

“Reclaiming our Valley”

Hunter Communities Network

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SUBMISSION

Draft Integrated Mining Policy – Stage 1

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.

The key concern of HCN is the lack of rigorous cumulative impact assessment in regard to the approval process for large opencut mining operations in the Hunter region. The current scale of mining operations, as approved, has unassessed and unknown cumulative impacts on biodiversity, water sources, community health and social function, other industries and the resilience of the Hunter region to diversify towards new employment opportunities.

We wish to lodge the following comments on the three policy documents currently on exhibition as the first stage of an Integrated Mining Policy (IMP).

1. Transparency – there is no clear indication in any of the policy documents about improved transparency in the planning and approval process for state significant mining developments
2. The key purpose of IMP appears to be a streamlining exercise aimed at smoothing the way for faster approvals of state significant mining developments
3. The IMP overview states that environmental standards and community consultation requirements will not be changed. HCN considers that current community consultation requirements are very poor, especially at the assessment stage of a project. There needs to be a strong set of guidelines developed. We are also of the opinion that current environmental standards do not protect the environment or the community and need to be strengthened.

This submission will provide comments on the three policy documents:

- Mine Application Guideline
- Standard Secretary's Environmental Assessment Requirements
- Policy Framework for Biodiversity Offsets for Upland Swamps and Associated Threatened Species

1. Mine Application Guideline:

HCN notes that many of the considerations identified at the Preliminary Environmental Assessment (PEA) stage should have been made by the Department of Resources and Energy prior to tendering an exploration licence for the resource.

The issue of cumulative impact of a project needs to be considered up front in the preliminary assessment. It is imperative that a clear set of guidelines be developed to inform companies how to conduct a cumulative impact assessment at the preliminary stage. This should include an indication of the impacts of existing state significant mining operations on water sources, biodiversity, air quality, noise, local community viability and transport infrastructure.

There needs to be a clear set of guidelines for community consultation at the preliminary assessment stage.

The gateway assessment process should require community consultation.

Early consideration of adequate separation from nearby sensitive land uses needs to consider the social impacts, economic impacts on existing industries and costs of fair compensation for affected land owners.

Topographical features identified to reduce potential amenity impacts need to be protected in the conditions of approval.

1.1 Project Summary

Table 1 needs to include cumulative impact, adequate separation from sensitive land uses and key social impacts and mitigation measures. An indication of staged development should be included here.

1.2 Project Description

The development description needs to identify if it is part of a staged development in relation to the known/potential resource within an exploration licence area.

1.3 Mapping Requirements

HCN is interested to know if the GIS mapping requirements for the PEA will be released for public comment in one of the next stages of the IMP

1.4 Target Resource

If the target resource is part of a staged development, the future access to the total resource needs to be described in the context of proposed mitigation and management measures for the target resource.

1.5 Regional Context

The economic considerations should also refer to the viability of the project within the environmental and social constraints, as noted under 5) Environmental Impact Assessment.

1.6 Project Rationale

This section of the PEA should also address the issue of a staged development and provide justification for applying for development to access part of an available resource.

1.7 Consultation

A clear set of guidelines for consultation is needed to identify an *‘appropriate level of consultation.’* Small ads in newspapers are not appropriate. All interested stakeholder groups should be identified and made aware that a PEA is being developed. This will assist in the development of an adequate Social Impact Assessment within the EIS requirements.

2. Standard Secretary’s Environmental Assessment Requirements

2.1 Project Summary

As per comments above, the EIS Project Summary should include:

- An outline of cumulative impact with references to specific cumulative impact assessment in the appropriate parts of the EIS
- How adequate separation from sensitive land uses is to be achieved including associated social impacts
- Key social impacts and mitigation measures.
- An indication of staged development.

2.2 Project Description

This should include a description of the project in relation to the total resource available within the Exploration Licence Area (ELA).

One of the *‘change drivers’* identified in the Mining Application Guideline requirements for the EIS includes that the project is *‘likely to include multiple phases, which may require further approval.’*

This should be noted in the Project Description and further expanded in the Project Rationale section in relation to all management and mitigation measures proposed within the ELA for the project under application.

2.2.1 Management Commitments

The baseline data assessment methodology and development of models for the project should be conducted under a clear set of guidelines, particularly in regard to seasonality for baseline biodiversity, air quality and noise assessment and rigorous development of water source impact assessment tools.

2.2.2 Mapping requirements

The SEARs should make reference to the GIS mapping requirements that have not yet been finalised for the Mining Application Guidelines.

2.3 Strategic Context

The identification of a staged development should occur as part of the strategic context.

Also a description of how the resource and reserve estimates were arrived at using the JORC Code.

2.3.1 Target Resource

The SEARs should make reference to the issues identified in the Mining Application Guidelines that are required to be addressed to a degree of specificity and detail appropriate to the nature and extent of the proposed development. These are outlined in detail on p6 of the Mining Application Guidelines but not referred to in the draft standard SEARs.

2.3.2 Regional Context

The issue of economic viability of the project in relation to environmental and social constraints should be identified in the regional context. Regard should also be given to likely staged development cumulative impacts.

