

Submission
No 152

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

Organisation: Lithgow Environment Group
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Partially
Confidential

NSW Inquiry into the Planning System

The Lithgow Environment Group Inc has only just learned of this Inquiry today (2/11/2023), and because the closing date is tomorrow we have not had sufficient time to prepare a considered response nor circulate it to our members for approval.

The Lithgow Environment Group Inc (LEG) was formed in 2005. Our major focus has included monitoring water quality in the Coxs River catchment; monitoring endangered swamp communities; recording threatened flora and fauna species ; documenting mine subsidence cracks and cliff falls; monitoring flora recovery post-bushfire; establishing an Eastern Pigmy Possum Nest Tube Program; Indian Minor Control Program; and lobbying for improved protection of the Gardens of Stone and Greater Blue Mountains World Heritage Area region.

LEG would like the Committee to consider a few points of concern to our members -

WATER QUALITY & WATER QUANTITY

LEG volunteers have been monitoring water quality in the Coxs River catchment (and hence Sydney drinking water supply) for 18 years. LEG has recorded a steady decline in several water quality parameters over that time, in particular Salinity (Electrical Conductivity).

The NSW Planning system does not appear to be adequately addressing this steady decline in water quality. For example the neutral or beneficial effect (NorBE) on water quality test for the whole of NSW was watered down by the NSW Parliament in 2017 after the 4Nature court case, to the benefit of just one coal mining company (Centennial Springvale Colliery).

A result of that 2017 decision Springvale Colliery and Mount Piper Power Station were required to construct a Reverse Osmosis Water Treatment Plant, to prevent untreated mine water being dumped into the Coxs River.

However Centennial are currently attempting to bypass that water treatment plant (Angus Place MP 06_0021 (MOD 8) and SSD-5579 (MOD 5)) and recommence dumping 10ML/day (or a total 3.24 billion litres) of untreated mine water into Wangcol Creek and the Coxs River, at a time when a drought is commencing and dilution from naturally flowing creeks is set to diminish. This is huge backwards step for water quality in the Coxs River catchment.

LEG volunteers have recorded the decline in water quality for 18 years, yet highly-paid consultants engaged by the mining and power generation industry can't seem to do so.

Industry self-recording/reporting does not work. Independent monitoring by NOW or the SCA must be reinstated, and the EPA must be given more teeth to address water pollution issues.

Centennial Angus Place Colliery, in an attempt to get the larger Angus Place West proposal across the line, now appear to be colluding with the NSW Department of Planning behind closed-doors to circumvent the purposes of the Environmental Planning & Assessment Act 1979 by dividing a larger development into small Modifications without considering the cumulative impacts in totality. Since the Angus Place West proposal was lodged less than 12 months ago Centennial has lodged MOD 5 and Mod 8, whilst MOD 6, MOD 9, and MOD 10 are currently being prepared.

In addition Centennial (and NSW Planning) appear to be trying to circumvent the objects of the Bilateral Agreement between the State of New South Wales (NSW) and the Commonwealth by failing to refer these MODs under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The NSW Planning system is not only failing to adequately protect water quality in the Sydney drinking water catchment, but is also failing to address in the above case the impact of extracting 3.24 billion litres of water from groundwater systems upon which Endangered Upland Swamp Communities and moisture-dependent Threatened Flora and Fauna species are totally reliant.

The result of all that mine water extraction has been dead peat swamps, which had previously acted like a huge sponge - storing and slowly releasing water into the catchment. As a consequence the Department of Planning has created a situation whereby water-runoff from these damaged catchments has accelerated, causing massive erosion, siltation, more intensive and more frequent flooding in downstream environments.

Climate change is likely to exacerbate extreme weather events - yet NSW Planning has failed to consider the impacts of draining swamps on stormwater runoff, erosion, siltation, and flooding downstream.

INADEQUATE FLORA AND FAUNA SURVEYS

The NSW Bionet Atlas is used by developers such as coalmining companies to assess the impact of their existing and proposed operations on Threatened Species and Endangered Ecological Communities.

LEG members have been so frustrated by the continual failure of mining companies to identify Threatened Flora species in EAs and EISs, that LEG conducted its own flora surveys.

