

Friday 24 February 2012

Mining and Major Industry Projects
Dept of Planning and Infrastructure
GPO Box 39
Sydney 2001

plan_comment@planning.nsw.gov.au

Dear Sir,

Re: Moolarben Coal Complex Stage 2 _ Preferred Project Report: No. 08_0135

SUBMISSION OF OBJECTION

Mudgee District Environment Group (MDEG), based in the Mid-Western Region local government area in NSW, is working for the conservation of our natural heritage and a sustainable future for our children.

MDEG maintains our objections to the proposed expansion of the Moolarben Coal Complex and are particularly concerned that the Preferred Project now proposed by Yancoal will have a greater impact on vegetation remnants adjacent to Munghorn Gap Nature Reserve.

The Preferred Project will add considerably to the cumulative impacts of large coal mining operations in the district.

There is no acknowledgement of the significance of the region to be impacted by this major mining expansion. The area is an intersection of three biogeographic regions of Australia, lying at the far western end of the Sydney Sandstone Basin, the south eastern end of the Brigalow Belt South and the north eastern end of the South West Slopes. The Goulburn River is the most western rising easterly flowing river in NSW and rises at the lowest point of the Great Dividing Range. These unique biophysical features need to be taken into account when considering the long term environmental impacts of additional large mining operations in this region.

MDEG is concerned that Department of Planning and Infrastructure (DPI) and the NSW Government as a whole has not carried out a comprehensive economic analysis of the

long term costs of the impacts of this proposal, in the context of the cumulative impacts of the existing approved coal mining operations adjacent to the proposal.

These long term costs include a major increase in annual greenhouse gas emissions, loss of mature critically endangered ecological communities (CEEC) and other remnant woodland ecosystems, the destruction of two natural creek systems, the destruction of groundwater systems and base flows (such as springs), the irreplaceable loss of Aboriginal cultural heritage, the loss of local population and social structures and the negative impacts on other industries in the region.

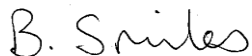
MDEG does not accept that the short term monetary gain from this proposal will compensate for the long term impacts that it proposes to produce.

MDEG objects to MCM Stage 2 Preferred Project and calls on DPI to reject the proposal for the following reasons:

1. The Biodiversity Offsets Strategy is inadequate
2. The impacts on surface and groundwater systems are irreversible
3. The cumulative loss of Aboriginal cultural heritage is irreplaceable
4. The cumulative impacts of mine pollution are too great
5. The overheating of the local economy has not been considered

These key objections are provided in detail in the following submission of objection.

Yours sincerely



Bev Smiles
Co-ordinator
Mudgee District Environment Group

SUBMISSION OF OBJECTION

1. Biodiversity Offsets Strategy

The proposed Biodiversity Offsets Strategy (the Strategy) of land purchases, rehabilitation and regeneration actions as described in the Preferred Project assessment will not adequately compensate for the disturbance of 1,546 ha land including 902 ha remnant woodland vegetation with 123 ha CEEC and additional disturbance caused by longwall mining impacts.

The key objections to the Strategy are:

- Distance from area of impact and lack of connectivity
- The criteria used to select the offsets
- The inadequate field surveys conducted
- Lack of certainty over offset ratios being achieved
- Other options in the region

1.1 Distance from area of impact and lack of connectivity

The Strategy proposes to purchase properties approx 60km away from the area of impact outside the bioregion, catchment and geological characteristics of the area of impact.

The Dun Dun property (9E & 9W) in the Pyramul district does not meet the connectivity criteria and is not suitable to replace the biodiversity impacts proposed by the Preferred Project. The habitat values on this property and particularly the CEEC are already protected by the NSW Native Vegetation Act 2003. The Strategy does not propose to connect the east and west sections of the property and it is not in the vicinity of any existing reserves.

While property 17 is a proposed addition to the Avisford Nature Reserve, it is also in a different bioregion, catchment and geological area to the proposed area of impact. The lack of information relating to this property has been acknowledged. There has been no adequate justification given for this property being part of the Strategy.

