



Lithgow Environment Group Inc.

PO Box 3081 Bowenfels, NSW 2790

www.lithgowenvironment.org

Preserving the Balance of Nature

Coal and Gas Strategy
Department of Planning
GPO Box 39
Sydney NSW 2001
email: coalandgasstrategy@planning.nsw.gov.au

14 April 2011

Dear Sir/Madam

RE: DRAFT COAL AND GAS STRATEGY

The members of Lithgow Environment Group have first-hand experience of the massive expansion of the coal mining industry over the last 6 years. Our membership is represented on several Community Consultative Committees, have read the EIS's for and lodged in excess of 15 submissions opposing local mining proposals.

Our group is therefore very familiar with current planning and approvals processes for mining projects, and very familiar with the systemic abuse of proper notification, consultation, environmental & aboriginal heritage assessment, subsidence management, water quality management, and regulatory compliance procedures by mining companies.

Our members therefore consider that they have a comprehensive understanding of the current issues, and the major changes that must be made.

1. Defining the potential growth of the industry

Coal is not a precious metal that must be mined where it occurs, regardless of the social, environmental, or other values that must be destroyed to extract it. Coal is everywhere, it underlays large parts of NSW, and it is therefore possible to prioritise where mining occurs and at what intensity over the next 25 years, to protect environmental and other values.

In the Lithgow area and Western Coalfields the **protection of biodiversity** must take precedence over all other land-use types, due to the proximity of all types of coal mining and gas extraction to high conservation value National Parks, Conservation Areas, State Forests, remnant bushland, endangered swamp communities, and other natural areas.

The second highest priority must be the **protection of drinking water quality**, due to the presence of mining within the Lithgow and Sydney drinking water supply catchments.

The third highest priority must be the **protection of genuine prime agricultural land** such as occurs in the Bylong Valley.

The Lithgow area and Western Coalfields have a long history of land clearing. Much of the biodiversity that once existed on the valley floors and lower slopes has been lost. Mining now poses a serious threat to those last remnants of biodiversity, particularly in Newnes State Forest and Ben Bullen State Forest. Totally inadequate biodiversity offsets which have recently been approved for coal mining proposals have been an absolute farce.

Lithgow and the Western Coalfields have low rainfall and relatively poor soils. Ample coal reserves exist under already cleared land of low or marginal agricultural potential - land that is at best only suited to light grazing.

Unlike our irreplaceable native forests and prime agricultural land low to marginal agricultural lands are not finite – indeed more of it is being created every day due to drought, land degradation, salinity, acidification, over-grazing, mining and global warming.

Therefore low to marginal agricultural land must be the highest priority areas for coal and gas extraction over the next 25 years.

In determining the potential growth of the industry the Strategy must define strategic **exclusion zones** over areas of high biodiversity, conservation, geodiversity, aboriginal heritage, agricultural productivity, and drinking water catchment protection values.

The remaining area's must then be prioritised based on –

- Priority 1: Protection of biodiversity, geodiversity, and aboriginal heritage
- Priority 2: Minimising native vegetation clearing
- Priority 3: Protection of surface water and groundwater quality
- Priority 4: Protection of high-value productive agricultural land
- Priority 4: Protection of human health from dust, noise, pollution and other impacts
- Priority 6: Protection of landforms, cliffs, escarpments, pagodas etc from subsidence
- Priority 7: Protection of aboriginal heritage
- Priority 8: Protecting property values, amenity, quality of life of affected neighbours
- Priority 9: Economic considerations

2. Defining the Intensity of Mining Methods

The Intensity of Mining methods selected must also be based on the above 8 priorities.

Economic reserves of black coal in Australia are currently estimated to last at least 90 years (Energy in Australia, 2010, pages 4 and 5). There is no economic or moral urgency nor justification to clear the few remaining biodiverse native forests over the next 25 years, when ample coal reserves currently underlie previously cleared marginal farm land.

