

“Reclaiming our Valley”

Hunter Communities Network

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United Wambo Open Cut Coal Project
Independent Planning Commission of NSW
Public Meeting 12 December 2018

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.

The Network continues to strongly object to the proposed United Wambo super pit proposal now before the Commission for final determination. We lodged detailed submissions outlining our objections to the Department of Planning and Environment (the Department) in September 2016 and to the Planning Assessment Commission (the Commission) review in February 2018.

Our key issues of concern have not been addressed in the Department’s final assessment report. We consider it untenable that this massive land use disturbance has progressed so far through the planning process.

The underlying purpose of this proposal is to shift the cost burden of mining from the industry onto the community and environment.

We do not support the Department’s conclusion that this mine has benefits that outweigh its costs. We also do not support the **position** that the recommended conditions of approval will provide a high level of protection for the local environment and the amenity of the local community.

The project has no merit for a number of critical reasons.

The first is that this large scale proposal is in an area of the Upper Hunter already over saturated with the cumulative impacts of open cut mining. The current combined impacts from the highly intensive existing operations are too great and have not been adequately assessed or considered. The additionality of the proposed impacts is far too great and cannot be managed or mitigated.

The second reason is the proposal to turn a four seam open cut mine overlying a four seam underground mine into an eight seam open cut mine is a major change to currently approved land use. This does not meet the object of the Environmental Planning and Assessment Amendment Act 2017 to ‘*promote orderly and economic use and development of land.*’

We do not support the economic rationale for this major change in land use disturbance and consider that the assessment of the costs and benefits has been very poorly conducted.

The Commission review report raised a number of key issues to be addressed. We do not support that these have received adequate response or much additional information.

The Network's key objections are based on the unacceptable cumulative social and health impacts caused by additional mine pollution in the form of noise, dust, blasting and diesel emissions. Also unacceptable cumulative natural environmental impacts on water sources and biodiversity.

The proponent's response and Department's final assessment report fail to adequately address these critical issues.

1. Noise, Vibration and Blasting

We note that the Commission made 12 recommendations on noise, vibrations and blasting.

The issue of assessing and regulating additional noise pollution from this complex proposal is very fraught and provides no confidence that there will be any protection for the community.

Recommendation 1 – policy setting

It is inconsistent to cherry pick the new Policy for Industrial Noise assessment criteria for Low Frequency Noise (LFN) and use the old Industrial Noise Policy criteria for other mine noise emissions. LFN is a major health issue, it travels further afield in rural settings and causes annoyance and sleep disturbance for a large number of residences not identified in the assessment process.

The Network is not surprised that the Department has confirmed our key long term objections to the changes made to the Industrial Noise Policy. They acknowledge that the limits imposed under the new policy would be more relaxed and would reduce the proposed acquisition and mitigation rights for five nearby receivers.

We consider it critical that the LFN assessment for this proposal also be conducted under the Industrial Noise Policy to maintain consistency.

Recommendation 2: Project Specific Noise Limits (PSNLs)

The recommendation was to adopt the PSNLs identified in the Department's preliminary report. Instead these noise limits have been amended base on assessment by the proponent – not by an independent noise review.

The amended PSNLs are far too high particularly in regard to sleep disturbance limits in a rural setting. The cumulative impact of noise from existing mining operations is already too great.

Draft condition B1 at Table 1 recommends extremely high noise levels for many residences in the area, especially at night. This is an unacceptable imposition on the surrounding community and is a very strong argument for not approving the mine proposal.

The patent unfairness of the planning system and noise policy is that when there are noise enhancing meteorological conditions eg in winter on still frosty nights – the noise criteria do not apply. This is the time when the cumulative noise impacts are at their most disturbing.

The conditions associated with the development of a noise management plan are meaningless because the allowable noise levels are set far too high and will cause a high level of disturbance.

Recommendation 3: the PSNLs should be achievable under consent conditions

The response identifies that the new set of PSNLs removes 5 properties from any voluntary acquisition or mitigation rights and another 2 properties downgraded to mitigation rights only.

This demonstrates that once again the Department has taken proponent information to further compromise the rights and health of the community rather than conducting an independent review and proposing stringent noise conditions that protect the community.

Even so, the revised PSNLs will be exceeded at 36 properties in the vicinity of the mine. This, on top of existing mine noise that causes a great deal of annoyance and sleep disturbance, is unacceptable and is a strong reason to reject the project.

The Network strongly objects to the Department's position that an additional 2 dBA exceedance for this additional project is 'negligible' when taken in the context of the existing mine noise disturbance.

The key flaw in the noise assessment process is the fact that existing mine noise pollution is counted as background noise and then the PSNL is added on top.

This whole area of the Upper Hunter already has too much mine noise and should not be subject to more noise.

