

14 Oct 2019

Laura Evans
Resource Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Evans,

Maxwell Project – SSD 9526 – Muswellbrook Shire Council Comment

I refer to the Environmental Impact Statement, prepared by Resource Strategies P/L for Maxwell Ventures (Management) P/L ("the Proponent"), for the Maxwell Project SSD - 9526. Council appreciates the opportunity for comment.

The proposal seeks approval for:

- New underground (bord and pillar and longwall) mining operations until the year 2046.
- Mining peaking at 8Mtpa of Run of Mine coal. A total of 148Mt of ROM coal is expected to be extracted.
- Mining to be operated on a continuous basis, 24 hours per day, seven days per week.
- Construction of a power, road and conveyor infrastructure, ventilation systems and buildings close to the mine entry and access drift for mine administration and staff amenities.
- Emplacement of coarse rejects and tailings in the "East void" on the former Drayton mine site.
- A potential realignment of Edderton Road.
- Construction of a water management system to manage mine water, runoff, floodwater and provide for reticulation of mine water.
- Ongoing rehabilitation of the former Drayton Mine site to a final landform in line past approvals and modifications sought under this new approval, including use of natural landform design principles.
- Continued use of facilities and infrastructure on the former Drayton mine site.

Council's submission has two parts. The first Part contains comments directed to the planning authority that will assess and determine this application, and DPIE, to consider cumulative impacts. The second part provides comments specific to this project.

Part 1 - Cumulative Impact Assessment

1.0 The compounding impacts of multiple mining operations stretch environmental, social, human and economic capital. Multiple mining operations may demonstrate additive effects (e.g. mine impact + mine impact) and compounding effects (e.g. mine impact x mine impact). The conventional mine-by-mine approach to assessment, management and mitigation does not provide confidence for the local communities impacted.

2.0 Impact assessments for individual mine projects flag that it is difficult to consider cumulative impacts due to factors beyond the control of the proponent. A cumulative assessment typically consists of an aggregation of the contribution of the project to the impacts of existing activities and whether the increased impacts meet regulatory standards. Such analysis is almost exclusively conducted on sink impacts such as noise, air quality and traffic. Assessments rarely assess the effect of planned and foreseeable future projects (e.g. the West Muswellbrook mine proposal) and do not employ explicit methodologies to model plausible future scenarios, understand the pathways of interaction of cumulative effects, or determine or describe thresholds and limits.

3.0 A better approach would involve investment in regional datasets, scientific modelling, scenarios and preferred futures, research into impact interactions, trends, effects pathways and areas of maximum mitigation impact, better regional planning, the establishment of thresholds and limits, joint monitoring, the collection of information on planned developments and more consistent data standards and methodologies. The *Upper Hunter Cumulative Impact Study and Action Strategy 1997*¹ needs to be updated by an independent party.

4.0 The Upper Hunter regularly experiences shortages in affordable accommodation and housing close to mines, particularly in phases of infrastructure construction, and mine and power station shut down periods where intense maintenance efforts require a short-term increase in workforce. The issue of housing availability and affordability is also linked to the expansion of mine operations and development throughout the Shire. It is difficult for each mine project to make a cumulative assessment on the impact housing demand. A delay in the supply of new housing following mine approvals encourages a drive in, drive out works force pattern.

5.0 Land that is zoned, or proposed to be zoned, for residential subdivision, on the south-eastern edge of Muswellbrook, is unable to be developed until new signals are installed at the intersection of the New England Highway and Bimbadeen Drive. The upgrade would allow land owned by a number of land owners to be developed, however the up-front cost of this upgrade is expected to be beyond the financial capacity of any one landowner, and recoupment of apportioned costs from other landowners is likely to take as much as 20 years. This upgrade should be considered for inclusion in the Hunter SIC, with contributions sought from land developers and mine proponents across the Upper Hunter.

