



Maules Creek Country Women's Association of NSW

Who is Maules Creek CWA?

Our Branch was initially formed in 1923. We are local women with a wide network. We are concerned about the present and future health and well being of our community and environment. We believe our community is at risk now and into the future from unsustainable developments.

As country women we are primarily concerned with preserving and fostering the sustainability of rural communities. The advent of coal mining in the Boggabri/Maules Creek regions has caused the loss of 66 farms to mine ownership, replacing active community members and farmers with a few mine employees and others tenants who have not assumed permanent community commitments such as volunteer fire fighting etc. This has also dramatically reduced the agricultural productivity in the area.

Daily our members are facing serious and undeniable environmental problems - noise and dust - that were predicted in numerous submissions in 2012. Nevertheless the expansions and approvals for new mines are still being approved.

We are very concerned about the impacts of climate change drivers – their emissions and their activities on all the communities in the world. In this instance we are concerned about rural community resilience and health, culture and heritage, creating environmentally sustainable futures, biodiversity health, rural Australia's water needs, particularly the Great Artesian Basin, specifically our rivers and groundwater and the recharge zones in the North West.

We are also concerned that in light of the world's very recent consensus that fossil fuels must stay in the ground, that all individual Government decisions going forward will be seen as market signals. We believe that all signals going forward from NSW Planning and Environment must reflect the world's call for real climate actions- not just discussions of emissions reductions and carbon credits. Department of Planning and Environment must demonstrate REAL CLIMATE ACTION and put vulnerable communities and environments first as the world transitions to renewable energy.

We thank the EIA Project from the Department of Planning for allowing us to provide advice. We provide our thoughts in the hope of improved outcomes for rural families and future generations as we transition to a new economy and a fresh focus on economically sustainable futures.

Scope of the Review

- ***the entire EIA process including proposal development, Government agency and public consultation, exhibition of Environmental Impact Statements, the assessment and determination of projects and the post approval phase when projects are constructed and operated; and***
- ***at this point in time (Stage 1) the DPE is seeking feedback on what the key issues for improvement are, how the process can be streamlined and environmental outcomes improved.***

- **Build confidence in the integrity of the EIA process;**

With state significant projects key stakeholders seek transparency in decision making and 'a seat at the table' when it comes to planning the types of development that are appropriate in their region and under what terms and conditions.

The traditional model of a formal, hierarchical top down approach where policy is framed by government allied with strong business lobbying is no longer tolerated by general society.

1. Redefine the term "state significant" project is in light of the world's consensus the climate change is real and caused by human activities- particularly the mining and burning of fossil fuels. Recognise that this means coal and unconventional gas projects and count the credits as Australian in nature- for burning them whether here or overseas.
2. Stop rewriting legislation to accommodate mining land aka- Priority Investment Areas.
3. Need to identify metric for a "large coal mine" for purposes of Federal water trigger.
4. Remove rule that referral to Federal water trigger- is by proponents only.
5. Key regional plans must be in place before the first tree falls or sod is moved. Endless time extensions for proponent on regional water, noise, dust and biodiversity plans must not be given to proponent by State and Federal Planning or Environment Departments/ ministers
6. No must mean no.
7. Transparent process for assessing whether a proponent is a "fit and proper" person to submit an EIA must occur.
8. Do not allow for political interference- i.e. the bringing in of a police force to shut down the community who are clearly raising environmental concerns when they have lost their ability due to a

second PAC hearing- to challenge a departmental decision in the Environmental Court.

9. Ensure that no means no.
10. Ensure that if a project proceeds “mitigation” methods are mandatory and not only if “feasible”.
11. Make “false and misleading” claims a criminal offence.
12. Revolving door between DPE and industry. Remove “experience in mining” and replace with “specialists in ecological sustainable land use”- as a criteria for employment of DPE compliance staff and Departmental Secretaries. Provide avenues for transition into other areas of staff in planning who are ex-miners.
13. Analyse proponents EIA and PR claims of “jobs.” Consider the cost to existing jobs (including clearing out of community-unpaid jobs- e.g. carers and community people who don’t get paid but work full time keeping communities together) because of the project.
14. If needs must use this process to put an economic value on clean air, water, land, biodiversity and ecological services.

• deliver earlier and better engagement with affected communities;

1. Disallow (by making criminal offence) proponents or associated companies “sponsoring” local groups and events and lay the foundations by buying up farmers and forcing them into secrecy agreements before anyone knows about the projects. Demand proponents pay tax- therefore requiring a rewrite of the ATO tax policy in relation to these projects.
2. No based on social impact assessment must mean no.
3. Fund the community to conduct its own Environmental and social impacts assessments- e.g. Gunnedah Basin health Impact Assessment.
4. Projects must make economic sense on their own-without gov’t handouts. Stop subsidizing coal and gas projects with government infrastructure- i.e. electricity or roads, rail lines – e.g. Gunnedah overpass of rail line - to cost \$58 million tax payer dollars (Consider -what else could be done with this money in the North West NSW?) –
5. While at the same time Whitehaven Coal (Tarrawonga and Roc Glen) is seeking approval creep to truck an extra 0.5 million tonnes across the Kamilaroi Highway at Gunnedah- creating around an extra 23,000 right hand turns on and off this highway. The current conditions require the company to build an overpass.

