

"Reclaiming our Valley"

Hunter Communities Network

PO Box 14 Singleton 2330

Bylong Coal Project
Independent Planning Commission of NSW
Public Meeting 7 November 2018

The Hunter Communities Network is an alliance of community based groups and individuals impacted by the current coal industry with concerns about the ongoing expansion of coal exploration and mining in the region.

We object to the Bylong Coal Project as a high risk operation containing a high level of uncertainty that has not been addressed through the various iterations of assessment and tweaking of the mine plan.

This project failed to meet 11 of the 12 criteria of the Gateway process, in the first instance, and was highly criticised by the Planning Assessment Commission review process. We do not agree with the Department of Planning and Environment that the project is approvable or that the draft conditions manage, mitigate or adequately compensate for the high level of risk.

One of our key issues is the failure of the planning system in NSW to address cumulative impact.

Mining is a major land use change. It is not a temporary land use change because many of the impacts are permanent or long lasting over centuries.

These permanent changes include social, economic and environmental impacts.

In the Hunter we are experiencing permanent loss of rural communities and associated agricultural industries. For example the saleyards at Denman are likely to close because of the loss of cattle production in the area. This is not just a drought related issue. It is tied to the large area of land acquired by the mining industry and loss of farming families from the district.

The area from Ulan to Bylong is now nearly totally owned by foreign mining companies and has been almost completely depopulated. A few stranded people dotted around Wollar, including myself, and some private properties to the west of KEPCO-owned land is all that remains in the hands of local people over a substantial area of Mid-Western Regional LGA.

One of the reasons for this, is that modelled predictions for mine noise pollution have been greatly underestimated. The three operating mines to the west of Bylong have acquired many more private properties in the region than first identified because they were unable to manage

noise emissions to satisfy their conditions of approval. This cumulative social impact of loss of local families from the district has never been assessed.

The Bylong Valley has an unmeasurable background noise level. The sound from multiple mine machines and the coal handling plant operating 24 hours/day will invariably travel much further than predicted. In the long run this will cause more local property owners to be acquired and further hollow out the community. This is the exact pattern that occurred in Wollar.

If the Bylong Coal Project is approved many more land holders will be forced out of the district through either noise impacts or loss of water supply.

The cumulative loss of agricultural and social networks across the region is significant and has not been addressed in the KEPCO preliminary social impact management plan. The damage has already occurred and cannot be addressed by a company whose main objective is to extract coal and get it onto a train. The circumstances can only improve if KEPCO sells the land back to private farming enterprises.

The economic damage caused through loss of agricultural services and expertise has not been addressed.

The functionality of rehabilitated mine land is also an unproven risk into the future. The industry has run trials of cattle grazing in the Hunter on highly fertilised mine rehab. However, there has been no analysis of the cost per hectare of keeping that pasture viable.

I had the opportunity to fly over parts of the Hunter mining operations recently and the rehab is looking very stressed due to the severity of the drought. This is to be expected. However, the risk of natural disasters on the success of mine rehab is rarely factored into the predictions.

The proposal by KEPCO to rehabilitate 400 ha of prime agricultural land on mine spoil is a high risk commitment. The attempt to reinstate 63 ha of river flat at Hunter Valley Operations and grow lucerne has been a disaster with ongoing management problems including rising salinity.

NSW can't afford to continue losing productive farm land on the promise that at some unknown time in the future it will possibly be reinstated. Mine rehab can have ongoing expensive management issues that are not covered into the future by the current bond arrangements.

The community had understood during the development of the Upper Hunter Strategic Land Use Plan that the purpose of mapping Biophysical Strategic Agricultural Land was to protect it from mine disturbance.

We consider it the duty of the Independent Commission to make this important decision and protect the area of BSAL and critical industry cluster land in the Bylong Valley from being destroyed by mining.

The other permanent, uncosted damage is to our groundwater and surface water sources. In Australia, the driest inhabited continent on earth, Governments are allowing sources of pure spring water that feed aquifers and rivers to be permanently dug up or destroyed by subsidence impacts. These can never be reinstated and are poorly mapped and assessed.

As we face much longer droughts through human induced climate change, to continue to destroy or compromise water sources is pure madness.

The assessment of water impacts from the Bylong Mine is particularly poor and the Department of Planning and Environment should be ashamed of the process they have conducted for this significant land use change in the Bylong Valley.

The Gateway assessment and the Planning Assessment Commission review had substantive issues with the proposal that have not been adequately addressed because this mine will have too great an impact.

The revised mine plan now before you does not mitigate these major problems.