6.0 Council's view is that the 24 hour averaging period for air pollution monitoring has the unintended consequence of obscuring issues of elevated dust levels at night as a result of surface temperature inversions, and that a 12 hour average would be better. Council acknowledges there may be insufficient empirical evidence as to the effect on human health of exposure to elevated levels of dust at night. In light of this, Council requests that the State Government commission a study into the effects to human health of exposure to night-time dust levels in the Upper Hunter. This research is essential to improving the understanding of the consequences to human health, particularly respiratory and cardiovascular health, of exposure to night-time dust levels generated by mining.

7.0 Each of the mines has a permanent impact on water availability in the local catchment they are located in, and the Hunter River more generally. Each mine

¹ New South Wales. Department of Urban Affairs and Planning. 1997, *Upper Hunter : Summary - Upper Hunter cumulative impact study and action strategy* Department of Urban Affairs and Planning [Sydney]

operation dismisses this by saying they hold sufficient water licences to cover this “loss of water”. But the loss is permanent, and if the water sharing regime needs to change in the broader catchment for societal, ecological, or climate change reasons, or to satisfy the requirements for emerging industries, the water loss due to mines will place limitations on the ability to change the water sharing regime.

8.0 The project will add traffic movements on the New England Highway and train movements on the Main Northern Railway Line. Movements should be included in models held by Transport NSW and Roads and Maritime Services to understand the cumulative impacts on:

- The level of service on State Roads and significant intersections from Muswellbrook through to the Newcastle Link Road and Pacific Highway.
- Passenger rail service movements, including future ability to increase frequencies of service between Muswellbrook and Newcastle.
- Rail noise and dust along the railway corridor from Muswellbrook to the Newcastle Port.

9.0 Transitioning to a Post-Coal future. Communities in the Hunter, from near the mine sites to the coast, have experienced rapid transitions associated with expansion of the coal mining industry. In the next few decades they face the prospect of the coal mine industry contracting as a result of declining global resource demand. While communities have benefited from the expansion of the coal industry through the creation of jobs and the investment in economies, an abrupt and/or unplanned transition would have resounding social and economic impacts on the Region and the State. The State Government needs to take a lead in planning for this transition.

Part 2 – The Maxwell Project impacts

Council’s response to specific impacts of this proposal follows the order that issues are addressed in the EIS document:

APPROVAL ISSUES

10.0 The project relies on existing infrastructure approved and constructed under different applications. For example, the CHPP facility, administration buildings, car park, electrical distribution infrastructure, and some site water management infrastructure that the Maxwell Mine Project will utilise was originally approved as part of DA 163/2002. Project Approval 06_202 permitted extraction of coal at the Drayton site to 31 December 2017, and rehabilitation of the site is still ongoing as part of this approval. Due to the impacts and needs of SSD 9526, full closure and rehabilitation of the mine approved under Project Approval 06_202 will no longer be possible for at least another 26 years.

11.0 It is noted on p.2-16 of the EIS that it is intended to consolidate current rehabilitation activities required by Project Approval 06_0202 into the Maxwell Project’s approval if approved. Given there are multiple existing approvals that require modification to support the proposed project, the application should have sought modifications to these applications 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, should be issued.

12.0 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.

13.0 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).

SUBSIDENCE

14.0 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.

15.0 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.

WATER

16.0 Based on a review of Appendix A - Subsidence Assessment, Appendix B - Groundwater Assessment, Appendix C - Surface Water Assessment, and Appendix D - Geomorphology Assessment, no consideration of impacts or water quality management measures appears to have been detailed for the Transport and Services Corridor. Due to the width and length of the corridor, and potential for contamination from its operation, these impacts need to be assessed and mitigation measures need to be detailed.

17.0 Based on the Subsidence Assessment it is apparent that, due to the predicted subsidence, in particular on steeper grades, and potential for streams to change course there is a risk that higher-than-natural rates of sediment generation in the catchment could occur and leave the site.

18.0 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.

19.0 Page 3-28 of 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.

20.0 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.

