



Nature Conservation Council

The voice for nature in NSW

Paul Freeman
Major Development Assessment
PO Box 39
Sydney NSW 2001

30 July 2015

Dear Mr Freeman,

RE: Submission of Objection to Moolarben Coal Complex - Stage 1 (05_0117 MOD 12) & Stage 2 (08_0135 MOD 2)

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent more than 130 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW. We strive to achieve an ecologically sustainable society through advocacy, education, research and community empowerment.

We welcome the opportunity to provide comment on the Moolarben Coal Complex Stage 1 and 2 modifications (the project). NCC has significant concerns regarding the environmental impacts of this proposal for the following reasons:

Ongoing modification of an approved mining project

Stage 2 of Moolarben Coal Mine was approved only 6-months ago in February 2015 after an extensive assessment and approvals process including a preferred project modification.

It is unacceptable that two modifications of the Stage 2 approval have been lodged with the Department of Planning and the Environment in the last three months. This has serious implications in regard to the rigor of the process for developing mine design for approval and the adequacy of the process of assessment and approval of major mine projects.

A proposed twelfth modification of Stage 1 provides no certainty for the management of cumulative environmental and social impacts from the project.

NCC does not support the justification for the modification and considers that the increased environmental impacts have not been adequately assessed or costed.

Failure to identify the new listing of a critically endangered ecological community

On 7 May 2015 the Central Hunter Valley eucalypt forest and woodland ecological community was actively listed as critically endangered (CEEC) under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

NCC notes that Appendix E Flora and Fauna Impact Assessment conducted by Ecological Australia fails to recognise that the Central Hunter Grey Box-Ironbark Woodland in the NSW North Coast and Sydney Basin Bioregions is covered under the new CEEC listing.

Therefore, the assessment fails to consider the impacts of the proposed modification on this CEEC under the EPBC Significant Impact Guidelines (App F – App C).

NCC is not aware that the current Biodiversity Offset Strategy for Moolarben Stage 2 contains any of this CEEC, which has not been identified or adequately assessed for significant impacts in the modification assessment report. The destruction of this critically endangered community is not appropriate.

Inappropriate assessment of biodiversity impacts

NCC notes that the Flora & Fauna Impact Assessment does not consider the impact of increased subsidence across the entire area of the proposed changes to Underground Mine 1 (UG1). The assessment only considers the impacts on the proposed mine extension and surface disturbance areas.

There is no mapping of the CEEC across the impact area of UG1. Therefore any impacts associated with subsidence such as increased ponding, cracking of bedrock and disturbance of thin alluvial and colluvial soils in drainage lines have not been considered in relation to vegetation communities in these areas, this is simply not acceptable.

Cumulative impact of cliff collapse

The assessment of increased subsidence impacts has failed to recognise the area of cliff collapse already approved in the Ulan area. The combined cliff collapse from approved subsidence at the Ulan Mine and at UG1, UG2 and UG4 in the Moolarben Coal Complex has not been identified. Cliffs and overhangs provide important habitat features in the landscape.

The assessment that there will be an additional 15% loss of 3 cliff lines in the region is a cumulative impact that has not been adequately considered.

Adequacy of groundwater model as a predictive tool

NCC considers that the groundwater modeling conducted to assess the cumulative impact of the proposed increase in coal extraction and subsidence is flawed. The model does not take into account the predicted drawdown from the Ulan Mine that is likely to cause the sustained

depressurisation of the Ulan seam to distances of 10-20 kms from the panel footprint with the Permian interburden drawn down for 5 – 15 kms and the Triassic strata out to 4-6 kms.

The groundwater systems in the Munghorn Nature Reserve, and the Moolarben, Ulan and Wollar areas are extremely complex with an abundance of potable surface springs and subsurface groundwater associated with the Triassic strata. This complexity has not been adequately assessed in relation to the larger impacts proposed.

Conclusion

NCC objects to the proposed modification to Moolarben Coal Complex on the grounds that the mining of an additional 3.7 million tonnes of underground coal will have greater environmental impacts than those assessed.

The conclusion provided, that the increased level of subsidence will be generally consistent with currently approved performance measures causing minimal additional environmental impacts, cannot be supported by the poor level of assessment presented.

The proposal to double the coal extraction from Underground Mine 1 must be required to be assessed and lodged as a new project due the significance of the modification and the likely environmental impacts.

Please do not hesitate to contact me on 02 9516 1488 or ncc@nature.org.au if you would like any further information.

Yours sincerely,

Kate Smolski
Chief Executive Officer
Nature Conservation Council of NSW