



Executive Director  
Resources and Industry Policy  
Department of Planning and Environment  
GPO Box 39  
Sydney, NSW 2001.

17<sup>th</sup> July, 2015

To the Executive Director,

**RE: Submission to the Draft Change to Mining Policy**

The Wilderness Society Newcastle and Sydney branches would like to congratulate Minister Stokes on the proposed draft change to the mining policy and strongly supports the proposed removal of clause 12AA of the SEPP.

Please find below our statement of reasons we see this a very positive step towards restoring balance into NSW mining approvals. We hope that this change occurs quickly after 21 July.

Prioritisation of the significance of the resource including the economic contribution, size and access to the resource was a major step backwards for planning in NSW. The Planning authority must base their decision on a fair assessment of the social, environmental and economic impacts of the development. The 'mining at all costs' spirit of the previous Mining SEPP would have come at the cost of other economic interests such as agriculture, manufacturing and tourism as well as local communities, their health, water and the environment.

There are also a number of other clauses in the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries), that we believe also require amending to ensure a fair planning process. These include:

**Part9A of the SEPP - Coal seam gas development prohibited in certain exclusion zones**

Coal production also poses serious risks to the health of local communities, as well as causing substantial environmental damage, both of which incur substantial economic costs. Government regulations are failing to protect the community and the Hunter Valley's natural assets from the negative impacts of the region's intensive coal mining and coal combustion industries.

Air quality monitoring in the region demonstrates the residents of the rural village of Camberwell are being exposed to higher levels of air pollution than some inner Sydney suburbs. As a major coal export hub, parts of the city of Newcastle are already experiencing intolerable levels of coal dust, and a proposed fourth coal export terminal threatens to increase by 50 per cent the number of coal trains (to approximately 42,000 each year) passing through the city (Climate and Health Alliance, Coal and health in the Hunter: Lessons from one valley for the world, February 2015).

To move towards better addressing these health, social and environmental issues, Part 9A of the SEPP needs to be amended so that it also prohibits open-cut coal mining developments within the exclusion zones currently applied to coal seam gas.

This includes a 2km exclusion zone from residential areas. This would be a step forward to improving health conditions for residents living near proposed coal mines, however, the 2km exclusion around urban areas and residential zones should be extended to also apply to all household dwellings for both unconventional gas and coal mining.

Whilst outside the scope of this SEPP we would like to acknowledge that a 2km buffer zone from residential areas is a positive step, but much more must be done to protect the residents in the Hunter Valley and Newcastle region. Hence, we also strongly advocate for updating the national air pollution standards contained in the National Environmental Protection Measure (Ambient Air Quality) (NEPM (AAQ)).

A review of evidence on this issue by Australia's leading air and health scientists led to a recommendation for a new standard for annual average PM10 exposure, with consideration of possible limits of 12, 16 or 20 micrograms per cubic meter. This would replace the current NSW standard of 30 micrograms per cubic meter, which was based on evidence available in 1982 (Dr Ben Ewald, Op-Ed Newcastle Herald, June 2015). The standards for air quality, noise and vibration are based on 'annual' averages, and completely ignore daily exceedances of those limits, which are the factors that cause most harm to communities.

In addition to extending the 2km buffer zone from residential areas for open-cut coal mines it is important to ensure open-cut coal mining is also prohibited from regions where it is likely to cause unacceptable social and environmental impacts.

The Wilderness Society Newcastle welcomed the State Government for providing increased protection for residential zoned areas and mapped critical viticulture and thoroughbred industry clusters for coal seam gas, however this too must be extended to open-cut coal mining.

In addition there must also be exclusion zones for both coal and coal seam gas from drinking water catchments, productive agricultural land, recognised biodiversity corridors, travelling stock routes and critically endangered woodlands.

#### **Part 12AB - Non-discretionary standards**

The introduction of one-way non-discretionary standard for coal mine consents, and the short time available to publicly discuss the impact of the standards being proposed, is a matter of grave concern.

The fact that these standards are designed to only work only one way is inconsistent and does not provide appropriate levels of protection or a balanced and transparent process. For example, the amendments prevent an authority from refusing a consent on the grounds covered if the standard are met, but do not prevent them from providing consent if the standard is not met.

Thank you for the opportunity to comment on this important amendment to the planning policy governing mining in NSW. We would also like to add that we strongly support Minister Stokes' proposal to give the community a greater chance to "test the decision" on coal and gas mining projects. Restoring merits appeal right is essential to restoring community faith in the decision making process. Merits appeal rights must be restored prior to the next mining projects being considered, including the Narrabri Gas Project that is expected to be submitted in September 2015.

Kind Regards,  
Naomi Hodgson  
Campaign Manager  
The Wilderness Society Newcastle

Suzanne Milthorpe  
Campaign Manager  
The Wilderness Society Sydney