

February 26 2019

Independent Planning Commission
Level 3 201 Elizabeth Street
Sydney NSW 2000

Commissioners,

My name is Michael Verberkt and I am the President of Battle For Berrima (B4B). I write this submission on behalf of the Battle For Berrima Committee, our association's 300+ members, the thousands of local residents of the Southern Highlands and the many more thousands of Australians who have democratically expressed their opposition to the Hume Coal Project through the instruments of our advocacy, which have comprised:

- A 15,000 strong petition presented to NSW Parliament in 2017 calling for a moratorium on coal mining in the Southern Highlands
- A 13,000 strong petition presented to NSW Parliament in 2018 calling for a NSW Upper House Inquiry into coal mining within the Sydney water catchment and its effects
- Community run surveys in the villages of Berrima, Medway, Exeter and Burrawang resulting in those communities expressing a desire to be 'coal free communities', with margins ranging from 86% to more than 90% of residents opposed
- Commissioning independent research undertaken by the respected 'Galaxy Polling' which found 60% of Southern Highlands' residents oppose the Hume Coal Project, with fewer than 1 in 5 actually supporting it
- The commissioning of independent and respected planning consultancy, Perica & Associates, to review the Hume Coal EIS. Mr Perica's submission to the NSW Department of Planning on behalf of Battle for Berrima found the Hume Coal proposal should be refused on the basis of the 'Precautionary Principle'
- Two rallies at NSW Parliament attended by in excess of 150 people on each occasion
- The distribution of more than 1,500 signs throughout the Southern Highlands enabling residents to demonstrate their opposition to the Hume Coal Project
- Letterbox drops across the Highlands
- Regular newsletters to members, printed and distributed in Berrima
- From information booths and in door-to-door surveys between 2015 and 2018, Battle For Berrima has spoken to more than 30,000 Australians about the Hume Coal Project

The Department of Planning and Environment's assessment of Hume Coal's EIS has confirmed the validity of Battle For Berrima's concerns, and those of Southern Highlands' residents, since the project's inception nearly eight long years ago.

The report has found that the project is not in the public interest.

Commissioners, if this application to build a damaging underground mine in the Southern Highlands is approved, our community will be significantly affected.

- Residents downwind of the proposed coal stockpile will be exposed to coal micro-particulates carried by the region's prevailing westerly winds
- Groundwater drawdown impacts will adversely affect sustainable agriculture businesses and farming operations in a 300 kilometre radius of the underground mine
- General light, noise and vibration pollution from the operations area 3.5 kilometres from Berrima will diminish the quality of life for local residents and visitors
- Coal train movements will cause delays at level crossings across the Highlands,

specifically on the Illawarra Highway at Robertson and Sheepwash Road, as well as causing noise disturbance night and day for residents of Moss Vale and across the Highlands

We ask that the Independent Planning Commission endorse the Department of Planning Assessment Report, and refuse the Hume Coal Project.

The Department of Planning & Environment's Assessment Report is a demonstration of the independence of the NSW planning assessment process. It makes clear that Hume Coal has failed to adequately address the complex environmental issues associated with its proposal and under the well established 'precautionary principle', the project should be refused.

Expressly, the Assessment draws attention to serious failings in Hume Coal's EIS such as:

- The fact that the project is predicted to have significant impacts on a highly productive groundwater aquifer, including drawdown impacts on 118 privately owned bores
- The fact that Hume Coal's EIS had put the number of adversely affected bores at 93, a underestimation in the order of 27%
- The fact that both the Department of Planning & Environment as well as the Department of Industry – Water consider the predicted drawdown impacts on the aquifer the most significant of any mining project ever assessed in NSW
- That 'even the applicant's estimated net economic benefits of \$373 million is relatively low in comparison to many other coal mining projects in the Southern Coalfield and across NSW.'
- The mine's experimental 'Pine Feather' design, which is unproven in Australia
- The safety risks that may lead to the transfer of mine water to the surface and a need to discharge polluted water into local watercourses
- The fact that Hume Coal has not assessed the above issue or proposed a water treatment plant
- The fact that operational safety issues associated with the mine's unconventional design may result in sterilisation of coal, thereby significantly reducing its economic benefits

Of greater concern than the findings in the Department's Assessment are published statements made by the project director of Hume Coal, after the release of the Department's adverse assessment, that 'his team was pushing on without design modifications¹.'

