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Illawarra Branch

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Independent Expert Panel for Mining in the Catchment

By Email: catchment.panel@chiefscientist.nsw.gov.au

Dear Sir / Madam,

IEPMC INITIAL REPORT ON SPECIFIC MINING ACTIVITIES AT THE METROPOLITAN AND DENDROBIUM COAL MINES

The Illawarra Branch of the National Parks Association (NPA) has over 1000 members and supporters in our region and like other branches of the NPA it is engaged in protection of nature across NSW as well as conducting outdoor activities such as bushwalking, with the aim of fostering appreciation and protection of our natural heritage.

We write to object to any further longwall mining in the Sydney water Catchment and urge the Panel to go beyond their terms of reference and recommend to the Government that longwall mining should soon cease.

The Panel has produced an excellent review and analysis of the current state of knowledge but it is obvious that modelling, monitoring and regulations, are not sufficient to protect our water supply. Even with proper risk analysis and independent peer review, we have reached a time where the approval of Dendrobium mine should be seriously reconsidered and a suitably short timeline devised for it to be rescinded, while retaining the ability for Bluescope to continue production.

The NSW Land and Environment Court has recently refused development consent for the Rocky Hill Coal Project in the Gloucester Valley, citing the mine's likely contribution to climate change as a key reason. The decision will have wide-reaching consequences and will likely affect the viability of coal and other fossil fuel-dependent industries in Australia. The growth in international jurisprudence directly linking fossil fuel developments with climate change may also lead banks and others who would traditionally invest in these industries, to consider alternatives.

Chief Justice Preston said that the Rocky Hill mine would be in the wrong place at the wrong time. The mine was open cut, not underground but like Dendrobium, was coking rather than thermal coal. We believe that the climate is changing quickly and the approval of Dendrobium mine should be rescinded, despite the difficulties. It is far more difficult to close an operating mine than to prevent one from opening, but we argue that the times have changed since 2001 and the initial approvals and coal mining in the catchment no longer has a social licence in the Illawarra.

Knowledge of mining-induced damage to the catchment has increased and yet the NSW government is willing to take the risk of little water being available for future generations. So much damage has already been done over the years and cannot be remediated, damage not only to creeks and streams and indeed rivers, but also to the landforms themselves. If the general public knew of surface land dropping by more than 2 metres due to subsidence from longwall mining they would be horrified, yet the Department of Planning continues to permit these mines.

Money must never be more important than water.

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We understand that underground coal mining has brought great economic benefits to the Illawarra area for the last 150 years. However, it has also brought loss of human life and has impacted on the health and environment of the community. The conditions of the creeks and streams which flow to the Illawarra from the escarpment are a visual testament to the adverse environmental impacts. The increasing loss of water quantity and quality in our water supply is unacceptable.

The Warragamba Dam provides the majority of Sydney's water but the smaller dams provide an important resource with regards to the flexibility and resilience of the water supply. If the Warragamba supply is temporarily contaminated (as it was by cryptosporidium in 1998) then the other smaller dams of the Woronora plateau provide a backup resource. The water for the Illawarra comes from the Avon dam.

The quantity of water available from catchment land has not increased to keep pace with increased population, and the catchment is being incrementally damaged by subsidence, cracking of creek and stream beds and loss of upland swamp areas. Upland swamps perform important functions relating to water quality and quantity, as well as supporting amazing biodiversity. According to Water NSW "the Woronora catchment is a small area of 75 square kilometres, located 40 kilometres south-west of Sydney and home to many rare and threatened species. The Woronora Special Area is a haven for many threatened native animals and plants including the green tree frog, Littlejohn's tree frog, and the tawny-crowned honeyeater."

According to the Department of Environment and Energy, Australia is home to more than one million species and 85% of the country's flora, 84% of its mammals, 45% of its birds and 89% of inshore, temperate-zone fish **are found nowhere else on earth**. The conservation community says Australia has an obligation to protect these unique species but, despite this, the country is having trouble reversing the trends of the past 150 years. Among mammals alone, Australia is losing one to two species per decade. Sadly, Australia has one of the highest loss of species anywhere in the world.

The NSW Office of Environment and Heritage produced a report to Department of Premiers and Cabinet in August 2012 titled "Assessment of impacts over Dendrobium Mine" (Krogh, 2012). The report was obtained for me by my local state member, Mr Ryan Park. The executive summary of the report makes it very clear **that the impacts of mining are not minor or insignificant and are permanently altering the physical environment**. The report presents scientific evidence rather different to that provided by the consultants paid by the mining companies. It also evidences the widespread nature of the damage which has occurred in the past and names the impacted rivers and streams.

