

Coalpac update – the wait continues!

Brian Marshall 30 August 2013

The May 2013 Hut News (No. 303 p5) provided a **Coalpac update** dated April 22. I stated that the only task remaining in **Stage 2** of the assessment process, as prescribed by Minister Hazzard, was for the DP&I to complete its report for the Director General's signature. **Stage 3** of the assessment process was to commence with the DP&I report being posted on Planning's website and concurrently forwarded to the Planning Assessment Commission for consideration by PAC2. (The PAC1 report rejected Coalpac's proposal).

As of 30 August 2013, the DP&I's report is still not on Planning's website. This means that the remaining Stage 2 task has seemingly not been finalised and Stage 3 has not been commenced. Why? What is going on?

At a meeting with 'Planning' in April, the Society and the Colong Foundation were advised that the intention was for the DP&I's report to be finished by mid to late May. This intention failed because Coalpac was allowed until May 29 to make its response to what it termed '*Further submissions on the PAC Review Report*'.

Coalpac's May 29 response contained incorrect rejections of matters raised by BMCS, the Colong Foundation and the Lithgow Environment Group, so these groups sought the formal right to reply; this was not permitted. **Nevertheless**, the 'Joint Groups' comprehensively analysed Coalpac's May 29 contentions and sent the four-part response to Planning over the period from 9-21 June. This four-part response by the 'Joint Groups' may have been read by Planning, but it is not on the DP&I's website due to the latter being closed-off at the end of May.

Before going on holiday in late June, I was advised that the DP&I's report was imminent. On my return in late July it still hadn't materialised. Following more inquiries, it was indicated (14 August) that "*the Department expects to finalise its assessment in the very near future and forward its assessment report to the PAC for determination*". **It is now August 30!**

There is no doubt that, as indicated by Planning, assessment of the Coalpac project is proving to be complex. Substantial factors in this complexity are PAC1's comprehensive condemnation of the proposal, the unique landscape which would be destroyed by Coalpac's open-cut and highwall mining intentions, the assessment process running concurrent with an increasing awareness of the health issues associated with open-cut mining and coal transport, and the activism of those in the Cullen Bullen Lifestyle Group Inc which value their amenity and refuse to be '**coal-lateral**' damage!

Coalpac has contributed to complexity by presenting incomplete biodiversity reports, modifying the boundary to its proposal, changing the open cut and highwall mining footprints, and creating uncertainty in relation to the biodiversity offsets package; **all this before lodging its Preferred Project Report (PPR) on April 9 2013**. Furthermore, should our informal advice be correct, Coalpac has now amended its PPR¹, persuaded senior Planning staff to visit the region and be exposed to the pro-mining case undiluted by contrary evidence, and seemingly put much pressure on the DP&I through a politically-based 'back door' campaign.

The assessment process devised by the Minister was meant to be 'hands off' (from the Minister's viewpoint) and 'open and aboveboard'; and this was initially the case. Unfortunately, the longer it takes to release the DP&I's assessment report, the more concerned one becomes about the 'current' transparency of the process² and the likelihood of political interference. Suspicion regarding the latter is fomented by the proposed amendments to the Mining SEPP (State Environmental Planning Policy) which, if passed, will effectively make the economic benefit and 'significance' of a deposit the principal assessment criteria, thereby lowering the importance of environmental and social values.

It is sad that, just when the DP&I was developing a broader appreciation of the values contributing to and principles of ecologically sustainable development (ESD)³, the focus of the NSW Government⁴ is

increasingly subjugated to narrowly based economics. Regrettably, this Government sees the expedient price of everything but the broader value of nothing!⁵

What can you do now?

Email Premier O'Farrell (premier@nsw.gov.au) and copy it to Minister Hazzard (office@hazzard.minister.nsw.gov.au), and Chris Wilson - Development Assessment Systems & Approvals (Chris.Wilson@planning.nsw.gov.au);
or by phone 02 9228 5239, 02 9228 5258 and 02 9228 6111 respectively.

Ask why the DP&I's report is taking so long? And why the report is apparently dealing with a proposal which differs significantly from the one placed on public exhibition?

Brian Marshall.

¹ Coalpac is entitled to do this, as long as the 'changes' are not of sufficient magnitude to comprise a new application – the DP&I website states: “To lodge any required documentation (e.g. Response to Submissions, revised EIS, or EA) or if you would like to submit a modification application, please [click here](#). (for proponents/applicants only)”

² Particularly when Coalpac and its highly-paid consultants were allowed to comment extensively on the 'Further submissions' relating to the PAC1 report and have their comments placed on the DP&I's website, whereas the Joint Groups' rejection of Coalpac's arguments and opinions were not so posted.

³ The importance of ESD in planning is fully recognised by the Australian and Local governments (see <http://www.environment.gov.au/about/esd/index.html>; <http://www.lgnsw.org.au/policy/ecologically-sustainable-development>)

⁴ This is despite the importance of the concept of ESD being acknowledged and embraced by the NSW Government (see <http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/SustainableDevelopment>)

⁵ With apologies to Oscar Wilde - <http://www.goodreads.com/quotes/77057-nowadays-people-know-the-price-of-everything-and-the-value>