

Major Development Assessment,
Department of Planning
GPO BOX 39,
Sydney NSW 2001

Wednesday 29 April 2009

Dear Madam,

RE: Submission of Objection - Stage 2 of the Moolarben Coal Project (08_0135) & Modification of the Moolarben Coal Project (05_0117 MOD 3)

Mudgee District Environment Group (MDEG) objects to the application to modify the current Moolarben Coal Project (Stage 1) and to the proposal to expand to Stage 2 because of the significant additional impacts that will occur in a very sensitive environment within a rural landscape. The objection is based on the following points:

1. The applications to modify Stage 1 and expand to Stage 2 development have not been justified
2. Community consultation was highly inadequate
3. The greenhouse gas emissions have not been correctly assessed
4. The environmental and social impacts have not been adequately valued
5. The long term damage to the water sources of the Upper Goulburn River catchment has not been adequately identified
6. Longwall mining as a key threatening process has not been adequately assessed
7. The loss of high conservation value vegetation and biodiversity has not been adequately offset
8. The loss & threat to significant cultural heritage sites is understated
9. The loss of amenity through increased dust, noise, blasting and light pollution has not been adequately assessed
10. The impact on public infrastructure will not be adequately compensated
11. The impact on the adjoining conservation reserves has been understated
12. The cumulative impacts with Ulan, Moolarben Stage 1 and Wilpinjong Coal Mines have not been adequately identified or addressed.

MDEG has found the documents submitted to the Department of Planning in relation to these applications are seriously lacking in rigour. The presentation of the environmental assessment report (EA) is sloppy with repeated pages and poor continuity. This indicates a rushed approach to the analysis and findings outlined for consideration.

The EA displays systemic confusion over the description and assessment of Stage 2 and the combined impacts of Stage 1 & Stage 2. This is particularly evident in the revised water balance report (EA Appendix 6B)

Although the EA makes reference to the condition of approval for Stage 1 (Schedule 3 clause 33) relating to the Regional Water Supply/Monitoring Investigation, it does not indicate how this will be progressed with the proposed Stage 2 expansion. It is imperative that this condition must be met before Stage 1 mining can commence and before Stage 2 can be approved.

The EA ignores the DECC climate change predictions for the Upper Hunter that include a decrease in rainfall and runoff.

Sections of the emplacement areas in the Murrumbidgee Creek valley will exceed the 520m AHD contour specified in clause 71 of the Mid-Western Region Interim LEP.

The extent of the proposed additional long term damage to this sensitive region has not been fully assessed or adequately mitigated.

We request that close consideration of these objections be undertaken by a comprehensive independent appraisal of the technical reports submitted by Felix Resources (the proponent).

The impacts of this modification and extension will be ongoing until 2033. The ability of the NSW Government to regulate and manage these impacts for a period of 24 years is highly questionable. Experience with existing operations in this region has proven to be extremely stressful for the local community and the regional environment.

The statement of commitments listed in Volume 1 (pages 6-3 to 6-8) are inadequate, particularly the 2:1 CEEC offset and the voluntary payment agreement. A stronger set of commitments need to be included in the conditions if this extended mining operation is to be approved. The environmental management measures and monitoring outlined in Tables 6.1 and 6.2 need to be more rigorous and also need to be laid out clearly in the approval conditions.

Please accept the full submission of objection from MDEG as appended. We believe this proposal needs to be examined closely by a Planning Assessment Commission and look forward to an opportunity to present our views to an independent body.

MDEG has submitted a proposal to the NSW Government to have the Goulburn River Gorge landscape added to the Goulburn River National Park. We urge the Department of Planning to give this proposal full consideration.

Yours sincerely



Bev Smiles
Chairperson

SUBMISSION OF OBJECTION

Stage 2 of the Moolarben Coal Project (08_0135) &
Modification of the Moolarben Coal Project (05_0117 MOD 3)

1. The applications to modify Stage 1 and expand to Stage 2 development have not been justified.

1.1 Project Rationale (EA Section 7.3)

The proposals as presented in these applications at no time explore the possibility of the Stage 2 mine expansion following the current mine approval Stage 1.