The Gateway analysis stated that *'Significant impacts are anticipated on highly productive groundwater and the consequent connection between surface and groundwater in modeling requires more detailed evaluation.'*

The water modelling process for this project is highly questionable. The Department has used the same peer reviewer who is used for most mine applications, Dr Frans Kalf.

Kalf peer reviewed the groundwater model for the Moolarben Mine which is now proven to have under predicted inflows to that mine by about six times. The predicted 1ML/day inflow has become over 6ML/day. This is a substantial deviation from the modelled predictions.

Kalf also peer reviewed the water model for the Ashton South East Open Cut mine near Singleton. Two officers of the Department of Industry Water raised informed objections to the assessment of the impacts on water sources. They were both moved on from their jobs. Their expertise has not been replaced within the Department.

The community has absolutely no trust in the internal assessment process used by the Planning Department. We expect that the Independent Planning Commission can demonstrate its independence by having other experts review the water model assumptions and the predicted impacts. This is critical information in making a final determination for the Bylong Coal Project.

The Gateway process also identified the need to:

'Provide a strategy for complying with the rules of the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources. In particular the implication of reduced available water determinations (AWDs) and the cease to pump rule.'

This has not occurred. The only strategy identified by the Department in the draft conditions is for the scale of mining operations to be adjusted to match available water supply. It does not deal with sharing water with other users or the environment.

The management of water for other users, including the condition of the water source itself, has been ignored – other than unsatisfactory arrangements through vague water compensation conditions that give no certainty to anyone.

The key concern about the revised mine plan with a smaller footprint, is that it is still a first foot in the door for a new green field mine site in the Hunter region. Once approved, there will be no stopping ongoing modifications to enlarge the footprint. The cumulative impacts will be ongoing until the whole Bylong Valley is destroyed, as has happened at most other mines in the region.

There is absolutely no certainty that the current proposal will be the final size of the mine once it is approved. The Commission must take this into account in the merits assessment of opening the door to coal mining in the Bylong Valley.

The consideration of incremental mine creep, modification by modification, as individual projects, fails to assess the cumulative, long term permanent damage of the enlarged projects. This is a key failing of the NSW planning system.

The failure of this process is demonstrable at the 3 mines to the west of Bylong and the mining operations in the Hunter coalfields. Once the first footprint is approved, it is open slather to grow larger without adequate assessment of cumulative impact.

The impact of any mining at all in the Bylong Valley is too great and should not be approved.

Other areas of concern include increased mine traffic on regional roads and the increased train movements on the Sandy Hollow Rail Line. Neither of these impacts have been adequately assessed.

The proposed access to the mine site for heavy vehicles is limited to the Wollar Road from the Mudgee direction. This road is narrow and dangerous for local users. There is already mine generated traffic with contractors travelling up from the Hunter, always at speed.

The proposed investment in an upgrade of the road between Wollar and the Ulan Road will not solve all the current safety problems or fix the poor condition for the entire length. The road is not suited to regular use by heavy vehicles carrying large, oversized loads or two shift changes a day.

The cumulative cost of mine traffic on regional roads has been a major problem in the Mudgee area that will be further impacted if a fourth coal mine is added. We don't want to see a repeat of the horrific road accidents that occur quite regularly in the Hunter due to fatigued mine workers driving long distances.

The other transport issue that has not been assessed is the addition of up to 10 laden trains a day on the Sandy Hollow Rail Line. There is already approval for up to 25 laden trains per day on the line. That means up to 50 movements. ARTC has admitted to the Wollar community that they do not undertake noise monitoring even though they have an environmental pollution license with noise conditions. The EPA also does not monitor for train noise or check the real time noise monitors set up in the area, especially to monitor night time noise.

The increased train movements is an issue for the entire Hunter coal chain. For instance, the impact of another 20 train movements a day on traffic using the Golden Highway at the Denman level crossing, has not been assessed.

The costs benefits analysis for the project has some major flaws because of the poor assessment across a range of issues.

The Department's final report indicates that costs associated with greenhouse gas emissions were proportionally allocated to NSW households. But that is just the scope 1 and scope 2 emissions. The costs of increased extreme weather events caused by human induced climate change is not included.

We had 2 catastrophic fires in this region at the beginning of 2017 that caused a lot of damage and luckily no loss of life. The cost of fighting these fires and rebuilding the district, especially around Dunedoo, has been significant. We are looking at an even worse fire season this year.

The cost of the severe drought across the state is also significant. We can't afford the costs of another coal mine producing coal until 2044.

Hunter Communities Network considers the Bylong Mine Project to be high risk with a high level of uncertainty due to the poor assessment process.

The cumulative impacts on water, community, traffic and rail are too great. The Commission needs a lot more evidence to make an informed merits based determination on this Project.

We recommend that it be refused due to the lack of adequate information.