

**This meeting is part of the review process.**

**Meeting note taken by:** Robert Bisley

**Date:** 25 May 2018

**Time:** 1:00pm

**Project:** Rix's Creek Continuation of Mining Project (SSD 6300)

**Meeting Place:** Independent Planning Commission office. Level 3, 201 Elizabeth Street, Sydney. Metropolitan Room.

**Attendees:**

**Commission Members:**

Mary O'Kane (Panel Chair), Andrew Hutton, Tony Pearson

**Commission Staff:**

David McNamara (Director), Robert Bisley (Senior Planning Officer)

**Department:**

Howard Reed (Director Resource Assessments), Gen Seed (Senior Planner)

**Meeting Purpose:**

For the Department to brief the Commission on the Rix's Creek Continuation of Mining Project (SSD 6300).

The Chair opened the meeting, outlining how the Commission was refining and introducing new process because of both legislative changes and a recent internal review of procedures. Of most relevance to this project would be the Department and applicant both addressing the Public Hearing; Counsel Assisting to provide support to the Commission panel in the running of the Public Hearing and lastly the invitation of key community groups to the site inspection.

The following matters were discussed in the project briefing with the Department:

- The Department provided the Commission with a summary of current mining operations and their context within the Hunter Valley mining industry. This included a summary of:
  - the project's evolution since lodgment in 2015;
  - issues regarding the Court's consent orders in relation to other compliance matters;
  - the negotiated compliance outcome; and
  - the lodgment of both original and addendum Response to Submissions.
- The Department noted that there was considerable 'back-and-forth' with the applicant (primarily regarding mine disturbance) required to reach the final project position in order for the assessment the application to proceed. The Department noted that the impact assessment had been undertaken based on maximum extraction rates.
- The Department summarised their key issues as being:
  - Compliance
  - Noise impacts
  - Air Quality Impacts
  - Biodiversity issues.
- The Department confirmed to the commission that vehicle fleet movements from Rix's Creek to Rix's Creek North now that it is operated as a complex would be limited through the management of impacts under the conditions of consent for each mine.
- The Department outlined its position related to noise impacts:
  - The existing noise criteria for Rix Creek DA 49/94 were defined prior to the application of the NSW Industrial Noise Policy (INP). Due to the timing of lodgment, the INP applies to the Rix's Creek Continuation of Mining Project, not the Noise Policy for Industry released in 2017.
  - Under section 8.2 of the INP, identifies project specific noise levels (i.e. background noise

- environment +5dBA) or the more general amenity criteria (i.e. noise criteria based on specific land use and associated activities).
- The Department noted that noise impacts are due largely to the Singleton township progressively moving closer to the mine over the last 10-15 years. However, the project will continue to achieve the project specific noise control levels identified within the originally Rix's Creek approval.
  - The Department and EPA agreed with the proposal by the applicant of 42dBA at night and 40dBA.
  - EPA didn't propose any additional noise mitigation measures other than completing cladding of the CHPP.
  - The Department noted that it was important to compare the noise modelling against the years of high productivity and that the assumption was that in years of less production the resulting noise would be less.
- The Commission Chair enquired if the Department was aware of any consideration given to climate change related impacts to local weather patterns that could have an influence on the impacts of the project in the longer term. The Department confirmed it was not aware of any such changes and the region has a relatively stable and predictable wind profile.
  - The Department considers, due to noise and/or air quality impacts, the acquisition of 5 properties is required (four do not contain a dwelling, the remaining is known as Receiver 1).
  - The updated Voluntary Land Acquisition and Mitigation Policy is expected to be released during the life of the project, however it will not apply retrospectively.
  - The Department spoke to Biodiversity issues:
    - The Department outlined the history of the Upper Hunter Strategic assessment process which has not been released in final version. Subsequently the applicant had chosen to prepare a separate parallel assessment under the existing Framework for Biodiversity Assessment.
    - The Department was satisfied that the applicants biodiversity offset package is consistent with the Framework for Biodiversity Assessment. The applicant proposes to offset 218ha of disturbed land through payment into the Biodiversity Conservation Fund and/or purchasing credits on the market and/or creating land based offsets.
    - The applicant has sought a staged offset approach and the Department is open such a concept, subject to further consideration by Office of Environment and Heritage.
  - The Department noted that a Voluntary Planning Agreement is being negotiated with Singleton Council. The Department would expect the draft terms of the VPA to be settled (not executed) prior to any determination.
  - The Commission asked the Department if they were comfortable that all of the mandatory relevant considerations for this project had been covered in their preliminary report and the Department confirmed that they had been.

#### Documents:

The Department provided the Commission with a handout that included Table 3 from the Environmental Assessment Report, Part 8 of the NSW Industrial Noise Policy and a map of the site (**attachment X**).

#### Outcomes/Agreed Actions:

The Department agreed to provide the Commission with the following additional documentation:

- Confirmation from relevant agencies that the Department has adequately responded to their submissions within the Preliminary Environmental Assessment Report.
- A table showing when noise exceedances at each of the Receptors will occur comparing the applied

noise stand and the more recent (but not applicable) PSNL's.

- Responding to the impact of construction noise in addition to mining activity.
- The Office of Environment and Heritage's calculations of the applicant's staged offsetting approach.
- Higher resolution versions of Figures 13 and 14 from the Department's report.
- Confirmation if the 218ha of proposed offset includes the rail loop that has been removed from the project.
- Outlining the total size (surface area) and form of the final void to be retained on site.
- Clarification of water issues related to the proposed approach of the creek running into void 1.
- Confirming aspects of the proposal that fall outside the project boundary.

The Department also agreed to assist the Commission with arranging a meeting with the NSW Environment Protection Authority about additional noise mitigation measures.

**Meeting closed at: 2:40pm**