[redacted]

Submission to PAC – Alan Leslie 11 April, 2017 S79.

Regarding

Wilpinjong coal mine extension project(RO39-16)

In 2006, the NSW Government approved the Wilpinjong coal mine in the upper reaches of the Hunter River catchment. Residents of the nearby community of Wollar were told that the mine would be the best thing that ever happened to them. It wasn't. Fast forward ten years and the once vibrant community of Wollar has been decimated. Many people have been forced to leave, unable to continue living next to one of the biggest open cut coal mines in NSW. Now, the mine's owners, Peabody Energy, want to expand the mine further towards the village, increasing their available coal by 95 million tonnes, extending the life of the mine, and in the process: driving Wollar to extinction. Even the NSW Planning Department admits this project will kill Wollar (they just don't care).

~~PAC Hearings are absurd and cynical stunts that serve no purpose, apart from~~ the deliberate removal of the public's legal merits appeal rights over coal projects. It is essential that merits appeal rights are restored for NSW coal mine approvals, as the current approval process is apparently deaf to everyone but the coal industry's in-house "experts."

The Independent Commission Against Corruption has recommended that merits appeal rights be restored for coal mine approvals, and that is a view I share.

I object to the Wilpinjong Extension Project and urge the commission to recommend against its approval. The reasons for my objection are.

Social Impacts

The NSW Department of Planning and Environment (DoPE) now admits that the Wilpinjong coal mine it approved ten years ago has devastated the community of Wollar. When approving the mine in 2006, the Department downplayed the impacts on Wollar and said social impacts from the mine would be "minimised and managed".

The Department was wrong, and now admits it (although not explicitly, but in their usual insipid bureau-speak). But the proposed solution is not to help Wollar – not to fix the problems – instead they propose that Peabody be allowed to finish the community off for once and for all. DoPE now openly acknowledge that this project would kill off the community of Wollar, but recommend that it be approved anyway.

This is a disgusting betrayal of a NSW community by a Department that is supposed to serve them. Instead the Department is serving the interests of an unscrupulous American coal company that has no interest in NSW apart from exploitation. The existing Wilpinjong mine has 11 years of approved mining still to do, over which time it would wind down before closing. This is what was approved in 2006, and this is all that should be allowed in a world that is phasing out thermal coal due to the urgent crisis of ~~climate change.~~ global warming

The Department has incorrectly concluded that the population of the Wollar district will continue to decline even if the mine extension was not approved. This position is not based on any evidence, and does not seem likely given that the impacts of Wilpinjong mine on Wollar will decrease in coming years, as the mine winds down towards closure in 2027. There are great opportunities for the Wollar community to bounce back if the mine is not extended.

However, if it is extended, Wollar will die. And then the mine will close anyway. The Department's Assessment and Peabody's Social Impact Assessment propose that Wollar village be emptied, but fail to recognise the significant impacts facing residents stranded in the surrounding area. These include increased isolation, loss of emergency services and stranded assets. The Voluntary Payment Agreement with Mid-Western Regional Council will not mitigate predicted impacts such as the loss of the local shop and less Bushfire Brigade volunteers with local knowledge.

Noise & Dust

The biggest social impact on Wollar over the past ten years has been noise from the mine, but this hasn't been fully or adequately assessed in the EIS. There hasn't been a proper assessment of Low Frequency Noise pollution from the proposal, despite previous work from the EPA in June 2016 demonstrating that LFN was an issue of concern at the site. This assessment must be done properly.

The Department acknowledges that the project will not even meet the inadequate noise requirements of the government's flawed Industrial Noise Policy. The Department also admits that that there is no reason these requirements couldn't be met, except that it would cost Peabody an extra $42 million to meet them, which the Department doesn't think is a reasonable thing to ask of the company.

The Department is effectively asking the local community to pay the price for the noise impacts of this mine with their health, so that Peabody Energy doesn't need to pay it with their money. This is shameful, but unfortunately, it is true to form for the Department

The modelled air pollution impacts on Wollar and surrounding residents is too conservative, but it still shows that PM10 particle pollution – known to increase respiratory illness – will exceed 24 hour pollution level limits set by the EPA.

This is not acceptable, nobody should have to pay for this mine with their health, and especially not local residents who would not benefit from it in any way.

Aboriginal Cultural Heritage

Peabody's consultants have identified 92 Aboriginal cultural artefact sites that would be destroyed within the proposed mining zone, and another 138 that are at risk. The most important site is within the proposed new mine pit, and includes a rock shelter, rock art, cultural artefacts, and an ochre quarry. To destroy these irreplaceable and invaluable cultural places for the benefit of another few years of open cut coal mining would be a tragedy, and must not be allowed. The Office of Environment and Heritage has identified that the cumulative impacts of mining on cultural heritage is approaching unacceptable thresholds in the region. Enough is enough.

Biodiversity

The proposal will have a cumulative impact on threatened species habitat that cannot be "offset", including habitat for the nationally critically endangered Regent Honeyeater. The proposed biodiversity offset areas are inappropriate and inadequate, and even include land previously mined by the company. The proposed offsets do not meet national requirements for Regent Honeyeater habitat.

