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Dear Lauren,

**Maxwell Underground Coal Mine (SSD 9526) RTS Comment**

I refer to the Response to Submissions (RTS) submitted by Malabar Coal ("the Proponent") in relation to the Maxwell Underground Coal Mine Project (SSD9526). I make the following comment on the RTS on behalf of Muswellbrook Shire Council. Council appreciates the opportunity for comment.

Council's concerns were:

- Approval Issues
- Subsidence impacts
- Environmental Issues
- Road and traffic impacts
- Impacts on heritage items, places and relics
- Economic outcomes
- Rehabilitation and Mine Closure processes
- Greenhouse Gas Emissions

The Response to Submissions (RTS) provides further information. Council's feedback on the Response to Submissions follows, and Council doesn't consider have been adequately addressed or require imposition of a condition:

**APPROVAL ISSUES**

1.0 The project relies on existing infrastructure approved and constructed under different applications, for example, DA 163/2002 and Project Approval 06\_202. SSD 9526 should have sought modifications to these approvals at the same time as the new project, and ideally, a single new approval for the Maxwell project, incorporating infrastructure on, and rehabilitation required for, the former Drayton mine, and the ongoing use of the Antiene rail spur and other infrastructure, would be issued.

RTS

Malabar intends to consolidate current rehabilitation activities under Project Approval 06\_0202 at the former Drayton Mine into the Project's Development Consent, if approved. Should Development Consent be granted for the Project (which includes the ongoing rehabilitation at the former Drayton Mine) and subject to Malabar being satisfied with the consent conditions, Project Approval 06\_0202 would be surrendered so that the mine operates under only one consent. Accordingly, no modification to Project Approval 06\_0202 would be required.

The section of the Antiene Rail Spur used to service the former Drayton Mine is approved to operate under Development Consent DA 106-04-00 until November 2025. Malabar will separately lodge a modification to extend the operation of Development Consent DA 106-04-00. Potential environmental impacts associated with use of the Antiene Rail Spur for the Project have been assessed in the EIS.

#### Council Comment to RTS

Noted. Appropriate conditions of approval are required to ensure this occurs, although Council still has concerns about unintended consequences of proceeding in this manner, rather than considering all impacts and required conditions of approval as part of this Project.

2.0 The approval needs to include a requirement for Community Enhancement contributions and payments to local road maintenance costs to assist with mitigating cumulative impacts of the mine. This condition should be similar to the conditions applying to other mines operating in the Shire. The Proponent has approached Council with an initial offer on the terms of a VPA, however further negotiations are required before a VPA can be finalised. The VPA is anticipated to include:

Item	Development Contribution Proposed
Maxwell Community Contribution	\$500,000 per annum (indexed annually according to CPI). A community representative committee will be established, including Applicant representatives, to make recommendations to Council regarding these community contributions.
Council Road Maintenance and Infrastructure Costs	Costs associated with the maintenance of roads, and provision of infrastructure, calculated as an annual payment based on tonnage of product coal produced, and indexed annually (according to CPI).
Environmental Officer	The Applicant to make contributions to an Environmental Officer, up to a maximum of \$20,000 per annum (indexed annually according to CPI).
Apprenticeships	The Applicant to use its best endeavours to engage 4 apprentices per year for the life of the mine sourced from residents within the Muswellbrook Shire.

#### RTS

Malabar is prepared to negotiate the terms of the Voluntary Planning Agreement outlined in Item 12 of the MSC's submission, noting that further detail regarding annual MSC road maintenance and infrastructure costs are yet to be provided.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

3.0 To help with cost of infrastructure upgrades to the State road network, to enable residential subdivisions that will utilise Bimbadeen Road, a condition of approval is requested that requires a financial contribution to the intersection upgrade (preferably as a SIC).

#### RTS

Malabar has undertaken negotiations to make an annual Community Contribution under a Voluntary Planning Agreement (Section 6.1.9) with the MSC. If the committee established to make recommendations on the distribution of the annual Community Contribution supports funding of an upgrade of the Bimbadeen Road and New England Highway intersection Malabar would not object to this use of the funds.

