



# Hunter Environment Lobby Inc.

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9<sup>th</sup> April 2017

Planning Assessment Commission  
GPO Box 39  
SYDNEY NSW 2001

## **Submission of Objection: D458-17 Wilpinjong Extension Project**

Hunter Environment Lobby Inc. is a regional community-based environmental organization that has been active for well over 20 years on the issues of environmental degradation, species and habitat loss, and climate change.

We again wish to lodge a strong objection to the proposed extension of the Wilpinjong Mine, following our objection on 5/3/16 and 4/12/16 to destroy a further 800 ha of land to continue extracting 16 mtpa of low quality coal until 2033.

Again, our key objections relate to the release of an additional 20 mtpa of greenhouse gases for another 17 years, the destruction of habitat for critically endangered woodland birds, the cumulative impact on the health of the Hunter River system and the social and health impacts of 24 hour open cut mining operations to within 1.5km of the Wollar village.

Following Australia's signing of the Paris Agreement on Greenhouse Gas emissions, the issue of climate change due to man made pollution by carbon dioxide is of profound importance.

We have considered the Planning Assessment Commission Review Report of December 2016 noting that no recommendation was made on the merit of this proposal.

We have also considered the Department of Planning and Environment (DPE) Final Report. We welcome the decision to backfill the proposed final void in Pit 8. This decision demonstrates that there is a capacity within the project to provide better environmental outcomes.

We considered that a merit decision on the project should also require the proposed final voids in Pit 2 and Pit 6 to be completely backfilled.

This submission will focus on the issue of the remaining final voids.

## 1. Remove all final voids

The PAC Review Report recommendation 8 states that:

**Recommendation 8:** *Whilst the Commission acknowledges that the existing mining project has approval for two final voids, the Applicant and the Department should further explore opportunities to limit the extent of the voids, in particular to keep the depth shallow enough as to not form saline sinks.*

The DPE Final Report concentrates on repeating the proponent's arguments for maintaining the Pit 2 and Pit 6 voids rather than fully exploring the opportunities to remove these long term risks in the landscape.

The proposed condition 60 describing rehabilitation objectives identifies the possibility of reducing the size of the final voids. However, this condition is very weak, cannot be adequately regulated and is an insufficient requirement.

The argument that the existing mine plan incorporates two final voids in the mine plan is immaterial. These were approved in 2006. There has been a change in approach to the retention of final voids since that time and a better understanding of their potential risk.

The consideration of hydrology by the Independent Hearing and Assessment Panel in 2005 was for two different voids, in different locations than those proposed for this extension project.

The currently approved Pit 3 final void is higher in the landscape than the proposed new Pit 2 void. It also has a much smaller catchment area and is further from Wilpinjong Creek.

It is interesting that the project can now backfill the Pit 3 void, whereas it was strongly argued for retention in the initial approval. This demonstrates that the project has the capacity to backfill all voids.

The currently approved Pit 6 final void is set much further back from Wilpinjong Creek and again, has a smaller catchment area.

We consider it entirely inappropriate for the final landform, proposed to provide over half the Biodiversity Offset Strategy, to contain potentially toxic water bodies.

The further complication with the proposed change to the Pit 6 final void is its proximity to the very large Pit 4 final void approved for Moolarben Stage 2.

There has been limited information provided about this adjacent final void approved in 2015. The Moolarben Stage 2 conditions have similar requirements to those for this proposal in regard to rehabilitation objectives for final voids.

The Independent Expert Scientific Committee provided advice on the water impacts for Moolarben Stage 2 in December 2012 stating that the best environmental practice is to backfill voids.

This expert committee does not share the same concerns that DPE has raised in regard to potential environmental risk to groundwater sources if the voids are backfilled.

As DPE rightly points out, these proposed voids are shallower than others approved across the state. Therefore, the impact of backfilling them will be far less.

We consider the proposed change in position of void 6 is a very high risk approach. The environmental impacts of combining two separate voids have not been clearly identified or considered.

The proposal to leave the integration of these voids to negotiations between Wilpinjong and Moolarben mine staff, after approval, is entirely inappropriate and should not be contemplated.

The adjacent mines have different completion dates, Moolarben in 2038 and Wilpinjong Extension in 2033.

There is no discussion about the management of a superpit final void across two mine sites, managed by two different companies, with two separate approvals and two different mine decommissioning time frames.

The final landform objectives are also different across the two projects. The Wilpinjong final landform is now proposed to provide over half the area of the Biodiversity Offset Strategy. This area should not contain toxic lakes. There has been no consideration of the impact on wildlife possibly attracted back to the area.

It is entirely inappropriate for this major final landform issue to be left unsolved to be dealt with sometime in the future.

There is no merit in approving a major salinity sink within a biodiversity offset area.

The argument that the Pit 2 void is a primary on-site water storage that will be used for water supply and on-site water management until rehabilitation is complete is not based on any evidence.

Once mining operations are complete, and if progressive rehabilitation is undertaken as required, there should be no water demand on site. The mine plan should enable the backfilling of this void as a final activity to finish the rehabilitated landform.

HEL recommends that all final voids be removed from the Wilpinjong Mine Plan.