If this were the case, there would be no need to expand the coal handling infrastructure, or have additional pressure on road and rail infrastructure or have concurrent increased cumulative impacts on the surrounding community and physical environment.

The EA does not explain why Stage 2 has such a large ratio of coal reject ie 5mtpa ROM coal to produce 3mtpa saleable product. Stage 1 has a much higher ratio of return from mine disturbance (12mtpa ROM coal for 10mtpa saleable product).

This indicates that the coal being mined in Stage 2 is of questionable quality. The environmental and social footprint from this extension has not been clearly justified.

The statement in EA 7.3.3 that impacts from Stage 2 will be reduced because of buffering from Stage 1 shows a complete disregard for the concept of cumulative impact.

The entire justification for MCP Stage 2 is based on economic arguments in favour of the proponent and shareholders. The points in EA 7.3.1 do not indicate why Stage 1 does not give flexibility in delivery of different product coals with varying ash contents or why Stage 1 doesn't meet contractual obligations as an equity participant in the Newcastle Coal Infrastructure Group.

1.2 Objects of the EP&A Act 1979 (EA 7.4)

The objects of the Act will not be adequately met as required by the Director General for Planning for the following reasons:

- a) There is incorrect information in EA 7.4.1 about avoidance of physical disturbance to Munghorn Gap Nature Reserve. The proposal to have a buffer zone of only 20m for opencut 4 does not explore the damage to the reserve through blasting at such close range.
- b) The extension of Stage 2 will put additional pressure on existing public infrastructure.
- c) The cumulative impacts on threatened species and ecological communities, and their habitats have not been identified or addressed in the EA.

- d) The EA does not adopt the precautionary principle. Project alternatives analysed in EA 7.3.5 are based on cost rather than mitigation of irreversible environmental damage.
- e) There is no valuation given to the environmental and social impacts from the proposed expanded mining operations.

1.3 Justification for Stage 2 Project and Modification of Stage 1 (EA 7.5)

The environmental residual impacts of this proposal as listed in EA 7.5.1 far outweigh any benefits of this proposal.

The suggestion that an increase in production of 3mtpa will produce an increase of 55% in total tax revenue and provide a 3 fold increase in royalty payments raises questions for the entire socio-economic report in Appendix 14.

2. Community consultation was highly inadequate

Stakeholder and Community Consultation (EA Section 3)

2.1 This section of the EA is highly misleading. MDEG is one of the key stakeholder groups in Mid Western Regional LGA. At no time did the proponent approach or provide MDEG with information in relation to these proposals.

2.2 The community information session at Ulan was held during work hours on three consecutive week days in July 2008. This made it impossible for working people to participate.

2.3 There was no indication given to the community by the proponents that the application was ready to be submitted to government or to be put on public exhibition, including members of the Community Consultative Committee.

2.4 There has been no genuine attempt by the proponent to inform the general community or key stakeholder groups about this proposal and its complex impacts.

3. The greenhouse gas emissions have not been correctly assessed

Greenhouse Gas Assessment (EA Appendix 3B)

3.1 The report by Holmes Air Sciences chooses to ignore the impact of spontaneous combustion and low-temperature oxidization of waste coal emplacements and exposed tailings in the calculations of Scope 1 emissions for this project.

The dismissal of spontaneous combustion emissions (EA 4.3.2) to be 'picked up in the estimated emissions of GHGs when the coal is burnt by the customer' is specifically contradicting the Director General requirements for 'a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project'.

3.2 This assessment is being presented as a revised assessment of Stage 1, therefore consideration of spontaneous combustion and other Scope 1 emissions for the entire MCP operation have not been accurately assessed in this report.

4. The environmental and social impacts have not been adequately valued

4.1 The loss of all private residences in Ulan village, the Ulan Rural Fire Service and possible loss of the Ulan School are major social impacts that the proponent has not recognised as important.

