



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

August 15, 2013

**The Hon Barry O'Farrell, MP
Premier of NSW,
Level 40 Governor Macquarie Tower,
1 Farre place,
SYDNEY NSW 2000**

By Email: office@premier.nsw.gov.au

Dear Premier,

The draft Mining SEPP amendment 2013

The Society emailed you (11/08/2013) a copy of its response to the draft of the Mining SEPP amendments.

The present letter aims to summarise BMCS' concerns as the draft amendments are an unfortunate way of dealing with a particular problem. In effect, the amendments involve using a steam-roller to crack a walnut and have adverse, hopefully unintended consequences.

Mining and extractive industries companies seek a rapid, ideally positive response to development applications. The NSW Government is sympathetic to development but, having rejected the previous government's heavy-handed Part 3A system, has opted for a 'hands-off' approach in which the importance of ESD (Ecologically Sustainable Development) is recognised.

Such an approach can sometimes result in an application being rejected, despite the development being favoured by the Government. To address this by amending the mining SEPP would be a major step backward for two principal reasons:

1. It is likely that under the existing system, which already favours miners, the application was deservedly rejected.
2. The amended SEPP (as proposed) would effectively remove 'lip service' to ESD and be heavily biased towards mining-approval outcomes.

In relation to item 1, BMCS notes that, irrespective of miners' concerns, the existing system has inadequately protected our drinking water catchments, and has presided over impacts to declared wild rivers, the Greater Blue Mountains World Heritage Area, and small communities.

As for item 2, by making economic factors the principal consideration, it follows that such things as the integrity of drinking water catchments, endangered ecosystems, and the health and amenity of communities are of secondary importance.

Similarly, by making a range of assessment items non-discretionary, the amenity of communities, the scenic values of the region (and its tourism), and the endangered ecosystems and species will be compromised. This is not least because a company's consultants rely heavily on computer-based modelling programs which regrettably involve numerous assumptions and should never be construed as absolute. Decision-makers must have the capacity to make judgements about the quality of the data on which the development application is based. Assurances by consultants who stand to benefit from repeat business and have a compliant reputation should not be accepted unquestionably.

The Society believes that, in making economic considerations the principal determinant for assessment and thereby constraining the judgement of decision makers, the amendments to the Mining SEPP (if enacted) would be detrimental to ESD and to the longer-term future of this State and its citizens.

The matter is drawn to your attention and should assuredly be revisited.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Marshall". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping underline.

***Dr Brian Marshall,
For the Management Committee***