

"Reclaiming our Valley"

Hunter Communities Network

Independent Planning Commission of NSW
Public Meeting
Moolarben Coal Mine Stage 1 MOD 14 and Stage 2 MOD 3

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

Poor Planning

It is of considerable concern to the community that we have to continually respond to mining expansion creep on a modification by modification basis that appears to be never ending.

To have a 14th modification of a major coal mining complex before you, over a 12 year period, is a strong indication that there is something wrong with the assessment and approvals process in NSW for state significant developments associated with the coal industry.

The justification for this proposed expansion is basically that an additional 3 million tonnes per annum could be squeezed out of the open cuts while also attempting to fix the problem of increasingly large volumes of unpredicted water make into the underground workings.

While we support some elements of the proposed modifications, we consider the environmental impacts of increased loss of critical habitat and increased mine water discharge into the Goulburn River will not be effectively avoided, minimised, mitigated and/or compensated or that the recommended revisions to the conditions of approval provide a comprehensive, strict and precautionary approach as claimed by DPE.

Social Impacts

We also consider that the ongoing incremental creep of significant social impacts from the large Moolarben Mine complex have never been adequately assessed or mitigated. We note that there is an indication in the response to submissions that more property acquisition has occurred since the modification application was made.

The map in Appendix 5 of the draft conditions, Fig 5.1 relevant landownership, demonstrates the scale of loss of private property and the associated loss of members of a rural, farming

community that once supported the Ulan Bushfire Brigade, now disbanded, a general store, now closed down, a church, now demolished and Ulan School whose numbers have dropped dramatically.

These social impacts have been replicated from Ulan to Bylong over an extensive area of Mid-Western Regional Council area. The cumulative negative social impacts of coal mining in the region have never been assessed or given any weighting in the decision-making process.

The loss of entire communities with generational connection to place, including Aboriginal heritage connections, has been afforded no value in the approvals process.

Air Pollution

The neighbouring community and the region in general has had to cope with increasing levels of air pollution from coal mining.

We note that the DPE assessment report confirms that the cumulative increase in dust pollution from these modifications has the potential to be above the average 24-hour PM¹⁰ criterion at the closest private properties.

We also note that the EPA has identified a number of concerns with the air quality assessment, particularly for the dangerous PM^{2.5} dust particles and with MCOs dust management plans.

The EPA recommends that you, the consent authority, note that the MCO response to submissions does not provide additional and robust analysis to demonstrate that the current reactive management system effectively prevents all additional exceedances of the 24 hour average PM¹⁰ and PM^{2.5} impact assessment criteria.

The ongoing issue of passing an increased health impact burden onto the surrounding community is reprehensible and needs to cease. Community health needs to be better valued in the approvals process for coal mining. A relentless, incremental increase in toxic emissions from coal mining is morally unacceptable.

The increase in dust pollution associated with this proposed increase in coal extraction by 3 million tonnes per year until 2038 will not be managed effectively through conditions of approval, an EPA EPL or any other form of regulation.

The air pollution impacts from the modifications are justification alone to reject the application.

Noise Pollution

We note that the issue of noise pollution from the Moolarben Mine complex has been relegated to the other issues status in the DPE assessment report. Yet there have been regular complaints to MCO about mine noise since operations commenced.

The DPE report acknowledges that the proposed extension to open cut pit boundaries will bring mining operations closer to private neighbours and that there will be increased noise.

We also note that reference is given to attended monitoring and an independent review of mine noise in relation to low frequency noise emissions. The attended monitoring only occurs for 15 minutes on a monthly basis and the independent reviews are equally as cursory based on monitoring at two properties in 2016.

The majority of noise complaints are based on low frequency noise disturbance that can interrupt sleep and cause distress. The fact that people near the mine have been regularly complaining about noise impacts means that it is an issue and should be better considered.

The cumulative impact of noise from both Ulan and Moolarben Mines has not been adequately assessed. This issue is an ongoing aggravation for community members because often neither mine is prepared to accept responsibility for noise disturbance.

Trains

The community has raised concerns about additional train movements on the Sandy Hollow Rail Line from both the Bylong Mine proposal (still to be determined) and these Moolarben modifications.

Glencore lodged a strong objection to additional trains on the line from Bylong outlining threats to current contracts and demurrage. It stated that the rail line is constrained with current access holders unable to rail their contracted trains due to losses on the line.

The ARTC responded with a letter to the IPC that outlines how the Hunter Valley Coal Network Access Undertaking provides the framework for negotiating rail access and that the Bylong Mine has been included in the annual Hunter Valley Corridor Capacity Strategy since 2012.

However, the letter does not respond to the key issues of current constraints outlined by Glencore and the assessment of Bylong Mine does not refer to the key issues raised by the community.

Likewise, these same issues have been raised in regard to additional trains from the proposed Moolarben modifications. Again the response has been a letter from ARTC dated 10 October 2017 confirming that sufficient rail capacity can be made available for the additional trains.

However, there have been a number of train derailments since that time that demonstrate that the rail maintenance is not being kept up to a safe level and that the line is failing to carry the current contracted loads.

The most recent derailment on the Sandy Hollow Rail Line at Baerami in January this year was a loaded Moolarben train. It derailed on a place where travel speed on the line had been decreased to 20 km/hr for safety reasons. It took a week for the train and spilled coal to be removed and the line repaired.

Additionally a regular line maintenance closure also occurred immediately afterwards.

Meanwhile the three mines currently contracted to use the rail continued to produce coal while having no rail access.

The coal stockpiles at the three mines are now at bursting point and getting close to filling their approved stockpile footprint. If there are any more immediate problems with the rail line between Ulan and the Port of Newcastle, the three mines may have to cut back production.

