as identified in the SIA;
- create a paid position for a 'local community engagement and social representative', to be filled by a local resident, to aid in the oversight of the management of social impacts and foster a more transparent and meaningful relationship between PGM and the local community;
- promote consistent and on-going engagement with the local community and reporting of feedback for consideration in the review of impact monitoring and management measures; and
- develop an action plan for the enhanced identification and implementation of shared value opportunities within the local area.
- develop and implement a definitive plan to hire locally where possible and to procure goods and services locally.

- vii. create training programs, apprenticeships and upskilling programs, in consultation with the mining school run by TAFE, based on Project workforce and supplier needs;
- viii. develop and implement a consistent blasting notification procedure;
- ix. implement the live, real time availability of environmental monitoring data on a website;
- x. include information about subsidence monitoring results in quarterly updates to the local community to help mitigate community concerns;
- xi. include information about heavy metals monitoring in quarterly updates to the local community;
- xii. revise the accommodation strategy and develop a local business and local industry procurement strategy to increase the likelihood of local benefit;
- xiii. develop a stronger commitment to local procurement of goods and services by developing a formal local business and local industry procurement strategy;
- xiv. develop local catering arrangements for the Project workforce and other local procurement activities to service the Project; and
- xv. hold events and initiatives in partnership with the Great Cobar Heritage Centre that emphasises the history of mining in the local area and experiences today.

Creating shared value emphasises the mutual dependency of the competitiveness of a company and the health of surrounding communities. It involves the interaction between company assets and expertise, business opportunities, and social need. Through the shared value approach, social challenges are solved via business activities themselves.

An example of additional shared value opportunities for the Project could include attending to community concerns about an increasingly non-resident workforce and demonstrating clear expectations of the intention for PGM to hire locally where at all possible.

A community and stakeholder engagement strategy as outlined above will help PGM identify potential risks to their ongoing social licence to operate and to establish adequate and appropriate means of community consultation to minimise negative impacts and maximise positive community and company benefit.

9. Post Mining Rehabilitation

As per the Resources Regulator's advice dated 23 March 2021, Council notes that there are a number of interrelationships between the proposed New Cobar Complex SSD and the Peak Gold Complex including:

- harvesting of waste rock from the Waste Rock Emplacement area and immediately transporting the material underground for use in stope backfilling operations (waste rock will remain underground and will not be transported to the surface as a preference).
- transportation of non-acid forming material to the surface for use across the complexes in construction/rehabilitation works (e.g., tailings dam lifts); and
- deposition of Potentially Acid Forming waste rock brought to the surface and stored within the waste rock emplacements (WRE) where at end of mine life it would be capped, or progressively returned underground for disposal.

Council is concerned, as is the Resources Regulator, to ensure that any changes to landforms as a result of the DA are adequately considered in the context of sustainable rehabilitation outcomes.

Thus, Council supports the Resources Regulator's request for further information to address the following matters:

- **Post Mining Land Use:** The nominated final land use of 'modified ecosystem' is unclear.

Further detail is required to clarify what ecosystem(s) will comprise the post mining landscape. The target rehabilitation outcomes, including vegetation types, are required to be nominated in the EIS (consistent with the approved Mining Operations Plan).

- **Conceptual Final Landform Design:** Table 1.2 of Appendix N states that no new landforms will be constructed as part of the proposal however, both Sections 1.4 and 4.2.5 of Appendix N outline that a substantial portion of the WRE material from the project area will be removed for use in underground operations.

Further information is required in relation to the extent of change to the final landform of the WRE, including strategies to ensure that exposed Potentially Acid Forming material will be encapsulated to ensure that the landform is stable in the long term.

A commitment is required that geomorphic landform design principles will be considered and implemented where practicable as part of the final landform to achieve long term stability.

It is noted that the Proponent has committed to undertake additional waste rock and soil characterisation studies and that a Landform Evolution Model will be used to scope the degree of re-work required on both the northern and eastern batters of the existing WRE to address erosion and vegetation failure issues that have occurred. The commitment that geomorphic landform design principles be considered and implemented where practicable is also required in relation to these areas.

10. Aboriginal and Non-Aboriginal Heritage Matters – Cornish Town Mining Village and Tower's Huts

The EIS identifies that there is a history of interconnection between Aboriginal people and non-Aboriginal residents associated with the remains of the nineteenth century Cornish mining village that exists within the current project boundary.

Council supports the recommendation of Heritage NSW for the development of a management plan that increases knowledge and awareness of post-colonial life in the Cobar region, commencing with an archival and oral history study of the post contact shared histories associated with the nineteenth century Cornish mining village.

Remnants of Tower's Huts are also nearby and are required to be surrounded by a robust fence that prevents human interference. Similarly, the Cobar Pastoral and Mining Technology Museum (1910) requires protection from risks of blasting or subsidence.

11. Securing a Planning Agreement between PGM and Council

As the sphere of government directly responsible for, and engaged in, the day-to-day governance of Cobar LGA, the issues confronting Council are significant, complex and diverse. Whether it be roads and bridges, water and sewerage systems, waste, community buildings or recreation facilities, the availability and quality of this infrastructure and social services impacts on the standard of living and economic prosperity of our citizens and ratepayers.

Council thus seeks development contributions from the Proponent via a VPA that acknowledge the broad, tangible and intangible environmental, social and economic costs arising from the Development. Such funds will be applied to a public purpose that will ensure the provision of a public benefits.

It is Council's desire to negotiate a VPA before any project approval is granted, with the VPA's key terms to be included as a specific condition within the project determination.

If you have any queries regarding the abovementioned matters, please don't hesitate to contact the Council's Director of Planning & Environmental Services, Mr Garry Ryman on (02) 6836 5888.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Vlatko', with a stylized, cursive script.

Peter Vlatko

GENERAL MANAGER