Malabar will also make financial contributions to the MSC through payments of Council rates.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

### **Environmental Issues**

4.0 The Biodiversity Assessment Method (BAM) Accreditation Scheme under the *Biodiversity Conservation Act* 2016 requires an accredited assessor to take full responsibility for the content of the Biodiversity Development Assessment Report (BDAR), including responses to comments provided as part of a review. Therefore, Council directs it's response to the Maxwell Project - Submission Report, where they relate to the BDAR, to Dr Colin Driscoll (BAAS17004) the accredited assessor.

5.0 Council does not accept that the accredited assessor has developed the BDAR consistent with the BAM based on the adequacy of the surveys for *Diuris tricolor* or that the BDAR has not provided a detailed adaptive management strategy for impacts associated with subsidence and remediation. In addition, whether or not the Hunter Central Coast Regional Planning team within the Biodiversity Conservation Division of DPIE who undertook this review deemed the surveys to be adequate is irrelevant, as they are not the administrators of the BAM or the Accreditation Scheme. Council would be happy for the BDAR to be reviewed for consistency with the BAM by the scheme administrators to give certainty to all parties.

6.0 In regards to the surveys undertaken Council reiterates its original comments on the BDAR that:

- a. the BDAR is not consistent with s6.4 of the BAM or s3.3 of NSW Guide to Surveying Threatened Plants (OEH 2016) as the accredited assessor did not adequately determine nor display the potential habitat for this species to inform where to undertake targeted surveys.
- b. The Baseline Flora Report states that the surveys were restricted to '*...walking transects across a seven-hectare area centred on the previously recorded locations*'. The Baseline Flora Report prepared by Collin Driscoll also states that '*further surveys were conducted during peak flowering using meanders in and around the proposed surface development areas, and other selected potential habitat*'. Table 1 states that for orchids the maximum distance between parallel field traverses (separation width) in open vegetation needs to be 10 metres. However, the accredited assessor did not demonstrate that this was done nor did he provide figures showing potential habitat or where threatened flora transects and surveys were undertaken as required by section 4, in particular Section 4.1 of NSW Guide to Surveying Threatened Plants (OEH 2016) which states that '*traverses should be recorded on a global positioning system (GPS) and plotted on the site map in the BAR*'.

- c. Surveys were not undertaken at the '*optimum time or under optimum conditions*' (NSW Guide to Surveying Threatened Plants (OEH 2016)) as '*a failure to find orchids in drought years or when rainfall events do not occur at the right time does not necessarily mean that they are truly absent*' (Guidelines For Detecting Orchids Listed As 'Threatened' Under The Environment Protection And Biodiversity Conservation Act 1999). The Baseline Flora Report even states that '*The prevailing conditions had a particular impact on terrestrial orchid surveys, these needed to be done during flowering, however the ground cover had only begun to respond to rain and the removal of cattle*' and that 2011 surveys for this species had been undertaken '*...in clearly better conditions than those pertaining in 2018, with the species only encountered in the one location*' which was outside the disturbance footprint and it goes on to state that '*drought conditions prevailed at the time of the orchid survey in the Study Area and it is possible that this suppressed flowering*'.
- d. In consideration of the above, this species cannot be disregarded as potentially occurring throughout the impact area. Therefore, the precautionary principle should have been applied and either an expert report provided or it should be assumed as being present and credits calculated accordingly.

In regards to the accredited assessor comments in section 6.1.1 of the submission report:

- a. Table 26 of the BAM requires that for Major Projects details of the adaptive management strategy proposed to monitor and respond to impacts on biodiversity values that are uncertain (Section 9.4 of the BAM) be included within the BDAR.
- b. Rather than the condition of consent that 'Malabar would accept', Council proposes that the '*table of measures to be implemented before, during and after construction* (in the broad sense) *to avoid and minimise the impacts of the project, including action, outcome, timing and responsibility*', as per Table 26 of the BAM, be the condition of consent to ensure the projects consistency with the BC Act as a whole.
- c. Particular attention needs to be given to impacts to *Diuris tricolor*, Pink-tailed Legless Lizard (*Aprasia parapulchella*), and Striped Legless Lizard (*Delmar impar*) as these are the species most likely to be impacted by subsidence and remediation.

7.0 Issues with the site access road from Thomas Mitchell Drive to the Mine Entry Area in the first year of mining operations.

