

“Reclaiming our Valley”

Hunter Communities Network

PO Box 14 Singleton 2330

Megan Dawson
Planning Manager
Department of Planning
GPO Box 39
Sydney South NSW 2001

Dear Ms Dawson

Objection to Hunter Valley Operations South Modification 5

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

We strongly object to the proposed modification of Hunter Valley Operations (HVO) South because the cumulative impact will be too great and unsustainable in the mid-Hunter, an area now saturated with large coal mine super pits. Our objections are based on the following social and environmental impacts:

1. Increased noise and dust pollution
2. Further loss of visual amenity at a regional level
3. Further drawdown of alluvial and groundwater sources
4. Increased threats to endangered ecological communities and wetlands
5. Additional discharge of polluted mine water into the Hunter River
6. Increased size of final void
7. Poor justification and misleading information on public benefit
8. Failure to meet Mining SEPP non-discretionary development standards for mining

The consideration of cumulative impact with the neighbouring proposed United-Wambo super pit is superficial and cannot be accepted as a rigorous assessment. The cumulative impact of the existing large operations at the currently approved HVO South & North, Ravensworth complex, Wambo and Mt Thorley-Warkworth coal mines are significant and should not be increased.

The lack of a comprehensive, independent cumulative impact study of coal mining in the Hunter region, particularly in relation to impacts on community, the agricultural economy and services industry, water sources in the Hunter River catchment, biodiversity, air quality and amenity is a major failure of the decision-making process in NSW.

We note that HVO South had applied for an ‘unlimited depth’ approval in 2009. This was rejected because the impacts of mining the lower seams had not been assessed. We assume that the Environmental Assessment (EA) for the proposed fifth modification constitutes that assessment. The cumulative impacts of this deeper mining have not been rigorously assessed.

We note that HVO South already has approval to mine to 23 March 2030 and that the proposed modification does not extend the life of mine or increase the annual volume of product coal.

This application must be rejected because it is unsustainable and lacks merit.

1. Increased noise and dust pollution

We note that noise and air quality impacts were given a high priority through community consultation and we object to the proposed increases in mine noise and dust pollution.

The assessment has identified that 17 properties will have increased mine noise and 5 properties will have increased levels of dust. We believe from past community experience that these predictions are very optimistic and that noise and dust pollution will be far greater than predicted.

The EA discusses the impacted properties in regard to the Voluntary Land Acquisition and Mitigation Policy (VLAMP).¹ It is noted that the assessment has identified exceedances of criteria in the VLAMP for noise and dust.

Hunter Communities Network strongly opposes the view that because a property may have acquisition rights from other coal projects, that it is acceptable for additional increases of pollution to be allowable.

This is cited as the case for property 77 in Warkworth village that has voluntary acquisition rights due to impacts from Wambo and Warkworth operations. This proposal will further increase both noise and dust pollution at this residence beyond the criteria of the VLAMP.

This cumulative increase of pollution on residence 77 should not be approved.

Similarly for property 471 south-west of Camberwell village, that has existing acquisition rights for Ashton South East Open Cut mine. Because that mine has not yet commenced and Ashton has applied for a modification to change the timing of those acquisition rights, it is unfair and untenable for that landholder to be inflicted with increased air pollution from HVO South.

We are particularly concerned that the proposal to increase the height of overburden dumping to 240 AHD will significantly increase the level of regional dust pollution. The Upper Hunter Air Quality Monitoring Network regularly registers exceedances of the national standard for PM₁₀ emissions at monitors near HVO South operations.

¹ HVO South Mod 5 EA, Main Report Pp 47 - 48

The Camberwell air quality monitor regularly measures exceedances with the Mt Thorley, Warkworth, Maison Dieu and Singleton monitors also regularly sending out exceedance alerts.

The proposed increased height of overburden dumping for 13 years up to 2030 is unacceptable and has not been rigorously assessed for regional impacts. The cumulative impact of coal mining on air quality combined with power station emissions in the Hunter is already too great.