LAND RESOURCES AND AGRICULTURE

21.0 It is noted that rehabilitation activity on the former Drayton mine site has included rehabilitation for cattle grazing. There is a visible amount of medium sized rock scattered across the surface of the recently rehabilitated areas, minimal organic material, and given the complete removal of soil structure and profile by the open cut mining process, signs of high erodability and difficulty creating a sustainable pasture. Some of these sites may be better utilised for planting of biodiversity areas/habitat.

TERRESTRIAL ECOLOGY

Based on a review of Appendix E – Biodiversity Development Assessment Report prepared by Colin Driscoll BAAS17004 dated July 2019, as well as Attachment A Maxwell Project Baseline Flora Report, and Attachment B Maxwell Project Baseline Fauna Survey Report, Council has the following comments to make:

22.0 Hollow Bearing Trees

Section 9.1.2.6 of the Biodiversity Assessment Method (BAM) requires the Biodiversity Development Assessment Report (BDAR) to record the number, and display the location of, hollow bearing trees in each vegetation zone that are directly impacted by the proposal. This does not appear to have been done. This is particularly relevant due to the presence of Squirrel Gliders and their habitat and their reliance on hollow bearing trees. Council requests that this also be done throughout the study area to inform subsidence remediation activities.

23.0 Species Credit Species – *Diuris tricolor*

23.1 Regarding *Diuris tricolor*, a threatened species that is also an endangered population within the Muswellbrook LGA, Council does not agree with the conclusion reached regarding the presence of this species within the study area. The BDAR provided by the applicant identified *D. tricolor* as a Species Credit Species for Assessment (BAM Section 6.4 Step 3) as it had previously been recorded within the Study Area in 2011. Therefore, as per The BAM (Section 6.4.1.21) the assessor can then assume presence, survey for it (in accordance with in this case NSW Guide to Surveying Threatened Plants (OEH 2016)), or obtain an expert report. In this case the applicant's assessor chose to undertake a survey.

23.2 In regards to the surveys undertaken, the BDAR is not consistent with 6.4 of the BAM as it did not adequately determine the potential habitat for this species to undertake targeted surveys. 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 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*' though no figures were provided showing potential habitat or where threatened flora transects and surveys were undertaken.

23.3 Council acknowledges that surveys were undertaken during the specified survey time period for this species. However, the 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’*.

23.4 In consideration of the above, this species cannot be disregarded, and likely occur throughout the impact area. Therefore the precautionary principle should be applied and either an expert report provided or it should be assumed as being present and credits calculated accordingly.

24.0 Offset Strategy

24.1 Council has a number of concerns with the proposed offset strategy. The applicant has given a number of options on how they may acquit their credit obligation, though they haven’t committed to any. The BDAR and Appendix U: Preliminary Rehabilitation and Mine Closure Strategy, both discuss the potential for establishing onsite offsets. No detail of where they will potentially be located is provided. Having the applicant identifying and securing locally sourced offsets is the most desirable outcome as it gives a more transparent and certain conservation outcome to the development application. Council would also welcome the creation of Biodiversity Stewardship Agreements over the existing offsets to ensure their in-perpetuity conservation and funded management, and would not object to the use of credits generated to satisfy this application’s credit obligations after additionality discounts had been applied in accordance with the BAM.

24.2 Payment of the approximately \$7.2 Million into the Biodiversity Conservation Fund (BCF) is problematic as it does not guarantee local outcomes. The Biodiversity Conservation Trust (BCT), who is responsible for sourcing credits with payments made into the BCF have more generous offsets rules than those that apply to applicants. In addition, based on a review of the relevant registers it is unclear whether there are currently any Biodiversity Stewardship Sites within the Muswellbrook LGA that the relevant credits could be sourced from. Therefore, if they can even be sourced locally there is a high potential that there will be considerable lag between the impacts occurring and any local offsets being sourced, secured and the relevant credits retired. The location these credits are sourced is particularly relevant as the proposal will impact upon the EPBC act Critically Endangered Central Hunter Valley Eucalypt Forest and Woodland and the *Diuris tricolor* endangered population (if the applicant addresses Council’s comments) both of which have a geographically limited range and without local offsets the application will not be consistent with a like for like and no net loss outcome.