These new proposals will cause the continued depopulation of the area, loss of farming production and regional service provision, loss of social fabric and loss of organisations that provide voluntary services to the wider community.

The ongoing loss of property owners identified in the acquisition criteria for both Stage 1 and Stage 2 will cause the possible demise of the Cooks Gap Rural Fire Service.

4.2 Hazards and Risks (EA 5.15)

This section under Bushfires 5.15.3.2 identifies that the Ulan Fire Service facilities have been decommissioned. It also identifies that the Cooks Gap and Wollar Rural Fire Brigades work closely with National Parks and Wildlife Service to suppress bushfires throughout the locality.

However, both the voluntary services identified are under major threat from loss of local landowners through mine acquisition. The proponent does not identify any company contribution to fire fighting services and activities in the way of machinery or personnel availability.

4.3 The loss of private ownership of all residences in the Ulan village has impacts on the local church and other community activities and infrastructure maintenance. None of this is identified in the EA.

4.4 The ecosystem services provided by the intercepted groundwater, surface water, and destroyed vegetation for this project to proceed are not given a value in the socio-economic report (EA Appendix 14 Vol 5, Appendix 15 Vol 6)

5. The long term damage to the water sources of the Upper Goulburn River catchment has not been adequately identified

5.1 Revised Site Water Balance (EA Appendix 6B)

5.1.1 It is presumed that the information in this section of the EA is considering the combined use of water for coal handling and preparation, dust suppression, bath-house, underground plus evaporation for both Stage 1 & 2. However, this is not fully explained in the Worley Parsons revised report.

5.1.2 The total maximum demand is estimated to drop from 3,536 ML/year to 2,668ML/year or 7.3 ML/day with a number of mitigating circumstances including use of chemical dust suppressants. It is unclear if this change is to be across both Stage 1 & 2. If so, the modification to Stage 1 does not include a change from using water for dust suppression to using chemical suppressants across the Stage 1 operations.

5.1.3 There is no genuine analysis of the impact of removing this volume of water daily (7.3 ML) and annually (2,669 ML) from the regional environment.

5.1.3 The water balance model indicates water deficits for the entire MCP project in different rainfall scenarios without indicating how these deficits will be addressed other than by reducing rate of extraction or adjusting mine schedule. This solution to lack of water has not been analysed in the economic study for the proposal.

The EA Executive Summary (ES 3.1.6 Water Demand and Supply) identifies there will be surplus water for the final years of the mine with the completion of open cut mining and maximum inflows into UG4. This would possibly require mine water discharges into natural water courses.

There is no explanation why the mining schedule for Stage 1 has been revised so that the maximum groundwater inflows are not occurring at the same time as maximum water requirements.

5.1.4 The reporting on site water balance alone highlights the total inadequacy of planning and assessment of the entire Moolarben Coal Project.

5.2 Groundwater Impacts

5.2.1 The model developed to predict impacts on regional groundwater for Stage 2 is not an accurate indication of cumulative impacts with existing operations. It is calibrated against publicly available mine dewatering records for the Ulan and Wilpinjong coal mines and therefore based on a number of assumptions.

Xstrata staff members have indicated that they are still in negotiation over the intellectual property rights of water data collected in the Ulan Coal Mine water balance and aquifer draw down monitoring.

The modelers have not had access to all relevant information to be able to calculate an accurate regional water model.

Information relating to the draw down of the Triassic aquifer system is very recent and does not measure past losses due to long wall mining in the Ulan operation.

5.2.2 Regional Water Supply/Monitoring Investigation - Stage 1 condition of approval (Schedule 3 Clause 33). This condition included that the investigation be conducted by an independent expert appointed by the Director General in consultation with DECC, DPI, DWE and the owners of Ulan and Wilpinjong coal mines.

The investigation is to:

- a) assess the feasibility and potential environmental benefits of increased water sharing between the three mining operations in the region
- b) consider the potential for developing regional surface and ground water monitoring programs to:
 - rationalize the surface and ground water monitoring programs of the three mining operations in the region;and

- improve the monitoring of the individual and cumulative surface and ground water impacts of these mining operations; and
- c) recommend measures to reduce the surface and ground water impacts of mining in the region, and any potential changes to existing licences and /or approvals that could facilitate the implementation of these measures.

