

Rixs Creek Modification 10

Presentation: 20th May 2019 IPCN Meeting

In response to the Department of Planning assessment report of the application, the objection to the modification has not changed status.

The significant concerns to the modification are not implementing new standards, policies and applying air quality modelling which are current as per 2019.

In consultation with family and remaining private landholders in the village of Camberwell, consensus of major concerns relates to air quality, air pollution and health. They deem these significant concerns are of the utmost priority and have not been addressed by the department.

The Department of Planning comment “Nothing has changed” in relation to air quality and mining operation just shows how out of touch the department is with the facts related to the air quality in the village of Camberwell and failure to apply new policies and standards, which means this department should be held accountable for the failure to manage the poor air quality in this village, and their failure to provide clean air and safe/healthy environment for the community.

Air quality standards Page 11 of the department’s report:

Departments Comment: “modification is unlikely to change the air quality impacts of the mine”

The current standard used by the mine is not the new standard which relates to the NEPM and incorporates PM2.5

Australian standards must be implemented and there should be no exemptions due to timeframe of an application.

The concern that Camberwell has exceeded the new NEPM in the last couple of years and this is acceptable outcome, as the air quality will not be managed or change.

The other concern is the department stating that the status quo of the old standard is fair and just in relation to air quality to Camberwell and the surrounding district, that health of the community is of no importance and if the new standards were applied would impact the operation of the mine and actually highlight the real impact of air pollution in this area.

Assessment page 12.

Department state” air quality related conditions were updated under modification 8 in 2016”

Looking at modification 8, there is no reference to the “current” NEPM or modelling under the EPA 2016 air quality assessment modelling criteria. The table relates to the old NEPM criteria, relating outdated annual average of PM10, no reference to PM2.5 at all in the table

BUT

In mod 8

“(V1) Co-ordinate the air quality management on site with air quality management of nearby mines (Integra underground, Ashton, Rixs Creek North, Mt Owen complex to minimise air quality impacts”

Has this been achieved is questionable, especially when Camberwell air quality has not improved since 2016 but has deteriorated? I had difficulty in finding any documentation that mod 8 (v1) has met compliance or that the mine had a management procedure with other mines to minimise impacts.

Cumulative air quality

The recent response to submissions by Glendell mine modification 4 which is currently with the department of planning.

In relation to cumulative air quality in Camberwell

“modelling results indicate the cumulative annual average of PM10 are predicted to exceed 25ug/m3 approved method of assessment criteria and the current 30ug/m3 cumulative PM10 annual average impacts criteria in Glendell consent”

Here is another example where a Glencore mine has a small modification application under assessment but the department of planning requested the mine to use the criteria under the new modelling of air quality, so it is clear that a department is not consistent in its use of current modelling, standards, policies and there should be no discrimination at all and no exemptions.

Air quality in Camberwell due to large number of exceedances of daily PM10 24hr average and 24 hours rolling average of PM10 has far greater implication on health, water quality for drinking. As Camberwell relies on tank water only, there is no town water supply as Singleton Council has stated this is too expensive to supply, the water quality collected has a greater chance of been polluted, a number of times the water quality is grey and has caused severe health issues to occupants.

Voluntary Land Acquisition Mitigation Policy

The 2018 VLAMP must include the EPA revised assessment criteria for air and noise impacts.

As per:

“Air quality assessment criteria have been tightened with annual assessments criteria for coarse particles (PM10) CHANGING from 30ug/m3 to 25ug/m3 and the introduction of new criteria for fine particles PM2.5 at 25ug/m3 (24hr) and 8ug/m3 annual average”

ALSO

“Clause 12AB of the mining SEPP now aligns the non-discretionary standards with the EPA revised policy of noise and air”

“Clause 12A of the mining SEPP now refers to the revised VLAMP. This requires the consent authority to give consideration to the VLAMP before determining the application”

This modification should be subjected to the 2018 VLAMP and be assessed as per the clauses in the SEPP.

EPA criteria should be mandatory and this mine should not be exempted, landholders should not deny their rights under the new policy -2018 VLAMP.

Department response 1.3

Department of planning references Rixs creek south continuation project in relation to cessation of mining and the importance of the mod 10.

The Continuation project has no bearing on this modification and should not be used as tool for approval.

Mod 10 relates to development consent 49/94 commencement 1995 to extract coal to 24/6/19, now in this consent approval it did not state-

- A company could mine without approval 96 hectares
- Remove top soil, overburden or extract coal without approval
- Destroy ecosystems without approval
- Not follow policies and procedures

The department state that if mod 10 was not approved would be a negative impact but is this fair and just in these terms, when a applicant has breached a consent, mine land without approval and received income from the activity , further more if the applicant had followed the consent as approved the mine would not require extract time, rehabilitation would be well advanced.

The Land Environment Court consent orders dated 11 July 2017 related to infringement of mining and land clearing in breach 49/94 also relates to the Biodiversity offsets “retiring of 2,716 ecosystem credits in accordance with framework of the Biodiversity assessment”

On looking through the CCC minutes provided on the website, there seems to be no reference to the ecosystem credits been retired as per the court orders, or discussion on the matter, the only reference relates to the enforceable undertaking and the monetary payments, especially Singleton Council. So therefore, has the applicant met the conditions of the court orders, since it is nearly 24 months and importance of the ecosystem’s they are required to retire but what are the ecosystems, there seems to be lack of information in this area.

On reading a response from the Singleton Council on the 10th May 2019 with meeting with IPCN.

Point 5: "We're not aware that there are technical breaches"

The concern here is that the Singleton council received \$25,000 for improvement of the hunter river apart of the 2017 enforceable undertaking related to the breach of 49/94 and this was in the minutes of the CCC, a councillor was present, so the question here has the council the money.

Point 5: Council state "community has no concerns"

If there were no concerns, please explain the submissions to the department related to modification. Camberwell landholders raised concerns related air quality and applicant breach of consent, clearly Singleton Council has not contacted or consulted with the community.

Conclusion

That standards and policies as of today must apply, there should be no exemption related to timeframe, it was the responsibility of the proponent to abide by the consent conditions which were approved, they mined and land cleared in breach of consent and destroyed ecosystems, no one forced them not abide by the law, so why should the communities, landholders in the village of Camberwell be denied the rights under the current policies, standards, modelling.