

SUBMISSION of OBJECTION

Cobbora Coal Preferred Project No: 10_0001

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INTRODUCTION

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 does not support the proposal lodged by Cobbora Holding Company Pty Ltd (CHC), a state owned corporation, to develop a coal mine in the Lahey's Creek area 58km north west of Mudgee.

MDEG lodged a submission of objection to the proposal outlined in the Environmental Assessment Report (EA) in November 2012 and presented to the first Planning Assessment Commission (PAC) hearing held in Dunedoo in December 2013.

MDEG has a major concern with the speed and process used for the assessment of this significant state owned project.

The Preferred Project Report and Response to Submissions (the Report) has not allayed the fears of MDEG concerning the unsustainable impacts of the proposed large open cut coal mine.

The Report identifies a range of increased impacts and a number of areas where final assessments and mitigation measures have not been finalized.

MDEG believes that it is highly inadequate for the Report to be put out for public comment when the assessment of acid and metalliferous drainage materials is incomplete, the biodiversity offset package is not finalized and the issue of train length on the Ulan line in relation to the capacity of rail loops at the Eraring and Vales Point power stations is yet to be resolved.

MDEG is greatly concerned that the Report identifies a significant increase in environmental impact from that exhibited in the EA. This increase includes destruction of an additional area of woodland ecosystem including threatened species habitat, an increase in water useage, an increase in height of out-of-pit waste rock and tailings emplacement, an increase in noise from the rail loop and an enlarged mine footprint.

The justification for the Cobbora Coal Project (the proposal) cannot be guaranteed to provide a *'reliable, secure and economically stable domestic coal supply (to) NSW generators'* and to ensure *'affordable electricity in NSW.'*¹

Issues with the quality of the coal and its performance in the contracted power stations are yet to be tested. The quality of the coal from the nearby Wilpinjong Coal Mine, with a long term contract with Macquarie Generation caused significant problems when initially used in Bayswater Power Station. Better quality export coal had to be blended with the poorer quality domestic grade coal to fulfill contractual agreements.

Wilpinjong Coal Mine has since had to significantly increase its level of production to remain a viable operation. This has caused major impacts on the surrounding community that were not identified in the original impact assessment of the mine.

¹ Report Vol 1 p 288

The fact that the proposal will have to extract 20 mtpa of ROM coal to produce 12 mtpa of saleable product is a clear indication that the quality of the coal is extremely poor. The impacts of this enormous wastage have not been adequately justified.

MDEG maintains the original objection to the proposal and considers that the Report provides inadequate responses to EA submissions and very poor analysis of the impacts of the major changes identified for the proposal.

Outstanding Issues:

1. Air Quality Impacts

The Report ignores the increased impact on air quality caused by the raising of the Pit B east out-of-pit waste rock emplacement by 20m. Also the top of the out-of-pit tailings emplacement east will be 30m higher than the existing land surface.

These changes to the final landform profile were not included in Table 3.1 Project Summary

There is no indication that the air quality model has been run with these proposed changes.

The response to issues raised about the meteorological data used in the dispersion model is inadequate.

MDEG pointed out in the PAC presentation that the air quality model and the noise model had meteorological data taken from two separate periods of time.

The air quality model data was collected over a 12 month period between November 2010 and November 2011. The noise model data was collected over a 12 month period between September 2009 and September 2010. These data sets had different prevailing winds on the area of impact.

The Report states that there is a difference in the assessment of meteorological conditions for noise purposes. However, the wind roses used for the noise impacts assessment indicated prevailing west-south-west winds while the wind roses used for the air quality impact assessment indicated prevailing easterly winds.

The wind roses provided in the Report comparing the Dunedoo, Gulgong and proponents meteorological data confirms that prevailing easterlies occur in the morning while prevailing west – south – westerlies prevail in the afternoon.

The afternoon when the day has dried out is the period of time when dust emissions from the mine are likely to be the greatest. The Report has not justified why the air quality model used easterly winds.

The assumptions about impacted properties from the proposal are likely to be incorrect.

MDEG does not believe that this issue has been adequately addressed.

2. Noise Impacts

The Report has conflicting information about the raised height of out-of-pit waste rock emplacements. Section 3.3.3 states that '*B-OOP E waste rock emplacement will be 20m higher*' while section 15.1.1 states that '*increasing the height of BOOPW out-of-pit waste rock emplacement*'.

