

Reference: M4-3/920

Contact: John Griffiths

Date: 14<sup>th</sup> November 2002

NSW Department of Mineral Resources

PO Box 51

SINGLETON NSW 2330

Attention: David Agnew

Dear Sir,

## **Submission to DMR re Bickham Coal Bulk Sample**

Council would like to thank the Department for the opportunity of making a submission for consideration prior to determination of the application to extract the bulk sample. Council wishes to acknowledge the Department's recognition of the significance of this proposal within the Murrurundi Shire, being the first such application associated with a proposed open cut mine. In particular the acknowledgement of the need to involve the community in the process has been appreciated.

Council endorsed the timetable for the public notification and submission period. It has however, become apparent that the timeframe has been very tight to say the least and in fact caused added pressure in adequately considering the detailed Review of Environmental Factors in respect of the application. The opinion that the period for the assessment process has been "rushed" has been expressed during the community consultation process.

The situation has been exacerbated given Council's limited resources including access to professional staff who works for Murrurundi Council for only a limited period each week.

Given the existing situation, Council wishes to emphasise its reliance on the Government Agencies involved in the process to adequately assess the REF, within their areas of responsibility. Clearly Council does not have the professional expertise to offer detailed assessments or analysis of the various consultant submissions.

To this end, Council seeks the Department's undertaking to ensure that the relevant Government Agencies have closely assessed such submissions, and concur with the findings of the reports and / or require appropriate action to be undertaken to ensure that impacts are identified and mitigation measures put in place or further research undertaken by the proponents.

Council wishes to make the following comments in respect of specific areas, which it requests the Department to take into consideration when undertaking the assessment.

### **Water**

There is no doubt that the primary concern, which has been demonstrated during the community consultation process, is the potential impacts on surface and subsurface water. Council does not have to remind the Department that we are currently experiencing severe drought conditions and any proposal that has the potential to impact on our scarce water resources must be thoroughly considered and examined in close detail.

The conclusions within the report prepared by Peter Dundon & Associates have been questioned on a number of occasions in public forums.

Council acknowledges that the DLWC as the primary agency responsible for such matters will critically assess the report. Council however considers that this aspect of the proposal is so important to the local community, and those downstream within the Scone Local Government Area, that an independent review of the report is warranted.

Many residents within the village of Gundy rely on its domestic water supply primarily from the Pages River. Representation has been made raising concern about the proposal and its potential impact on such supply.

Further there are many agricultural activities relying on this water supply for their existence. The Department would be well aware of the investment of the thoroughbred industry within the Upper Hunter. Many significant studs rely on this water source and any reduction in either water quantity or quality could have disastrous effects.

Such review should be undertaken by an appropriately qualified and well-respected consultant in this particular field and consider all aspects of the study submitted including the methods and results of sampling undertaken to date, the implications of such results and in particular the conclusions that have been stated in the Dundon report. Statements regarding interconnectivity of the aquifers with the adjacent Pages River, together with the level of impact on water quality and quantity are critical components in the REF and deserve thorough analysis to adequately determine the impacts of this development.

Further, the Hunter River Management Committee have developed a series of principles for coal mine development near rivers. Council requests that the proponents be required to address the guidelines detailed below and demonstrate compliance with these principles. It is acknowledged that the latter principles may apply to a future stage of coal mine development however it is considered that agreement with the principles should at least be obtained for post approval matters.

### ***Principles to Guide Mining Near Rivers***

#### ***(Hunter River Management Committee)***

- 1. No mining where there is a potential for deteriorating an aquifer's highest beneficial use*
- 2. Achievement of the agreed water quality objectives is not compromised*
- 3. No loss or diversion of surface water flows due to mine induced subsidence or geological cracking*
- 4. River stability is not compromised*
- 5. Adequate buffers are maintained*

6. *All impacts are identified and assessed for their significance to river flows, water quality, river stability and ecosystem health*
7. *Assess potential impact of worst case credible scenario and develop management options*
8. *Responsibility for post mining operation is part of the approval process*
9. *Community involvement in the assessment of proposals*
10. *Environmental monitoring and reporting is open & transparent*
11. *Monitoring occurs throughout the life cycle of the activity (pre; operational; post)*
12. *Opportunity to participate in development of mine rehab/remediation projects*
13. *Mine rehab occurs before problems arise*
14. *Unforeseen remediation is successfully completed before further approvals are granted*

Council received a copy of supplementary information prepared by the proponents in relation to matters that had been raised during the public participation process. The information was only provided just prior to the Special Council meeting on 11<sup>th</sup> November. Concern must be raised about the limited time to analyse this information.

Availability and timing of supply of this information to the public is also very limited. There are some significant aspects considered and concern is raised about the ability for the information to be properly digested and responses made.

Notwithstanding the above, the document indicates a revision of some of the water quantity figures that had been previously provided. The range of total volume is now indicated as between 120 ML and 235 ML with the upper level not expected to be reached.

Requirements for dust suppression have also been revised and the proponents are suggesting that the majority of such water is available from the existing flint quarry. That is there will be a significant reduction in the need to utilise water, which is “made” during the bulk sampling process.

The document now proposes two alternative methods for the return of dewatering discharge to either the aquifer from which it was removed or directly into the Pages River. The proponent has indicated that the discharge of such water into the Pages River is not the preferred option at this time and that significant processes would be required, prior to approval for such discharge being granted. Council acknowledges that there may indeed be advantages to downstream users if the flow in the Pages River was to be increased via discharge of water from the aquifer. A full assessment of the potential impacts of such discharge would however be required.

