

"Reclaiming our Valley"

Hunter Communities Network

PO Box 14 Singleton 2330

United Wambo Open Cut Coal Project
Independent Planning Commission of NSW
Public Meeting 7 February 2019

The Hunter Communities Network is an alliance of community based groups and individuals impacted by the current coal industry with concerns about the ongoing expansion of coal exploration and mining in the region.

I wish to acknowledge the traditional owners of the land on which we meet, the Wonnarua people.

I also wish to acknowledge the dedication of one of our very active members, Ron Fenwick, whom we lost in December last year. Ron and his family have had an ongoing battle with Wambo Mine and the lack of compliance with conditions of approval and court orders and various broken promises and commitments.

The experience of the Fenwicks over more than 20 years as near neighbours to this large mining operation has caused a great deal of mistrust in the community in regard to the regulation of large mines in the Hunter and the ability of conditions to protect the environment or to be complied with.

The Network continues to strongly object to the proposed United Wambo Project now before you for final determination. Our key issues of concern have not been addressed in the Department's final assessment report.

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 opinion that the recommended conditions of approval will provide a high level of protection for the local environment and the amenity of the local community.

Firstly, there are a number of unresolved issues that must be finalised before the Commission is able to make a determination based on the merit of the proposal. These include resolution of:

- All biodiversity offset credits
- All credits under the Hunter River Salinity Trading Scheme
- The protocol for regulating noise emissions across a number of premises and EPLs
- The availability of Tier 4 standard diesel machines
- The blast fume trial

There are many outstanding issues raised in the Commission's review report that have not been adequately addressed.

This presentation will concentrate on the matters of noise and air pollution, the final landform and rehabilitation, and justification for the proposal.

However, we also have serious concerns about the permanent impact of this super pit proposal on biodiversity including matters of national environmental significance and on associated surface and groundwater sources.

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 already too great and have not been adequately assessed or considered.

The additionality of the proposed impacts is significant and cannot be managed or mitigated. The NSW planning system fails to assess cumulative impact and has no guidelines to properly undertake this significant assessment process for a key issue in the Hunter Region.

The main purpose of this proposal is to turn a four seam open cut mine overlying a four seam underground mine into an eight seam open cut mine. This is a major change to currently approved land use.

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.

This does not meet the object of the EP&A Act to '*promote orderly and economic use and development of land.*'

We suspect that the underlying justification for this proposal is that Glencore decided that underground mining was not profitable enough and to open cut the same coal would be cheaper.

This is interesting in the context that the rejected Drayton South open cut project is now assessing the feasibility of an underground mine, while the Bylong Mine proposal is based on an underground mine.

The proposed alteration to current approvals for the Wambo and United Mines results in greater impacts on community health through increased noise and dust pollution. Neither of these increased impacts have been adequately assessed or mitigated.

1. Noise impacts

The Commission review 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.

The Department cherry picks parts of different noise policies in its assessment process. This is particularly the case for low frequency noise which is a major health issue.

The project specific noise limits as per Recommendation 2 were altered after additional assessment was conducted by the proponent not through an independent review.

The resulting PSNLs in draft condition B1 Table 1 are far too high, placing an unacceptable impost on the surrounding community.

This additional noise impact is a very strong argument for not approving the mine proposal.

These new higher PSNLs remove 5 properties from any voluntary acquisition or mitigation rights and another 2 properties are downgraded to mitigation rights only.

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.

In regard to Recommendations 4 & 5 - the key issue is that road and rail noise is not monitored, so the additional impacts on the community are unknown and unmanaged.

The complexity of the noise management and regulation across a number of consents and environmental pollution licences is a key concern and has been raised as an issue by the EPA.

It is of great concern that a noise protocol is being developed by Global Acoustics, a company that works for the mining industry across the Hunter and Western coalfields.

The assessment and management of noise must be conducted by independent experts and finalised prior to any determination.

The issue of managing 3 blasts per day with a weekly average of 15 over a larger area of disturbed land in regard to noise, vibration and fume emissions has not been adequately addressed. The draft conditions for managing blasting across a large number of adjacent open cut mines do not mitigate the major disturbance to humans, livestock, buildings, infrastructure and health.

There is no description of the number of blasts per day already approved across the nearby very large open cut operations at HVO South & North, Warkworth - Mt Thorley, Bulga and Rix's Creek.

The cumulative load of NO₂ being released into the air shed on a daily basis has also 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 and should be included in a rigorous cumulative impact assessment.

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.

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 standards 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.

It is very difficult to accept the finding for this proposal that the new air quality assessment using the updated NEPM standards has not materially changed the level of air quality impacts.

This finding is contradicted in the Department's response to the review Recommendation 20 that identifies that the new assessment has raised the number of impacted mine owned properties from 22 to 41.

This is a substantial increase in the number of air quality exceedances and demonstrates a clear increase in cumulative impacts when the new standards are applied.

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

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.

Blast and diesel fumes are a major source of air pollution in the Hunter caused directly through open cut mining operations. This proposal will increase both for a longer period of time.

We note that a blast fume monitoring trial is being conducted at another Glencore mine to measure NO₂ concentrations and dispersal off site. This monitoring is long overdue. The results need to be available before the cumulative impact of this proposal can be understood.

The proposed management of diesel fumes, a known carcinogen, is highly unsatisfactory. It is imperative that all current mining operations use the best available diesel emissions controls before any additional emissions are added to the air shed.

In regard to GHG emissions, the Commission review recommended that all forms of emission need to be reduced.

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 report¹ makes no mention of fugitive emissions or any clear plans to manage these.

¹ Umwelt July 2018 IPC Review Response p 30

The coal seams at Wambo Mine have high levels of methane that are vented from the underground operations. This source of GHG is released into the atmosphere as fugitive emissions 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.

3. Final landform and rehabilitation

The Commission made 6 recommendations on this issue.

Recommendations 31 & 32 relate to backfilling final voids

The Department, once again, relies entirely on information provided by the proponent who obviously wants to retain final voids because it is a cheaper form of mining.

The rationale for maintaining two larger final voids in the landscape are spurious and not based on good science. 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.

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.

There are also open cut mine projects in the Hunter Region, such as the Bylong Mine, that propose to backfill all pits. There is no consistency in the planning process for this issue.

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 mt over 23 years. At a conservative price of \$100 per tonne export value through the Port of Newcastle, this is \$15 billion worth of coal. A \$129 million 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 original final voids in the first instance.

The Department supports an adaptive management approach to final land use and recognises that it is difficult to predict future land use demands and community needs beyond 20 years. What we do know is that during 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.

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 OEHL is unable to form a view on the ability of the proponent to create this critically endangered ecosystem on mine rehab.

There are many scientific papers in peer-reviewed literature that clearly show the improbability of successfully recreating natural ecosystems on former mined lands.

The Department's final report and the proponent's response fail to meet the Commission's recommendations in regard to offsetting a 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 including 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. This approach 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 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 key purpose of this proposal is to increase the profit margin of two multinational mining companies at the expense of community health and well-being and the environment.

The proposal will extract \$15 billion 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 its surrounds.

The cost of the additional release of GHG emissions to the local, state, national and world economies has not been taken into account.

In conclusion, the assessment process for this proposal has been very weak.

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.

The Commission needs to undertake its own independent cumulative impact assessments of noise and air quality impacts, biodiversity impacts and proposed offsets and water impacts.

We have been denied our right to a merits appeal of this project and trust the Commission will seek all the information needed to make a balanced decision.

Hunter Communities Network maintains that the United-Wambo proposal cannot be justified and should be rejected outright.