

“Reclaiming our Valley”

Hunter Communities Network

Independent Planning Commission of NSW
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Submission of Objection

Rix’s Creek South Continuation of Mining Project SSD 6300

Introduction

The Hunter Communities Network (HCN) is an alliance of community based groups and individuals impacted by the current coal industry and concerned about the ongoing rapid expansion of coal and coal seam gas exploration and mining in the region.

HCN lodged an objection to Rix’s Creek South Continuation of Mining Project (the Project) when the EIS was exhibited for comment in 2015. We note that both the justification for the Project and circumstances with Bloomfield Colliery Pty Ltd (the Applicant) asset ownership has changed significantly since the original application was lodged.

We also note that during the period of assessment for the Project, the Applicant illegally mined an unassessed area outside the mining lease and has recently been criticised by the Resource Regulator on the quality of mine rehabilitation at the Rix’s Creek Mine operations.

HCN also objected to Modification 10 that extended the life of the mining lease at Rix’s Creek South for another 9 months with no additional assessment of impacts, particularly in relation to the regular exceedances of national standards for PM₁₀ dust levels at the Camberwell and Singleton NW regional monitoring stations.

We also note that a number of proposed changes to the application have been assessed and that a final mine layout has not yet been decided on.

HCN continues to object to the Project because the Upper Hunter region has now reached a saturation level of open cut coal mining operations that have not been assessed independently for their cumulative impact on the environment, health, socially fractured communities and on other industries in the valley.

The cumulative impacts of open cut coal mining are diminishing the opportunity for future diversification. The impact on water sources in perpetuity is significant and must be considered.

For there to be any opportunity for the Hunter region to begin to diversify away from economic dependence on the coal industry, no new mine expansions should be approved. In particular, approval to continue coal extraction until 2040 is irresponsible in this time of climate emergency.

Key issues of objection

1. Air Quality Assessment

HCN is very concerned that the Department of Planning, Industry and the Environment (DPIE) has misled the Independent Planning Commission of NSW (the Commission) and the public by releasing a final assessment report (the Report) that concludes that the air quality impacts are acceptable under the proposed conditions, protecting the environment and amenity of the local community and that all residual assessment issues have been resolved.

However, the Report identifies that the revised air quality assessment for Option 2 provided figures that did not allow a full assessment of the changes. The Report notes that DPIE requested the provision of revised numeric predictions for specific receiver locations.¹

DPIE then notified the Commission on 23 July that the air quality assessment was inadequate and had not considered a number of sensitive receivers. An addendum report will be provided after the closure of this submission period.

HCN strongly objects to this approach to assessing and determining a major expansion of open cut coal mining operations in an area where the national air pollution standards are regularly exceeded.

The Report relies on dust management practices based on the Katestone Report conducted in 2011. The number of expansions and modifications of coal mining operations in this area of the Hunter region have increased considerably since that time.

The Report also states in response to the Commission review recommendation 2 that there is ample information on air quality. However, there are no regular reports describing how DPIE, EPA or the mining industry respond to the poor level of air quality recorded in the Upper Hunter or what mitigation measures have been undertaken at the time of the alerts.

The increasing number of air pollution alerts at the Camberwell and Singleton NW monitors, as well as at other neighbouring monitors at Maison Dieu, Singleton, Mt Thorley and Warkworth, demonstrates that the EPA Dust Stop and Pollution Reduction Program is not effectively managing the cumulative sources of mine dust in this intensive mining area.

The following alerts of dangerous PM₁₀ pollution were received by the community during July and August this year, a time when there was no evidence of dust storms or bushfire activity.

¹ The Report 2.1.4 p15

July 1 – Mt Thorley
July 2 – Mt Thorley, Singleton NW,
July 3 – Mt Thorley
July 12 – Camberwell
July 13 – Camberwell
July 15 – Camberwell
July 22 – Maison Dieu, Camberwell, Singleton NW, Mt Thorley
July 23 – Camberwell
July 24 – Camberwell
July 26 – Camberwell
July 27 – Camberwell, Singleton NW, Mt Thorley
August 4 – Camberwell, Maison Dieu, Singleton NW

The concerns of NSW Health have not been addressed and medical practitioners in Singleton are concerned about the increasing presentations of asthma, including environmental exacerbation, and respiratory disease.

There has been no independent assessment of the impact of increased air pollution from the Project. Todoroski provides air assessment reports for most of the mining companies operating in the region. This consultancy derives the bulk of its income from the mining sector.

The air quality assessment models are not made available to other experts commissioned by community organisations.

It is inappropriate for both DPIE and the Commission to rely solely on reports from this consultancy when the air pollution in the Upper Hunter has been continuously increasing, as measured by the Upper Hunter Regional Air Quality Monitoring Network.

2. Noise Assessment

HCN does not support the approach taken by DPIE to assess noise pollution under achievable noise criteria (ANC) because of the age of the mine and its setting near the expanding northwest suburbs of Singleton.

