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GROUNDSWELL GLOUCESTER
PRESENTATION TO PLANNING ASSESSMENT COMMISSION
ROCKY HILL COAL PROJECT

Commissioners

Thank you for the opportunity to comment on the Department of Planning's Assessment Report and Recommendation for the Rocky Hill Coal Project.

Groundswell Gloucester is a community-based organisation that seeks to preserve the essential rural nature of the town by promoting sustainable development opportunities based on the natural advantages that have already shaped our flourishing agricultural and tourism industries.

Groundswell Gloucester made a comprehensive submission in response to the Environmental Impact Statement for the proposed Rocky Hill Coal Project. I do not intend to revisit that submission today, but I commend the submission to Commissioners and have attached the Executive Summary and Recommendations to the transcript of my remarks, which I will tender to the Commission.

This project was first mooted in 2006 when Exploration Licences were granted to the then Gunnedah Resources Ltd. For more than 10 years the prospect of an open-cut coalmine being developed on Gloucester's doorstep has hung over this community like the Sword of Damocles. This has created enormous anxiety, stress and despair for residents. You will hear from many of these during this meeting.

From the time of the first public meeting in 2006, called after the granting of the Exploration Licences, until today, this community has continually expressed its vehement and overwhelming opposition to this project. In February 2009, after Gloucester Resources had begun buying properties in Fairbairns Road, 900 people filled the Recreation Centre and expressed unanimous opposition to the project. This was endorsed at subsequent public meetings and through a survey undertaken by Gloucester Shire Council. In July this year, a ReachTEL survey conducted across the Gloucester local area revealed that 73% of people were opposed to the Rocky Hill Coal Project. Only 19% expressed support.

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But it hasn't just been the local community who have opposed this development. Holiday-makers who return to Gloucester year after year, attracted by our clean air and water, are deeply concerned that a coalmine is proposed to be developed on Gloucester's doorstep. Many have written submissions in response to the EIS, expressing outrage and opposition to this proposed development. Similarly, friends and relatives of local residents have also written submissions opposing the Project.

Gloucester Shire Council also consistently expressed opposition to the Project. Since 2000 the Local Environment Plan (LEP) has zoned the area where the mine would be located as Environmental Management, for "preservation of the scenic integrity of the township within its delightful rural landscape". Open-cut coalmining was specifically prohibited because of its incompatibility with the LEP. More recently, MidCoast Council has reiterated this position.

In addition, many public figures have expressed opposition to the development of an open-cut coalmine on Gloucester's doorstep. These include:

- George Souris AM** former Nationals member for Upper Hunter (State Hansard)
- Bob Baldwin** former Liberal member for Paterson (Federal Hansard) 11 March 2009.
- Rob Oakeshott** former Independent member for Lyne (Federal Hansard)
- Dr David Gillespie MP** Nationals member for Lyne (public meeting in Gloucester)
- John Turner** former Nationals member for Myall Lakes and former Administrator MidCoast Council (Submission to EIS)
- Adam Searle MLC** Labor Shadow Minister for Industry, Resources and Energy (Email to Groundswell Gloucester)
- Jeremy Buckingham MLC** Greens Spokesperson for Mining (State Hansard)

I would like to read ~~some of their comments.~~ *a brief statement from Terence Healy QC - Newcastle Herald Jan 17 2009.*

* From the outset, GRL knew that this proposed mine was not wanted by the community and was incompatible with Council's planning policies. Despite this the directors of GRL, driven by wilful self-interest, pushed on. This will surely go down as one of the most shameful episodes in Australian corporate history.

community
However as in Margaret River, this company will be not get its way.
After its assessment of all matters relevant to this project, the Department of Planning has concluded that the project should not be approved and recommended that this Commission so determine.

The assessment has given key consideration to potential impacts on visual amenity, proximity to rural-residential estates, noise, air quality, water resources, health, rehabilitation, socio-economics, Aboriginal and historic heritage, biodiversity, transport and agriculture.

The Assessment Report states that the Department considers the project's "proximity to existing residential areas exacerbates its predicted visual amenity, noise and air quality impacts". It also refers to other "unresolved issues", particularly with respect to water and social impacts. In short, "the project site is not a suitable site for an open-cut coalmine".

Groundswell Gloucester strongly supports and endorses these comments.

