

Tuesday 18 February 2020

Referrals Gateway
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Comment on Referral 2019/8580:

Moolarben Coal Operations Pty Ltd/Mining/Ulan-Wollar Road, Ulan, 2850/New South Wales/Moolarben UG4 Ancillary Works Modification

Introduction

Central West Environment Council (CWEC) is an umbrella organisation representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

We welcome the opportunity to comment on the referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in regard to the application to modify the Moolarben Coal Mine for the fifteenth time.

This submission will outline a number of issues with the referral document.

CWEC is concerned that the impact of this project on Matters of National Environmental Significance (MNES) will be significant. This referral must be assessed as a controlled action.

Issues with Referral

The referral document contains a number of omissions and incorrect statements that could be construed as misleading information:

- The action is a component of a larger project. The response provided at 1.15 is incorrect information. The action is part of the Moolarben Coal Mine complex comprising Stage 1 development approved in 2006 and Stage 2

development approved in 2015. The action is the fifteenth proposed modification to mining operations.

- The document omits to identify the significant natural feature on the Goulburn River, 'The Drip', in Section 3 at 3.4, 3.7 and 3.8.
- The impact of the proposed action on Offset Area 2 does not appear in the document until Section 4 at 4.1. There is no mention of this land use in Section 3 at 3.5, 3.7, 3.10. Misleading information about the project area is provided in 3.11 stating that it is adjacent to the offsets, not that it impacts an area of Offset Area 2.
- CWEC does not support the proposal in 4.1 that the offset property, Gilgal, has sufficient values to provide a replacement offset for previous clearing of threatened species habitat as approved under EPBC 2007/3297.
- The hydrology of the project area is very complex and includes associated groundwater sources. These are not described at 3.2.
- The action will have direct and indirect impact on water sources. This has been incorrectly noted at 2.9.
- CWEC does not support the response at 6.1 that the proponent is a responsible environmental manager. The information provided at 6.2 reports eight separate proceedings related to the protection of the environment and sustainable use of natural resources. This is not indicative of responsible management.

Significant impact on MNES

CWEC contends that the proposed action must be assessed as a controlled action for the following reasons:

1. Impact on water sources

The dewatering bores in the project area will have a significantly greater impact on water sources than assessed in the original Environmental Impact Statement for the operation of Underground Mine 4 (UG4).

The interception of groundwater in Underground Mine 1 was vastly underestimated and has caused the hydrological model to be updated. This updated model has demonstrated that predictions for UG4 were also underestimated. The impact of the additional groundwater interception has not been assessed for its impacts on drawdown of base flows to the Goulburn River or of the broader regional groundwater source.

All approvals for the Moolarben Coal Mine complex require nil impact on 'The Drip.' The increased water take from the dewatering bore, included in this action directly

opposite 'The Drip', has not been assessed for its possible impacts on the groundwater sources associated with this significant groundwater dependent ecosystem.

The impacts on water sources from this large coal mining development are likely to be significant and should be assessed as a controlled action.

2. Loss of primary Koala food sources

The action proposes to clear a further 1.2ha of primary food trees for the Koala. There are recorded Koala sightings near the Moolarben Coal Mine complex.

The recent significant loss of prime Koala habitat across NSW due to bushfire must cause all remaining habitat to be protected.

The proposed replacement offset at the Gilgal property is not acceptable because it fell short of credits for the loss of Koala habitat from the Moolarben Modification 14 approval. The ongoing loss of prime Koala habitat in this region is critical.

The action must be assessed as controlled action with a requirement to avoid the loss of primary Koala food trees.

3. Loss of critically endangered ecological community (CEEC)

The action proposes to clear 0.3ha of Grassy Box Gum Woodland CEEC from within Offset Area 2.

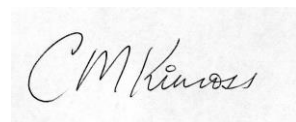
CWEC does not support the proposal outlined in 4.1 for the Gilgal offset property to be used as a replacement offset to compensate for this additional loss of CEEC.

The Gilgal property failed to meet 400 ecosystem credits under the assessment of threatened species habitat for Moolarben Modification 14.

It is highly inappropriate for an offset for a CEEC to then be replaced by another offset. This proposed approach will decrease the opportunity for recovery of the CEEC in the landscape and is not sustainable.

The action must be assessed as a controlled action with a requirement to avoid the loss of CEEC.

Yours sincerely



Cilla Kinross
President