These are the very reasons why mine noise should be managed under project-specific noise limits (PSNL). We do not agree with DPIE that the Project falls within the transitional arrangements of the Noise Policy for Industry.

The proposed ANC are too high. They are based on costs of mitigation to the Applicant and not on the protection of community health. The proposed 42 dB(A) and 40 dB(A) for evening and night-time noise limits and 47 dB(A) sleep disturbance criteria are not acceptable noise levels in a rural and semi-rural environment. These criteria have no relationship to the disturbance level experienced in the residences and are totally biased towards the capacity for mining operations to meet them.

The emphasis on conditions to meet the ANC and that these can't be met at some residences under Option 2 is a clear demonstration that noise levels from this mine extension are not manageable under current noise policy requirements. The health of the local community is being sacrificed for the Project.

HCN objects to the commissioning of Global Acoustics to undertake a Trade-off Study Noise Assessment. This company provides the noise compliance monitoring for most companies in the Hunter region and therefore has a conflict of interest.

There has been no independent assessment of noise impacts from the Project and the proposed conditions are far too lenient. This is another example of the DPIE bias against protecting the community from pollution generated by the mining industry in the Hunter region.

3. Social Impact Assessment

The Report incorrectly states that the last four remaining private residences in Camberwell village have acquisition rights from the Rix's Creek North (previously Integra) approval. This is not the case.

Camberwell village has the highest level of air pollution in the Upper Hunter. The Project will move mining operations at Rix's Creek South closer to the village.

It is imperative that the conditions of approval include acquisition rights for these families.

The cumulative impact of loss of communities and private landholders in the Singleton and Muswellbrook local government areas has not been assessed. The number of properties assessed to be impacted by the Project is an ongoing social impact that must be addressed.

The proposed air quality and noise conditions will not protect community health. The cost of health impacts from mining has not been factored into the cost benefit analysis.

4. Biodiversity Assessment

The assessment of biodiversity impacts and proposed offset arrangements are being considered under the new Biodiversity Conservation Act 2016 even though this proposal was lodged in 2015. There has been no consistent policy approach to the assessment of this application.

The length of time taken to determine the Project has been caused by the illegal clearing of unassessed biodiversity through mining 100 ha outside the mine lease.

The areas of critically endangered ecological communities (CEEC) listed under the Federal environment legislation must be referred as a matter of national environmental significance under the proposed changes to the Project. These changes were not considered in the referral lodged in 2014.

The assessment does not consider the significance of habitat connectivity across the landscape connecting Glennies Creek to the Hunter River. The ongoing loss of threatened species habitat, such as for the Squirrel Glider will cause regional extinctions.

HCN strongly objects to the proposed staged biodiversity offset arrangements. There are no suitable replacement areas of CEEC left on the floor of the Hunter Valley. Proposed rehabilitation in another 20 years will not provide the necessary feeding and breeding requirements for threatened species. The cumulative loss of critical habitat is an ongoing threat that cannot be adequately offset.

It is inappropriate that the assessment for the cut and cover tunnel impacts has not yet been undertaken and that incorrect information had been provided on the disturbance area. This assessment and all others not yet carried out, must be done prior to determination.

5. Final voids

HCN continues to strongly object to toxic final mine voids being left in the landscape for future generations to manage. There are a number of final voids on completed mines eg at Hebden where water quality testing should be undertaken to inform decision-makers of the risk.

We do not support the proposal to leave the consideration of water quality in the Project final void until after approval.

The Commission must require water sampling to be taken from nearby voids to obtain a better understanding of the issue. The water must be tested for heavy metals as well as salinity.

There has been no realistic economic use of final voids identified. These large bodies of highly contaminated water are a toxic legacy that sterilise a significant area of land on the floor of the Upper Hunter valley. It is inappropriate for any more final voids to be approved.

6. Cumulative Impact Assessment

There has been no adequate assessment of the cumulative impacts of mining across the range of assessment criteria, including in the costs benefits analysis. The Project will cause additional impacts to those already occurring in this over-saturated open cut mining area.

The Commission needs to consider tipping points particularly in regard to impacts on water sources, air quality, health, biodiversity, Aboriginal cultural heritage and social dislocation.

7. Consultation with conditions of consent

The Report outlines consultation with Government agencies and the Applicant in regard to the draft conditions of consent between 11 and 25 March 2019.

There is no transparent reporting on the feedback received from the Applicant or what changes were made to the conditions on their behalf.

Affected communities such as Camberwell are not provided with the same opportunity to comment on draft conditions. This is a highly inequitable process.

Conclusion

The inherent bias in the assessment and approvals process for open cut coal mining has left an expensive legacy for the Upper Hunter community.

The added impacts of climate change, including threat to water security and intensified drought conditions, has a high cost to the economy and society. The global carbon budget indicates that all remaining coal resources must be left in the ground, if there is to be any hope of managing the current climate emergency.

There is no reasonable or responsible justification for the Project to be approved.

For more information in regard to this submission please contact:

Bev Smiles, Convenor

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