



Better Planning Network Inc.

Submission re Hunter Valley Operations Continuation Project (North & South)

Objection to Hunter Valley Operations (HVO) Continuation Project

The Better Planning Network Inc (BPN) is an incorporated association in NSW, dedicated to improved

BPN objects to the granting of approval to extend the life of HVO North and HVO South, from the current approved mining completion dates of 2025 and 2030 respectively, to the end of 2050 at HVO South and end of 2045 at HVO South.

The Scoping Report (Table C.1) makes clear that there is state-wide ongoing negative community sentiment towards coal mining and its contribution to climate instability, and the comment was that the level of sensitivity is “unknown” and would be “researched as part of the Social Impact Assessment for the Project EIS” using a community survey and “professional judgment”. Sadly, although the communities consulted stated their concerns about dust pollution (i.e particulate matter) and its links with health, this has been ignored in the EIS.

As a general comment, we are very critical that only one agency advice was sought, and there is no agency advice from NSW EPA, NSW Health, or DPIE-Water. These agencies must be consulted. **We call on the Department to urgently address this before, and not after, preparing its Assessment Report.**

Grounds of objection

1. Extension of these mines until 2045 and 2050 is antithetical to the commitments made by Australian governments to achieve net zero
2. Approval of the applications is contrary to the NSW Government’s Climate Change Policy and Action Plan
3. HVO Continuation project does not take into account public health concerns associated with particulate pollution in the Upper Hunter region
4. Groundwater impacts are inadequately assessed
5. Glencore unlikely to rehabilitate

- 1. Extension of these mines until 2045 and 2050 is antithetical to the commitments made by Australian governments to achieve net zero emissions**

HVO is seeking permission to double annual Scope 1 GHG emissions, including fugitive methane and diesel emissions released during mining, from the 0.56 Mt CO₂-e reported in

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their 2021 Annual Environmental Review to an average of 1.19 Mt CO₂-e for the next 27 years (Table 30, Pg 87 of Appendix H - Air quality and GHG).

Instead of electrifying their mining fleet to eliminate diesel emissions, Yancoal and Glencore are applying to steadily increase their diesel emissions. This Project seeks approval to increase its Scope 1 diesel emissions by 43% from 414,245t CO₂-e in 2023 to 592,462 t CO₂-e in 2035.

This is unacceptable under a climate framework seeking to achieve a 50% reduction in carbon emissions by 2030, from 2005 levels. As announced by the Treasurer and Energy Minister Mr Matt Kean MP, this target is aligned with world's best scientific advice and Australia's commitments to limit global warming to an average of 1.5 degrees in order to avoid severe impacts on ecosystems.

New South Wales has suffered successive blows from bushfires and floods, which have had an immeasurable cost on human health and well-being, biodiversity and the economic sustainability of some communities. The HVO EIS does not recognise these matters as relevant. Far from formulating targets for emissions reductions, HVO is proposing to increase diesel emissions until 2050. Given the contribution that diesel makes to fine-particle emissions, it is unreasonable to permit a project that will add to dangerous particulate levels in the Hunter Valley. No method of mitigating these is possible, indeed mitigation is not possible.

Moreover, HVO is seeking approval to double its own direct GHG emissions at a time when the NSW Government's policy is to reduce GHG emissions by 70% by 2035 and this Project seeks approval to more than triple Scope 1 fugitive methane emissions from 182,625t CO₂-e projected for 2023 to 590,284 t CO₂-e in 2030.

The Global Methane Pledge (to which Australia is a signatory) requires at least a 30% cut in methane emissions globally by 2030.

2. Approval of the applications is contrary to the NSW Government's Climate Change Policy and Action Plan

One of the planks of the NSW EPA's Climate Change Policy and Action Plan (2022) is:

"Partnering with NSW Government agencies to address climate change during the planning and assessment process for activities the EPA regulates".

The failure of the NSW Department of Planning and Environment to require agency advice from the EPA is a glaring omission that needs to be remedied before the HVO Continuation assessment proceeds further. Indeed, the Department should not attempt to prepare an Assessment Report without this agency advice.

Given that the Climate Change Policy and Action Plan has been introduced since the commencement of the EIS for HVO Continuation, additional time should be granted to the proponent to incorporate the policy into its EIS.

3. HVO Continuation project does not take into account public health concerns associated with particulate pollution in the Upper Hunter region

The Scoping Report claims "there is strong support for the project within the area of social

influence”. However, the need for sustained employment needs to be balanced with other factors is not taken into account in the EIS. These include:

- Support in the Hunter Valley for transitioning the economy away from reliance on coal industries <https://www.hunterrenewal.org.au/>
- Feedback from affected communities which is contained in the Social Impact Assessment demonstrating for concern about links between dust and lung health
- Cumulative number of air quality alerts in the Upper Hunter according to *The Singleton Argus* newspaper which keeps a running tally, is as of end February 2023 44 air quality alerts due to PM10 levels. On 19th February 2023, *The Singleton Argus* reported, ‘In previous years the Upper Hunter Local Government Area would record air quality alerts during dust storms or bushfires but this year the alerts are being recorded during almost benign weather conditions’.

The use of the term “extraordinary events” to describe bushfires as events unrelated to increases in greenhouse gas emissions is an example of scientific ignorance which is not consistent with the NSW Climate Change Policy and Action Plan. We expect that the Department’s Assessment Report should specifically and directly address this fallacy. The Air Quality and Greenhouse Gas Assessment prepared by Jacobs consultants is in denial when it persists in referring to other dust-creating activities as somehow on the same playing field as the massive emissions knowingly created by HVO now, let alone until the year 2050.

