New South Wales Government
Independent Planning Commission

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HVO North and South Open Cut Coal Continuation Projects

SSD-11826681 and SSD-11826621

Statement of Reasons for Decision

Simon Smith (Chair)
Janett Milligan
Michael Chilcott

30 September 2026

Decision Summary

The NSW Independent Commission has determined to approve the HVO North and South Open Cut Coal Continuation Projects SSD-11826681 and SSD-11826621 (the Applications).

The Applications, made by Hunter Valley Operations Pty Ltd, sought approval for the continuation of open-cut mining at the HVO complex until the end of 2045 for HVO North and the end of 2042 for HVO South. The Project includes 24/7 operations, extensions of existing mining areas and the mining of deeper coal seams.

The Commission held a three-day public hearing and received more than 10,000 written submissions on the Applications. Issues of focus in submissions included the greenhouse gas (GHG) emissions of the Project, the impact on climate change and NSW's capacity to meet legislated GHG targets, and the treatment of offsets. Submissions also emphasised the economic and social benefits of employment at the mine (up to 1,407 jobs), the flow on benefits to local businesses and communities and the negative impacts that would result from abrupt mine closure. The Commission also considered evidence in relation to other impacts of the Project, including on water, dust, noise, biodiversity, Aboriginal cultural heritage and the thoroughbred industry.

In reaching its determination the Commission paid careful attention to the changes that have been made in recent times to the legislative and policy frameworks relating to greenhouse gas emissions and coal mining, and to advice provided by the Department of Planning, Housing and Infrastructure clarifying the operation of these policies as they relate to the imposition and regulation of conditions.

The Commission considered whether an approval period shorter than that proposed in the Applications could retain the Project's economic and social benefits while avoiding a portion of the Project's GHG emissions. In granting approval for the full period, the Commission accepted evidence from the Applicant concerning the impact of a shorter period on mine planning, capital recovery and operational integration.

GHG emissions from the Project will contribute to climate change, with 98% of these emissions occurring in overseas jurisdictions where the product coal is consumed. The applicable policy and legislative frameworks for reducing those emissions refer to the operation of the Paris Agreement and nationally determined contributions as the mechanism to be used to protect the people, economy and environment of NSW, with the EPA as the regulator of GHG emissions. Accordingly, the Commission has imposed conditions intended to limit coal exports to jurisdictions that have policies for reducing greenhouse gas emissions consistent with the goals of the Paris Agreement.

The Project's domestic emissions have also been conditioned, including requirements for minimisation and offsets. Even though offsets outside of NSW cannot count towards NSW targets, such offsets – including those under the Safeguard Mechanism – still provide a real environmental benefit that the Commission can and should take into account. The Applicant is also required to take reasonable and feasible measures to maximise the use of renewable energy from four years from the commencement of the development, which consistent with new requirements for data centres. With these conditions, the GHG impacts of the Project are managed effectively within the parameters of the NSW and Commonwealth statutory and policy regimes, and the international Paris Agreement which they both reference.

The Commission has assessed the Project's likely impacts, the measures proposed to avoid, minimise, mitigate, offset or manage them, and the residual impacts that would remain. The Commission finds that the residual impacts of the Project are, on balance, outweighed by its benefits to the Hunter region and NSW, including continued employment, economic activity, support for local business, ongoing royalties and taxation revenue. The continued operation of the HVO complex would provide economic stability for the Hunter region and support a more orderly transition for workers, businesses and communities as the coal industry changes over time.

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1. Introduction

1. On 21 May 2026, the Minister for Planning and Public Spaces (**Minister**) made a request under section 2.9(1)(d) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the NSW Independent Planning Commission (**Commission**) to conduct a public hearing and determine the State significant development (**SSD**) applications for the Hunter Valley Operations (**HVO**) North Open Cut Coal Continuation Project (SSD-11826681) and HVO South Open Cut Coal Continuation Project (SSD-11826621) (**Applications**). The Minister requested that the Commission determine the Applications within 12 weeks of receiving the Department of Planning, Housing and Infrastructure's (**Department**) Assessment Report (**AR**). Subsequently, and at the request of the Commission, the Planning Secretary granted an extension to the Commission's timeframe for determination.
2. On 12 June 2026, the Department referred the Applications to the Commission for determination. The Applications collectively seek approval for the HVO Continuation Project (**Project**). The Applications constitute SSD under section 4.36 of the EP&A Act, as they satisfy the criteria under section 2.6(1) of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the SEPP Planning Systems, the Commission was the consent authority for the Applications as more than 50 public submissions were made by way of objection and the Minister requested the Commission to hold a public hearing into the Applications.
4. Andrew Mills, Chair of the Commission, determined that Simon Smith (Chair), Janett Milligan and Michael Chilcott would constitute the Commission for the purpose of exercising its functions with respect to the Applications.

1.1 Existing operations

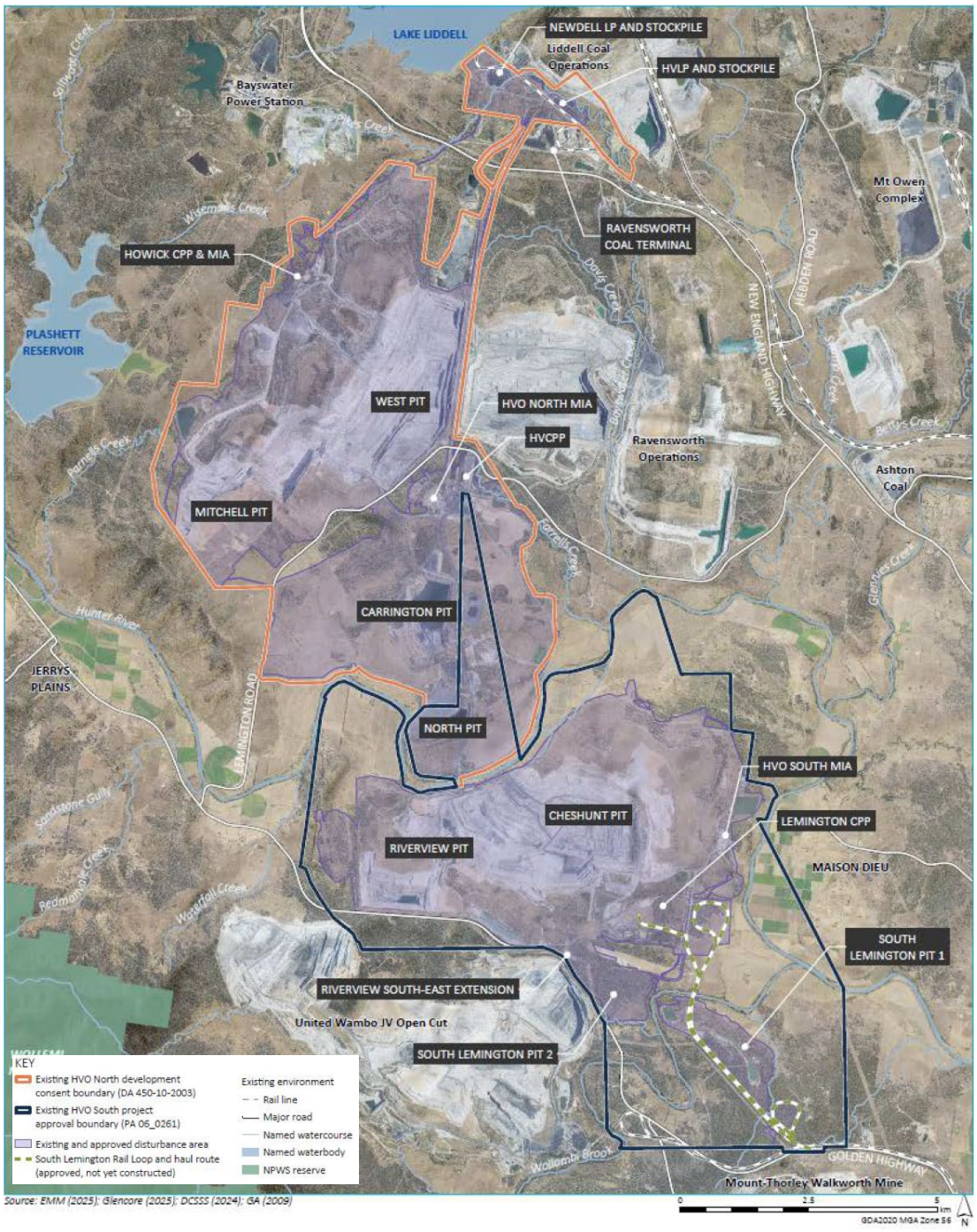
5. HVO is an existing multi-pit open cut coal mine complex (**HVO complex**) which produces thermal coal primarily used for electricity generation and semi-soft coking coal (metallurgical coal) primarily used in steel manufacturing.
6. The HVO complex comprises the two existing mine sites HVO North and HVO South, which operate together.
7. HVO North was approved in 2004 under development consent DA 450-10-2003 by the then Minister for Infrastructure and Planning. The development consent consolidated 18 approvals that applied at the site at the time. DA 450-10-2003 has since been modified on eight occasions.
8. HVO South was approved in 2009 under major Project Approval (PA) 06_0261 by the then Minister for Planning, via the now repealed provisions of Part 3A of the EP&A Act. This development consent PA consolidated 25 approvals that applied at the site at the time. This consent has since been modified on eight separate occasions (AR para 5).

2. The Applications

2.1 The Site and locality

9. The HVO complex (**Site**) is located approximately 26 kilometres (**km**) north-west of Singleton and 85 km north-west of Newcastle in the Hunter Valley region. The Site is mostly located with the Singleton Council LGA, with a small portion of HVO North located within the Muswellbrook Shire LGA. Existing HVO North and HVO South approval boundaries are illustrated in Figure 1 below.

Figure 1 - Existing and approved operations (Source: AR, Figure 2)



2.2 The Project

10. The 'Project' the subject of the Applications entails the continuation of open-cut mining at the HVO complex until the end of 2045 for HVO North and the end of 2042 for HVO South. Operations are proposed to continue 24 hours a day, 7 days a week. The Project also includes proposed extensions of existing mining areas and the mining of deeper coal seams. The Applications were amended twice during the Department's assessment of the Project (see Section 2.3).

11. Key aspects of the Project compared to the existing consent are summarised in Table 1 and Table 2 below and a full description of the Project can be found at Appendix A of the AR.

Table 1 – Key aspects of HVO North (Source: AR, Table 1)

Aspect	As currently approved	Proposed Project (as amended)
Project area	• Existing and approved disturbance area of approximately 4,965 hectares (**ha**)	• Additional disturbance area of approximately 903 ha • Additional disturbance areas associated with the construction of transmission lines • Relinquishment of approximately 6.7 ha of currently approved disturbance area
Coal resource	• Total 498 Mt run-of-mine (**ROM**) coal • Extraction rate: up to 22 Mtpa ROM coal	• Approximately 307 Mt of ROM coal over the life of the Project, (200 Mt in areas currently approved for extraction) • Extraction rate 22 Mtpa (combined HVO complex limit of 25 Mtpa[1])
Coal processing and transport	• ROM coal transported to Hunter Valley Coal Handling and Preparation Plant (**CHPP**) (up to 20Mtpa) or Howick CHPP (up to 6Mtpa) • Product coal transported from Hunter Valley CHPP to Newdell load point via overland conveyor and/or internal haul roads • Transport of product coal from Howick CHPP by overland conveyor to Liddell and/or Bayswater power stations or by truck to the Hunter Valley and/or Newdell load points • Intermittent transfer of coal between Hunter Valley CHPP, Newdell and, Hunter Valley load points and Ravensworth Coal Terminal	• No change to processing at Hunter Valley CHPP or Howick CHPP • Upgrading of product coal infrastructure – increased stockpile capacity at either the Newdell or Hunter Valley load point • Construction of haul road for ROM coal transportation to Ravensworth Operations for processing and rail via the Ravensworth Coal Terminal • Temporarily transport product coal by truck from the Howick CHPP to the Liddell stockpile for transport to market via the Liddell coal handling and train loading facilities during upgrades of the Newdell load point
Water management	• Water supply works (pumps, bores, diversions, dams and flood levees) • Integrated water management with HVO South, transfer of water between Liddell and Ravensworth Operations	• Continuation of integrated water management with HVO South and other mining operations • Construction of additional flood protection levees and enlargement of water storage areas

[1] As set out in paragraph 14, the Applicant amended the Application and reduced the annual production limit to 26 Mtpa, not 25 Mtpa

Aspect	As currently approved	Proposed Project (as amended)
	• Water discharges per Hunter River Salinity Trading Scheme • Low permeability barrier walls within the Carrington Pit Southern Extension and Carrington West Wing area • Diversion of unnamed tributary to the west of Carrington West Wing	
Waste emplacement and rejects	• Ability to dispose of overburden within all pits and out-of-pit emplacements across the complex • Maximum overburden height of approximately 240 m Australian height datum (**AHD**) • Emplacement of tailings within approved tailings storage facilities at the complex and at the adjoining Ravensworth Operations	• No change to emplacement methodology or maximum overburden emplacement height • Construction of additional tailings pipelines and pumps and emplacement of tailings at approved tailings facilities at Liddell Coal Operations • Removal, relocation and/or reprocessing of tailings from historic tailings storage facilities as required
Other infrastructure	• Construction of HVO South mine infrastructure area (**MIA**) • Wollombi Brook bridge and low-level crossing • Operation of ammonium nitrate emulsion facility • Construction and maintenance of ancillary infrastructure	• Realignment of Lemington Road (including construction of a new Hunter River bridge), and relocation of HVO South access road • Relocation of existing transmission lines • Upgrades to HVO North MIA Construction and maintenance of ancillary infrastructure
Workforce	• Operational workforce - up to approximately 1,500 FTE workers (HVO complex-wide)	• Up to 600 for construction transmission line decommissioning and realignment and water management system works • No change to operational workforce
Rehabilitation and final landform	• Progressive rehabilitation • Final land use mixture of pasture and woodland • One final void in Riverview Pit	• Progressive rehabilitation, post mining land use to be mixture of grazing and native habitat areas • No change to number of final voids

Table 2 – Key aspects of HVO South (Source: AR, Table 1)

Aspect	As currently approved	Proposed Project (as amended)
Project area	• Existing and approved disturbance area of approximately 3,242 ha	• Reduction in the current approved disturbance area by approximately 267 ha • Additional new disturbance area of approximately 47 ha that is not currently approved
Coal resource	• A total of 320 Mt ROM coal • Extraction rate: up to 20 Mtpa	• Approximately 122 Mt ROM coal over the life of the Project (from areas currently approved for extraction) • Extraction rate: up to 13 Mtpa • Combined HVO complex limit of 25 Mtpa

Aspect	As currently approved	Proposed Project (as amended)
Coal processing and transport	• Construction of the Lemington CHPP to 16 Mtpa) and associated rail loop connecting to Wambo rail spur • ROM coal can be transported via internal haul roads to all CHPPs within HVO complex (Hunter Valley CHPP, Howick CHPP, and Lemington CHPP) for processing (up to 20 Mtpa) • ROM coal can also be transported via overland conveyor to Hunter Valley CHPP • Transfer of product coal to Wambo rail spur via rail spur and loop, overland conveyor and/or trucks • Mining within the Riverview South East Extension, South Lemington Pit 1 and South Lemington Pit 2 areas	• No change to processing limits or ROM coal transport via internal haul roads • Transport product coal by truck or overland conveyor from all CHPPs to loading points (Hunter Valley Loading Point, Newdell and Liddell) • Construction of the Lemington CHPP and associated rail facilities no longer proposed • Mining within the Riverview South East Extension, South Lemington Pit 1 and South Lemington Pit 2 areas no longer proposed
Water management	• Water supply works (pumps, bores, diversions, dams and flood levees) • Integrated water management with HVO North, transfer of water between Mount Thorley Warkworth and Wambo • Water discharges per Hunter River Salinity Trading Scheme • Construction of bores to allow transfer of water into and out of the former Lemington Underground Mine void	• Continuation of integrated water management with HVO South and other mining operations • Construction of additional flood protection levees and enlargement of water storage areas •
Waste emplacement and rejects	• Ability to dispose of overburden within all pits and out-of-pit emplacements across the complex • Maximum overburden height of • approximately 240 m AHD • Integrated tailings management with HVO North with emplacement of tailings in approved tailings storage facilities across the complex	• No change to emplacement methodology or maximum overburden emplacement height • Removal, relocation and/or reprocessing of tailings from historic tailings storage facilities as required
Other infrastructure	• Construction of HVO South MIA. • Wollombi Brook bridge and low-level crossing • Operation of ammonium nitrate emulsion facility • Construction and maintenance of ancillary infrastructure	• Relocation of existing transmission lines • Construction and maintenance of ancillary infrastructure
Workforce	• Up to approximately 1,500 FTE workers (complex-wide)	• As per HVO North – see Table 1
Rehabilitation and final landform	• Progressive rehabilitation • Final land use mixture of pasture and woodland • One final void in Riverview Pit	

2.3 Amendments to Applications

12. In accordance with section 37 of the *Environmental Planning and Assessment Regulation* (**EP&A Regulation**), an applicant can apply to amend a development application at any time before the application is determined.

13. On 9 November 2023 the Applicant sought to amend the HVO North Application seeking to change the proposed realignment of Lemington Road and associated modified development application area. The amendment was made to avoid all direct impacts to the Warkworth Sands Woodland Endangered Ecological Community (**EEC**) and to avoid impacts to two scarred trees of Aboriginal cultural heritage significance. The Department, as delegate of the Commission, approved the application for the amendment on 13 November 2023.

14. On 5 August 2025, the Applicant sought to amend the HVO North Application seeking:

- reduction in the project mine plan to avoid areas of high gas content in HVO North;
- reduction in total ROM coal to be extracted by approximately 220 Mt
- reduction to proposed annual production limit at HVO South from 18 Mtpa to 13 Mtpa
- reduction to the annual production limit for the complex from 42 Mtpa to 26 Mtpa;
- reduction to proposed operational life at HVO North by five years (from 2050 to 2045) and at HVO South by 3 years (from 2045 to 2042)
- expansion of the HVO North ROM coal stockpile to improve coal management;
- temporary transport of coal by truck from the Howick CHPP to the Liddell stockpile until upgrades of the Newdell Load Point are completed;
- establishment of a levee to provide flood protection for the final void in Mitchell Pit; and
- minor alterations to disturbance boundaries to accommodate various infrastructure.

15. The Department, as delegate of the Commission, approved the application for the amendment on 28 August 2025.

3. Consultation

16. The Commission held meetings with the Applicant on 3 July 2026, and the Department, Muswellbrook Shire Council and Singleton Council separately on 8 July 2026. The Commission also met with the NSW Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) on 14 July 2026 and the NSW Net Zero Commission (**NZC**) on 24 July 2026. Transcripts of these meetings were made publicly available on the Commission's website.

17. The Commission inspected the Site and carried out a locality tour on 15 July 2026. Notes on the inspection and tour were made publicly available on the Commission's website.

18. The Commission held a public hearing at the Branxton Community Hall on 16 and 17 July 2026 and online on 22 July 2026. The Commission heard from 133 registered speakers over the three days including representatives of the Applicant and the Department.

19. The Commission received 10,109 written submissions made during the submission period and 467 further written submissions in a later submission period on the additional material received by the Commission. Matters raised in oral submissions during the public hearing and in written submissions during the submission periods are detailed in Appendix A of this Statement of Reasons and have been considered, where relevant to the Commission's functions in relation to this Application, in the Commission's decision-making process.

4. Material considered by the Commission

20. In this determination, the Commission has given consideration to the:
    - matters raised in public submissions as set out in Appendix A – Community Consultation Report;
    - material and planning framework as set out in Appendix B – Commission's Considerations; and
    - Department's whole-of-government assessment as set out in Appendix C – Department's Assessment Report.

5. Reasons for the decision

21. The following sections outline the Commission's consideration of the material before it and its findings in relation to key issues including greenhouse gas (**GHG**) emissions, economics, social impacts, post-mining transition, biodiversity, air quality, water resources, noise, Aboriginal cultural heritage, rehabilitation and land use, and other environmental impacts.

22. GHG emissions and climate change impacts were the principal issues raised in the materials and submissions. Climate change issues raise complex environmental, social and economic considerations and require careful consideration in the context of the applicable statutory requirements and relevant State and national policy frameworks.

23. The Commission has assessed the Project's likely impacts, the measures proposed to avoid, minimise, mitigate, offset or manage them, and the residual impacts that would remain. Its conclusions on each key issue and its overall public interest assessment are set out below.

5.1 Greenhouse gas emissions

24. The Commission acknowledges that the Project would result in substantial GHG emissions over its life. As shown in Table 3, the Project's estimated total emissions are approximately 809 Mt of CO_2-e, of which around 98 per cent are comprised of Scope 3 emissions. In considering the GHG impacts of the Project, the Commission is legally required to consider whether or not consent should be issued subject to conditions aimed at (among other factors) minimising GHG emissions to the greatest extent practicable. In fulfilling this obligation, the Commission is required to have regard to a range of government policies.

5.1.1 Legislative and policy framework

25. In reaching a decision on the Project, the Commission is bound to follow the relevant legislative framework and has paid close attention to the applicable policy framework.

26. The frameworks are established by section 4.15 of the EP&A Act, section 2.20 of the *State Environmental Planning Policy (Resources and Energy) 2021* (**SEPP Resources and Energy**) and the *Climate Change (Net Zero Future) Act 2023* (**Climate Change Act**). This legislative framework requires the Commission to also consider a range of NSW and Commonwealth policies regarding GHG emissions. In particular, the Commission notes that section 2.20(2) of the SEPP Resources and Energy requires the Commission to consider the Project's GHG emissions (including downstream (i.e. Scope 3) emissions), having regard to any applicable State or national policies, programs or guidelines concerning GHG emissions. The major applicable policies, which also featured in a high volume of submissions, that the Commission has considered and taken account of in its assessment of the Project's climate change impacts and in determining the conditions of consent imposed on the development, are set out below and in more detail at Appendix B.

International context

27. Australia is a party to the United Nations Framework Convention on Climate Change (**UNFCCC**) Paris Agreement 2015[2] (**Paris Agreement**), the overarching goal of which is to hold the increase in global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels. All countries that are parties to the Paris Agreement are required to prepare, communicate and maintain Nationally Determined Contributions[3] (**NDCs**), which set out their commitments to reduce GHG emissions. Australia submitted an NDC in 2022 and an updated NDC in September 2025, setting out its emission reduction commitments and pathway to achieve net zero emissions. GHG emissions generated from activities occurring within Australia, including direct (Scope 1) emissions from coal mining operations, are included in Australia's National Greenhouse Gas Inventory[4], which forms the basis for measuring progress against Australia's emissions reduction commitments under its NDCs.

28. Section 3 of the Climate Change Act identifies its purpose of giving effect to the international commitment established through the Paris Agreement.

National

29. Australia's emissions reduction framework includes the *Climate Change Act 2022* (Cth), section 10 of which sets targets of 43% below 2005 levels by 2030 and net zero emissions by 2050. Australia's September 2025 NDC also sets a target of 62–70% below 2005 levels by 2035. The Australian Government's *Net Zero Plan*[5] outlines a pathway to reduce emissions from all sectors while supporting economic growth, investment and climate resilience.