#### RTS

To balance earthworks volumes and material placement the MEA and the site access road need to be constructed simultaneously. The site access road would be sealed during the first year of mining operations. During this first year only relatively small quantities of coal would be transported (less than 500 kilotonnes).

...during construction of the transport and services corridor, dust would be mitigated by watering. Erosion control structures would also be established to capture any runoff water.

In addition, the commencement of the extraction of early ROM coal while the site access road is being sealed would facilitate early employment and the associated social benefits of the Project.

#### Council comment to RTS

Council accepts that to balance earthworks volumes and material placement, the MEA and the site access road need to be constructed simultaneously. Council is still concerned about the transport of coal prior to the road being sealed.

8.0 The EIS states that the largest surface cracking from subsidence is likely on the steeper slopes in areas with shallow depths of cover (p. 6-9). Given this is also the location where soil erosion is more likely if the soil surface is disturbed, it is critical that adaptive management practices be incorporated into the mine project to identify and rectify erosion problems as they arise.

#### RTS

Malabar consider that it is appropriate for subsidence remediation to be adaptively managed through Extraction Plans. The NSW Biodiversity Assessment Method (BAM) (Office of Environment and Heritage [OEH], 2017) is not intended, or required, to be continually applied during implementation of an SSD (i.e. this Project).

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

9.0 Council requests that additional receiving water monitoring points be included, in addition to those nominated in Figure 9.1 of the Surface Water Assessment. Council suggests that at the very least a monitoring point be established between W4-Bowfield and W3 that will sample water coming off the majority of the subsidence area before it enters Saddlers Creek. There is also merit in establishing a monitoring point that will cover the largest subsidence area within the southern catchment that drains directly to the Hunter River (as detailed on Figure 9.1 of the Surface Water Assessment), and a monitoring point that would monitor for potential impacts from the Transport and Services Corridor on Plashett Reservoir.

#### RTS

Malabar agree to include the additional monitoring sites requested by MSC as part of the monitoring program for the Project.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

10.0 The EIS provides 5 options for the management of excess water. As no agreements are in place for options 1 – 3 to be utilised, and high salinity levels would make pastoral irrigation deleterious on pasture growth (p.6-30), the assessment of the project should be based on option 4 being the likely outcome.

#### RTS

Malabar would implement the water management hierarchy in the event excess water accumulates on-site. This would include irrigation or evaporation of water within the Project site (e.g. if water sharing agreements are not established or water quality is not suitable for other preferred beneficial uses).

#### Council comments on RTS

Malabar seem to agree that excess water will most likely be dealt with via irrigation or evaporation of water within the Project site but provide no comment on the issue of salinity levels, or impacts, resulting from changes to hydrological cycles, on native plants and animals (i.e. they haven't described the size or location of the area that would be irrigated to enable an assessment of the impact of the irrigation).

11.0 Given the low participation rate in the privately owned bore census, an adaptive management approach is required to manage draw downs on private bores that were not predicted in the EIS, including a mechanism for owners to contact the mine for immediate relief/assistance. Recommendations in the Annual Report should cover the medium and long term adaptive measures.

#### RTS

In the event that a reasonable groundwater-related complaint is received from a local landholder in relation to a potential mine-related effect on their groundwater supply, Malabar would facilitate the provision of temporary water supply to provide immediate relief while an impact investigation is undertaken, including a review of:

- site activities being undertaken at the time;
- baseline groundwater monitoring results;
- groundwater results at nearby locations;
- the prevailing and preceding meteorological and streamflow conditions; and
- changes to the land use/activities being undertaken in the area, including mining/pastoral activities.

If required, Malabar would engage a suitably qualified hydrogeologist to assist with the investigation (e.g. interpretation of monitoring results).

Should monitoring or an investigation show greater than 2 m drawdown at a privately-owned bore, and the drawdown is attributable to the Project, “make-good” provisions for the affected groundwater user would be implemented, and may include:

- deepening the affected groundwater bore;
- construction of a new groundwater bore; and/or
- provision of an alternative water supply of suitable quality and quantity.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

12.0 Council requests a condition of approval to require offsets for the EPBC Act entities impacted, to ensure like-for-like offsets consistent with the EPBC Act. Council also requests that the applicant commits to how it will secure its offsets. This will allow the BCT, if the applicant chooses to pay into the fund, to begin to engage with landholders within the region with certainty. This will give the greatest likelihood that at least some of the required offsets are sourced locally, that there is minimal lag between the impacts occurring and local offsets being secured, and provide landowners within this region the greatest opportunity to benefit from the approximately \$7.2 million BCF payment.