There appears to be no adequate consideration of the implications of this investigation in the Stage 2 EA, particularly in relation to information used in the EA and proposed monitoring sites.

The proposal to extend the Moolarben operations to include Stage 2 production should not be approved until the regional investigation has been completed and full co-operation of the three mining operators has been reached.

5.2.3 The proposal to install an extensive dewatering and supply borefield with 13 pumps through the aquifers that feed The Drip and base flows to the Goulburn River from the north is not sustainable, not necessary and should not be approved.

5.2.4 The environmental impacts on groundwater dependent ecosystems including up to 57 groundwater features in Murragamba Creek will be destroyed by OC 4. This includes waterholes, springs and soaks. There is no adequate consideration of the cumulative loss of these drought refuges on the southern catchment of Wilpinjong Creek. The impact on dependent local and migratory wildlife during dry conditions is not assessed.

5.2.5 The existence of seeps and small pools indicates direct connectivity between near-surface watertable and the creek systems in Stage 2 area of impact. There is no discussion of the impact of the loss of these surface water features or the long term impact on the watertable itself from both open cut and long wall mining.

5.3 Surface Water

5.3.1 Similarly with the Wilpinjong Project EA, the model for Stage 2 was calibrated using guidelines because of insufficient continuous stream flow data from the area. This means a continuing level of guesstimate is being used to assess the impacts of these mining operations on surface flow in the region.

5.3.2 The proposal to destroy 11km of natural creek bed in Murragamba and Eastern Creeks and replace it post mining with an overburden base is particularly unacceptable. The experience with the Wilpinjong Coal project is once the management of a mine changes hands or is put in control of a contractor, there is virtually no ability to monitor the rehabilitation activities of disturbed land and water courses in line with the commitments made in the EA.

5.3.3 The ongoing loss of surface flows to Wilpinjong Creek is not adequately assessed in relation to existing surface disturbance of the downstream catchment caused by Wilpinjong mine open cut operations. The loss of surface flows to Wilpinjong Creek from Murragamba and Eastern Creek, particularly in low rainfall periods, has not been fully identified, in conjunction with loss of flows from the destroyed creek systems on the Wilpinjong lease area. There seems to be no

evaluation of the absorption of rainfall and runoff into large areas of mine rehabilitation. Mine rehabilitation is not as compacted as the original ground surface taking many years to settle the air pockets and spaces between the rock in overburden emplacements. This increases the absorption of rainfall and therefore causes a decrease in rainfall.

5.3.4 The residual environmental impacts of the project as described in EA 7.5.1 include ‘Progressive loss of over 11km of creek habitat in the Murragamba and Eastern Creek valleys and associated feeder drainages, springs, swales, farm dams and groundwater dependent ecosystems.’

The description of the creek diversion and realignment (EA 5.5.5.2) in the Project Description (EA Section 4) indicates that approximately 7km of Murragamba Creek and 5km of Eastern creek will be relocated. The impact of this disturbance has not been fully described or assessed.

Murragamba Creek has been identified as having the highest concentration of natural springs and soaks compared to other local catchments ie in comparison with Moolarben, Lagoon and Spring Creeks. The Murragamba Creek and catchment should not be destroyed.

5.3.5 The cumulative impacts of the interception of these surface water flows and the losses caused by subsidence and surface fracturing along drainage lines above the longwall panels in UGI & UG2 have not been addressed.

5.3.6 It has been identified that cracking beds of drainage lines will occur above the underground mine, particularly where the depth of cover is less than 100m. There is expected infiltration of surface water into cracks, particularly during low flow events. There has been no attempt to assess the overall loss of low flows in the system caused by mining over a 24 year period.

5.4 The cumulative impact on ground water, base flows and surface water of the Upper Goulburn River catchment caused by the interception and interference of Stage 2 when added to the existing and future impacts from Stage 1, Ulan and Wilpinjong mining operations has not been identified.