[2] https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en

[3] www.dcceew.gov.au/climate-change/international-climate-action#toc_1

[4] www.dcceew.gov.au/climate-change/publications/national-greenhouse-gas-inventory-quarterly-updates

[5] www.dcceew.gov.au/climate-change/publications/net-zero-plan

30. Australia's *Long-Term Emissions Reduction Plan 2022*[6] also establishes a whole-of-economy pathway to achieve net zero emissions by 2050, supported by regulatory mechanisms including the National Greenhouse and Energy Reporting Scheme[7] (**NGERS**) and the Safeguard Mechanism[8]. NGERS provides the framework for the monitoring and reporting of GHG emissions by large emission facilities in Australia, with reported emissions informing Australia's National Greenhouse Inventory.

31. The Safeguard Mechanism is Australia's principal mechanism for reducing GHG emissions from the country's largest industrial facilities and is intended to support the achievement of the Australian Government's emissions reduction targets. Facilities subject to the Safeguard Mechanism are required to comply with legislated emissions intensity baselines that decline over time. As raised in submissions and by the NZC in its meeting with the Commission, the obligations under the Safeguard Mechanism alone would not result in all mine emissions being offset by carbon credits. This is because the mechanism sets an emissions baseline for each facility; only emissions above that baseline need to be covered by offset credits.

32. The Project would be subject to both NGERS and the Safeguard Mechanism. These require the Applicant to monitor and report the Project's GHG emissions and comply with the declining emissions baselines over time.

33. Although the Safeguard Mechanism is an important component of Australia's emissions reduction framework that is relevant to the assessment of the Project's GHG impacts, it does not determine what proportion of NSW's remaining emissions capacity should be allocated to any particular industry, sector or project. The Commission must still consider the impacts of the Project's GHG impacts under the NSW planning framework.

State

Environmental Planning and Assessment Act 1979

34. As required under section 4.15(1) of the EP&A Act, the Commission has considered the likely environmental impacts of the Project's GHG emissions. This includes the Project's contribution to climate change and the likely climate related impacts on both the natural and built environments in the locality and elsewhere. The Commission has also considered those impacts in the context of the public interest.

State Environmental Planning Policy (Resources and Energy) 2021

35. As required under section 2.20 of the SEPP Resources and Energy, the Commission has considered all of the Project's GHG emissions, including emissions associated with the combustion of the product coal in other jurisdictions. The impacts of downstream emissions considered by the Commission include, but are not limited to, those impacts likely to be experienced in the locality of the Project.

Climate Change (Net Zero Future) Act 2023

36. The NSW Climate Change Act sets out statutory purposes, guiding principles and emissions reduction targets for NSW. The Commission has considered that Act in interpreting and exercising its planning functions, together with the State and national policies, programs and guidelines relevant under section 2.20 of the SEPP Resources and Energy.

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[6] www.dcceew.gov.au/climate-change/publications/australias-long-term-emissions-reduction-plan

[7] https://cer.gov.au/schemes/national-greenhouse-and-energy-reporting-scheme

[8] https://cer.gov.au/schemes/safeguard-mechanism

37. Section 3 of the Climate Change Act states:

> *(1) The purpose of this Act is to give effect to the international commitment established through the 2015 Paris Agreement to—*
> *(a) hold the increase in the global average temperature to well below 2°C above pre-industrial levels, and*
> *(b) pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, and*
> *(c) increase the ability to adapt to the adverse impacts of climate change.*
>
> *(2) The Parliament of New South Wales, in enacting this Act, recognises—*
> *(a) there is a scientific consensus that human activity is causing abnormal changes to the climate, and*
> *(b) action is urgently required to reduce greenhouse gas emissions and to address the adverse impacts of climate change.*
>
> *(3) The Parliament of New South Wales, in enacting this Act, is committed to effective action on climate change to ensure a sustainable and fair future for the people, economy and environment of New South Wales.*

38. Section 5 of the Climate Change Act defines 'action to address climate change' as including:

> *(a) action to mitigate climate change by reducing—*
> *(i) greenhouse gas emissions, and*
> *(ii) greenhouse gases in the atmosphere, for example, through sequestration or sinks, and*
> *(b) action to adapt to a changing climate and to address the effects of climate change.*

39. The Climate Change Act, which binds the Crown (under section 6) and prevails to the extent of any inconsistency with another Act or law (under section 7) is relevant to the Commission's determination in three main respects. It provides for:

- guiding principles for action to address climate change in consideration of the impacts, opportunities and need for action in NSW (under section 8);
- legislated GHG emission targets for emissions in NSW (under section 9) for which the Premier and Minister for Climate Change are responsible (under section 11); and
- NZC advice and recommendations to the Independent Planning Commission (under section 15(3)(b)).

40. The Commission has had regard to the objectives, purpose, guiding principles and legislated emissions reduction targets established under the Climate Change Act, together with the advice and findings of the NZC. In doing so, the Commission has considered the extent to which the Project's GHG emissions are consistent with the policy framework established by the Climate Change Act, including the need for urgent action to reduce emissions and address the impacts of climate change.

Targets for reducing net GHG emissions

41. Section 9(1) of the Climate Change Act sets the following legislated targets for reducing GHG emissions in NSW:

> *(a) by 30 June 2030—to reduce net greenhouse gas emissions in New South Wales by at least 50% from the net greenhouse gas emissions in 2005, and*
>
> *(b) by 30 June 2035—to reduce net greenhouse gas emissions in New South Wales by at least 70% from the net greenhouse gas emissions in 2005, and*

(c) by 30 June 2050—to reduce net greenhouse gas emissions in New South Wales to zero.

42. Targets for 30 June 2040 and 30 June 2045 have not yet been set, noting that the regulations must prescribe interim targets that specify a reduction in net GHG emissions in NSW greater than the preceding target by these dates.

43. The most recent reporting on progress towards the emissions reduction targets is DCCEEW's *NSW greenhouse gas emissions projections 2025* (July 2026)[9] (**Methods Paper**) and the NZC's *2026 Annual Progress Report*[10] (**Annual Progress Report**). Emissions of any Scope occurring outside NSW (and offsets established by NSW activities but implemented outside the State) are not included in NSW's territorial emissions inventory. That accounting boundary does not exclude the climate impacts of the overseas combustion of coal from the Project from the Commission's assessment.

44. The Methods Paper indicates that:

> *'the NSW Government is making progress but would not achieve its 2030 emissions reduction target until 2034, and would not achieve its 2035 target until 2042. New South Wales is projected to achieve 37–44% below 2005 levels by 2030, and 54–56% below 2005 levels by 2035.'*

45. According to the Methods Paper, the projected gap to the targets has widened since the 2024 update, with a shortfall of 10-20 Mt CO_2-e projected in 2030 and 21-24 Mt CO_2-e projected in 2035. Significant residual emissions of 30-40 Mt CO_2-e are also projected to remain in 2050.

46. The Methods Paper and Annual Progress Report show that annual coal mining emissions are projected to increase from 2024-25 and peak in 2028-29. The Annual Progress Report notes that this increase would "reverse the historical trend of falling emissions from resources at a time when emissions across the economy need to reduce if NSW is to meet the legislated 2030 and 2035 targets". This trend was also highlighted in submissions received from the public.

47. The Methods Paper projects fugitive emissions to decline from 2028-29 due to reduced mining activity, mine closures and assumptions regarding feasible abatement, particularly at underground mines.

48. The Department's advice dated 23 September 2026 on the Commission's proposed conditions (**Conditions Advice**) clarifies that the NSW emissions modelling underpinning the Methods Paper projects coal mining sector emissions to decline broadly in line with NSW's emission reduction targets when the Commonwealth Government's Safeguard Mechanism is taken into account. The NSW Environment Protection Authority (**EPA**) advised that although the *NSW Guide for Large Emitters* specifies a preference for NSW offsets, and that offsets generated outside NSW are not currently included in NSW emissions accounting, offsets generated outside NSW may be used to offset the Scope 1 emissions of a development where NSW offsets are not feasible. The Department and DCCEEW further advised that the Safeguard Mechanism provides a nationally consistent framework for managing and reducing emissions from large industrial facilities, including coal mines, and that the surrender of eligible Safeguard Mechanism credits contributes to emissions outcomes. DCCEEW also noted in its meeting with the Commission that there are emerging policy discussions regarding future options for interjurisdictional transfer of carbon mitigation for state emissions accounting purposes.

[9] www.environment.nsw.gov.au/publications/nsw-greenhouse-gas-emissions-projections-2025-methods-paper

[10] www.netzerocommission.nsw.gov.au/our-work-projects/2026-annual-progress-report

49. Accordingly, whether the coal mining sector is regarded as being on track to achieve NSW's emissions reduction pathway may depend, in part, on whether offsets generated outside NSW are taken into account. Current projections indicate that NSW is not on track to achieve its legislated emissions reduction targets for 2030 and 2035 without the incorporation of Safeguard Mechanism credits. Although emissions are projected to decline across the economy, emissions from the coal mining sector are projected to increase in the near term before declining later in the projection period. As a consequence, the coal mining sector is projected to comprise an increasing proportion of NSW's total gross emissions over the coming decade, notwithstanding the need for progressively deeper economy-wide emissions reductions.

50. The distinction between compliance with the Safeguard Mechanism and accounting towards NSW's statutory targets is material to the Commission's assessment. The ability to surrender a credit for Commonwealth compliance does not itself establish a reduction in the NSW emissions inventory as currently administered. The Commission therefore does not rely on offsets generated outside NSW, or on possible future interjurisdictional accounting arrangements, as demonstrating that the Project or the coal sector is consistent with NSW's emissions reduction trajectory. The Project's additional emissions and the uncertainty identified in the projections remain relevant adverse considerations.

51. The NZC *Coal Mining Emissions Spotlight Report 2025*[11] (**Spotlight Report)** provides a detailed assessment of coal mining sector emissions and progress towards the achievement of NSW's legislated emissions reduction targets that was raised in many submissions. The Report made the following findings:

    1. In order for NSW emissions targets to remain achievable, on-site abatement at existing mines is essential, particularly to reduce fugitive emissions. Additional regulatory measures will be required to achieve measurable on-site abatement.
    2. The Commonwealth and NSW Governments are working to improve the accuracy of fugitive emissions reporting at open cut coal mines. Collaboration across these efforts could accelerate and strengthen outcomes.
    3. Consistent with the objectives of the Climate Change Act, NSW consent authorities need to meaningfully consider greenhouse gas emissions and their impacts in all planning decisions, including those for additional coal mining.
    4. Continued extensions or expansions to coal mining in NSW are not consistent with the emissions reduction targets in the Climate Change Act or the Paris Agreement temperature goals it gives effect to.
    5. The NSW Government will need to prioritise its consideration of policies that systematically prepare for the decline of coal extraction and provide for a just and orderly transition for coal-producing communities and impacted regional economies.

52. The NSW Government *Response to the Coal Mining Emissions Spotlight Report* (June 2026)[12] accepted Findings 1-3 and 5 of the Spotlight Report. The NSW Government noted Finding 4, reiterating the current economic importance of coal mining and the expectation that the industry will contribute to the achievement of NSW's emissions reduction targets through on-site abatement, forecast declines in coal production, and the offsetting of residual emissions.

[11] www.netzerocommission.nsw.gov.au/publications/coal-mining-emissions-spotlight-report

[12] www.energy.nsw.gov.au/nsw-plans-and-progress/government-strategies-and-frameworks/net-zero-commission

NSW Coal Industry 2026–50

53. The Commission has given careful consideration to the *NSW Coal Industry 2026-50* (March 2026) (**Coal Policy**). Although it does not have the status of legislation and does not bind the Commission to any particular outcome, it is nonetheless of significant assistance in outlining the NSW Government's position on the future of coal mining in NSW.

54. In considering the Applications, the Commission has had regard to the objectives and government expectations set out in the Coal Policy, including the need to balance the economic and social benefits associated with the extension of an existing coal mining operation against environmental and climate change considerations.

55. The Coal Policy recognises the ongoing economic importance of the coal mining sector to NSW as a significant contributor to regional economies through employment, investment, exports and royalties. According to the Coal Policy, as of December 2025 coal mining in the Hunter region provided approximately 14,437 direct jobs.

56. The Coal Policy states that the NSW Government will consider applications for extensions of existing operations and intends that coal mining will continue to play an important role in supporting regional jobs, investment and communities in the transition to a lower-emissions economy. Under the policy, NSW will continue to supply its coal while there is demand and operations are consistent with NSW emissions reductions targets.

57. At the same time, the Coal Policy makes clear that proposals to extend existing coal mines will be required to meet emissions, environmental and other requirements, with proposals required "to demonstrate a clear commitment to avoiding or reducing onsite emissions and offsetting any residual emissions". It considers that this approach "represents a balanced approach to meeting the social, economic, and environmental needs of the state and continuing to ensure energy security for the people of NSW".

58. The Coal Policy requires the coal mining sector to contribute to the achievement of NSW's emissions reduction pathway and expects overall emissions from the sector to decline consistent with NSW's targets. Where emissions abatement is not feasible, offsets may be used to support emissions reduction objectives, with a preference for offsets generated within NSW.

59. Under the Coal Policy "Scope 1 and Scope 2 emissions and the local impacts of Scope 3 emissions will continue to be considered in the assessment of coal proposals through the planning framework". This makes clear that NSW planning decisions require consideration of direct emissions and the local impacts associated with downstream (Scope 3) emissions. The Coal Policy does not provide specific direction regarding the assessment of the broader global impacts of Scope 3 emissions other than a reference to the State's export partners meeting their net zero commitments. That absence of direction does not narrow the required statutory assessment of the Project's likely impacts or the consideration of downstream emissions under section 2.20 of the SEPP Resources and Energy.

60. The Coal Policy expects that there will be a long-term decline in coal demand as trading partners move to lower-emissions energy sources to meet their own net zero commitments and identifies NSW's major coal export destinations and the net zero commitments and energy transition pathways of those jurisdictions.

Department and regulator advice on potential conditions

61. The Commission considered several alternative conditions to those ultimately imposed to manage and mitigate the Project's Scope 1, Scope 2 and Scope 3 emissions. In accordance with its standard practice, the Commission sought advice from the Department on the workability and enforceability of those potential conditions.

62. The Department's Conditions Advice was supported by direct advice from the agencies responsible for implementing and administering the regulatory framework as it relates to GHG emissions, namely DCCEEW, the EPA and NSW Resources. The Conditions Advice also clarified the manner in which GHG emissions are regulated under the existing statutory framework and the respective responsibilities of the agencies charged with administering that framework. The Commission has had regard to that clarification in determining the appropriate conditions for the Project.

63. As the Commission has no role in the monitoring of compliance or enforcement of conditions of development consent, the Conditions Advice from the Department, which is the principal planning regulator, merits significant weight in the Commission's evaluation, even though it does not bind the Commission to any particular outcome. This is particularly so in the present case, given the advice was informed by the agencies responsible for administering the relevant GHG regulatory framework.

64. Ultimately, the Commission decided to not proceed with the proposed Scope 1, Scope 2 and Scope 3 conditions in the form originally drafted, adopting the Department's advice on the significant workability and enforceability issues those proposed conditions could impose. For the reasons set out in section 5.1.4, the Commission also accepts that those conditions in the form provided to the Department would in part be unworkable, unenforceable and may give rise to a range of unintended consequences.

65. The Commission accepts that the conditions on Scope 1, Scope 2 and Scope 3 emissions recommended by the Department are consistent with both the outcomes sought by the Commission, as well as the responsibilities and regulatory framework administered by the Department, DCCEEW, the NSW EPA and NSW Resources.

66. The Conditions Advice from the Department will be published shortly after publication of these reasons in accordance with the Commission's longstanding practice (set out in its *Transparency Policy)*.

5.1.2 Project emissions

67. As part of its decision-making process, the Commission has carefully considered material including the Applicant's Greenhouse Gas Assessment (**GHGA**) dated 4 August 2025 submitted as part of the amended Application, the Independent Expert Advisory Panel for Mining's (**IEAPM**) advice, and advice from the EPA to the Department during assessment.

68. The Project is expected to generate approximately 809 million tonnes of gross CO_2-e GHG emissions. The components of the gross GHG emissions for the Project are set out in Table 3 below.

Table 3 – Estimated lifetime GHG emissions from the Project (Source: AR Table 8)

Scope	Key GHG source(s)	Estimated GHG emissions (kt CO_2-e)	Estimated GHG emissions (% of total)
Scope 1	Mining and extraction related (e.g. fugitive emissions, diesel use, explosives, vegetation clearing)	15,104	1.9%
Scope 2	Upstream electricity (i.e. purchased electricity)	215	<0.1%
Scope 3	Downstream emissions (e.g. transport of product coal, downstream coal use)	793,763	98.1%
Total (including Scope 3)		809,082	100%

5.1.3 Climate change impacts

69. Consistent with the Department's AR, the Commission considers that all Scope 3 emissions from the Project would lead to a net increase in global emissions and that net Scope 1 and Scope 2 emissions would occur as estimated in the GHG assessment and contribute to climate change.

70. In giving consideration to these impacts, the Commission has carefully considered the evidence provided in public submissions, contemporary domestic and international climate science, and the policy and regulatory context relevant to climate change and greenhouse gas emissions.

Context

71. Australian and NSW Government climate assessments identify increasing environmental, social and economic risks associated with more frequent and severe heatwaves, bushfires, floods, droughts, water scarcity and extreme storm events. The *National Climate Risk Assessment*[13] (**NCRA**) is the Australian Government's first comprehensive assessment of how climate change could affect Australians and identifies that these risks are expected to increase over time and emphasises the importance of understanding, monitoring and planning for climate driven risks across all parts of society.

72. The NSW and Australian Regional Climate Modelling (**NARCliM**) project provides high resolution climate projections for NSW and south-east Australia and projects continued warming and increasing climate related risks throughout the century. The CSIRO *State of the Climate 2024*[14] report identifies that Australia is already experiencing the impacts of global climate change. The report notes that:

> *'These changes have a growing effect on the lives and livelihoods of all Australians. Australia must plan for, and adapt to, the changing nature of climate risk now and in the decades ahead. The severity of impacts on Australians and our environment will depend on the speed at which global greenhouse gas emissions can be reduced.'*

73. Governments in Australia and NSW have responded to the risks associated with climate change through a range of policies, strategies and emissions reduction frameworks directed toward reducing GHG emissions, supporting decarbonisation and improving climate resilience.

74. The NSW *EPA's Climate Change Action Plan 2023-2026*[15] sets out actions to address climate change through emissions reduction, decarbonisation and climate resilience. The Plan aims to reduce the rate of climate change, including by limiting or preventing GHG emissions and by removing GHGs from the atmosphere.

75. Against this climate science and policy context, the Commission has considered the contribution of the Project's GHG emissions to climate change and the associated environmental, social and economic impacts at the local, State, national and international scales.

[13] www.acs.gov.au/pages/national-climate-risk-assessment

[14] www.bom.gov.au/weather-and-climate/past-weather-and-climate/state-of-the-climate-2024/report-at-a-glance

[15] www.epa.nsw.gov.au/Your-environment/Climate-change/Policy-and-action-plan

Local impacts of climate change

76. Although the Project's Scope 3 emissions would arise from the combustion of exported coal outside Australia, all GHG emissions contribute to climate change regardless of where they are emitted and therefore contribute to climate-related impacts experienced within Australia, NSW and the Hunter Region.

77. Submissions to the Commission raised concerns regarding the impacts of climate change in the Hunter region. One submission stated that: "Our Hunter coal mining localities seem to be especially affected. Known risks of living close to mines become more acute in rising temperatures, longer droughts, more windstorms, fire danger and flooding rains". Other submissions raised concerns that climate change would increase the frequency and severity of extreme weather events resulting in adverse impacts on agricultural land, local infrastructure, property, biodiversity and community wellbeing in the Hunter region.

78. The Commission accepts the Department's assessment that climate change in the Hunter Region is expected to result in a range of environmental, social and economic impacts, including pressure on water resources, increased bushfire risk, property loss and damage associated with extreme weather events, disruption to economic activity and adverse impacts on health and wellbeing. The NARCliM Climate Change Snapshot for the Hunter projections for 2050 under the low and high emissions scenarios are average temperature increases of 1.1 to 1.9°C, number of additional hot days per year of 7.1 to 10.8, sea level rise of 19 to 23 cm, and number of additional severe fire weather days per year of 0.9 to 1.2. (AR paras 200 and 202)

79. The Commission also accepts that climate change is likely to result in increased temperatures and heat-related impacts, adverse effects on ecosystems and biodiversity, and increased risks to critical infrastructure and communities. The Commission considers that the Project's GHG emissions would contribute to the cumulative emissions driving those climate change impacts and agrees with the Department's assessment of these impacts at AR paras 189 to 202.

Impacts of climate change on NSW

80. The *NSW Climate Change Adaptation Strategy*[16] acknowledges that "NSW is already experiencing the impacts of climate change", including "an unprecedented cycle of heatwaves, droughts, bushfires, storms and floods". The Strategy further notes that "[w]ithout action to adapt, climate change is expected to affect most parts of the NSW economy, society and environment".

81. Although there is uncertainty in attributing particular State and local climate impacts to an individual project, the Project's estimated emissions of 809 Mt of CO_2-e would contribute to the cumulative atmospheric concentration of GHGs that drive climate change. As recognised in the *NSW Climate Change Adaptation Strategy*, climate change is already affecting the State through increasing temperatures, more frequent and severe heatwaves, droughts, bushfires, storms and floods.

82. Submissions raised concerns regarding the significance of Scope 3 emissions. A submission stated that "[i]t doesn't matter to nature whether you count these emissions by where they're released, by where they're produced, by sector, for who the end user is, it's all the same", noting that CO_2 does the same damage to the NSW environment, whether it's emitted in NSW or overseas.

[16] www.climatechange.environment.nsw.gov.au/about-adaptnsw/nsw-climate-change-adaptation-strategy

83. The Commission heard public submissions about the significant economic costs that climate change is expected to impose on NSW. The climate-related natural disasters costed in paragraph 87 below are very likely to be experienced within NSW, with increased disaster recovery costs, infrastructure damage, insurance costs and impacts on economic productivity.

Impacts of climate change on Australia

84. Commonwealth climate assessments consistently identify climate change as a risk to Australia's communities, environment and economy. The Climate Change Authority's *2025 Annual Progress Report*[17] recognises the impacts on the environment, communities and the economy, noting that:

> *'Climate change is influencing extreme weather events in Australia and globally. Longer and increasingly dangerous fire seasons, more extreme rainfall, warming oceans, and extreme heat are increasing pressure on land and marine ecosystems, as well as people and the national economy.'*

85. The Climate Change Authority's *2035 Emissions Reduction Targets Report*[18] recognises the significance of emissions associated with Australia's fossil fuel exports, stating:

> *'Australia's exports also make a significant contribution to global emissions. The emissions overseas from use of Australia's coal and gas exports are more than double the amount generated by Australia's entire economy.'*

86. The NCRA identifies that the impacts of climate change extend to Australia's natural environment, with increasing risks to biodiversity, ecosystems and ecological resilience arising from rising temperatures, changing climatic conditions and more frequent and severe climate hazards. The assessment also identifies increasing risks to marine and coastal environments and the potential for significant ecological change and ecosystem degradation under future warming scenarios.