Open-cut mining methods should not be approved in high-conservation-value State Forests such as Leard SF near Boggabri or Ben Bullen SF near Lithgow. Only lower-impact underground mining methods should be approved for these areas over the next 25 years.

If in 90 years time all coal reserves under low-quality farming land are exhausted, **then and only then** should our biodiverse native forests be considered for destruction.

Mining companies will always claim that lower intensity mining options are not viable, and submit proposals that maximise production (see *Longwall News*, costly delays under planning reforms, 22 March 2011). The NSW Government must demonstrate leadership and decide where mining occurs and at what intensity, not the mining companies.

The Coal and Gas Strategy provides an opportune time for the NSW Government to set clear policies that can moderate the intensity of the coal mining methods used, based on the 8 Priorities in 1 above. Under such policies the Leard State Forest near Boggabri and Ben Bullen State Forest near Lithgow would only be approved for low-impact underground mining methods over the next 25 years.

3. Improved management of potential land use conflicts

Mining companies will always push the boundaries of social responsibility and acceptable environmental behaviour. Mining companies will never voluntarily do anything to minimise the impacts of their operations on neighbours or the environment. Mining companies will always test the limits of their Consent Conditions and Regulatory Compliance requirements.

Unfortunately NSW Planning and local Councils are currently also pushing all boundaries of social responsibility and acceptable environmental behaviour regarding coal and gas proposals. Consequently the NSW Government has lost all trust and respect of people living in mining affected areas, and the mining industry has become the most detested in NSW.

It would appear that the NSW Government has designed the current planning and approvals process for mining specifically to generate land-use conflict – to push all boundaries of human acceptability and tolerability to the limits to test just how far they can go.

The predictable result has been conflict on a massive scale by local communities with the NSW government and the Mining Industry. This conflict will not go away. Indeed it is likely to end in anarchy unless the NSW Government pulls the mining and gas industry into line. This Strategy provides a long overdue opportunity for the NSW Government to do just that.

At the heart of the problem is the Mining Industry's constant call for 'certainty' and endless claims of bureaucratic restrictions to their operations. Yet the fact is that 100's of coal mining projects have been approved in the last 10 years, and only one rejected (Bickham).

What other developer in NSW has a 'certainty' rate of less than 1% rejection?

What other developer in NSW can knowingly destroy an Endangered Ecological Community (EEC) of a Newnes Plateau Shrub Swamp and get away without so much as slap on the wrist? (*Centennial Springvale Colliery which knowingly and wilfully allowed Long Wall Panel 411 to kill East Wolgan Swamp in 2006; Angus Place Colliery which knowingly and wilfully allowed LW's 920-930 to kill Narrow Swamp in 2005/6..... the list goes on*).

Which other developer in NSW can knowingly destroy 100's of cliffs and pagodas, and kill an EEC of Montane Peatlands and Swamps of the Southern Bioregion? (*Baal Bone Colliery*)

Which other developer in NSW can omit to find an Aboriginal Hand Stencil Site not registered on the AHIMS Database just 800m from and within the subsidence zone of a Long Wall Panel, and get away with it? (*Baal Bone Colliery*)

Which other developer in NSW can neglect to find 140 plants of the threatened species *Persoonia marginata* (*Vulnerable*), open-cut mine to within 127 metres of the population before volunteers raised the alarm, and get away with it? (*Cullen Vally Mine April 2011*).

Which developer can deliberately and knowingly dig up 80% more coal than their consent allows, and be rewarded with the approval of an Extension? (*Invincible Colliery 2008*)

Which other developer in NSW can deliberately falsify noise studies and traffic accident history's adjacent their mine site and get away with it? (*Pine Dale Mine Sept 2010*)

Which other developer in NSW can record 837 POEO Licence non-compliances between 2000 and 2009 and not be fined once? (*Springvale Colliery – POEO Licence No. 3607*)

Which other developer can detonate 250 blasts within 240m of homes, cause cracks in tiles, walls, driveways, and windows and get away with it? (*Lambert's Gully Mine 2006-10*)

The list goes on, but our point is that mining industry is deciding where to mine and at what intensity; is deliberately failing to report threatened species & EEC's, aboriginal sites, water quality details, is falsifying noise, dust and traffic studies; is failing to comply with Consent Conditions and Licence Conditions - and the NSW Government continues to turn a blind-eye.