6. Make companies work within approval conditions and disallow approval creep with massaged conditions.
- **strengthen monitoring and reporting on project compliance;**
 1. Ensure environmental monitoring equipment is fit for purpose.
 2. Remove allowance of “self-regulation” in approval documents.
 3. Don’t force EPA to issue licences to pollute.
 4. Allow police and local ambulance forces to have jurisdiction over land leased under the “Mining Act”.
 5. Remove secrecy from data surrounding activities on the site.
 6. Make compliance occur- not allowing companies when caught by DoPE not complying to say that they were going to apply for a Project Modification and keep non-complying with the condition they were caught not complying with- indefinitely.
 7. Don’t allow state significant projects to be state significant and then not accountable- i.e. claiming commercial in confidence over data.
 - **improve clarity and guidance for proponents and the community including key issue identification and development of a standard approach for applying conditions to projects;**

Ensure adherence in a real world (not paper world) context to the precautionary principal approach and the Principal’s of ecological sustainable development. We believe that we should tread lightly on the earth and each other and that this document provides the best guiding principle we have at this time.

We understand that the precautionary principle is a decision-making mechanism which emerged in the late 1980s and 1990s with an emphasis on anticipating and predicting harm from planned activities which involve serious or irreversible damage to the environment. In Australia the definition given in the intergovernmental agreement on the environment in 1992 by all heads of government in Australia, has been employed in New South Wales environmental and planning legislation.

The *Environmental and Planning Assessment Act 1979* states that the determining authority has a duty to consider environmental impact. Section 111 provides that:

“For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account **to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.**” [Emphasis added]

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* further defines the responsibility of the Secretary, Department of Planning and

other consent authorities or determining authorities including in the case of state significant projects, the Minister for Planning:

(4) The principles of ecologically sustainable development are as follows:

(a) the ***precautionary principle***, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

(b) ***inter-generational equity***, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) ***conservation of biological diversity and ecological integrity***, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.

The question is how precautionary should the NSW Government be in determining whether Idemitsu Resources should be allowed access to new bore fields with unknown and potentially catastrophic impacts on the Namoi River catchment?

An element of "careful evaluation" is adequacy of information. It is the opinion of the Maules Creek CWA that often EIA's and modifications do not provide the decision-makers with the requisite information to make a "careful evaluation" within the intent of the New South Wales planning laws. Indeed-often government departments submit damning feedback yet tick the box-saying they support (not object) to the modification or EIA.

We say that intergenerational equity has been entirely disregarded in both the planning and regulation of the Leard Forest precinct coal mines, evidenced by the fact that the mines are being allowed to proceed apace and even to modify their consent conditions to the detriment of the environment and to the detriment of intergenerational equity, in the absence of key strategic plans.

We believe that it is preferential to apply the Precautionary Principle; as has been applied to local farmers since 2006 over 5 years- with the use of a Section 234 clause on groundwater extraction (*Water Act 1989*).

Therefore:

1. Project must stack up in all areas and stand alone.
2. Make proponents pay for their water.
3. Before, during and after the process- a "fit and proper" person test must apply.

4. Proponent must have money up front for rehabilitation bonds, conservation bonds, ensure the requirement to fill in final voids- including land contours.
5. Disallow biobanking as a solution to critically endangered forest that cannot be offset as it is helpful to a sustainable environment.

· **improve the consistency and quality of EIA documents, including the accountability of EIA professionals;**

1. Get rid of “consultants” and make company’s liable for false and misleading information in the EIS.
2. OEH must be listened to when they raise environmental concerns about projects.
3. The term “considered” in community feedback or submissions- must be more than a box ticking exercise. On-ground truthing (no desktop analyses) must be required of the environmental company claims; with the community and the company physically present before proceeding to step two of any approval. This would alleviate many issues before they arise.
4. Remove modifying or “weasel” words from approval conditions and statement of commitments. These often negate the actual point to the condition or commitment.
5. Make all documents legally binding – e.g. statement of commitments. What is point of them if they are not legally binding? Corporations only work to the letter of the law.
6. Ban political donations from state significant proponents, their workers or anyone- third parties associated with them.

· **make assessment decision making time frames more certain and efficient.**

1. The assessment of the net benefit of a project must be presented to the community to consider whether they want to host this project or not.

The concept of community winners and losers splits complex interwoven communities. Such a massive intrusion destroys the community. Therefore the community must have a real say.

2. Back to the Principles Ecological Sustainable Development- Healthy resilient communities must be valued above environmental destruction and the promise of jobs. Clearing out local land ownership and communities in advance and proponents claiming they create jobs is false and misleading and must stop.
3. Ongoing, close dialogue during the EIS preparation by the proponent with councils and communities;
4. increased robustness and accuracy in the content of the EISs;
5. Increased openness and transparency in how the DPE engages with all interested parties to optimise confidence in the fairness of the assessment process; and

6. Implement an alternative to the PAC process which is more investigative and questioning of the assertions and claims of the various parties, in the public area.
7. We are opposed to setting timeframes for each stage of the EIA process as we believe this will potentially diminish the quality of the EIA and compromise meaningful stakeholder engagement.

Thank you for your time.

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