87. In 2020 the NCRA estimates the economic cost of climate-related disasters at an average of approximately $38 billion per year, representing around 2% of Australia's GDP, and considers this could increase to at least $73 billion per year, or approximately 4% of GDP, by 2060.

International impacts of climate change

88. The Commission received many submissions about the impacts of climate change that were consistent with those identified in the Intergovernmental Panel on Climate Change (**IPCC**) *Sixth Assessment Report (AR6) - Working Group II: Impacts, Adaptation and Vulnerability*[19] including more frequent and intense extreme events causing widespread adverse impacts and related loss and damage to nature and people.

[17] www.climatechangeauthority.gov.au/publications/2025-annual-progress-report

[18] www.climatechangeauthority.gov.au/publications/2035-emissions-reduction-targets-report

[19] www.ipcc.ch/report/ar6/wg2/

89. The United Nations Environment Programme's *Emissions Gap Report 2025: Off Target*[20] estimates annual global emissions of between 51 and 58 gigatonnes of CO_2-e in 2030 and between 46 and 54 gigatonnes of CO_2-e in 2035 based on different policy scenarios. Against this context, the Project is estimated to contribute approximately 0.08% of global emissions in 2030 and 0.09% in 2035, assuming all jurisdictions meet all the commitments in their NDCs. Based on the estimates in the *IEA Global Energy Review 2025*[21], the maximum annual emissions generated by the Project (in FY 2039) would comprise 0.132% of the global energy/fuel combustion generated emissions based on 2024 emissions levels (AR para 195).

90. The IPCC identifies that global temperature increases are approximately proportional to cumulative CO_2 emissions. The *IPCC Sixth Assessment Report (AR6) Working Group I*[22] identifies a best estimate Transient Climate Response to cumulative CO_2 Emissions (**TCRE**) of 0.45°C of global warming per 1,000 gigatonnes (**Gt**) of CO_2 emitted, with a likely range of 0.27°C to 0.63°C per 1,000 $GtCO_2$. The Project's total of approximately 0.809 $GtCO_2$-e includes different greenhouse gases. It is not a CO_2-only quantity to which the TCRE relationship can be applied directly without a separate treatment of non-CO_2 emissions.

91. The Commission heard submissions that the impacts of climate change will not be experienced uniformly across the world, and some regions and communities are particularly vulnerable. Acute risks are identified for low-lying coastal and island nations which are exposed to sea level rise, coastal erosion and inundation as well as for communities dependent on climate sensitive natural resources and industries. Submissions received by the Commission noted that developing nations and vulnerable populations are often exposed to disproportionately greater climate-related impacts.

92. Climate change is expected to have significant social, economic and humanitarian consequences internationally. This includes increasing pressures on food production systems, water security, public health, infrastructure and economic productivity, together with rising disaster recovery costs, disruption to supply chains, migration and displacement associated with climate-related events. The Commission also received submissions about the likely impacts of climate change on cultural values, community cohesion and human wellbeing.

93. Climate change will also affect ecosystems and biodiversity in other jurisdictions, including coral reef systems, marine environments and terrestrial ecosystems. This includes ongoing risks of species decline, loss of habitat, ecological disruption and the reduced resilience of natural systems.

[20] www.unep.org/resources/emissions-gap-report-2025

[21] www.iea.org/reports/global-energy-review-2025

[22] www.ipcc.ch/report/ar6/wg1/

5.1.4 Commission's findings

94. The Project's Scope 1, Scope 2 and Scope 3 GHG emissions would contribute to cumulative global GHG emissions and, consequently, to climate change impacts experienced at the local, State, national and international levels.

95. The Commission's consent powers concern the development in the Applications; they do not confer a general power to regulate the coal sector or other jurisdictions. That limitation does not remove its responsibility to assess this Project's cumulative impacts, consider Project-specific conditions within power, and decide whether the residual impacts justify refusal. The Commission has considered the regulators' advice in reaching its own findings.

96. The Commission has considered Finding 4 of the Spotlight Report, that continued extensions or expansions to coal mining in NSW are not consistent with the emissions reduction targets in the Climate Change Act or the Paris Agreement temperature goals it gives effect to. The Commission accepts that the Project would result in additional GHG emissions and that, in the absence of mitigation and offsetting measures, those emissions would increase the task of achieving legislated emissions reduction targets. The Commission also accepts the evidence of the NZC that continued coal mining emissions place additional pressure on the State's emissions trajectory. However, the Commission does not consider that Finding 4, of itself, requires refusal of the Applications. Rather, it is one matter to be weighed in the Commission's broader assessment, having regard to the extent of emissions avoidance, the applicable Commonwealth and State regulatory frameworks, the real environmental benefit of the mitigation and offsetting measures that would apply to the Project (both through the Safeguard Mechanism and the additional offsets committed to in the Applications), and the social and economic considerations weighing in favour of granting consent to the Applications.

Reduced operational period

97. The Commission considered whether an approval period shorter than that proposed in the Applications could retain the Project's economic and social benefits while avoiding a portion of the Project's GHG emissions through limiting the output of the Project.

98. The EP&A Act permits the grant of consent to part of the development sought in a development application (subject to the limits of that power). A shorter duration is not outside power merely because it reduces profitability or requires changes to the mine plan. Whether a particular alternative would be a substantially different development requires consideration of that alternative's scope and effects.

99. The Commission invited a response from the Applicant and submissions on that proposal. After considering the Applicant's response and other submissions, the Commission decided against this approach. In doing so, the Commission gave determinative weight to the Applicant's evidence concerning mine planning, capital recovery and operational integration. Although that evidence was not determinative of the Commission's power to require a shorter duration, it was still relevant to the merits of a shorter approval.

100. Accordingly, and for the following reasons the Commission has not imposed a reduced operational period on the Project:

- the GHG impacts of the Project will be appropriately managed through the existing regulatory systems, the measures proposed in the Application and the imposed conditions of consent;
- the residual GHG impacts of the Project do not outweigh the social and economic benefits of approval of the Project; and

- the social and economic benefits of the Project may not be realised with a shorter approval period.

Scope 1 greenhouse gas emissions

Conditions Advice

101. The Commission considered alternative conditions to those ultimately imposed to manage and mitigate the Project's Scope 1 emissions. The Commission's alternative Scope 1 condition sought to ensure that coal sector wide performance against emissions reduction targets informed the Project's offsetting requirements. The alternative condition would have required the Project to offset all of its Scope 1 emissions, less any headroom made available by the coal sector performing well against its targets. That condition was intended, in part, to give effect and substance to the statement in the Coal Policy that:

> *'Sector-wide emissions data and trajectories will inform these assessments* [of proposals for existing mines and extensions] *to ensure the coal industry contributes to achieving NSW's interim and legislated emissions reduction targets.'*

102. The Department, supported by advice from DCCEEW and NSW Resources, identified a number of practical issues with this approach. The Commission accepts that the proposed conditions could create duplication and potential inconsistency with existing regulatory frameworks that address GHG emissions, including frameworks that are intended to operate on an economy-wide basis. The establishment of a separate emissions management framework through a development consent for a single project would represent a departure from the NSW Government's broader policy approach and could create uncertainty regarding the interaction of different regulatory regimes.

103. The Commission also accepts that the proposed annual emissions allowance would establish a project-specific methodology that sits outside the established emissions reduction and reporting frameworks administered by the relevant regulatory authorities. This could result in a separate regulatory framework applying to a single development, contrary to the Government's preference for consistent, economy-wide mechanisms to achieve emissions reduction outcomes. The Commission considers that such an approach may lead to unintended regulatory consequences and could unreasonably constrain the operation of the Project without necessarily achieving commensurate environmental benefits.

104. The Commission notes the Department's expectation that existing Commonwealth regulation and new State regulation will reduce coal-sector emissions. Any regulation not yet in force is a prospective policy measure, whose timing, content and application to this Project remain uncertain. The assessment of the Applications must therefore address the residual impacts under the requirements presently applicable and the enforceable conditions actually imposed, without assuming that future regulation will cure those impacts.

105. The Commission ultimately decided not to proceed with the alternative Scope 1 condition in the form provided to the Department for advice. The Commission accepts the Department's advice regarding the significant workability and enforceability issues that would arise from that approach and has instead imposed the conditions as set out in the findings below.

106. In doing so, the Commission acknowledges that additional climate regulation may emerge over time. However, its decision does not depend upon future regulatory reform occurring. Rather, it is based upon an assessment of the Project within the current regulatory and policy framework.

Findings

107. The Commission finds that the impacts of the Scope 1 GHG emissions[23] of the Project are capable of mitigation and offsetting such that, when weighed against the economic and social benefits of the Project, their residual impacts do not warrant refusal of the Applications.

108. The Commission accepts that the Applicant has applied the NSW EPA mitigation hierarchy by first avoiding emissions through a major redesign of the Project, including the removal of mining in the high-gas Domain 1 area, reducing ROM coal extraction by approximately 220 Mt, shortening mine life and reducing Scope 1 emissions by 11.5 Mt CO_2-e or 43%. The Applicant has also committed to ongoing mitigation measures, including diesel-use optimisation, assessment of alternative fuels, electrification, renewable energy and a gas pre-drainage trial in Domain 3 (AR paras 133 and 134).

109. The Commission noted submissions that approval would make achievement of NSW's statutory emissions reduction targets more difficult. Those economy-wide targets do not prescribe a numerical emissions allocation for this Project. They nevertheless inform the assessment of its additional emissions, their timing and duration, the available mitigation measures and the public interest. The Commission does not infer that the Project will leave achievement of the targets unaffected merely because it will comply with the Safeguard Mechanism or obtain eligible credits.

110. The central issue in assessing the Project's contribution to the State's net zero targets is its commitment to the purchase of offsets, both those required under the Safeguard Mechanism and the additional offsets provided for in the Applications. Submissions received by the Commission argue that the Project relies too heavily on offsets and that this is not the same as preventing or mitigating the global warming impacts of the GHG emissions. The Commission acknowledges that the intent of Commonwealth and State legislation and policy is that offsets are a core component of the achievement of net zero targets, and that the Project's reliance on offsets is consistent with that intent.

111. Submissions further argue that offsets generated outside of NSW do not count towards NSW targets set by the Climate Change Act. This is a position that was reaffirmed by the NZC in its meeting with the Commission on 24 July 2026. DCCEEW, in its 14 July 2026 meeting with the Commission, referred to "active discussions" regarding "transferred mitigation options or outcomes into jurisdictional transfer of mitigation outcomes". Unless and until those discussions result in provision for interjurisdictional recognition of out of State offsets counting toward the NSW targets, the Commission accepts the NZC's position. Nonetheless, although this is relevant, the accounting treatment of out of State offsets is not determinative of the impacts of the Project's Scope 1 emissions and offsets – even if outside of NSW – still provide for a real environmental benefit that the Commission has taken into account.

112. Further, the *NSW Guide for Large Emitters* permits the use of eligible offsets from elsewhere in Australia, with a preference for NSW offsets (noting however that permission does not itself establish that interstate offsets count towards NSW's statutory targets or resolve the contrary evidence on the State's projected emissions pathway).

113. The Commission gives weight to eligible units surrendered under the Safeguard Mechanism to the extent that their emissions benefits are demonstrated, while distinguishing Commonwealth compliance from NSW target accounting. Advice from the lead regulators assists, but does not replace, the Commission's independent assessment of the Project's likely impacts and the adequacy of the conditions imposed.

114. The measures relevant to managing the Project's Scope 1 emissions include the following:

- the applicable obligations under the Safeguard Mechanism, including requirements to address emissions above the relevant facility baseline.
- the additional offset commitments in the Applications, to the extent given enforceable effect by the conditions of consent.
- the Applicant's commitment to investigating and implementing feasible abatement opportunities over the life of the Project.

115. Even with these measures in place, the Project's Scope 1 emissions will still be a net contributor to climate change impacts. These residual impacts are relevant to the Commission's assessment, but do not outweigh the social and economic benefit to be realised from approval of the Project.

116. The Commission's imposed conditions are responsive to the current projected emissions trajectory of the coal mining sector, while retaining sufficient flexibility to accommodate future NSW Government policy settings, including any formally adopted sector plans, sector targets or alternative emissions reduction frameworks that may be introduced during the life of the Project.

117. The conditions require the Applicant to prepare a GHG Mitigation Plan in consultation with the EPA and consistent with the EPA's applicable guidelines. This plan must include an annual reporting framework for tracking emission reductions against emission goals, including reporting gross and net emissions, avoidance, mitigation and offsetting measures applied to meet the emission goals. This plan must also be revised every three years to re-assess the feasibility of available GHG mitigation technology. Under the conditions imposed by the Commission, the EPA may also set stricter emissions reduction targets for the Project.

118. The Commission has also imposed conditions for the HVO South consent setting out requirements for the Applicant to undertake a pre-drainage gas extraction scoping report, pre-feasibility study and pre-drainage gas extraction trial. Upon completing this trial the Applicant must outline the results in a pre-drainage gas extraction feasibility report to the satisfaction of the Planning Secretary.

Scope 2 greenhouse gas emissions

Conditions Advice

119. The Commission sought advice from the Department on the workability and enforceability and potential unintended consequences of a condition requiring the Project's imported grid electricity consumption to be matched by an equivalent quantity of accredited renewable electricity, together with a mechanism for independent verification.

120. The Department, supported by advice from DCCEEW and NSW Resources, identified a number of practical considerations, including the availability of renewable electricity supply and the need to ensure any requirement could be effectively implemented and enforced over the life of the Project. The Department in the Conditions Advice stated that a Scope 2 condition should provide for a transitional arrangement comparable to the scheme established in the *NSW Data Centre Guidelines*[24] that provide for a four-year transition period to meet renewable energy requirements.

121. For the reasons set out in the Conditions Advice, the Commission accepts the Department's advice and has instead imposed the condition as set out in the findings below.

Findings

122. The Project's Scope 2 GHG emissions[25], associated with the consumption of purchased electricity, comprise less than 1% of the Project's total GHG emissions. The Applicant has committed to measures to minimise electricity consumption through operational efficiencies and also identified that Scope 2 emissions are expected to decline over time as the NSW electricity grid continues to decarbonise.

123. Although the Project's Scope 2 emissions are relatively small, they nevertheless represent indirect GHG emissions attributable to the Project through its purchased electricity. These emissions would contribute to the accumulation of GHG in the global atmosphere and therefore, in turn, to climate change impacts.

124. The Commission accepts that a transitional period is justified to allow the Applicant a reasonable opportunity to establish and implement renewable energy procurement arrangements. The four-year period does not delay action on emissions reduction as the Applicant remains subject to the broader requirements to minimise emissions through operational efficiencies during that time. The condition imposed by the Commission requires the Applicant, from four years from commencement of the development, to implement reasonable and feasible measures to maximise the use of renewable energy for the development. The Commission is satisfied that this approach minimises Scope 2 emissions to the greatest extent practicable while remaining workable, enforceable and proportionate to the emissions being addressed.

Scope 3 greenhouse gas emissions

Conditions Advice

125. The Commission sought advice from the Department on the workability, enforceability and potential unintended consequences of a condition requiring a Scope 3 Management Plan. The Commission's proposed condition would, after a transitional period, have limited the export of Project coal to jurisdictions that were party to the Paris Agreement that were complying with their applicable GHG targets, regulations and policies, including their current NDCs where applicable. The condition was intended, in part, to respond to the purpose stated in section 3 of the Climate Change Act, and the statement in the Coal Policy that:

> *'NSW will continue to supply high-quality thermal and metallurgical coal to our trading partners, ensuring that producers continue to honour their export commitments and retaining our role as a trusted and reliable supplier as our partners meet their net zero commitments.'*

[24] www.infrastructure.nsw.gov.au/expert-advice/data-centres/

[25] The Clean Energy Regulator defines Scope 2 emissions as GHG emissions that were released outside your facility boundary to produce the electricity that you imported into the facility and used. Scope 2 emissions are also referred to as indirect emissions.

126. The Commission accepts the Department's advice that the proposed condition may give rise to significant workability, enforceability and policy concerns, particularly the requirement that export jurisdictions must be meeting their commitments referenced above in order to receive Project coal. In particular, the Commission accepts that the condition could result in a development consent effectively regulating international trade, a matter that is principally the responsibility of the Commonwealth Government. The Commission also accepts that the condition could create uncertainty for both regulators and the Applicant by requiring project-level assessments of whether export jurisdictions are complying with their emissions reduction commitments under the Paris Agreement, matters that are ordinarily addressed through the international reporting, transparency and review mechanisms established under that Agreement.

127. The Commission recognises that the condition may also have had the effect of disadvantaging parties that have adopted more ambitious NDCs under the Paris Agreement, as those jurisdictions may then face greater constraints in purchasing Project coal. Conversely, jurisdictions with less ambitious reduction commitments may have had a greater capacity to continue purchasing Project coal. That outcome would undermine the Commission's intent in considering this condition.

128. The Commission notes the Department's expectation that existing international, Commonwealth and State frameworks will continue to drive emissions reductions. However, the assessment of the Applications must proceed on the basis of the regulatory requirements and enforceable conditions presently applicable to the Project and cannot assume that future policy or regulatory measures will resolve residual impacts.

129. The Commission accepts the Department's advice regarding the significant workability and enforceability issues that would arise from that approach and has instead imposed the conditions as set out in the findings below.

Findings

130. Scope 3 GHG emissions[26] associated with the downstream transport and combustion of product coal comprise 98% of the Project's GHG emissions (793,763 kt CO_2-e). These emissions are predominantly associated with activities outside NSW and are not under the Applicant's direct operational control. Those features do not exclude the Commission's obligation to consider them as likely impacts of the Project. The Commission notes that the Project's coal would be exported and combusted in overseas markets and is not intended for domestic electricity generation in Australia.

131. Although Scope 3 emissions emitted outside of NSW are not counted towards the State's net zero targets, they are relevant to the Project's climate change impacts in the locality and more broadly.

132. The Applications do not propose direct controls on the Project's Scope 3 emissions – nor did the Department's recommended conditions of 12 June 2026. In the absence of direct controls, the assessment of Scope 3 emissions referred to coal from the Project being exported primarily to jurisdictions that are signatories to the Paris Agreement, and Taiwan.

[26] The Clean Energy Regulator defines Scope 3 emissions as indirect GHG emissions other than Scope 2 emissions that occur outside of the boundary of your organisation as a result on your actions.

133. After the public hearing, the Commission sought clarification from the Applicant on how Scope 3 emissions associated with the Project's coal would be accounted for and managed where coal is exported to a jurisdiction that is not a participant in the Paris Agreement and is therefore not subject to the Paris Agreement's reporting and emissions reduction commitments.

134. The Applicant's response was that it was not appropriate for conditions to be imposed which sought to directly regulate the Project's Scope 3 emissions but that if the Commission decided to impose a condition addressing Scope 3 emissions, the United Wambo Open Cut Export Management Plan condition (Development Consent SSD 7142 granted on 29 August 2019) was a practical and workable approach to addressing these issues within the NSW planning framework.

135. The Commission sought the Department's advice on a potential condition that would represent an enhanced version of the approach taken on United Wambo. This proposed condition would have limited export of coal from the Project to jurisdictions complying with their applicable GHG targets, regulations and policies, including their current NDCs where applicable.

136. In the Conditions Advice, the Department advised against the proposed approach because of workability, enforceability and jurisdictional concerns. In particular, the Commission notes the Department's advice that the International Court of Justice's advisory opinion of 23 July 2025 recognises that the Paris Agreement contains both obligations of result and obligations of conduct, with due diligence required for the latter. That distinction does not establish that a purchaser jurisdiction's participation in the Agreement guarantees the abatement of emissions from this Project's coal.

137. The Commission considered the proposed Scope 3 condition in light of the purpose stated in section 3 of the Climate Change Act and the need to assess downstream emissions under section 2.20 of the SEPP Resources and Energy. Its power to impose such a condition, and the condition's effectiveness, require separate consideration under the applicable NSW planning legislation.

138. Given the clarification provided by the Department and its assurance that the "Enhanced Transparency Framework meets the intention of its [the Commission's] proposed conditions to require that export partners are complying with their Paris commitments", the Commission is satisfied that the condition proposed by the Department in relation to Scope 3 emissions achieves the Commission's intent by providing an assurance mechanism that coal from the Project is only combusted in jurisdictions that have policies for the reduction of GHG emissions consistent with the goals of the Paris Agreement, while avoiding the workability, enforceability and other concerns raised by the principal regulator.

139. The Scope 3 Management Plan ultimately required by the Commission requires the Applicant to set out protocols to ensure that reasonable and feasible measures are implemented to ensure that any coal extracted from the development that is to be exported from Australia, is only consumed by jurisdictions that are parties to the Paris Agreement within the UNFCCC or any other jurisdictions that have policies for reducing greenhouse gas emissions that are consistent with the goals of the Paris Agreement. The Applicant must revise the plan every five years for consistency with Commonwealth trade policies and commitments relating to coal exports and policies.

140. In reaching its findings on Scope 3 emissions, the Commission has not agreed with some submissions that contended that the Project's emissions would only represent an immaterial fraction of global emissions and therefore could not materially affect the climate. The Commission accepts that all of the direct and indirect GHG emissions of the Project will contribute to climate change and impact on the environment, both globally and locally. Having regard to the totality of the material, the Commission is satisfied that the GHG impacts of the Project do not warrant refusal and are outweighed by the Project's economic and social benefits.

141. Similarly, the Commission is not persuaded by the submissions that refusal of the Project would necessarily result in coal being supplied by an alternative producer, the approval of a new mine elsewhere, or the supply of coal from a less regulated jurisdiction. The Commission therefore does not deduct an assumed substitution or carbon-leakage benefit from the Project's assessed Scope 3 emissions.

5.2 Economics

142. The Applications included an Economic Impact Assessment (**EIA**) prepared in accordance with the *Guidelines for the economic assessment of mining and coal seam gas proposals*[27] (**Economic Guidelines**). The EIA included both a Cost Benefit Analysis (**CBA**) and a Local Effects Analysis (**LEA**) to assess the economic contribution of the Project to NSW and the Hunter region (AR para 476).

143. The Coal Policy states that coal continues to play a vital role in regional economies including the Hunter region and that "Coal mining is important in supporting the economy and local jobs. Proposals to extend coal mining can support continuation of these economic benefits in the short to medium term". The Coal Policy also states:

> *'When assessing proposed extensions, the NSW Government will consider the impact of mine closures on the NSW economy, as well as reductions in emissions attributable to closures to ensure a downward trend in emissions from the sector consistent with NSW targets.'*

144. The EIA estimates that the Project would generate a net benefit of approximately $5,690 million to NSW. Direct and indirect benefits of $5,710 million include:

- royalties attributable to NSW of $2,190 million net present value (**NPV**);
- company income tax revenue accruing to Australian governments and included within the NSW CBA framework of $373 million NPV;
- net benefits to NSW workers of $1,160 million NPV; and
- net benefits to NSW suppliers of $1,780 million NPV.

145. The CBA estimated that indirect costs of the Project would total approximately $91.4 million NPV attributable to NSW. Most of these costs comprise biodiversity and other mitigation offset costs of approximately $73.8 million that are internalised by the Applicant through project expenditure. Incremental indirect costs borne by NSW, including GHG emissions, transport impacts and loss of surplus to other industries, total approximately $17.6 million NPV. Sensitivity testing undertaken as part of the EIA concluded that the Project generated a positive net benefit under all modelled scenarios. However, those scenarios do not include impacts that were not valued within the EIA, such as impacts associated with Scope 3 emissions.

