

12 February 2020

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Dear Lauren

**DPIE request for Advice - Glendell Continued Operations Project - SSD 9349**

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Environmental Impact Statement for the Glendell Continued Operations Project (**SSD9349**), as follows:

*The Department invites Council to comment on the proposal (including the associated modification), by the due date. The Department notes that the next meeting of Council is not scheduled to occur until February 2020. The Department requests that Council provide initial comments during the exhibition period, with supplementary comments to follow after the first meeting of Council.*

*Council is welcome to comment on any aspect of the proposal, however, the Department requests that Council give particular consideration to:*

- *impacts on Council's infrastructure and the proposed Voluntary Planning Agreement;*
- *the proposed relocation of Ravensworth Homestead; and*
- *strategic planning and post-mining land use issues. [our emphasis]*

Council notes that the original due date for submissions was 31<sup>st</sup> January 2020. An extension to this timeframe was granted on 31<sup>st</sup> January for a further two weeks, with submissions due 14<sup>th</sup> February 2020. Whilst council appreciates the additional time, it has come too late in the process.

Given the timing of exhibition council's submission is preliminary in nature until a meeting of Council formally endorses the submission. Council has a very tight timeframe to review the documents, develop a submission, undertake a site visit, hear from the proponent, review the submission prepared by council staff and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short. Council has previously committed to providing a report to the February 2020 Council Meeting, and subject to the review of council's submission is working towards achieving that timeframe. Council reserves its right to defer the submission to the meeting on 16<sup>th</sup> March 2020, if required, to provide Councillors with

adequate time for review of the proposal and the staff submission. It should be noted that amendments to council's submission, or a subsequent submission, may occur as a result of this process.

Council would like to strongly highlight the inadequacy of the timing of exhibition for this Project. The Application consists of an Environmental Impact Statement that is over 600 pages long, with an additional 30 appendices, of which one appendix (**Appendix 23 – Heritage**) runs to 10 volumes. The resources required to adequately assess an application of this scale and significance have not been considered by either the Applicant or the Department when determining the timing and duration of the exhibition period.

The ability of council let alone the community, to review and assess the impacts and consequences of such a significant Project on our region in such a short timeframe over the Christmas period, is not only limited, it creates unnecessary stress for communities already stressed through drought and, now, bushfires. Prior to exhibition, Council strongly requested both the Department and the Applicant delay and extend exhibition to allow adequate time for review.

On the basis that council's request was not met, this submission can, at best, be preliminary in nature. The submission focusses on those issues, concerns and questions that are, on first review, considered by council to be of concern to the future of our community. The extent of our submission is directly impacted by the time available to complete a fulsome assessment.

On that basis, the following advice is provided for consideration.

### **The Proposed Glendell Continued Operations Project (the Project)**

The Glendell Mine forms part of the Mount Owen Complex, consisting of mining operations at Glendell Mine, Mount Owen Mine, Ravensworth East Mine as well as a coal handling and preparation plant, water management infrastructure, waste reject and tailings disposal, coal handling and transport infrastructure including rail load out facilities.

Council understands that the Project is needed to continue the operational life of the mine. Current mining will cease in 2023. The consent expires in 2024. The Project is seeking approval for a further 20 years of mining. The run of mine production schedule sets out how production across the two operations will take place (**EIS Main Text Figure 3.1**). The components of the Project include:

- Extraction of 135 million tonnes of Run of Mine (ROM) coal, equating to 86 million tonnes of saleable product;
- Increasing production from 4.5 million tonnes per annum to 10 million tonnes per annum;
- An additional 750 hectares of land clearing and disturbance;
- Realignment of Hebden Road (a local road subject to management and control of Singleton Council);
- Realignment of York's Creek;

- Relocation of the locally listed, yet State significant, Ravensworth Homestead;
- A construction workforce of up to 350 full time equivalent staff, and an operational workforce of up to 690 full time equivalent staff (an increase in staff of 390); and
- One final void to the north of the Glendell Mine.

The Project is proposed to expend over \$500M in capital, and contribute significantly to the local, regional and State economies.

In addition, components of the Project will require modification of the Mount Owen consent, including:

- Extended use of the Mount Owen approved Coal Handling and Processing Plant, Mine Infrastructure Area, rail loop and loading facility to 2045;
- Emplacement of overburden to 2045;
- Extension of time to complete the final landform at Mount Owen (to cater for the overburden, reject and tailings material from Glendell), although no date is specified;
- Delayed landform shaping by up to eight (8) years;
- Change in landform catchments, whereby Swamp Creek catchment will reduce, and Bettys Creek and Yorks Creek will increase;
- Use of the North Pit as a mine water storage, which will eventually become the final void; and
- Increased emplacement height to up to 200m (from approved 160m).

The Greater Ravensworth Area Water Transfer Scheme (**GRAWTS**) will also require some degree of modification, and an application to Singleton Council is proposed, but as yet not submitted.

The interactions of the various approvals within the Greater Ravensworth Area are complex. In council's submission to the SEARs in June 2018, council highlighted the complexity of these interactions and the need for careful consideration within the Environmental Impact Statement, particularly in the area of final landform and final land use. Council seeks further clarification from the Applicant on the inter-relationship between the operations of the Greater Ravensworth Area, particularly around:

1. The role of the GRAWTS in ensuring adequate water licenses are held for the Project, and the Mount Owen Complex as a whole, including whether additional water licenses will be required for other participants in the GRAWTS as a result of this Project and therefore the impact that current and additional licensing might have on downstream and Water Sharing Plan users;
2. The timing of water licensing needs across the Greater Ravensworth Area, as well as the volume and location for internal water transfers, particularly mine water and its associated storage locations as generated by the Project;
3. Overburden emplacement across the operations, including scheduling;
4. Reject and tailings production from the Project, and the impact of this production on the capacity of storages and rehabilitation timing of tailings and emplacement areas at the Mount Owen Mine;
5. Scheduling of construction, mining, decommissioning and rehabilitation activities across the Greater Ravensworth Area, which impact not only

approved production limits for the respective mining operations, but also approved workforce numbers, water licensing requirements (as identified above), and cumulative amenity impacts to be felt by the community for a longer period of time; and

6. The provision of a figure that depicts the inter-relationships, flow pathways and volumes of each flow pathway for all input and outputs related to the inter-dependencies.