The mining industry is running the NSW coal and gas strategy, the NSW government is constantly in reactive mode, and is increasingly reliant on spin, secrecy, denials, cover-ups and lies to hide the consequences.

The mining industry has more certainty and less restrictions than any other developer in NSW. The NSW Government must regain control of this industry.

4. Improved management of cumulative impacts

The cumulative impacts of dust, noise, heavy truck coal haulage, blasting, and water quality impacts have not been taken into consideration in approving more and more mining projects. This has had serious health and other impacts on local communities, such as Camberwell in the Hunter Valley and Blackmans Flat near Lithgow.

Subsidence impacts on endangered Swamp communities by Springvale and Angus Place Collieries in Newnes SF, and Baal Bone Colliery in Ben Bullen SF are well documented. These impacts can be managed by adapting mining conditions to suit sensitive environments. But the NSW Government has lacked the leadership to do so, and mining companies have consequently done what they want, to the detriment of the environment.

Minewater discharges into the Wollangambe River, Wolgan River, Farmers Creek and Jews Creek have caused serious water pollution impacts for aquatic life in National Parks and for drinking water users downstream. The Sydney Catchment Audit 2010 details these impacts and makes a number of recommendations, all of which this Strategy should adopt.

Improved compliance with Environmental Licence Conditions must be enforced.

5. World's best practice dust and air quality management

What a laugh! We all know that the current standards and EPL requirements are a farce, in particular when cumulative impacts from a number of mines are taken into account. Each mine blames the other mine, no one takes responsibility for getting all the parties together to address the issues, and local residents pay with their health.

6. World's best practice mine/ land rehabilitation

What a joke! This is on display at numerous mine sites across the Lithgow region and Western Coalfields. Mines that deliberately kill Endangered Ecological Communities of Newnes Plateau Shrub Swamps (Springvale and Angus Place Collieries) or Montane Peatlands and Swamps (Baal Bone Colliery) are only required to monitor, not rehabilitate. Open-cut mines are failing to rehabilitate in stages in accordance with their Consent Conditions (eg. Pine Dale Mine), and no one is prepared to enforce it.

Current standards are woeful, mining companies know they will get away with minimal standards because no Consent Authority or government agency is prepared to enforce timely or meaningful action, or decent rehabilitation standards, and this appalling situation will continue until new standards are enforced, and significantly higher rehabilitation bonds are imposed.

7. Strategic biodiversity planning

If this means to strategically destroy biodiversity in the Lithgow region and Western Coalfields by saving biodiversity somewhere else, we are totally opposed. Lithgow is on the edge of the Greater Blue Mountains World Heritage Area (GBMWH), declared as such because of its significant biodiversity values.

Many of the rare and threatened species occurring in the GBMWhA also occur in the adjoining Newnes, Ben Bullen, Wolgan, and Turon State Forests. These species occur nowhere else in the world, and are worthy of preservation in their natural habitat.

The Biodiversity offsets that our group has seen applied to mining approvals in recent times have been an appalling insult to the magnificent biodiversity values of this region.

Far more work needs to be done on biodiversity issues, and the situation is not helped by dodgy Environmental Consultants engaged by mining companies who fail to record threatened plant species such as *Persoonia marginata* (Vulnerable) within a mine disturbance area (eg. *Coalpac Consolidation Project 2011*), and EEC's such as Montane Peatlands and Swamps which are likely to be drained by longwall mining (*Baal Bone Colliery Continuation Project 2010*)

8. Water resource management

The Sydney Catchment Audit 2010 sums up the current state of the Cocks River Catchment, and clearly apportions blame for poor water quality in the Lithgow region on the coal mining and power generation industries.