[27] www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/economic

146. According to the Department, the existing operations represent almost 10% of direct employment in the local mining industry (AR para 498). The Project's operational workforce is projected to peak at 1,407 full time equivalent (**FTE**) jobs in 2034 across HVO North and HVO South, with an average of 1,311 FTE jobs over the life of the Project excluding on-site contractors (AR para 487).

147. The Applicant's LEA assumed that the majority of the local economic effects of the Project would be attributable to the Lower Hunter (statistical area level 3 (SA3)) and would result in a net benefit to the region of $1,780 million NPV (AR paras 487, 488 and 498).

148. The Department concluded that the Project would generate net positive economic benefits to the local and regional areas in proximity to the Project, and to NSW through continued employment, royalties, taxation revenue and associated flow-on economic activity.

149. The Commission notes that the Project constitutes an extension of existing mining operations and therefore falls within the class of development that the Coal Policy contemplates may continue to provide employment and regional economic activity while supporting an orderly transition for workers, businesses and communities as the coal sector contracts over time.

150. The Commission received many submissions in support of the Project on the basis that it would retain jobs, sustain local businesses and suppliers, generate ongoing royalties and taxation revenue, and continue to support community organisations through sponsorships and grants. Supporters also submitted that the Project would provide economic stability for the Hunter region and allow a more orderly transition for workers, businesses and communities as the coal industry changes over time.

Supplier benefits and coal price

151. The Commission notes that submissions challenged the inclusion of worker and supplier benefits within the CBA's central case, arguing that these benefits were uncertain because workers and suppliers may have alternative opportunities elsewhere in the regional economy. Submissions also questioned the coal price assumptions adopted in the CBA, noting forecasts of declining global coal demand associated with energy transition policies and arguing that lower future coal prices materially reduce royalty and taxation revenues and in turn, the Project's net economic benefit.

152. The Applicant in its response to the Commission dated 29 July 2026 maintained that the inclusion of worker and supplier benefits is consistent with the Economic Guidelines and reflects genuine benefits accruing to employees and businesses associated with the Project. The Applicant submitted that worker and supplier benefits are legitimate economic benefits under the Economic Guidelines because employees, contractors and businesses that continue to receive income and commercial opportunities as a result of the Project are beneficiaries of the development and form part of the NSW community considered within the CBA. The Applicant also stated that uncertainty in future coal prices was addressed through sensitivity testing undertaken as part of the EIA and that the Project generated a positive net economic benefit to NSW across all modelled scenarios.

Cost of GHG emissions

153. The GHG sensitivity analysis within the revised EIA estimated a cost of approximately $3.8 million NPV associated with Scope 1 and Scope 2 GHG emissions not accounted for by the Safeguard Mechanism and attributable to the Project as an externality (i.e. attributable to NSW). The analysis indicated that, even under significantly higher carbon price and GHG externality assumptions, the Project continued to demonstrate a positive net benefit to NSW ranging from approximately $3,850 million to $5,000 million NPV.

154. The Commission notes the differing views on the treatment of GHG emissions within the CBA. Many submissions considered that the Applicant had materially understated the economic costs associated with GHG emissions. Submissions contended that the application of NSW Treasury's current carbon valuation guidance, together with consideration of broader climate-related impacts, would substantially reduce the Project's estimated net benefits and could result in the Project representing a net cost to NSW under some plausible market scenarios, including lower future coal prices.

155. The Commission notes that the EIA does not quantify any economic cost associated with Scope 3 emissions. A simple extension of the Applicant's greenhouse gas externality methodology to Scope 3 emissions suggests that NSW-attributable climate-related costs may be material and could be in the order of hundreds of millions of dollars in NPV terms. However, significant uncertainty is associated with any such estimate, as neither the Economic Guidelines nor the EIA prescribe a methodology for attributing the costs of Scope 3 emissions to NSW.

156. The Applicant in its response to the Commission submitted that NSW Treasury's *TPG24-34 Carbon Emissions in the Investment Framework*[28] and the associated *TPG23-08 Government Cost Benefit Analysis Guide*[29] apply specifically to NSW Government agencies undertaking assessments of government initiatives and are therefore not directly applicable to the assessment of the Project, which is a privately owned enterprise. The Applicant also submitted that the EIA was consistent with the applicable Economic Guidelines and the analysis does not include either the benefits associated with the use of product coal outside NSW or the costs associated with Scope 3 emissions.

157. The Commission further notes that application of *TPG24-34 Carbon emissions in the Investment Framework* carbon values to the Project's estimated Scope 3 emissions could produce climate-related costs substantially larger than those recognised in the EIA and potentially material when compared with the Project's reported economic benefits. However, the Treasury framework is directed to government cost-benefit analysis and does not establish how any such costs should be attributed to NSW for the purposes of assessing a private development application. No project-specific valuation of Scope 3 emissions using the Treasury framework has been undertaken for the Project.

Commission's findings

158. The Commission accepts that future coal prices are uncertain and that lower prices would reduce royalties, taxation revenue and the overall economic benefit of the Project. However, the Applicant's sensitivity testing indicates the Project would continue to generate a positive net economic benefit under the scenarios assessed.

159. The Commission acknowledges the competing evidence regarding the inclusion of worker and supplier benefits, the valuation of GHG emissions and the treatment of climate-related costs.

160. The Commission accepts that GHG emissions give rise to climate-related costs and that those costs are relevant to the assessment of the Project. However, the Commission is not satisfied that the applicable assessment methodology, or the evidence before it, provides a reliable basis for quantifying the proportion of Scope 3 climate costs attributable to NSW.

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[28] www.nsw.gov.au/departments-and-agencies/nsw-treasury/documents-library/tpg24-34

[29] www.nsw.gov.au/departments-and-agencies/nsw-treasury/documents-library/tpg23-08

161. The Commission therefore finds that, applying the methodology prescribed by the Economic Guidelines, the Project would generate substantial economic benefits for NSW and the Hunter region through continued employment, royalties, taxation revenue and associated economic activity.

5.3 Social impacts

162. The Applications included a Social Impact Assessment (**SIA**) in accordance with the *Social Impact Assessment Guideline for State Significant Projects*[30] (AR para 448). Key social impacts identified for the Project relate to the continued generation of dust and noise, continued traffic impacts, impacts on community cohesion, direct impacts on cultural artifacts, and possible increased housing demand impacting rental affordability and availability (AR para 453). Identified social benefits include ongoing employment, improved access from road works, continued royalties to the NSW Government, ongoing provision of community grants, continued procurement opportunities for local businesses, allowing more time for transition planning, and improved rehabilitation outcomes (AR para 455).

163. Several submissions made to the Commission questioned the adequacy of the Project's SIA and proposed Social Impact Management Plan (**SIMP**). Concerns were raised regarding the extent of community engagement undertaken for the assessment, the reliance on baseline information collected earlier in the assessment process, the treatment of cumulative and climate related social impacts, and whether the SIMP would provide a sufficiently adaptive framework to respond to social impacts and support longer-term community transition. The Applicant in its response to the Commission, stated that the SIA was prepared in accordance with the relevant guideline and informed by a range of evidence sources including stakeholder engagement, community consultation, demographic analysis, technical studies and submissions received throughout the assessment process. The Applicant also noted that the SIA and amended assessment material had been reviewed by the Department over an extended period and that no fundamental methodological issues had been identified.

164. Having considered these competing viewpoints, the Commission is satisfied that the social impacts of the Project have been adequately assessed and that the SIMP, together with the conditions of consent, provides an appropriate framework for the ongoing management, monitoring and review of social impacts, including those associated with the eventual transition and closure of the Project.

165. The Commission finds that the Project would provide significant social benefits through the continuation of direct and indirect employment, support for local businesses and contractors, as well as maintaining community stability in a region where mining remains an important source of employment and economic activity. The Commission received a substantial number of submissions emphasising the importance of the Project to workers, families, businesses and community organisations. The Commission accepts that refusal of the Project would have significant social consequences for employees, contractors, their families and the broader Hunter region.

166. As the Project largely extends existing mining operations within an established mining setting, many of the existing social impacts associated with mining activity would remain. Nearby residents would continue to experience amenity impacts for the duration of the Project.

[30] www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/social

167. Compliance with relevant regulatory criteria does not necessarily remove the lived experience of these impacts for affected communities. However, having regard to the Department's assessment and the Commission's findings in relation to air quality, noise and other environmental impacts, the Commission is satisfied that the Project's direct local social impacts can be appropriately mitigated and managed through the measures proposed by the Applicant and through the conditions of consent imposed by the Commission.

168. The Commission further acknowledges that the Project's GHG emissions, particularly its Scope 3 emissions, would contribute to global GHG emissions and thereby contribute to climate change related social consequences. As discussed in section 5.1.3, the Australian and NSW Governments recognise that climate change is already contributing to adverse social, economic and environmental impacts, including increased risks from extreme weather events, impacts on human health and wellbeing, damage to infrastructure, disruption to communities and effects on economic productivity. These consequences extend beyond the locality of the Project and include impacts on all communities, economies and future generations. Although these matters are considered principally within the Commission's GHG emissions assessment, they are also relevant social and public interest considerations, as they affect communities, economies and future generations beyond the locality of the Project.

Commission's findings

169. In weighing the significant regional social benefits of continued operations against the adverse social consequences associated with the Project, including those arising from the Project's contribution to climate change, the Commission has considered the evidence as a whole and the submissions before it.

170. The Commission accepts that refusal of the Project would avoid the future GHG emissions attributable to the Project. However, the Commission considers that refusal would also result in significant and immediate adverse regional social impacts through the loss of employment, economic activity and associated benefits for workers, businesses and communities in the Hunter region.

171. The Commission also accepts that approval of the Project would result in ongoing social impacts, including local amenity impacts experienced by nearby residents and broader social consequences associated with the Project's GHG emissions.

172. However, having regard to the measures available to manage and mitigate the Project's direct local social impacts, the continuing social and economic benefits associated with the Project, and the broader findings of this determination, the Commission is satisfied that the positive social outcomes associated with the Project outweigh its adverse social impacts.

173. Although the Project would continue to generate both positive and adverse social impacts, those impacts can be mitigated and subject to the conditions of consent, the social impacts of the Project, on balance, do not warrant refusal of the Applications.

5.4 Mine closure and post-mining transition

174. The Commission recognises that the closure of major coal mining operations can have significant consequences for workers, contractors, local government and regional communities. Given the anticipated fall in global demand for coal that is set out in the Government's Coal Policy, and the finite availability of coal on the Site, closure is a foreseeable outcome for all mines and effective transition planning is therefore an important consideration in assessing the social and economic implications of mining projects.

175. The Commission received many submissions regarding the Project's role in the region's post-mining transition. Many submitters supported the Project on the basis that it would provide continued employment, maintain economic activity and support an orderly transition as other mines in the region approach closure. Others argued that extending coal extraction would delay necessary economic diversification and workforce transition planning. A recurring theme across the range of submissions was the importance of ensuring that mine closure is supported by appropriate planning for workers, communities and the regional economy.

176. The Coal Policy identifies an emerging NSW Government framework to support economic development in coal mining regions and facilitate an orderly transition as coal demand changes over time. It notes that proposed legislative measures would provide enhanced visibility on planned mine closures and workforce impacts to inform long-term strategic planning in NSW coal regions.

177. The proposed *Future Jobs and Investment Bill*, if enacted, would require coal mine operators to provide advance notice of intended closure and prepare workforce transition plans. While the Bill is not currently law and does not create obligations for the Applicant, it provides useful context regarding emerging expectations for transition planning within coal producing regions.

178. As identified in submissions to the Commission, until April 2025, the HVO North consent was subject to condition 63, which required the Applicant, within five years of consent, to work with Singleton Council and Muswellbrook Shire Council to investigate ways to minimise the adverse socio-economic effects associated with significant reductions in local employment and eventual mine closure. As part of Modification 8, condition 63 was removed from the HVO North consent. The Commission specifically sought information regarding the outcomes of the investigations previously required by condition 63. In response, the Applicant advised that former condition 63 had been incorporated in the rehabilitation framework through condition 62C following Modification 8. The Applicant did not provide the Commission with the results of any investigations undertaken pursuant to former condition 63, nor evidence demonstrating how those investigations had informed current transition planning.

179. The Commission acknowledges that condition 62C now requires the preparation of a Rehabilitation Strategy that addresses mine closure, post-mining land uses and opportunities to minimise adverse socio-economic effects associated with rehabilitation and closure. The Commission further accepts that detailed transition planning will necessarily evolve over time in response to future economic, workforce and policy circumstances.

180. Muswellbrook Shire Council in its submission to the Commission dated 5 August 2026 raised concerns regarding the timing and adequacy of mine closure planning and requested the Commission consider requiring earlier and more structured closure preparation. Council suggested the Commission consider a condition recently imposed for the Mount Arthur Coal mine Mod 2 which according to Council provided a "comprehensive and accountable framework by requiring targeted stakeholder engagement, community transition planning, cumulative impact mitigation, community benefit funding arrangements, and ongoing monitoring to support the local community through mine closure". Council was also of the view that the recommended conditions of consent were too high-level and primarily focused on rehabilitation planning.

Commission's findings

181. The Commission is not satisfied that the material before it demonstrates transition planning has been undertaken commensurate with the scale of the Project's operation, its significance to the regional economy and the long-standing foreseeability of eventual mine closure. The absence of evidence of substantive transition planning is therefore a relevant consideration in the Commission's assessment.

182. The Commission agrees with Muswellbrook Shire Council above, and finds that additional conditions are warranted to ensure that transition planning occurs in a structured, transparent and accountable manner over the life of the Project to support the Government's commitment to long-term strategic planning in NSW coal regions.

183. The Commission has therefore imposed conditions requiring the preparation, implementation and periodic review (every three years) of a Closure Management Plan to address the requirements for the post-mining transition of its workforce and suppliers. The Plan is intended to provide a structured framework for closure and transition planning, including consideration of workforce impacts, community outcomes and opportunities to support regional economic resilience following mine closure. Early and ongoing transition planning is necessary to support workers, affected communities and the regional economy as well as to assist in achieving an orderly transition as coal extraction in the Hunter Valley progressively declines.

5.5 Biodiversity

184. The removal of vegetation is proposed to facilitate additional mining areas, new infrastructure and the realignment of Lemington Road. The Applicant submitted a Biodiversity Development Assessment Report (**BDAR**) with the Applications in accordance with the *Biodiversity Conservation Act 2016* (**BC Act**) and Biodiversity Assessment Method (**BAM**). The Department notes CPHR did not have residual issues regarding the consistency of the BDAR with the BAM (AR, para 218).

185. The Department states the Applications have avoided impacts on biodiversity values through the following Project design changes (AR para 221):

- avoiding impact to 154.2 ha of *Central Hunter Grey Box – Ironbark Woodland* EEC through the relinquishment of previously approved areas under PA 06_0261 including the construction and operation of the Liddell Coal Processing Plant and associated rail spur;
- avoiding impact to 8.1 ha of *Hunter Floodplain Red Gum Woodland* EEC and 260 individuals of *Eucalyptus camaldulensis* (River Red Gum) through revision of the proposed transmission line alignment including within the River Red Gum (**RRG**) Additional Disturbance Area[31];
- avoiding impact to 2.6 ha of *Hunter Valley Footslopes Slaty Gum Woodland* Vulnerable Ecological Community (**VEC**) through revisions to the proposed Lemington Road realignment and the relinquishment of previously approved areas under PA 06_0261; and
- avoiding all direct impacts to 10.1 ha of *Warkworth Sands Woodland* EEC through locating the proposed Lemington Road realignment further from land that contains existing offset areas or transitions away from known *Warkworth Sands Woodland* EEC, and the relinquishment of the previously approved areas under PA 06_0261.

[31] *An area identified within the existing HVO South consent (PA 06_0261) disturbance boundary adjacent to the Hunter River where minor impacts to the River Red Gum endangered population and Hunter Floodplain Red Gum Woodland EEC are expected to occur as a result of the proposed transmission line relocation* (AR, footnote 7, para 221).

Native vegetation impacts

186. Following the avoidance detailed above, the Project seeks approval to remove 184.8 ha of native vegetation requiring offsetting via the Biodiversity Offsets Scheme (**BOS**). Of the 184.8 ha, 89.5 ha are Threatened Ecological Communities (**TECs**) under the BC Act:

- 87.2 ha in HVO North; and
- 2.3 ha in HVO South.

187. The Project would also result in direct impact to five plant type communities (**PTCs**), across 17 vegetation and condition zones. The majority of impacts would occur within Central Hunter Ironbark Grassy Woodland, with more limited impacts to Hunter Valley Footslopes Slaty Gum Forest, Central Hunter Swamp Oak Riparian Forest, Northwest River Oak River Red Gum Forest and Namoi-Upper Hunter River Red Gum Forest. The condition of affected vegetation varies across the Project area, including areas of derived native grassland and previously disturbed land.

188. The Commission acknowledges that the direct removal of native vegetation and TECs represents a significant residual biodiversity impact. However, the Applicant has demonstrably applied the avoid-minimise hierarchy in the design of the Project, thereby avoiding substantial areas of TECs, including all direct impacts to Warkworth Sands Woodlands EEC, 154.2 ha of Central Hunter Grey Box-Ironbark Woodland EEC, and the majority of potential impacts to Hunter Floodplain Red Gum Woodland EEC.

189. The Commission has considered the avoidance measures incorporated into the Project, the disturbed nature of much of the mining complex and the requirement for biodiversity offsets under the BOS and is satisfied that the native vegetation impacts have been appropriately identified and assessed.

Threatened flora and fauna

190. The Project would result in direct impacts to threatened flora and habitat used by several threatened fauna species within the Project area. Extensive targeted flora and fauna surveys were undertaken over multiple years to inform the amended BDAR dated 31 July 2025, including targeted surveys for threatened species potentially occurring within the development footprint.

191. The Project would directly impact habitat for the Hunter Valley Delma, Brush-tailed Phascogale, Southern Myotis and the Masked Owl, together with approximately 1.9 ha of the endangered *Eucalyptus camaldulensis* (River Red Gum) population in the Hunter Catchment. The Commission acknowledges that habitat loss for threatened species is an important negative consequence of the Project and forms a significant component of the residual biodiversity impacts requiring offsetting.

192. The Commission notes that the majority of impacts would occur within an existing mining complex and have been quantified through the BAM and incorporated into the ecosystem and species credit requirements generated for the Project. The Applicant has appropriately characterised the extent of habitat loss and the resulting biodiversity credit obligations.

193. The impacts to several threatened species were reduced through the avoidance and minimisation measures incorporated into the Project design as amended, including revisions to infrastructure layouts and the relinquishment of previously approved disturbance areas. These measures demonstrate that impact avoidance and minimisation informed the design of the Project, reducing reliance on offsetting alone.

194. Although the Project would result in residual loss of threatened species and habitat, the Commission is satisfied that these impacts have been comprehensively assessed, can be managed through the proposed biodiversity management framework and would be offset in accordance with the requirements of the Biodiversity Offset Scheme.

Indirect and prescribed impacts

195. The Commission has considered the potential indirect impacts of the Project on biodiversity values, including edge effects, habitat fragmentation, weed and pathogen spread, operational impacts associated with dust, noise and light spill, and potential groundwater-related impacts to groundwater dependent ecosystems.

196. The BDAR found that groundwater drawdown impacts to the River Red Gum endangered population and the Hunter Floodplain Red Gum Woodland EEC are unlikely to be significant and that the remaining indirect impacts are generally of low significance subject to the implementation of the proposed mitigation measures. The Commission acknowledges the Applicant's commitment to rehabilitation and restoration measures intended to maintain and improve habitat connectivity across the final landform.

197. The Commission is satisfied that indirect and prescribed biodiversity impacts have been appropriately considered and can be adequately managed through the conditions of consent, including the preparation and implementation of biodiversity management measures over the life of the Project.

Serious and irreversible impacts

198. Pursuant to the BC Act, the Commission is required to consider whether the Project is likely to result in any Serious and Irreversible Impacts (**SAII**) on biodiversity values and if so, whether there are any additional and appropriate measures that would minimise those impacts. In doing so, the Commission has had regard to the BC Act, the *Biodiversity Conservation Regulation 2017* (**BC Regulation**) as well as the steps in the *Guidance to assist a decision-maker to determine a serious and irreversible impact*[32] (AR paras 241 to 255).

199. The BDAR identified two species-credit species for breeding habitat (the large-eared pied bat, little bent-winged bat and the swift parrot), one endangered population (the *Acacia pendula* population) and two TECs (the Weeping Myall Woodland CEEC and the Hunter Floodplain Red Gum Woodland EEC) as relevant SAII entities. Of those entities, the principal issue raised during the assessment concerned the residual impacts to the Hunter Floodplain Red Gum Woodland EEC. The BDAR concluded that no breeding habitat for the microbat species, no important habitat for the swift parrot, no individuals of the *Acacia pendula* population, and no areas of Weeping Myall Woodland CEEC would be impacted by the Project. Accordingly, SAII assessment was not required for those entities.

200. The Hunter Floodplain Red Gum Woodland EEC is identified as an entity at risk of SAII because it is considered susceptible to the principles relating to a further decline of a community already experiencing rapid decline, and the further reduction of a community with a very small population size.

[32] www.environment.nsw.gov.au/publications/guidance-assist-decision-maker-determine-serious-and-irreversible-impact

201. The Commission has carefully considered the advice provided by DCCEEW Conservation Programs, Heritage and Regulation (**CPHR**), which maintained that the Project may constitute a SAII due to the residual direct impact on the Hunter Floodplain Red Gum Woodland EEC. CPHR consistently advocated for further avoidance where possible and ultimately supported the implementation of additional restoration and management measures through the River Red Gum Rehabilitation and Restoration Strategy recommended by the Department as a condition of consent.

202. In making its decision, the Commission places significant weight on the steps taken to avoid and minimise impacts to the Hunter Floodplain Red Gum Woodland EEC during the design of the Project. These measures resulted in the avoidance of approximately 8.1 ha of the community and 260 River Red Gum trees through revisions to the transmission line alignment. The residual direct impact to the EEC would be approximately 1.2 ha which the Department's assessment finds to be a conservative assessment (AR para 265).

203. The Commission also places weight on the Applicant's commitment to incorporate an additional 6.6 ha of the EEC into the River Red Gum Rehabilitation and Restoration Strategy required as a condition of consent. This commitment extends beyond the mandatory biodiversity offset obligations that would otherwise apply to the Project and so is an additional measure directed at restoring and enhancing the ecological community.

204. The Commission has considered the residual impacts after avoidance and minimisation, including their extent, condition, location and effect on the ecological community's viability, against the serious and irreversible impacts principles in clause 6.7 of the BC Regulation. Restoration and offset commitments are considered separately; they do not by themselves demonstrate that the residual impact is unlikely to contribute significantly to the risk of extinction. On the residual-impact assessment, the Commission's finding is that the Project is unlikely to result in a serious and irreversible impact on the Hunter Floodplain Red Gum Woodland EEC.

Commission's findings

205. Biodiversity impacts are among the principal environmental consequences of the Project and have been given significant weight in the Commission's consideration.