The Hunter is one of the most polluted areas in NSW per head of population. This proposal should be rejected because of the additional air pollution that will be generated by overburden dumping at significantly increased heights.

2. Further loss of visual amenity at a regional level

We do not support the proposal to increase the height of overburden mountains by another 80m. The current visual impact for commuters and visitors to the Hunter using the Golden Highway and New England Highway plus other regional and local roads is already too great.

The scale of change to the Hunter Valley landscape caused by the current super pit operations is enormous. Vast areas of overburden dumps are unsightly and poorly managed.

The rehabilitation of large overburden dumps is too slow. They are an ugly mess in the landscape and visually offensive.

Hunter Communities Network does not accept the justification that the approval of a vast increase in the height of overburden dumps at HVO South will enable the mine to improve current standards of rehabilitation shaping and landscaping.

We are aware that the Department of Resources and Energy are proposing to change the management of mine rehabilitation to improve the final mine closure plans. This involves separating rehabilitation from Mining Operation Plans and requiring annual reporting on advances towards completion criteria.

This process will enable HVO South to improve landscaping in its rehabilitation criteria without the approval of an increase in overburden height to 240 ADH.

3. Further drawdown of alluvial and groundwater sources

We note that impacts on groundwater were also given a high priority from community consultation. The EA predicts that groundwater drawdown will increase by 2.8m on top of the drawdown of 7m through existing approved operations.

It is also predicted that alluvial aquifers will suffer a further 0.5m drawdown. The cumulative impact of alluvial drawdown from neighbouring operations has not been clearly identified. These ongoing impacts on groundwater are unacceptable to the community.

The cumulative impact of mining on Wollombi Brook has become unsustainable and should not be increased.

The lack of an independent regional study of the impacts of mining on the Hunter River and its tributaries and associated groundwater systems means there is no rigorous cumulative assessment for decision-makers to base their unbiased deliberations on.

Hunter Communities Network considers that the Department of Planning and Environment need to conduct an independent review of the groundwater assessment for HVO South Mod 5 in conjunction with the approved predicted impacts at surrounding operations and those proposed for the United-Wambo super pit.

We note that the recently approved Wambo Mod 12 will have additional impacts on groundwater and surface water sources in the Wollombi Brook catchment. This tributary of the Hunter River has changed from a gaining stream to a losing stream due to the complex nature of mining in the area.

The lack of rigorous assessment of the longterm impacts of increasing perpetual drawdown of groundwater systems in this area of the Hunter is a failure of the planning system that will be regretted by future generations.

The proposal to drawdown groundwater systems by up to 10m for an indefinite period of time is unsustainable and should not be approved.

4. Increased threats to endangered ecological communities and wetlands

We dispute the prediction that this proposal will not further threatened nearby endangered ecological communities, Hunter Flood Plain Red Gum Woodland and Hunter Valley River Oak, a remnant endangered population of Hunter River Red Gum or the ephemeral Carrington Billabong.

Changes in hydrology is one of the key threatening processes for these endangered communities and populations.

The proposal to drawdown alluvial aquifer systems by a further 0.5m will continue to exacerbate the threat to long term survival of these important habitats. Further stress will be inflicted during dry times and extreme drought conditions

Hunter Communities Network considers the argument that these endangered habitats are '*opportunistic groundwater users only*'² confirms our understanding that groundwater levels are critical for their survival during dry periods when rainfall and flooding events are minimal.

² Ibid p ES.9

The cumulative change to hydrology in this part of the Hunter catchment is a significant impact that has not been adequately assessed or considered by decision-makers in the approval of large mining operations.

Ongoing threats to biodiversity in the Hunter is an unsustainable legacy for future generations and should not be approved.