## **Proposed Hebden Road Realignment**

The proposed realignment of five (5) kilometres of Hebden Road will result in an increase in road pavement and travel distance of 1.2 kilometres. Approximately two (2) kilometres of the road is within the extraction footprint for the mine. Realignment of the road is scheduled for Year 2 of the Project. The realignment will also require a new bridge crossing of York's Creek, as well as subdivision and transfer of the new Hebden Road to Singleton Council.

The EIS has determined that the only option in order for the Project to proceed is the realignment of Hebden Road. Council, in its submission to the SEARs, requested that the EIS undertake an assessment of all options, including the no relocation option. The EIS does not include an assessment of the consequences of not relocating Hebden Road.

The proposed realignment of Hebden Road will result in a significant increase in annual travel time, the equivalent of 80 days<sup>1</sup> additional travel time per annum across all road users. In addition, the Project proposes blasting delays of up to 15 minutes per vehicle per blast, resulting in lost time of 4.5 days per year for road users. The costs associated with these delays are estimated to be \$6.07M<sup>2</sup>. The impact to road users, including local bus and school bus services and other commercial users, is therefore significant.

Council, as the road authority, currently monitors and maintains Hebden Road. Hebden Road is a rural road, with minimal bends and no existing bridge crossing over Yorks Creek. The road is divided into pavement and road assets (for example, culverts, bridges etc). Each section of road is assessed for its condition and useful life, based on its existing or improved condition. Broadly speaking, the condition of Hebden Road is fair, with the following asset life:

- Road surface asset life of 15 years;
- Pavement asset life of 60 years;
- Culverts/headwalls/bridges asset life of 100 years; and
- Subbase asset life of 120 years.

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<sup>1</sup> Calculated as 364 vehicles per day, with 15 minutes additional travel time resulting in 5.5 hours additional travel time per day.

<sup>2</sup> Calculated using information derived from Table 16 of Appendix 30 Economic Impact Assessment and an hourly cost of \$85.50 (combined light and heavy vehicles hourly costs).

The earthworks are considered to have an infinite life. A preliminary assessment indicates that the current road assets are likely to be at half-life, noting the variability above. Maintenance costs for the existing Hebden Road over the last three years were \$3.5M. Hebden Road is therefore a high value asset in fair condition that does not require replacement.

Should the Project be approved, the Applicant is proposing to construct a new Hebden Road alignment designed to meet council's asset design standards. This new Hebden Road will remain for the life of the road asset, which is beyond the life of the proposed Project. The new Hebden Road will be transferred to Council and will become an asset requiring long term maintenance.

The proposed relocation of Hebden Road will result in a redundant road asset and a new road and bridge asset for which Singleton Council holds ownership and responsibility. In addition to maintenance costs, council is required to account for the depreciation value of road assets on its balance sheet. The Applicant has not made any allowance for the impact of a new asset on council, stating in **Appendix 5 (Mitigation Measures)** no long-term management and/or maintenance actions or outcomes for the new Hebden Road, other than a Road Closure Management Plan to be implemented during blasting activities and a Construction Traffic Management Plan.

In order for the Project to proceed, once the new Hebden Road has been constructed, the existing Hebden Road will be decommissioned and a formal road closure process will need to be initiated for the old Hebden Road. Hebden Road is a road for which the provisions of the *Roads Act 1993* apply. The provisions of the *Roads Act 1993* state that the council of a local government area is the roads authority for all public roads within the local government area (except freeways or Crown roads and where the regulations declare any other public authority to be the roads authority). In this case, Hebden Road is a road for which Singleton Council is the road authority, as such the functions of a road authority under the *Roads Act 1993* in relation to Hebden Road confer to Singleton Council.

The Applicant does not currently own Hebden Road, it is a road reserve under the *Roads Act 1993* and the provisions of Division 3 of the Act apply. In particular, council would draw attention to clause 38E (2) of the *Roads Act 1993*, which states:

*The land comprising a former road –*

- (a) In the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place) – remains vested in the council, and ...*

And clause 43 of the *Roads Act 1993*, which provides the process for disposal of land comprising a former public road that is owned by council. Clause 43 states:

- 1. This section applies to land vested in a council and forming part of a former public road.*
- 2. Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the*

*council, the council resolves that it is to be community land, in which case the land is community land.*

3. *If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.*
4. *Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.*

The Environmental Impact Statement for the Project does not consider how the old Hebden Road closure would be undertaken as per the requirements of the *Roads Act 1993*. The EIS does not include the requirement for the Applicant to enter into an agreement with council for treatment of both the new and old Hebden Roads.

### **Summary – Proposed Hebden Road Realignment**

Council seeks further clarification from the Applicant on:

1. How the Applicant intends to provision for the long term (in perpetuity) maintenance of the new Hebden Road to meet the asset life requirements;
2. How the Applicant intends to progress the closure of the old Hebden Road alignment, having regard to the provisions of the *Roads Act 1993*; and
3. The impact of not realigning Hebden Road, including transparent costs and lost coal value, and the consequent environmental, social and economic impacts and benefits of not relocating the road.