13.0 The BDAR states that *‘the exact location of surface cracking and other potential subsidence impacts is unknown; however the nature and extent of potential subsidence impacts of the Project can be reasonably estimated and assessed’*.

Therefore the applicant is able to, and therefore should be required to address this direct impact consistent with the BAM as part of the application. Particular attention needs to be given to direct impacts on the Pink-tailed Legless Lizard (*Aprasia parapulchella*) and Striped Legless Lizard (*Delmar impar*). This is due to their occupation of, and reliance upon, terrestrial habitat, and therefore they are most likely to be impacted upon due to subsidence and subsequent

rehabilitation. Council's preference would be to retire additional credits to mitigate impacts to these specific entities.

#### RTS

Tables 4 and 16 of the BDAR prepared for the Project (Hunter Eco, 2019a) provide the number of trees with hollows within each vegetation zone in the Biodiversity Assessment Development Footprint, using the plot data as per the BAM (OEH, 2017), with the vegetation zones presented on Figures 7a and 7b of the BDAR. In addition, Figure 19 of the BDAR includes paddock trees that may provide potential habitat for the Squirrel Glider. During subsidence remediation activities, the location of potential Squirrel Glider habitat described in the BDAR would be considered.

Prior to any remediation of surface cracks, Malabar would undertake a review of environmental impacts that may result from the remediation at the specific location and consider whether remediation of surface cracks is environmentally beneficial or if alternative methods of remediating the crack is warranted (e.g. without machinery).

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

14.0 The rehabilitation section provides few commitments, with all details proposed to be provided post approval as part of the Mine Operations Plan process.

#### RTS

Prior to commencement of the Project, Malabar would prepare an updated MOP and other associated management plans required under the Development Consent in consultation with relevant stakeholders. This would involve:

- Engaging suitably qualified and experienced rehabilitation/biodiversity experts to review the proposed final landform to confirm final land uses and rehabilitation objectives.
- Undertaking a detailed review of rehabilitation objectives, performance indicators and completion criteria, including identification of any required rehabilitation investigations/trials.

MOPs would continue to be developed as mining and rehabilitation activities progress over the life of the Project. As part of this process, performance indicators and completion criteria would be reviewed and updated to reflect the outcomes of rehabilitation trials, monitoring and review of control sites.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

15.0 Appendix Q - Agricultural Impact Statement determines that within the Project Area, LSC Classes 4 and 6 are dominant. In general, the land is capable of supporting grazing land use with small areas capable of opportunistic cropping and a smaller area capable of supporting a more frequent cropping regime. Based on a site visit of adjoining rehabilitation occurring on the former Drayton mine site, Council is not satisfied that the current pasture rehabilitation would be suitable for grazing.

#### RTS

Malabar notes that existing rehabilitation areas at the Maxwell Infrastructure site have not yet achieved the completion criteria outlined in the approved MOP. Current progressive rehabilitation areas are not necessarily representative of the ultimate rehabilitation at mine closure. Completion criteria for the pasture domains include the following:

*Independent agronomist's report identifies that completion criteria are being met for pasture rehabilitation areas, and areas are capable of sustaining livestock grazing operations.*

Notwithstanding, Malabar commenced a cattle grazing trial on mine rehabilitation pasture in November 2018. The trial involved bringing 50 head of cattle into the Maxwell Infrastructure to graze an area of 140 ha, of which approximately 50 ha was mine site rehabilitation. The trial commenced after vegetation monitoring identified that the diversity of introduced and native grass species in this area was adequate for grazing. The trial aims to demonstrate the Maxwell Infrastructure can create a post-mining landscape that is compatible with the surrounding landscape and capable of sustaining a productive land use. In November 2018, when the cattle arrived to commence the grazing trial, the average weight was approximately 310 kilograms (kg). Some of the cattle were weighed in June 2019 and on average weighed approximately 480 kg, with current weight estimates ranging up to 600 kg.

#### Council Comment to RTS

Council notes that the rehabilitation area contains a lot of surface rock, which would create problems for farm machinery and hazards for farm animals, and minimal organic matter to help bind the soil from erosion forces or retain water for plants.