Property 18 is in the affectation area for mining pollution impacts. The assessment predicts that 1,200 ha will be impacted from noise and/or dust by the Preferred Project. It is not acceptable that this affected land be considered as suitable for providing offset habitat for native flora and fauna species, particularly those threatened with extinction.

The impact of mining pollutants such as dust, blasting emissions, diesel emissions, noise and light intrusion on native flora and fauna has not been investigated. This property is not connected to any reserve. While Property 18 contains suitable habitat for a number of threatened fauna species, the field studies have recorded only a small number of the species identified to be impacted by the disturbance of the Preferred Project.

MDEG regards all the properties selected in the Strategy to be unsuitable to offset the large impacts of the Preferred Project proposal.

1.2 The criteria used to select the offsets

The key criteria used to develop the Strategy have been the availability of properties to purchase that are outside any existing coal mining tenements or exploration lease.

This is at odds with recently approved offset packages for mines in the Hunter Coalfields where biodiversity offsets occur in the middle of existing tenements eg the Northern Biodiversity offset area for the Warworth Mine extension.

This Strategy is aimed more at protecting mineral rights than protecting biodiversity and therefore is unacceptable.

The Strategy does not build onto existing conservation areas, other than property 17, about which there is little known in relation to 'like for like' biodiversity values.

The Strategy does not provide land that is 'like for like' in terms of bioregion, topography, soils or aspect.

The Strategy does not contain links to sustainable ecological features, particularly permanent water sources. Pyramul Creek is an ephemeral system.

Because the Strategy is based on land with largely differing geology it consists of different vegetation communities.

The implication that there is no suitable land available to meet the Attributes of Preferred Offset Land (App H Ch 2 p2.1) in the region close to the mine impacts is misleading.

This conclusion is based purely on the existence of known coal reserves under suitable private land and does not take into account the large area of forested crown land connected to the south eastern end of the Munghorn Gap Nature Reserve.

It is significant that the endemic 'Murrumbidgee Sands Woodland' has not been afforded any attention in this assessment. The loss of 249 ha of this very localized vegetation community located on deep dry sandy deposits consisting of a vegetation association of Rough-barked Apple, the most westerly occurring banksia (*Banksia marginata*), Hardcap Scribbly Gum, Ironbark and Cyperoid Herblands has not been addressed in the Preferred Option Report.

1.3 The inadequate field surveys conducted

Cumberland Ecology, the consultancy firm responsible for developing the Strategy, have identified serious limitations and assumptions made during the process.

The surveys conducted by Ecovision Consulting (2008) for the original Moolarben Stage 2 assessment have not been verified. There is little information provided in the original assessment on habitat condition and only one photograph of vegetation was provided in that assessment report, taken from Ulan Road.

There has not been an indication that the condition of CEEC proposed in the Strategy is comparable to or better than the condition of woodland vegetation proposed to be destroyed by the Preferred Project.

The field inspections of the proposed properties were subject to access and time limitations. The identification of vegetation and habitat values was undertaken mainly through using aerial photography and desktop data. There was no concerted effort made to verify the areas of CEEC on the ground. The main on ground survey work was conducted by one ecologist and one botanist in December 2010, February 2011 and March 2011 by mainly driving across or around the properties.

Only 27 quadrats were surveyed across the four properties proposed in the Strategy.

The Strategy claims to provide a 5:1 ratio for the loss of 123 ha of Grassy Box Gum Woodland CEEC, however, the main tree species to occur in this CEEC were recorded on only a few of the quadrats.

White Box (*Eucalyptus albens*) was recorded on four quadrats: 1 and 3 (property 9E), 18 (property 17) and 26 (property 18)

Blakely's Red Gum (*Eucalyptus blakelyi*) was recorded on eight quadrats 7 (property 9W), 9 and adjacent to 13 (property 9W) and 20, 22, 23, 24, 25 (property 18)

Yellow Box (*Eucalyptus melliodor*) was recorded on six quadrats 2 and 7 (property 9E), 9 and 10 (property 9W) and 20 and 25 (property 18)

Only 7 of the quadrats occurred in areas identified as containing CEECs and 5 of these quadrats were on property 18. None of the quadrats recorded the full suite of CEEC species.