206. The Commission is satisfied that the Applicant has applied the avoid-minimise hierarchy in the design of the Project and has taken steps to avoid and minimise impacts on biodiversity values. This includes the avoidance of substantial areas of threatened ecological communities and the complete avoidance of impacts to the Warkworth Sands Woodland EEC.

207. The Commission accepts that the Project would result in residual impacts to native vegetation, threatened ecological communities and threatened species habitat. However, having regard to the impacts avoided through the design of the Project, the proposed biodiversity management measures, the requirements of the BC Act and BOS, and the additional rehabilitation and restoration commitments proposed by the Applicant, the Commission is satisfied that these impacts have been appropriately assessed and can be adequately managed, monitored and offset, subject to conditions of consent.

208. The Commission further finds that the Project is unlikely to contribute significantly to the risk of extinction of any threatened ecological community or species and is therefore unlikely to result in a serious and irreversible impact on biodiversity values. The Commission consideration of the steps outlined in the *Guidance to assist a decision-maker to determine a serious and irreversible impacts* is set out in Appendix B.

209. Additionally, the Commission has imposed a set of conditions to secure the River Red Gum Restoration Area under an in-perpetuity conservation mechanism prior to the surrender of the consent.

210. On balance, the Commission finds that the biodiversity impacts of the Project are acceptable have been avoided, mitigated, managed, or offset, and do not form a basis for refusal of the Applications.

5.6 Air quality

211. The Applications included an Air Quality and Greenhouse Gas Assessment (**AQIA**) prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*[33] (**Approved Methods**). Following clarification of modelling inputs, mitigation assumptions and modelling outputs, the EPA raised no residual concerns regarding the air quality assessment (AR para 342).

212. The Project has the potential to affect ambient air quality through the generation of particulate matter ($PM_{2.5}$, PM_{10}, total suspended particulates and deposited dust), combustion related exhaust emissions (including nitrogen oxides and fine particulates) from mobile and stationary plant, and blasting related emissions (nitrogen dioxide). These emissions will be generated during construction activities, mining operations, blasting, material handling and haulage (AR paras 320 and 321).

213. Air quality concerns were a central issue raised by both community members and public interest groups. In particular, submitters raised concerns regarding the cumulative air quality burden currently experienced by communities in the Hunter Valley and the contribution of existing and proposed mining operations to that burden.

214. Cumulative annual PM_{10}, $PM_{2.5}$ and deposited dust criteria are predicted to be exceeded at a number of receptors. These exceedances will occur primarily in the localities of Gouldsville and Camberwell. The Commission notes that these receptors are located within an established mining precinct and are influenced by multiple existing and approved emission sources (AR para 343 and 246).

215. After incorporation of all reasonable and feasible mitigation measures, exceedances of the relevant *Voluntary Land Acquisition and Mitigation Policy*[34] (**VLAMP**) criteria are predicted at 11 private residential receivers. Accordingly, these receivers are eligible for voluntary mitigation under the VLAMP. The Department noted that the affected receivers are already subject to existing air quality mitigation or acquisition entitlements under other existing approvals and that these entitlements apply across the full period of the predicted Project impacts.

216. On a Project-only basis, the modelling predicts no exceedances of the applicable VLAMP criteria for PM_{10}, $PM_{2.5}$ and deposited dust, at private residential receptors, using their respective averaging periods. Exceedances are predicted at one private commercial receptor (the aerodrome). The Commission notes that the aerodrome is not a residence and does not constitute a 'workplace' of the type set out in the VLAMP for the purpose of applying mitigation or acquisition rights. In particular it is not a location where employees are grouped together in a defined location for ongoing operational activities. Any exposure at the aerodrome would be brief and intermittent, associated with short-duration aviation activities rather than prolonged occupancy. The Commission notes that the predicted exceedances are primarily attributable to HVO South operations and would occur on a limited number of days. (AR para 357 to 360)

[33] www.epa.nsw.gov.au/Your-environment/Air/industrial-emissions/Approved-methods-for-the-modelling-and-assessment-of-air-pollutants

[34] www.planning.nsw.gov.au/the-planning-system/mining-and-resources#voluntary-land-acquisition-and-mitigation-policy

217. The Commission acknowledges that cumulative air quality impacts, particularly short-term particulate matter concentrations during dry and windy conditions, have long been a significant concern for Hunter Valley communities and were a central issue raised by submitters. Several submitters emphasised that, while individual projects may each make only a relatively small contribution to overall pollutant concentrations, communities experience the combined effect of all emission sources operating across the region.

218. The Commission has taken those concerns into account in its consideration of cumulative air quality impacts. While the VLAMP framework does not prescribe cumulative 24-hour particulate matter criteria, a contemporaneous cumulative assessment was undertaken to evaluate the Project's contribution to regional air quality outcomes. That assessment indicates that cumulative 24-hour PM_{10} exceedances may occur at a number of receptors under certain conditions; however, those exceedances are generally consistent with historically observed regional conditions and are predicted to occur with or without the Projects (AR para 366). The Commission accepts the Department's conclusion that, although cumulative annual and short-term particulate matter exceedances may occur in parts of the Hunter Valley, the Project would make a relatively small contribution to those impacts and would not be a dominant contributor.

219. The Commission also notes that the Project's would continue to implement established real-time dust monitoring and management measures, which are expected to reduce the frequency and severity of exceedances under actual operating conditions (AR para 367).

220. Nevertheless, the Commission does not regard the acceptability of the Project's contribution as diminishing the importance of broader cumulative air quality outcomes in the Hunter Valley. The Commission considers cumulative air quality to remain a significant strategic planning and environmental management issue that extends beyond the assessment of any individual Projects.

Clause 4.6 variation request

221. The Applicant submitted a variation request pursuant to clause 4.6 of the *Singleton Local Environmental Plan 2013* (**SLEP**) and the *Muswellbrook Local Environmental Plan 2009* (**MLEP**) in relation to the non-discretionary development standard in section 2.16(4) of the SEPP Resources and Energy relating to cumulative annual average concentrations of particulate matter greater than 25µg/m^3 of PM_{10} or 8µg/m^3 of $PM_{2.5}$ at private residences.

222. The Commission notes the Department reviewed the Applicant's clause 4.6 request and advised that it did not alter any of the Department's findings regarding air quality in the Assessment. The Commission accepts that advice. Therefore, the Commission's primary position is that the request to vary the non-discretionary development standard is not required.

223. If, in the alternative, a clause 4.6 variation was required, the Commission accepts the Applicant's request. In considering the request, the Commission notes the guidance published by the Department in *'Changes related to clause 4.6 of the Standard Instrument',* which states that the changes to clause 4.6 of the Standard Instrument that commenced on 1 November 2023 only apply to development applications lodged after 1 November 2023.

224. The Commission is satisfied that the Applicant's written request adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the exceedance. As stated in the 4.6 variation request, the predicted exceedances are confined to a limited number of private dwellings within an established mining precinct, are primarily driven by existing background concentrations and emissions from other mining operations rather than the Project itself. The Project's maximum contribution to cumulative concentrations is generally between 1.0 and 3.2 $\mu g/m^3$ for PM_{10} and 0.9 $\mu g/m^3$ for $PM_{2.5}$.

225. The Commission is satisfied that granting the variation is consistent with the object of section 2.16 of the SEPP Resources and Energy, which identifies standards that, if complied with, prevent the consent authority from imposing more onerous standards, while recognising that consent may be granted where such standards are not complied with. The Commission is also satisfied that the variation request is consistent with the objectives of the development standard and the relevant zone, is in the public interest, and that, for the reasons identified in the Applicant's request, the environmental planning grounds justify the exceedance. Accordingly, the Commission accepts the variation request.

Commission's findings

226. The Commission is satisfied that the Project's air quality impacts, including the identified non-compliance with the non-discretionary development standard for air quality, can be appropriately managed and regulated through the proposed mitigation measures, monitoring framework and recommended conditions of consent. The Project would be subject to a comprehensive suite of conditions of consent relating to air quality management, dust mitigation, monitoring, reporting and adaptive management, including measures to minimise particulate matter emissions during both routine and adverse operating conditions.

227. The Commission finds that the Project's impacts relating to particulate matter, deposited dust, nitrogen oxides and other assessed air pollutants are acceptable. Although nearby residents may continue to experience air quality impacts associated with mining activities, the Commission is satisfied that, subject to the conditions imposed, those impacts can be appropriately managed. The Commission nevertheless recognises that cumulative air quality remains an ongoing matter of community interest and that continued regional monitoring and assessment will remain important in informing future planning and environmental management decisions within the Hunter Valley.

5.7 Water

Groundwater

228. The Project has the potential to affect groundwater resources through the continued extraction of coal and associated depressurisation of surrounding strata. Key groundwater features with the potential to be impacted by the Project include alluvial aquifers associated with the Hunter River and its tributaries such as Wollombi Brook, Permian aquifers and associated groundwater dependent ecosystems (**GDEs**). The Hunter River and Wollombi Brook alluvial aquifers are considered to be highly productive aquifers under the *NSW Aquifer Interference Policy*[35]. Potentially affected receptors include downstream water users, private groundwater bores and GDEs, including river red gum communities and stygofauna (AR para 278 to 281).

229. The Applicant's Groundwater Assessment was subject to both an independent peer review and review by the IEAPM. The groundwater model was determined to be fit for purpose and the Department was satisfied the Project has been designed to avoid and minimise impacts to groundwater resources. The Project's groundwater impacts were assessed against the AIP minimal impact considerations. The Project would generally not exceed the Level 1 minimal impact consideration, with the exception of an exceedance of the drawdown levels for high-priority GDEs in a small area (AR paras 282, 284 and 287).

230. The following maximum predicted drawdown in the alluvium is (AR para 288):

- 0.2 m to 0.5 m incremental and cumulative drawdown in the Hunter River alluvium, with maximum levels in a small area north of the Carrington Billabong;
- no incremental or cumulative drawdown in the Hunter River Carrington West Wing area, south of the low permeability barrier wall;
- no incremental drawdown, and up to 2 m of cumulative drawdown in the Wollombi Brook alluvium.

231. No incremental drawdown is predicted in the alluvium following mine closure and areas containing potential GDEs are not predicted to be dewatered over the life of the Project (AR paras 289-291). The Aquatic Ecology and GDE Assessment found that impacts to the river red gum populations are likely to be minor or negligible and that changes to groundwater systems associated with the Project are unlikely to have a significant impact on any of the GDEs studied. The incremental risk to stygofauna is low because the Project would not involve any additional excavation within the alluvium beyond that already approved (Aquatic Ecology and GDE Assessment, pp. vi, vii and 62).

232. There are no third-party water supply bores located within the predicted extent of groundwater drawdown and the Groundwater Assessment concluded that the Project would have a negligible impact on groundwater quality (AR paras 293-294).

233. The final voids have been designed as long-term groundwater sinks. Long-term post-closure modelling predicts that groundwater would flow from the surrounding spoil into the pit lake, which minimises pollution risks to surrounding waterways and alluvial aquifers. According to the Department, the incremental and cumulative post-mining groundwater drawdown is generally consistent with the predicted impact during mining operations. The Hunter River alluvium is predicted to remain saturated due to the strong hydraulic connection with the Hunter River and the aquatic ecology assessment demonstrates that predicted water table changes would not prevent the long-term viability of GDEs (AR para 295 to 297).

[35] www.water.dcceew.nsw.gov.au/our-work/science-data-and-modelling/groundwater-management-and-science/managing-groundwater-nsw

Clause 4.6 variation request

234. The Applicant submitted a variation request pursuant to clause 4.6 of the SLEP and MLEP in relation to the non-discretionary development standard in section 2.16(7) of the SEPP Resources and Energy which requires that aquifer interference associated with the development not exceed the applicable water table, water pressure and water quality requirements specified in the *Aquifer Interference Policy*. The request relates to a limited exceedance of the Level 1 drawdown criterion for high-priority GDEs within a small area of the Hunter River alluvium.

235. The Commission notes that the Department reviewed the Applicant's clause 4.6 variation request and advised that it did not alter any of the Department's findings regarding aquifer interference in the Assessment Report. The Commission accepts that advice that the request to vary the non-discretionary development standard is not required.

236. If, in the alternative, a clause 4.6 variation was required, the Commission accepts the Applicant's request. The Commission is satisfied that the Applicant's written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the exceedance. As set out in the 4.6 variation request, the exceedance is confined to the Level 1 drawdown consideration for high-priority GDEs in a small area of the Hunter River alluvium, where modelling predicts cumulative drawdown of approximately 0.2 to 0.5 metres. The Applicant's 4.6 variation request concluded that areas containing potential GDEs would not be dewatered, impacts to river red gum populations and Central Hunter Ironbark Grassy Woodland are likely to be minor or negligible, that the Hunter River alluvium is expected to remain saturated and the Project would not prevent the long-term viability of the identified ecosystems. The Commission notes that these conclusions are consistent with the Department's assessment.

237. The Commission is satisfied that granting the variation is consistent with the objective of section 2.16 of the SEPP Resources and Energy, which identifies development standards that, if complied with, prevent the consent authority from imposing more onerous standards, while recognising that consent may be granted where such standards are not complied with. The Commission is also satisfied that the variation is consistent with the objectives of the development standard and the relevant zone, is in the public interest, and that the environmental planning grounds identified in the Applicant's request justify the exceedance. While the Commission acknowledges that the proposed groundwater, ecological monitoring and adaptive framework, its conclusion does not only depend on future monitoring. Rather, it is based on the evidence before it, including the groundwater modelling, aquatic ecology assessment, expert review and the Department's assessment that the Project would not prevent the long-term viability of the affected GDEs. Accordingly, if a clause 4.6 variation is required, the Commission accepts the variation request.

Surface water

238. The Applicant's Surface Water Assessment identified that there would be minimal to no changes to the annual flow and average duration of dry periods for the Hunter River and most of its tributaries resulting from baseflow losses. The predicted change in streamflow is negligible for the Hunter River and Wollombi Brook and minor for the ephemeral tributaries. The IEAPM concluded that loss of downstream flows due to baseflow loss and leakage as predicted is not of concern (AR paras 302, 303).

239. The Surface Water Assessment concluded that discharges to the Hunter River under the Hunter River Salinity Trading Scheme (**HRSTS**) are not expected to adversely affect surface water quality or alter the beneficial uses of the river. The IEAPM considered that operational discharges are manageable under the HRSTS and environment protection licence (**EPL**) framework. Other potential water quality impacts can be managed through the Project's water management system and erosion and sediment control measures (AR paras 304-306).

240. The flood modelling developed as part of the surface water assessment predicts there would be no broad scale changes to flood hazard categories due to the Project. The Commission notes that the Project's proposed realignment of Lemington Road and the associated Hunter River bridge crossing would reduce the exposure of the road and its users to flood hazards.

Water take and licensing

241. The Applicant's Water Licensing Strategy concluded that the Applicant holds more than sufficient entitlement to account for the predicted water take over the Project life and beyond in most water sources. The Applicant also stated that prior to the take occurring, they will purchase additional entitlements via the open market to account for the small, predicted take in the Hunter Regulated River Alluvial Water Source – Glennies Creek management zone and the Jerrys Water Source. Water Group did not raise residual concerns regarding the water take or water licensing for the Project (AR para 313).

Commission's findings

242. The Commission agrees with the Department that the potential impacts of the Project on water resources are generally minor incremental and cumulative impacts that would not result in significant impacts to aquifers, waterways and the ecosystems that depend on those water resources. The Commission considers that the water-related impacts of the Project could be appropriately managed through conditions of consent, which incorporate recommendations from the IEAPM.

5.8 Noise

243. The Applications included a Noise Impact Assessment (**NIA**). The Project would generate noise from mobile equipment, fixed plant, alarms, construction activities, road traffic, rail movements and blasting affecting the surrounding receivers' amenity, particularly during noise enhancing meteorological conditions (AR para 380). The noise impacts of the Project have been assessed against the *Noise Policy for Industry*[36], the *Interim Construction Noise Guideline*[37], the *NSW Road Noise Policy*[38], the *Rail Infrastructure Noise Guideline*[39] and the VLAMP. The Commission has considered the operational, construction, road traffic, rail and blasting noise impacts under a range of future operating scenarios and incorporated cumulative noise from surrounding approved mining operations.

[36] www.epa.nsw.gov.au/Your-environment/Noise/industrial-noise/Noise-Policy-for-Industry-%282017%29

[37] www.epa.nsw.gov.au/Your-environment/Noise/industrial-noise/construction-noise

[38] www.epa.nsw.gov.au/Publications/noise/2011236-nsw-road-noise-policy

[39] www.epa.nsw.gov.au/Publications/noise/20130018eparing

244. The Commission notes that noise impacts were raised in a number of submissions, particularly regarding cumulative mining impacts, sleep disturbance, amenity impacts and the prolonged duration of mining-related noise within the Hunter Valley. The Commission acknowledges that noise associated with mining operations remains an important issue for nearby residents and that compliance with the regulatory framework does not eliminate mining noise. The Commission accepts that the continuation of the Project would extend the duration of existing noise impacts experienced by some receivers within the established mining precinct.

245. The Applicant's modelling demonstrated that despite the incorporation of all reasonable and feasible mitigation measures, compliance with the Project Noise Trigger Levels (**PNTL**) at all times would require extensive operational shutdowns that were not considered feasible. Accordingly, Achievable Noise Levels (**ANL**) were developed in consultation with the Department and EPA to reflect the noise performance that could reasonably be achieved following implementation of feasible and reasonable mitigation measures. The Commission is satisfied that this approach represents a practical framework for assessing and regulating operational noise impacts and notes that the EPA did not maintain any objection to the proposed noise management framework.

Commission's findings

246. The Commission finds that the Project's noise impacts can be appropriately managed and mitigated through the Applicant's proposed noise management measures and the imposition of the Commission's conditions of consent. The Commission notes the Department's finding that the Project would result primarily in an extension of existing noise impacts rather than the creation of substantial new impacts. The Commission is satisfied that the Project has been designed to incorporate reasonable and feasible noise mitigation measures and that eligible receivers should continue to be allowed mitigation and acquisition rights in accordance with the VLAMP, as imposed by the Commission's conditions of consent.

247. The Project's noise impacts would be consistent with the established mining context of the locality and can be appropriately minimised and managed through the conditions of consent. Although the Project would continue to contribute to cumulative noise impacts experienced by surrounding communities, the Commission does not consider those impacts warrant the refusal of the Applications.

5.9 Rehabilitation and land use

248. The Commission has considered the rehabilitation and land use outcomes of the Project, having regard to the Applicant's Final Landform Design, submissions received by the community and the proposed rehabilitation framework for the Site. Given the Project's scale, the extent of land disturbance and long-term implications for post-mining land use in the locality, successful rehabilitation is an important outcome of the Project.

249. The Project area is predominantly comprised of existing mining and rehabilitated land, with more than 80% of the area being already disturbed and/or rehabilitated. No Biophysical Strategic Agricultural Land (**BSAL**) would be affected within areas requiring additional mining leases which is confirmed with site verification certificates.

250. The Commission has considered the extent to which the Project would support productive post-mining land uses. The proposed rehabilitation strategy would establish 4,818 ha of land suitable for grazing, representing around 56% of the total Project area. The Commission further notes that the Project as amended are predicted to result in a net increase of approximately 636 ha of land available for agricultural use relative to the approved baseline, and DPI Agriculture considered the land use impacts of the Project to be acceptable in the context of the site.

Commission's findings

251. The Commission finds that the proposed final landform incorporates improved rehabilitation outcomes, including through the application of natural landform design principles and the restoration of land capability to support ongoing productive use. The Commission is satisfied that these outcomes can be supported through conditions of consent requiring the Applicant to prepare and implement a rehabilitation strategy to ensure the land capability is restored to meet specific rehabilitation objectives and achieve suitable post-mining land uses.

252. Subject to the imposed conditions of consent, the rehabilitation and land use impacts of the Project can be appropriately managed and the proposed rehabilitation framework provides a reasonable basis for achieving productive and sustainable post-mining land use outcomes.

5.10 Aboriginal Cultural Heritage

253. The Applications include an Aboriginal Cultural Heritage Assessment (**ACHA**) which involved consultation with 33 Registered Aboriginal Parties (**RAPs**) in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*[40]. RAPs received the updated ACHA and additional information prepared through the assessment of the Applications, including for the amendments to the Project. Heritage NSW reviewed the assessment throughout the assessment process and sought additional information regarding consultation, assessment methodology, significance assessment and cumulative impacts. These matters were addressed by the Applicant and informed the final assessment.

254. The Project would result in direct impacts to Aboriginal cultural heritage values through open cut mining and associated infrastructure works. As assessed in the ACHA, the Project would impact:

- two sites of high significance (stone artefact scatters);
- 10 sites of moderate significance (stone artefact scatters); and
- 187 sites of low to low-moderate significance (generally isolated finds and low-density artefact scatters).

255. The Project would avoid impacts to all other sites including nine sites of high significance, seven sites of moderate significance and 66 sites of low significance. The Project was amended to avoid impacts to two culturally modified trees of high significance and a portion of a high significance artefact scatter through changes to the Lemington Road realignment.

[40] www.environment.nsw.gov.au/publications/aboriginal-cultural-heritage-consultation-requirements-proponents

256. The Commission has considered the potential impacts of the Projects on Aboriginal cultural heritage, including through the findings of the ACHA, consultation undertaken with RAPs, advice from Heritage NSW, submissions made during the assessment process and submissions made directly to the Commission

257. The Commission notes the submission from the Plains Clans of the Wonnarua People (**PCWP**) objecting to the Project on the basis that the Traditional Owners of the affected land had not been properly identified or consulted. The submission emphasised the inseparable relationship between culture and Country, stating that "Country is the physical manifestation of our Lore, spirituality, creation stories, obligations and identity" and that "our cultural responsibilities are inseparable from the landscape". Further concerns were raised regarding the cumulative effect of mining submitting that "every additional open-cut mining approval further destroys the physical foundations upon which our Lore, customs and cultural obligations depend" and that "the loss of cultural landscapes is permanent". The Commission acknowledges the seriousness of these concerns and the importance of cultural connection to Country for the Wonnarua people.

Commission's findings

258. The Project has been designed to avoid and minimise impacts on Aboriginal cultural heritage where practicable. In particular, the proposed Lemington Road realignment was amended during the assessment process to avoid impacts on two scarred trees identified as being of high Aboriginal cultural significance. The Commission considers that this design response demonstrates a genuine effort to avoid impacts on significant Aboriginal heritage values.

259. Heritage NSW reviewed the assessment and ultimately advised that residual issues had been addressed subject to implementation of an Aboriginal Cultural Heritage Management Plan (**ACHMP**). The Commission acknowledges that there are differing views regarding cultural authority, representation and connection to Country amongst Aboriginal stakeholders. The Commission does not regard the existence of differing views amongst Aboriginal stakeholders as diminishing the significance of those concerns. However, the Commission notes that consultation for the ACHA was undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, involved 33 RAPs, and was subject to review by Heritage NSW throughout the assessment process.