2.4 Rehabilitation

Again the issue of staged development is critical in relation to planned rehabilitation. A projected concept of final land form over the entire available resource is necessary for proper strategic planning.

The identification of '*change drivers*' as required under Project Rationale is significant for the description of progressive rehabilitation timeframes and commitments.

This section of the draft standard SEARs refers to '*domains*' without any description.

The issue of final voids urgently needs new Government policy to be developed. HCN supports a policy of no final voids and that final landforms should prevent the migration of water polluted with salt and heavy metals from leaving the site. This challenge for rehabilitation of mine sites should be conducted with a clear economic assessment as part of the EIS process.

The issue of the costs of mine leachate over time is an expensive legacy that has not been satisfactorily assessed or mitigated in the past. The cumulative impact of old mine legacies should be considered in the EIS.

The provision of mapping and modelling that demonstrate key years of production, impact and progressive rehabilitation of a project need clear guidelines to provide consistency and rationale.

2.5 Project Rationale

If the project is part of a staged development, the rationale must include the reasons for the scale of the current proposal and the implications of cumulative impact of extracting the entire available resource.

2.6 Environmental Impact Statement

2.6.1 Land and Soils

The EIS needs to describe how soils will be stripped, stockpiled and managed for progressive rehabilitation, including dust management of stockpiles.

The quality of soils for adequate rehabilitation and stable final landform should also be assessed and described. There needs to be a clear relationship between soil management and the section in the EIS specifying rehabilitation objectives.

2.6.2 Water

The EIS must identify current impacts on water sources of any nearby mining operations, current licence holdings and usage and any likely additional impacts if the project is part of a proposed staged development.

Baseline data collection for water impact assessment should be across a number of seasons and clearly take into account extreme weather event patterns including historic drought and rainfall events. Climate change predictions for the region should also be taken into account for baseline water impact assessment.

The cumulative volume of existing licences in impacted water sources that are required to be retired at the end of mining under the Aquifer Interference Policy should also be identified.

Analysis of expected water discharges should include heavy metals and metalloids.

Water management in the final landform should not include a final void.

2.6.3 Biodiversity

HCN does not support that agreements can be made with OEH to assess biodiversity values under different arrangements from those that are current policy.

Cumulative impact of biodiversity loss on a regional context must be included, particularly in the context that offsets and mitigation measures do not meet the short term requirements of habitat loss for threatened species.

2.6.4 Heritage

The cumulative loss of Aboriginal and European heritage must be assessed.

2.6.5 Blasting

Cumulative impact of blasting associated with neighbouring and regional operations including the estimated annual quantity of explosive materials to be detonated into the atmosphere.

2.6.6 Air Quality, Noise and vibration assessment

The cumulative nature of impacts of noise, air and blasting pollution should be conducted as part of a health impact study of the neighbouring population. The social and economic impacts of the implementation of the Voluntary Land Acquisition and Mitigation Policy should be included in a Social Impact Assessment.

2.6.7 Public Safety

The social impact of loss of local members of Rural Fire Services and their role as voluntary emergency service providers for road accidents should be considered in the Social Impact Assessment.

2.6.8 Social Impact Assessment

Clear guidelines need to be developed for appropriate and consistent assessment of social impacts. This assessment needs to be conducted after all impacts have been identified and released to affected landholders and other land users. The impacts need to identify loss of viability for other industries in the region.

2.6.9 Consultation

Clear guidelines need to be developed for consistent consultation processes to be conducted across the mining industry.

3. Policy Framework for Biodiversity Offsets for Upland Swamps and Associated Threatened Species

HCN does not support the concept that Upland Swamps can be adequately offset, particularly when the policy framework does not consider the important function of swamps for water retention within the landscape.

Upland swamps are protected under Federal legislation as matters of national environmental significance. Longwall mining has been identified as a key threatening process for Upland Swamps under the NSW Threatened Species Conservation Act 1995. These irreplaceable features in the landscape should be protected as ‘no go zones’ for mining.

Mining under Upland Swamps should be a red flag in the mining assessment and approval process. ‘Nil’ or ‘negligible’ impacts are impossible to predict and manage. Once the damage occurs, it is irreparable and a lost swamp cannot be replaced. The precautionary principle must prevail.

Offsetting the groundwater dependent ecosystems does not solve the problem of the loss of the water storage capacity of Upland Swamps. These provide important base flows to surrounding surface water sources during periods of drought. This ecosystem service is critical to water security and is irreplaceable.

Conclusion:

HCN considers that the proposed IMP does not address all community concerns about the impacts of large scale mining operations.

Clear guidelines need to be developed for cumulative impact assessment, social impact assessment and appropriate community consultation. Consistency of approach across the industry is necessary to improve community confidence in the planning process for major mining development.

The partial development of a known resource should not be assessed in isolation. The full impacts of the extraction of a total known resource need to be considered in a phased development application.

Inappropriate cumulative impacts should trigger the rejection of a project if the impacts cannot be adequately avoided, mitigated or managed.