

Development Application SSD 4974
Wallarah No. 2, Coal Mine

My detailed Objection is set out in writing and has been lodged as necessary with the Commission. In view of the time constraints I will not now go to each of the specific points raised in the written submission but will instead deal with certain of these and other points that I wish to emphasise in support of my objection.

The community, both the immediately affected communities in the valleys, at Blue Haven and Wyee, of the Central Coast region and indeed the entire state of New South Wales deserves to know that the exploitation of its natural resources will be carried out in a manner that does no harm to the environment both natural and man-made, that existing infrastructure is not threatened by such development, that the well being of those who are here now and our first nation peoples who came before and together constitute those communities will be placed first in every respect. They expect these things to be delivered as certainties by the planning process. Certainty that the process is fair and certainty that the application and all of the information brought to the decision is accurate, honest and reliable. Certainty too that if any approval is given it is itself certain, complete and provides the community with assurance that performance standards and developer claims will be met.

The only thing certain about this current proposal is that there is nothing certain about it.

Any Development Application should be so complete as to warrant approval without the need to mould it by condition. Yet the so called adaptive management technique proposed would be attempting to do just that. A proposal which is so uncertain that it necessitates conditions of consent which are not simply designed to achieve compliance but actually frame the development is not worthy of Consent at all. This proposal does not provide the certainty necessary to justify the granting of Consent.

At various stages the PAC has admitted that the Applicant's material is lacking either in substance, justification or depth, yet in prior reports has accepted these deficiencies by the expedient of the adaptive management regime or else simply accepts that although the Applicant hasn't discharged its obligation, it nevertheless accepts their assertions any way; The logic of this rationale escapes me. It seems to be a rather extraordinary approach in a matter where, should the proponent's projections be wrong, serious and irreversible damage to the environment will occur and landowners and communities may suffer impacts from which they may not recover. It is not only the PAC which has identified the many deficiencies of the Application but they are also highlighted in submissions and advice to the Consent Authority from other public bodies, yet there is genuine concern that this state government and the Commission are seemingly married to the proponent's position.

It is not appropriate to effectively postpone determination of essential issues going to the most serious impacts of a proposal by making up for material gaps in the supporting information through conditions of consent. In this case it is the Applicant's position and the Commission has previously indicated that this is exactly what they propose should occur. Adaptive Management avoids the decision that logically and reasonably ought to attend a proposal where so much of the proponent's arguments are found to be lacking, false or totally absent, the decision to reject the proposal as inadequate, unacceptable and unreasonable.

I am appalled that there is so much uncertainty attending this proposal despite an apparent history of many years and several iterations and yet it is still proffered by the Applicant as acceptable. There is a reason the proponents have not ever fully satisfied on so many issues of great consequence despite being at it for years now and it is because they cannot, the proposal simply does not stack up.

The proponents admit they are unable to accurately predict the impacts of their underground operations at the surface although there will be change as a direct result of the mine
They have looked to other existing NSW coal fields for comparison and suggest the southern fields are useful in this regard despite also acknowledging the above seam strata in the south is structurally strong which is most certainly not the case in the Dooralong and Yarralong Valleys.

The potential adverse impact on my property is significant.

It is difficult to ascertain from the EIS exactly what the resultant topography of my property or indeed the whole of the valley floor will be, whether it will be generally similar to existing but at a lower overall Reduced Level or corrugated. I am advised the Applicant expects subsidence to be uniform and absent any undulation. However, the Commission has previously admitted there is the possibility of a resultant wavelike landform.

My concern is that the resultant changes in topography are extremely uncertain and there is no reassurance that the suitability of my land for raising cattle and other grazing activities will not be adversely impacted. Similarly, other agricultural activities in the locality are essential components of the intrinsic character of the valleys and any depletion or disruption to these activities will inevitably lead to loss of character, amenity and value.

The degree of uncertainty as to impact upon surface topography is unreasonable and the predictions of the Applicant cannot be relied upon.

Impacts on Existing Water Courses and Sources

I am concerned that existing water courses and sources of water will be adversely impacted by the proposal through loss or contamination. The degree of uncertainty surrounding this aspect is so great that the precautionary principle should apply until there is scientific proof that the harm likely to be caused will not occur or can reasonably be mitigated by the proponents. I do not accept that such scientific proofs currently exist, the assertions of the Applicant are their theories and remain untested and unproven. It would be folly to grant approval as a kind of giant experiment to see who was right when the consequences of error are so great.

