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6/6/18

Rix's Creek Extension Project Public Hearing Submission of Objection

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

HEL has particular interest in biodiversity and water management issues in the Hunter Region and has held positions on the Hunter River Management Committee, the Hunter and Paterson Environmental Water Advisory Group and the Upper Hunter Air Quality Monitoring Network Advisory Committee.

In 2015 HEL made a number of points in opposing this expansion, which concentrated on the issues of cumulative impacts on biodiversity, air quality, noise, and impacts on ground and surface water.

The impacts on social amenity by the change in operations were also an important point, as well as the proposed impacts on Aboriginal cultural heritage.

HEL made the point that the cumulative impacts will be concentrated even further by the fact that there are eighteen coal mines within a ten kilometer radius, and the size of the final void adds to these impacts as a multiplier effect.

HEL also pointed out that there was no justification for this mine extension to provide jobs, royalties and product for contracts, as this company had recently acquired the nearby Integra open cut mine, now operating as Rix's Creek North. Bloomfield Collieries near Cessnock is also seeking an extension until 2030.

We have reviewed the various iterations and amendments to information since this project was exhibited for public comment in December 2015. The community can be excused for becoming thoroughly confused about the complexity of the changes of assessment for this project.

We continue to strongly object to this mine expansion on the following grounds:

1. The mine operator has demonstrated that they are not responsible environmental managers. The illegal disturbance of 96 ha of land that resulted in a Land and Environment Court case in 2017 has severely diminished community trust in Bloomfields ability to manage the many cumulative impacts of this operation in the manner described in the Department of Planning and Environment (DPE) assessment report, May 2018
2. The cumulative impacts of the proposed mine expansion are significant and have not been adequately assessed in regard to the Mt Owen Continued Operations approved in November 2017 and the Hunter Valley Operation South Modification 5 approved in February 2018. Both these projects have increased impacts in the vicinity of the Rix's Creek Mine, particularly in regard to regional air quality.
3. Regional air quality continues to regularly exceed the national standards for PM₁₀ dust emissions as measured by the Upper Hunter Air Quality Monitoring Network. The Camberwell monitor regularly reports air quality exceedences. We remind the Commission that these reports are based on 24 hour averages. Therefore, there are times when the level of PM₁₀ emissions are dangerously high. The EPA pollution reduction programs are not working in the Upper Hunter, mainly because more mine expansions continue to be approved.
4. The impacts on biodiversity are far greater than first assessed. It is difficult to understand from the information provided how the 2,716 ecosystem credits, required by Court orders, have been met, in relation to the identified shortfalls in biodiversity offsetting arrangements for the proposal under consideration.
5. The project proposal has significant land use conflict because of its proximity to Singleton. We do not agree with DPE satisfaction that the various environmental impacts on amenity, ie noise, blasting and air pollution can be adequately managed
6. DPE fails to understand that cumulative impact means any additionality to existing impacts, regardless of its size. The constant reference to the fact that Rix's Creek contribution to cumulative impacts is less than other larger mines in the area is immaterial. Any additional impact where exceedences already exist needs to be carefully considered.
7. HEL continues to object to the retention of a 143 ha final void that will remain in the landscape forever with a predicted salinity level of 31,000 micro siemens
8. The costs benefits analysis has not included the cost of managing the final void in perpetuity, nor has it costed the cumulative loss of catchment to the Hunter River, nor the increased costs to the health system of worse air quality in the Hunter, nor the loss of ecosystem services and biodiversity.

9. The project fails to meet key goals of the Hunter Regional Plan 2036 ie biodiversity-rich natural environment and thriving communities

10. The DPE assessment report identifies a number of issues that need to be addressed before a decision can be made on this proposal. These include:
 - The reporting to the Federal Department of Environment of the increased area of *Central Hunter Valley Eucalypt Forest and Woodland* to be destroyed
 - The new concept of a staged biodiversity offsetting approach, that HEL does not support
 - The accuracy of the economic assessment, that fails to cost environmental impacts
 - The Planning Agreement with Singleton Council to mitigate social impacts

HEL requests that these matters be provided for further public comment before a determination is made.

Biodiversity Impacts:

As stated, HEL has major concerns that during the time between public exhibition of the Rix's Creek extension proposal and the current stage of the assessment process that Bloomfield was found to have breached the mining consent by illegally disturbing 96 ha of land.