260. The Commission has considered the measures developed to manage residual Aboriginal cultural heritage impacts, while recognising that investigation and salvage do not recreate a lost cultural place or remove all harm to cultural values. The Commission accepts that the Project would result in residual impacts on Aboriginal cultural heritage, including the disturbance of Aboriginal objects and cultural values associated with parts of the Project area. The conditions of consent require the preparation and implementation of a consolidated ACHMP, including provisions for further archaeological investigation, salvage works where required, protection and management of Aboriginal objects and places, and ongoing consultation with RAPs and Heritage NSW. These measures include additional archaeological investigation of sites containing high artefact densities or stratified cultural deposits and procedures for managing any significant discoveries.

261. Accordingly, while recognising the significance of the concerns raised by the PCWP, and accepting that residual cultural harm cannot be entirely avoided, the Commission finds that the Aboriginal cultural heritage impacts of the Project have been appropriately identified and assessed, that consultation has been undertaken in accordance with the applicable requirements, and that suitable avoidance, mitigation and management measures have been incorporated into the Project and conditions of consent. The Commission is therefore satisfied that the impacts of the Project on Aboriginal cultural heritage do not warrant their refusal.

5.11 Other issues

5.11.1 Traffic

262. The Commission has considered the potential traffic impacts of the development, including issues raised in public submissions relating to traffic congestion and delays during construction and operation. The Project is a continuation of existing mining operations within an established mining precinct that is serviced by an extensive network of public roads, mine access roads and rail infrastructure. The majority of transport movements associated with the Project are consistent with the existing operations and therefore traffic impacts would represent an extension in duration rather than a material increase in intensity. The realignment of Lemington Road and the construction of a new bridge over the Hunter River at Moses Crossing would improve road safety and flood resilience for road users.

263. The Commission finds that traffic impacts would be minor, manageable and consistent with the existing mining and transport context of the area. Subject to conditions of consent including the implementation of appropriate traffic management measures during construction and operation, the Project would not result in any significant adverse traffic impacts.

5.11.2 Blasting and Vibration

264. The Commission has heard concerns raised in community submissions relating to its consideration of the blasting and vibration impacts of the Project, which have the potential to affect the amenity of nearby residents and require ongoing monitoring and management.

265. The Commission is satisfied that the impacts of blasting and vibration can be effectively managed through the implementation of established mitigation, monitoring and management measures. The Applicant is required to comply with contemporary blasting performance criteria, ongoing monitoring, and to implement management measures where necessary to minimise impacts on nearby sensitive receivers, including identified heritage sites. The Commission concludes that blasting and vibration impacts would be limited and are capable of being appropriately managed.

5.11.3 Historic Heritage

266. The Commission has considered potential impacts on historic heritage and notes that no listed heritage items of significance would be directly impacted by the Project and that mining activities would not occur closer to identified heritage items than is currently approved. One unlisted heritage item, remnant stockyards of assessed local significance, would be directly impacted by the construction of an internal haul road, with archival photography committed to by the Applicant prior to impacting that item.

267. The Project would result in minor visual impacts to the Oaklands Homestead and Carrington Homestead heritage items. The Commission is satisfied that these impacts are capable of being absorbed within a landscape already characterised by mining activities and associated infrastructure. In addition, potential blasting impacts to nearby heritage items have been assessed and can be managed through the blasting conditions imposed by the Commission.

268. The Commission is satisfied that the direct and minor indirect impacts to heritage items can be appropriately managed through conditions of the conditions of consent.

5.11.4 Visual

269. The Commission acknowledges concerns raised in submissions regarding the visual impacts of the Project and notes that the proposal has considered the visibility of mining activities, ancillary infrastructure and the realignment of Lemington Road from surrounding vantage points. The Project has been designed to reduce visual impacts where practicable and potential visual impacts would primarily be experienced within a landscape that already contains substantial mining operations, transport infrastructure and associated industrial development.

270. According to the Applicant's Visual Impact Assessment, visual impacts resulting from the Project have been found to be slight to moderate with no viewpoint subject to a significant impact. Suitable mitigation measures have been incorporated into the Project in addition to progressive rehabilitation and ongoing revegetation of mined areas which is expected to contribute to reduced visual impacts over time (AR Table 18).

271. The Commission is satisfied that the visual impacts of the Project would not be significant and can be further minimised and managed through conditions of consent. In reaching this conclusion, the Commission has had regard to the existing character of the area and existing mining character of the surrounding area and the assessment's finding that the Project would not result in substantial visual change beyond that already experienced within the locality. The Commission is satisfied that any residual visual impacts can be appropriately minimised and managed through the recommended conditions of consent.

5.11.5 Equine industry

272. The Commission has considered the potential impacts of the Project on the Equine Critical Industry Cluster (**Equine CIC**), including concerns raised by equine industry stakeholders regarding potential impacts from air quality, noise, visual amenity, water resources and cumulative mining activities. The Commission recognises that the Equine CIC is a regionally, nationally and internationally significant industry and is identified as Strategic Agricultural Land within the NSW planning framework[41].

273. There are no areas of mapped Equine CIC within the Site and the nearest mapped Equine CIC is located approximately 2.5 km from the nearest point of the Project which is HVO North. Importantly, the Department notes that HVO North, would continue to progress away from the Equine CIC, in a south-easterly direction. (AR pg. 124)

[41] www.planning.nsw.gov.au/sites/default/files/2023-03/strategic-regional-land-use-plan-upper-hunter.pdf

274. In considering potential impacts on the Equine CIC, the Commission notes that although the NSW planning framework recognises the strategic importance of the equine industry, it does not prescribe equine-specific assessment methodologies or quantitative impact criteria for dust, air quality, noise, vibration or other operational impacts on horses or horse breeding enterprises. Accordingly, the Commission has had regard to the Project's technical assessments relating to air quality, dust, water, noise and visual amenity, together with the Department's assessment of those matters.

275. Having regard to the nature and location of the Project, the separation distance to the Equine CIC, and the conclusions of the relevant technical assessments, the Commission is not satisfied that the Project would result in any significant direct impact on the Equine CIC or materially alter existing conditions experienced by equine enterprises in the locality. Although the Project would contribute to the continuation of cumulative mining-related impacts in the locality, the Commission considers these impacts can be appropriately managed and do not outweigh the Project's benefits.

5.11.6 Hazards

276. The Commission has considered the potential hazards associated with the Project, having regard to the Department's assessment of the Preliminary Hazard Analysis (**PHA**) dated 30 November 2022, and the most recent Preliminary Site Investigation (**PSI**) undertaken for the entire Project area dated 19 August 2026.

277. The PSI did not identify evidence of significant, widespread contamination that would preclude the mining land use or activities proposed by the Project. The Commission agrees with the Department's assessment which found that based on information presented in the PSI, the Project is not considered to present an unacceptable risk from contamination to on- or off-site human and ecological receptors, and the land is therefore considered suitable for the carrying out of the proposed development under section 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (**SEPP R&H**).

278. The PHA assessed hazards associated with the Project, including bushfire, dangerous goods storage, fire and explosion, prescribed dams and vibration risks in accordance with the relevant Hazardous Industry Planning Advisory Papers (AR Table 18). The PHA concluded there are no credible incident scenarios that would result in significant off-site impacts and that the applicable risk criteria would be met.

279. The manufacture and storage of ammonium nitrate emulsion at HVO South is an existing approved activity and the Project would not increase the currently approved storage limits for dangerous goods associated with that process (AR Table 18). The Commission has imposed conditions requiring the Applicant to store, handle and transport goods in line with best practice.

280. The Commission is satisfied that the potential hazards associated with the Project have been appropriately identified and assessed and that the proposed management measures and conditions of consent provide an appropriate framework for the ongoing management of operational risks.

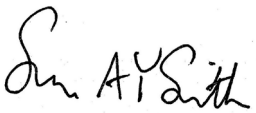
6. The Commission's Determination

281. The views of the community were expressed through more than 10,000 public submissions and comments received as part of the exhibition and as part of the Commission's determination process. The Commission has carefully considered all of these views as part of making its decision as set out in Appendix A – Community Consultation Report.

282. The Commission has evaluated likely impacts of the Project, relevant ESD principles, and the matters set out in Appendix B – Commission's Considerations. The Commission has concluded that the Project's impacts can be managed, mitigated and/or offset, consistent with NSW and Commonwealth statutory and policy regimes, such that, on balance, granting consent to the Applications is consistent with the public interest.

283. The Commission finds that the Project is consistent with legal requirements and with NSW Government policies, and that its social and economic benefits to the Hunter region and the State support a conditional approval. The Commission has therefore determined to approve the Applications subject to the conditions of consent in Appendix D – Instruments of Consent.

284. The reasons for the Decision are given in the Statement of Reasons for Decision dated 30 September 2026.



Simon Smith (Chair)
Member of the Commission

Janett Milligan
Member of the Commission

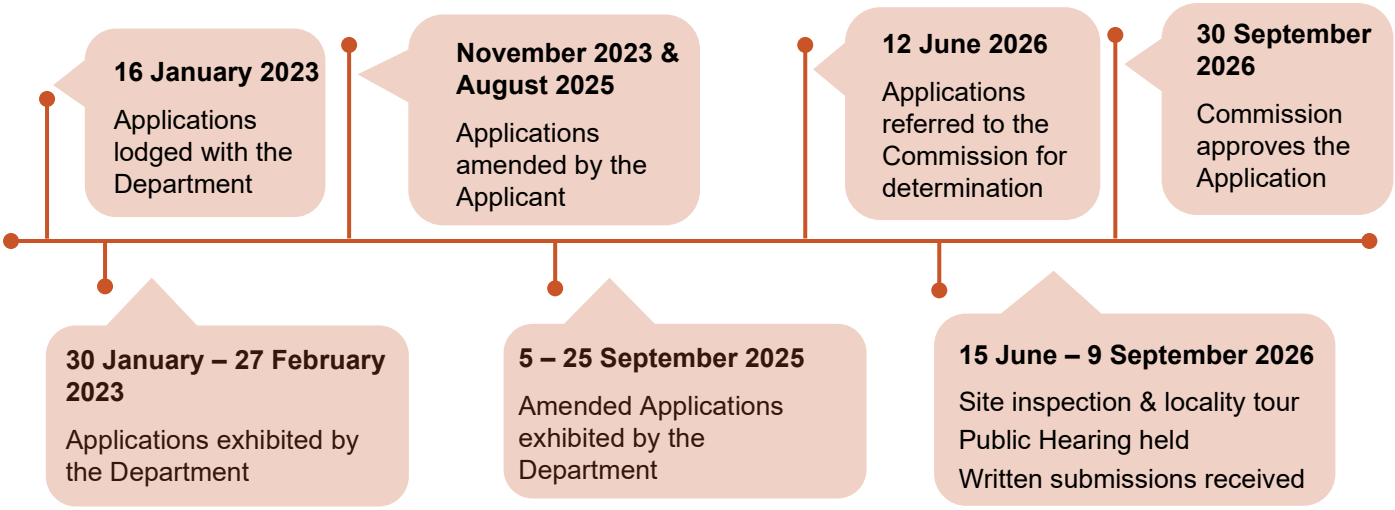
Michael Chilcott
Member of the Commission

Appendix A – Community Consultation Report

Overview of consultation on the Applications

The diagram and paragraphs below show the public consultation process for the HVO Continuation Project (the development applications HVO North Open Cut Coal Continuation Project (SSD-11826681) and HVO South Open Cut Coal Continuation Project (SSD-11826621)). They outline key steps from submission of the Applications to the Department of Planning, Housing and Infrastructure (Department) and the Commission's decision.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

The Department exhibited the Applications twice, seeking submissions on the original Applications and on the amended Applications. The original Applications were exhibited from 30 January until 27 February 2023 and received 1,041 unique submissions (963 in support, 67 objections, and 11 comments). The amended Applications were exhibited from 5 September until 25 September 2025. During the exhibition the Department received 1,187 unique submissions (1,097 in support, 83 objections, and 7 comments). Chapter 5 of the Department's Assessment Report outlines how the Department considered these submissions in its assessment.

The Commission's public consultation

The Commission's meetings

The Commission met with the Department, Applicant, Muswellbrook Shire Council, Singleton Council, the NSW Department of Climate Change, Energy, the Environment and Water, and the Net Zero Commission, as set out in Appendix B. Transcripts from these meetings were made publicly available on the Commission's website.

Public Hearing

The Commission held a Public Hearing in-person at Branxton Community Hall on 16 and 17 July 2026 and online on 22 July 2026. At the Public Hearing the Panel heard from 129 members of the community in addition to representatives from the Applicant and the Department.

Written submissions

The community was able to make written submissions to the Commission on this Project from 15 June – 5 August 2026.

The Commission received a total of 10,109 written submissions during this submission period. This number includes some individuals who made multiple submissions however, the majority of submissions received were from unique individual community members.

Written submissions on additional information

After the close of public submissions, the Commission received additional material from the Applicant and Department. The Commission concluded that it would be assisted by public submissions on this additional material. The Commission accepted submissions on the additional material between 2 – 9 September 2026.

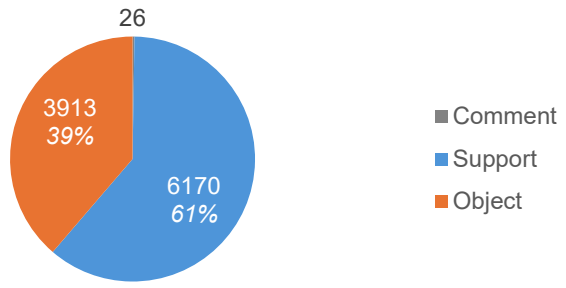
The Commission received a total of 467 written submissions during this period.

Commission engagement data

The charts below provide an overview of submitter positions and submitter distance from the site.

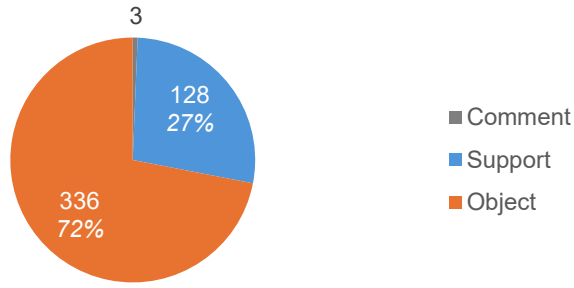
Overview of written submission positions

This graph shows a breakdown of the number of submitters that objected, supported or commented[1] on the Project via written submissions during the first submission period.



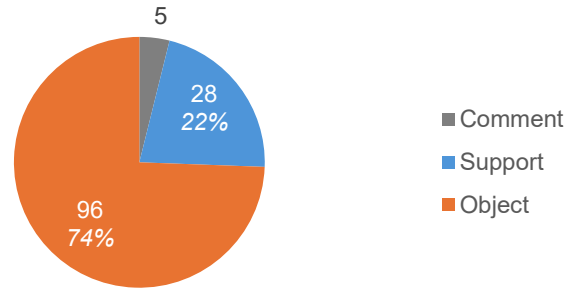
Additional information submissions: overview of written submission positions

This graph shows a breakdown of the number of submitters that objected, supported or commented on the additional material.



Overview of speaker positions from the Public Hearing

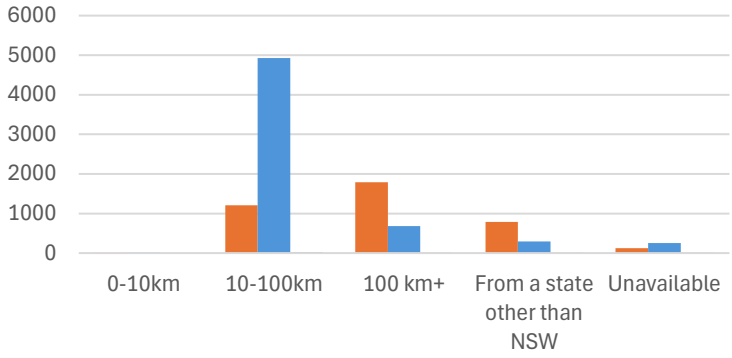
This graph shows a breakdown of the number of speakers that objected, supported or commented on the Project at the Public Hearing.



[1]A submission commenting on an application does not take a 'for' or 'against' stance. It would typically provide general feedback, observations on the Project, and suggestions for modifications.

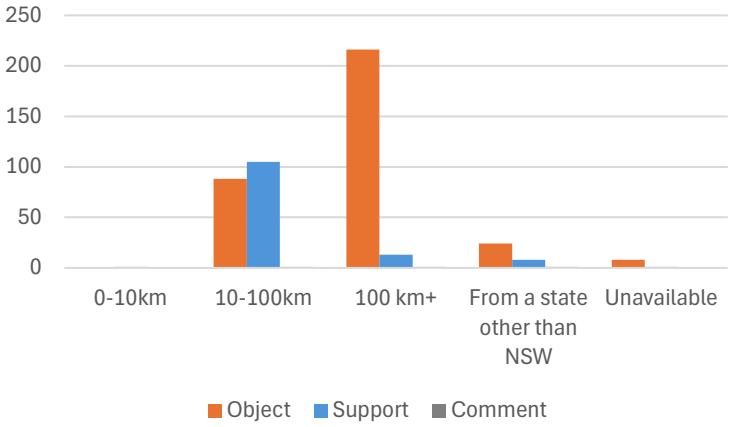
Overview of submitter distance

This graph shows how far the people who made the written submissions during the first submission period live from the proposed development site.



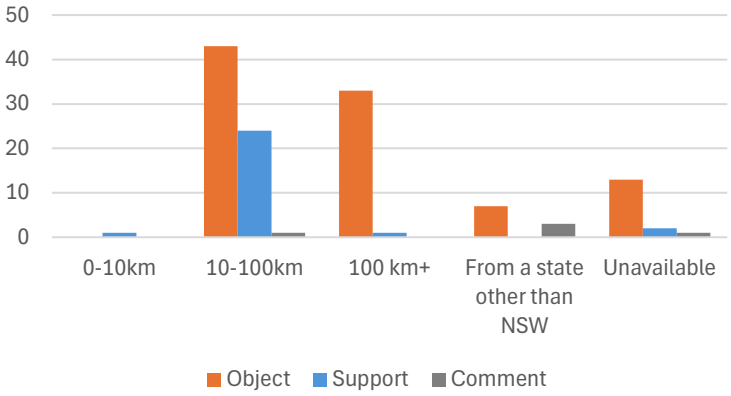
Additional information submissions: overview of submitter distance

This graph shows how far the people who made written submissions on the additional material live from the proposed development site.



Overview of speaker distance from the Public Hearing

This graph shows how far the people who spoke at the Public Hearing live from the proposed development site.



How community views were taken into account

The Commission received written and oral submissions on the Applications. It considered both forms without treating the mode of presentation as a reason to prefer one over the other. The weight given to particular submissions depends on their substance, relevance and evidentiary support.

Table 1 below sets out the main themes raised in submissions and how the Commission has considered them in its decision.

To view all submissions, please see the submissions tab on the Commission's website: https://www.ipcn.nsw.gov.au/cases/hvo-north-and-south-open-cut-coal-continuation-projects

All impacts were considered both in isolation and in conjunction with other impacts.

The conditions referenced below are set out in the Instrument of Consent, accessed in Appendix D

Appendix A – Table 1: Key themes raised by the community in their submissions

What the submissions said	How the Commission considered this in its determination
Greenhouse gas (GHG) and climate change	
• Australia is party to the Paris Agreement 2015 and has made emission reduction commitments to achieve net zero emissions by 2050. These commitments are embedded in legislation (the Commonwealth's *Climate Change Act 2022* and NSW's *The Climate Change (Net Zero Future) Act 2023)*. NSW is not projected to be on track to meet its emissions reduction targets for 2030 and 2035 or net zero emissions by 2050. Approval of this mine would make it more difficult for NSW to achieve its net zero targets. • The Project relies too heavily on credits to meet obligations under the Safeguard Mechanism - this is not the same as preventing or mitigating the global warming impacts of the GHG emissions. • Offsets that are generated outside of NSW do not count towards NSW targets set by the NSW Climate Change Act. • While the Project's emissions are small on a global scale, they contribute to the cumulative impacts of climate change. Their relatively small size does not reduce their relevance. • The Applications have not properly considered the impact Scope 3	**The Project's impact** The Project will generate Scope 1, Scope 2 and Scope 3 GHG emissions that will make a contribution to global GHG concentrations and climate change. The Commission accepts the scientific evidence linking GHG emissions to climate change and its associated impacts, and those impacts formed a key component of its assessment of the Applications. The Commission also accepted that climate change results from the cumulative effect of emissions from many individual sources. Although the contribution of the Project may be small relative to total global emissions, its GHG emissions nevertheless remain a material consideration in the assessment. The Project's emissions will contribute to climate change and the associated impacts experienced locally, across NSW, nationally and globally but, subject to management by the existing regulatory framework and the imposed conditions of consent, this impact does not outweigh the social and economic benefit served by approval of the Project. The Commission has imposed conditions relating to the Project's Scope 1, Scope 2, and Scope 3 GHG emissions. **Project Scope 1 emissions** The Scope 1 emissions generated by the Project will contribute to NSW's GHG emissions. Throughout the Department's assessment process, the Applicant amended the Applications which resulted in a reduction of the Project's GHG emissions. The Applicant has also committed to investigating and implementing feasible emissions reduction opportunities.

What the submissions said	How the Commission considered this in its determination
emissions would have on the climate system and the consequential impacts of climate change. • The impact of GHGs on climate change are known and contribute to extreme climate variability and more frequent and severe extreme weather events. • The GHGs projected to be emitted by the Project are significant and would contribute to climate change. • Compounding and repeated hazards from increased extreme weather would impact the local and broader community and, when combined with lower adaptive capacity, would be likely to lead to more severe impacts in regional and remote communities. • Climate change and its consequences will place increased cost of living pressure on the community e.g. increasing food and insurance costs, natural disaster recovery, essential service disruptions. • Global demand for coal will continue regardless of whether the Project is approved. If the Project does not proceed, coal demand would be met by other suppliers, potentially using coal with a higher carbon intensity.	The Project's Scope 1 emissions will be managed principally through offsets under the Commonwealth's Safeguard Mechanism and additional offsets committed to by the Applicant. Although the Commission carefully considered concerns regarding the Project's reliance on offsets, and recognises that offsetting is not the same as avoiding emissions, offsets are an established part of the existing emissions reduction framework. The Commission has supplemented that framework with conditions requiring ongoing emissions reduction, monitoring and review. The Commission also considered concerns regarding the use of offsets generated outside NSW and their relationship to the State's legislated emissions reduction targets. While offsets recognised under the existing regulatory framework remain a relevant mitigation measure, the Commission did not infer that the Project's emissions are consistent with NSW's emissions reduction targets or projected emissions trajectory merely because the Project complies with the Safeguard Mechanism or utilises eligible offsets. The Commission nevertheless gave weight to the emissions benefits of eligible offsets as part of its assessment. Notwithstanding the mitigation and offsetting measures proposed, the Project's Scope 1 emissions would remain a net contributor to climate change impacts and therefore remained a relevant adverse consideration in the Commission's assessment. **Project Scope 2 emissions** Although the Project's Scope 2 emissions are relatively small, they would nevertheless contribute to global GHG concentrations and climate change impacts. Having regard to the practical considerations identified by the Department, DCCEEW and NSW Resources regarding the availability of renewable electricity supply and the need for an enforceable regulatory framework, and noting the relatively small scale of these emissions, the Commission has imposed a condition requiring the Applicant, from four years after commencement of development, to implement reasonable and feasible measures to maximise the use of renewable energy for the development. **Project Scope 3 emissions** The majority of the Project's GHG emissions will be Scope 3 emissions associated with the transport and combustion of coal. These emissions account for approximately 98 per cent of the Project's total GHG emissions and will occur predominantly outside NSW and Australia. Although these emissions will not contribute towards NSW's emissions inventory or legislated targets, they remain a consequence of the Project and will contribute to global climate change as well as to the impacts of the Project in the locality.

