Submission No 12

INQUIRY INTO ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (TERRITORIAL LIMITS) BILL 2019

Organisation: Maules Creek Branch of the Country Women's Association of NSW

Date Received: 15 December 2019

Country Women's Association of NSW

ABN 82 318 909 926 ***Incorporated in 1931 by an Act of NSW Parliament***

All Communication to be addressed to the Secretary of Maules Creek Branch
2226 harparary Road Maules Creek 2382
via email:

Cate Faehrmann
Committee Chair
Portfolio Committee No. 7 - Planning and Environment
Via email: portfoliocommittee7@parliament.nsw.gov.au
14 December 2019

Dear Cate,

Re: Submission to the Inquiry Into Provisions Of The Environmental Planning And Assessment Amendment (Territorial Limits) Bill 2019

Thank you for the opportunity for our organization to object to this Amendment Bill. We strongly object to the objective of this Bill. Firstly we object to *The Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019* which would create changes to the *Environmental Planning and Assessment Act 1979*. We object to it enabling a situation that will prohibit the imposition of conditions of development consent to mining and gas that are designed to regulate any impact of the development occurring outside Australia or any impact of development carried out outside Australia.

We further strongly object to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) proposed amendments that if passed would remove the specific requirement to consider downstream greenhouse gas emissions (Scope 3 emissions), in determining a development application for the purposes of mining, petroleum production or an extractive industry.

Our local environment is severely impacted from global warming exacerbated by the burning of coal including this coal. Climate impacts include temperatures regularly 3-5 degrees above average, 1/3 of our annual rainfall and an 18,000 ha bushfires in Kaputar National park. Undeniably the local and broader community is suffering from the impacts of too much GHGs in the atmosphere. Yet the Bill if not voted down will ultimately increase new coal mining and burning and global warming.

There are health impacts from destructive weather but also impacts caused by living with a government that demonstrates an unsatisfactory level of commitment to climate science and the solutions to reduce global warming or to take GHG reduction seriously. This Bill is evidence that it seeks to support legislative change that increases our community's on-ground suffering and further increase NSW's contribution to global emissions.

Lowering the environmental bar for mining approvals and weakening community and environmental protection using environmental planning assessment laws, with respect, is a ridiculous situation to find our State in.

In closing, it is important to note that right now our local community-owned carbon dioxide monitor is registering 418ppm of carbon dioxide in the atmosphere. The atmosphere is already way past pre-industrial levels and lived experience supports the fact that our region is out of balance and must be re-balanced. We would like to see true, ecological sustainable development, and the regeneration of our landscapes and waterscape- not more pollution and coal and gas mining driving extreme weather events and destruction.

We ask that the Committee recommend to government, in the strongest possible terms, that it take this opportunity to reject this Bill.

Yours Sincerely

Libby Laird

President, Maules Creek Branch of the Country Women's Association of NSW

Recommendations:

1. A rejection of this Bill and its objects. If not a rejection, a withdrawal of the Bill until world's GHG emissions return to below 320ppm and the global temperatures and environment are back in balance.

2. An assessment of the true contributions the fossil fuel industries currently make to GHG emissions across Scope 1,2,3 in order to make a data driven decision to transition.

3. An Economic Transition to a carbon-neutral economy as a matter of urgency including planning amendment to ensure the rapid phasing out of coal mines and unconventional gas projects in NSW due to their contribution to GHG emission.

4. GHG Modelling of the impacts from mining:

- An environmental impact assessment region by region based on the impacts from this Bill.
- A global reputational assessment for NSW in allowing this Bill to proceed.

5. The funding and implementation of detailed health assessments region by region- including baseline data for the short, medium and long term impacts similar to the Gunnedah Basin Health Impact Assessment to assess cumulative impacts of GHG emissions and coal and gas mining impacts generally before this Bill is passed.