Jiliby Jiliby creek is relatively stable and has not significantly altered its course in living memory and it forms part of my property's boundary as it does for many others.

Any change to surface topography brought about by the proposed mine, such that it affects the course of the stream has the potential to alter the boundary of my property with consequent loss (or gain) of land, attrition or accretion, depending upon the direction of change.

What are the Applicant's obligations or liabilities and how would such matters be resolved? What happens if a creek no longer exists or is so drastically relocated that it is no longer the same creek at all? None of this is addressed by an Applicant whose proposal brings with it the very real threat of such events.

I reject the adaptive management approach that has been previously suggested by the Commission.

In this case, the serious flaw is the potentially fatal time lag required to implement necessary change. The Commission has previously accepted this to be the case and identified that subsidence is incremental so that conventional subsidence parameters may not reach their final value until after the next 1 or 2 panels have been extracted. It also admits that certain changes might require a lead time of some 2-3 years to implement. This means that serious impacts could continue and may not even be apparent for some considerable time after the causation has occurred. In the case of an impact on water courses especially, such a delay may very well be too late.

It is my submission that approval of the proposal will lead to a loss of value for properties identified as subject to subsidence and a reduction in their saleability. I also believe the same will be true of properties within the Dooralong and Yarramalong Valleys generally, by reason of the significant uncertainty as to the real impacts of the mine upon topography and existing waterways.

The applicant asserts there is "no evidence reviewed which suggested a loss in housing values as a direct result of the project".

Such assertions by the proponents are blatantly misleading, at best they are disingenuous if not deliberately deceitful. "No evidence reviewed", is not the same as saying that there is no evidence at all nor that all available evidence has been sought out, yet this statement is intending to imply they have thoroughly investigated the issue and come to a properly considered conclusion, whereas this is simply not the case. The survey methodology, the sampling and conclusions relied upon are fatally flawed. It was a cynical and amateurish exercise designed to serve the purposes of the proponents and has no credibility.

The fact is the evidence was there, despite the failings of the proponent's survey techniques, they did review it and in the first instance tried to overcome it by a second modified survey and after further review, determined to simply ignore the results of their own surveys and tell a blatant lie.

For the Applicant to seriously claim there will be no adverse impact upon property values as a result of their proposal is a gross falsity. To maintain that position must call into question the ethics of the proponents and whether they are prepared to say anything that suits their cause rather than be always truthful and honest.

If the Applicant is so convinced that there will be no adverse impacts generally to the affected properties and that land values will be similarly unaffected, perhaps they should acquire or offer to acquire all impacted land at current market value plus solatium, relocation etc. The company should have no fear of economic loss by such a strategy as on their view, they would not lose any money either re-selling now or at some future time post mining and they would also have the added advantage of not having to compensate or undertake remediation to properties damaged by their project. I urge this solution be seriously pursued.

I reject the applicant's claims as to economic viability of the proposal and urge that you do so also and prefer the independent evidence of those experts who deride the proponent's assertions. These include the Department of Trade and Industry as referred to previously.

Geopolitical economic realities which establish the decline of Coal as fuel are ignored or reinterpreted by the proponents to portray a rosy future for their proposed mine.

I would add to this, the potentially very high cost of rail augmentation, the true cost of which I do not believe has even been properly investigated and costed let alone brought into consideration by the Applicant.

As part of its justification, the Applicant points to claimed but unsubstantiated benefits to the regional and local economy including opportunities for new businesses. Apparently it is considered satisfactory by the proponents and indeed a good thing that businesses which do not even exist at this time will be enabled and allegedly prosper, yet real people who already exist as residents, landowners, farmers and the first nation descendents etc in the two valleys and at Wyee and Blue Haven, who have invested their life savings, time effort and goodwill into the area, can suffer loss of value, potential damage to their property, buildings and infrastructure, reduction in amenity and wellbeing. The existing community has committed itself to the locality and in the ordinary course will be permanent, it is here now, the hypothesised new businesses will generally last only so long as the mine exists and then will wither or disappear leaving no lasting benefit to the locality or region. I cannot reconcile that the worth and wellbeing of the existing valley communities can be so arrogantly dismissed and undervalued in every sense whilst ephemeral entities that are transitory and entirely hypothetical are valued highly. An existing, thriving and vibrant community provides inestimable value to the region and state for all time, the proposed mine is simply an economic contributor of short, finite endurance with major risks attached that will leave behind only damage to be made good at cost to the community.