Community trust in this mining company to carry out any of its legal requirements has been greatly diminished.

The project is now required to retire 2,716 ecosystem credits prior to the determination of this proposed extension. This has occurred without adequate assessment of the cumulative impact of this illegal clearing. We are unclear whether these credits have been found.

The cumulative biodiversity impacts of the intensive mining operations in this central area of the Hunter Valley are highly significant. The planning process has failed to adequately assess cumulative biodiversity impacts while continuing to approve ongoing extensions and ongoing removal of critical threatened species habitat.

Because of this failure, a once common ecological community, *Central Hunter Valley Eucalypt Forest and Woodland*, is now listed as critically endangered under Federal environmental legislation.

The costs benefits analysis for these mining extensions fail to adequately assess the benefits and environmental services provided by a healthy and functional natural biological system in the Hunter.

We consider that the current hugely complex biodiversity value calculating systems and associated offsetting policies are doomed to failure in both the short and long term. Decision-makers have a duty of care to future generations to clearly consider cumulative biodiversity impacts at a regional scale.

The challenge for the Rix's Creek proposal to locate suitable offset sites, when none have been found,¹ is a clear indication that too much significant habitat has already been removed from the Hunter landscape.

We note that the reassessment of this proposal demonstrates the need to clear 47 ha of the critically endangered *Central Hunter Valley Eucalypt Forest and Woodland*, rather than the initial 19 ha first identified. This is a significant loss that must be reported to the Federal Government.

We also note that the DPE assessment report has identified that further clarification is needed in regard to staged offsetting and associated disturbance areas.

HEL strongly objects to the concept of staged biodiversity offsets. We maintain that this project cannot be determined without the assurance that adequate land based biodiversity offset sites have been secured.

As we have stated, the cumulative loss of various threatened ecological communities and threatened species habitat in this central area of the Hunter due to recent mining activity and expansion has not been quantified in this assessment. The additional disturbance of 213 ha of native vegetation is not a minimal impact in the context of the scale of recent clearing undertaken for mining projects, in addition to traditional clearing for agriculture.

Every area of remnant vegetation, scattered mature trees and derived native grasses is critical habitat providing linkages and stepping stones across a significantly degraded landscape.

While the original biodiversity assessment was based on the Upper Hunter Strategic Assessment process, that has now stalled, we note that an alternative assessment of biodiversity impacts was undertaken using the Framework for Biodiversity Assessment.

Revised calculations undertaken for the new disturbance area project footprint were based on the original survey work undertaken for the Upper Hunter Strategic Assessment (Bell 2014). Vegetation types and areas were calculated from shapefiles and plot data provided by Dr Stephen Bell (Eastcoast Flora Survey). A review of the plots and transects completed for the Rix's Creek Continuation Project found that there were a sufficient number to meet the assessment requirements, despite the increase in the area of several vegetation communities.²

HEL is concerned about this conclusion made by the consultant and its impact on the calculation of ecosystem credits. We also question the rigour of assessment of the flora and fauna values of the project site, particularly in regard to habitat values for the threatened Squirrel Glider, that has been recorded in vegetation targeted for removal.

¹ Bloomfield 2018 Revised response to Submissions – Biodiversity p19

² Appendix B Response to Submissions AECOM p9

While the vegetation remnants are fragmented they are critical in the context of remaining connectivity across this section of the valley floor. Biodiversity corridors are a goal of the Hunter Synoptic Plan and they must have old growth remnants to maintain habitat viability.

The significant nature of this particular habitat corridor on a regional scale has not been identified or assessed. The connectivity of remnant native vegetation, allowing fauna movement through this highly modified, industrialised landscape is critical.

The proposed removal of patches of vegetation from this significant corridor remnant, that connects fragmented areas of vegetation across the landscape to the Hunter River, will cause additional loss of opportunity for species movement in the Central Hunter. This cumulative impact has not been assessed.

The proposed loss of the critically endangered ecological community, *Central Hunter Valley Eucalypt Forest and Woodland* should be identified and assessed as a percentage loss of remaining patches of this CEEC from the floor of the valley.

HEL recommends that the Commission require additional assessment of the cumulative biodiversity impacts of this proposal.

