



Ringwood Rd
Wollar NSW 2850

Att: Sara Wilson
Assessment Officer
Mining and Major Industry Projects
Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Tuesday 18 June 2013

Email: sara.wilson@planning.nsw.gov.au

Submission of Objection

Moolarben Mine Stage 1 Modification 9 (Part3AMod)

Central West Environment Council (CWEC) is an umbrella organisation representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

Introduction

CWEC has submitted a number of objections to coal mining projects and expansions in the Ulan area of Mid-Western Region Shire. Many of the concerns raised in previous submissions have not been adequately mitigated or regulated, particularly in relation to the Moolarben Coal Mine operations.

CWEC strongly objects to the proposed ninth modification to this very large, destructive and poorly managed mining operation. CWEC does not believe that the NSW Department of Planning & Infrastructure (NSW Planning) has adequately considered the cumulative impacts of the current operations at Moolarben when combined with the impacts of the Wilpinjong and Ulan operations.

This is demonstrated through the drawn out process of negotiation around the upgrade of the Cassilis Road. The traffic assessments for all three mines predicted no greater impact on the road than was currently occurring. This proved to be patently incorrect yet the ratepayers of Mid Western Regional Council now have a debt of \$13m through no activity generated by them.

The continued dependence of NSW Planning on information supplied by consultants employed by the mining industry has led to a number of major negative cumulative impacts in the Ulan region.

CWEC has no confidence in the quality of the information supplied in the environmental assessment of the proposed expansion of Moolarben open cut mining operations (the proposal).

CWEC also wishes to lodge a complaint that NSW Planning did not issue Director General's Requirements for the assessment of the proposal and gave the community only fourteen days to respond to the public exhibition.

CWEC considers that a 25% increase in the current approved disturbance area to access a further 30 million tonnes of coal is a significant extension of the Moolarben Coal Operations (MCO).

CWEC objects to the proposal having been lodged with NSW Planning for assessment before 'The Drip', a significant environmental feature in the regional landscape, has been protected within Goulburn River National Park.

CWEC is concerned that the proposal will cause regional scale cumulative impacts on biodiversity through the loss of a further 171.4 ha of forest and woodland vegetation including a critically endangered ecological community (CEEC) and an identified significant impact on at least two threatened fauna species.

The proposed biodiversity offset package will not adequately compensate for the cumulative loss of habitat in the region and the poor biodiversity offset arrangements previously approved for broad-scale clearing activities.

The proposed increase of 27,434,059 tonnes of CO₂ equivalent per year is not acceptable and cannot be mitigated. The economic assessment of the proposal has not provided a calculation of the negative economic impacts of climate change on the local and regional economy.

CWEC considers that the cumulative impact of mining operations on the headwaters of the Goulburn River has not been adequately assessed or considered. NSW Planning and NSW Office of Water are abrogating their responsibility to the long term health of a major tributary to the Hunter River system if they consider this proposal before commissioning an independent regional water study on the current impacts of open cut and longwall mining operations on the Upper Goulburn River water source.

This study should consider all current conditions of approval for the Ulan, Moolarben and Wilpinjong projects, the effectiveness of current Environmental Pollution Licences and the ability of the projects to operate within these regulations.

1. Regional scale cumulative impacts on biodiversity

CWEC does not support the proposal to further destroy areas of good condition¹ native vegetation particularly those containing remnants of the Grassy Box Gum Woodland CEEC.

The cumulative loss of threatened species habitat in the Ulan-Wollar area due to approvals for broad-scale clearing for large open cut mining operations is not being

¹ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 90

adequately assessed or addressed. This proposal does not identify that large areas of good condition mature CEEC have already been destroyed by mining activities.

CWEC is concerned that, with a maximum of only 8 hours of diurnal bird survey effort for the proposal assessment, 53 diurnally active birds were recorded, including a number of regionally significant woodland birds.

Significant birds recorded in habitat proposed to be destroyed include the Common Koel, Emu, Jacky Winter, Eastern Yellow Robin, Rufous Whistler and the threatened Turquoise Parrot, Diamond Firetail, Brown Treecreeper, Powerful Owl and Masked Owl.

The habitat also has the potential to be used by other threatened species such as the Barking Owl and Regent Honeyeater.

A more thorough survey effort would more than likely record a greater number of threatened and regionally significant birds in the good condition habitat threatened with destruction.

CWEC is concerned that the acknowledged significant threat to the Brown Treecreeper and Eastern Cave Bat, through cumulative loss of irreplaceable tree hollows and rocky outcrops, is not a complete indication of the extent of the threatened species impacts because of the poor survey effort.

The ongoing loss of good quality habitat around the edges of the Munghorn Gap Nature Reserve and Goulburn River National Park will increase the pressure on existing populations and competition for threatened species habitat within the reserves. This issue is not addressed in the proposal assessment.

