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Director
Resources Policy
Department of Planning and Environment

Submission RE: Proposed Jerry's Plains open cut mining prohibition

Thanks for the opportunity to comment on this proposal.

We're grateful that the Department has sought comment before finalising this proposal as it falls far short of what is needed to provide certainty for the thoroughbred breeding industry and begin to restore balance in land use in the Upper Hunter.

The proposal being exhibited does little more than provide a statutory implementation of a decision already made twice by the Planning Assessment Commission. It is a measure specific to the Drayton South site only and even at that site, fails to deal with the ongoing land use conflict between the thoroughbred breeding and coal mining industries.

We are aware of at least three open cut and two underground coal mining operations proposed for lands mapped as part of the critical industry clusters of the thoroughbred breeding, or wine tourism industries, or both. The underground proposals are Spur Hill and the new Malabar Coal proposal made possible by the renewal of the Drayton South exploration licence announced with this policy. The open cut proposals at issue are West Muswellbrook, Dartbrook, and Bylong – the latter of which is likely to be determined by the Planning Commission within the next 6-9 months.

To deal with mining land use conflict, the Government must create prohibitions in the planning system that excludes all forms of mining from areas mapped as critical for other rural industries and begin a program of not renewing exploration licences held over such lands. Of 189 coal exploration and assessment titles in NSW:

- 67 harbour Strategic Agricultural land and/or viticultural or equine critical industry cluster land.
- 65 are currently expired and in the renewal process, this includes several in the above list.
- 18 are held by the NSW Government. These include the largest licences in the state, covering more than 2 million hectares in total including areas mapped as being part of the critical industry clusters for the thoroughbred and wine tourism industries.
- 24 include areas within National Parks or State Conservation Areas.

If the Government wanted to prevent land use conflict and controversy and save the money, time, and trouble of bringing mining companies into conflict with other rural land uses, it would take this opportunity now to let lapse exploration licences granted over areas where mining is not appropriate. The Government's actions so far have only worsened the conflict. The Government's own Auth286 was renewed in August this year and includes extensive areas of mapped equine critical industry cluster. As goes Government-owned Auth102, renewed in July this year. The Government's Auth263 covers the Broke-Fordwich wine tourism region, as does Warkworth's EL5277, renewed in November last year.

Several contentious exploration licences however are currently seeking renewal. We urge the Government to adopt the recommendations in this submission and not renew the following licences: EL 8064 (Ridgeland) - expires in February 2018; EL7430 near Denman – for which renewal sought by Loyal Coal; Hunter Valley Energy Coal's EL5965, near Denman; four exploration licences over the Dartbrook area near Aberdeen for which renewal has been sought, EL5525, Auth256, EL4574 and EL4575; KEPCO's two licences over the secluded Bylong Valley, for which renewal is currently sought - Auth 287 and Auth342.

We know that proposals have been made as part of the Upper Hunter Strategic Assessment that if they proceeded would see the Broke Fordwich wine region and the verdant equine lands near Muswellbrook heavily industrialised. This is not the balanced and sustainable future the Hunter Valley needs.

The mining industry in the Hunter Valley is now in rude health again and several large expansion projects have secured planning approval. This is an important opportunity to restore balance and provide certainty and direction for the Upper Hunter, avoiding years of further anguish and conflict. In summary, our strong recommendations are:

- We agree that listing lands in Schedule 1 of the *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007* (the Mining SEPP) is the simplest way to provide clear spatial planning for land use in areas where the mining industry and agriculture are in conflict.
- For consistency, and to stave off future strife over land use conflict, the Department must expand the area of land proposed to be added to Schedule 1 of the Mining SEPP to include all lands mapped as part of the critical industry clusters for the thoroughbred and wine tourism industries.
- To provide certainty and safeguard the future of the thoroughbred breeding industry, the Schedule must make it clear that all forms of mining, petroleum, and extractive industry are prohibited in such areas, and a buffer established that provides adequate protection.
- To promote diversity, balance, and sensible land use that prevents degradation of public resources, we proposed that mapped Biophysical Strategic Agricultural Lands also be added to Schedule 1 of the Mining SEPP as lands where all forms of mining and petroleum activities are prohibited.
- The above measures must be put in place prior to determination of the Bylong coal project, to prevent equine critical industry cluster land being open cut for that project.
- Exploration licences for which renewal is sought but which intersect with the lands listed above or their buffers must not be renewed.