The Audit makes a number of recommendations on how these impacts can best be managed, and we urge this Strategy to adopt all of those recommendations.

Similar impacts are occurring at coal mines west of the Great Divide, which impact upon the Murray-Darling Catchment. This Strategy should apply the same recommendations as applicable to the Cocks River catchment to the Murray-Darling Catchment.

Regional water studies should be conducted prior to the granting of Exploration Licences for coal and gas extraction approvals, and there should be a requirement for Aquifer Interference Approvals under the Water Act 2007 for any activities that will impact on groundwater. All water extraction should require licences and strict water quality requirements should be enforced.

No minewater discharges should be approved into Endangered Swamp Communities (eg. Springvale and Angus Place Colliery's).

No minewater discharges should be approved into township drinking water supplies (eg. Clarence Colliery into farmer's Creek Dam)

No minewater discharges should be approved into National Park's (eg. Clarence Colliery into the Wollangambe Rive and Greater Blue Mountains World Heritage Area, Springvale and Angus Place Colliery discharges into the Wolgan River and Wollemi National Park, and Baal Bone Colliery discharges into Jews Creek and ultimately the Turon National Park).

9. Strategic Aboriginal Heritage assessment

Once again, if a Mining Company does not want an Aboriginal Heritage Site to be found, it won't be found. Money can buy Environmental Consultants who will deliver whatever a mining company wants. In December 2010 our group found a new Aboriginal Hand Stencil Site in Ben Bullen State Forest, just 800 metres from a Long Wall Mining Panel, and 250 metres from a main road. Baal Bone Colliery has conducted numerous Heritage Assessments in this same area for over 30 years, yet this site remained unrecorded on the AHIMS Database until now. Why? How many aboriginal heritage sites have been lost under the 100's of cliff and overhang collapses that have occurred in this mine lease?

The term "Strategic Assessment" reeks of 'back-room deals' with compliant 'mining-mate' Consultants and 'compliant' representatives of select aboriginal groups to systematically

allow for the destruction of aboriginal heritage sites in select areas, without any of this being made known to the wider aboriginal community or the general public.

Our group opposes any more secrecy, cover-ups and back room deals. All Aboriginal Heritage Sites within a mine proposal should be recorded and should be made public. If some sites do need to be destroyed, then this should be recorded on the AHIMS database.

10. Subsidence management

The destruction of nationally Endangered Swamp Communities of Newnes Polateau Shrub Swamps and Montane Peatlands and Swamps by longwall mining above Springvale, Angus Place and Baal Bone Colliery's is totally unacceptable. Mining methods must be adapted to suit sensitive environments.

Deliberately and wilfully causing highly scenic sandstone cliffs, pagodas and cave overhangs to collapse is totally unacceptable, yet this is what the government has allowed to occur at Hassans Walls Lookout in the early 1970's, above Angus Place Colliery in the 1980's and above Baal Bone Colliery for 30 years to the present day.

Mining methods must be adapted to suit sensitive environments.

11. Environmentally Sustainable Development

This Strategy should be designed to implement a transition towards renewable energy, rather than seeking to maximise coal and coal seam gas production.

There should be an immediate moratorium on any further licences or approvals, especially coal seam gas exploration licences, until the current system is reformed.

12. Independent review and determination of all mine development proposals

There should be independent review and determination of all mine development proposals, and statutory third party appeal rights.

13. Cumulative Impacts

A cumulative impact assessment should be conducted for all existing and proposed mining operations, including known and likely Extensions and Modifications. An independent panel should be established to address cumulative noise, dust, coal transport and other impacts from two or more mines operating within a small area (eg. Camberwell, Blackmans Flat).

Identified issues must be addressed, and not be subject to the current system of spin, secrecy, cover-ups, denials, and lies. This independent panel must have the power to require mining companies to purchase the properties of affected property owners.

We trust that our concerns will be given due consideration.

Yours sincerely

Chris Jonkers

On behalf of Lithgow Environment Group