The outcome of the field studies recorded only four threatened bird species, two migratory bird species and two threatened bat species identified to be using the habitat to be destroyed by the Preferred Project.

The Preferred Project will destroy habitat for a number of significant threatened species recorded in the impact area: 5 migratory species protected under Federal legislation, the nationally endangered Swift Parrot (*Lathamus discolor*) and two vulnerable bats, 16 threatened birds and 6 threatened mammals protected under NSW legislation.

The proposed Strategy does not verify that habitat for this full suite of threatened species will be provided.

1.4 Lack of certainty over offset ratios being achieved

The poor field studies conducted to develop the Strategy give no certainty that the proposed 5:1 ratio for CEEC and 3.9:1 ratio for woodland remnants will be achieved.

As previously stated only 7 of the survey quadrats occurred in areas identified as containing CEECs and 5 of these quadrats were on property 18. None of the quadrats recorded the full suite of CEEC species.

The method of arriving at the exact area of CEEC on each property proposed in the Strategy is highly questionable. The main vegetation types on the properties are distinctly different vegetation communities to those in the impact area. There is no consideration of preferred food sources for the impacted threatened fauna, seasonality of food sources, different climatic conditions between Pyramul and Ulan and other key habitat values that will be destroyed in the impact area.

The condition of the vegetation on the Strategy properties has not been compared to that in the impact area. The proposed additional areas of mine rehabilitation and revegetation cannot be guaranteed to replace the important habitat values of existing mature, functioning remnants of CEEC and other woodland communities.

The Preferred Project will result in a net loss of vegetation and the proposed Strategy does not provide confidence that this outcome will be adequately mitigated.

1.5 Other options in the region

The Strategy has not considered major opportunities in the bioregion and catchment area that contain the necessary offset values and identified attributes including connectivity. These include:

- In holdings in Goulburn River National Park including those with CEEC remnants
- The large area of sandstone based Crown Land contiguous to the south eastern end of the Munghorn Gap Nature Reserve which is fully vegetated and requires no revegetation management
- The Drip and Corner Gorge escarpments on the Goulburn River that are immediately adjacent to Goulburn River National Park that provide riparian offsets with the same vegetation type as Murragamba and Eastern Creeks

MDEG urges DPI to consider the better biodiversity offset options available in the region that will provide better long term outcomes than those proposed in the Preferred Option.

2. Impacts on surface and groundwater systems

MDEG objects to the lack of an independent regional water study on the cumulative impacts of coal mining on the surface and groundwater systems of the Upper Goulburn River water source.

MDEG is concerned that the cumulative impact of loss of base flows through the permanent destruction of springs, aquifers and surface flow catchment integrity have not been considered when approving the expansion of very large coal mining operations at the head of this important river system.

The Preferred Project will have a significantly large number of impacts on this water source that cannot be mitigated.

The required use of approximately 10.55 ML/day of water during mining operations when combined with the water use of existing mining operations in the area will result in over 20% of the flows in the Goulburn River being accessed by mining operations.

This issue needs closer scrutiny by water experts who are not currently employed by the mining industry and do not have a vested interest in the outcomes of any research.

The predicted water needs for the Preferred Project identify a shortfall for 23 of the 24 years of up to 6.57ML/day or 1990ML/year. The access to additional water needs to be closely examined in relation to current impacts and usage.

The predicted loss of base flows to Wilpinjong Creek through groundwater interception is 16.8 ML/year. However, only 6.2 ML/year base flow reduction is attributed to the Moolarben Coal Complex. There is no clear indication given of the cause for the additional 10.6 ML/year loss or how that loss will be mitigated.

There are significant anomalies in the modeling used to predict groundwater impacts across the three existing mining operations. The fact that groundwater is predicted to be impacted for periods of between 100 and 200 years is unacceptable.