These Impact assessments would also include the opportunity costs of allowing this amendment to proceed:

- impact to human health
- impacts to local, state, national and global ecology,
- impact to the economy / transition away from fossil fuel based

6. An urgent government, industry and broad community education campaign of

- the global emergency and the role of greenhouse gas emissions in driving global warming and leading to current and ongoing catastrophes that will ultimately destroy many more human lives on the planet and
- the energy solutions that already exist.

7. Remove all subsidies to mining (said to be valued at least $5billion) and pay farmer and public land managers to regenerate our landscapes, increase the water holding capacity of the soil and waterscapes.

8. Ensure rehabilitation bonds are money in the bank not guarantees by the mine owner.

9. Do not allow final voids to be left.

10. All vertically integrated groups, should be identified and held responsible for scope 3 emissions from the generation of power within the group and therefore should be directly accountable. Also, partner groups with other end users in joint ventures should also be accountable for its scope 3 emissions.

Maules Creek Experience: An assessment of Greenhouse gases emissions was undertaken by Dr. Ian Lowe (2012) on behalf of the Maules Creek Community Council. Professor Ian Lowe (AO) is Emeritus Professor at Griffith University, and a past President of the Australian Conservation Foundation. He produced Australia's first national report on the state of the environment in 1996, and has been a referee for the UN's Inter-governmental Panel on Climate Change. https://www.abc.net.au/science/explore/climatechange/experts/ianlowe/

At the time of the Department of Planning Assessments of the Maules Creek Coal Mine, the Boggabri Extension and the Tarrawonga Extension, he concluded that the three mines in the Leard Forest alone if approved would contribute more greenhouse gas that 165 other total countries.

He also noted at the time that, *"NSW would need to double its reduction within the State to undo the damage that would be done to the global atmosphere if this mine (Maules Creek) were allowed."* (Attachment 1)

We always considered so much greenhouse gas released into our atmosphere as a frightening prospect particularly as it replaced a carbon sink.

It is also ~~be~~ noted, that under current Legislation these mines were approved.

Who would benefit from this Amendment Bill?

With respect, our state government has an unhealthy fixation on coal and gas. For many years we have understood how the State Government's preference for mining affects it to change the laws to allow mining to go where it should not. The strategy is outlined in "Effects of Land Use on Coal Resources" (1994).

In September 2019 we noted that Whitehaven Coal told investors it intended to

It is possible that this Bill is part of the preparatory work. In our area this Bill in facilitating the expansion of local mines would allow global warming impacts experienced in NSW/Australia to not be attributed to the coal it mines. But from our perspective new approvals will throw nature and the atmosphere even further out of balance and this is unacceptable.

It is clear that the removal of the requirement to consider downstream greenhouse gas emissions in determining modifications and development applications for coal mining industries in this greenfield region will benefit mines which are intending to be fully autonomised mines.

If passed, this will be another step in removing the hope of having local functioning environments and intergenerational equity for our children in NSW. This Bill is completely against the farming future, economic and community transition solutions that provide the way through the devastation caused by GHG driven global warming that we live everyday. We strongly object to this Bill for the above reasons.

Attachment 1

Dr. Ian Lowe (2011) Maules Creek proposed coal mine: greenhouse gas emissions-Appendix 4, Maules Creek Community Council Submission to Maules Creek Coal Mine EA. https://maulescreek.org/wp-content/uploads/2012/05/Appendix-4-Maules-Creek-Coal-Emissions.pdf

