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Submission on State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Significance of Resource) 2015 Draft Mining SEPP Amendment

I welcome Planning Minister Stokes' initiative to review this SEPP.

We now have a Minister who sees the economy as there to serve society rather than the other way round, someone who recognises that the environment should get equal billing and that: Long-term economic growth necessitates "a healthy environment"

The removal of 12AA from the Mining SEPP is a welcome first step and should occur quickly.

It is **vital** that **12AB** should also be removed. This iniquitous clause provides for non-discretionary standards and allows that an inability to comply with such is not a reason for a PAC to disapprove a project. This clause constrains consent authorities from adopting more stringent environmental standards than the SEPP allows. This is irresponsible and is leading to poor environmental and social outcomes. The action of this provision must be reversed so that development cannot occur if it breaches the standards.

However, consent authorities should be free to adopt more stringent standards where appropriate.

Standards should be non-discretionary and absolute; the proponent **must** abide by such standards no "ifs", "buts" or exceptions!

Part **9A** of the SEPP should be amended such that it makes open-cut coal mining also a prohibited development activity within the exclusion zones currently applied to coal seam gas.

Further exclusions for coal and gas should also be listed in Schedule 1 of the SEPP, including the Special areas of Sydney's drinking water catchment and the Broke-Fordwich wine region.

A 10km buffer should be placed around equine and viticulture critical industry clusters and productive farmland, productive aquifers and critically endangered woodlands.

The list of critical industry clusters should be expanded to include additional clusters identified through a systematic process.

As well as horse-breeding and wine-growing in the Hunter, iconic tourism sites and heritage areas throughout NSW should be included.

The 2km exclusion around urban areas and residential zones should be extended to also apply to all household dwellings regardless of zoning and should apply to both unconventional gas and coal mining. Protection of water resources must be included and mining prohibited within 2km of alluvial aquifers and fourth order streams. This should be incorporated in an expanded Part 9A.

The "voluntary" land acquisition and mitigation policy is fundamentally unjust and must be repealed or dramatically altered. This inequitable Land Acquisition Policy prevents justice for people left with "stranded assets" when mining impact makes it impossible for those affected to sell their homes and move, even if the impacts are so great that they need to sell to get away from those impacts.

The Major Projects Offset policy should be changed to restore the “like-for-like” principle on all offsets. It should not be possible for mining to impact on the survival of vanishing bush and wildlife simply because the project is deemed (often incorrectly) “Significant”

Further clearing of critically endangered woodlands and habitat for vanishing wildlife must be prohibited through the Upper Hunter Strategic Assessment.

Nor should mines be permitted to use of mine-site rehabilitated land or other complementary measures for offsetting.

Third Party merit Appeal rights **must** be restored.

Citizens should be given a level playing field.

Minister Stokes has advocated a process to test decisions and to provide a conduit for people to challenge poor decisions

There **must** be triple bottom line assessment of mine expansion or new exploration leases. This was recommended by ICAC.

MUCH more rigorous guidelines for economic assessments and social impacts must be a **mandatory** requirement for all mine assessments.

Allowing some costs such as health, State-built infrastructure and responsibility for restoration of final voids to be deemed “externalities” and, as such, not included in economic assessments is nonsensical.

These are real costs ultimately borne by the State government (i.e. taxpayers) and come from the same coffers that receive any economic “benefits”. These costs should be included in any EIS economic equation.

There should be a cumulative impact assessment on the impact of coal mining on water resources, particularly in the Hunter Valley.

Mines are allowed to leave huge final voids at depths below that of sea-level. The likelihood that these voids will cause loss of water from aquifers is real. There must be a new and unwavering policy on final voids as a matter of urgency.

There should be an equitable water sharing plan to reduce the huge volumes of water removed from aquifers by mining for activities such as washing coal.

Water is precious in Australia its’ primary use and allocation should be for human and wildlife needs and for irrigation.

Impose load-based licencing limits on air and water pollution by mines.

It is time for mining activities to be legislated and assessed with proper and adequate account of risks and benefits examined in an unbiased way by experts who are peer-reviewed and owe no allegiance to the mining industry or to the Department of Planning.

The input of communities should be given equal weight as that given to the proponent and DoPE.

Such assessment should be carried out transparently in an open forum (as happens in The Land and Environment Court)

We now appear to have a Planning Minister with an open mind and more objective vision and a desire for equity.

Any changes in this SEPP review should support that.