5.5 The recently released DECC report on Climate Change in the Upper Hunter predicts a significant decrease in rainfall and runoff. The impact of this decrease will begin to be felt during the life of this mining proposal. There is no indication that the models used to predict water impacts have taken this decrease into account.

6. Longwall mining as a key threatening process has not been adequately assessed

Subsidence Assessment (EA Appendix 8)

6.1 The prediction that rock falls and cliff collapse of up to 30% of the 570m of cliff line in the Stage 2 proposal is possibly greatly underestimated. There is no discussion of the condition of the sandstone escarpment in relation to weathering, existing fractures, or density of overhangs.

The data used in Table 5.3 does not fully describe the onground damage or chance of impacts at Angus Place or Baal Bone collieries in the Lithgow area.

An assessment of the rock falls and loss of cliff lines on the Ulan mine lease in relation to EA predictions would be a useful set of comparative data.

6.2 Subsidence has been listed as a key threatening process under the NSW Threatened Species Conservation Act (1995). This has not been identified or discussed in the Stage 2 EA.

6.3 The impacts on subsidence on CEEC, water sources and threatened species has been understated in the EA, particularly in the context of cumulative impacts from Stage 1 and Ulan mines. The total area of subsided land in this region has not been quantified.

6.4 The long term rehabilitation of subsided land across the region does not appear in any of the mitigation or mine closure plans.

7. The loss of high conservation value vegetation and biodiversity has not been adequately offset

7.1 The proposal to clear a further 851 ha of healthy vegetation between the Munghorn Gap Nature Reserve and Goulburn River National Park, including 157 ha of critically endangered White Box-Yellow Box – Blakely’s Redgum and derived Native Grasses, contradicts both NSW Government and Commonwealth Government programs to protect and connect remnant vegetation across the landscape.

7.2 The area proposed to be cleared for Stage 2 operations is currently identified as having high connectivity in the Great Eastern Ranges project

7.3 The Commonwealth Government has committed \$43.5m in the Caring for Country program for the rehabilitation and revegetation of the CEEC threatened by the Stage 2 proposal.

7.4 The Hunter Central Rivers CMA through the PVP process for private landowners would not allow this CEEC to be cleared without a 5:1 offset. The proposed 2:1 offset for the clearing of 157ha of intact, healthy, good condition CEEC is totally inadequate and unacceptable.

7.5 The offset agreed to for the approval of Stage 1 clearing of 69 ha (which is an underestimate of the area of the CEEC in open cut 3 area) on the Red Hills property was an exceptionally poor outcome of the approvals process.

7.6 This project has been identified to have a significant impact on a number of species listed as threatened with extinction under the NSW Threatened Species Conservation Act (1995) and the Federal Environment Protection and Biodiversity Conservation Act (1999). The cumulative impact of mining operations on the biodiversity of this region has not been discussed in the Stage 2 EA.

8. The loss & threat to significant cultural heritage sites is understated

Aboriginal Cultural Heritage Assessment (EA Appendix 9 Vol 5)

8.1 The report by Archaeological Risk Assessment Services outlines the impacts of the mining and agricultural industry in the area. However, the cumulative impact is not clearly aggregated or identified as a total loss. The cumulative impact of Stage 2 on Aboriginal cultural heritage is not clearly outlined in the Impact Assessment (EA Section 5)

8.2 The cultural heritage consultant, Giles Hamm, makes a series of important observations in the conclusion of Section 14 Cumulative Impact Assessment. These relate to the future conservation and management of Aboriginal cultural resources in the Ulan/Moolarben area:

- a) The ongoing impacts on alluvial plain landforms for all major open site type categories requires a better understanding of these sites in their regional landscape setting.
- b) The intensive development of the Ulan/Moolarben area will cause a higher proportion of Aboriginal sites and objects to be completely lost from their environmental setting and it will be harder for government agencies and consultants to properly assess local and regional significance without any base-line research information.
- c) The conservation of specific cultural landscapes should be made a priority when governments are making a judgement about what type of impact should be allowed in the Ulan/Moolarben – Wilpinjong area
- d) A regional base-line research study should be implemented funded by government, local mining and agricultural companies by setting up a trust fund for the local Aboriginal joint community. This fund should resource locally based programmes for monitoring and protecting sites.
- e) Better site data to be provided to local Aboriginal communities on the scale of cumulative impacts effecting Aboriginal heritage resources in the Ulan/Moolarben area.