This 2012 report to government leaders has apparently been ignored. It appears that DPE spends taxpayer funds on multiple authoritative scientific reports, but then **ignores** the content of the reports. Or requests a further report! Appendix 4 of this IEPMC Panel's report lists previous major reviews and reports: the number is 15! Yet many of the recommendations of these reports have not been implemented. The Panel analyses the errors and lack of accuracies of the monitoring and modelling, but will this report lead to any changes in practices?

According to a report from the National Water Commission, 2012, climate change will lead to decreased inflows to reservoirs due to longer and more severe droughts and reservoir levels will drop due to increased evaporation on the more frequent extremely hot days. We are already experiencing these hotter days: but the government of Tony Abbott abolished the National Water Commission, so we no longer have their analysis!

Isn't it time for the government to prioritise water supply for future generations?

The State Environmental Planning Policy SEPP 2011 should protect the Sydney Water Catchment.

The aims of this Policy are:

"(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and

(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and

(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.”

The policy further states that:

“(1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a **neutral or beneficial effect on water quality**”

Surely this policy is clearly being violated by the Dendrobium mine development. Community groups and volunteers should not constantly have to campaign against the ongoing degradation of an essential public asset. The protection of the Special Areas is the responsibility of the relevant agencies and the elected representatives of the people of NSW.

In 2012 the Coastal upland swamps were listed as an Endangered Ecological community in the Sydney bioregion. Mapping shows that 83% of the swamps occur on the Woronora Plateau. The largest 5% of swamps account for almost half the total community. To quote from the scientific determination: “Large swamps also contribute disproportionately to species diversity and hydrological function, due to their large volumes of peaty sediments that contribute sustained high-quality flows to discharge streams and their diverse array of habitat mosaics that encompass suitable conditions for a wide array of species.”

The Sydney Basin Coastal upland swamp areas need to be conserved and protected for future generations and should not be exposed to any subsidence whatsoever. The swamps perform an essential function with regards to water quality, water storage and biodiversity. It is our view that no amount of modelling, monitoring or impact assessment is sufficient. What is the logic of declaring these swamps to be Ecologically Endangered Communities and then permitting them to be irretrievably damaged? The Panel has examined these questions in some detail and recommends many changes but will the swamps ever be protected?

From the Report, “Mining impacts at Dendrobium Coal Mine Area 3B” to NSW, December 2015:

“While the impacts on upland swamps have been in accordance with predictions and are not considered at this stage to be in breach of the mine’s performance measures, it is more difficult to determine their long-term significance. This is because the timeframes for impacts to swamp vegetation communities and long-term soil stability are likely to be much longer than the less than three years since mining commenced in Area 3B.”

On page 3 the Report states:

“The monitoring results show that mining of Longwalls 9 – 11 has impacted on every swamp that has been directly undermined or is immediately adjacent to mining.”

We submit that monitoring and TARPs are not appropriate procedures since any damage is known to be irreversible. Swamps are dependent on ground water for their continued existence. If the swamps dry up, then the flora and fauna die. Each of the swamps contains a unique assemblage of species which contribute to biodiversity. How can offsets be a plausible possibility? These assemblages of fungi, insects, plants, have taken hundreds of years to evolve together (maybe as long as 14,000 years) and rehabilitation can only provide a pale imitation of this process. The threatened larger fauna are not the only life at risk, ecologists who have been able to enter the Sydney Catchment special areas have told us they estimate that the areas are so diverse that less than half of the insect population has been identified.

We believe that the community expectation is now for the conservation and protection of the upland swamps and for the protection of our water supply.

The use of terms like “minor” and “negligible” minimise the real impacts of mining. How can this be reconciled with Neutral or Beneficial effects?

We referred earlier to changes in climate. There have also been changes in the economics of coal mining and steelmaking leading globally to bankruptcy of coalmining companies and the closing of steel mills.

It is our view that the amount of coal extracted in the catchment should be minimised in the very near future, and that South32 Illawarra Coal should only provide coking coal for the Port Kembla Bluescope steelworks, not for coal export. In the longer term, electric arc furnaces driven by renewable energy may be a way to produce steel but lessen the greenhouse impacts of fossil fuel mining and use.

NPA Illawarra branch members strongly believe that further longwall mining in the water catchment should not be approved. We need to have clean, reliable water in the future. We need to plan for future generations and to prioritise our natural resources.

Thank you for the opportunity to comment.

Yours sincerely,

Mrs Ann B Brown, BSC (Hons)

**Science researcher, Illawarra Branch
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Endorsed by:

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