Peabody are proposing to mine through the narrow valleys protruding into the Munghorn Gap Nature Reserve, which is completely at odds with the very purpose of a nature reserve. This would impact on the ecosystems and species that inhabit the reserve, and should not be permitted.

Final Voids

The NSW public expects mining companies to fill in their voids.
It is unacceptable that the community be expected to foot the costs and responsibility for these large, toxic lakes that will impact waterways and the regional environment for literally centuries.

Yet once again, the Department is proposing that Peabody should not have to pay money to fill in its holes once the company has collected all the coal and made its profits. This is another disgusting betrayal of the public interest by the Department that is supposed to serve us.
All final voids should be backfilled. The argument that a third void in Pit 8 is necessary because it will cost Peabody $15m to backfill is offensive to common sense and justice.

Peabody has no money

The parent company behind the Wilpinjong project is bankrupt.
Not just morally bankrupt (Peabody are famously anti-science, and big spruikers of discredited climate change deniers), but actually financially bankrupt.

That the Department does not think this is an issue again shows just how one-eyed its view of any coal project is. The Department is apparently incapable of saying "no" to a coal company, even if it has no money.
While Peabody claims that its bankruptcy is a temporary measure that it will soon sort out, energy finance experts disagree, and point to the company's complete reliance on coal as one very good reason that it will never recover.
Coal, after all, is an industry in irretrievable decline, even if the NSW Government has not acknowledged that yet.

The Department report states that benefits of the project include $172.5m of direct capital investment. The report also states that the development decision relates to the 'land' not the 'person'.
However, all the public benefits including employment predictions and investment relate directly to the proponent and their proposal under assessment. The economic analysis and public benefit predictions are an essential part of the decision and cannot be separated from the applicant.

At the very least, the quite real possibility that the parent company behind this project will collapse should be considered in the economic assessment for the project. Without this consideration, the assessment is inadequate.

Climate change

The world, including Australia, has now brought into effect the Paris Agreement on climate change, which aims to limit average global temperature increase to 1.5 – 2 degrees Celsius.
Due to the fossil fuels we have already burned, the world has warmed by 1.2 degrees already, and climate scientists say we are running out of time to meet the Paris targets.

Scientists have crunched the numbers and found that to meet the Paris targets, most known fossil fuel reserves must remain untapped. In Australia, it has been shown that 90% of our known fossil fuel reserves (not even counting further exploration) cannot be mined, without putting the safety of the world's climate at risk. Under these circumstances, it would be reckless and irresponsible to allow the Wilpinjong coal mine to access another 95 million tonnes of thermal coal, as proposed.

Specifically with regard to the Wilkinson Murray Noise Assessment.

This Assessment contains a number of factual errors and irrelevant comments and should be discarded as any kind of authoritative document.

WM refer to the INP Low Frequency criteria

The NSW Industrial Noise Policy (INP) (EPA, 2000) recommends that noise sources containing excessive low-frequency content be subject to a 'modifying factor' adjustment of +5 dB

That is not true...the INP states that "in the presence of Low Frequency Noise...."....nothing about excessive, which is subjective in the extreme.

And

this 'rule-of-thumb' has only ever had moderate success as a screening tool and has been generally only been used for assessing locomotives when measured at 15 metres.

That's not true either. According to one of the original INP authors, it was aircraft at airports that the C-A was derived for. The locomotive story was pushed previously by the since discredited DoPE acoustic consultant, Parnell, and has since become legend

And

the existing mining operation does not contain "dominant low frequency content" in accordance with the INP's assessment procedures

INP doesn't say anything about "dominant low frequency content"...see above.

The LCeq – LAeq method described in the INP suffers from two major failings, being:
1. Over distance, higher frequencies are differentially attenuated at a greater rate than lower frequencies. This means that even a balanced broadband generated noise will generally exceed a LCeq – LAeq level of 15 dB at any distances of more than about 2.5 km.
2. Where noise levels are low, much of the low frequency noise spectrum may be below the threshold of hearing. The inclusion of inaudible noise in an assessment of annoyance is therefore not appropriate and may result in false positive identification of low frequency noise impacts.

1. Of course...this is not a failing, in these circumstances, which lots of us suffer, this is what happens ! it is the LFN that is disturbing!
2. When noise levels are low there are no complaints, so this argument is just ridiculous.

Typically if noise levels are high (40A/60C) there is low frequency content and it is disturbing
When noise levels are low 33A/45C a) no-one complains and b) the C-A difference is less than 15 so it's a non-issue.

The EPA has acknowledged the shortcomings of the INP low frequency method in returning perverse outcomes for receivers located at large distances from the noise source, and has proposed a more contemporary approach in the draft Industrial Noise Guideline (dING). The proposed method is underpinned by scientific studies and is generally accepted as contemporary practice.

It might be a more contemporary approach but it's not scientifically derived...see HCRA submission to EPA re NSW ING previously submitted.

it is considered that low frequency noise when Pit 8 is operational is a possible risk of the project therefore it is considered that the new approval, if it were to be approved, be changed to use the assessment methodology proposed in the dING.

