



Hunter Environment Lobby Inc.

202 High St
East Maitland NSW 2323
27th February 2023

Hunter Valley Operations (HVO) Continuation Project Objection

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

As a background to our submission, Hunter Valley Operations (owned by Glencore and Yancoal) is seeking approval for the HVO Continuation Project (the Project). As we have been told, the Project involves: continuation of mining to optimise resource recovery from the existing operation, predominantly by extracting coal from deeper seams; an extension of mine life at HVO North from 2025 to the end of 2050 and at HVO South from 2030 to the end of 2045; extraction of an additional 400 Mt of run-of-mine (ROM) coal.

Greenhouse Gas Emissions This would be the most polluting project in NSW since the Paris Agreement: Glencore and Yancoal's Hunter Valley Operations Continuation Project would be responsible for 1.2 billion tonnes of total carbon emissions and is the single largest new coal project proposed in NSW since the Paris Agreement.

We note that eight new coal mine proposals are in the NSW planning system right now (which are all likely to be determined in 2023), this represents the largest increase of new coal capacity proposed in NSW since the Paris Agreement entered into force at the end of 2016.

Coal mining emissions in NSW are the only sector that the NSW Government predicts will increase this decade. Under the latest 'current policy scenario' in the 'NSW Greenhouse Gas Emission Projections, 2021–2050' - published on 20 January 2023 - fugitive emissions from coal mines (open cut and underground) are projected to increase by ~10% from 11.63 Mt CO₂-e in 2020 to 12.8 Mt CO₂-e in 2030.

HVO is seeking permission to double the annual Scope 1 GHG emissions (mainly fugitive methane and diesel emissions released during mining) from the 0.56 Mt CO₂-e reported in their 2021 Annual Environmental Review to an average of 1.19 Mt CO₂-e for the next 27 years

HEL also notes that 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. 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.

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.

Air pollution The expansion of activities at HVO would inevitably result in degraded air quality, with significant and prolonged air pollution in the form of PM₁₀ and PM_{2.5} emissions. PM_{2.5} emissions are particularly concerning.

Last year, Associate Professor Gabriel Da Silva - expert on the chemistry of air pollution at The University of Melbourne - made a submission on the expansion of the Mount Pleasant mine (also in the Hunter Valley), finding that for health reasons, “the mine shouldn’t be allowed to expand.” Reaching this conclusion, Dr Da Silva found “emerging science” is telling us “that PM_{2.5} is actually more harmful than we once understood” and that “the latest studies are showing we can’t actually work out where a safe limit for exposure to PM_{2.5} is.”

Aboriginal cultural heritage Significant Aboriginal cultural heritage values would be impacted by this Project, therefore the Plains Clans of the Wonnarua People object to any expansion of open cut coal mining at HVO. In October 2022, the NSW IPC found that Aboriginal cultural heritage values adjacent to this Project would be “harmed” by Glencore’s ‘Glendell Continued Operations Project’ (COP).

This was one of the key reasons the Glendell COP project was refused consent. Lock the Gate have made it understood that the Plains Clans of the Wonnarua People (PCWP)’s have lodged a Section 10 application to the Commonwealth under the ATSIHP Act to protect Aboriginal Cultural Heritage in this area and that this application is still afoot. This application was material to the NSW IPC’s refusal of the Glendell COP and also covers portions of the HVO Project area.

Biodiversity The Project would clear 397 ha of native vegetation, 97.4 ha of which is home to Threatened Ecological Communities (TECs). At least two TECs face ‘Serious and Irreversible Impacts (SII)’ as a result of the Project, being Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions EEC and Warkworth Sands Woodland in the Sydney Basin Bioregion EEC.

The newly discovered legless lizard - the Hunter Valley delma (*Delma vescolineata*) - is also at risk. While the Hunter Valley delma is not currently listed as a threatened species, it is expected that it soon will be. It is understood that the species has been nominated for listing under the Commonwealth EPBC Act. The species is only known to occur in a geographically restricted area in the Hunter Valley, which is heavily impacted by mining and agriculture with no parks or reserves in the region known to conserve habitat for this species

The Australian Government’s ‘Australia state of the environment 2021’ (July 2022) found that “[o]verall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction.”

Voids HEL notes that HVO proposes to leave two huge voids that will slowly fill up with salty water. 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)

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, much deeper. ○ Modelling predicts that each void will take hundreds, even thousands of years to reach hydrological equilibrium, with each destined to become a contaminated super-saline lake.

There have been some suggestions that these sites might become nice recreational water parks, or dirt bike tracks, or renewable energy stations, but experts and local authorities warn that the Hunter's voids will become perpetual hazards to human and environmental health, needing active management long after the mining companies have gone.

Muswellbrook Council has said "Voids are not a naturally occurring element in the landscape, so planning to retain a void is planning to create an irreversible and permanent negative change to the environment. A conclusion seems to be that Glencore is not fit and proper to hold a mining lease in NSW

The NSW Mining Act and the Commonwealth Environment Protection And Biodiversity Conservation Act 1999 both have provisions which require a mining title holder to be 'fit and proper'. Glencore owns 49% of this Project. Glencore is not a fit and proper entity to be granted further mining rights in NSW. In fact 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.

Here in Australia, Glencore is facing an investigation by ASIC over greenwashing and "misleading and deceptive" conduct linked to their claims about cutting carbon emissions. According to Australasian Centre for Corporate Responsibility: "Glencore remains one of the largest members of some of Australia's biggest blockers of climate action: the Minerals Council of Australia (MCA), the NSW Minerals Council and the Queensland Resources Council (QRC). The MCA was found by InfluenceMap in 2021 to be the single largest negative influence on Australian climate-related policy."

They were also found to be "the 8th most obstructive company blocking climate policy action globally, and remains one of the few diversified miners still promoting thermal coal. Glencore's direct and indirect advocacy through industry associations continues to stand in the way of ambitious climate policy in Australia."

Yours in trust,

A handwritten signature in black ink, appearing to read 'Jan Davis', is positioned above the typed name and title.

Jan Davis
President Hunter Environment Lobby Inc.