24.3 Based on the information provided within the BDAR, there may not be a sufficient area of the communities being impacted to provide the necessary offsets locally. For example, information is provided in the BDAR for the extent of the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Endangered Ecological Community (EEC) which is a Serious and Irreversible Impact (SII) entity. The BDAR states that based on Sivertsen et al. (2011) 6,561 ha of the EEC occurs within the Hunter sub-region, which is made up of highly fragmented patches, with many less than 2 ha in size. Of that area, much of it wouldn’t be suitable for conservation based on the patch size, surrounding land use, size of the properties this vegetation occurs on (and therefore number of Stewardship Agreements that would be required).

Therefore, the majority of the impact is unlikely to be offset locally leading to further reduction of this and the other impacted entities in the region.

24.4 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.

25.0 Mine Subsidence Rehabilitation – Direct Impact

25.1 The BAM requires all impacts associated with a proposal to be considered both direct, indirect, and prescribed. The BDAR states that areas outside of the approved disturbance footprint will be impacted upon as a result of potential, though highly likely, subsidence remediation. 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'*.

25.2 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. As per section 9.4 of the BAM the proponent must develop an adaptive management plan and an outline must be included in the BDAR. Council recommends that the plan is consistent with section 8.5 of the Biodiversity Assessment Method Draft for exhibition – 2019 as it better addresses this issue.

25.3 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.

26.0 Preliminary Rehabilitation and Mine Closure Strategy

26.1 The content in this section is broad and non-specific, with no real commitments provided with all details proposed to be provided post approval as part of the Mine Operations Plan process. The strategy needs to provide detailed performance and completion criteria for evaluating the performance of the Rehabilitation and Mine Closure Strategy, and triggering remedial action.

26.2 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.

26.3 The site and the locality as whole provide a biodiversity corridor connecting the Barrington Tops and Mount Royal National parks to the North with the Wollemi and Goulbourn Rivers National Parks to the south. Offsets in the locality rehabilitating for biodiversity outcomes would consolidate these outcomes and contribute to the patchy connectivity that already exists.

26.4 Therefore council requests that the majority of the site, in particular the Transport and Services Corridor and Mine Entry Areas, be rehabilitated to woodlands with the aim of connecting existing patches of vegetation and offset areas and creating a vegetation corridor through the site.

26.5 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.

NOISE

27.0 Management of noise must be made a high priority, and should be proactively monitored in a manner that is satisfactory to the proximate community. This is not a single solution problem, but should be tailored to individual stakeholders' needs. Noise complaints can be expected from noise from site machinery and ventilation, typically during night-time activities.

AIR QUALITY

28.0 Figure 3-4 indicates that sealing of the site access road from Thomas Mitchell Drive to the Mine Entry Area would occur in the first year of mining operations. This means that construction vehicles and trucks transporting early ROM coal to the CHPP will travel over a gravel road. This will generate local dust and the use of water carts to suppress dust means local issues of salt accumulation and sediment/dust smothering adjoining plants. The access road needs to be sealed prior to construction and development of the Mine Entry Area, and definitely before any coarse rejects, tailings or early ROM coal is extracted from the Mine Entry Area.

ABORIGINAL HERITAGE AND ENGAGEMENT

29.0 Muswellbrook Shire Council would encourage the Maxwell Coal Project 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.

HISTORIC HERITAGE

30.0 The former Drayton Mine provided both economic and social benefits during the period 1983 to 2015. During that time, for example, the site initiated industry methods, such one of the first open cut dragline operations in NSW, which allowed for increased production at this site at that time.

31.0 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.