### **Ravensworth Homestead**

In Council's submission to the SEARs for the Project, council identified that:

*The Ravensworth Homestead is listed on Council's Local Environment Plan as an item of local heritage significance. The community interest in the proposed relocation of the Ravensworth Homestead cannot be understated. The Applicant has proposed one option for the management of the Homestead. This option will result in the maximum benefit to the Applicant. Council recommends that the SEARs include a requirement for the Applicant to consider all options regarding the long term, in perpetuity management and maintenance of the Ravensworth Homestead, including (but not limited to) relocation, alternative mining methods that will avoid or minimise impacts to the Homestead and its surrounds, and not relocating the Homestead. These options should include a full and detailed social and economic analysis, including a local effects analysis, specific to the proposed impacts on Ravensworth Homestead. [our emphasis]*

The EIS for the Project concludes that the Ravensworth Homestead, including the outbuildings and landscaping is of significant heritage value, and council notes that the NSW Heritage Office is currently reviewing its status for State Heritage Listing. The EIS acknowledges that the proposed Project will result in a significant impact on the setting and buildings of the Ravensworth Homestead, and as such, should the Project be approved, the only reasonable and feasible option is to relocate the Homestead, its surrounding buildings and landscaping. The EIS proposes two options for relocation:

Option 1: Relocate 1.2 kilometres from the existing site, within Glendell owned land, and utilise the buildings as mine and administrative offices for the life of the Project.

Option 2: Relocate the Homestead complex and association outbuildings to McNamara Park in Broke, noting that approval is only being sought for the relocation of the Homestead and not for its final intended location or use.

Council has reviewed the heritage assessment provided in **Appendix 23** and referred the assessment to its Heritage Advisor for comment. An initial analysis of the assessment is provided in **Attachment 1** to this submission. Notably, the analysis refers to the need for clarification on several matters, including:

- Post closure land use options for the Ravensworth Farm proposal;
- The Applicant's preferred option for the relocation of Ravensworth Homestead;
- The proposed treatment of Ravensworth School<sup>3</sup>, which has been identified in the EIS and associated appendices as a significant linkage between the Homestead and education; and
- The completeness of buildings to be relocated under both Option 1 and Option 2, it appears that Option 1 will be inclusive of outbuildings, whilst Option 2 will not.

**Appendix 1 (Mine Options Assessment)** presents the relocation of Ravensworth Homestead as an 'either/or' scenario. In the event relocation to Broke does not meet the timeframes set out by the Applicant to continue mining operations, the Homestead will be relocated on site to a location at Ravensworth Farm.

The Applicant has not identified a preferred relocation option, instead deferring the preferred outcome to the community, and Council, through the making of submissions into the Project. Council strongly objects to this approach. Whilst the community provides valuable input into the decision for relocation of the Homestead, it is ultimately the consent authority who will decide, within the framework of clause 4.15 of the *Environmental Planning and Assessment Act 1979*, the application and its fate. This decision is merit based, drawing on the impact assessment included in the Environmental Impact Statement, and relies on the completeness of that assessment to inform its decision.

**Appendix 1 (Mine Options Assessment)** identifies that, if the 'do nothing' option is adopted, then the homestead will *remain isolated, unoccupied and inaccessible while mining and rehabilitation are undertaken*. The Applicant acquired the Glendell Project and its associated tenements, including Ravensworth Homestead, in 1997 and undertook some restoration works in 2008/2009, with no substantive management or maintenance actions undertaken since that time<sup>4</sup>. In addition, the ability for the community to access the complex, including members of the Aboriginal community, has been limited. The Applicant has not actively provided or promoted access, and this is reflected in the survey responses reported in the Social Impact Assessment.

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<sup>3</sup> It should be noted that council is currently assessing a local development application for the demolition of Ravensworth School (DA 8.2019.152).

<sup>4</sup> Appendix 23e, section 3.2, provides a description of the current setting and state of the Homestead complex.

As the owner of a heritage item, the Applicant is responsible for the management and maintenance of the item. Under the *Heritage Act 1977* the Minister can authorise councils to make interim heritage orders for items of local heritage significance (clause 5), where council considers the local heritage item is at risk of harm or is being harmed. Further, the application for State Significant Development does not preclude council from issuing a development control order at any time under Schedule 5 of the *Environmental Planning and Assessment Act 1979* if council is of the view that there is a risk to safety, including fire safety.

Further, Article 9 of the Burra Charter states that:

- the physical location of a place is part of its cultural significance. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- some buildings, works or other elements of places were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate; and
- if any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.

The EIS and associated assessments provide one outcome for Ravensworth Homestead and that is relocation, because the economic consequences of not proceeding with the proposed Project outweigh the impacts of relocation. However, the EIS does not identify any current potential reuse or restoration actions or options that could satisfy a conclusion contrary to Article 9 of the Burra Charter, particularly in the scenario that the Project does not obtain approval.

The social impact assessment surveyed the broader community seeking feedback on the proposed Project. The Singleton community highly values heritage and seeks its conservation. However, the social impact assessment limited the survey results to an outcome where relocation is the only viable way to ensure its long-term security, because the assumption is that the Project will be approved. It does not consider what will happen to the Homestead if the Project is not approved, and the views of the broader community around its reuse potential in that scenario, nor does it allow community consideration of a post mining use of the Homestead should it be relocated to Ravensworth Farm.

### ***Existing Tenure and Management Arrangements for McNamara Reserve***

McNamara Park is a Crown Land Reserve, as such is subject to the provisions of the *Crown Land Management Act 2016* and in particular, Part 2 Division 2.4 of that Act. Clause 2.12 provides that the use of an existing Crown Reserve can only be undertaken where specified in a Plan of Management for that reserve.

