

Improving Mining Regulation in NSW

Submission from Sutherland Shire Council

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Thank you for the opportunity to comment on the Integrated Mining Policy. In the overview provided, it is stated that the objectives of the IMP is to:

- document and clarify Government requirements for the mining assessment process;
- improve coordination and cooperation at the same time; and
- reduce duplication between the three key mining approvals (development approvals, mining leases and environment protection licences).

It is also stated that the 'IMP does not change environmental standards or community consultation requirements'.

Sutherland Shire Council has in the past been supportive of changes to policy that help improve processes, but not at the expense of the environment or stakeholder involvement. In the overview it is stated that 'importantly, the high standards already in place to manage environmental and community impacts will not change'. The current standards allow for mining to greatly impact on environmental and community standards and Council is of the opinion that the proposed Integrated Mining Policy will reduce those already inadequate environmental and community standards.

Mine Application Guideline (Draft May 2015)

"Early consideration may need to be given to acquiring sufficient land to provide adequate separation from nearby sensitive land uses to minimise impacts and ensure long-term compliance with air quality, noise or water quantity and quality requirements".

In light of the recent collapse at Clarence Colliery at Lithgow where the boundary of the World Heritage Area is within two kilometres of the mine, and the Metropolitan Colliery at Helensburg where mining has caused creek bed subsidence and water loss, it begs to question, just how much separation from nearby sensitive land uses is required to minimise impacts and should each assessment be site based taking into account specific ecological, geological, surface water and groundwater conditions at each site.

Council believes that more research into appropriate methodologies that can accurately determine what is an appropriate distance from sensitive land uses on each proposed mining site is required as 'adequate separation' is open to

interpretation. If there are no suitable methodologies available to calculate an appropriate distance from sensitive land uses, then the precautionary principle should be employed and mining not permitted to occur.

Mining-specific EIS requirements

Council feels that there is a lack of emphasis in the EIS requirements on likely or possible environmental impacts. The proposed EIS project description requirements indicate that a tabulated summary of the environmental assessment requirements should be included. This indicates that addressing environmental impacts and the assessment of those impacts is on a voluntary basis.

It is imperative for the protection of the environment that environmental impacts and assessment of those impacts form part of every section of the EIS and with an overall summary of any environmental impacts included in the Environmental Impact Assessment section of the EIS requirements.

Consultation with stakeholders and allowing all stakeholders to have input into the development application is essential to ensure all concerns are heard and appropriately addressed and that all likely impacts are considered. The proposed consultation requirements allow the mining applicant to do as little or as much consultation as they deem necessary as there is only an 'expectation' that an appropriate level of consultation is carried out. Stakeholder consultation is an important aspect of development and it should be mandatory.

Standard Secretary's Environmental Assessment Requirements (SEARS)

Any likely irreversible impacts on soil, water quality and quantity, biodiversity, land use and the surrounding community should be highlighted in any relevant section of the SEARS. Mitigation measures to ensure that irreversible impacts do not occur should be presented.

Subsidence (Underground mines only)

A report, Temperate Highland Peat Swamps on Sandstone: longwall mining engineering design – subsidence prediction, buffer distances and mine design options by commissioned by the Department of Environment on the advice of the Interim Independent Expert Scientific Committee on Coal Seam Gas and Coal Mining and prepared by Coffey Geotechnics found that Mining practice and mine design are the only proven mitigation techniques to avoid surface impacts of longwall mining. Therefore, subsidence should not be permitted to occur in underground mining operations as mitigation measures have proven to be ineffective.

Policy Framework for Biodiversity Offsets for Upland Swamps and Associated Threatened Species

Offsetting impacts to upland swamps and associated threatened species should not even be considered as an option for underground / longwall mining operations. The formation of swamps is dependent on a range of factors including location in the landscape, underlying geology and climate. Ecological communities within upland swamps house an abundance of organisms and flora and fauna, including threatened communities and species.

The landscape distribution of upland swamp ecosystems is a function of local climate, landform and shallow and deep groundwater regimes which influence hydrological regimes. Given the very specific set of variables required for upland swamps to exist and persist, changing any aspect of the ecosystem, even 'negligibly' may have a critical detrimental effect on the survival of the community.

Allowing mining companies to offset impacts by 'securing a relevant offset site' does not secure the viability of the upland swamp and its ecosystem that has been harmed through mining.

The Metropolitan Colliery Longwall mine at Helensburg is a clear example of how mining has caused detrimental damage to the Waratah Rivulet. The second stage expansion approval of the Metropolitan longwall mine will adversely impact eight (8) upland swamps sitting above the longwalls.

These upland swamps have been listed as Endangered Ecological Communities and three (3) of the swamps have been identified as being of special significance by the OEH. This new upland swamp policy framework will give permission to Peabody to damage a number of upland swamps that are an important ecological community.

Conclusion

Sutherland Shire Council has in the past been supportive of changes to policy that help improve processes, but not at the expense of the environment or stakeholder involvement. The current standards allow for mining to greatly impact on environmental and community standards and Council is of the opinion that the proposed Integrated Mining Policy will reduce those already inadequate environmental and community standards.

Council does not support the implementation of the Policy Framework for Biodiversity Offsets for Upland Swamps as it has the potential to permanently damage an important ecological community and off-site offsets are not considered to be a viable solution.