Recommendation 4 & 5: Road and Rail Noise

The key issue with this assessment is that neither road nor rail noise is monitored. So it is impossible to gauge whether the policy settings in the *NSW Road Noise Policy* or the noise limits in the Australian Rail & Track Corporation environmental pollution licence are currently being met, let alone with any additional transport movements.

Recommendation 6: noise contour map that utilises 1dBA

The Network has had ongoing concerns that 5 dBA noise contours have been used to identify properties that are in or out of the voluntary acquisition zone. This is a very unfair process that considerably impacts on community rights and property values.

The argument that 1 dBA contours are less accurate does not assist in the management of specific noise criteria that are in increments of a few decibels.

The entire process of assessing mine noise impacts is patently biased and unfair to the community. The economic and health impacts of poor noise assessment on the community have not been taken into consideration.

We are particularly concerned about the complexity of the noise management and regulation for this proposal across a number of consents and environmental pollution licences.

We do not consider that Global Acoustics is an independent noise consultant to be producing a noise protocol across this complex project arrangement. This company works across the mining industry in the Hunter and Western Coalfields.

The protocol is for determining compliance with separate premise-specific criteria. It relies on guidance contained in both the INP and NPfI to assess compliance using direct measurement followed by modelling, where necessary. As recognised in the NPfI, professional judgement and monitoring expertise would be required during both steps to determine which source is responsible for the measured levels.

This mish mash of noise assessment and regulation is highly unacceptable. The community deserves more respect than this proposal. Any such arrangement must be finalized prior to the decision by the Commission and should not be left as a post approval condition, as suggested by the EPA.

Recommendation 10: Blast exceedances

We note that blasting conditions will be exceeded at the last remaining private property in Warkworth Village. The demise of this community is a testament to the cumulative impact of mining in this part of the Upper Hunter.

Recommendation 11: Blast management

Draft condition B11 allows for up to 3 blasts per day with a maximum of 15 blasts per week averaged over a calendar year. So this means more than 15 blasts in some weeks because blasting is allowed on Saturdays.

This blasting will occur over a much larger area than the existing Wambo mine approval.

According to the Department report these blasts are to be co-ordinated with blasts from adjacent mines. However, draft condition B 18 only requires all reasonable efforts to minimise cumulative blasting impacts rather than prohibiting adjacent mines from blasting at the same time.

There is no description of the number of blasts per day already approved across these nearby very large open cut operations including HVO South & North, Warkworth - Mt Thorley, Bulga or Rixes Creek.

The Network has raised the issue of cumulative blast impacts throughout the assessment process for this proposal and note that neither the Department nor Commission have given this issue due consideration.

Blasting in open cut mines in the Hunter is an ongoing cumulative impact that is a major disturbance to humans, livestock, buildings, infrastructure and health.

The draft conditions do not manage or mitigate this high level of impacts.

Recommendation 12: structural inspections of buildings

Because of the multiple daily blasts across this highly intensive mining area, it would be impossible to assess which mine was responsible for any structural damage to nearby buildings.

The proposal to have an additional area of land disturbed by blasting is an unacceptable cumulative impact that should not be approved.

In conclusion, the cumulative impacts of mine noise and blasting pollution and vibration are too great in this area of high intensive mining. The Commission needs to consider the concept of a cumulative impact threshold. We consider an acceptable threshold has already been breached in this area and there is no more tolerance left for an additional increase in noise and blasting activity.

2. Air Quality

The Commission review made 9 recommendations on air quality impacts.

We consider the Department's approach to protecting human health from dangerous levels of air pollution is highly irresponsible.

Recommendation 13: assessment with latest guidelines

It is very difficult to accept the finding that the new air quality assessment using the updated National Environment Protection Measures (NEPM) has not materially changed the level of air quality impacts.

The number of air quality exceedance alerts from the Jerry's Plains regional monitor have increased significantly since the approved Wambo Mine open cut has extended to the west.

The NEPM guidelines are already being regularly exceeded at all the surrounding regional monitors. This is an indication that the air shed is already saturated with mine dust and any more is far too much.

If the finding is that any additional dust won't increase the number of exceedances already exposing the community to health threatening levels of air pollution – then the assessment has been very poorly conducted.

The Commission cannot take at face value information provided by the proponent and accepted by the Department that air quality assessment under the new guidelines will make no difference to the cumulative impact of this super pit on the regional air quality.

In fact, the response to Recommendation 20 demonstrates that the use of the new guidelines increases the number of mine-owned properties with significant air quality exceedances from 22 to 41. This is a substantial increase in the number of air quality exceedances and demonstrates a clear increase in cumulative impacts.

Under these circumstances it is very difficult to believe that the cumulative impact of this new large open cut proposal will not increase air pollution in the region and also increase the impact on neighbouring private residences.