Singleton Council is the manager of the reserve, as conferred through clause 3.3 of the *Crown Land Management Act 2016*. McNamara Reserve is managed through the

current Plan of Management for Village Parks. Whilst this Plan of Management is dated, and does not reflect the current requirements of the *Crown Land Management Act 2016*, the objectives outlined in the Plan provide insight into the current allowable uses of the Reserve as well as the current level of service. The objectives include, but are not limited to:

1. encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities; and
2. provide for passive recreational activities or pastimes and for the casual playing of games; and
3. improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management; and
4. develop various possible levels of maintenance for the parks so as to select and appropriate level of service at an acceptable cost; and
5. develop recreational facilities suitable for the village parks; and
6. protect and enhance the scenic amenity of the parks; and
7. protect the environment of the parks, especially in relation to vegetation; and
8. ensure that the community can contribute to the operation and development of village parks and the implementation of the plan; and
9. provide a planning document that can be updated as additional land is dedicated as Council Village Park.

Whilst these objectives do not necessarily preclude a future land use that includes the Ravensworth Homestead, the Environmental Impact Statement does not assess the implications of its relocation in the context of these objectives. In addition, the Plan of Management identifies that the current level of maintenance service for McNamara Reserve lies in the Standard category. This category applies relatively passive maintenance treatments, including regular mowing, limited landscaping and preservation of vegetative amenity. The Reserve is not irrigated. Any change to this level of service will require careful consideration, community consultation and will result in cost implications to the land manager.

The Environmental Impact Statement does not include an assessment of impact of the relocation of the Homestead against the objectives and levels of service detailed in the current Plan of Management, nor does it identify who would be responsible for maintaining the Homestead to the standard outlined in the current, or revised, Plan of Management.

Should the proposed relocation to McNamara Reserve become the most viable option, and be approved, clause 2.14 of the *Crown Land Management Act 2016* provides a process for allowing additional purposes/uses under the Plan of Management. Importantly, these purposes must be in the public interest and must not materially harm the use of the land for any existing purpose for which the land is reserved, this includes, but is not limited to, consideration of the:

- proportion of land that may be affected by the additional purpose,
- degree of permanence of likely harm, and whether that harm is irreversible,
- current condition of the land,
- geographical, environmental and social context of the land.

The EIS has not considered the consequences of the proposed relocation of Ravensworth Homestead to McNamara Reserve within the constraints of the *Crown Land Management Act 2016*.

The consideration of these matters is an important and critical one for Council, as the current land manager of McNamara Reserve. The EIS has not contemplated the process for which McNamara Reserve could be subdivided, transferred in ownership or privately acquired to provide for certainty in land ownership. This is considered a significant consideration in the long term, in perpetuity management of the Homestead, should relocation to McNamara Reserve be approved. Council's submission to the SEARs required the EIS to include the long term, in perpetuity management and maintenance requirements for the relocated Homestead, which can only be done in the context of the current land tenure arrangements and future obligations that would be incurred by the land owner or manager. This assessment is applicable to both options.

### ***Additional Approvals Required for the Relocation of Ravensworth Homestead***

The EIS contemplates the need to obtain additional approvals to secure the relocation of Ravensworth Homestead to McNamara Reserve. Notwithstanding the concerns raised by Council above, the EIS does not identify what these approvals might be, nor the timeframe or process for obtaining such approvals. Council considers that there will likely be approval requirements under the *Environmental Planning and Assessment Act 1979*, *Roads Act 1993*, *Crown Land Management Act 2016*, *Local Government Act 1993*, *Biodiversity Conservation Act 2016*, the *Water Management Act 2000*, *Aboriginal Land Rights Act 1983*, *Native Title Act 1992* and the *Singleton Council Development Control Plan 2014*.

### ***Summary: Ravensworth Homestead Relocation***

Council seeks further clarification from the Applicant on the:

1. approval requirements, current and future land ownership (as well as outcomes of consultation with current land owners), future Homestead ownership and maintenance, should relocation to McNamara Reserve be approved;
2. permissibility of Option 1 and Option 2 in the respective zoning, including a description of the intended final land use approval being sought for the Homestead under each option;
3. the broader community support or otherwise for the management of the Homestead in a scenario where the Project is not approved, including consideration of a post mining use of the Homestead in both its current location and at Ravensworth Farm;
4. the management actions and controls that would be implemented to ensure appropriate investigation is undertaken for buried remains, and the actions that would be taken in the event additional remains (archaeological and human) are located across the entire Estate area;
5. the feasibility of McNamara Reserve, in the context of clause 2.14 of the *Crown Land Management Act 2016*, the *Biodiversity Conservation Act 2016*, the *Roads Act 1993*, the *Local Government Act 1993* and any other

- Act/Regulation/Environmental Planning Instrument where an approval or assessment of the impact of such a proposal would be required;
6. social and economic impact and consequences of such a facility on the Broke community, including future maintenance costs of facilities and infrastructure required to support the relocation that will be borne by the community or any other party, and transparently quantifying these in a revised Economic Impact Assessment;
  7. persons or entities responsible for completing the relocation to McNamara Reserve, including the capacity of the identified persons or entities to undertake such actions as are required to complete the relocation (some of which are identified in points 1 to 3 above), a timeline for completion of points 1 to 3 above and a contingency plan in the event the relocation to McNamara Reserve becomes unsustainable; and
  8. long term, in perpetuity arrangements that will be imposed and implemented to ensure the Homestead is accessible, sustainable in the long term and reused for an appropriate purpose (in other words, meets the required public interest test), for both Option 1 and Option 2.

## **Rehabilitation and Mine Closure**

The EIS identifies that cessation of mining and/or development for the three operations within the Mount Owen Complex will be at different times, with Glendell Mine cessation in 2024 and the Mount Owen Mine cessation in 2037. Council notes that the modification application for the Mount Owen Mine includes continuation of rehabilitation related activities for a further eight (8) years to accommodate the proposed increase life of the Glendell Mine.

The Glendell Mine is within five (5) years of mine closure. As such, detailed mine closure planning for the Glendell Mine should have commenced in accordance with its current conditions of approval, in particular conditions 41 and 42 of DA80/952. This detailed mine closure planning should include consultation with Singleton Council.