The reality is the line is down more than it is up to keep it maintained and the maintenance work is not coping with the contracted loads. Something has to give somewhere.

The outcome of this is that ARTC strategies and undertakings are failing its current customers on the Sandy Hollow Rail Line and there is no capacity for any additional trains on the line.

The community is greatly concerned that rail safety is being compromised and this could have ramifications at level crossings. The level crossing on the Golden Highway at Denman has sunk once and been repaired and is reported anecdotally to be sinking again. A train derailment at a level crossing could have major safety implications for the community.

Numerous impacts have been raised in regard to train movements on the Sandy Hollow Rail Line that have not been assessed and are not addressed in correspondence from the ARTC.

The DPE assessment report refers to the EPA EPL that regulates rail noise. However, there is no monitoring of the rail noise in rural areas to inform whether these conditions are being met.

Hunter Communities Network supports the call from Wollar Progress Association that the Commission conduct an independent review of the impacts of additional trains on the Sandy Hollow Rail Line including the cumulative impact of the proposed Bylong Mine and Moolarben modifications.

Water

Water management issues are the major problem with the Moolarben Mine Complex because of the poor assessment and approvals process in the past.

In regard to impacts of the modifications on the Goulburn River the DPE assessment report states that:

'The Department and the EPA accept that it is difficult to establish what the "natural" flows are in the Upper Goulburn River catchment given the changes that have occurred within the catchment as a result of mining operations and the diversion of the Goulburn River. It is also acknowledged that there is a lack of reliable daily flow data from the Goulburn River upstream and downstream of the proposed discharge point.'

This is recognition of a fact that the community has been raising for the last 20 years. The Goulburn River has been severely impacted by mining. The river should not be subjected to anymore irreversible damaging impacts.

The fact is that the Goulburn River is now more like a regulated river because of the capture of base flows and rainfall runoff into the mines. At times the only flow in the river is mine discharge water.

The DPE report recognises that: *'The key potential surface water impacts would be associated with the increased volume of controlled water releases to the Goulburn River, which could affect water quality, the flow regime, channel stability and flooding.'*

In regard to water quality there has been significant focus on the salinity levels of mine water discharge without taking into account the current cumulative salt load in the river from mining activities.

DPE outlines the result of negotiations that have occurred between MCO and EPA in regard to discharge salinity levels. EPA have recommended that a water study be undertaken by an independent scientific organization to determine the long-term salinity EC limit for discharges from Moolarben Coal Mine.

Hunter Communities Network stresses that this independent study must be undertaken prior to a final determination on the modifications. The study must also include consideration of environmental flow rules to be included in the EPL that control the hydrological impacts of the timing of flow releases.

This water must be discharged to return some of the natural flows to the Goulburn River to mitigate the severity of the mining impacts that have been acknowledged by DPE.

We support the approval of the reverse osmosis plant to manage water quality in mine discharge water. However, we do not support any additional increase in the volume of discharge water and we strongly object to brine being disposed of in any underground mine.

Brine should be disposed of in clay lined tailings dams in a manner that it cannot report back to the environment.

We note that the key reason for the proposed increase in approved discharge volume is the additional water now found in the updated groundwater model to inflow into Underground 4.

This again indicates the poor assessment process used to approve this mine in the first instance. We also note the hypothesis that some of this additional water is migrating from the East Pit at Ulan. Glencore contests this position and must be consulted on the issue of connectivity of groundwater between the two mines.

This additional doubt over water make in Underground 4 highlights the importance of a reassessment of the approval of additional mining impacts adjacent to the Goulburn River.

There are a number of errors in the DPE assessment report in regard to water matters.

On p 13 it incorrectly reports the Wilpinjong discharge limit as 5 ML/day when it is 15 ML/day. On p 41 there is an incorrect reference to conditions of approval in regard to The Drip. The mining operations are to have 'nil impact.'

Justification

There is little justification for the increase in land disturbance to extract a further 3 mtpa RoM coal or for the increased impact on water sources.

The only advantage to the broader community is the possibility of an approximate \$82m in royalties or \$69m at net current value. There is no certainty that this small addition to the state's coffers will be realized given the state of the thermal coal industry and predicted fall in coal prices.

The DPE executive summary claims that cumulative impacts will be minor and that the increased production limits will ensure the security and continued employment of the existing workforce.

Why the existing workforce isn't secure based on information provided in the last 13 modifications of Moolarben Mine is not explained.

There are significant issues with these modifications that remain unresolved and need further assessment.

Hunter Communities Network considers that the cumulative environmental, social and economic impacts of this proposal have not been adequately assessed or mitigated.

There are significant issues around loss of community and ongoing impacts from increased air and noise pollution that are not mitigated.

The loss of baseflows to Moolarben Creek and ongoing changes to the hydrology and water quality of the Goulburn River through proposed increased mine water discharges has not been mitigated. There is no understanding of the source of the additional water now predicted to flow into Underground 4.

Any increase in salt load in the Goulburn River will have an economic impact on downstream water users and industry participants in the Hunter River Salinity Trading Scheme.

The loss of high conservation value remnant vegetation providing habitat for a range of critically endangered species has not been adequately offset.

There is too much important assessment and decision-making being left until after the approval.

We do not agree that the recommended draft conditions provide a comprehensive and precautionary approach that ensures the project will comply with performance measures and standards. The predicted residual impacts are too great and need reassessment.

We trust that the Commission will take careful consideration of the issues raised by the community today and undertake the necessary additional investigations requested.

Conclusion

The following assessments must be conducted prior to the determination decision:

An independent water study of water quality and necessary environmental flow rules.

A reassessment of the source of water inflows into Underground 4 and the associated environmental impacts.

An independent assessment of the management of train movements and maintenance of the Sandy Hollow Rail Line.