32.0 Local landholders in the vicinity of the Project continue to reiterate the need to maintain the agricultural land use in the Project area, ensure access to water which supports agricultural enterprise and some recognition of the family histories that are valuable to the broader European Heritage of the area. To achieve this Muswellbrook Shire Council again recommends rigorous maintenance of the identified historical sites in adjacent areas to the Project Area with Asset Management Plans that ensure the longevity of this locally significant sites.

TRANSPORT AND ACCESS

33.0 On p. 21 of the Road Transport Assessment (RTA), the road safety audit found one item with a high risk rating relating to the shared cycle and turn lane on the New England Highway approaches to, and intersection with, Thomas Mitchell Drive. Council would recommend a full audit and design review of the intersection, in consultation with Roads and Maritime Services and Council, to ensure that the seagull design at the intersection will ensure safety and efficiency for road users now and into the future.

34.0 The RTA does not recommend any treatment upgrades to the intersection of the Maxwell site access road and Thomas Mitchell Drive, stating that the current design is satisfactory in consideration of current and projected vehicle movements. Is Maxwell satisfied with the visibility aspects of the intersection, particularly in relation to its location on a curved section of Thomas Mitchell Drive and projected increases in vehicle volumes?

35.0 Page 28 of the RTA suggests that Edderton Road may be used to access Malabar-owned property to undertake agricultural and other land management activities. Council recommends the establishment of a condition explicitly forbidding the Maxwell mine site being accessed from Edderton Road for mining related operations.

36.0 Pages 68 and 69 of the RTA refer to the suggested treatments of Edderton Road required as a result of underground mining operations extending under Edderton Road. Council will require extensive consultation to be carried out in relation to this. Council is the relevant Road Authority for Edderton Road. Both of the suggested treatments for

Edderton Road in relation to the Maxwell Project will have considerable impacts on road users.

37.0 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.

38.0 As highlighted in the SEARs, Maxwell will be required to consult with Muswellbrook Shire Council and the NSW DPIE to develop a plan to contribute to the maintenance of local roads under the control of Muswellbrook Shire Council.

39.0 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.

40.0 On p. 3-24 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.

ECONOMIC EFFECTS

41.0 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.

42.0 Just or equitable distribution of environmental benefits and burdens of the mine is not considered, as the cost and benefits are only calculated for the current population and not future generations. The project's environmental impacts will affect people beyond the operational timeline of the project. The Rocky Hill Coal Mine case² pointed out the importance of avoiding distributive inequity in making the impact assessments.

43.0 There should be a target of 25% of supplier expenditure being paid to companies with offices in Muswellbrook Shire.

² NSW Planning Assessment Commission, Determination Report Rocky Hill Coal Project, 14 December 2017

44.0 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.

REHABILITATION AND MINE CLOSURE

45.0 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. Post-mining land use opportunities for rehabilitated mine land could include:

- Recreational uses
- Hydropower and other renewable energy generation activities
- Tourism and Theme parks
- Wildlife habitat and conservation
- Water storage and irrigation
- Intensive Agriculture / Aquaculture
- Industrial Development

50.0 Transition to post-mining activities should commence before mining ceases. This may require adjustments to Mining Lease conditions.

51.0 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.

52.0 There needs to be a high level of indigenous engagement with rehabilitation, final landforms and land uses, how the land will be cultivated. For example, is there a need for consideration of bush tucker? The indigenous community needs genuine participation in end use planning.

53.0 The rehabilitation on the former Drayton mine site is expected to be disrupted by the Maxwell Mine operations, with emplacement of coarse rejects and tailings in voids, construction of new infrastructure and continuing noise, light and air quality emissions will impact on, and deter, returning/colonising native animal species. A natural landform style (e.g. as designed by GeoFluv) should now be the standard for rehab works on the former Drayton Mine site (p.7-4 of the EIS argues against this from economic basis only).

GREENHOUSE GAS EMISSIONS

54.0 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.

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

Yours faithfully

Fiona Plesman
GENERAL MANAGER