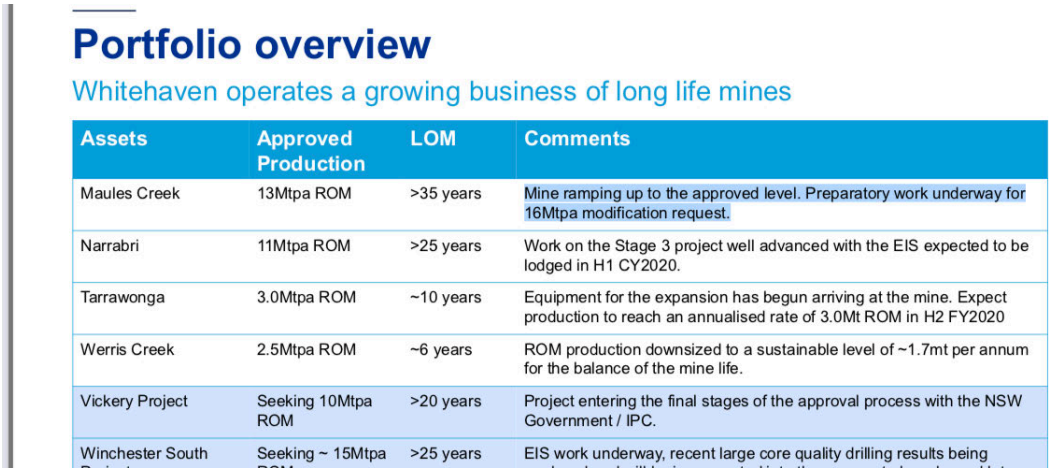
Attachment 2

P.Flynn, (17 Oct 2019) Whitehaven Coal Ltd. AGM Presentation 2019, p11, p31

https://whitehavencoal.com.au/investors/asx-announcements/

Attachment 2

P.Flynn, (17 Oct 2019) Whitehaven Coal Ltd. AGM Presentation 2019



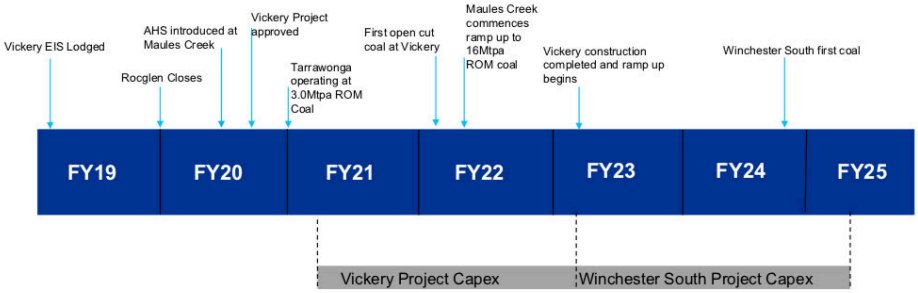
Portfolio overview

Whitehaven operates a growing business of long life mines

Assets	Approved Production	LOM	Comments
Maules Creek	13Mtpa ROM	>35 years	Mine ramping up to the approved level. Preparatory work underway for 16Mtpa modification request.
Narrabri	11Mtpa ROM	>25 years	Work on the Stage 3 project well advanced with the EIS expected to be lodged in H1 CY2020.
Tarrawonga	3.0Mtpa ROM	~10 years	Equipment for the expansion has begun arriving at the mine. Expect production to reach an annualised rate of 3.0Mt ROM in H2 FY2020
Werris Creek	2.5Mtpa ROM	~6 years	ROM production downsized to a sustainable level of ~1.7mt per annum for the balance of the mine life.
Vickery Project	Seeking 10Mtpa ROM	>20 years	Project entering the final stages of the approval process with the NSW Government / IPC.
Winchester South	Seeking ~ 15Mtpa	>25 years	EIS work underway, recent large core quality drilling results being

Indicative timeline for projects

Strong and manageable growth from our pipeline



Note: The forecasts on the time line are based on current knowledge and assumptions about the timing for the approval of the growth projects. These are subject to review and change as more information becomes available

WHITEHAVEN COAL

Maules Creek proposed coal mine: greenhouse gas emissions
By Dr Ian Lowe

In my earlier submission regarding the Boggabri Coal Mine, I estimated that the overall greenhouse gas (GHG) emissions resulting from the proposed mine would be about 20 to 25 million tonnes of carbon dioxide equivalent per year.