16.0 The proposed infrastructure corridor passes through areas designated for woodland rehabilitation as part of the former Drayton mine site. As a result, the effectiveness of rehabilitation in this part of the site will be delayed for at least three decades (more if Spur Hill site is approved for mining). An additional area of woodland rehabilitation should be provided east of the proposed infrastructure corridor (currently proposed for pasture) so that some biodiversity corridor valleys can start to establish on the site immediately.

#### RTS

It is acknowledged that the Project would utilise substantial elements of the existing infrastructure, resulting in the delay of some undertakings of the approved 2015 - 2020 Mining Operations Plan and Rehabilitation and Offset Management Plan (the approved MOP) until production from the Underground Project concludes. However, Malabar would continue rehabilitation of the former mining areas at the Maxwell Infrastructure as part of the Project.

#### Council Comment to RTS

Council is still concerned that establishment of an important biodiversity corridor will be delayed for more than 30 years. An additional area of woodland rehabilitation should be provided east of the proposed infrastructure corridor (currently proposed for pasture) so that some biodiversity corridor valleys can start to establish on the site immediately.

17.0 The management of noise must be made a high priority, noise complaints can be expected from noise from site machinery and ventilation, typically during night-time activities.

#### RTS

Potential noise impacts are significantly mitigated by the adoption of underground mining methods and other Project design measures.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

### **ABORIGINAL HERITAGE AND HISTORIC HERITAGE**

18.0 Muswellbrook Shire Council encourages the Proponent to work in partnership with the local Aboriginal people to:

- Mitigate the loss of cultural landscape in the vicinity of the Project;
- Reduce the vulnerability of Aboriginal people caused by the cyclical nature of mining and the impacts this has on affordable housing;
- Increase Aboriginal employment and training as a high priority of the Project with more than 10% of Aboriginal people working in the mine from the Wanaurah Local aboriginal Lands Council area.

#### RTS

It was concluded that the impact of the Project on the potential Aboriginal archaeological resource of the region would not be significant in the context of known and potential heritage resource, and the Project would not materially contribute to potential cumulative impacts. Notwithstanding, Malabar would manage potential impacts on Aboriginal heritage sites through consultation with the Aboriginal community, salvage of sites and other management measures.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

#### RTS

Malabar would also seek to minimise additional pressure on the rental housing market through the following measures:

- Requiring construction contractors to contact accommodation operators in advance of construction
- commencing to schedule accommodation bookings and enable accommodation providers to plan for maximum capacity.
- Advising Council and real estate agents of workforce ramp-up and providing information on housing availability in-migrating personnel.
- If the Project construction coincides with that of other projects, identifying existing housing and accommodation capacity relative to the Project workforce needs and preparing a workforce accommodation strategy which addresses the construction and operation phases.
- Participating in Council, industry or Government projects to monitor cumulative impacts on labour availability and/or housing.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

#### RTS

Malabar maintains a number of commitments that would underpin the Project's social impact management strategies. Malabar plan to recruit approximately 50% of the operational workforce from individuals outside of the underground mining sector, of which 10% would be Indigenous.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

19.0 Muswellbrook Shire Council requests that the historical significance of the former Drayton Mine is recognised by way of a memorial and written/pictorial history of the site, prior to the reuse and reablement of current mining infrastructure on the site. This would require qualified assessment of existing mining remnants and a permanent record of the operational history of the former Drayton Mine, with consideration of an onsite memorial at the entry to the site that would describe the previous operations of the former Drayton Mine, including any significant information that would act as a memorial to previous employees. This memorial, would support local interest and the interest of visitors to the Upper Hunter region in the mining activities at this location.

#### RTS

Malabar would maintain a file of historical information regarding the former Drayton Mine on-site. Malabar would make the information available to the public upon request (e.g. for students completing research projects). Malabar would also make the material available to MSC should it wish to establish a permanent memorial to the former Drayton Mine.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

### **TRANSPORT AND ACCESS ISSUES**

20.0 Council recommends the establishment of a condition explicitly forbidding the Maxwell mine site being accessed from Edderton Road for mining related operations.