What the submissions said	How the Commission considered this in its determination
	The Commission considered further controls on Scope 3 to ensure that the Project's Scope 3 emissions were managed consistently with the Paris Agreement. The condition proposed by the Department in its Conditions Advice in relation to Scope 3 emissions achieves this intent. The Scope 3 Management Plan imposed by the Commission requires the Applicant to implement all reasonable and feasible measures are implemented to ensure that any Project coal is exported to parties to the Paris Agreement or other jurisdictions that have policies consistent with the goals of the Paris Agreement. Having regard to the totality of the material, the Commission is satisfied that the GHG impacts of the Project do not warrant refusal and are outweighed by the Project's economic and social benefits.
Economic impacts	
• The mine proposes to provide up to 1,407 jobs. The region has seen closures of other mines which has created a lack of job certainty. Approval of the Project would ensure job security for local residents and families who rely on this income. • In addition to direct employment, HVO utilises the services of other businesses in the region, e.g. local contractors, tradespeople, suppliers, and accommodation providers. These flow-on benefits to the region would be lost if the Project were refused. • HVO employees spend their money locally in the community, e.g. groceries, childcare, healthcare, services. This generates employment and supports other businesses. This flow-on economic benefit would be lost if the Project were refused. • The mine would impact the health and economic success of other significant industries that are nearby e.g. the viticulture and the thoroughbred breeding industry. • Approval of the Project would generate important export income for NSW and Australia. • The region is not in a place where it can support an orderly transition of the workforce out of the coal mining industry. The Applicant's workforce and the local community are not prepared for the economic loss that would occur if the Project were to be refused.	The Project will provide substantial economic benefits to the Hunter region and NSW through ongoing employment, expenditure on local goods and services, royalties, taxation revenue and export income. The mine directly employs a large workforce and supports a range of local businesses, contractors, suppliers and service providers that rely on mining-related activity. The Commission reviewed competing evidence in relation to the inclusion of worker and supplier benefits, valuation of GHG emissions and the treatment of climate-related costs. This includes submissions which criticised the Applicant's exclusion of Scope 3 emissions from the economic analysis, arguing that Scope 3 emissions contribute to climate-related impacts on NSW and should therefore be considered in assessing the Project's overall economic costs. The Economic Guidelines do not explicitly require the inclusion of Scope 3 emissions in the CBA and the Applicant's economic assessment was prepared on that basis. However, the Commission accepts that GHG emissions give rise to climate-related costs and that these costs are relevant to the assessment of the Project. These costs were considered alongside the economic benefits generated through employment, business activity and government revenue. Although future coal prices are uncertain and may influence the overall value of the Project's economic contribution, the Project would still deliver positive economic outcomes under the scenarios that were tested in the economic assessment. If the Project did not proceed, mining operations would cease earlier than proposed, resulting in a loss of employment and economic activity across the region. The immediate cessation of mining operations would have a significant effect on mine workers, local businesses and the industries that support mining operations.

What the submissions said	How the Commission considered this in its determination
• The Applicant contributes to community projects and local organisations, supporting local clubs, community groups, educational initiatives and other projects. This improves the quality of life for residents throughout the region. • The Project will add to NSW GHG emissions, coming at a cost to other industries which may need to undertake additional emissions reduction measures to help NSW meet its net zero target. • The GHG generated by the Project will contribute to climate change and increased extreme weather events. This will lead to increasing funds from the individual and NSW needing to be spent on disaster recovery.	The Project will generate both economic benefits and economic costs. However, the economic benefits of continued operations outweigh the identified costs, resulting in a net positive economic benefit for the Hunter region and NSW. When considering the evidence before it, the Commission considers that, while climate-related costs are a relevant consideration, they do not outweigh the substantial economic benefits identified for the Project.
Social impacts	
• Human health is affected by dust, air pollution, noise and blasting associated with mining activities, with particular concerns raised regarding respiratory health, sleep disturbance and impacts on children. • Climate change is perceived to have significant physical and mental health impacts, including feelings of despair, eco-anxiety and solastalgia, as well as concerns for the wellbeing of future generations. • The Project would have quality of life impacts, in different ways, with concerns relating to climate change and cost-of-living pressures on one hand, and employment security and household incomes on the other. • Intergenerational concerns were raised regarding the long-term implications of current decisions for future generations, particularly in the context of climate change. • The Project has contributed to community division between those who support and rely on the continuation of mining activities and those who oppose them. • Currently, there is a lack of transition planning for workers and communities that may be affected by future mine closure, leading to	The Project will continue to provide employment and economic activity within the Hunter region, supporting workers, local businesses and contractors that rely on mining-related industries. This was identified as a significant regional social benefit of the Project, particularly given the role mining plays in the regional economy and the importance many submissions placed on employment certainty and community stability. The Project will also continue a range of social impacts associated with mining activities. These include amenity impacts experienced by nearby communities, such as noise, air quality, traffic and visual impacts, which can affect people's health, wellbeing and quality of life. While these impacts would continue for the life of the Project, they are generally consistent with the existing mining operations and would be managed through the mitigation measures and conditions of consent applied to the Project. The Commission also considered broader concerns relating to climate change, community wellbeing and future generations. The Project will contribute to GHG emissions and, in turn, climate change-related social impacts. These concerns were considered alongside the social and economic benefits associated with the continuation of mining operations. The Project will generate both positive and adverse social impacts. Although some impacts on nearby communities would remain, these impacts can be appropriately managed. The ongoing employment, economic and community benefits associated with the Project outweigh its adverse social impacts.

What the submissions said	How the Commission considered this in its determination
anxiety for the workers and community. • Project approval would provide long-term employment certainty, contributing to community stability and well-being.	To ensure the social impacts of the Project are managed and mitigated properly, the Applicant must prepare a Social Impact Management Plan in consultation with Muswellbrook Shire and Singleton Councils, the community consultation committee and local affected communities. The plan needs to identify the positive and negative social impacts of the Project and outline how negative impacts will be managed. This includes through community benefits, such as local jobs, grants, scholarships. The Commission has also given consideration to post-mining transition and the social impacts in that context below.
Mine closure and post mining transition	
• The mining period sought in the Applications enable a more gradual and orderly regional transition rather than an abrupt closure. • Workforce retraining, reskilling and employment transition programs are needed to support affected workers as part of the post-mining transition. • The Applicant has not undertaken adequate mine closure or workforce transition planning despite long-standing expectations that closure planning should already be underway. • Workforce transition, retraining and economic diversification planning should have commenced earlier and should begin immediately rather than be deferred to the final years of mining. • Stronger mine closure, rehabilitation and post-mining land use planning is needed.	The continuation of the Project would support ongoing employment and economic activity in the region and may assist in facilitating a more gradual transition as other coal mining operations approach closure. However, the benefits of an orderly transition depend on effective and timely planning for mine closure and post-mining outcomes. The Commission was not satisfied that the material before it demonstrated transition planning had been undertaken in line with the scale of the Project, its significance to the regional economy or the long-standing foreseeability of eventual mine closure. Workforce transition measures are an important component of post-mining planning and the Commission considers that early consideration of retraining, reskilling and alternative employment opportunities is necessary to support workers affected by eventual mine closure. Transition planning should occur well in advance of mine closure and should be undertaken on an ongoing basis. The Commission considers that early planning is necessary to support workers, affected communities and the regional economy and should not be deferred until the final years of mining. The Commission has imposed conditions requiring the preparation, implementation and review every three years of a Closure Management Plan to support long-term closure, rehabilitation and post-mining transition planning.
Amenity – dust, noise, and visual	
• The air quality in the Upper Hunter is already poor due to the cumulative impacts of mining. The Project's impacts should be considered within the context of an already degraded air quality. • Air pollution alerts occur frequently, particularly around Singleton. This indicates that current dust suppression measures are not adequately protecting communities. • Exposure to poor air quality is affecting the health of local residents,	**Visual impacts** The Project will continue mining activities within a landscape with established and extensive mining operations and associated infrastructure. Although mining activities would remain a visible feature of the locality, progressive rehabilitation and revegetation would be undertaken over the life of the Project, with the proposed final landform designed to support ongoing productive land uses and improve rehabilitation outcomes over time. Given the scale of the Project and its long-term influence on the landscape, the Commission has imposed conditions requiring rehabilitation to be undertaken in accordance with specific objectives and strategies. **Air quality and dust**

What the submissions said	How the Commission considered this in its determination
particularly the elderly and young children. • Dust impacts the nearby agricultural and equine industries. • The noise generated from the mine would impact the health and amenity of nearby residents. It leads to sleep disturbance, loss of rural amenity, and the long-term deterioration in quality of life. The cumulative impact of this is worsened with multiple mining operations across the area. • The landscape of the Hunter Valley has been gradually transformed over decades due to the continued expansion of mining. This is through the loss of natural landscapes, presence of mine voids, and differing rehabilitation requirements. This impacts the quality of life for local residents and can have negative impacts on the tourism industry and thoroughbred breeding horse industry.	The Project has the potential to affect local air quality through the generation of dust and other emissions associated with mining activities, construction, blasting, material handling and haulage. Air quality modelling undertaken for the Project found that it would contribute to cumulative air quality impacts in the region, however its contribution will be relatively small compared with the existing range of emission sources operating across the Hunter Valley. The Applicant is required to comply with conditions requiring air quality management, dust suppression, monitoring, reporting and adaptive management measures. Nearby residents, agricultural operations and other land uses may continue to experience cumulative air quality impacts associated with mining activities in the region, however, the Project's air quality impacts are considered capable of being appropriately managed by the conditions of consent. **Noise and vibration impacts** The Project will generate noise from mining equipment, fixed plant, construction activities, road traffic, rail movements and blasting. For nearby residents, this noise largely represents a continuation of existing mining-related noise rather than the introduction of substantial new noise impacts. Noise and vibration impacts would be managed through ongoing monitoring, compliance with relevant performance criteria and the implementation of mitigation measures where required. Conditions of consent would also continue to provide mitigation and acquisition rights for eligible receivers.
Water	
• The proposed mining would adversely affect groundwater systems associated with the Hunter River and Wollombi Brook. • The groundwater modelling has understated risks and relied on assumptions that have not been adequately tested. • The Project will further reduce river flows and increase losses from waterways, with these impacts becoming more significant under climate change. • The final void would act as a permanent evaporative sink that would continue drawing groundwater indefinitely.	Open cut coal mining has the potential to affect both groundwater and surface water resources. Mining can alter groundwater pressures and groundwater movement within surrounding rock layers, which may affect nearby aquifers, waterways and groundwater-dependent ecosystems. The Applicant carried out water modelling to predict these impacts and inform the assessment of the Project. The Project would result in some incremental and cumulative impacts to water resources, including ongoing groundwater drawdown associated with mining activities and the final void. The remaining impacts on groundwater, surface water and associated ecosystems have been assessed as unlikely to result in significant impacts to surrounding aquifers, waterways or water-dependent ecosystems. The Commission also considered a limited exceedance of the Aquifer Interference Policy Level 1 drawdown criterion for high-priority GDEs in a small area of the Hunter River alluvium and was satisfied that this exceedance would not prevent the long-term viability of those ecosystems. To address water-related impacts, the Commission has required the Project to meet certain conditions. Provided these conditions are followed, the Commission is satisfied that the impacts on water can be managed appropriately.

What the submissions said	How the Commission considered this in its determination
	The conditions set out water management performance measures which relate to discharge, alluvial aquifers, erosion and sediment control works, flood protection works, mine water storage, tailings storages, sediment dams, overburden emplacements, and aquatic and riparian ecosystems. The Applicant is also required by the conditions to prepare and implement a Water Management Plan. This plan includes details relating to site water balance, erosion and sediment control, and surface water and ground water management.
Biodiversity	
• The Project would result in almost 200 hectares of native vegetation loss. • The Project is proposing to clear the Hunter Floodplain Red Gum Woodland, an endangered ecological community. This mine would lead to the fragmentation of the ecological community and loss of mature river red gums. • Loss of habitat through clearing would increase pressures on already declining populations of species e.g. the Swift Parrot, Regent Honeyeater, Spotted-tailed Quoll, Brush-tailed Rock Wallaby, Green and Golden Bell Frog, Hunter Valley Delma, Speckled Warbler, Grey-crowned Babbler. • Areas surrounding the mine function as movement corridors. Habitat loss and fragmentation could undermine regional connectivity.	The Project would result in the clearing of native vegetation and habitat for threatened fauna species including threatened ecological communities. Although the Project has been designed to generally target deeper coal seams within the existing mine footprint, there is some vegetation clearing proposed to facilitate additional mining areas, new infrastructure and the realignment of Lemington Road. When trees and habitat are cleared, the planning system seeks to avoid and minimise biodiversity impacts first, then requires the remaining loss to be assessed and usually offset through the Biodiversity Offsets Scheme to compensate for residual biodiversity impacts. Compliance with that scheme does not itself establish that this Project will cause no net biodiversity loss. When undertaking its assessment, the Commission considered the avoidance measures incorporated into the Project, including the revision of the mining footprint, the disturbed nature of much of the mining complex and the requirement for biodiversity offsets under the Biodiversity Offsets Scheme. The Commission also considered the potential indirect impacts of the Project on biodiversity values, including edge effects, habitat fragmentation, weed and pathogen spread, operational impacts associated with dust, noise and light spill, and potential groundwater-related impacts to groundwater dependent ecosystems. The Hunter Floodplain Red Gum Woodland endangered ecological community (**EEC**) is identified as an entity at risk of Serious and Irreversible Impacts because of its limited remaining extent and ongoing decline across the region. During the assessment process, the Applicant amended the Project design to reduce the impacts on this community, avoiding approximately 8.1 hectares of Hunter Floodplain Red Gum Woodland and around 260 River Red Gum trees. Following these design changes, the remaining direct impact on the EEC would be approximately 1.2 hectares. Having considered the residual impacts, their extent and the relevant serious and irreversible impact principles, the Commission found that the Project is unlikely to contribute significantly to the risk of extinction of any threatened species or ecological community and is therefore unlikely to result in a serious and irreversible impact on biodiversity values.

What the submissions said	How the Commission considered this in its determination
	Habitat loss and fragmentation have the potential to affect threatened species that occur within and around the Project area. These impacts will be managed through vegetation clearing protocols, biodiversity management measures, rehabilitation activities and biodiversity offset requirements. Impacts to the River Red Gum woodland will be managed through conditions to secure the River Red Gum restoration area in perpetuity. The Applicant must also prepare a Biodiversity Management Plan, which requires it to enhance the quality of vegetation, vegetation connectivity and wildlife corridors, minimise clearing and avoiding unnecessary disturbance of vegetation, and minimise impacts on fauna, maximise the salvage of vegetative and soil resources within the approved disturbance area for reuse in the rehabilitation of the site, and control weeds, feral pests, and pathogens. The Applicant also needs to monitor and report of the effectiveness of avoidance, minimisation and mitigation measures and adaptively manage its process if a mitigation measure is not effective.
Aboriginal cultural heritage	
• The Project would continue destruction of low-lying creek and tributary landscapes where Wonnarua people historically lived, gathered and hunted • There is ongoing loss of Aboriginal cultural heritage due to the cumulative impacts associated with mining expansion. • The Plains Clans of the Wonnarua People contend that the Traditional Owners of the affected land have not been properly identified or consulted.	The Project was designed to avoid and minimise impacts on Aboriginal cultural heritage, where possible, however some impacts on Aboriginal cultural heritage would remain. Site investigations and consultation with Registered Aboriginal Parties were undertaken to identify Aboriginal objects, places and areas of cultural significance that may be affected by the Project. During the assessment process the Project was amended and as a consequence impacts were reduced on Aboriginal cultural heritage, including changes to the Lemington Road realignment to avoid impacts on two scarred trees identified as being of high Aboriginal cultural significance. There are differing views regarding cultural authority, representation and connection to Country amongst Aboriginal stakeholders. The Commission acknowledges the seriousness of these concerns and the importance of cultural connection to Country for the Wonnarua people. However, consultation for the Aboriginal Cultural Heritage Assessment was undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, involved 33 Registered Aboriginal Parties, and was subject to review by Heritage NSW throughout the assessment process. While recognising the significance of the concerns raised by the Plains Clans of the Wonnarua People, the Commission finds that the Aboriginal cultural heritage impacts of the Project have been appropriately identified and assessed, that consultation has been undertaken in accordance with the applicable requirements, and that suitable measures have been incorporated into the Project and the conditions of consent to avoid, mitigate and manage impacts. The Commission finds that the impacts of the Project on Aboriginal cultural heritage do not warrant their refusal.

What the submissions said	How the Commission considered this in its determination
	The Commission has imposed conditions to manage these impacts through the preparation and implementation of an Aboriginal Cultural Heritage Management Plan, including measures to protect, monitor and manage identified Aboriginal objects and places, and requirements for ongoing consultation where necessary.
Thoroughbred breeding industry	
• The Hunter Valley is Australia's largest thoroughbred breeding region. It contributes significantly to the national and state economies and supports thousands of jobs in the Hunter Valley. • Visual intrusion from open-cut mining is inconsistent with the image expected of world-class thoroughbred breeding operations. • The Project threatens future investment in thoroughbred breeding by reducing the attractiveness of the region to investors. • Increased particulate matter and dust have the potential to adversely affect horse respiratory health, particularly because thoroughbreds are high-performance athletes whose performance depends heavily on optimal respiratory function. • Increased noise and blasting would affect horses and workers. Horses have highly developed hearing and strong flight responses. Unexpected noise can startle horses, create safety risks for workers handling horses, and affect horse welfare and management.	The Commission carefully considered concerns raised by equine industry stakeholders about the potential impacts of the Project on the Equine Critical Industry Cluster (Equine CIC), including impacts on air quality, noise, visual amenity, water resources and the cumulative effects of mining in the area. The Commission recognises the Equine CIC as a regionally, nationally and internationally significant industry and notes its identification as Strategic Agricultural Land. Based on the Project's location, its separation from the Equine CIC, and the findings of the technical assessments, the Project is not expected to have a significant direct impact on the Equine CIC or substantially change conditions for equine enterprises in the area. Although the Project would contribute to the cumulative impacts of mining in the locality, those impacts do not outweigh the benefits of the Project.

Appendix B – Commission's Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Applicant's Environmental Impact Statement and accompanying appendices	19 December 2022
Government agency advice to the Department	
Public submissions made to the Department during exhibition	
Applicant's Response to Submissions Report and accompanying appendices	7 November 2023
Applicant's First Amendment Report and its accompanying appendices	7 November 2023
Minister's correspondence to the Chair of the Commission	2 June 2024
Applicant's Second Amendment Report and its accompanying appendices	5 August 2025
Applicant's Additional Information provided to the Department	
Department's Assessment Report and recommended conditions of consent	12 June 2026
Comments and presentation material from meetings with: • Applicant • Department • Muswellbrook Shire Council • Singleton Council • NSW DCCEEW • NSW Net Zero Commission	 3 July 2026 8 July 2026 8 July 2026 8 July 2026 14 July 2026 24 July 2026
Observations made at the Site Inspection	15 July 2026
Oral submissions from registered speakers at the Public Hearing	16, 17 and 22 July 2026
The following responses to the Commission from: • Singleton Council • Department • Applicant	 16 July 2026 20 July 2026 and 1 September 2026 14 July 2026 29 July and 1 September 2026
Response from the Planning Secretary extending the time for determination	1 September 2026
All written submissions made to the Commission up until	5 August 2026
All written submissions made on additional material to the Commission up until	9 September 2026
Department's advice to the Commission regarding the imposition of conditions	23 September 2026 24 September 2026 29 September 2026

Planning Framework

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission's consideration
Climate change policy framework	The Commission's consideration of the climate change policy framework set out in section 5.1.1 above.
Upper Hunter Strategic Regional Land Use Plan (Strategic Plan)	The Strategic Plan provides a regional framework for managing the interaction between mining, agriculture and environmental values in the Upper Hunter. The plan identifies and maps Strategic Agricultural Land, including highly productive farmland and critical equine and viticulture industry clusters and aims to minimise land-use conflicts arising from resource development. Its key policy mechanism is the gateway process, which requires the impacts of certain mining and coal seam gas proposals on agricultural land and water resources to be independently assessed before development can process. More broadly, the plan aims to support economic development while protecting agricultural productivity, natural resources and community amenity.

	The Project is consistent with the Strategic Plan. The Project would be undertaken largely within existing mining lease areas and Site Verification Certificates (SVC-12575722 and SVC-41389276) confirm that no Biophysical Strategic Agricultural Land is affected and that a Gateway Certificate is not required. The Project would therefore not conflict with the Plan's objectives of protecting Strategic Agricultural Land and managing interactions between resource development and agricultural land uses.
Hunter Regional Plan 2041 (**Regional Plan**)	The Regional Plan provides a 20-year strategic framework for managing growth, housing, infrastructure and economic development across the Hunter region. The Plan seeks to diversify the regional economy beyond traditional mining and energy industries, support the transition to renewable energy, deliver more housing in well-located centres and improve transport connectivity. A strong focus is placed on creating 15-minute neighbourhoods, increasing housing diversity, protecting environmental and agricultural assets, supporting Aboriginal economic self-determination and planning for climate resilience and net zero emissions. The plan is implemented through an infrastructure-first, place-based approach, with regionally significant growth areas and coordinated planning to align land use, infrastructure and investment across the region. This Project would support regional employment, economic activity and associated supply chains through the continuation of an existing mining operation and would retain opportunities for post-mining land uses consistent with the Plan's transition objectives. The Commission acknowledges that the Project would also generate substantial greenhouse gas emissions, particularly Scope 3 emissions. The Commission has imposed conditions (as set out in Section 5.1) to respond to this matter. On balance, the Commission is satisfied that, subject to the conditions of consent, the Project is broadly consistent with the Hunter Regional Plan 2041.
Singleton Council Local Strategic Planning Statement 2041 (**SLSLP**)	The SLSPS sets out the 20-year vision for future land use planning in the Singleton LGA. The LSPS acknowledges that whilst the mining industry is by far the Singleton LGA's largest employer, there is also a need to plan for a reduction in mining activity in the region, stating (p19) "*In order to minimise impacts on employment rates from downturns in the mining industry; as well as to plan for the eventual winding down of coal mining activities in the LGA, steps need to be taken during the life of this plan to grow other industries in the LGA, so as to better balance the local industry base*." SLSPS Planning Priority 4.4 (**PP4.4**): "The mineral resource industry is productive, accountable and considerate of surrounding land uses", directly relates to the Project. PP4.4 notes "[f]or the economy of the Singleton LGA to continue to grow and thrive in the short to medium term, it will be significantly linked to the ongoing prosperity and stability of the mining industry over the next few decades." The SLSPS recognises that mining is the dominant industry within the Singleton LGA and that the ongoing prosperity of the local economy will remain closely linked to the mining sector in the short to medium term. At the same time, the LSPS identified the need to diversify the local economic base and plan for the eventual winding down of coal mining activities to minimise future economic and employment impacts on the community. PP4.4 acknowledges the importance of maintaining a productive and accountable mineral resource industry while ensuring consideration of surrounding land uses.