This requires Condition 60 Schedule 3 to be revised so that reference to final voids is removed from Table 11 Rehabilitation Objectives

It also requires Condition 61 to be revised so that the Rehabilitation Strategy:

removes point b) relating to the integration of Moolarben final void

changes point c) no final voids will be retained in the final landform.

The current conditions are not stringent and do not provide any certainty that the Rehabilitation Objectives and Strategy will be implemented.

We have seen many times that post approval management decisions are often ignored and very poorly regulated.

The Rehabilitation Bond will not provide for the management of toxic lakes remaining in the landscape in perpetuity.

To provide certainty that the final landform on the Wilpinjong Mine site will not contain costly environmental legacies, it is imperative that no final voids are approved.

## 2. Impacts on Regional Water Sources

The ongoing cumulative impact on water sources in the Upper Goulburn River catchment has not been adequately addressed. The NSW Govt has turned a blind eye to permanent regional water impacts from mining. We hope that the Commission, in its role as independent decision-makers on the environmental sustainability of this project, undertake a more rigorous approach to understanding cumulative impact than DPE.

There are significant long term impacts predicted for Wilpinjong Creek including the loss of base flows and an increase in salinity levels

The total loss of base flows to the Goulburn River from the three mines in the upper catchment has not been provided. The total salt export into the Goulburn River from the three mines is also not provided.

The PAC Review Report contains 11 recommendations relating to water issues. We note that the IESC was critical of the quality of the assessment of water impacts from this project.

We do not consider that the proposed conditions of consent adequately address the key recommendations of the IESC. Condition 30 is very weak in that only requires the company to consider those recommendations rather than requiring them to be applied.

Baseline data for surface water and groundwater and the revision of the groundwater model should be required by the Commission prior to making the final determination.

### 3. Other reasons for rejecting the proposal

HEL continues to object to the approval of the extension project.

#### 3.1 Justification and the cost of Climate Change

We remind the Commissioners that the current approval for Wilpinjong Mine was justified by a contract to supply Bayswater Power Station until 2025. The operation can continue to meet this obligation without an extension.

The proposal to continue mining for another 7 years with increased environmental, cultural heritage and social impacts cannot be justified.

The current approval of Wilpinjong Mine until 2026 is adequate time for a just transition for mine workers to move into other forms of employment. The royalties from the coal will not mitigate the increasing costs of climate change to NSW.

We are experiencing more and more very costly extreme weather events.

The catastrophic fire weather on Sunday 12 February hit the Mudgee region very hard and saw enormous loss of property, stock and infrastructure. Nothing like these weather conditions have ever been experienced in the district before.

The extreme flood events over the past week or so have seen loss of life, property and infrastructure.

The ongoing cost of climate change induced extreme weather events are a significant public cost that must be taken into account when assessing coal mine expansions. There is no merit in continuing to pour greenhouse gases into the atmosphere.

#### 3.2 Aboriginal Cultural Heritage Impacts

We support the local Aboriginal community in their concern for the ongoing loss of significant cultural heritage values in the region through mine expansion.

We note that the recommendation from the PAC Review that additional consultation with the local Aboriginal community has not been met. This issue must be addressed.

DPE Final Report acknowledges that the project would result in impacts on Aboriginal heritage sites of Significance. A value of \$10m worth of royalties has been put on the Rocky Hill Complex heritage site containing an ochre quarry and ancient artworks.

We contend that these heritage values are priceless and that the NSW people have not been asked if they are happy to forgo these royalties to preserve such a significant heritage area. Cultural heritage is irreplaceable and should be afforded more respect.

### 3.3 Biodiversity Offsets

Our group strongly objects to the proposed biodiversity offset strategy that relies heavily on untested outcomes. The entire concept of biodiversity offsets is an anathema in itself.

The offsets proposed for this extension project are an enormous compromise of the current NSW Policy, which in itself is very weak.

We cannot support that over half the entire land based offset is proposed to be achieved on mine rehabilitation over a 26 year period. The supplementary measure for Regent Honeyeater species credits is also an incredible compromise that will not solve the problem of habitat loss.

Neither of these proposals in the offset strategy meet the requirements of NSW Policy. We consider there is no merit in the biodiversity offsets and they will not mitigate the extent of the impacts.

The proposed conditions to regulate the mitigation of biodiversity loss are extremely weak and will not result in outcomes that address the extent of the impacts.

### 3.4 Social Impacts

The social injustice inflicted on the remaining residents of Wollar district has not been recognized and the proposed Social Impact Management Plan will not address the depth of the impacts experienced by the stranded community members. We support their call for acquisition rights to compensate for their loss of community support structures over the past 10 years. This will enable them to determine their future under just terms.

### Conclusion

Finally, we note that the PAC Review Report identifies the need for a long term strategic plan for the western coalfields. We endorse this approach and consider that a decision on the merit of this proposal cannot be made until such time as it can be considered within a strategic framework that includes assessment of cumulative environmental, cultural and social impacts.

Hunter Environment Lobby recommends that the proposal not be approved.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Jan Davis', written in dark ink.

Jan Davis  
President