The preferred option for disposal of dewatering discharge is indicated as being directly back into the aquifer. This proposal still however requires careful analysis to ensure that all potential impacts are identified and appropriately addressed.

Council also requests that an analysis be undertaken of licensed bores within proximity of the proposed bulk sample for current water levels and that ongoing testing be undertaken during, and following the bulk sample process to ensure that any impacts are identified.

The REF indicates that there are relatively few bores within a five kilometre radius. Assistance from the DLWC is sought to determine an appropriate distance for such testing based on likely impacts / connection with relevant aquifers.

## **Social Impacts**

During the public participation process, concerns have been raised that the Review of Environmental Factors has not considered the conflict of a mining operation with Council's vision of Murrurundi as a "clean and green" local government area. This vision was identified in a planning document which was commissioned by the Murrurundi Development Association in the year 2000 and entitled "A Plan for Growth". The planning process identified a brand name for the area which is labelled as "Murra County". As mentioned the underlying theme was the promotion of the shire as a beautiful area unspoiled by such activities as open cut mining.

The area is being promoted as "clean, green and healthy" and "a great place to live".

Clearly the information in respect of the potential coal resource and subsequent mining activity was not known by Council at the time.

Is the proponent able to demonstrate that the activities that are proposed can, in some way, be consistent with this theme that has been developed over several years for our Shire, and which has been responsible for attracting development / tourist activity to the area with obvious economic benefits?

As the Department would be aware, this proposal has drawn considerable community interest and it must be stated, concern regarding potential impacts. While the company has provided details regarding positive factors associated with the proposal, the clear message from the majority of people attending the public information session and subsequent council meetings has been to focus on the perceived / potential negative impacts.

The local community has not been faced with such a proposal in the past and there has been demonstrated support for the local action group who have been quite vocal and active. Council considers that the level of community input must be recognised and acknowledged in the consideration of the application.

A wide range of issues have been raised, many of which have been included in this submission. Council does not wish to see division or high levels of angst created within the community and considers that such an outcome is a valid concern to be expressed to your Department.

### **Air Quality**

The REF states that "*due to the remoteness of this operation, dust generation is not considered to be a major factor*" (P39). . Further, the REF indicates that "*due to the short duration, relative remoteness and small scale of the bulk sample, little if any adverse impact is expected from the operation*" (P 53). Dr. Nigel Holmes was engaged to provide advice but there does not appear to be any study undertaken to verify the findings in the report. Have the conclusions been based on Mr Holmes evaluation of the circumstances and experience, or was there a supporting document not included in the REF?

The proponents have indicated that a network of gauges have been established, including a high volume sampler to more accurately assess the levels of dust pollutants

Council wishes to acknowledge and raise attention to the potential impacts from increased air pollutants on activities within relatively close proximity to the bulk sample site. In particular, there is growth in the thoroughbred industry in the locality and affects from dust pollutants on

very valuable horses could be significant. These industries are also significant employers in the area and adverse impacts on their activities must be carefully considered.

It is acknowledged that the bulk sample is relatively small and over a short period of time. Clearly the issue of air quality would require far more detailed analysis should a proposal for a full mine operation be envisaged.

The villages of Blandford and Wingen are also in relatively close proximity. Council requests consideration of strict operational procedures being in place, should meteorological conditions be such that the residents of these villages may be affected by dust fallout.

### **Burning Mountain**

Company representatives have assured Council that the proposed bulk sample will not impact in any way on "Burning Mountain". This issue has been raised on a number of occasions and Council requests that the Department ensures that the company's position can be demonstrated.

Burning Mountain and its remnant coal seam is clearly an important geological feature and also attracts many tourists to the area. The relevant Government Agencies should be able to confirm that there will be no impact on this feature as a result of the bulk sampling operation, prior to commencement of any mining activity on site.

### **Rehabilitation**

Minimal information was provided in the REF regarding rehabilitation of the site should the full mine not proceed. Council requests that the Department ensure that appropriate planning is in place to cover this possibility.

### **Summary**

The proposed bulk sample at Blandford is the first such development within the Murrurundi Local Government Area. Council appreciates that the Department of Mineral Resources have chosen to provide a significant level of community consultation in its assessment process.

The Bickham Coal Company have been most cooperative in providing information when requested and providing representatives to the various forums that have been held during the exhibition process. They have also briefed Council on several other occasions, which has been appreciated.

Council must reiterate its concerns regarding the potential impact of the proposed bulk sample. This submission has sought to bring the main areas of concern to the Department's attention.

Council would strongly support the Department adopting a precautionary approach to the assessment of this application. Our water resource is a vital commodity for current and future populations. Any proposal that may impact on the quality or quantity of surface or sub surface supply must be scrutinised to the highest degree, to ensure that all relevant information has been obtained and properly assessed with all potential impacts identified appropriately addressed. There is no room for "guess-work" on this critical issue.

Should approval for the bulk sample be issued, Council requests that the Department ensure

that the Company is required to undertake all associated activities in accordance with Best Practise Environmental and Mining Operational Guidelines to minimise adverse impacts on the environment and community.

Council's level of support for the bulk sample project will be directly related to the Department's ability to ensure that the matters raised within this submission have been adequately addressed.

Please direct any further enquiries to the General Manager, Mr John Griffiths.

Yours faithfully,

**J J Griffiths**

*GENERAL MANAGER*