Recommendation 14 & 15: response to independent review

The lack of background data for PM_{2.5} dust particles – the more dangerous to human health is still a key issue for the air quality assessment. An undertaking to regularly monitor for this type of critical air pollution is not an adequate response.

While it might satisfy the Department's reviewer, it does not satisfy the community who have to live with the pollution 24 hrs/day. While the mining workforce regularly have their lung function tested, the community is not offered the same level of protection. Neighbours do not get to drive out of the pollution every day, as the majority of mine workers do.

Recommendation 16: blast fumes

We note that a blast fume monitoring trial is being conducted on another Glencore mine site at Ravensworth open cut to measure NO₂ concentrations and dispersal off site.

As stated above the United Wambo super pit proposal is for 3 blasts per day with a maximum of 15 blasts per week in liaison with blasting requirements of surrounding operations.

The results of all current monitoring trials being conducted across various mine sites in the Hunter region need to be available before this project can be approved.

The constraints around finding the right meteorological conditions for all mines to conduct their daily blast requirements must be considerable.

The cumulative load of NO₂ being released into the air shed on a daily basis has not been clearly assessed. This is a major failing of the air quality assessment. What tonnage of explosives are detonated on a daily, weekly and annual basis across this highly intensive mining area?

This information has not been made available in any of the Department's assessment reports.

The plan to notify residents of a potential fume event and implement a pollution incident response plan to avoid public exposure to the blast fume, is not good enough. The public is regularly being exposed to high levels of blast fumes because of the high number of daily blasts already approved in the part of the Hunter region.

Recommendations 17 – 19: diesel and GHG emissions

The Department's final report and the proponent's response to Commission recommendations claim to manage fugitive emissions.

However, Table 3.7 in the response report makes no mention of fugitive emissions or any clear plans to manage these.

The coal seams at Wambo Mine have a high level of fugitive emissions that are vented from the underground operations. This source of high GHG methane levels are released into the atmosphere during open cut mining. This is a scope 1 emission that increases NSW total GHG emissions. This problem has not been adequately assessed or mitigated.

The proposed management of diesel fumes, a known carcinogen, is highly unsatisfactory. The additional use of diesel machines with a greater than 30 L capacity is a key cumulative impact in this area. There has been no analysis of the existing number of large diesel machines or the volume of diesel combusted on a daily basis at currently approved mining operations.

If the required standard of vehicle with the best commercially available emissions technology is not yet available in Australia, then this is a major issue for the entire mining industry. The community is surrounded by a high number of large diesel machines operating 24 hrs/day with old and possibly very poor diesel emission control. This proposal should not be able to go ahead until the best technology vehicles are available on a commercial scale in Australia.

The issue of cumulative diesel emissions in the Hunter region is critical for the protection of human health.

Recommendation 20 – mine owned residences

It is of great concern to community members that residents taking up leases in mine-owned properties generally have to sign a gag clause that prevents them from complaining about the pollution conditions on the property.

This often causes a break down in community relationships that didn't exist prior to the property being acquired. The loss of social fabric and networks is a significant social impact that has not been assessed in this area of the Hunter region.

It is significant that the air quality assessment using the new guidelines has increased the number of mine-owned properties affected by poor air quality from 22 to 41.

Recommendation 21 – AQ Monitoring Network

The proposed air quality management plan should be developed with local community input and take into account the regular regional exceedances of NPEM standards.

It is highly unlikely that the additional dust, diesel and blast fume emissions can be adequately managed and remain on site. This is not the case for any existing mine operation in the area.

3. Final landform and rehabilitation

The Commission made 6 recommendations on final landform and rehabilitation.

Recommendations 31 & 32 relate to backfilling final voids

The Department, once again relies entirely on information provided by the proponent. It is obvious they would want to retain final voids because it is a cheaper form of mining.

One of the key reasons that Glencore put the United underground operations into care & maintenance while applying for this super pit proposal is that open cut mining is a lot cheaper than underground mining, therefore overall profit margins are improved.

This proposal to shift a four seam open cut mine into an eight seam deep open cut is purely a cost shifting exercise from the mining industry onto the community and environment through increase cumulative impacts.

It is not surprising that the Department has blithely taken on board all the industry arguments about the need to retain final voids, because of the inherent bias in their decision-making.

Because we cannot test the merit of this project with all its inherent cumulative impacts, we trust the Commission will take a more obvious independent analysis of the costs and benefits of the proposal as it now stands.

The argument that final voids are needed to drain activated salts and keep them from migrating into the surrounding landscape is a very strong argument for not approving that disturbance in the first place. It is interesting that Peabody Energy has not been able to leave final voids in the

landscape in America since 1978. This raises the question – what analysis of increased salt migration has been undertaken in the American coalfields where all mines have been required to progressively backfill the entire mine and leave a similar landform to the pre-mining condition.