In New South Wales, mine closure planning is regulated through both the *Environmental Planning and Assessment Act 1979*, generally as a condition of approval, and the *Mining Act 1992* in the form of a Mining Operations Plan (**MOP**) conditioned on an authorisation issued under the Act. The NSW Resource Regulator has issued guidelines for the preparation of a Mining Operations Plan that state the *MOP is intended to fulfil the function of both a rehabilitation plan and a mine closure plan. It should document the long term mine closure principles and outcomes whilst outlining the proposed rehabilitation activities during the MOP term.*

All mining operations are required to have an approved MOP in place prior to the commencement of any significant surface activities, which are further defined as any disturbance to the surface within a Mining Lease and includes exploration, clearing of vegetation, construction of roads, building water storages and preparing operational areas. The guidelines further state that *mine closure should be considered as a whole-of-mine-life process with planning for mine closure commencing at feasibility stage of an operation.*

Council was recently asked to provide comments on a revised Mining Operations Plan for the Mount Owen Complex. Council's comments are included at **Attachment 2** to this submission. In council's comments, we identified that detailed mine closure planning for the existing operations at Glendell had not commenced as required. We noted that the MOP states, *Glencore are currently preparing an application for the GCOP which will seek approval to extend open cut mining operations north from the Barrett Pit extracting approximately 140 Mt ROM Coal and extending the mine life to 2044. Should the GCOP not be approved, Glendell would commence detailed closure planning.*

Council considers that reliance on the potential for a new Project approval is not an adequate justification to delay mine closure planning for the current operations. In addition, given the short time frame until the current approval expires, Council considers that it would be imperative to include detailed mine closure planning within not only a revised Mining Operations Plan, but within the EIS for the continuation of mining, and that both must include a timetable for completion of a detailed mine closure plan and a stakeholder engagement plan to underpin closure planning outcomes, under both scenarios – if the Project gains approval, and if it does not.

**Appendix 24** of the EIS states that mine closure planning at Glencore is *integrated as part of the life of mine planning process* and that Glencore's Mine Closure Planning Protocol<sup>5</sup> provides *guidance for developing, implementing and reviewing mine closure plans taking into consideration social, economic and environmental factors so that each of Glencore's operations meet statutory requirements and achieves sustainable post closure land use*. These statements imply that at any stage of the mining operational life, a detailed plan for closure has been prepared and integrated into ongoing mine planning.

However, **Appendix 24** provides only conceptual mining landforms and land uses. It does not provide any detail on construction methods, quantifiable performance criteria or adaptive changes necessary should performance criteria not be met. With over 30 years of current mining and rehabilitation performance to draw on, a robust and detailed closure plan should already be in place. The logic presented in **Appendix 24** is that, because closure will be so far into the future, some 20 years or more, planning for closure now is not appropriate. Council disagrees with this premise. Closure for the Glendell Mine is imminent, unless this Project is approved. If closure planning was undertaken in accordance with the requirements of DA80/952, Mining Lease and Glencore's own internal Protocol, then the future for Glendell is now. A detailed landform design, along with a detailed final void design and management plan do not appear to be unreasonable expectations at this stage of Glendell Mine's life. The fact that this planning has not occurred casts doubt over whether it will in fact occur at all.

The EIS predicts that the Project will meet the final land use, however, a final land use is not defined by area (or domain) within the final rehabilitated landform, has not been assessed for suitability, permissibility or sustainability, does not provide any linkage between the final landform and any of the final land use options, all of which is proposed to be deferred to a plan of management post approval. For the reasons set

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<sup>5</sup> Glencore's Mine Closure Planning Protocol was not included in the EIS and is not publicly available.

out above, and further below, Council requires further clarification and justification for this rationale.

***Risks to the success of rehabilitation and mine closure outcomes***

There are a number of risks identified in the EIS that could impact mine closure outcomes, one of which is a safe, stable, non-polluting and sustainable final void. It is noted that equilibrium of the final void is expected to reach 60mAHD, which will be 160 metres below the natural ground level, the final void will cover a catchment area of 321 hectares and will incorporate slope angles of between 10 and 18 degrees with retained highwalls. Equilibrium of the final void is not expected to be reached for 450 years and is predicted to have a TDS of 5000 to 6000 mg/L.

Equilibrium is the point at which inflows into the void and outflows from the void are balanced and the void water level has stabilised. This time to equilibrium is significantly into the future, and no consideration of management action and control during this time has been contemplated in the EIS. **Appendix 24** identifies that highwall stability will be dependent on performance during mining, however, there is no discussion on how stability will be monitored and to what condition, nor is there discussion on the actions that will be taken in the event of highwall failure and its subsequent impact on rehabilitation outcomes and performance. **Appendix 24** also states that highwall stability will improve as the void fills, however, given the timeframe for this to occur and stabilise, and that equilibrium will be 160 metres below natural ground level, this does not appear to be a sufficient or manageable control. The consequences of this on the inter-generational equity principle of ecologically sustainable development has not been assessed.

There are a number of other risks that have the potential to influence and impact rehabilitation and mine closure outcomes that have not been considered in the EIS. These risks relate primarily to how a Project will be designed to adapt to the changing environmental conditions that are projected to occur, not only for the duration of the mining operation, but for the life of the rehabilitated landform (and in this case, the significant timeframe to final void equilibrium). The NSW Government, through AdaptNSW has prepared a Climate Change Snapshot of the Hunter Region (2014) that identifies, amongst other things:

- maximum temperatures are projected to increase in the near future by 0.4 to 1.0°C
- Minimum temperatures are projected to increase in the near future by 0.5 to 0.9°C
- Maximum temperatures are projected to increase in the far future by 1.6 to 2.6°C
- Minimum temperatures are projected to increase in the far future by 1.5 to 2.5°C
- The number of hot days will increase, the number of cold nights will decrease
- Rainfall is projected to decrease in spring and winter
- Rainfall is projected to increase in autumn
- Average fire weather is projected to increase in summer, spring and winter

- Severe fire weather is projected to increase in summer and spring<sup>6</sup>.