8.3 The proponent has not identified any of these suggestions in the environmental management measures or statement of commitments in EA Section 6

9. The loss of amenity through increased dust, noise, blasting and light pollution has not been adequately assessed or mitigated

9.1 Air Quality Assessment (EA Appendix 3A Vol 1)

9.1.1 The proposal to use chemical dust suppression instead of water dust suppression on Stage 2 and possibly Stage 1 as a water saving measure has not been fully explored by Holmes Air Sciences. The report indicates that this changed control method will reduce dust emissions by 85% compared with an untreated trafficked surface but does not outline how or why.

Chemical dust suppressants have not been widely used in NSW. The crusting agents are broken up when driven over and are also water soluble in light rain. The application of chemical dust suppressants requires constant application. The EA contains no discussion around the management of these issues in relation to managing increased dust levels in the local area.

9.1.2 The size of the disturbance in OC4, length of haul roads, additional movements of coal around the site, in conjunction with existing operations will have a cumulative impact on air quality.

9.1.3 The report identifies five privately owned properties to be impacted by high dust levels. There is no discussion of cumulative increased dust levels on the adjacent reserves.

9.1.4 The management of spontaneous combustion outlined in EA 5.1.8 acknowledges that the Ulan Seam is susceptible to spontaneous combustion. This is borne out by management problems experienced by both Ulan and Wilpinjong mines.

The suggestion that no coal will be left in stockpiles for longer than two weeks is highly optimistic. This would depend on economic circumstances and availability of access to rail and port facilities.

There is no consideration of spontaneous combustion occurring in overburden emplacements or open cut backfills. These are the areas where Ulan and Wilpinjong have experienced management problems with spontaneous combustion.

9.2 Noise and Vibration Impact Assessment (EA Appendix 4 Vol 1)

9.2.1 The noise predictions for Stage 2 and modification of Stage 1 appear to have the same optimistic impacts as predicted by other mining operations in the region. There are significant questions relating to the predicted noise impacts on Ulan School and non-mine properties.

9.2.2 The issue of less receptors being impacted because of ongoing acquisition during the operation of Stage 1 is an indication of the depopulation of the farming community in the area.

9.2.3 The additional operation of another 29 large mining machines in the sandstone amphitheatre of the Murrumbidgee Valley plus new conveyor systems, ROM pads and other increased operations at the coal handling and preparation plant near the Wollar-Ulan Road and close to sandstone escarpments will cause noise movements that have not been adequately identified.

9.2.4 The fact that noise bounces around the sandstone escarpments in this region is an issue that has not been dealt with in this noise assessment or any other conducted for previously approved mining operations. The impact of sandstone amphitheatre features is one of the causes of unpredicted noise levels experienced in the Cumbo Valley south of the Wilpinjong operations.

9.2.5 EA 5.3.6.1 suggests that background or control noise monitoring will be established in the Ridge Road to Cooks Gap area to record background noise levels.

It is essential that this monitoring be in place before the commencement of construction of Stage 1 and mining operations in OC 1.

9.2.6 There is no serious consideration of the cumulative impacts of noise from mining operations in the EA.

9.3 Cumulative Blasting Impacts

The Stage 2 proposal requires 2 blasts per day with 9 blasts per week. This is the same requirement as Stage 1. When added to the approved blasting for Wilpinjong mine this will result in up to 6 blasts on any one day in the region and up to 23 blasts every week. The calculation of the cumulative quantity of explosives being used in the area on a daily basis, releasing toxic gases into the atmosphere, has not been considered.