5. Additional discharge of polluted mine water into the Hunter River

We note that the EA considers that *‘No significant change to the frequency or magnitude of releases under the Hunter River Salinity Trading Scheme is predicted’*.³

Hunter Communities Network participated in the EPA review of the Hunter River Salinity Trading Scheme (HRSTS) and note that the rules have changed in relation to height of flood flows that can accept discharge of mine water. We also expressed concern that the release of heavy metals and other toxic pollutants in mine water are not captured by the regulation of the HRSTS.

The EA predicts that due to the proposed modification *‘peak take from all water sources is predicted at approximately 2,598ML/year’*.⁴ We consider this to be a substantial volume of water to be taken from surrounding groundwater and surface water sources.

The EA also states: *‘There is an annual probability of approximately 50 per cent of discharging water to the Hunter River under the HRSTS in all scenarios except for Stage 1, in which probability reduces to 40 per cent. The annual probability of discharging greater than 2,000ML/year under the HRSTS is approximately 10 per cent in all scenarios’*.⁵

There appears to be no discussion of the influence of the changed HRSTS rules on the ability to discharge increased levels of mine water take.

The EA notes that *‘HVO participates in the HRSTS and currently holds 145 credits, allowing it to release up to 14.5 per cent of the total allowable discharge salt tonnage during periods of ‘high’ or ‘flood’ flows in accordance within the scheme rules’*.⁶

There appears to be no discussion of the increase in salinity levels or other toxic pollutants held in the increased mine water make. The EA does not clearly set out the issues relating to discharges under the HRSTS in relation to increased water make.

Hunter Communities Network is concerned that the HRSTS does not protect the Hunter River from increased pollution from discharged mine water.

³ Ibid p ES.8

⁴ P 159

⁵ P 172

⁶ 168

6. Increased size of final void

Hunter Communities Network strongly opposes the approval of final voids in the Hunter landscape that will remain in perpetuity. The current rehabilitation bond system does not provide funding to manage final voids into the future after mine closure. This legacy will be passed onto the public purse or to future landowners, at their own financial risk.

We consider that there should be no legacy of financial risk after mine closure and decommissioning.

If this modification is to be approved, then it should be under the condition that the current approved final void be completely backfilled, so that the final landscape will not have an increased height of overburden emplacement as indicated in photo montages included in the EA.⁷

The justification for increasing the size of the final void from 404 ha to 523ha does not address the fact that the legacy of a perpetual groundwater sink in the landscape is unsustainable and should not be approved.

7. Poor justification and misleading information on public benefit

Hunter Communities Network is concerned that the EA provides misleading information on the public benefit of the proposed modification.

The EA states that *‘additional direct economic benefits and flow-on economic effects of HVO South include \$243 million in royalties and \$160 million in taxes’*.⁸

We note that this information is not attributed directly to Modification 5 but to the whole HVO South complex. The additionality of this public benefit is not described.

There is also reference to the benefit of access to *‘approximately 56.8Mt additional state resource’*.⁹

Modification 5 does not propose to extend the life of mine or to increase the annual volume of product coal. Therefore, there will be no additional public benefit derived from the extraction of deeper seams in the landscape to access an additional volume of RoM coal.

The justification for the modification adds that it will *‘enable more coal to be produced from the HVO South’*¹⁰ This is misleading because the modification allows more RoM coal to be extracted but does not increase the volume of approved product coal.

⁷ Ibid Figs 9.3, 9.5, 9.7, 9.9, 9.11, 9.13, 9.14

⁸ Ibid p ES.12

⁹ Ibid p ES.10

¹⁰ Ibid p ES. 11

We note that currently approved activities under the 2009 PA 06_0261 HVO South project approval, including mining at South Lemington pits 1 & 2, and the construction of the Lemington Coal Preparation Plant, have not been commenced.

In fact the EA states that construction of new CHPP and recommencing South Lemington Pit 1 will not be commenced *‘under current market conditions, there are no foreseeable plans to do so’*¹¹

Therefore, the public benefit assessed for these aspects of the current approval are being waived while increased environmental and social impacts are being proposed to make up the difference.