The proponent has repeatedly failed to address the concerns of residents about the potential adverse impacts on the thousands of sustainable jobs in tourism, retail and hospitality, preferring to talk only about the 300 jobs it claims the project will create.

I can reliably report that Southern Highlands' residents are very interested in the creation of jobs, but not at such a high environmental or economic price.

The proponent's project threatens to undermine the viability of:

- The Southern Highlands Food & Wine Clusters, which have coordinated more than 100 local growers and producing communities to promote the region's produce
- Dairy farming and general agriculture
- Wineries
- Tourism and hospitality ventures
- The growing wedding industry, which generates \$33 million of income per annum and employs many hundreds of local residents

¹ Latteliffe Issue 52 – 'Battle won but the war wages on'

Tourism expenditure supports 2,500 Southern Highlands jobs that would otherwise not exist. Specifically, in 2016 tourists spent \$70 million on restaurants and takeaway meals, \$14 million on groceries for self-contained accommodation, \$30 million on other shopping, and \$15 million on alcohol and drinks. The construction of a large new coalmine and its associated serious environmental impacts would be at odds with everything that makes the Southern Highlands a tourism destination.

The Department's Assessment Report highlights very real operational safety risks associated with the mine's plan and design, which should trigger the precautionary principle, and I quote:

- "There is a substantial degree of residual uncertainty about the mine design and, in particular, the methodology underpinning the geotechnical model."
- "The combination of an untested mining method [pine feather] and an unconventional method of storing large quantities of mine water underground is likely to result in serious operational safety risks".

In holding information booths and conducting door-to-door surveys between 2015 and 2018, Battle For Berrima has spoken to more than 30,000 Australians about the Hume Coal Project and listened to their responses.

Overwhelmingly they reject the project based on the information that Hume Coal has made publically available since 2015, and their concerns are similar to those of the Department's Assessment Report – chiefly surrounding:

- Groundwater falling by more than 120 metres
- The mine's consumption of 3 gigalitres per year
- Water bores and wells across a 300 square kilometer area being affected
- The potential for a catastrophic underground event to lead to the Sydney Water Catchment and local ground water and surface water systems being contaminated
- The mine's experimental design, which has never been tested in Australia
- The air pollution impacts of an exposed coking coal stockpile that will be 800 metres long and six stories high, and additional stockpiles for thermal coal and coal rejects
- The generational impacts of airborne coal dust contamination, particularly with newborns, school children and the elderly
- The lack of credibility with Hume Coal's wind modeling, which was conducted from a protected gully
- Traffic and transport impacts across the Southern Highlands from 378 additional daylight and heavy vehicle movements using the local road network
- Additional delays of 24 minutes per day at major road level crossings between Robertson and Moss Vale, and the associated safety risks and impacts on emergency vehicle movements
- The distribution of coal dust across the Southern Highlands from coal wagons, which the proponent asserts will be covered, but which will be contaminated during the coal loading process and thereby distribute coal dust particulates anyway
- The noise impacts of 8 train movements per day
- The relatively low economic benefit of 18.3 million per annum
- The greenhouse gas emissions generated by both the extraction process, end use of the coal and the Berrima Rail Project

However, while the Assessment Report considers that other impacts on air quality, noise, greenhouse gases, traffic, heritage etc. are 'likely to be able to be managed, mitigated or offset', Highlands residents do not share this confidence.

The EPA and the Boral Medway Colliery failed to advise residents and local communities of millions of litres of highly toxic water being discharged daily into the Wingecarribee River and therefore directly into the Sydney Drinking Water Catchment from the Boral Medway Colliery, which is currently in care and maintenance mode..

Dr Ian Wright from the University of Western Sydney – one of Australia’s leading mine water scientists – stated that the contamination was ‘internationally significant’, with levels of heavy metals such as zinc being more than 120 times the normal baseline level. Boral is now attempting to mitigate the impacts of this now closed coal mine and reduce the toxicity of water flowing into Sydney’s water catchment. The contamination crisis at the Boral Medway Colliery is another clear reason why the precautionary principle should be exercised in respect of the Hume Coal project.

In forming its conclusion that the Hume Coal Project is not in the public interest, the Department has demonstrated the independence of the planning process by seeking input or comments on the groundwater impact assessment process and/or groundwater modeling from at least 10 independent groundwater experts.

All relevant experts criticized the proponent’s EIS for failing to undertake any form of comprehensive uncertainty analysis. The proponent itself acknowledged during the community consultation process that if it were unable to access land in Sutton Forrest to conduct exploratory drilling, the mine would not be able to proceed. It was prevented from completing that assessment and has subsequently failed to overcome the community’s concerns about operational safety concerns.