Air Quality:

The proposal assessment fails to identify that the Upper Hunter Air Quality Monitoring Network has reported frequent exceedances of the national standard for PM₁₀ in the vicinity of the Rix's Creek project.

The monitors at Camberwell, Maison Dieu, Singleton NW and Singleton have frequently measured air quality exceedances particularly in dry windy weather conditions.

While the assessment contends that the impacts will be moving away from Singleton, it does not adequately assess the closer proximity to the Camberwell and Maison Dieu communities in the context of the recently approved Mt Owen and Hunter Valley Operations South expansions towards these communities

The cumulative impact of opencut mining operations on ambient air quality in this area of the Hunter is already excessive. The health impacts on the nearby citizens is unacceptable.

Because this project has a 10:1 strip ration, the movement of overburden is considerable. We consider that the dust levels cannot be adequately managed. The approved expansion of the Mt Owen Mine will cause a considerable increase in dust production to the north of Camberwell village. The recently approved Hunter Valley South modification 5 has allowed for a raised height of 240 m AHD of overburden emplacement to the south west of Maison Dieu.

The addition of increased overburden dumping at Rix's Creek has not been adequately assessed against these expansions.

The cumulative social and health impacts of these projects have not been adequately assessed and will be impossible to mitigate.

Noise:

There are a significant number of residents impacted by noise from the current operations. The cumulative intrusive noise impacts, loss of amenity and health problems caused by sleep disturbance have not been adequately assessed.

The social impacts on this area of the Hunter are considerable and need to be taken into account. While several private properties are being offered voluntary acquisition rights, the social impact assessment has failed to identify the increasing number of mine-owned properties in this part of the Hunter.

The restrictions placed on other land uses, particularly urban expansion of Singleton, has not been assessed.

Water:

With ground and surface water, the scale of the drawdown, loss of base flows to the Hunter River and accumulation of highly saline water bodies in the landscape has not been adequately assessed at any level of the opencut mine approvals process in the region.

The Federal Independent Expert Science Committee has recommended against final voids. HEL has strongly advised that the Planning Department undertake an independent cumulative impact study of final voids in the Upper Hunter.

The Independent Planning Commission should call for this study to be conducted before considering the approval of the perpetual impacts of another final void in the Hunter landscape

We note that the Hunter Bioregional Assessment has just been released by the Federal Government. The cumulative impact of mining on water sources has been assessed to be substantial.

Greenhouse Gas emissions:

Notwithstanding the scale of carbon export from the Hunter region the cumulative impact of diesel consumption for mining operations, road transport of employees and train movements plus the fugitive emissions from opencut mining operations and power station emissions is a considerable volume of annual greenhouse gas emissions from the region.

This cumulative impact until the year 2038 is not adequately assessed in the context of the total greenhouse gas emissions of the coal industry in the Hunter.

Final Void:

HEL does not support the approval of any final voids on this mine site. We contend that there is limited or no knowledge of the cumulative impacts of the existing final voids approved in the Upper Hunter.

HEL continues to maintain that if this proposal, or any other, will not generate enough income to allow for the backfilling of all voids, then the project is unviable.

The ongoing loss of critically endangered habitat, irreversible damage to water sources and broadscale landscape legacies in the form of large toxic final voids is creating an enormous environmental debt for future generations.

These cumulative impacts have not been adequately assessed or mitigated for this proposed Rix's Creek mine expansion. The principles of ecologically sustainable development and inter generational equity have not been met by this project.

Conclusion:

The process of assessing the Rix's Creek Continuation Project still has unanswered questions, despite the lengthy and confusing changes to assessment details.

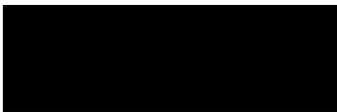
Any new information provided to the Commission must be made available for public comment prior to a final determination to ensure complete transparency and inclusiveness of interested stakeholders and impacted community members.

DPE satisfaction with the proposal is based on too many unresolved issues and a lack of genuine cumulative impact assessment.

The mine operator has demonstrated a lack of commitment to environmentally responsible management and has therefore lost their social licence to operate this contentious mine expansion.

Hunter Environment Lobby recommends that this proposal be rejected.

Sincerely,



Jan Davis
President Hunter Environment Lobby Inc.