We think it inhumane to make predictions such as those in Figures 27 and 28 about likely PM10 impacts on residents at Maison Dieu and Jerry’s Plains to be over 50µg/m³ on some days, and to suggest these can be “managed” through HVO’s existing air quality measures.

It is clear from the reporting of the Upper Hunter Air Quality Monitoring network that whatever management techniques the coal industry claims it is undertaking, these are not preventing harmful levels of particulate pollution in communities even further than Maison Dieu and Jerry’s Plains and affecting the larger populations of Singleton and Muswellbrook.

The social impact assessment makes it clear that “air quality was a key concern specifically related to increases in dust and emissions during operation and dust generated from construction”. Residents of Maison Dieu and Jerry’s Plains specifically referred to their worries about dust and its link with health. However, the EIS does not adequately address the link between asthma levels in the Hunter region and the high levels of alerts.

We are particularly concerned to note that data on asthma prevalence is based on the combined incidence of asthma in BOTH the Upper Hunter and New England regions, two very different geographic areas which should not be conflated. We would expect to see the Department give close consideration to this. There is no justification for conflating asthma levels in the Upper Hunter which is highly impacted by coal mining, and New England, which is not.

Key issues emerging from the social impacts project team included (see p 56 Social Impact Assessment) the impact of the HVO continuation on “existing health issues and allergies as well as impacts to the health of visiting family, particularly children”.

Let us be clear, these concerns and the record of air quality alerts already afflicting the region, as reported by *The Singleton Argus* and the Upper Hunter Air Quality Monitoring scheme are not trivial. They involve restriction of the movement of persons with susceptible health, including the associated requirement for people with asthma to stay indoors. This is an

unacceptable imposition on the living amenity of the communities of Singleton, Muswellbrock and the smaller townships and localities.

The fact that NSW Health has not been consulted, and the dubious health statistics of no relevance to this EIS continue to be used to obfuscate, is a poor reflection of DPE's understanding of the severity of the particulate matter problem and its relationship with community health.

4. Groundwater impacts are inadequately assessed

To start, we would like to express our objection to the emphasis on the “anxiety” of community members instead of focusing on the science. Communities are not worried about water security for no reason. There should be less focus on the imputed emotions of communities, and more attention to the integrity of the modelling which is one of the most opaque forms of mathematical prediction. This is why expert opinion should be thoroughly scrutinised.

The Secretary's Environmental Assessment Requirements for these projects imposed a requirement (see letter from Director, Resource Assessments (Coal and Quarries) dated 11 March 2021) that the projects should be referred to the Commonwealth “if there are likely to be any significant impacts on Matters of National Environmental Significance”. This includes stygofauna, which are mentioned in the Groundwater Assessment.

Given that the cumulative impact to the stygofauna community from already-approved mining in the paleochannel is already high, and categorised as “High Ecological Value” and “High risk” under the GDE Matrix (P 83, Groundwater Assessment Part 1), HVO South and North should immediately be referred to the Commonwealth for assessment under the EPBC Act.

5. Glencore unlikely to rehabilitate

HVO proposes to leave two huge voids that will slowly fill up with polluted water. The references to Final Voids in Section 14.3 (p 122) are presented in simplistic language, with no assistance to the reader as to the assumptions being used in formulating these predictions.

- HVO South and HVO North pit lakes are expected to take about 1,000 years to ‘reach an equilibrium level’ (that is to say ‘salty lake’ that will remain an environmental hazard in perpetuity). (EIS Main Report pg 239) We are of the view that “pie-in-the-sky” visions of recreational theme parks are not substantiated by evidence of the science, methods, organisation or governance that would ensure this outcome.
- Overall, more than 25 final voids have been approved to be left across the Hunter by coal mining operations. The Hunter Valley Renewal project - in a new report, ‘After the coal rush, the clean up. A community blueprint to restore the Hunter ’ - estimates that these unfilled mining holes will have a combined surface area the size of Sydney Harbour, but will be much deeper.

If the Department were inclined to believe these future promises of rehabilitation, from a company (Glencore) many regard as not even fit to hold a mining licence, then realistic security bonds need to be assessed and imposed on the HVO Continuation Joint Venture. This is especially so, when Glencore has been implicated in the following:

- Glencore has been found guilty of systematic bribery overseas. In November 2022 Glencore was fined £281m in the UK for “sustained criminality”, the largest ever

payment imposed on a company in a UK court.

- In May 2022, the US Department of Justice advised that Glencore Entered Guilty Pleas to Foreign Bribery and Market Manipulation Schemes and agreed to pay US\$1.1 billion as a settlement:

“The scope of this criminal bribery scheme is staggering,” said U.S. Attorney Damian Williams for the Southern District of New York. “Glencore paid bribes to secure oil contracts. Glencore paid bribes to avoid government audits. Glencore bribed judges to make lawsuits disappear. At bottom, Glencore paid bribes to make money – hundreds of millions of dollars. And it did so with the approval, and even encouragement, of its top executives.”

These events do not speak of a corporate culture that should be prolonged, as is sought under the HVO Continuation. On the contrary, the lack of honesty evident in the EIS as regards the climate impacts of the coal industry and the public health harms, are evidence that the HVO mines should end their lives as currently approved, and no extensions should be approved.

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