As reported under the Approved Mine Plan¹² *‘There is no active mining in either of the South Lemington Pits’*

Hunter Communities Network strongly objects to this application to access deeper coal seams that will increase impacts on regional groundwater systems, air quality, visual amenity and mine noise while currently approved access to ‘state resource’ is not being undertaken as per the mine approval.

This is clear evidence that the public benefit of the current approval has been vastly overstated while the proponent wishes to increase the permanent and irreversible environmental and social impacts of the mine for its own benefit.

The statement that *‘The proposed modification will add to the important regional and local economic and social benefits from the mine’s operation. It would add to the economic benefits to the NSW Government in the form of royalties, and to the Commonwealth Government in the form of company and income taxes’*¹³ is entirely misleading and should not be accepted by decision-makers.

We consider that the proposal is based purely on the profit margin of the mine at the expense of the environment and community and that no public benefit beyond the existing approval will be provided.

8. Failure to meet Mining SEPP non-discretionary development standards for mining

Various development standards as required under the Mining SEPP are not met by this proposal:

a) Standard for Noise

The development does not result in a cumulative amenity noise level greater than the acceptable noise levels, as determined in accordance with Table 2.1 of the Industrial Noise Policy, for residences that are private dwellings.

¹¹ Ibid p 5

¹² Ibid p 15

¹³ Ibid p ES.12

The proposal does not meet this standard because Mining SEPP (clause 12AB(3)) non-discretionary standard for acceptable night-time (ie amenity) criterion of 40 dB LAeq, 9hour is not met at one assessment location.

b) Air Quality Standard

The development does not result in a cumulative annual average level of greater than 90 ug/m³ of PM₁₀ for private dwellings.

The Mining SEPP (clause 12AB(4)) non-discretionary standard with respect to cumulative air quality at private dwellings is not met at two assessment locations.

c) Other considerations

i) Compatibility with other land uses:

There are a number of rural/residential land uses to the east, west and south of the mine. The cumulative impact of the proposal is not compatible with this land use. The proposal is likely to have a significant impact on these land uses. There is no guarantee that commitments provided in the EA will ever be implemented.

ii) Respective public benefits:

The quoted additional benefits of \$243m in royalties and \$160m in taxes is misleading information and cannot be used to compare with the impacts on other land uses.

iii) Evaluation of measures proposed by applicant to avoid or minimise any incompatibility:

The proposal to increase the height of overburden, increase dust and noise and increase groundwater interception will not be adequately mitigated and is entirely incompatible with surrounding land use.

iv) Natural Resource Management and Environmental Management:

Impacts on significant water sources (ie Wollombi Brook, Hunter River and associated groundwater systems) are not avoided or minimised
Impacts on biodiversity and threatened species will be cumulative
Greenhouse Gas emissions will increase

v) Resource Recovery:

The creation of waste will not be minimised. The increase of overburden dumps by 80m is unacceptable and should not be approved.

vi) Rehabilitation:

The retention of a final void and final landforms at 240 ADH will not be conducive to future productive land uses. Overburden waste generated by the development should be used to backfill the final void.

Hunter Communities Network considers that the proposal fails to meet a number of considerations under the Mining SEPP and should not be approved.

Conclusion

The community has expressed deep concern about further loss of amenity in this highly disturbed landscape.

The proposed modification has no public benefit while inflicting greater permanent environmental damage in an area of the Hunter region which is already significantly impacted by complex super pit operations.

The community has no faith in the ability of current regulatory regime to adequately manage the cumulative impacts of coal mining in the mid Hunter.

HVO South Modification 5 has no merit and should not be approved.

Yours sincerely

A handwritten signature in cursive script that reads "B. Smiles".

Bev Smiles
Convenor

Friday 10 March 2017