

**INQUIRY INTO BENEFICIAL AND PRODUCTIVE POST-
MINING LAND USE**

Name: Dr Deidre Stuart

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20 June 2024

Dear Hon Emily Suvaal MLC, Hon Sam Faraway MLC, Hon Mark Buttigieg MLC, Hon Scott Farlow MLC, Ms Sue Higginson MLC, Hon Emma Hurst MLC, Hon Stephen Lawrence MLC, Hon Peter Primrose MLC

Submission to the NSW Inquiry into beneficial and productive post-mining land use.

Thank you for the opportunity to make a submission on this important topic. I live in Wollongong which has a long history of many thousands of years of caring for country by Dharawal peoples and a short history (~150 years) of underground coal mining up to and including current coal mine operations in the present day. My brief comments related to the terms of reference for your inquiry are informed by my experiences as a local citizen who has participated in:

- assessment processes related to local underground coal mining projects;
- community education about and community protests against reckless expansions/ extensions/ modifications of local coal mines in the contexts of: our global climate chaos; Australian species biodiversity losses; destruction of Indigenous cultural heritage and cultural landscapes; and the location of mines in the supposedly protected legislated *Special Areas* of the Sydney Drinking Water Catchment;
- defending the 2021 IPC decision to refuse consent to the Dendrobium coal mine extension *State Significant Development* SSD 8194 in the context of the judicial review brought by South32;
- publicising the attack on our democracy that occurred when the prior government decided to declare, and then declared, Dendrobium Coal Mine Extension to be *State Significant Infrastructure* with all the Nationals, Liberals, Labor and One Nation members colluding to sideline the IPC refusal decision. (Apparently the IPC was only ever meant to make decisions that meet the wishes of those MLC who supported Mark Latham's Bill);
- investigations related to the extent of noncompliance by South32 related to its North Cliff mine site (now located inside Dharawal National Park and part of its Appin operations) which show that its shaft vents have been spewing unabated methane gas (a very potent greenhouse gas) into our atmosphere for more than 30 years beyond the time when the site should have been rehabilitated back to *as natural state as possible* (according to the conditions of consent in its approval). It appears that NSW governance systems have just let that happen. This really is not good enough. It is profoundly unfair on the wider community that we are bearing the brunt and very real costs of extreme weather directly and indirectly;
- Russell Vale Community Consultative Committee meetings, as a representative community member.

Responding to the terms of reference below, please let me say at the outset that I want to see beneficial and productive post-mining land use (PMLU) rather than unrehabilitated wastelands that contribute towards air and water pollution, and/or further land degradation or biodiversity impacts or fire risk. I would like to see repair of our environment to as large an extent as possible and return of lost access and rights to First Nations people.

TOR (a) the benefits of having multiple successive land uses including the positive benefits for local

communities and the economy, business, industry, and the broader state

AS well as having multiple successive land uses, perhaps the best immediate land uses are those that provide multiple long-term benefits in parallel. Rehabilitation/remediation/restoration back to states as natural as possible, and that remove environmental hazards and contribute towards conservation

and protection of the environment, for me, should be prioritized where possible, given our climate and species extinction crises. Taking carbon out of the atmosphere and storing it in plants should take priority. I heard an Illawarra Indigenous man speak to an IPC and his message, which I believe to be true, was that there is no wealth in a human society without wealth in its environment, so investing in and protecting the environment will ultimately benefit the people too.

TOR (b) changes in land use potential and demand in established or traditional mining areas, particularly those generated by the decarbonised economy, renewable technology, manufacturing, defence, skills, and training

First and foremost for me, in relation to land previously mined for coal underground, there needs to be awareness that even if the coal pits and shafts and adits etc have been closed off, the integrity of the geology of the surface layers (above the mined seam(s)) has been severely compromised. Methane and other biogases could continue to leak out of the landscape for decades, due to cracks and fissures caused by subsidence associated with the underground mining. This is a fire risk. Similarly, water can flow down cracks in the ground through geological strata and into mine voids, and then eventually out somewhere else on the landscape (usually more acidic and polluted with heavy metals), thereby affecting suitable land uses also near by. Land subject to significant subsidence (more than 2 m subsidence is not unheard of in our region) will be unsuitable for many of the listed anticipated possible land uses. Further, mine adits are impossible to seal and eventually after extreme wet weather, water might build up and suddenly flood out or cause localised landscape collapse. These things need to be considered when contemplating beneficial and productive PMLU after underground coal mining. ... So I guess my real comment here is attend to safety first and do not create even more problems through a pursuit of short-term money pretending that *she'll be right mate*. Also, I have become aware recently from others that some online historical records related coal mining seem to be disappearing from public access. This could pose a problem if the historical uses of land (and its associated problems) become lost over time.

TOR (c) opportunities for investment and growth in training and skills in established or traditional mining areas, including:

(i) the need to reskill and or retrain current workforces

(ii) the impact and effectiveness of existing and new education, training, and skills

providers for

mining communities

I would like to see current coal mining workforces engaged in reskilling and retraining related to rehabilitation and remediation and restoration, while working, as part of their working time, with training costs paid for by their mining company employee so that as coal mining ceases, workers are not suddenly made redundant but continue to be employed, and are able to undertake rehabilitation/remediation activities as required under consent conditions.

The NSW government should invest with long-term funding for education and training that focusses on land rehabilitation/remediation/restoration and emerging renewable energy and circular economy needs. Public financial supports for training and skilling should be provided to educational or training providers rather than to mining companies themselves or to workers directly - and for fairness, any person (not just miners) should be able to eligible to apply to train/upskill in landscape renewal, renewable energy or other emerging industries.