It seems that neither of these changes has been remodeled in either the air or noise impact model.

MDEG is particularly concerned by the decision to change the assessment of noise from the rail spur from the Industrial Noise Policy (INP) criteria to the Rail Infrastructure Noise Guideline (RING).

This new, unadopted guideline further disadvantages the community in relation to noise impacts from trains. The fact that the RING policy will not contain a provision for acquisition or management rights where exceedances occur is a direct threat to human health.

The RING policy will increase allowable daytime noise criteria by up to 20 dB(A), evening criteria by up to 15 dB(A) and night time by up to 10 dB(A).

Even more disturbingly the Report indicates that sleep disturbance criteria for onsite rail movements is unclear and that the RING policy specifies an offsite L_{max} criteria of 80 dB(A).

It is unclear if the RING policy will specify acquisition rights for receivers that are above the sleep disturbance criteria due to rail passbys.

MDEG is very concerned that the Report states that '*While specific criteria for private rail spurs have not been published, verbal advice from DP&I and EPA is that the proposed criteria will be based on the method for determining amenity criteria described in the INP.*²

MDEG objects strongly to this policy on the run approach of Government agencies particularly in relation to a Government owned project and its impacts on human health.

The fact that rail spur noise is identified in the Report as the most contentious noise related issue for the proposal, MDEG condemns both the NSW Government and the proponent of adopting the RING policy as way to get around the problem.

The issue of low frequency noise from open cut mining operations in quiet rural areas has not been adequately addressed for this proposal.

3. Increased ecological impacts

MDEG is concerned that the proposed increase in the mine footprint from 3,950 ha to 4,130 ha has not been adequately assessed. The proposed increase in clearing activity

² Report Vol 1 p 219

and increase in water use will place additional pressures on the local and regional environment.

The lack of a final biodiversity offset package that will only achieve a Tier 3 'mitigated net loss outcome' to compensate for the clearing of 3,161 ha of native vegetation is of major concern.

The level of impact of this proposal on threatened species in an over cleared landscape is proving to be too great. The fact that various threatened ecological communities cannot be found on surrounding properties should be an alarm bell for both the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water and Population.

The number of threatened fauna species recorded in the proposed mine footprint is an indication of the significant biodiversity value of the site.

MDEG objects to the proposed Tier 3 biodiversity offset package and recommends that the proposal be rejected on the grounds that its poor economic viability does not justify the level of impact.

4. Increased water impacts

The increased water requirements for the proposal from 3,700 ML per year up to 4,340 ML per year will cause increased competition with other water users in three major water sources in the region.

MDEG is not satisfied that the proposed management of water extractions from the Cudgegong River will not place undue pressure on other water users in the event of another prolonged drought during the life of the mine.

The proposal under an agreement with State Water to restrict pumping from the Cudgegong River to flows above 25 ML/d does not appear to address the right of the proponent to order water from Windamere Dam under licenced entitlement. The modeling conducted assumes that 100% allocation of the high security licences will be available for the life of the mine.

The issue of impacts on Windamere Dam security from Bulk Water Transfers to Burrendong Dam does not seem to be clearly considered in relation to the increased demand on water use from the mine. It has been identified that the mine will not have access to Bulk Water Transfers.

The threat of this additional pressure on the Cudgegong Water Source has not been clearly addressed in relation to other water user's access, particularly general security licence holders in the wine and tourism industry.

5. Other Issues

MDEG stands by the objections and concerns raised in the original submission lodged to the EA. The response to issues raised in the MDEG submission has not adequately addressed or mitigated the significant impacts across environmental, social and economic considerations.

The cumulative social and infrastructure impacts on the region have not been adequately addressed.

The proposal will be a burden to local communities and the NSW population as a whole.

The NSW Government has the ability to adopt a better outcome for taxpayers and electricity consumers in the state. This proposal is entirely unsustainable and will cause impacts for over 100 years, if not longer.

The combined impact of greenhouse gas emissions and climate change, biodiversity loss, groundwater drawdown, loss of agricultural production, competition with other industries and social disruption cannot justify the approval of this economically unviable operation.

MDEG continues to recommend that this proposal not be approved.