

14 February 2019



**Hunter Branch**  
hunter@npansw.org.au

Alana Jelfs  
Independent Planning Commission  
Level 3, 201 Elizabeth Street  
Sydney NSW 2000

Via email to <ipcn@ipcn.nsw.gov.au>

Dear Ms Jelfs

## **UNITED WAMBO OPEN CUT COAL MINE PROJECT (SSD 7142)**

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The Hunter Branch of the National Parks Association of NSW (NPA) appreciates the opportunity to comment on the United Wambo Open Cut Coal Mine Project and Associated Modifications MOD 3 and MOD 16.

Established in 1957, NPA is a community-based organisation dedicated to the protection and conservation of nature. Our activities are particularly focused towards advancing:

- long-term protection of biodiversity and its supporting ecological processes
- an expanded network of protected natural areas
- better systems of environmental law, policy, and planning
- evidence-based natural resource management
- a closer connection between people and nature.

### **Basis of objection**

We lodged previous objections to the proposal on 21 September 2016 (submission to Department of Planning and Environment) and 14 February 2018 (submission to Planning Assessment Commission). We continue to strongly object to the proposal on the following grounds.

- The proposal will have unacceptable biodiversity, surface water and groundwater impacts in a landscape that is been cumulatively degraded by many other open cut mining projects.
- Biodiversity impacts cannot be remedied by like-for-like “offsetting”, resulting in a net degradation of the landscape. Proposed offset measures are over-dependent on rehabilitation works for which there is a significant risk of unsuccessful implementation.
- The economic benefits of the mine are overstated, and are not shown to be greater than the public costs of the mine.
- The direct and indirect greenhouse gas emissions of the mine will contribute to climate change, which is contrary to the principles of ecologically sustainable development.
- For these reasons, the proposal would not be in the public interest and should not be approved.

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Our submission of 21 September 2016 summed matters up as follows:

The effect of the proposal is a substantial and cumulative devaluation of biodiversity and water resources within and surrounding the site. There will be also substantial emissions that contribute to the global process of climate change, to which Australia's economic, social and ecological systems are particularly vulnerable. These negative consequences are not given adequate weight in the economic evaluation, representing a failure to place appropriate values and prices on environmental resources. This is inconsistent with the principles of ecologically sustainable development. The project should therefore not be approved, as to do so would be inconsistent with the objects of the EP&A Act.

### **Change in the climate of thinking**

It is now over three years since the project application was officially lodged, and longer since the project and assessment parameters were first formulated. During this period, the weight of community, international, scientific and legal opinion has shifted significantly, and will continue to shift at an accelerated pace in coming years. We submit that the Commission's determination of the proposal must have regard to the extreme urgency for action to avoid dangerous climate change.

As evidence of the shift in thinking at the international level, we quote the opening remarks made by United Nations Secretary-General António Guterres' at the UN Climate Change Conference in Katowice, Poland (COP 24) on 3 December 2018.

We are in trouble. We are in deep trouble with climate change.

Climate change is running faster than we are and we must catch up sooner rather than later before it is too late. For many, people, regions even countries this is already a matter of life and death.

This meeting is the most important gathering on climate change since the Paris Agreement was signed. It is hard to overstate the urgency of our situation.

Even as we witness devastating climate impacts causing havoc across the world, we are still not doing enough, nor moving fast enough, to prevent irreversible and catastrophic climate disruption.

Nor are we doing enough to capitalise on the enormous social, economic and environmental opportunities of climate action.

And so, I want to deliver four simple messages.

First: science demands a significantly more ambitious response.

Second: the Paris Agreement provides the framework for action, so we must operationalise it.

Third: we have a collective responsibility to invest in averting global climate chaos, to consolidate the financial commitments made in Paris and to assist the most vulnerable communities and nations.

Fourth: climate action offers a compelling path to transform our world for the better.

[Source: <https://unfccc.int/news/un-chief-our-job-in-katowice-is-to-finalize-the-paris-agreement-work-programme>]

As evidence of the shift in thinking closer to home, none is more relevant than the decision in *Gloucester Resources Limited v Minister for Planning* [2019] NSWLEC 7, 8 February 2019. The decision sets the legal authority for key matters of contention in the United Wambo project, including:

- likely impacts on climate change
- economic and public benefits of the mine
- the likelihood that project impacts and costs outweigh the benefits.

We submit that the Commission's finding in the *United Wambo Coal Mine Project Review Report* (26 March 2018), that the Upper Wambo project has merit, can no longer be validly sustained. In our view, the finding should be revised in light of the Gloucester decision, having regard to:

- the significant contribution that the project will make to global warming (such as through downstream carbon emissions from overseas combustion of mined coal)
- lack of contribution to achieving rapid and deep emission reductions needed to meet Australia's Paris targets
- overstatement of economic benefits.

In the Gloucester decision, the Court held that it was not important that emissions from the mine would be a fraction of global total emissions, noting that the global problem of climate change needs to be addressed by multiple local actions to mitigate emissions.

### **Conclusions**

We continue to recommend that the Commission refuse project approval. Our arguments are supported by the growing community and scientific consensus at both the local and international levels. The Commission needs to place much greater weight on these matters that it has to date.

Yours faithfully



Ian Donovan

**President, Hunter Branch  
National Parks Association of NSW**