

Planning Assessment Commission Meeting
Moolarben Stage 1 Modification 9
Thursday 27 February 2014

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 has general concerns about the cumulative impact of the Moolarben mining complex, particularly in relation to the piecemeal development of the project. This proposal is the 9th modification in under 7 years since Moolarben Stage 1 was approved on 6 September 2007.

This number of changes to the original project, more than one a year for the period of operation, is an indication that the original development application, the environmental assessment and subsequent approval was highly unsatisfactory.

The justification for this new proposal is varied and confusing. What is clear is that Yancoal has decided to continue removing ridgelines and native vegetation to access a further 30 million tonnes of coal.

What isn't clear is the relationship of this proposal to the approval of the Stage 2 proposal that was dealt with yesterday and the confusion over the longer life of the mine.

On the one hand the Assessment Report outlines that the modification would maximize resource utilisation, improve mining efficiencies and operations in the open cuts and provide a longer life for the mine. On the other hand it states that Moolarben would not require additional time to conduct mining operations for modification 9 beyond those already approved in Stage 1.¹

What is also not clear is why this modification needs to be approved to allow changes to the water storage capacity of the existing site, as required by the EPA under the Environmental Pollution Licence to prevent further uncontrolled releases of sediment laden mine water into the Goulburn River.

The upgrade of the water storages and shifting of poorly placed coal stockpiles need to go ahead regardless of further access to coal in the mining complex.

¹ Director General's Environmental Assessment Report p6

This modification proposal will not create any new jobs, will not increase the annual extraction rate and can remove the additional coal in the same time frame as the current approval for Moolarben Stage 1. This appears to infer that the original calculations of coal volumes in Stage 1 were vastly over-estimated.

The Planning Assessment Report for this proposal outlines that if Stage 2 is approved the sequence of mining can change so that an additional 6 years is added to the life of the Stage 1 open cut operations.

This is not good news for the long suffering residents to the west of the mine who have been experiencing much greater disturbance impacts than predicted.

The proposal also plans to increase the height of the overburden dumps to the west of the open cuts 1 and 2 by a further 60 m.

While the Assessment Report has acknowledged that residents along Ridge Rd will have their visual amenity impacted for a period of up to 10 years², that is they will be looking into the mining pit, there is no acknowledgement that they will also be disturbed by increased dust and noise emissions from the mining operations and overburden dumping to a greater height.

This conclusion by the Department of Planning is deeply flawed and based on dust and noise modeling that have already proven to be incorrect.

The identified mitigation for noise and dust disturbance as outlined in the Assessment Report is the purchase of a large buffer zone around the mine to the extent that very few private residences are left in the close vicinity of the mine.³

The conditions of approval for Stage 1 identified 28 properties to be affected by the mining operations. 16 of these were either within the disturbance area or directly adjacent to it. A further 12 properties were identified for acquisition with noise disturbance criteria.

If you refer to the original approval for Stage 1, Moolarben owned 24 properties as recorded in Appendix 5⁴. The recommended conditions for Stage 1 modification 9 record the ownership of 35 properties⁵ and there are a number of other property owners hoping to be acquired because they can no longer live with the noise.

The number of properties listed in the recommended conditions of approval has increased to 320 as compared to the original 173.

If you refer to Figure 10 of the Assessment Report, you will see that the predicted worse case scenario for the combined impacts of the proposed Stage 2 and modification 9 falls inside the area where properties have already been purchased.

² Report p 34

³ Report p 17

⁴ Moolarben Stage 1 conditions of approval, 2007, p 35

⁵ Moolarben Stage 1 modification 9 recommended conditions of approval, 2014, p44

Properties 63, 75, 76 and 30 have been identified as experiencing marginal to moderate exceedances of noise limits only during adverse weather conditions.⁶ It is strange that property 58 has not been included in this category, as it also sits inside the modeled 35 – 40 dBa area.

The Assessment Report then goes on to explain that most of these exceedances would be due largely to the approved Stage 1 mining operations rather than this modification or the proposed Stage 2.⁷

This is a clear admission that the modeling for the Stage 1 approval was incorrect because of these properties only property 63 was identified in the Stage 1 conditions as being affected by noise.

If this modification is approved many more people than those identified in the Assessment Report and recommended conditions of approval will be impacted by noise. The serious impacts on the health and well being of communities surrounding large opencut coal mining operations are being consistently ignored by the Department of Planning.