What a cop out !

They admit that there will be LFN impacts and the implication is that if the current LFN criteria from INP was applied, they wouldn't meet the PSNL, therefore use ING....INP is the POLICY, and until that changes, INP should be used

And in any event, who do WM think they are in suggesting that consent conditions be changed, that is not their prerogative

The EIS presented a range of potential noise mitigation options with their estimated capital and operating costs. It was estimated that the proposed reasonable and feasible mitigation proposed for an approximate 5 dB reduction would have a capital and operational cost of $14M over the life of the project. Where a reduction of 7 dB would have an estimated capital and operational cost of $56M. The EIS does not consider the possibility for the properties impacted by noise to be purchased under the Voluntary Land Acquisition and Mitigation Policy as a reasonable and feasible noise mitigation option.
Presumably this is because WCPL has previously committed to maintaining operational noise levels in the village of Wollar to project specific noise levels because of likely social impacts. However purely from a financial point of view the acquisition of houses is likely to be the lowest cost. Taking this into consideration the proposed feasible 5dB noise mitigation at a cost of $14M could be considered reasonable.

So it's all reasonable for the company and will cost them less to acquire properties...to hell with the residents.

Likely social impacts ???? Wollar is just about dead because of the "social impacts"

Again what is a noise consultant doing making recommendations about the acquisition and mitigation policy ??

Noise consultants measure noise...it is not in their purview to comment on the financial aspects of mitigation vs acquisition.

Table 5 Daytime, Evening and Night time Intrusive $L_{Aeq(15minute)}$ Noise Levels

Predicted Daytime Noise levels at Wollar

ID No and Landholder	Year 2018		Year 2020		Year 2024		Year 2028		Year 2031		PSNL Consented Noise Limit	
	Calm	Wind	Calm	Wind	Calm	Wind	Calm	Wind	Calm	Wind		
Privately Owned Receivers (East and South-east)												
153 Marskell	13	11	13	11	10	8	15	13	14	12	35	35
903 Hardiman & Hogan	20	17	21	19	21	19	23	20	21	17	36	36
908 Lynch	18	16	20	17	20	18	22	18	18	15		
914 Nicod	18	15	20	17	20	17	21	18	18	14		
921 Toombs	19	16	20	18	20	18	22	18	18	14		
933 Faulkner	19	16	20	18	20	18	21	18	18	14		
942 Schneider	19	16	21	18	21	18	22	18	18	14		
952 O'Hara	20	17	22	19	23	20	22	19	18	14		

Predicted Evening Noise levels at Wollar

Privately Owned Receivers (East and South-east)												
153 Marskell	11	31	12	31	10	30	14	33	14	31	35	35
903 Hardiman & Hogan	17	35	19	34	17	34	22	36	21	35		
908 Lynch	16	34	17	34	16	32	21	35	19	34		
914 Nicod	16	35	17	35	16	32	21	35	18	35		
921 Toombs	16	36	17	36	16	32	21	37	18	36		
933 Faulkner	16	37	17	36	16	33	21	37	19	36		
942 Schneider	16	37	18	37	17	37	21	37	19	36		
952 O'Hara	17	35	18	36	16	35	22	34	19	35		

Here is an illustration of the problem with the 30dbA assumed background.....

Nearly all properties have daytime noise levels of 20dbA or less...so that's probably not much above the background

Yet on a windy day these levels are going to get to 37dbA in the evening...that's around 17dbA higher than background which is about 3 times as loud in human perception terms !

The reason for the evening exceedances appears to be north westerly winds which are predominant in winter evenings only.
No exceedance of the current consent limits of 35 dBA (or the consented noise limits) are predicted at any privately owned receivers during the night-time in 2018, 2020, 2024, 2028 or 2031 except for a negligible exceedance (1 dBA) at receiver 942 Schneider (2020).
A marginal exceedance (3 dBA) at receiver 102 Filipczyk (2028) is also predicted.
Consistent with the INP that all reasonable and feasible noise mitigation has been provided for the project and because the night time period is the most sensitive time where noise impacts occur it is recommended for Wollar Village that the noise limits be changed for day and evening to 37 LAeq(15minute) and that the night time limit remain at 35 LAeq(15minute)

So because the mine will make more noise in the evening, their consent limit should be raised to 37 !!!!!!

What ?????

They can't keep within their consent limit so it should be raised ????

This doesn't offer the community any protection at all, just allows the mine to be noisier than they should be !!

An additional noise limit of 38 LAeq(15minute) for day, evening and night time be included in the consent for receiver 102 Filipczyk. In accordance with VLAMP, as the PSNL of this property is exceeded by 3-5dB, it would be classified as being in the Noise Affectation Zone. Therefore the proponent would be required to provide mechanical ventilation/comfort condition systems to enable windows to be closed without compromising internal air quality/amenity.

This is a good example of the current tenor of the government's stance on noise....

The mine makes too much noise, oh well, too bad, just jail the residents with air-conditioning !!