



Hunter Environment Lobby Inc.

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12th February 2018

Planning Assessment Commission

Hunter Valley Operations South Modification 5

Submission of Objection

Hunter Environment Lobby Inc.(HEL) is a regional community-based environmental organization that has been active for well over 25 years on the issues of environmental degradation, species and habitat loss, and climate change.

As stated in our submission of objection to this Hunter Valley Operations South Modification 5 on 10th March 2017, we have submitted objections to the original proposal to change the conditions of approval in relation to approved biodiversity offsets at the Archerfield property.

Previously in October 2012 HEL also made a submission on the dedication of lands for offsets, as you can see, HEL has followed this issue with interest.

HVO North and HVO South taken together are one of the largest mining operations with significant cumulative environmental and social impacts in the mid Hunter. HEL continues to strongly dispute any claim that further coal extraction will not increase those cumulative impacts.

In our submission in 2017 HEL pointed to many areas of concern raised by this specific development, some of which were the above stated changed conditions of approval for Biodiversity Offsets. These Offsets are being created to supposedly make up for the destruction of one of the largest areas in the Hunter for mining.

We called then for an independent assessment of the cumulative impacts of coal mining on the Hunter – and we call for it again.

HEL stated in 2017 that as there will be an extra 4mtpa coal mined in the Modification, there will be more pollution, dust, noise and impacts on water drawdown. We pointed to the raising of the over burden wall to extreme heights, and pointed to the drawdown effects of mining on the surrounding water table, depressurization and effects on Wollombi Brook.

The increase in the size of the final void to 523 ha is completely unacceptable, which we pointed out in 2017. We also asked in our previous submission who would benefit in an economic sense? How can the company guarantee that the stated benefits are coming from MOD 5?

Air Quality

Some of the answers to the questions we asked were outlined in the Response to Submissions (RTS) content, although we question much of this content. There are also outlines of responses by the company to all the agency submissions – and some telling Questions are seen to be asked by agencies like the Hunter New England Local Health Department.

In particular the Health letter reiterates its previous position when it states in the letter from Professor David Durrheim dated 4 July 2017 that ‘there is no evidence of a threshold below which exposure to particulate matter is not associated with health effects.’

As can be seen by the RTS to Health, the company says:- ‘Air quality and dust impacts - A number of near neighbours have raised concerns about air quality, specifically levels of dust and the impact of this on their houses, drinking water quality and agricultural businesses.’

‘Air quality is described in detail in Chapter 8 of the EA with a technical study provided in Appendix F. This demonstrates that, compared with existing emissions, the proposed modification’s emissions would be of a generally similar extent for 24 hour and annual average PM10.’

‘The proposed modification will move more dust-generating material than the existing operations due to the additional overburden emplacement activities and increased mining rate, however it is important to note that there would not generally be an equivalent increase in dust impacts. For example, some receptors will experience less impact as the mine moves further away or activity moves deeper below the surface to access the deeper seams.’

We do not believe that this is an answer to the Health Department’s statement about no threshold for health effects.

It is of critical concern that the Upper Hunter Air Quality Monitoring Network has been regularly registering exceedences of the national criteria for PM₁₀ dust levels in this area of the Hunter.

The nearby Jerry’s Plains monitor has registered 5 exceedances so far in 2018. The Warworth monitor has registered 10 exceedances this year. These high levels of dust pollution are occurring with the current mining operations.

The EPA Dust Stop Program is not successful in managing air pollution from the current scale of open cut coal mines in this area that is threatening community health.

The independent cumulative air quality assessment considering the combined impacts of the HVO South Mod 5 expansion and the neighbouring proposed United Wambo project have not taken into account the results of the air quality monitoring network.

The proposal to dump overburden at an increased height of up to 240 AHD has not been adequately assessed and is not specifically addressed in the Department of Planning and Environment (DPE) Assessment Report for this proposal.

We cannot accept the DPE conclusion that 'HVO South and the proposed United Wambo Project could operate concurrently without significant adverse cumulative impacts to residences in Warkworth and Jerry Plains'.¹

This conclusion ignores the fact that both communities are already impacted by high levels of air pollution that exceed the national criteria for PM₁₀ dust levels.

Groundwater

We have a significant concern that the proposed increased depth of mining will cause an increase of 2.8m drawdown additional to the approved 7m drawdown of groundwater resources in this area of the Hunter River catchment through the HVO South operations.

The DPE assessment report acknowledges that baseflows to the Hunter River will be reduced by 584 ML/year and to Wollombi Brook by 107 ML/year by the HVO South Mod 5 proposal.

While an independent report was undertaken on cumulative impact on air quality there has been no attempt by the proponent or DPE to consider the cumulative impact of baseflow reductions to both these streams by existing operations at Wambo, Warkworth, Mt Thorley, HVO North operations and the proposed United Wambo project.

