

7 August 2021

Independent Planning Commission  
Level 3 201 Elizabeth Street  
Sydney NSW 2000

RE: SSD 7172 and SSD 7171 – DPIE response to IPC request for information

By email: [ipcn@ipcn.nsw.gov.au](mailto:ipcn@ipcn.nsw.gov.au)

Attention: Casey Joshua

Dear Commissioners,

Battle for Berrima Incorporated (B4B) submits the following in response to the Department of Planning Industry & Environment's response to the IPC's request for information.

***1. In consideration of potential disruptions, please provide further information regarding the existing and proposed number of additional rail movements per day, the number of 'at grade' level rail crossings between the project site and the Port Kembla terminal and how the potential impacts of train movements were considered in the Department's assessment.***

We note the lack of full, comprehensive information provided by Hume Coal in relation to this, and also note that the Department put forward official figures, and there is no evidence to suggest these figures are incorrect.

In relation to the comment: "The rail network operator, ARTC, has not raised any significant concerns in relation to the project, noting that the project would support increased utilisation of the rail network...", we note that "increased utilisation of the rail network" is not in itself an argument for the project. Indeed, given the Department's comments and the real situation "on the ground", it could be argued this is potentially an argument against the mine.

***2. In both DPIE's preliminary assessment report and final assessment reports, the Department states that the predicted drawdown impacts on the aquifer would be the most significant for any mining project that has been considered in NSW. Yet in its submission to the Commission, the Applicant stated that the impacts on groundwater were less than other mines taking into consideration peak annual inflow, drawdown, and recovery. Could the Department please confirm its groundwater concerns with reference to the Aquifer Interference Policy, the views of the Applicant, and with particular reference to the predicted groundwater impacts at the recently approved extension to the Tahmoor Mine?***

Comparisons with the Tahmoor mine are inappropriate, given the many, major differences between the Tahmoor Mine and the proposed Berrima Mine. Moreover, as the Department points out, there is no evidence provided to show that any extrapolations of the Tahmoor Mine experience and situations to other areas or proposals are relevant to the proposed Berrima Mine, or indeed cogent in their own right.

So, we support the Department's comments in relation to this.

Indeed, several elements of the Tahmoor situation and experience raise the question that the equivalent elements of the proposed Berrima mine may indeed have potentially significant adverse impacts.

**3. How were the potential air quality impacts of windblown coal dust from the project site and the transport of product coal taken into consideration?**

We note the Department's comments in relation to this, but also submit that there is a serious lack of emphasis in the response on 'air quality impacts of windblown coal dust from the project site'. Given the prevailing wind situation, and the height (7 storeys high) of the coal heap, and the increased regularity of high, gusty winds in the changing climatic situations, we remain of the view that the potential air quality impacts from the project site are unacceptably high and in particular could seriously affect the township of Berrima.

In its response in regard to question 3, the Department says it has "considered this in its Final Assessment Report. In summary, the Department and the EPA are satisfied that the meteorological data used in Hume Coal's air quality assessment is reasonable and conservative". This is a curious notion – surely data has to be assessed as either accurate or inaccurate – how can it be "reasonable and conservative"? And "conservative" which way, in what aspect?

**4. The Department indicated Hume Coal has offered to enter into a Voluntary Planning Agreement (VPA) with the Minister. Please confirm the status of this VPA, any information provided by Hume Coal to the Department and whether this information was publicly exhibited.**

We submit that Hume Coal's position in regard to this is hypothetical, not "usual practice" and indeed potentially outside the bounds of the relevant legislation, and therefore quite irrelevant at this time, for the following reasons:

- a) The Wingecarribee Council's "non-cooperative" position in regard to a VPA in relation to this is a moot point, as the particular Council make-up which made that decision no longer exists. Indeed, the Council has been suspended by the State government and an Administrator appointed.
- b) Moreover, any VPA offer is only relevant or under consideration by the "relevant planning authority" if the mine proposal is approved.
- c) And, importantly, The VPA offer to the Minister rather than the local Wingecarribee Shire Council, is, as the Department points out, contrary to usual practice, and, as far as we understand, outside the bounds of the legislation, as any VPA offer needs to be made to the "respective planning authority" – and the Minister is clearly not the "respective planning authority".

