

From: [Keith Hart](#)
To: [IPCN Enquiries Mailbox](#)
Subject: Submission against the Narrabri Underground Mine Stage 3 Extension Project
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I implore the IPC to reject this mine proposal, which will have an unacceptable impact on climate change for decades to come.

The project will release 34 million tonnes of greenhouse gases locally and 456 million tonnes when the coal is burnt.

The January 2022 Report by the NSW Department of Planning on the Narrabri Underground Coal Mine, SSD-10269, stated in its Executive Summary that :

"On balance, the Department believes that the Project's benefits significantly outweigh its residual costs, and it is in the public interest and is approvable, subject to the recommended conditions.

Approval of this mine extension will triple the emissions from the current mining activities. Do the bureaucrats of the NSW Department of Planning not understand that climate change is an existential threat to human and animal life in NSW?

Of course the proposal is not in the public interest. Fortunately, it is the IPC that is the consent authority here, not the NSW Department of Planning.

For legal guidance to the IPC, I strongly recommend the following case in the NSW Supreme Court. The three judges were unanimous but wrote two agreeing judgements. Given that the mining proponent, KEPCO was unsuccessful in persuading the High Court to hear an appeal, this NSW Court of Appeal case represents the final word on the legal responsibilities of a consent authority with respect to Clause 14 of the NSW Mining SEPP.

The case was an appeal against the refusal by the IPC of an open cut coal mine proposal at Bylong:

KEPCO Bylong Australia P/L v Bylong Valley Protection Alliance Inc [2021] NSWCA 216.

In the Bylong case, IPC (@ 67) the IPC is quoted as acknowledging that:

"...NSW is currently in a transition away from the use of fossil fuels as an energy source... The Commission agrees with Preston CJ in Gloucester Resources v Minister that it would be rational to refuse fossil fuel developments with greater environmental, social and economic impacts than fossil fuel developments with lesser environmental, social and economic impacts"

This statement was quoted in relation to the assessment of direct and indirect greenhouse gas emissions associated with the project under Clause 14 of the Mining SEPP.

The IPC will have to do the same assessment exercise under Clause 14 of the Mining SEPP in relation to the Narrabri Coal Mine Stage 3 extension, and I am confident that the IPC will come to the same conclusions as it has done previously:

- There is scientific uncertainty about the amount of GHG emissions associated with the project. The Department of Planning admits it has no clear idea about whether it is possible for the proponent to mitigate and reduce the methane emissions from this coal mine extension. Such uncertainty triggers the precautionary principle, a legally recognised component of the public interest.
- The emissions associated with the Narrabri Underground Mine Stage 3 proposal are fundamentally inconsistent with the NSW Government's emissions reduction target of 50% of 2005 emission levels by 2030, only 8 years from now.

In my opinion, the only way the IPC can act consistently with the greenhouse gas emission requirements of Clause 14 of the NSW Mining SEPP is to refuse consent to the Narrabri Underground Mine Stage 3 proposal.

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Sent from my iPad