It should be noted that AdaptNSW define near future as 2030 and far future as 2070.

These changes in weather patterns are likely to have a significant impact on the future success of rehabilitation activities across the Hunter Region, including at the Glendell Mine. For example, with a likely decrease in availability of water during peak growing seasons for newly established rehabilitation, and a commitment to re-establish native vegetation communities that rely on spring rainfall, it is not clear in the rehabilitation strategy how these consequences of climate change will be managed.

### ***Proposed final land uses***

The EIS includes a number of final land uses:

1. Ancillary mining activities
2. Power generation, including solar, gas and pumped hydro storage
3. Industrial/manufacturing uses
4. Active recreation/extreme sports
5. Waste, recycling, reuse and product development
6. Aquaculture
7. High value carbon forestry, nature based education, ecological restoration, low impact recreation, training and research

No assessment of the potential for any of these options to be viable final land uses has been undertaken, including:

- Potential areas of the mining lease (or mine owned land) where these land uses could be applied;
- Relationship between the proposed final land uses and the final landform;
- The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
- Whether any or all of these options will be safe, stable, non-polluting and sustainable in the context of the final landform;
- A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.

Council also notes that Ravensworth Homestead final uses are not included in the mine closure options for the Project, for either Option 1 or Option 2.

### ***Summary: Rehabilitation and Mine Closure***

Council seeks further clarification from the Applicant on the:

1. Timing of detailed closure planning for the existing operation, should the Project not be approved, including the actions needed to be taken to achieve a post

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<sup>6</sup> NSW Office of Environment and Heritage (2014) *Hunter Climate Change Snapshot* sourced from <https://climatechange.environment.nsw.gov.au/Climate-Projections-for-NSW/Climate-Projections-for-your-region/Hunter-Climate-Change-Downloads>

mining land use that is suitable, and does not result in a negative socio-economic impact to the community. This analysis must include:

- a. Potential areas of the mining lease (or mine owned land) where these land uses could be applied;
  - b. Relationship between the proposed final land uses and the final landform;
  - c. The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
  - d. Whether any or all of these options will be safe, stable, non-polluting and sustainable in the context of the final landform; and
  - e. A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.
2. Role of both council and the community in the post mining land use options assessment and analysis, including the extent to which such consultation has occurred and its outcomes;
3. The relationship between post mining land use and the principles of strategic land use planning, including the extent to which the Applicant has consulted with council on the future strategic land use planning outcomes for the local government area;
4. Final void management actions that will be taken to ensure highwall stability during and post mining, including contingencies for final landform design and rehabilitation outcomes should the highwall destabilise during and/or post mining;
5. Assessment of the suitability, permissibility and sustainability of the final land use(s) proposed by area or domain, including actual feasibility and economic viability, as well as linkage between final landform and final land use(s) (that is, will be landform proposed actual provide for the uses identified);
6. Analysis of the climate changing risks (temperature, rainfall, fire) on the success of rehabilitation, including the contingency measures that would be implemented in the event rehabilitation fails;
7. Viability of the proposed final land uses, including where on the lease or buffer areas these uses could be applied, the relationship between the proposed final land uses and final landform, the integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
8. The consequences of the final land use options, including the final use of the void, on the principles of ecologically sustainable development, in particular, inter-generational equity;
9. safety, stability, pollution potential and sustainability of the proposed final land uses in the context of the final landform; and
10. Timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility, including a post mining use for the Ravensworth Homestead, in the event Option 1 is implemented.

## **Other Matters**

### **Voluntary Planning Agreement**

Council and the Applicant began discussions on a proposed Voluntary Planning Agreement (**VPA**) for the Project in 2019. To date, no agreement has been reached between the Council and the Applicant on a Voluntary Planning Agreement for the Project.

Council has spent significant time reviewing the contributions made to the Singleton community by the mining industry and in November 2017, Council resolved to apply a 1% levy on capital investment value to all future mining voluntary planning agreements. The application of this levy is consistent with the provisions of Council's existing Development Contributions Plan, section 4.10, which states:

*Whether as a result of a Minister's consent or council consent, these contributions will take the form of monetary contributions or inkind contributions and be determined through negotiation between the applicant and Council. The proposed contributions agreed between the applicant and Council will be detailed in a voluntary planning agreement in accordance with s93F of the Environmental Planning and Assessment Act 1979.*

Council is currently reviewing its Development Contributions Plan.

The capital expenditure of the Project as reported in the Economic Impact Assessment is \$515.3M, or \$869.6M undiscounted (where most capital expenditure is expected in Year 2). **Appendix 23e** states that the capital expenditure for the proposed Project will be \$230M. Council would like clarity on the actual value of capital investment required to realise the proposed Project.

Further, Council, at its meeting of December 2019 resolved to create the Singleton Community and Economic Development Fund using VPA monies from mining and other major Projects. The intent of this Fund is to preserve the capital and use investment returns to fund programs that will facilitate the future security, prosperity and wellbeing of our community. These programs would include undertaking investigations to understand the impact of mining on our community, research and development in Projects that build resilience and improve liveability of Singleton during and post mining. Council believes this approach allows the provision of a longer term view on the use of VPA funds.

On 19 June 2017, a notice of motion regarding voluntary planning agreements was put to the Council. This motion, resolved by Council, requires *that, in future discussion with mining companies over Voluntary Planning Agreements, include a clause that will ensure that as the mine expands and they take on trainees/apprentices the majority (if not all) these trainees/apprentices come from the Singleton Local Government Area.* Council will continue to raise this in VPA negotiations with the Applicant.

To date, no agreement has been reached on a VPA quantum, as such council would ask that the Project not be determined until such time as an agreement is reached and endorsed by Council.