9.3.1 The impacts of this blasting and toxic gas release on human and animal health have not been considered. Stage 2 requires blasts with MIC 1,788kg. This is much greater volume of explosives than the approved MIC for Stage 1 and Wilpinjong. The assumption that all affected receptors will have been acquired disregards the impacts of this blasting on the Munghorn Gap Nature Reserve and wildlife in the region. It also ignores the spread of this level of pollution with dust.

9.3.2 EA 5.3.6.5 outlines that ‘if it is found that blasting has damaged sensitive natural features or infrastructure either through vibrational or physical impact, an investigation will be conducted to determine the extent of damage and repairs will be agreed with the relevant authority or owner responsible for that item.’

There needs to be further consideration of how ‘sensitive natural features’ such as sandstone overhangs can be repaired if damaged, particularly in the Munghorn Gap Nature Reserve directly adjacent to OC 4.

9.4 Visuals and Lighting Impact (EA Appendix 14 Vol 6)

9.4.1 The report by O’Hanlon Design does identify that the lighting impacts from Stage 2 will extend and spread the overall lighting changes over a wide area and therefore increase the cumulative impact of lighting on the rural landscape. ‘Added to the Wilpinjong and Ulan lighting the potential sky glow effects extend for many kilometers. Thus for a number of years the night environment will be significantly altered by the cumulative effects of all the various coal mining works.’ This increased light source is unacceptable.

9.4.2 There is no consideration of the impact of the increased lighting on nocturnal fauna, and in particular, threatened nocturnal fauna.

10. The impact on public infrastructure will not be adequately compensated

10.1 Construction Traffic Generation (EA 5.12.5.2)

The proposed traffic movements for construction of Stage 2 and modified Stage 1 are very unclear. The Stage 1 was approved to generate 100 wide loads, 20 concrete trucks daily and 6 delivery trucks daily during construction. The Stage 2 EA uses exactly the same figures – so it is very difficult to discern whether there will be a doubling of this volume of traffic.

The EA states that ‘There will be some (100 predicted in total) additional wide loads associated with Stage 2’ and also the 20 concrete trucks & 6 delivery truck daily.’

The EA also outlines that the construction period will be extended from a 2 year period to 6 year period (EA 5.14.5.1). This impact on traffic and public infrastructure has not been outlined.

10.2 The Voluntary Payment Agreement (VPA) offered for Stage 2 is in staged payments. The proposal is to commence these payments only after the combined mining operations reach 10mtpa production. Every extra .5mtpa produced after that will generate a payment up to a value of \$1,365,000 total.

If for various economic, production or transport constraints, the mine doesn’t produce over 10mtpa – Mid Western Regional Council and the community will receive nothing from the additional impost to the amenity of the area including a major increase in traffic movements.

This VPA is highly inadequate and does not compensate for an increased usage of public roads for a 24 year period.

11. The impact on the adjoining conservation reserves has been understated

11. 1 The Spectrum Acoustics noise report acknowledges that noise levels above 50 dB (A) Leq (15 Min) have been predicted along parts of the edge of Munghorn Gap Nature Reserve. The EA gives no indication of mitigating this unacceptable noise impact. The EA proposes only a 20m buffer between the mine and the Reserve for Open Cut 4. This is unacceptable in terms of noise, dust and blasting vibration impacts on the significant conservation values of the reserve.

11.2 The significant impact of the large overburden emplacements as permanent changes to the landscape adjacent to Mungorn Gap Nature Reserve has not been addressed.

11.3 The cumulative increase in blasting vibration and emissions, vehicle noise & emissions, dust generation and light pollution within the narrow, enclosed valley floor between Goulburn River National Park and Munhorn Gap Nature Reserves has not been considered in relation to the impacts on the reserves.

There is no proposal to monitor these impacts within the reserves. Any impact observations are related to human impacts ie visitors to the reserves. There is no consideration of these impacts on the native wildlife and vegetation.

No other reserve system in NSW has this scale of open cut and longwall mining right up to its boundaries.