The destruction of Murragamba and Eastern Creeks and their associated base flow springs cannot be rehabilitated. This is additional to loss of spring and groundwater flows to Moolarben Creek, the diversion of the Goulburn River and destruction of associated alluvial aquifers, and the destruction of five creek in the Wilpinjong mine footprint that provide base flows to Wilpinjong Creek and the Goulburn River.

The Preferred Project cannot be approved without an independent regional water study to fully assess the cumulative impacts of coal mining on the water sources of this region and loss of flows to the Upper Goulburn River water source.

3. The cumulative loss of Aboriginal cultural heritage

The Goulburn River valley is a significant area for Aboriginal culture and heritage because of its position in the lowest section of the Great Dividing Range. This region formed a major trade and travel route between eastern coastal areas and the rest of the continent.

The cultural significance of this area can be attested to the large number of Aboriginal cultural heritage sites recorded on all the mining tenements in this northern end of the western coalfield.

The proposal to destroy a further 148 Aboriginal cultural heritage sites and possibly impact a further 11 sites is not acceptable. The cumulative impact on Aboriginal cultural heritage in this area is major and is not being seriously considered by the mining industry, DPI or OEH.

4. The cumulative impacts of mine pollution

There has been no attempt in the assessment of the Preferred Option to calculate the total dust load being emitted by current mining operations and those about to commence ie Ulan Continued Operations opencut.

The cumulative impact of a large number of daily blasts emitting harmful volumes of nitrous oxides and other toxic pollutants has not been calculated.

The increase in low frequency noise and audible noise levels has not been clearly identified. The impacts of increased light pollution on the amenity and habitat values of the adjacent conservation reserves have not been considered.

The convenient solution of buying out families affected by mine pollution does not mitigate its impact on the surrounding environment. The range of toxins emitted by opencut coal mining operations has not been clearly identified and no realistic mitigation measures have been committed to.

The issue of spontaneous combustion and the degradation of air quality through sulphurous emissions is not being adequately managed by existing mining operations, particularly the adjacent Wilpinjong Mine.

The growth of mine pollution trapped within the high sandstone escarpments of the surrounding landscape has not been assessed and its health and environmental impacts largely ignored.

The conditions of approval for large opencut mining operations are inadequate in that they do not require the monitoring or mitigation of low frequency noise levels or toxins emitted through mining operations.

5. Overheating of the local economy

The Mudgee region does not need any additional mining activities to stimulate the local economy. Social problems caused by an overheated housing market are not being addressed in relation to the current mining approvals in the area.

The expansion of the Ulan and Wilpinjong Mine projects are causing accommodation and traffic flow problems in the region while major construction works are undertaken.

The Preferred Project proposal to expand the Moolarben Coal Complex will put additional and untenable stress on the services and infrastructure of the area. Most local people employable in the mining industry already have jobs at one of the three existing operations.

The mining companies are competing nationally for skilled workers and are relying more on a fly in – fly out workforce, including foreign workers.

There are no added advantages to the local economy if this proposal is approved. The congestion on the Sandy Hollow Railway line is causing major inconvenience to local road users. The increasingly poor road conditions in the shire due to unprecedented heavy traffic movements are an impost on all rate payers.

The proposed Voluntary Payment Agreement of \$1.35 m will not cover the cost of road damage caused by the proposed increased traffic generated if this mine expansion is approved.

There are no identifiable advantages to the local community from this mine expansion. The outcome will be further loss of population and destruction of social function such as Rural Firebrigades, sporting bodies, churches, schools and other social activities.

The townships of Mudgee and Gulgong do not need any more competition for rental accommodation and house ownership. The health and education services are not receiving adequate funding to support the increasing pressures.

The community is opposed to the worker accommodation villages being proposed in rural areas in the Shire. The disruption to the local community and other industries in the Mudgee region has become untenable and needs to be considered as a major negative cumulative impact to the regional economy.

MDEG trusts that DPI will take into account the objections raised in this submission and not approve this unnecessary expansion of the coal industry.