#### RTS

Agricultural and other land management activities would continue on Malabar-owned properties throughout the life of the Project. Access for these activities would continue to use existing access points on the Golden Highway and Edderton Road. Malabar would be prepared to accept a condition to address MSCs recommendation, provided it does not preclude using Edderton Road and the Golden Highway for activities such as those described above.

#### Council comments on RTS

Council notes that the Proponent would be prepared to accept a condition precluding access for Mine related activities off Edderton Road and the Golden Highway.

21.0 If Edderton Road is maintained in its current alignment, specific traffic control and road maintenance measures will be required to ensure that public safety is maintained and traffic utilising Edderton Road is not experiencing long delays due to subsidence damage – the aim should be for road closures of similar length in time as road closures for mine blasts.

#### RTS

The Subsidence Assessment (Mine Subsidence Engineering Consultants Pty Ltd [MSEC], 2019) reviewed the subsidence impacts on Broke and Charlton Roads, which were predicted to have similar magnitudes of subsidence effects (e.g. maximum curvatures) as Edderton Road. The impacts on Broke Road and Charlton Road were managed using visual monitoring and undertaking temporary repairs of the road pavement during active subsidence. The management strategies required some temporary lane closures and speed restrictions whilst repairs were being undertaken. The

final remediation of the road pavement was undertaken after the completion of active subsidence.

During active subsidence some reduction in speed limits would be required. Some lane closures are likely with portable traffic lights or traffic controllers managing flow through the area (contraflow); however, full road closures are unlikely.

#### Council comment to RTS

The RTS identifies a level of disruption, over the life of the mine, that Council does not consider to be acceptable to the travelling public, local industries and businesses. There are also inherent safety risks for road users during periods of active subsidence.

As a result, Council requests that the Proponent be required to construct the realignment of Edderton Road outlined as an option in the EIS.

22.0 Any changes to the road network, including road closures, will be subject to the approval of Muswellbrook Shire Council. Council's current policy is that it will not approve any closures to public roads and or changes to the Shire's road network until the 'Mine Affected Roads Network Plan (2015)' has been reviewed and updated.

#### RTS

Any realignment of Edderton Road would be subject to necessary approvals under the *NSW Roads Act, 1993* and consultation with RMS and MSC.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

23.0 The RTA does not consider the disposition of the site access road post-mining. Council would recommend that Malabar enters into consultation with Council regarding any potential benefit for the provision of the road to be dedicated as public road post-mining in order to increase community connectivity and transport efficiency.

#### RTS

Malabar would consult with MSC regarding the post-mining use of the site access road prior to cessation of mining activities, including consideration of dedicating the site access road as a public road post-mining.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

24.0 The EIS states coal may be hauled on public roads under emergency or special situations with the written approval of DPIE, RMS and Council. All truck loads under this scenario would need to meet load limits for public roads.

#### RTS

Consistent with the current approval for the Antiene Rail Spur (DA 106-04-00), coal would only be hauled on public roads under emergency or special situations and with the prior written permission of the Secretary of the DPIE, RMS and MSC. All truck loads would meet the relevant load limits for public roads.

#### Council Comment to RTS

Noted. Appropriate conditions of approval required to adequately define 'emergency' and 'special situations' and to set an absolute maximum time/quantity of coal that could be hauled during an emergency or special situation.

## **ECONOMIC AND SOCIAL EFFECTS**

25.0 It is some time since the Upper Hunter sub-region has been home to an underground mine. Council encourages the employment of people who reside in the Muswellbrook Shire. To achieve this outcome, Maxwell Coal should:

- Ensure a local education option that transitions open cut mining qualifications to underground mining qualifications through the provision of ongoing training at the Muswellbrook TAFE campus as required (or via a suitable local provider). This will negate the need for drive-in/out labour, reduce driving fatigue accidents and improve the local economy.
- Engage the equivalent of four apprentices per year from the Muswellbrook Local Government Area, this will have a positive socio-economic benefit to the area.
- Engage permanent employees over casual labour or labour from labour hire companies, this will have a positive economic benefit to the local area.