Over the past eight years, Hume Coal has failed to secure community support for their proposal , and has not adequately responded to concerns expressed by the community about the mine’s experimental design. In fact, it has not been able to point to a single successful implementation of the proposed ‘pine feather’ mining technique anywhere in the world.

The Assessment Report states that the project is predicted to have ‘significant impacts on a highly productive groundwater aquifer’ and 118 privately owned bores are directly affected,. Battle For Berrima questions the likelihood that Hume Coal’s ‘make good’ strategy will work in any practical sense and Hume Coal’s EIS actually points to bores that will never recover and will require other solutions.

The Assessment Report states ‘While the proposed ‘make good’ measures – deepening pumps or replacing bores – may be feasible from a strictly technical standpoint, the NSW Aquifer Interference Policy expressly contemplates the possible scenario where there are “no suitable or practical mitigation or prevention options”.

Given the scale of the mine’s impacts, this is of serious concern to a large number of groundwater users over a 300 square kilometre area.

Some bores are predicted to be affected for 70 or more years. This is incompatible with sustainable agribusiness and cannot be in the community’s interests.

In further reference to groundwater, the report states that the Aquifer Interference Policy establishes rules for ‘highly productive groundwater sources’, which includes the Hawkesbury Sandstone for this project.

It states that ‘any predicted pressure decline of more than 2 metres is considered to be more than a ‘minimal impact and requires appropriate studies to demonstrate that the decline will not prevent the long-term viability of the water supply works unless make good provisions apply.

It then states that The Hume Coal Project significantly exceeds the ‘minimal impact’ threshold.

So, given that there is no specific guidance on how such impacts can be made good as well as a considerable degree of doubt as to whether it is realistic or possible for Hume Coal to actually make good, the Hume Coal Project cannot be considered to be in the public interest.

The Assessment Report states that the Department has never been in a situation where:

- (a) There are such a large number of predicted impacts on private bores; and
- (b) The consent conditions would be the only means of ensuring that landowners' water supply is protected

We share the Department's serious concerns that these impacts simply cannot be mitigated through consent conditions.

Again I draw attention to the fact that Hume Coal does not enjoy the benefit of good community relations, but rather has demonstrated a litigious approach and this has not only eroded community confidence, it has angered much of the community and reinforced the strength of opposition to the project. Street-by-street surveys of Berrima and Medway villages demonstrated that 90.3% of Berrima households and 86.1% of Medway households wanted their communities to be coal free. In the communities of Burrawang and Exeter, 90% and 94% respectively wanted their community's to be coal free.

Air quality, water, sustainable jobs and the environment are the legitimate concerns of Southern Highlands residents and tourists, who are drawn to the Southern Highlands as a result of the area's natural beauty every weekend.

Destination Southern Highlands reports that in 2016 1.7 million tourists visited the Southern Highlands, 28% specifically for the sightseeing, and they spent \$261 million. This contrasts starkly with a low economic benefit of just \$18.3 million per annum from the Hume Coal Project.

The economics of the proposed mine also don't stack up. The Assessment Report acknowledges that there are 'fundamental difficulties in efficiently recovering the coal resource for this project, particularly due to the shallow depth of the coal and the risk of environmental impacts' and that the 'net economic benefits of \$373 million (over 20 years) is relatively low in comparison to many other coal mining projects in the Southern Coalfield and across NSW'.

In summary, Battle For Berrima agrees with the Assessment Report's statement that the 'mine design presents a range of uncertainties and safety risks, as well as the likelihood of significant impacts on water resources.

We also share the Department's concern that the project site is not suitable for the development of a new coalmine. The Assessment Report states 'there is a threat of serious harm to both groundwater and surface water resources, and that there is considerable scientific uncertainty about the level of environmental damage to both. As a result, the "precautionary principle" must be employed as the project as currently proposed is not an ecologically sustainable development.'

In closing, we therefore ask that in considering its final recommendations on the Assessment Report, that the IPC:

- Endorse the finding of the Department that the project is not in the public interest and should not be approved
- Find that the precautionary principle is triggered
- Determine that the project site and exploration license area is not suitable for the development of any new coalmine

- Determine that the Hume Coal Project presents too great a risk to the security of water resources within the Sydney drinking water catchment
- Refuse the application

Thank you.

Michael Verberkt
President
Battle For Berrima Inc.