The great coal industry illusion of thousands and thousands of jobs has been trotted out here too although it is now dramatically whittled down because its falsity was exposed. But these are not new jobs, they are simply transfer of existing jobs from other mining areas consistent with the transitory nature of the industry. Completely ignored by the Applicant though is the loss of jobs that will accompany the mine. Export of Australian coal by a wholly South Korean owned company to be used in South Korea where the mine will effectively be subsidised by the government of South Korea, a foreign power that owns that company enables low cost manufacturing of goods in South Korea which are then in turn exported to Australia in unequal competition with our own local manufacturers and ultimately putting those Australian manufacturers, their employees, their suppliers, their retailers, out of work.

The coal they intend to mine is Australian but Australia will get very little for it, it will not be carried in Australian ships, it will not power Australian industry, it will not lead to increasing Australian manufacturing.

There is also an issue here of proportionality that gets lost in the grandiose predictions of the proponents. For the majority of valley landowners and indeed the residents of Wyee and Bluehaven, their properties are effectively the entirety of their wealth, that is 100%. The loss of that investment in part or whole because of this mine represents a significant proportion of the persons assets and for many, because of age or other factors the loss is irrecoverable. For the proponent however, even the loss of the entire amount of money spent to date in pursuing this proposal is a drop in the bucket for an entity whose parent tallies its current debt in the tens of trillions of dollars, its loss as a proportion of its total assets will always be minimal. Proportionally therefore, the speculative losses to the company should the Application be rejected are insignificant as against the very serious losses that approval would impose upon existing residents and rural landowners.

It would be remiss if I did not also decry the cynical and shortsighted support that the Applicant purchases from some community groups by the expedience of a few crumbs thrown their way. It has happened at previous proceedings similar to this and no doubt we will hear it today, a sponsorship of a sporting team or club, a few apprenticeships or traineeships. Blatant bribery that brings out some apologist to laud the community spirit of the proponents but it is a chimera and just as in ancient mythology it is a portent of disaster. The law says that anybody may speak here today, but a reasonable and moral person would take note only of those whose direct interests are at risk, only those whose lives and interests will be directly affected and that is the residents, the landowners, the farmers, the first nation descendents and those whose water, air, their very wellbeing will be impacted by this proposal, these are the people with the moral authority to speak and who should be heard.

The royalties which will be earned over the life of the mine are inadequate to justify the risk and uncertainty associated with it.

Social Impact

The proponents dismiss the impact of their proposal upon the valley communities and individuals but I believe they understate the amount of distress and anxiety their development has already engendered and will continue to do if approved. Residents of both valleys are a close knit community who are proud of where they live etc and that is likely to be seriously and adversely impacted if they are suddenly within a mine area with all of its negative connotations.

It would be rude and improper of me to attempt to speak for aboriginal Australians but their spiritual ties to the land are well known and I think I can say that we will all share in the loss of connection this mine will bring, we will be victims together of the same despoiler. At a time when more and more family farms are disappearing and Australian agriculture is increasingly the province of massive farms, too often owned outside this nation, small holders are becoming the last bastion of a traditional Australian way of life. For both black and white Australia we face a spiritual loss. Many Australians have become disconnected from our birthright as a nation wedded to the soil although most Australians still have a kind of innate relationship to the land, to farming and the bush, however vestigial. The way of life currently practised by the valley communities is a way back to that connection and preserves and enhances very traditional Australian values. All of this is under threat because of the mine proposal and seemingly carries little weight against the overwhelming might of the dollars being brandished by a foreign power and big business.

The disenchantment and anxiety of valley residents and others in contiguous areas and at Wyee and Blue Haven as a result of this proposal and which will be exacerbated with any approval should not be dismissed as silly or irrational, it is very real and will ultimately find its way into increases in health impacts, depression, mental illness and general loss of health reflected in increased visits to doctors and other health professionals and even hospitalisations. Because it is not an immediately quantifiable impact the Consent Authority may be reluctant to grant much weight, if any, to my submission in this regard, However, I would point to the acceptance today of Post Traumatic Stress Disorder (PTSD) as a very real outcome of exposure to trauma as against the scepticism and outright rejection of any such notion not very long ago (it was only added to the DSM in 1980). Trauma takes many forms and isn't limited to physical trauma but can be caused by a range of

stressors that accompany a stressful life event. Having an unwanted mine impact upon your property and potentially destroy your life plan is most certainly a stressful life event.

This proposal will have a negative social impact upon hundreds of valley and other Central Coast residents.

Conclusion

In my submission, there are ample grounds to refuse this Application and I urge that the Consent Authority do so.

Colin Pursehouse