

Submission objecting to the Chain Valley Colliery Consolidation Project

Executive summary

The usual EIS hierarchy of platitudinous deception and obfuscation (increasing from expert reports in appendixes through the chapters in the EIS to the glossy executive summary) is magnified many-fold in the Chain Valley set of documents. The final text is not worth the electrons it took to download and is certainly not suitable as a basis for facilitating public consultation or informing a government decision on the project. As a consequence, I submit that it fails to meet the requirements of the *Planning Secretary's Environmental Assessment Requirements (SEAR)*¹ and should therefore be rejected as not suitable as a basis for decision making.

Issues

There are many issues with this EIS, the most prominent of which are addressed below.

The EIS fails to achieve the most fundamental objectives of an environmental impact statement

The purpose of any environmental impact statement (EIS) is to serve as a basis for informing decision-makers and facilitating public consultation on projects that may have a significant impact on the environment. From the NSW Planning Portal:

The EIS provides information on the economic, environmental, and social impacts of the project. It helps the community; government agencies and the approval authority make informed submissions or decisions on the project.

*The EIS must be easy to understand, rigorous and as succinct as possible.*²

The EIS must be a standalone document that includes sufficient information to ensure that *all* environmental, social and economic impacts associated with the proposal have been identified and assessed, and *any* adverse impacts are avoided, minimised, mitigated or as a last resort, offset.

These concepts are common across all jurisdictions in Australia and internationally and have been so for at least four decades. However, they seem to have been ignored by the authors of the Chain Valley Colliery Consolidation Project EIS. For example:

- Failure to be easy to understand, rigorous and as succinct as possible.
 - The EIS makes excessive use of unusual acronyms and initialisms, rather than using the full text of the terms. For example, the term GDE is first used on page 103 of the EIS but is not defined until page 172. There are many more examples. This is either just lazy drafting or a deliberate attempt to confuse non-technical readers.
 - The EIS lacks rigour, in that it relies heavily on platitudes to describe potential impacts.
- Failure to be a standalone document that includes sufficient information
 - "Noise emissions from CVC approved operations are currently managed in accordance with the approved Delta Coal Noise Management Plan (2022)." (EIS page 70). Where is this plan? It should be attached as an appendix to the EIS, and its principles outlined in the EIS body.

¹ *Planning Secretary's Environmental Assessment Requirements*. [Chain Valley Colliery Consolidation Project Planning Portal](#). (viewed 15 December 2022)

² *Prepare EIS Assessing the impacts of a project with community engagement*. [NSW Planning Portal](#) (viewed 15 December 2022)

- “Existing noise mitigation and management strategies will continue to be implemented as part of the ongoing MC and CVC operations.” (EIS page 88). What are these strategies?
- The EIS states on page 103 “There are no high priority GDEs, listed in the relevant Water Sharing Plans (WSPs), within the area potentially impacted by the Project.” What are GDEs? Where are these WSPs? Why are they not attached to the EIS, or at least properly referenced?
- Existing groundwater management. (EIS page 103). A short paragraph here states that plans outline groundwater level, quantity and quality monitoring requirements and identify trigger values and the actions and responses to be adopted should the triggers be exceeded. However, neither the trigger values nor responses are identified in the EIS.

Impacts on surface water quality and biodiversity

The description of the treatment process for groundwater and surface water discharge generated by the mine proposed in the EIS is unsatisfactory. Contrary to the SEAR in relation to biodiversity, the impact of these large volumes of groundwater and surface water on the biodiversity of Swindles Creek or Lake Macquarie is not assessed.

A simple analysis of the mass balance of total suspended solids in surface water discharge between the discharge point and near the mouth of Swindles Creek (monitoring location RW1) suggests that approximately half of the annual average sediment load is deposited in that stretch of the creek. However, there is no analysis of the impact of that sedimentation on the biodiversity of the creek – apparently because the creek is not a ‘high priority GDE’. This is unacceptable.

Several fish kills have been reported in this part of Lake Macquarie in the last year without conclusive reasons for their occurrence. Many hectares of seagrass in the lake have been destroyed by discharges from mines and ash dams. While the extent to which discharges from the Chain Valley and Mannering mining operations contribute to these occurrences is unclear, there can be little doubt that they do contribute. Therefore, it is critical that the cumulative effects of these operations with effects of other industrial activities (such as the Vales Point Power Station) be addressed. Despite the need for cumulative effects to be addressed being recognised in the Secretary’s Requirements for the EIS, these have been ignored.

Economic impacts

The EIS notes on page 143 that “adverse uncompensated environmental, social and cultural impacts of the Project have been minimised through project design and mitigation, offset and compensation measures” and that “These measures have already been incorporated into the estimate of net production” [cost]. However, the costs of residual impacts, for example the cost of the mines’ contribution to cumulative impacts on human health from air pollution and contamination of fish and other species in the lake, and the damage to otherwise valuable surface waters have not been included, being effectively set at zero after a very simplistic analysis.

Thus, the estimate of net economic benefit of the proposal included in the EIS should properly be regarded as a maximum pending a proper analysis of the costs of the environmental, health and social impacts of the proposal. In this context the very small nature of the estimated net benefit to NSW (only \$89million – trivial in relation to the state budget) and the potentially very large costs to NSW in managing the health impacts of the proposal suggests that there is a strong likelihood that a more thorough cost benefit analysis would show a net cost to NSW rather than a net benefit.

Conclusion

The tediously lengthy analysis in the EIS is confusing and superficial. It can only be concluded that the proponent's desire for the EIS to present the project in the best possible light prevents a proper analysis of its benefits and environmental impacts. The EIS should be rejected and a new one required before the government makes its decision.