11. 4 The cumulative loss of mature, connective vegetation linking the reserves has not been considered, although this is identified as having high significance in the Great Eastern Ranges project.

Mine rehabilitation and regeneration will be over a very long time scale in terms of replacing lost habitat, feeding and nesting grounds for a range of listed threatened species.

The increased pressure on the reserves from displaced fauna populations has not been assessed.

12. The cumulative impacts with Ulan, Moolarben Stage 1 and Wilpinjong Coal Mines have not been adequately identified or addressed.

12.1 The EA does not adequately address the Director General's Requirements to consider the cumulative impact of the Stage 2 & modification of Stage 1 proposal in relation to current approvals and operations in the immediate vicinity.

In fact, the EA attempts to dismiss these impacts by identifying the region as being primarily a mining landscape and therefore not worth consideration. EA 5.13.4 states 'As stage 2 will be constructed in an area heavily modified by mining, the presence of the project will not be discordant.' This statement discounts the fact that the timbered escarpments in the reserves and rural landscape are still the dominant feature of this landscape. Stage 2 will add significantly to the degradation of the region for a very long period of time. This includes the permanent features of overburden emplacement over a total area of 115 ha that, in places, exceed the 520m AHD contour specified in clause 71 of the Mid-Western Region Interim LEP.

12.2 The loss of habitat for a suite of threatened species has been approved for both Wilpinjong and Stage 1 operations. This has not been identified in relation to the proposal to remove a further 851ha habitat from the valley floor or to subside a further 905ha of land.

The total loss of existing native vegetation from the area due to mining impacts will be 1557.6ha including 326ha CEEC if Stage 2 is approved. The EA does not identify this cumulative loss of important remnant woodland habitat.

The continuing loss of habitat for the Square-tailed Kite, Brown Tree Creeper, Painted Honeyeater, Black-chinned Honeyeater, Hooded Robin, Grey-crowned Babbler, Diamond Firetail, Large-eared Pied Bat, Little Pied Bat, Eastern Bentwing Bat, Yellow-bellied Sheath-tailed Bat, Glossy Black-cockatoo, Powerful Owl, Speckled Warbler, Squirrel Glider and other at risk native fauna has not been quantified or addressed in this EAR.

12.2.1 The proposal to clear a further 157ha of CEEC additional to the 69ha approved for Stage 1, 47ha approved for Wilpinjong mine and 57ha approved for Wollar-Wellington Transmission Line has not been quantified in the EA as a cumulative impact on this threatened ecosystem.

12.3 The cumulative impact of 40 km² open cut mining in the Wilpinjong Creek valley on the adjacent reserves has not been identified, monitored or mitigated in the EA.

12.4 The cumulative loss of groundwater through mine dewatering and open cut interception of aquifers and the watertable has not been adequately assessed, quantified or mitigated.

12.5 The cumulative loss of surface flows to the Wilpinjong Creek and Goulburn River systems from Ulan, Stage 1 and Wilpinjong operations has not been adequately assessed, quantified or mitigated.

12.6 The cumulative impact of increased blasting and mining activities within a narrow enclosed valley system has not been identified.

The combined mining machinery of Stage 1 & 2 and Wilpinjong mine is 109 very large diesel engines working 24 hours per day, 7 days per week. The combined blasting for open-cut mining, if this additional Stage 2 is approved, will be an average of 6 blasts per day or 23 blasts per week in the area.

The increase in toxic diesel fumes and blasting emissions has not been identified or addressed.

12.7 The cumulative loss of alluvial landscapes and significant Aboriginal cultural heritage sites has not been mitigated

12.8 The cumulative increase in social pressures from this proposal has not been identified.

EA 5.14.5.4 recognizes that the relocation of Stage 2 mineworkers and their families to the area could place pressure on the availability and affordability of housing in Mudgee and Gulgong and put pressure on the demand for social services such as medical facilities and schools.

However, because Stage 1 is not yet operational, the additional pressure from the Stage 1 mine workforce has yet to be felt.

The cumulative impact of these increased pressures in relation to Wilpinjong and Stage 1 operations have not been considered.