In our 2017 submission we contested a statement about floodplain versus groundwater use by flora – and about the whole regime of benefits to floodplains by groundwaters. It is an important topic when looking at wholesale destruction of much of the floodplain, and the altered patterns of water flow beneath the new surfaces.

In HEL's 2017 submission we referred to the 0.5m drawdown on alluvial aquifers and made the comment that we presumed it was additional to the current and proposed adjacent mines. The response to submissions replied:-

'The groundwater drawdown predicted for the proposed modification is largely contained within the extent of the predicted drawdown for the approved operations. As described in Chapter 10 of the EA, drawdown from the proposed modification is predicted to not exceed 0.5m at any of the locations within the Hunter River alluvium.'

HEL outlined its concerns for groundwater dependent ecology in our previous submission, especially for the threatened populations of River Red Gums, Hunter Floodplain Redgum Woodland and the ephemeral wetland, Carrington Billabong. We raised these concerns at that time, and we see in the RTS the following:-

'The existing Rehabilitation and Biodiversity Management Plan for HVO South and the relevant aspects of the MTW Biodiversity Offset Strategy will continue to be implemented for the proposed modification. These plans were prepared in consultation with DPI Water, DRE and Singleton Council.'

'The River Red Gum endangered population (and Hunter Floodplain Red Gum Woodland) in Carrington Billabong is currently managed in accordance with the Strategy, required under Condition 30 Schedule 3 of the project approval (PA 06_291)

¹ DPE Assessment Report p17

for HVO South as well as part of the existing HVO North development consent (DA 450-10- 2003).’

We do have concerns in this response, as we have had concerns all along at the Biodiversity Offset Strategy – our issue is how can this company and DPE make any guarantees with long term survival of this groundwater dependent flora?

We do not support the DPE conclusion that: ‘vegetation communities and populations of River Red Gums, Hunter Flood Plain Red Gum Woodland and Hunter Valley River Oak, as well as ephemeral wetland, Carrington Billabong. are opportunistic groundwater users only.’

‘the predicted groundwater drawdown levels.... would not materially impact the identified ecosystems’²

This conclusion does not take into account drought conditions, such are being currently experienced in the Hunter Region. The dependence of ecosystems on groundwater increases during drought and maintains resilience until improved conditions return.

There is no basis provided that the ongoing cumulative drawdown of groundwater through expansion of open cut coal mining in this area of the Hunter will not significantly impact on these GDEs over time.

Final Void

As mentioned above, the plans to increase the depth and area of the final void are disturbing. The creation of large saltwater sinks in the landscape for perpetuity are not justified. We have said always there is no justification for any final voids in the Hunter – as in many countries of the world, they should not be allowed.

The assessment that the proposed final void will be a groundwater sink in perpetuity with a hyper salinity level of 12,800 mg/L is an unacceptable cumulative impact on the Hunter landscape that has not considered the extent of final voids already approved.

We maintain that final voids are a money saving technique developed by mining companies where permitted to cost-shift the impacts of mining onto the environment and future generations.

We do not agree with the justifications outlined in the RTS on final voids, there is no clear compelling evidence to justify their use, and they pose environmental problems into the foreseeable and unforeseeable future.

This modification proposal provides an opportunity for the PAC to determine that the existing approved final voids for HVO South be completely backfilled. The fact that the NSW Government currently has no policy on final voids does not impede the PAC from imposing this condition.

Public Benefit

In our HEL submission last year we raised the issue of public benefit, and stated that we thought these claims were inflated. We see below in the RTS that:- ‘the proposed modification would result in the extraction of an additional 56.8Mt of ROM coal.’

² DPE Assessment Report p25

'The social benefits generated from the proposed modification would be the continuation of those benefits from the original project approval granted in 2009 plus the social benefits to NSW from the additional taxes and royalties associated with the extraction of the additional ROM coal.'

In other words, the only social benefit is claimed to be the royalties gained by NSW. There are no increases in workforce participation forecast.

There is no adequate costs benefits analysis of the extent of environmental impacts that will not be mitigated.

There is no consideration of the known health disbenefits, Greenhouse Gas emissions causing climate change or millennial environmental effects. If the impacts of the deleterious effects of coal mining on population health, catastrophic climate change effects and irreparable damage to our local environment were fully costed – HEL knows what the answer will be.

Conclusion

For all the issues outlined above, Hunter Environment Lobby Inc disagrees that this Hunter Valley Operations South Modification 5 should have consent to proceed.

Sincerely Yours

A solid black rectangular box used to redact the signature of Jan Davis.

Jan Davis
President Hunter Environment Lobby Inc.