### RTS

The Proponent is committed to:

- Establish partnerships with Muswellbrook and Singleton High Schools to initiate training, apprenticeship, cadetship and/or intern programs that would provide pathways for local students to Project employment.
- Establish partnerships with the University of Newcastle, Muswellbrook TAFE Campus (Hunter TAFE) and Mining Skills Centre to develop Project-specific training programs and identify local young people with an interest in Project employment.
- Use its best endeavours to provide employment for four apprentices or trainees per year for the life of the mine sourced from residents within the Muswellbrook Shire.
- Focus recruitment on hiring residents of the Muswellbrook and Singleton LGAs, including local Indigenous people, young people, and local women.
- Encourage construction contractors and suppliers to hire locally where possible through contractual terms.
- Require construction contractors to engage with businesses in the Project region.
- Promote availability of Project employment and application arrangements in *The Muswellbrook Chronicle*, *Hunter Valley News*, *Denman News*, *Scone Advocate* and *The Singleton Argus*.
- Maintain regular engagement with local employment agencies to advise of opportunities for training and employment.
- Promote available services to assist candidates in preparing their applications and supporting documentation.

### Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

26.0 A contribution should be required for diversification of the economy post mining. This is due to mining locking up employment in the LGA, and inhibiting the opportunity for economic diversification, which could supply more varied employment to residents now and into the future. The LGA has high economic dependence on the mining industry. Mining operations are disrupting highly productive industries and reducing the potential to further develop these industries to create diversity of employment. In addition, land use uncertainty is impacting on investment in diversified industries. As a result, uneven economic growth and distribution of economic resources (including wages) is experienced due to the mining industry.

## RTS

Malabar has committed to making a number of economic contributions as part of the anticipated Voluntary Planning Agreement provisions and its ongoing voluntary contributions to community organisations and education (Primary, Secondary and Tertiary). The Project would also contribute to the diversification of the economy as an underground, predominantly metallurgical coal mine. Also, Malabar has committed to the provision of traineeships and apprenticeships providing skills that would be transferrable to other industries.

Accordingly, further economic contributions for the diversification of the economy are not considered justified.

## Council Comment to RTS

Council stills considers that a contribution should be required for diversification of the economy post mining.

27.0 The local community is highly dependent on mines for socio-economic. The impact of closure on local and even regional socio-economics can therefore be significant and should be a key consideration in closure planning processes and documents. At the close of mining operations every effort should be made to maintain the quantum of employment opportunities, in turn avoiding economic and social disruption to the local community through loss of job opportunities.

## RTS

Malabar recognises that government and community stakeholders may identify final land uses that provide greater net benefits to the locality. Malabar would encourage and be supportive of other community and government proposals or initiatives for the use of Malabar land or infrastructure that can co-exist with or can be introduced following the cessation of mining activities. These alternative final land uses would be subject to separate assessments and approval, and do not form part of the Project.

## Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

28.0 Transition to post-mining activities should commence before mining ceases. This may require adjustments to Mining Lease conditions. A working party with participants from Muswellbrook Shire Council, DPIE, Premiers and Cabinet, Maxwell Ventures (Management) P/L, Muswellbrook Chamber of Commerce, traditional owners and local land council members and the Hunter JO Economic Transitions Committee should be established by the year 2035 to commence planning for the transition to a post-mining suite of uses for the site.

## RTS

Malabar supports the establishment of a working party to be established by 2035 to plan for the transition to an alternative post-mining land use. Malabar would also continue to consult with the Aboriginal community as part of the final land use planning for the Project.

## Council Comment to RTS

Noted. Appropriate conditions of approval required to ensure this occurs.

29.0 The applicant should be required to prepare an Export Management Plan that ensures that any coal extracted from the development that is exported from Australia, is only exported to countries that are:

- a) parties to the Paris Agreement within the UN Framework Convention on Climate Change; or
- b) countries that have established policies to reduce greenhouse gas emissions to a level similar to the Paris Agreement.

RTS

The NSW Government has announced that it will introduce legislation to prevent the regulation of Scope 3 emissions in NSW mining approvals (NSW Government, 2019). Malabar would manage its contribution to Australian greenhouse gas emissions inventories through participation in the National Greenhouse and Energy Report Scheme (NGERS), as well as other applicable government initiatives and policies implemented to manage emissions at the national level under Australia's progressive Nationally Determined Contributions (NDCs).

Council Comment to RTS

Noted. The approval Authority needs to ensure Australia contributes to a reduction in greenhouse gas emissions.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested.

Yours faithfully



Sharon Pope  
Assistant Director Environment and Community Services