	The Project would support the continuation of employment, economic activity and associated supply chains within the Singleton LGA through the extension of an existing mining operation. The Commission is satisfied that the Project is generally consistent with PP4.4 and the SLSPS's recognition of the ongoing role of mining in supporting the local economy. The Commission also notes that the Project would be subject to conditions requiring continued rehabilitation, post-mining planning and management of GHG emissions, which would support the LSPS objective of balancing the benefits of mining with broader environmental and long-term transition considerations. On balance, the Commission is satisfied that the Project is broadly consistent with the SLSPS.
Muswellbrook Local Strategic Planning Statement 2020 – 2040 (**MLSPS**)	The MLSPS identifies a 20-year vision that captures the future desired state for the local area, the MLSPS seeks to achieve this through planning priorities and subsequent actions and makes the following general statements regarding coal mining: *Muswellbrook Shire is home to the largest critical mass of thoroughbred rearing by value in Australia, located in an arc from Widden Valley through Sandy Hollow to Jerry's Plains. The equine industry is a significant employer alongside other agriculture, including dairy, beef and cropping. Land use certainty is a significant concern for the equine and agricultural sector associated with the environmental impacts from the proximity of coal mines to these industries.* *A strong dairy, beef and fodder industry requires ongoing access to irrigable land. Significant land with potential for irrigation is owned by coal mine companies as buffers to coal mines. There is growing momentum to identify key buffer lands for productive agricultural use.* *The NSW Government recently released its Strategic Statement on Coal Exploration and Mining in NSW*[42] *which aims to provide greater certainty to explorers, investors, industry stakeholders and communities about the future of coal mining in the state. Unfortunately, it indicates the whole of the Shire is available for coal exploration and mining. Council will continue to advocate that new mining activities are not approved in valuable agricultural and environmental areas.* Planning Priority 3 (**PP3**): "The mineral resource and power generation industry is productive, accountable and considerate of surrounding land uses" relates to the Project. Whilst PP3 acknowledges coal mining contributes significantly to the Muswellbrook Shire economy, it states that "Council will not support coal extraction from areas that would compromise activities on strategic agricultural land, or where the development would fragment critical industry clusters or significant ecological corridors*."* The Project would support employment, economic activity and associated supply chains through the continuation of an existing mining operation and is consistent with the MLSPS recognition of the ongoing economic importance of the mining industry. The Commission is satisfied that the Project would not compromise strategic agricultural land, critical industry clusters or significant ecological corridors, and notes that the Project would remain subject to conditions relating to rehabilitation, post-mining land use planning and GHG management. These measures support the broader MLSPS objective of balancing the benefits of mining with environmental protection and long-term economic transition. On balance, the Commission is satisfied that the Project is broadly consistent with the MLSPS.

[42] Referring to the 2020 statement. For discussion on the latest statement, refer to section 5 of this statement of reasons for decision.

Create Singleton – Community Strategic Plan 2025-2035 (**SCSP**)	SCSP outlines the community's vision and priorities for the future of Singleton over a 10-year period, and outlines objectives and delivery program strategies to achieve the objectives. The SCSP notes that mining is the number one industry and employer in the LGA, accounting for 36.9% of its workforce. Further, the SCSP also notes the community is concerned with the LGA's reliance on mining and the future of Singleton when mining activity ceases in the future. Future opportunities and challenges identified in the context of mining in the LGA include the opportunity for the economy to evolve towards other sustainable markets, noting evolving international markets and national targets related to the coal and mining industry. A 10-year objective of the SCSP (Objective 3.3) is 'Our Environment is enhanced through clean energy and proactive approach to climate change'. This objective is coupled with the following delivery program strategies (i.e. strategies which outline how Council will achieve its long-term objectives): • Advocate for quality clean air and quality rehabilitation • To lead Council towards our emissions reduction goals for 2030 The Project would support continued employment, economic activity and associated supply chains within the Singleton LGA through the continuation of an existing mining operation. The Commission notes that this is consistent with the Plan's objectives relating to economic resilience and community prosperity. The Project would also be subject to conditions relating to rehabilitation, post-mining planning and greenhouse gas management. These measures support the SCSP's objectives relating to environmental sustainability, climate change, and planning for a changing economic future. On balance, the Commission is satisfied that the Project is broadly consistent with the SCSP.
Muswellbrook Shire Council Community Strategic Plan 2025-2035 (**MSCSP**)	The MSCSP provides a base for long-term planning for both Council and the community. The MSCSP is a vision for the LGA's future, connecting the community's goals with Council's decisions over the next 10 years. The MSCSP notes the LGA has long been economically reliant on coal mining, however with a global shift toward renewable energy and the closure of coal-fired power stations, a challenge for the region will be diversifying its economy. Under the theme of 'We are a thriving economy' a community outcome of the MSCSP is 'Our community has opportunities for employment, business and training and we drive investment into our economy to benefit our community'. To achieve this, the MSCSP states Council will plan for reuse of former mining and energy generation land for employment, recreation and environmental purposes. The Project would support continued employment, economic activity and associated supply chains through the continuation of an existing mining operation and is consistent with the MSCSP's recognition of the current importance of the mining sector to the regional economy. The Commission also notes that the Project would be subject to conditions requiring rehabilitation, post-mining planning and GHG management. These measures support the Plan's objectives relating to economic transition, environmental sustainability and the future reuse of mining land. On balance, the Commission is satisfied that the Project is broadly consistent with the MSCSP.

Upper Hunter Employment Lands Strategy 2023 (UHELS)	The UHELS provides a framework supporting economic growth and diversification across Dungog, Muswellbrook, Singleton and Upper Hunter Shire to 2041. It recognises the region's heavy reliance on mining and the need to transition towards industries such as renewable energy, advanced manufacturing, agribusiness, logistics and tourism. While the region has a substantial supply of employment land, the strategy identifies a need for more serviced and development-ready sites to support investment and job creation. A major focus is the future reuse of post-mining land, with over 6,000 hectares likely to be available as a long-term opportunity for new employment generating uses. The Project would continue to support the existing employment base of the Upper Hunter region and contribute to ongoing economic activity during a period of transition identified by the UHELS. The Project would also retain and maintain infrastructure, employment opportunities and workforce capacity that the UHELS identifies as important to supporting the future diversification of the regional economy. In addition, the Project's rehabilitation and post-mining planning framework would preserve opportunities for the future adaptive reuse of mining land, consistent with the Strategy's objective of facilitating a successful post-mining economic transition. On balance, the Commission is satisfied that the Project is broadly consistent with the UHELS.
Singleton Council and Community Emissions Reduction Action Plan 2023 (ERAP)	Council's ERAP has been prepared to help Council understand key abatement levers that can enable it to align with the NSW Government's target to reach net zero emissions for NSW by 2050. The ERAP acknowledges mining is the major contributor to Community Emissions. There are no specific actions for the mining industry, however, the Plan does state the following in the Singleton Community Emissions Reduction Plan section of the ERAP, associated with the action 'Partnering for emissions reduction and transition to a low carbon economy'*:* *The mining industry is at the heart of the Singleton community, providing 37% of all local jobs and making up a significant proportion of the local economy. Many local mining companies report their emissions and have made commitments to reducing their scope 1 and 2 operational emissions.* *Singleton Council is committed to working in partnership with the mining sector aligned with its commitment to help the community reduce its emissions and is committed to helping the sector access education and training opportunities aligned with new low-emissions opportunities that are emerging across the region.* The Commission acknowledges that the Project would generate substantial GHG emissions, particularly Scope 3 emissions, and is therefore not fully aligned with the emissions reduction objectives of the ERAP. However, the Commission notes that the ERAP contemplates engagement with the mining sector during the transition to a lower-emissions economy and supports initiatives that facilitate GHG emissions reduction and adaptation over time. In this regard, the Commission has imposed conditions regarding GHG emissions. On balance, the Commission is satisfied that, while the Project is not fully consistent with all aspects of the ERAP's emissions reductions objectives, the conditions of consent provide an appropriate framework to manage the Project's GHG impacts and support and orderly transition, consistent with the broader intent of the ERAP.

Statutory context	Commission's consideration
State significant development	The Applications constitute SSD pursuant to section 4.36 of the EP&A Act, as they satisfy the criteria under section 2.6(1)(b) of SEPP Planning Systems, being development specified in schedule 1 of SEPP Planning Systems. Item 5 to Schedule 1 specifies development for the purpose of mining coal is SSD.
Consent authority	The Commission is the consent authority for the Applications in accordance with section 4.5(a) of the EP&A Act as more than 50 public objections to the Project were received by the Department during its exhibition of the Project and the Minister requested that the Commission hold a public hearing into the Project.
Permissibility	As shown in Figure 2 below the Site is located within the following land use zones: • RU1 Primary Production (**RU1**) under both the SLEP and MLEP; • C2 Environmental Conservation (**C2**) under the SLEP; and • SP2 Infrastructure (**SP2**) for the purposes of a 'Power Station' under the MLEP. Open cut mining is permissible with consent under both RU1 zones. There are small portions of land within the Site, zoned as SP2 and C2 where the Project is prohibited. However, section 4.38(3) of the EP&A Act states that development consent can be granted for SSD despite the development being partly prohibited by an EPI. A small area of HVO North is located within the SP2 zone. The transmission line works proposed in this area are ordinarily incidental or ancillary to development for the 'Power Station' purpose of the relevant SP2 zone. The Department in Table 2 of the AR considers this aspect of the Project to be consistent with the purpose of the SP2 zone. Similarly, a small area of HVO South is located within the C2 zone. Works proposed in this area are associated with the proposed realignment of Lemington Road. Facilities for coal processing and transport, including the proposed rail loading facilities, are permissible with consent under section 2.9(1)(d) of SEPP Resources and Energy, as the coal was mined from the adjoining land.
Objects of the EP&A Act and Ecologically Sustainable Development	In its determination, the Commission has considered the Department's assessment of the Objects of the EP&A Act, as outlined in Appendix C of the Department's AR. The Commission agrees with the Department's assessment and is satisfied that the Project aligns with the Objects of the EP&A Act, with impacts effectively managed or mitigated through the conditions of consent imposed by the Commission. The Commission finds the Project to be an orderly and economic use of land. Further, the Commission is satisfied that the Project is consistent with the principles of ecologically sustainable development and achieves an appropriate balance between environmental, economic and social considerations. The Commission notes that the 15 December 2025 amendment of the Objects of the EP&A Act that took effect as part of the recent Planning Systems Reforms do not apply to the determination of this Application, due to the provisions set out in section 34 of Schedule 6 to the *Environmental Planning and Assessment Regulation 2021.*
Amended application	With the agreement of the consent authority (or its delegate), a development application can be amended at any time before it is determined. The Department as the Commission's delegate, agreed to the Applicant amending the Applications as described in section 2.3 above.
Surrender of development consents	Section 4.63 of the EP&A Act provides that if a development consent is surrendered as a condition of a new development consent and the new consent includes continuation of development that was authorised, then the consent authority (AR para 88):

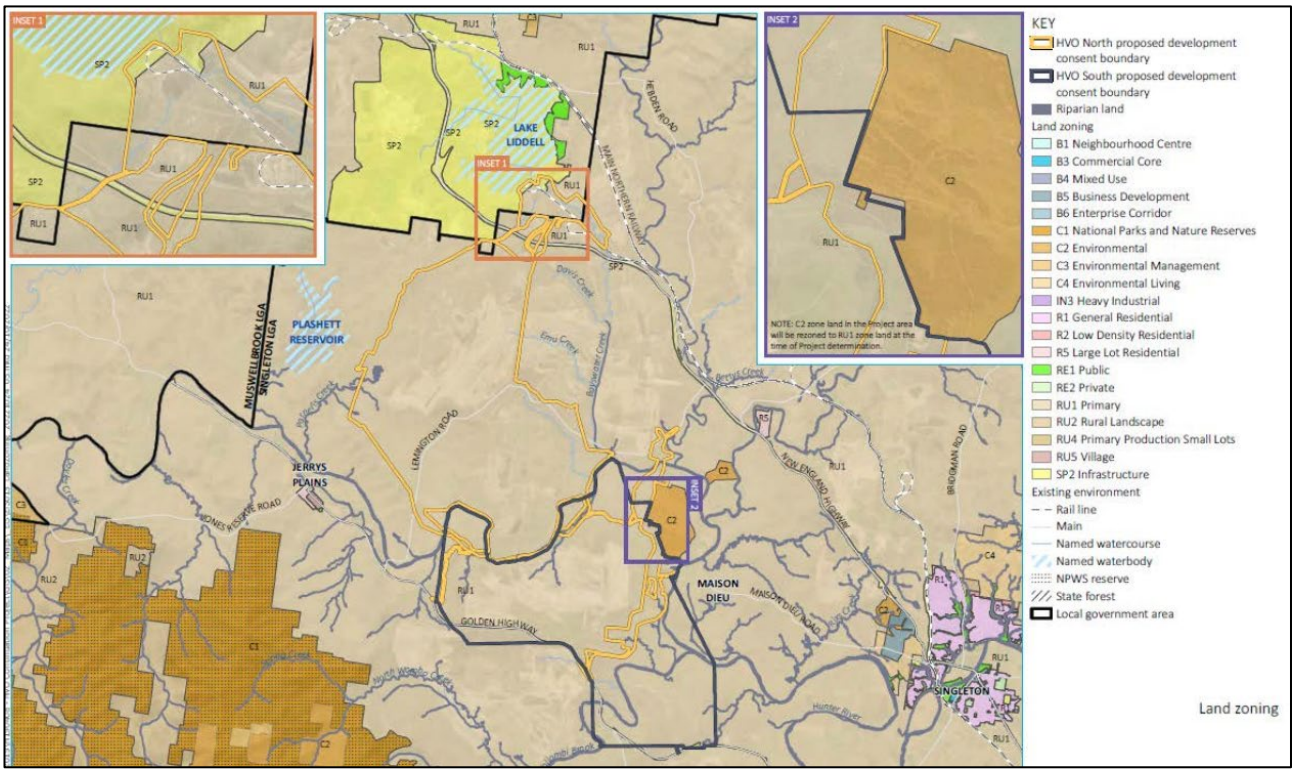
	• is not required to re-assess the likely impacts of the continued development to the extent that it could have been carried out but for the surrender of the consent; • is not required to re-determine whether to authorise that continued development under the new development consent (or the manner in which it is to be carried out); and • may modify the manner in which that continued development is to be carried out for the purpose of the consolidation of the development consents applying to the land concerned. The Applicant must surrender all existing approvals related to the HVO complex upon taking up the two new SSD consents, one for HVO North and one for HVO South. The section 4.63 exemption extends only to development that could have been carried out under the existing consents but for their surrender. It does not exempt the additional years of extraction, deeper seams, extensions or other development newly sought, or remove the need to assess the cumulative impacts of the proposed development. The Commission has considered the Department's assessment on that basis. The BDAR addresses the incremental impacts of the Project, and the conditions carry forward existing biodiversity obligations as well as requirements for the additional development.
Other approvals and authorisations	The HVO Complex currently operates under an EPL issued by the EPA which would be varied as required (AR para 80). Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD (AR paras 81 and 82).
Guiding principles of the Climate Change (Net Zero Future) Act 2023	The Commission has given careful consideration to the guiding principles of the Climate Change Act in its determination, including through the imposition of conditions of consent. The Commission has considered the guiding principles as part of the broader statutory and policy framework for addressing climate change in NSW. In particular, the Commission has had regard to the principles recognising the critical need for action to address climate change, the importance of taking action as early as possible to minimise future climate-related costs and adverse impacts, and the need for climate change action to be undertaken in a manner that promotes sustainable economic growth while taking into account the impacts on rural, regional and remote communities. These principles have informed the Commission's assessment of the Project's GHG emissions and climate change impacts, its consideration of available mitigation measures and conditions of consent, and its evaluation of the Project's economic, social and transition-related benefits. The Commission has also had regard to the principles requiring consideration of the best available science, the principles of ecologically sustainable development and the need to support communities affected by actions to address climate change. In this regard, the Commission has considered contemporary climate science, government climate assessments, material provided by the Department, DCEEW, NZC and other agencies, and the potential impacts of the Project on local communities, employment, economic activity and long-term transition planning. The Commission's determination reflects a balancing of these considerations in the context of the specific facts and circumstances of the Project. The Commission has also had regard to the remaining guiding principles to the extent they are relevant to the assessment of the Project.
Serious and Irreversible Impacts	The Commission's consideration of the steps outlined in the Guidance to assist a decision-maker to determine a serious and irreversible impact is set out below. **Step 1 and 2 – identify impacted relevant entities and evaluate risk of extinction:**

	The Hunter Floodplain Red Gum Woodland EEC is listed as an entity of SAII on the basis of two principles in the BC Regulation: 1. "It will cause a further decline of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline," and 2. "It will further reduce the population size of the species or ecological community that that is currently observed, estimated, inferred or reasonably suspected to have a very small population size." **Step 3 – Avoidance and minimisation** The original project was expected to impact approximately 1.6 ha of Hunter Floodplain Red Gum Woodland EEC. In the amended Application, the Applicant further avoided the impact of the Project on the Hunter Floodplain Red Gum Woodland EEC with changes to the development footprint. The Applicant advised that no further avoidance is considered possible and that impacts associated with the proposed transmission line relocation have been assessed by the revised BDAR conservatively, though works are expected to primarily be associated with tree trimming and edge impacts with mature trees to be avoided where possible. **Step 4 - Minimisation** The Applicant has committed to mitigating impacts to the EEC through the enhancement and restoration of 6.6 ha of the EEC on site through the incorporation of the additional area into an existing restoration area managed under the River Red Gum Rehabilitation and Restoration Strategy as required by the conditions of consent. This restoration is in addition to offsetting requirements under the BAM for the EEC. The Red River Gum Rehabilitation and Restoration Strategy includes measures to restore the EEC on site through revegetation and management, which would result in a net gain for the Hunter Floodplain Red Gum Woodland EEC and improve protection to adjacent area. The strategy includes an Ecological Restoration Plan to inform weed control, vegetation re-establishment, protection measures and a trigger action response plan to ensure the continued improvement of the EEC. **Step 4 – Evaluate SAII** The residual direct impact of the amended project on the EEC is 1.06 ha located in HVO North and 0.15 ha in the RRG Additional Disturbance Area of moderate and low to moderate condition vegetation. This area represents 0.28% of the current estimated geographic extent of the TEC in NSW. Offset credit requirements for this impact are shown in Table 15 of the Department's AR and HVO intends to meet biodiversity offset obligations through the purchase of credits on the open market (where available), payment into the Biodiversity Conservation Fund, and the establishment of new stewardship sites or retirement of credits from existing stewardship sites. **Commission's findings** The Commission considers that sufficient information has been provided to demonstrate that the Project's residual impacts are unlikely to contribute significantly to the risk of extinction of the Hunter Floodplain Red Gum Woodland EEC.
Mandatory considerations	**Commission's consideration**
Relevant environmental planning instruments (**EPIs**)	Appendix C of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • SEPP Planning Systems; • SEPP Resources and Energy;

	• State Environmental Planning Policy (Resilience and Hazards) 2021 (**SEPP Resilience and Hazards**); • State Environmental Planning Policy (Biodiversity and Conservation) 2021 (**SEPP Biodiversity and Conservation**); • State Environmental Planning Policy (Transport and Infrastructure) 2021 (**SEPP Transport and Infrastructure**); • MLEP 2009; and • SLEP 2013. The Department in its response to the Commission dated 1 September 2026, provided further information in relation to the SEPP Resilience and Hazards, SEPP Biodiversity and Conservation, SEPP Transport and Infrastructure, and the MLEP and SLEP. The Commission notes that the SEPP *Climate Change and Natural Hazards* was exhibited from 17 February 2026 to 14 March 2026 and its currently under consideration by the Department. The Commission has considered the above EPIs as part of its determination. Having regard to the assessment materials, Department and agency advice, and the findings in these Reasons, the Commission is satisfied that the Applications are consistent with the relevant provisions of those instruments and that any applicable statutory requirements including any provision requiring the consent authority to be satisfied of specified matters before granting consent, have been met.
Relevant Development Control Plans (**DCPs**)	Pursuant to section 2.10 of SEPP Planning Systems, DCPs do not apply to SSD.
Any planning agreement or draft planning agreement	The Applicant has commenced negotiations for voluntary planning agreements (**VPA**) with Singleton Council and Muswellbrook Shire Council. Singleton Council has agreed in principle to a VPA to the amount of $6.56 million at its ordinary meeting on 20 February 2024. The Applicant provided a letter of offer to Muswellbrook Shire Council dated 15 January 2024 regarding the establishment of a VPA for the amount of $203,000 including proposed draft general terms. The Department in its response to the Commission dated 1 September 2026, clarified that the Commission can proceed with a contribution of $203,000 for the VPA.
Relevant matters prescribed by the Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)	The Commission has considered matters relevant to the Application, as prescribed by the EP&A Regulation.
Likely impacts of the development	The Commission has given consideration to the likely impacts of the development and has set out its reasons for decision in section 5 of this Statement of Reasons for Decision.
Suitability of the Site for development	The Site is suitable for the following reasons: • the Applications would enable an extension of the existing coal mining operations with established infrastructure; • the proposed extraction of coal is consistent with the orderly and economic use of land; • the extension of mining operations would provide social and economic benefits to the region and State; • impacts on surrounding land uses have been minimised where possible, with some impacts capable of being mitigated and/or offset through conditions of consent; and • the Site is capable of being rehabilitated to provide a safe, stable and non-polluting final landform.

The public interest	The Commission has considered the public interest in determining each Application, including the principles of ecologically sustainable development. The Project would cause environmental and amenity impacts, including GHG emissions, biodiversity loss and continued noise and air pollution. The conditions have the scope and limitations described in section 5.1: Commonwealth compliance and additional enforceable commitments for Scope 1, reasonable and feasible renewable-energy measures for Scope 2, and a management-plan requirement for Scope 3. These requirements do not eliminate the residual emissions or their climate impacts, which are included in the overall assessment of the Applications. The ESD principle of intergenerational equity requires consideration of the health, diversity and productivity of the environment for future generations. The Project's employment and economic benefits must be weighed against long-lived climate effects, biodiversity loss and the burdens of rehabilitation and closure. Conditions can address some of those burdens, but do not remove all residual harm. Uncertainty about the precise extent of serious or irreversible damage is not treated as a reason to disregard that damage or postpone consideration of practicable preventive measures. The Project would enable the continued operation of an existing mine, support ongoing employment and economic activity while maximising the use of existing mining and transport infrastructure. The Commission is satisfied the Project would generate economic and social benefits for the Hunter region and NSW. On balance, the Commission finds that the residual impacts of the Project are justified by its social and economic benefits and that the public interest is served by granting development consent, subject to the conditions imposed.

Figure 2 – Land use zone mapping (Source: AR, Figure 9)



Appendix C – Department's Assessment Report

Link to Department's Assessment Report, dated 12 June 2026

Appendix D – Instruments of Consent

Link to HVO North Instrument of Consent, dated 30 September 2026

Link to HVO South Instrument of Consent, dated 30 September 2026

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