In fact, they go to the primary issues of concern identified by Groundswell Gloucester in its submission to the EIS.

The Report does not present a finely balanced assessment and a line-ball Recommendation that could have gone either way. Rather it is a detailed, comprehensive and compelling rebuttal of the Project concluding with the firm Recommendation that the Project not be approved.

With respect to proximity to rural residential estates, visual amenity and noise the report is unequivocal and damning. In most other areas assessed, the Department identifies uncertainties and unresolved issues.

I realise that Commissioners will have read the Report but I would like to briefly quote some key comments. I am aware that other speakers will address these issues in more detail.

Proximity to Rural-Residential Estates

"... GRL has not demonstrated that it could operate the mine without creating conflict with these estates, which were developed specifically to provide a particular type of housing to attract lifestyle retirees and hobby farmers to the area. The Department considers these particular land uses, as currently configured at Gloucester, are incompatible with mining activities within the proximity proposed by GRL."

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Noise

The dept →

“For GRL’s proposed noise mitigation methodology to be successful, there would need to be personnel continually monitoring noise levels and having the authority to order particular mining operations to be reduced, varied, relocated or shut down. On a mine site, the person with ultimate authority is the mine manager. However, a mine manager is also charged with the efficient, on-time, on-budget production of coal. This is a conflict in roles that the Department has observed to have not always been well resolved in the mining industry.” Now there’s a loaded statement that warrants investigation!

“The Department’s concern is that the mine would operate not only at the margin of its proposed noise limits, but would regularly cross those limits. GRL’s proposed management of noise impacts is too risky to endorse. In respect of its likely noise impacts, the Department is unable to recommend approval of the project.”

Air Quality

“The Department remains concerned about the consequences of unplanned blast fume and/or spontaneous combustion events on air quality and, consequently amenity for the residents surrounding the proposed mine, including Gloucester. Even though the risk of unplanned emissions may be low, the consequences would be potentially significant.”

Surface Water

“While the Department considers that GRL has addressed most issues associated with surface water in a comprehensive manner, there remain uncertainties that impact on the ability to recommend approval of the amended project, as currently presented.”

Ground Water

“The Department believes that GRL has not established, with sufficient certainty that it has guaranteed access to the future water entitlements that this project requires for groundwater taken from the fractured and porous rock sources. Accordingly, the Department is unable to recommend the approval of the amended project.”

Health

The Report is relatively uncritical about health impacts apart from noting the elevated levels of stress, anxiety and depression in the community. Groundswell Gloucester

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believes the health impacts are likely to be much greater than portrayed. The inadequate representation of the health impacts from mining and the associated lack of a necessary duty of care will be addressed by Dr Steve Robinson of the Gloucester Environment Group.

DR Cary Lyford & Dr Paul Collett, both local GPs have sent in their written submissions against the mine

Best Practice

The Department has commended GRL for a number of aspects that it considers to be industry Best Practice. Groundswell Gloucester suggests that not leaving a final void at the conclusion of mining and using only noise-attenuated machinery should be mandatory and therefore unremarkable. And utilising the Stratford Mining Complex to process and transport coal simply shifts the impact of these activities onto the long-suffering residents of Stratford and Craven.

The Assessment Report states that the Department "acknowledges that the amended project would deliver economic and employment benefits to the Gloucester region and State economies for the period that the mine would be operational." However the Department is somewhat equivocal in its analysis.

At Section 6.9.3 it is stated, "In the Department's view, the conclusions of both the amended environmental assessment's economic analysis and the submissions opposing the amended project are not firm indicators as to what may actually come to pass. Many assumptions on which such predictions are made are subject to volatile fluctuations or would otherwise materially affect the net benefit outcome for the project."

The Report also dismisses GRL's projection that 75% of operational jobs would be filled by Gloucester district residents, suggesting that it would likely not exceed 38% because "the Gloucester district's workforce is not sufficiently large or able to readily deliver many of the skills sought by large mining operations" and "it is likely that workers currently residing in the broader Hunter Region or other areas of NSW would benefit most from the project's employment opportunities".