In 2018 LEG recorded over 200 flora species and 10 Threatened Flora Species on Newnes Plateau alone that were not listed as occurring on the NSW Bionet Atlas. Consequently 20% of native flora species, 30% of Threatened Flora species, and several Vegetation Communities actually occurring on Newnes Plateau have never been formally assessed under State or Commonwealth Legislation since coal mining commenced 40+ years ago.

LEG has made the relevant NSW and Federal Environment Department's aware of these concerns over many years, to no avail. 'Death-by-1000 cuts' is continuing to destroy Endangered Ecological Communities and Threatened Species because the NSW Government has failed to update the NSW Bionet Atlas, and failed to require developers to search other publicly available databases such as AVH, ALA, iNaturalist etc.

CLIMATE CHANGE & MORE EXTREME FIRES

The 2019 fires resulted in Endangered Swamp Communities over 15,000 years old and the Threatened Species they support burning at unprecedented intensities. Peat in many of these swamps continued to smoulder for months afterwards, and many metres of peat were lost in swamps damaged by underground mining, resulting in irreversible damage and massive erosion.

Climate Change will result in more frequent higher intensity fires which pose a major threat to endangered ecological communities and threatened species, in particular those at the limits of their NSW distribution, many of which occur in the Lithgow region.

CUMULATIVE IMPACTS

NSW Planning has continually failed to address the cumulative impacts of its decisions on the environment. Each mining development, for example, is approved as a stand-alone proposal without considering the total impacts from other operating mines, or historic mines.

Every single Endangered Swamp Community that has been undermined by Springvale and Angus Place Colliery has been killed. And yet NSW Planning continues to pretend to be unaware of this irreversible damage to the environment, and continues to approve additional

Extensions or Modifications which will cause further damage without considering the cumulative losses from previous approvals.

Just one example are Angus Place MOD 5 v& MOD8 mentioned above. The Angus Place West scoping paper was released less than 12 months ago, and because there appear to be some delays in gaining approval, Centennial (with NSW Planning) are now dividing that large development into no less than 5 Modifications - MOD 5, MOD 8, MOD 6, MOD 9, and MOD 10 - treating each as a stand-alone project claiming each will have 'negligible impacts', whilst failing to assess the cumulative impacts in totality which will destroy huge areas of Endangered Swamps, Threatened Species, and a Migratory Species.

Coal mining is also never regarded as water-mining, and yet to extract coal groundwater must be pumped out. Extracting billions of litres of mine water from groundwater systems will inevitably lead to drier ecosystems that are more prone to fire. And yet the Department of Planning never considers the cumulative impacts of extracting huge volumes of water from the environment as having an adverse impact on Endangered Swamps and moisture-dependent communities far removed from the mining activity, and downstream in the Greater Blue Mountains World Heritage Area.

As an example the Angus Place MOD5 & 8 mentioned above intend to extract 3.24 billion litres of mine water (10ML/day) from groundwater systems in just one area alone. On top of this other mines such as Springvale and Clarence Colliery are extraction 5 times more than this or 15 billion litres - huge volumes of water which is no longer available to the environment from which it has been extracted.

Yet the Department of Planning continually fails to consider the Cumulative Impacts of extracting such huge volumes of water from groundwater ecosystems on the environment.

The Department of Planning has totally failed to protect Endangered Ecological Communities and Threatened Species that rely upon them in the Lithgow region for many years. This situation has worsened in recent years, in particular the 2015 Springvale Mine Extension approval which destroyed more swamps than had been lost to all previous approvals.

Far from being repentant about those cumulative swamp losses, the Department of Planning now appears to be colluding with Centennial behind closed doors to further circumvent the purposes of the Environmental Planning & Assessment Act 1979 and Bilateral Agreement with the Commonwealth under EPBC Act by dividing the larger Angus Place West proposal into 5 smaller Modifications, which will inevitably result in the loss of Kangaroo Creek Swamp, Lamb's Creek Swamp, and Long Swamp.

LEG urges the Committee to give serious consideration to how biodiversity, threatened species, and endangered ecological communities will be impacted by climate change, and how the NSW Department of Planning can be encouraged to treat these matters with far more respect than is currently the case.

Yours sincerely

Chris Jonkers

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Lithgow Environment Group Inc.