



Hunter Environment Lobby Inc.



Presentation
Planning Assessment Commission
Final Determination of Wilpinjong Extension Project

Public Meeting in Mudgee
Tuesday 11 April 2017

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

Thank you Commissioners for coming to Mudgee today to hear our submissions to the final determination of the Wilpinjong Extension Project. We have lodged a written submission that outlines the reasons for our continuing objection to this project. We have also provided some recommendations that would improve the long term outcomes if you decide to approve this large mine extension.

We lodged strong objections to the proposal in March and December last year and continue to oppose the destruction of a further 800 ha of land for the extraction of 16 million tonnes per annum 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, loss of significant Aboriginal cultural heritage 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 (PAC) 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 final void in Pit 8.

This decision demonstrates that there is a capacity within the project to provide better environmental outcomes.

We consider 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.

The PAC Review Report recommendation 8 states that:

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 from 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 is immaterial. These were approved in 2006. The concern about the retention of final voids has increased considerably since then with a better understanding of their potential risk. Also the fact that their management into the future will not be covered by rehabilitation bonds deeply concerns the community.

The consideration of the hydrology by the Independent Hearing and Assessment Panel in 2005, as referred to in the DPE Final Report, was for two different final 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, than the proposed new site.

We consider it entirely inappropriate that the final landform, proposed to provide over half the Biodiversity Offset Strategy, will 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 weak requirements to those for this proposal in regard to rehabilitation objectives for final voids.

The Independent Expert Scientific Committee (IESC) 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 somewhat spurious 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 should not be an issue.

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 these areas.

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

There is no merit in approving two major salinity sinks 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 the Pit 2 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 some changes to the recommended conditions of consent in Schedule 3. These revisions include:

Condition 60 reference to final voids removed from Table 11 Rehabilitation Objectives

Condition 61 Rehabilitation Strategy:

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

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

Condition 64 g) remove reference to final voids

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.

Hunter Environment Lobby has also consistently raised objections to the scale of permanent impact on water sources from large mining operations in the region.

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 scale degradation of the river system

We trust 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 in the DPE Final Report. 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.

The proposed conditions of consent do not adequately address the key recommendations of the IESC. Condition 30 with the requirements of the Water Management Plan is very weak. The recommendations of the IESC and for management of potential acid forming and sodic materials should be outlined in the condition.

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.

Our group has provided many other reasons for continuing to object to this proposal. These include:

1. Poor Justification and the cost of Climate Change.
We consider that the cost of extreme weather events including loss of life, property and infrastructure by 2033 will far outweigh any perceived public benefit from the royalties and taxes predicted to be raised through this mine extension.
2. Aboriginal Cultural Heritage Impacts
The destruction of the significant cultural heritage site at the Rocky Hill Complex cannot be approved. We consider this heritage to be priceless and condemn the argument that \$10m worth of royalties to NSW is more important.
3. Biodiversity Offset Strategy
This very poor proposal does not meet the current NSW Policy on offsets and will not mitigate the continued loss of significant conservation values in the Wollar area.
4. Social Impacts
The social injustice inflicted on the remaining residents of Wollar district has not been recognized and will not be addressed by the proposed conditions. 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.

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 recommend that a decision on the merit of this proposal be made after a strategic framework is developed including the assessment of cumulative environmental, cultural and social impacts.

Hunter Environment Lobby recommends that the proposed mine extension not be approved.