Groundswell Gloucester submits that a fundamental and significant trend has not been factored into the Department's assessment. The coal industry workforce has been shrinking rapidly as a result of improvements in technology. According to the Australian Bureau of Statistics, the Australian coalmining industry shed half its workforce between 1987 and 2002. This trend has accelerated in recent years. This

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is not the result of radical changes in government policy but simply from mining companies' pursuit of higher profits through the adoption of less labour-intensive practices. Robot trucks and excavators are no longer the stuff of science fiction writers. Jobs forecast today may not actually eventuate tomorrow.

And in an era of rapid social change and the development of new technologies such as robotics, artificial intelligence, 3D printing and renewable electricity generation, there are untold opportunities for sustainable development in Gloucester that cannot yet be predicted or possibly even imagined.

But one thing is certain. The development of an open-cut coalmine on Gloucester's doorstep will likely kill these opportunities.

Groundswell Gloucester notes that the separate application by Yancoal to amend development consent to allow the Stratford Mining Complex to receive ROM coal from the Rocky Hill mine, is consequent on the Rocky Hill Coal Project being approved. Groundswell Gloucester supports the recommendation of the Department of Planning that the Commission also refuse this application.

In conclusion

The Department has considered the Project against the objects of the Environmental Planning & Assessment Act. It considers that the Project is unlikely to promote social and economic welfare or provide a better environment for the community of Gloucester.

Commissioners, the project site is not a suitable site for an open cut coalmine.

Groundswell Gloucester submits that the case for rejecting the Project has been overwhelmingly prosecuted and respectfully urges the Commission to determine accordingly.

Thank you for your time .

Executive Summary

It is hard for the community to understand why it is required to be working so hard to ensure that this mine does not get approved. On two occasions the State Government has zoned the immediate surrounds of Gloucester, including the site of this proposed mine for environmental conservation purposes. Mines are prohibited in this zoning.

Obviously the Government and this community recognised the scenic and environmental qualities of the area to achieve this zoning. Many people made investment decisions to retire and build their dream homes with outlooks over the area that is now being considered for this mine.

The Council on behalf of the community has also planned for an eastern expansion of the town. Further development of existing rural residential estates and the planned expansion of the town are unlikely if this mine were to be approved.

There has been a long standing recognition of the delightful scenery of this Valley, captured in 1894 by Sir Arthur Streeton. Significant reports by Gloucester Council since 1953 onwards have promoted the scenic quality of this area. The reputation of Gloucester as a delightful, scenic, small scale, agricultural community will be seriously affected if this mine were to be approved.

This submission examines the range of potential impacts of the proposed mine; issues such as noise, dust, health, water, agriculture, visual, economic, ecological and tourism have all been addressed and reviewed. It is considered that despite the mitigation and management measures proposed in the EIS, there will be residual impacts for a whole new range of residents in the surrounding areas that cannot be mitigated.

Concerns about the way the mine is proposed to be carried out, a shortfall in material to achieve the final proposed landform, and the need for this small resource have all been addressed in detail.

The conclusion of the Groundswell Gloucester is that there are 32 solid reasons why this mine should not be approved. The community has been long and consistently oppose to this mine. It is strongly hoped that the assessment and decision making processes of the Government will come to the same conclusion, and that this application will be rejected.

7. Recommendations and Consolidated Grounds for Refusal

- 1) The proposed mine compromises the ongoing intent to protect the scenic qualities of the town of Gloucester from inappropriate development, as specified in the Gloucester Local Environmental Plan 2010.
- 2) The proposed mine will have an unacceptable impact on future planned development in the residential estates in the southern part of the town of Gloucester.
- 3) The proposed mine will have an unacceptable impact on the future planned residential expansion east of the township and railway line beyond 2030 as identified in its housing development strategy – 2006.
- 4) The Amended Rocky Hill Project will have a significant detrimental and generally unmanageable impact on the Valley's long documented and recognised scenic heritage qualities.
- 5) The project is in the highly scenic Vale of Gloucester and will be situated within the scenic and agricultural valley floor, and will be too close to the Gloucester Bucketts, the Gloucester township and residential areas, and the scenic Mograni Range.
- 6) The proposed management of visual impacts will take significant time and are unlikely to be effective in creating unacceptable visual intrusions from the surrounding areas, major roads and many public viewing points and scenic lookouts.
- 7) The impacts generally will be excessive in duration and extremely difficult to repair/remediate. Coal mining projects in NSW generally operate longer than the initial DA claims and create so much change that return to the original landscape is rarely fully achieved.
- 8) The EIS and documented mine planning fails to establish that adequate material will be available to undertake the proposed landform restoration for the proposed mine; estimated in this review to be in the order of 75.241 Mm³.
- 9) The project would result in a significant level of intrusive noise being experienced by residents of Gloucester and surrounding residential estates who are currently unaffected by levels and characteristics of noise such as that which would be generated by the mining and associated operations.
- 10) The proposed mine will have an unacceptable impact on the health of the Gloucester residents in the vicinity of the mine due on the basis of psychological, lung function and sleep interference impacts.
- 11) There has been a failure to satisfy DGR requirements of "efficiency of coal resource recovery" given the steeply sloping seams and complex nature of the geology.
- 12) The mine plan has the potential outcome of increased PAF materials in the overburden which will lead to leach of acid to downstream land and waters.