Australia seems to be lagging in large-scale renewable energy roll-out. But here in the Illawarra, off-shore wind is zoned and this provides one possible direction and opportunity for training for miners shifting careers.

TOR (d) opportunities to encourage innovative post-mining land uses including:

- (i) the planning and implementation of essential supporting infrastructure for future site use*
- (ii) the development of solar farms, pumped hydro, and other clean energy industries*
- (iii) the compatibility of post mining land sites with commercial projects*
- (iv) the potential of unlocking surrounding land for residential dwellings, amenities, environmental and educational facilities*
- (v) potential exploration of former and legacy mining sites with modern mining technology to explore deposits in tailings and closed sites*
- (vi) the development of sites for use for advanced manufacturing, commercial and industrial use*

Please see comments under TOR (b) above.

TOR (e) how to ensure the benefit from innovative post mine land uses are shared between the community and mine operators

PLMU policies should not aim to benefit mine operators. It concerns me that, as outlined above in my introduction of myself, the NSW government seems to pander to mine operators at the expense of the wider community who are affected by the developing climate chaos, and subject to risks associated with mining while it occurs and enduring losses and risks following mining cessation. Policies should be directed solely towards achieving First Nations justice alongside community and environmental benefits. If any financial benefits arise from PLMU policies then mine operators should never be allowed to keep them, and instead they should be reinvested to enhance or perpetuate the local community and environmental benefits.

Further, any policies developed for PMLU must ensure that there is no lessening of the requirements on mine operators to rehabilitation/remediation/restoration as specified in their approval consent conditions. Moreover mine operators need to be held liable for any failures over the long-term.

TOR (f) the expectations of mining communities in relation to post-mine land use, and how to balance this with innovative reuse of existing infrastructure

Locally, in my area in the Illawarra, some coal mining lands are inside Sydney Drinking Water Catchment *Special Areas* and so WaterNSW will need to oversee land restoration practices. Other parts of local Illawarra coal mining lands are outside the *Special Areas* and very near residential areas. PMLU near the residential areas needs to be informed by genuine community consultation. If there is to be any innovative reuse of existing infrastructure then it needs to meet the criteria of providing long-term benefits to local communities including in terms of a share of profits.

TOR (g) the need to develop a robust independent regulatory framework to maintain and advance best practice in this area

To be frank, the words *maintain and advance best practice in this area* read like a bad joke. A *robust independent regulatory framework* would mean that mining approval conditions actually have to be monitored and enforced, else mine operators inflict severe widespread environmental damage and then just walk away and leave the mess for the community to clean up. Here are two pertinent examples:

1. South32 is in the process of selling its Appin and Dendrobium coal mine operations at this moment. Yet where are the government regulators insisting that the North cliff vents are properly sealed off and rehabilitated? And is anybody going to penalise South32 for not rehabilitating that site as required over a period of more than 30 years? How has it even come to this situation that two very visible, very large shaft vents have been left spewing toxic climate-damaging methane for 30 years? It is left to unpaid community volunteers to try to check and monitor the actions of wealthy powerful companies. Where is the enforcement (and deterrence)? There are laws that provide for very large penalties against South32 and its

executives, for their actions, but will any relevant NSW regulatory agency act? If not, why not, and what needs to change?

2. Wollongong Coal Ltd (WCL) had a first workings approval at its Russell Vale mine more than a decade ago, and a condition of that was that they had to undertake a realignment of a creek prior to mining beginning (by December 2012). Many years later after having mined and sold all the approved coal, (and after also having had various modifications approved) they sought an expansion to their operations. Yet still the creek had not been realigned and was regularly polluted with coal dust runoff during heavy rain events. Imagine how insulting it was to the community that then WCL argued that they needed an approval of their new expansion proposal in order to be able to afford the realignment of the creek, that had been a condition of consent from their earlier approval. This seems a farce.

I do not know what best practice looks like. But, from my perspective, at the very least:

- mining operators should be required to pay security bonds (paid pro rata), that reflect the true cost of rehabilitation if that task falls on government to fund and manage, so that communities and ratepayers are not left picking up the pieces;
- government needs to adequately fund (using monies obtained from mining companies themselves) monitoring and enforcement activities of coal mining companies;
- when mining companies breach their conditions or in any other way do something wrong, then the government needs to issue penalties to the company that are meaningful (in that the penalty amount will significantly help correct the adverse impact experienced) and impactful (in deterring the company from continuing its status quo - penalties should not be so low in value that they are seen purely as a cost of doing business);
- government also needs to develop or support institutional knowledge/capacity about what works or doesn't work in relation to rehabilitation/remediation/restoration and that understanding needs to be relayed back into planning assessment processes of mining projects. Mining proponents should not be permitted to mine on the back of false promises;
- yet, as time moves onwards, the required standards of rehabilitation/remediation/restoration set out as conditions on coal mining should nonetheless be maintained or increased (rather than allowed to diminish).
- a mining company should never be allowed to apply for further mining development approvals while they have any outstanding existing approval conditions that have not been met.

TOR (h) any other related matters.

The global and domestic demand for coal may decrease more rapidly than expected by current coal miners or by the NSW government. In our area, some local coal miners believe they will still be mining coal for "decades to come" - as said to me only a few years back. However the world is moving towards renewable energy and away from coal and gas, not rapidly enough, but nonetheless, change is happening and will likely accelerate. The NSW government should be proactive about engaging with affected mining communities (and being sure to include First Nations people) about planning for PMLU and about the need for workers to transition and retrain in emerging industries including in land rehabilitation/remediation/restoration.

Thank you for reading my submission.

Deidre Stuart