

WOLLAR PROGRESS ASSOCIATION

C/O- POST OFFICE

WOLLAR NSW 2850

The Secretary
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001
www.planning.nsw.gov.au/proposals

Tuesday 2 December 2014

State Environmental Planning Policy Amendment (Gas Exploration and Mining) 2014

Dear Secretary

Wollar Progress Association represents a small rural community that has been severely impacted by the development of open cut mining operations in the Mid Western Region local government area.

We wish to strongly object to the proposed amendment to the planning policy that directs decision-making for coal mines in NSW in relation to health impacts on local communities.

The predictions made in the environmental assessment report for the approval of Wilpinjong Coal Mine vastly understated the impacts on our community. It is irresponsible of the NSW Government to approve the proposed amendment that locks in poor planning processes.

We are greatly offended by being classed as second rate citizens in NSW. The following quotes from the *“Voluntary Land Acquisition and Mitigation Policy”* indicate how little care the NSW Government takes of our well-being:

“Not all exceedances of the relevant assessment criteria equate to unacceptable impacts.”¹

“Consent authorities may decide it is in the public interest to allow the development to proceed, even though there would be exceedances of the relevant assessment criteria, because of the broader social and economic benefits of the development.”²

“While exceedances of these criteria will increase the human health risk of a development, the consent authority may determine the additional risk to be acceptable.”³

¹ Voluntary Land Acquisition and Mitigation Policy - SSD Mining, November 2014 p3

² Ibid

The purpose of developing assessment criteria for protection from intrusive noise and dust pollution is to protect community health. To have a planning system that proposes to ignore these criteria, or to decide in an ad hoc manner that additional risk to health is acceptable, is untenable in our society.

This Policy states that humans living near coal mines do not have to have their health protected.

It is not the role of the Department of Planning and Environment to decide whether exceedances of assessment criteria are acceptable or not. The absence of health professionals in this decision-making role is a major flaw of the planning system.

The outcome of the planning process for the Wollar community has resulted in major health impacts that have not been recognised or addressed.

The entire planning process, regulation of conditions of consent and monitoring operational impacts of open cut coal mines is biased against the well being of the local community.

The community of Wollar has been nearly entirely gutted by the development of the Wilpinjong Mine and the approval of 5 subsequent modifications to enlarge its operational capacity since 2006. The health impacts on the community, the impacts on social function and the problems impacting remaining community members have been totally ignored.

The proposal to amend the planning policy and direct decision-makers to take additional risks to human health is a human rights issue.

The Wollar community has suffered a great deal of physical and emotional stress because of the poor planning process in NSW that does not acknowledge the impacts of open cut coal mines on remote rural communities.

To have this process further legitimised through the proposed amendment is entirely unacceptable.

If the broader social and economic benefits of the Wilpinjong Mine are so significant, we ask why the Wollar community has not been dealt with in a fair and equitable manner ?

It is critical that any land acquisition policy allows for full replacement value of the property and any income derived from the property.

Wollar Progress Association is concerned that clause 55 of the Land Acquisition (Just Terms Compensation) Act 1991 does not clearly compensate for agricultural business values on a property to be acquired.

There is also the matter of stranded assets in our district. Landowners with their life savings tied up in property in the area and not identified for acquisition cannot sell on the open market because of the scale of mine owned land and the impacts of Wilpinjong Mine across the entire district.

³ Ibid p14

The extent of the socio-economic impacts of the Wilpinjong Coal project has never been assessed.

A recent Department of Planning and Environment Assessment report for the sixth modification of the Wilpinjong Mine stated that:

*'the Department does not consider the reduction in residences, services and facilities to be a desirable outcome for the area'*⁴


However, the proposed amendments to the planning policy will legitimise the process that has led to the undesirable outcome for the Wollar community.

If we are to live in a just and fair society, the current decision-making processes for large open cut coal mining operations must change dramatically.

The current proposal is to lock in poor health for surrounding neighbours, pick winners and losers in a process based on uncertain predictive models and totally ignore the socio-economic impacts on rural communities.

Wollar Progress Association considers that the adoption of the State Environmental Planning Policy Amendment (Gas Exploration and Mining) 2014 is an abrogation of the NSW Government's responsibilities towards its citizens.

Yours sincerely



Bev Smiles
Secretary

⁴ Secretary's Assessment Report Wilpinjong Coal Mine (MP 05_0021 MOD 6) Table 3 p9