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Check against delivery

My partner and I live in Berrima on the Wingecarribee River.

When most Australians have never seen one in the wild, we are incredibly fortunate to enjoy the sight of platypus playing in the river in our backyard.

It is a unique honour.

But my comments today are not just about me or my partner, the people of Berrima or even the Southern Highlands.

There is a lot more at stake here.

This river with its platypus is part of the Sydney Drinking Water Catchment – part of the surface water system in which Hume Coal proposes an underground mine on an unprecedented scale in the Southern Highlands.

What is before you Commissioners is an application to build the first new greenfield coal mine in decades located entirely within the Sydney Drinking Water Catchment.

Just let that sit with you few seconds.

The first new greenfield underground coal mine in the Sydney Drinking Water Catchment.

It's a bold plan isn't it?

But if you want planning approval to build the first new coal mine in the Sydney Drinking Water Catchment in decades then it is only right that such a proposal should be subject to the most stringent assessment.

This is not a proposed coal mine in the middle of nowhere.

It's a plan for a coal mine located within the single most important natural asset in NSW - the water supply for nearly 5 million people.

In 2014 the NSW Chief Scientist of NSW noted the following

"Our catchment is the only publicly owned drinking water catchment in the world where coal mining is allowed"

Do we know something the rest of the world doesn't?

The evidence shows that we don't.

At least 6 operating and mothballed coal mines located within the Sydney Drinking Water Catchment are already causing significant impacts on our water supply and quality.

And it isn't rocket science.

Precious rainwater that should be going into our rivers, our dams, our water storages is instead going into polluted mining voids underground, and then making its way back into our drinking water supply.

That is the current paradigm.

So – if you are going to consider approving another coal mine in the water catchment then you better make sure it doesn't go wrong as other coal mines in the Catchment have.

And we will get to that.

The NSW Department of Planning has identified the present threat posed by the untested mining technique proposed by Hume Coal and the unacceptable impacts on ground and surface water that may flow from it were the project approved.

Further, the Department considers that there is a threat of serious harm to both groundwater and surface water resources, and there is currently considerable scientific uncertainty about the level of environmental damage to both. As a result, the 'precautionary principle' is triggered and the project as currently proposed should not be considered an 'ecologically sustainable development'. Consequently, based on the information currently available, the Department considers that the project is not in the public interest and should not be approved.

The precautionary principle is the foundation of ecologically sustainable development and our planning system in NSW.

It states:

When an activity causes some threat or harm to the public or the environment, general precautionary measures should be taken ..

This applicant has had since July 2015 to prosecute its case for approval of this mine including demonstrating that the proposal meets the baseline test for ecologically sustainable development.

They have failed to do so. The response to their work by the Department of Planning is blunt.

“ Both the Department and DoI Water consider that the predicted drawdown impacts on this aquifer would be the most significant for any mining project that has ever been assessed in NSW.”

In terms of property owners, 118 privately owned water bores directly affected by drawdown with the Department expressing significant concern about the potential for these impacts to be mitigated.

“the NSW Aquifer Interference Policy expressly contemplates the possible scenario where there are “no suitable or practical mitigation or prevention options”, and the Department considers this project represents such a case.

To the risks presented by the Hume Coal Proposal to the surface water systems of the local area – again part of the Sydney Drinking Water Catchment.

“the combination of an untested mining method and an unconventional method of storing large quantities of mine water underground is likely to result in serious operational safety risks

The Department considers that the various safety risks may lead to the transfer of additional mine water to the surface and a need to discharge into watercourses.

The Department, the EPA and WaterNSW consider that any discharge of mine water (whether treated or untreated) may result in significant impacts on surface water.

And that is really the crux of why the precautionary principle must be employed in this instance.

You want to build a mine in an irreplaceable drinking water catchment, then you have to prove beyond doubt that nothing will go wrong – and the applicant has failed to do so.

It's the very reason the Precautionary Principle is embedded in our planning system.

To stop terrible things from happening when we don't have the information to guarantee that they don't

And bad things do happen and they are happening in this catchment, right now, on this same Wingecarribee River with its platypus, and its waters that wind their way right into Warragamba Reservoir and the drinking water supply of 4.8 million people.

And for those who think this river is not critical to the supply of Sydney's water system, perhaps the following is instructive.

Since mid December Water NSW has been pumping tens of millions of litres from the Shoalhaven Catchment, into the Wingecarribee River to address Warragamba's falling supply levels.

Today another 20 megalitres will make its way up the river as they have done for weeks prior and weeks following today.

This surface water system plays a vital role in protecting the water supply of the Sydney basin.

And yet despite this pivotal role as an emergency transfer for water in times of drought, we have already had a coal mining generated pollution crisis on the Wingecarribee from the Berrima Colliery which has resulted in millions of litres of heavy metal contaminated water flowing into our water catchment, at one point killing almost everything in the water for kilometre down stream.

Dr Ian Wright described it in the following way

- ***"I've been studying coal mines and water pollution associated with coalmines for nearly 20 years in the Sydney basin.***
- ***"This is the worst. And it's counterintuitive, to many, to me indeed, that the mines shut down and the pollution has got worse. The contamination was "internationally significant".***

That's a problem with a mine that is already here and which will take many years to rectify – if that is even technically possible at all.

And against that background we have a proposal for a new greenfield coal mine which has simply not demonstrated that it is not without significant risk to ground and surface water in this incredibly important part of the catchment.

If ever there were a case for the precautionary principle to be employed, then this is it.

- There is an irreplaceable Drinking water catchment on which 4.8 million rely on each and every day
- A drinking supply already suffering impacts from current and past coal mining - the NSW Auditor General reporting that *"to salinity from coal mining having "a cumulative and possibly accelerated" impact"*.
- And a proposal for a greenfield coal mine and system of mining which Government agencies have said presents an unacceptable risk to ground and surface water systems - including the potential for an uncontrolled release of mine waste water into the drinking water catchment

Commissioners – I acknowledge the difficulty of the job ahead of you.

In many planning matters you need to balance the needs of the applicant and the need of the community in which development is proposed to occur.

Today – in this instance – the stakes are unimaginably greater.

You must balance the protection of an irreplaceable natural resource against a proposal that the Planning Department has said is so risky, so deficient that the precautionary principle must be employed.

I come back to the point I made at the beginning.

This is not just about the people in this room, in our villages, in the Highlands – it's about the millions of people today – and in the future – who rely on the water this proposal could one day affect should it be approved.