On the new data now provided, with an additional expected 13 million tonnes per year of raw coal being mined and 10.8 mt/year product being exported, the GHG burden will be significantly greater. The proponent's own estimate, which certainly does not inflate the final impact, gives the total impact as about 30 million tonnes of CO_2 equivalent per year, or some 630 million tonnes for the period 2012-2032. To put these figures in perspective, the total of the emissions from the entire country of New Zealand is about the same – 32.6 mt in 2007. The State of NSW now emits about 150 mt/year and the likely 2020 target will be lower. The response currently before the Commonwealth parliament aims at a 5 per cent reduction if there is no concerted international action, with reductions in the range 15 to 25 per cent if there is international agreement to tackle the problem of climate change seriously. So the expected reduction in emissions from NSW if the national goal is uniformly allocated will be in the range from 7.5 to 37.5 million tonnes per year. In that context, even the proponent's estimate of the local emissions, Scope 1 + Scope 2, of about 0.25 mt/year is a significant extra burden for the State. The Scope 3 emissions, unavoidably produced by the use of the coal by its customers, will be somewhere in the range from about 20 to 27 per cent of the State's total emissions budget in 2020. Put another way, the Scope 3 emissions from this mine alone are comparable in scale to the most ambitious State reduction target being canvassed at this stage. So NSW would need to double its reduction within the State to undo the damage that would be done to the global atmosphere if this mine were allowed.

The EIS includes assertions that the overall impact on the global climate would be minuscule: "an annual increase in average global temperature of 0.00003 C". This is a specious argument. First, it is based on an assumption that doubling the atmospheric concentration of carbon dioxide would raise the average global temperature by 2.5 C, where the science is now warning that the increase could be much greater. The "best guess" for a doubling of the pre-industrial level is now 2.9, with a warning that it could be in the range up to 4.4 C. The Australian Academy of Science said last year that global emissions need to peak by 2020 and then be

reduced rapidly to give a 50:50 chance of keeping the increase below 2 degrees. Allowing the atmospheric concentration to double runs a serious risk of passing a critical “tipping point” and precipitating catastrophic interference in the climate system. Even if this doesn’t happen, the crucial question is not the average **annual** increase in global temperature due to this project, but its **total** impact. Being charitable and using the proponent’s figures, 0.00003 C per year for twenty years is 0.0006 C overall if the mine stops operating in 2032. Dr Malte Meinshausen, Senior Research Fellow at the Potsdam Institute, gave evidence as an expert witness in a recent case in the Queensland Land and Environment Court about the direct measurable impacts of a temperature increase on that scale. He estimated that 0.0006 C increase in average temperature would cause an increase in sea level that would flood an additional 23,000 homes around the Pacific rim by 2080, for example.

The crucial point that needs to be considered is that the science now shows that carbon dioxide released by the burning of fossil fuels remains in the atmosphere (and continues to change the global climate) for a very long time. While it has been generally accepted that a significant fraction will still be in the atmosphere 200 years after being released, there is now evidence that as much as 35 per cent of the CO_2 could still be there in 1000 years. The mine effectively would transfer into the atmosphere huge amounts of carbon that are now safely sequestered beneath the ground. So the damage to the climate and sea level from a large coal mine would stretch far into the distant future.

It should be added that the Maules Creek proposal is additional to the Boggabri mine, which has applied to be allowed to expand its output to 7 mt/yr. That should be a reminder that approval of a mine does not set limits, as in this case the proponent has come back with a request to expand its output dramatically. A proposal for another mine (Tarawonga), very near these two, is also being developed with the intent of producing a further 3 mt/yr. If all three proposals were to go ahead, the total impact of burning the coal would be greater than 60 mt/yr of CO_2-equivalent. To put the potential impacts into a global perspective, if the Maules Creek mine were a nation, it would rank 75th in the world for total emissions, ahead of the greenhouse gas emissions of 140 entire countries. If all three proposals were approved, the total greenhouse gas impact of the mining province would rank above all but 50 entire nations: more than such countries as Sweden, Hungary, Finland, Portugal and Norway, among the 165 it would exceed. So the proposals really are of global significance.