The description of the size of the reserves in relation to the additional area identified for removal is not relevant.² A comparison of the cumulative loss of significant and limiting habitat features such as hollow bearing trees and rocky outcrops in the region would be a more robust indication of cumulative impact on threatened species.

The diversity of fauna species recorded in the area is significant and should be a strong justification for not approving the proposal.

CWEC does not support the conclusion that increased indirect impacts such as noise, dust, fragmentation, edge effects, connectivity and impacts to conservation reserves are not significant.³ The cumulative impact of the current three large mining operations in the region has not been addressed.

The reference to the current Stage 1 EPBC approval (EPBC 2007/3297)⁴ outlines the reasons for not approving this extension proposal. It does not meet the requirements of the Land Management Plan because it does not:

- avoid impacts on areas of high ecological value
- enhance local vegetation cover - it continues to remove it

² Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 95

³ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 95

⁴ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 96

- increase utilization of isolated vegetation patches by local biodiversity such as woodland birds – it continues to cause more isolation of vegetation patches
- improve connectivity between Munghorn Gap Nature Reserve and Goulburn River National Park – it continues to break up the connectivity between the reserves
- improve connectivity between Dexter Mountain and Munghorn Gap Nature Reserve – it continues to break up connectivity in the landscape
- secure the local conservation of EECs, their habitats and important local biodiversity – it continues to destroy EEC and threatened species habitat

CWEC considers that the proposal is in contravention to the principles of the EPBC approval for Moolarben Stage 1.

2. Inadequacy of proposed biodiversity offsets

The outline of the proposed Biodiversity Offset Package (BOP) contains a number of contradictions. It is noted that the OEH (2011) Policy includes a Tier 1 full 'improve or maintain' outcome.

The proposal assessment states: *'It is noted that a Tier 1 outcome is not possible for the proposed modification given the disturbance of 17.2 ha of White Box Yellow Box Blakely's Red Gum Woodland which is a 'red flag' community under the policy'*⁵

The proposal assessment then states that the BOP will provide *'a maintain or improve' quantification of the impacts of the proposed modification informed by the BBAM to guide the development of the offset strategy.*⁶

The BOP proposes a 3.7:1 offset ratio. This is much less than the ratio required by the farming community when developing a property vegetation plan to approve clearing of native vegetation. As already identified the CEEC is a 'red flag' community that would not be given approval for clearing for agricultural purposes without a much larger offset ratio than that proposed in this BOP.

The proposal assessment maintains that the BOP includes 330 ha of *'equivalent'* vegetation types including 154 ha of White Box- Yellow Box grassy woodland.⁷

However, none of the maps presented outlining the vegetation types on the properties proposed for the BOP indicates an area of White Box- Yellow Box grassy woodland.

CWEC seeks clarification of this issue. The claim that the BOP will provide a 19:1 offset ratio for CEEC cannot be verified from the information provided.

3. Increased loss of environmental amenity

⁵ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 98

⁶ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 98

⁷ Moolarben Stage 1 MOD 9 – Vol 1 EA Main Report p 100

CWEC does not support the claim that the removal of three ridgelines up to a height of 100m can be adequately screened by planting trees. The impact from current operations at MCO on visual amenity is extreme and cannot be mitigated.

The proposal to continue destroying the remaining vegetated ridgelines in view is not acceptable.

The increased dust emissions from ridgeline removal have not been adequately assessed in relation to impacts on neighbouring properties in the Ridge Road and Cooks Gap area.

The noise impacts of this activity have also not been adequately assessed or modeled.

CWEC is concerned that the predictions of the impacts of the current operations were vastly understated. NSW Planning must commission an independent assessment of noise, dust and environmental amenity impacts of the proposal to be conducted by a firm of consultants that have no history of working for the coal industry.

4. Cumulative impacts on ecology of the Goulburn River

The proposal assessment does not adequately address the cumulative impacts on the health of the Upper Goulburn water source caused by the Ulan Continued Operations, Moolarben Stage 1 & Stage 2 and the Wilpinjong mine operations.

The proposal to dump mine overburden within 100m of the Moolarben Creek tributary is not acceptable. This will cause an increase in sedimentation from runoff, particularly in extreme rainfall events.

The current increase in sedimentation in the Goulburn River caused by mining operations has not been adequately assessed.

The proposed Water Management Plan will not protect the river ecology from ongoing increased pollution events.

The interception of base flows and surface flows from current mining operations is significant and cannot be mitigated through the purchase of downstream water licences.

The proposal to top up MCO water needs with supply from Ulan (currently a minimum of 1,000ML/yr) is an indication of the volume of water being removed from the catchment by current mining activities.

Conclusion

CWEC concludes that the proposal is not necessary for MCO to continue extracting coal under current conditions of approval.

The proposal cannot be justified on economic, social or environmental grounds and should not be approved.

Yours sincerely

B. Smiles
Bev Smiles
Secretary