### ***Social Impacts and Community Loss***

The social impacts and benefits of the proposed Project have been assessed at **Appendix 11**. This assessment concludes, amongst other things, *impacts that may be experienced include a reduction in sense of community, community participation, cohesion and service delivery due to property acquisition and population change over time. This may result in people feeling displaced and detached from their networks and community structures/associations (Appendix 11, section 5.4.4)*. The opposite effect is that mining development has the potential to stimulate local economies, attract new and younger populations to an area and boost local spending and purchasing.

This loss of community and changing landscape of villages is evidenced in the social impact assessment which included an analysis of the population dynamics and growth in the Singleton region and concludes that *population numbers in the Camberwell Area have declined by 13% between 2011 and 2016, compared to an increase of 18% in the Bridgman Area, and 1% increase in Singleton (Appendix 11, section 5.5.5.1)*.

There is a desire, at a local community level, for village communities to maintain their rural and social values, protect amenity and provide for resources to support village lifestyle and growth, such as local access to retail and other services. The presence of mining and the number of property acquisitions has impacted these basic needs and values. This is confirmed in the Project social impact assessment. The village of Camberwell has clearly been impacted by a history of impact and acquisition, to the extent that 81% of property in the village is now mining owned.

These issues have historically been, and are proposed to be, addressed solely through property acquisition (by other approved operations) and rental agreements that require tenants to acknowledge and understand the potential impacts the surrounding mining activities might have on them.

The social impact assessment does not consider the affordability impacts of property acquisition. Acquisition does not equate to equitable relocation. That is, the intrinsic values identified in the social impact assessment of any individual whose property has been acquired because of a mining related impact may not be accessible due to cost, loss of connection or availability. In a world where a social licence to operate is essential for Project approval, if acquisition is the only option to enable mining, then it should be complemented with relocation in a manner that is sympathetic to the intrinsic values being sought. The consequences of this are not assessed in the social impact assessment.

### ***Biodiversity***

Council has not undertaken a detailed review of the biodiversity assessment, however notes that the EIS provides a confusing analysis of the existing disturbance areas across the two operations. The EIS would benefit from quantifying the area of

disturbance, approved or otherwise, that is attributable to both the Mount Owen Complex and the Glendell Mine.

The EIS identifies four options for offsetting the biodiversity impacts of the proposed Project:

1. Land based offsets through the purchase of land by Glencore to retire credits; or
2. Ecological rehabilitation of disturbed mine land; or
3. Credit purchases; or
4. Payment to the Biodiversity Conservation Trust (which has been quantified in the Economic Impact Assessment at \$16.6M).

However, the EIS does not identify:

1. The preferred option(s) for securing the offsets required for the Project;
2. Where the land-based offsets would or could be, including its current and future tenure;
3. The area and location of proposed ecological rehabilitation and communities to be reinstated;
4. The long-term tenure of ecological rehabilitation; and
5. Whether the required credits are available for purchase.

It is important to note that in perpetuity conservation of land has an economic impact on the community wherever that offset is secured. Offset land is not rateable and the impact on council's with significant offset land can be significant, and outside the area of immediate benefit. That is, offsets can be secured in other council areas where the benefits of the project are not realised.

Council is seeking clarification on the total area of existing disturbance at both the Mount Owen and Glendell Mine, where the offsets would be located, including the tenure of land offsets, the areas of ecological rehabilitation proposed on site, the long-term tenure of ecological rehabilitation and whether the required credits are available for purchase.

### ***Greenhouse Gas Assessment and Climate Change***

Notwithstanding the consequences of climate change on successful mine closure identified above, the greenhouse gas assessment has identified that there will be an increase in emissions (scope 1, scope 2 and scope 3) as a result of the Project. The fact that the global climate is changing, and that there is a need to address reduction in emission sources is a commitment made at an international level, through the Paris Agreement, is not a matter for assessment at a local level. How and where the emissions are accounted is irrelevant to the impacts of the proposed Project. The impact of these emissions, regardless of where they occur, is a consideration that is reflected in the NSW Climate Change Policy Framework, which has seen the development of Climate Change Adaptation Plans for a majority of regions in NSW.

Clause 14(2) of the *State Environmental Planning Policy (mining, Petroleum Production and Extractive Industries) 2007* requires the consent authority to consider

the greenhouse gas emissions of any mining development, in the context of any State or national policies, programs or guidelines. The NSW Climate Change Policy Framework is one such policy.

The EIS refers to the NSW Climate Change Policy Framework as an important means of identifying and measuring policy outcomes. Council sees alignment of development objectives with the Policy Framework as an important step in understanding the actions that have been, or could be, taken by a Project to mitigate its impacts, whether they be local or global. However, whilst reference is made to the NSW Policy Framework, the Greenhouse Gas Assessment and Glencore's *Observations on Recent Climate Change and GHG Emissions Litigation (Appendix 29)* do not provide any detail on how the Project will support the policy framework in the following areas:

- The Project's contribution towards achieving (or otherwise) the NSW target of net-zero emissions by 2050, including any quantifiable actions that can (or have been) taken to support this objective;
- The measures proposed by the Applicant to ensure that the Project will be more resilient to a changing climate;
- How the 9MT of Scope 1 emissions proposed for the life of the Project will be reduced so as to not contribute to the current increasing trend in annual scope 1 emissions in NSW<sup>7</sup> (where half of all NSW emissions are from stationary energy sources with transport emissions the second largest component of NSW greenhouse gas emissions); and
- The impact of alternative scenarios for the Project on the framework objectives.

The extent to which this Project aligns with the Framework, and contributes to meeting the Framework's objectives, is likely to be an important public interest consideration for any decision maker.

Additionally, **Appendix 29** identifies actions undertaken by Glencore to offset the impacts of its global emissions, including participation in such programs as Coal21. However, the report does not quantify the reductions achieved, the reduction in impact that resulted from the action, nor does it establish whether these actions would mitigate the emissions from the Project.