Draft condition 86 requires progressive rehabilitation to minimise total area exposed at any time. This condition allows for the progressive back filling of final voids. The argument that this process would increase the life of mine and disturbance of neighbours by another 6 years would indicate a failure to meet condition 86.

The Network strongly disagrees with the Department that the two voids option is acceptable. The cumulative impact of large hypersaline water bodies remaining in the Hunter landscape in perpetuity is a legacy that fails to meet the precautionary principle and the principle of intergenerational equity. This is a failure to meet ESD objectives and is an unfair cost shifting exercise.

For the proponent to claim that a \$129 million cost to back fill the voids would make the project unviable is a nonsense and should not be accepted by the Commission.

The proposal is to mine 150 mtpa over 23 years. At a conservative price of \$100 per tonne export value through the Port of Newcastle, this is \$5 billion dollars worth of coal. A \$129 m backfill cost could hardly render the project unviable.

What we have here is two coal companies who want to squeeze the most profit possible out of this resource and a Government prepared to give them anything they ask for. This proposal increases the size of existing approved final voids by a substantial amount.

The Network objected to those final voids being left in the first instance.

Recommendation 33 – post mining land uses

We find this recommendation to consider potential final land use quite puzzling when the proposal is to reinstate over 870 hectares of rehabilitated land with an offset for the critically endangered Central Hunter Valley Eucalypt Forest and Woodland.

The Department supports an adaptive management approach and recognises that it is difficult to predict future land use demands and community needs beyond 20 years. What we do know is in that period of time extreme weather events will have increased due to climate change.

The last thing the community will need is more larger hypersaline pit lakes to manage.

Recommendations 34 – 36 – biodiversity offsets on rehab

In regard to the re-establishment of CEECs on rehab as an offset, we find it completely disingenuous that the Department is prepared to rely on a study undertaken by the NSW

Minerals Council to consider the possibility of reinstating an endangered woodland population under the offset credit scheme.

We note that the Office of Environment & Heritage is unable to form a view on the ability of the proponent to create this critically endangered ecosystem in mine rehabilitation areas.

There are many scientific papers in the peer-reviewed literature that clearly show how successfully recreating natural ecosystems on former mined lands is improbable (e.g. Doley & Audit 2013; Erskine & Fletcher 2013; Lamb et. al. 2015; Ngugi & Neldner 2015; Ngugi et. al. 2015; McDonald et al 2016; Chen et. al. 2018).

It is highly improbable that the proposed mine rehabilitation objectives or expected environmental outcomes will be achieved, or that satisfactory re-establishment of cleared threatened ecosystems on mined lands will occur.

The Department recommends that any failure to meet offsets on rehab be managed through the retirement of deficit credits to make up the shortfall. This market based solution to managing ongoing cumulative loss of critically endangered ecosystems is a total failure in regard to outcomes for the natural environment.

The Departments final report and the proponent's response fail to meet these recommendations of the Commission in regard to offsetting significant loss of biodiversity on rehabilitated mine land.

4. Project Justification

The Network does not support the justification for this super pit proposal. We definitely do not agree with the Department's opinion that the public benefit outweighs the considerable additional costs to current and future generations and the permanent damage to water sources and biodiversity.

The conclusion that the cumulative additional impact of this large increase in new open cut mining is small compared to the existing mining impacts is a nonsense. That view only serves to confirm the community view that there is already too much mining in this part of the Hunter and any additional impacts will be intolerable.

The proposal is to mine an additional 150 mt over a 23 year period, extend the life of Wambo Mine and allow the unfinished United underground mine to be open cut. This is at the expense of community health, social fabric, biodiversity and the integrity of the Hunter River system over time.

The United underground mine had approval to operate until 2012. Glencore decided in 2010 to stop producing coal and place the mine on care and maintenance. The approved operation ceased to provide the public benefit of jobs, royalties and taxes. The approval to suspend operations was

extended until June 2016 and is now well out of date. This is an unacceptable process that provides no certainty for the community.

The proposal will extract \$5 billion dollars worth of coal and pay the people of NSW \$369 million dollars in royalties for the privilege. The promise to extend the life of 250 jobs and create another 250 cannot be held to account. Mining companies are currently in the process of putting all employees on contracts rather than providing permanent employment.

This proposal will prolong the much needed commencement of a just transition in the Hunter Valley to a more diverse economy. We need cleaner industries that don't cause the extensive permanent cumulative damage that this proposal plans to inflict on the local community and the environment.

The cost of the additional release of GHG emissions on the local, state, national and world economies has not been factored into the cost benefit analysis.

Conclusion

In conclusion, the assessment process for this proposal has been very weak. We object to the final determination being rushed through in the last few weeks of December.

This proposal really is the last straw for the Hunter. It has too many long term uncertainties, too many significant cumulative impacts and no guarantees that the perceived public benefit will outweigh the significant number of costs.