**5. The Commission heard submissions raising concerns about the impact of the Project on the tourism, agriculture and food production industries in the region. Was a quantitative analysis undertaken with respect to the impact of the project on the tourism, agriculture and food production industries in the region?**

We endorse the Department's assessment that "the project's impacts on groundwater supplies to agricultural land users in the groundwater affectation area could be of more significance. While Hume Coal argues that these impacts would be offset through its make good strategy, as outlined in the Final Assessment Report, the Department is not satisfied that this make good strategy is practical, and that it is likely to result in significant disruption and dispute for agricultural and other groundwater land users in the affectation area."

In relation to Tourism:

While Hume Coal's study suggests there are only " around 1,510 jobs directly related to tourism in the Wingecarribee LGA, with around 196 direct tourism-related jobs in the Moss Vale and Berrima ABS statistical area", data from Tourism Research Australia shows estimated visitor expenditure of \$365.2 million in the Southern Highlands in the year ending September 2019, with the local

tourism industry contributing an estimated \$208.4 million in gross value-added activity per annum to the local economy. The data showed that the local tourism industry directly employed an estimated 1,565 workers, and indirectly supported a further 623.

Further, the 1510 jobs in the LGA and 196 in the Moss Vale/Berrima area suggested by Hume Coal's study are only the direct jobs, and the number of indirect jobs, through a multiplying factor applied to the direct jobs in terms of indirect jobs, through suppliers, ancillary businesses, and other industry inextricably connected to the tourism industry and visitation to the area, through the "visitor expenditure" and "gross value-added activity figures" above, would be significantly higher.

The Hume Coal study's assessment that it is "unlikely that the Hume Coal Project would have any significant adverse impacts on tourism, given the proposed location of the surface infrastructure area in relation to key tourism areas (e.g. Berrima), and the existing co-location of heavy industrial uses and tourism uses in the Berrima locality" is based on, by its own admission, analysis of other mining precincts – thereby apparently not taking into account the different – indeed unique – situation in the Wingecarribee LGA and in particular the very strong dependence on tourism in the nearby town of Berrima, recently voted NSW's top tourism town (for pop under 5000).

There is no particular evidence provided in Hume Coal's study to support its claim in relation to the Wingecarribee LGA or in particular the Berrima township. Many factors, including the proximity to Sydney, the location of several towns, (including Berrima ) en route to other major destinations e.g. Canberra, Melbourne, and the South Coast of NSW, and the "raison d'etre", and heritage attractions of such towns as destinations as well as quality living areas, should obviously be taken into account in any targeted study looking at the actual , not hypothetical, impacts on the tourism industry of the Wingecarribee LGA and in particular the Berrima area.

Further, we take issue with the assessment that the proposed mine would provide "300 full time "equivalent" jobs. We doubt that the jobs at the proposed mine be considered "equivalent", either in nature or in regard to economic activity or indeed social impact. Many of those employed would be coming from outside the area (potentially in breach of regulations regarding maximum distances to be travelled after shifts at mining sites) and therefore not generating the economic activity of direct and indirect jobs related to tourism. The housing shortages in the Wingecarribee LGA would seriously affect, and indeed be exacerbated greatly by, any attempt to house mine workers closer to the mine.

Further, we respectfully disagree with the Departments "general satisfaction" that the employment and growth associated with the project is unlikely to cause significant adverse social impacts at the LGA level, including in terms of tourism", particularly given the Department's assessment – which we agree with – that "the project would result in some significant localised impacts in the vicinity of the project area" – given that "vicinity" would include Berrima, with a population of only 400, and with particular social conditions and particular tourism qualities and attractions as a tourist destination, the effect on Berrima would actually be a major central consideration and effect in regard to the LGA area. There is no doubt in our mind that the proposed mine would have a major social impact on the Berrima district and, thereby, a wider effect throughout the Wingecarribee LGA area, as expressed in many submissions from local residents.

Thank you for the opportunity to comment.

Michael Verberkt  
Vice President  
Battle for Berrima Inc.