### **Air Quality**

The EIS for the Project includes an assessment of air quality impacts in **Appendix 13**. This assessment identifies that there are several local and regional contributions to air quality in the vicinity of the Project. These include reduced rainfall leading to increased drought conditions, increased smoke from bushfires and the contribution of woodsmoke, particularly during winter. The assessment notes that there are significant seasonal variations in air quality, where PM<sub>10</sub> is greater in spring, and PM<sub>2.5</sub> is greater in winter. The prevailing wind direction is north-west, north-north-west and aligns with the shape of the Hunter valley. PM<sub>2.5</sub> regularly exceeds the EPA criteria at Camberwell and Singleton.

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<sup>7</sup> AdaptNSW <https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/Hunter-Climate-Change-Downloads>

As identified in **Figure 7** of **Appendix 13**, the assessment notes that, over the previous six years, the 24-hour PM<sub>10</sub> has exceeded the EPA criteria on an increasing number of days. It is not clear whether these increases are seasonal in nature. Given the expected life of the proposed Project, the relationship between the air quality observations and the climate change indicators published by AdaptNSW has not been established, including the Project's role in either improving or exacerbating the impact. For example, inclusion of an assessment of the air quality impacts associated with a projected decrease in rainfall during spring and winter months, where PM<sub>10</sub> and PM<sub>2.5</sub> have been identified as having greatest impact.

The Project proposes several existing management controls to address the potential air quality impacts and justifies this through adoption of a 'worst case scenario' assessment, resulting in a conservative estimation of impact. The EIS and air quality assessment do not quantify the effectiveness of these controls under such conditions. Primary sources of PM<sub>10</sub> include traffic on haul roads, overburden removal and wind erosion of exposed areas, and the proposed controls for the Project include:

- minimising the area of disturbed land at any one time, in line with the approved Mining Operations Plan
- continued implementation of timely progressive rehabilitation and the use of temporary rehabilitation and stabilisation measures on disturbed land

Both controls assume a mining operation that is progressively working towards closure and reducing the potential for PM<sub>10</sub> generation. As noted above, the rehabilitation and mine closure planning for the current and proposed operation is lacking detail. Additionally, the air quality impact assessment does not quantify how successful these measures are in reducing the impact of the existing operation, to enable certainty regarding the impact of the proposed Project.

The air quality assessment concludes that the impacts of the proposed Project can be largely mitigated through the existing acquisition rights that are held for those that will be directly affected, concluding that there is no predicted exceedance of PM<sub>10</sub> where a property has no acquisition rights. However, most acquisition rights are held through conditions of approval for other neighbouring operations, including Rix's Creek Mine, Ashton Coal Mine and Mount Owen Mine, not the Glendell Mine. The air quality assessment proposes to confer the consequences of the proposed Project's air quality impacts to other parties. Whilst the Voluntary Land Acquisition and Mitigation Policy (VLAMP) sets out the circumstances under which acquisition could occur, it does not provide an avenue for this acquisition to be conferred onto other operations.

In the context of the proposed Project, the EIS lacks clarity on the Applicant's responsibilities for not only acquiring but mitigating the impacts of air quality on private residents who hold acquisition rights under other approvals.

### **Summary: Air Quality**

Council seeks further clarification from the Applicant on the:

1. impact of a changing climate (as per AdaptNSW projections) on air quality impacts for the life of the proposed Project, including post closure; and

2. the effectiveness of existing controls in reducing impacts of air quality, in particular the generation of PM<sub>10</sub> and PM<sub>2.5</sub>.

### ***Waste Management***

The Project proposes to manage waste generated by the development as per the current approval. The volumes of waste material generated by the current operation and proposed to be generated by the Project are not quantified, including projected volumes of tailings (and the subsequent impact of this on management and rehabilitation of tailings disposal areas). The EIS does not consider the objectives of the NSW EPA Waste Strategy and the targets set within the Strategy, nor does it identify waste streams and how the management of these waste streams will contribute to meeting State and local waste targets.

The EIS does not consider how demolition waste will be managed, including asbestos and other contaminated materials. Demolition waste will be generated from Hebden Road and the Mine Infrastructure Area. The Applicant does not have approval to dispose of any waste on site, including waste tyres. Council is seeking clarification on the current and future waste management volumes generated at the Project (including, but not limited to, reject and tailings materials and their management), as well as how waste tyres are proposed to be managed.

### ***Building Related Matters***

The Project proposes to demolish existing buildings, construct new ones and relocate a locally significant heritage item that includes buildings and out buildings. In order to do so, the Applicant will require, amongst other things, construction certificates, fire safety certificates and an approval to install and operate on site sewerage management systems. No details have been provided in the EIS on the buildings proposed as part of the Mine Infrastructure Area or the Ravensworth Homestead, or the associated waste water treatment. As such it is not possible for council to assess whether the proposed buildings meet the relevant statutory requirements.

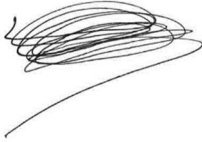
### ***Concluding Comments***

I would like to again reiterate council's significant disappointment in the timing of exhibition of the Environmental Impact Statement for this Project. The ability of council let alone the community, to adequately review and assess the impacts and consequences of such a significant Project on our region in such a short timeframe over the Christmas period, is not only limited, it creates unnecessary stress that should have been avoided.

Council's commitment to ensuring it meets the submission timeline should not be taken to be support or objection to the Project. Council considers that, without the clarifications required as outlined in this letter, and subject to a Council resolution, it would be premature to form a view on the proposed Project's merit at this stage of the assessment.

I would like to thank you for the opportunity to provide comment on the Glendell Continued Operations Environmental Impact Statement for the proposed Project. Please contact me on 02 6578 7290 if you have any questions.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the left.

Mary-Anne Crawford  
**Manager Development and Environmental Services**