There appears to be no attempt to validate the original noise predictions as modeled for Stage 1. Regardless of the Department's claims that there has been a robust assessment of the potential impact of modification 9, the proof of the impacts is in the level of complaints and ongoing purchases of land to create an even larger buffer zone around the existing mine operations.

There had been some consideration of reducing the hours of coal extraction in open cut Pits 2 and 3 if Stage 2 is approved. The Preferred Project Report revised the statement of commitments to include:

*'13. MCM will restrict coal extraction and coal haulage in OC2 and OC3 to the day period only.'*⁸

In the Community Consultative Committee on 11 June 2013 the minutes show that a question about hours of operation in Pit 2 was responded to by *'the only coaling will occur during day shift if Stage 2 is approved.'*

The Department has considered whether any further measures could be implemented on site to ensure the compliance with the relevant noise criteria at the identified affected properties, and concluded that very little can be done other than curtailing night-time operations during adverse weather conditions.

The Department then concluded that a requirement to curtail night-time operations is not justified because it would result in a significant economic cost to the mine.⁹

This conclusion indicates that the Department of Planning considers it justifiable to impact on community health.

⁶ Report p 18

⁷ Report p 18

⁸ PPR p 14 4.4

⁹ Report p 18

The conclusion made in the Assessment Report that levels of noise and dust from Modification 9 will not result in significant increases beyond those already approved is incorrect and unacceptable.

MDEG recommends that the Planning Assessment Commission obtain independent noise and dust assessments before condemning the community in the Cooks Gap locality to increased health risk.

There had been references yesterday to Yancoal giving assistance to Rural Fire Service. The ongoing loss of community in the Ulan and Wollar areas has caused both these voluntary Bushfire Brigades to close down through lack of members.

Both these villages had cricket teams, regular sporting events and community functions and were very vibrant communities. While many newcomers to the area are happy to see Mudgee as a thriving and diverse community, it has been at the expense of the rural villages that have had a long and historic association with the development of the region.

It is interesting that the Moolarben workforce is so happy working with Yancoal when the local community experience has been quite the opposite. The company's relationship with local people has often been quite difficult and consultation has been very limited.

Not once has the company ever approached the Mudgee District Environment Group to discuss activities, plans or various matters associated with the mine.

The Community Consultative Committee has been disbanded mainly because most of the members have now had their properties purchased by the mine. There has been no contact with the people who applied to join a new committee and no information about when this may occur.

Yancoal has a perfect opportunity to demonstrate its responsible corporate citizenship by supporting the community proposal to have the Drip Gorge and associated lands gazetted as National Park. Instead they have invested in a comprehensive advertising campaign, cold call surveys of the community and various other strategies to push a proposal that will not protect the integrity of the Drip Gorge and its associated groundwater systems.

If both Stage 2 and Stage 1 modification 9 are approved the result will be the loss of a further 1705 ha of high conservation value woodland, including 143 ha of critically endangered ecological community.

The proposed biodiversity offset strategy will not be successful because two of the properties occur within EL 6288 and are not secure from future mining impacts.

The Drip block and land adjacent to the Goulburn River are included in the biodiversity offset package for the Stage 1 approval. This currently has no security against mining activity and as explained yesterday, Yancoal is taking the Imrie family to arbitration to obtain access for drill sites above the Drip.

Moolarben statements in the media yesterday are again misleading the community by stating that the Drip is protected as part of the Stage 1 approval. The voluntary

conservation agreement has not been initiated and the proposal put to the NSW Government does not include the whole block.

As you have learned yesterday and today members of MDEG and the wider community locally, regionally, statewide, nationally and internationally want to see this unique icon protected in perpetuity.

The Moolarben proposal does not achieve this. Here are some examples of mine subsidence damage in the Mt Sugarloaf State Conservation Area near Newcastle.

This is why the Moolarben proposal is not acceptable because a State Conservation Area around the Drip Gorge gives no guarantee that this level of impact will not occur.

Mudgee District Environment Group has been campaigning for 8 years to get this iconic landscape protected.

As has been outlined over the past two days, the Drip Gorge is recognised by the Nature Conservation Council of NSW, the National Heritage Trust, environmental educators, tourism bodies and the general public as a place that needs genuine protection.

Inclusion in the Goulburn River National Park as National Park tenure is the only way to secure a future for this well-loved iconic natural landscape.

MDEG trusts that the Commission, if determining to approve Stage 1 modification 9, will take the opportunity to include a condition that requires the entire Drip block and land adjacent to the Goulburn River to be gazetted as National Park by end of June 2015.