



IPC IMPOSES RAFT OF CONDITIONS ON ITS APPROVAL OF \$600M VICKERY MINE EXTENSION

12 August 2020

The Independent Planning Commission has determined to approve a \$607-million extension of the Vickery coal mine near Boggabri, in the state's northwest, with a raft of strict conditions to mitigate against environmental and social impacts.

Whitehaven Coal Pty Ltd was granted planning approval for its Vickery Coal Project in September 2014 but is yet to construct the key infrastructure required to extract the approved 135 million tonnes (Mt) of coal over 30 years.

It lodged a new state significant development application in 2018 seeking to

- increase total coal extraction to 168 Mt (+24.4%);
- increase the peak annual extraction rate from 4.5 to 10 million tonnes (+250%), and
- increase the disturbance area by 776 hectares.

It has also sought to build a new coal handling and preparation plant (CHPP) at the Project Site, which would connect to the main Werris Creek-to-Mungindi railway line via a new rail spur across the Namoi River flood plain. Coal will then be transported to the Port of Newcastle by train.

The Department of Planning, Industry and Environment finalised its assessment of the Vickery Extension Project in May this year and it then came to the Commission for determination. The Minister for Planning and Public Spaces requested the Commission conduct a public hearing into the carrying out of the Project as part of its determination of the SSD application.

Commissioners John Hann (Panel Chair), Professor Chris Fell AM and Professor Zada Lipman were appointed to consider the SSD application and make a determination. They met with the Applicant, Department, Narrabri Shire Council and Gunnedah Shire Council and conducted an inspection of the site and surrounding areas.

The Panel considered the views of 74 registered speakers who participated in an electronic Public Hearing on 2 and 3 July 2020, as well as those raised in written submissions to the Commission. The Commission received 1928 'unique' submissions – comprising 774 (40%) in support, 1108 (57%) against and 46 (2%) neutral comments – as well as 935 campaign emails objecting to the Application.

The Commission scrutinised several key issues, including water resources, rehabilitation, final void and landform, greenhouse gas emissions, socio-economic impacts, noise, air quality, impacts on agricultural land, road and rail transport, heritage, blasting and vibration, biodiversity, and visual amenity and lighting.

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After carefully considering all the evidence, the Commission has today (Wednesday 12 August 2020) determined to approve the SSD application for the Project, subject to strict conditions.

“The Commission finds that on balance, and when weighed against the objects of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, ecologically sustainable development (ESD) principles, relevant policy framework, and socio-economic benefits, the impacts associated with the Project are acceptable and the Project is in the public interest,” the Commission concluded in its Statement of Reasons for Decision.

“The Commission acknowledges that the Project would result in additional environmental and amenity impacts associated with the increased disturbance footprint and additional mining-related infrastructure when compared to the Approved Project. The Commission also acknowledges that when compared to the Approved Project, the Project would result in some reduced impacts such as a reduction of Scope 1 emissions, reduced amenity impacts and improved road safety from reduced ROM coal truck haulage.

“On balance, the Commission finds that the environmental and amenity impacts of the Project are not significantly greater than those associated with the Approved Project. The Commission is of the view that the additional environmental and amenity impacts can be appropriately managed and mitigated in accordance with the applicable guidelines and policies.

“The Commission finds that the Project would generate significant social and economic benefits for the local area, North West region and to NSW. This includes a direct capital investment of \$607 million and up to 450 jobs during operations,” it stated.

The Commission has imposed a total of 184 conditions on the Project to ensure it complies with the relevant criteria and standards, that impacts are consistent with the predictions in the Environmental Impact Statement and that residual impacts are minimised, mitigated and where relevant compensated for.

Meanwhile, the NSW Resources Regulator yesterday (Tuesday 11 August 2020) launched prosecution proceedings against Narrabri Coal Pty Ltd and Narrabri Coal Operations Pty Ltd, both subsidiaries of Whitehaven Coal Pty Ltd, in the NSW Land and Environment Court for alleged breaches of the state’s mining laws.

In its Statement of Reasons for the Vickery Extension Project, the Commission noted:

“The Commission received submissions raising the Applicant’s regulatory compliance history and submissions suggesting that the Applicant was not a fit and proper person in respect of the Project. The Commission notes that there is no fit and proper person test in respect of development consents and that matters such as the identity of an applicant or past planning law breaches have been found to be irrelevant considerations for consent authorities such as the Commission.”

The Commission’s Statement of Reasons for Decision is available here:

<https://www.ipcn.nsw.gov.au/projects/2020/03/vickery-extension-project>

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