- 13) This proposed mine as the smallest mine in NSW and Qld does not justify the potential environmental, social and economic damage to the local area and in itself may be non-viable.
- 14) The potential mining risks and proximity to Gloucester township and surrounding neighbourhoods are likely to result in unacceptable residual impacts on surrounding residents.
- 15) The EIS for the proposed mine has failed to establish a credible water balance assessment to enable confidence in predictions of potential water impacts as a consequence of its operations.
- 16) There are likely to be unacceptable water quality impacts on local surface waters from salts and BTEX chemicals in the waste material placed on the site.
- 17) There are likely to be water quantity losses as a consequence of the proposed mine due to loss of baseflow for local streams, especially during extended drought periods.
- 18) The groundwater model is over simplified largely because of the great complexity of the hydrogeology makes modelling extremely difficult. It is calibrated coarsely using minimal data. It does not provide sufficient precision to analyse the impacts on Waukivory Creek and the Avon River and their associated ecosystems. Specifically it does not address what happens to water levels during drought sequences which are the critical periods.
- 19) The modelling outputs show very small drawdowns in watertables which is very different to the Stratford Coalmine Extension EIS particularly when the cumulative impacts of having the AGL Gloucester Gas Project operating at the same time was considered.
- 20) There is inadequate consideration of the risk of impacts of water table drawdown on groundwater dependent ecosystems, particularly the River Oaks, which are fundamental in protecting the stability of rivers and riverine ecosystems.
- 21) GRL have failed to properly address treatment, waste disposal and management of Saline Water. How many opportunities does a proponent get to keep reviewing such a flawed project?
- 22) There is inadequate consideration of how the proponents will manage groundwater that is saline and other poor quality water.
- 23) The EIS fails to adequately assess potential impacts of flooding and climate change in regard to the proposed mine.
- 24) There is likely to be unacceptable flood impacts on the proposed visual barriers which is likely to result in scouring of the barriers and creek beds, and potential water quality impacts on downstream watercourses.
- 25) The proposed Visibility Barriers will be inadequate in mitigating the visual intrusion of the proposed mine in the Gloucester Valley landscape; will take an unacceptable period of time to be constructed and vegetated; and will in themselves be an unacceptable impact in the landscape.

- 26) The aggregation of land for the mine has had an unacceptable impact on farming activity in the locality and the proposed extraction of the resource would create long term negative impacts of the same nature.
- 27) The uncertain economic viability of the proposed mine establishes uncertainty about its construction if approved, and yet its potential has sterilised economic investment in economic sectors such as retirement, tourism and lifestyle industries.
- 28) The size of the local populations of three threatened fauna species (Grey-crowned babblers, Squirrel gliders and Brush-tailed phascogales) and their movement patterns are unknown. These gaps in knowledge of the threatened species that would be adversely affected by the proposed project are such that it is not possible to adequately assess those effects or the likely efficacy of proposed mitigation.
- 29) The EPA's requirement that as well as detailing the measures that would be put in place to avoid or minimise ecological impacts, the EIS has failed to include details of alternatives considered in relation to the clearance of the Dry Rainforest outliers.
- 30) The design of the permanent overburden placement will cause destruction of the Dry Rainforest outliers.
- 31) The delay in securing the Biodiversity Offset area (which may not occur until the end of Year 2 of operations) is inconsistent with the Terrestrial Ecology report and is not justified.
- 32) The proposed mine is likely to have an unacceptable negative impact on the local tourism industry which provides a sustainable economic contribution of \$51 (in current \$'s) on an on-going basis.

