

NEPEAN ACTION GROUP

SUBMISSION

10. 11. 05

**RE: BHP BILLITON'S SUBSIDENCE MANAGEMENT PLAN APPLICATION
FOR APPIN COLLIERY LONGWALLS 301A TO 302**

TO: THE HON. IAN MACDONALD, MINISTER FOR PRIMARY INDUSTRIES

&

DIRECTOR, ENVIRONMENT, DEPARTMENT OF PRIMARY INDUSTRIES

210 MORETON PARK RD., DOUGLAS PARK, NSW, 2569

Our ultimate challenge is to make our rivers and lakes the report card of our civilisation.

Don Blackmore, former Chief Executive, Murray Darling Basin Commission.

Water is fundamental to life – everyone has an obligation to protect it.
Wentworth Group of Concerned Scientists

Section One. The Nepean Action Group

This section outlines the activities and the general position of the Nepean Action Group (NAG) regarding mining on rivers in the Upper Nepean Catchment, leading to our opposition to this Subsidence Management Plan (SMP).

The second section expresses our concerns over the approvals process and the apparent inability of our government and its agencies to protect the catchments and rivers.

Following sections address some of our major concerns with the case BHP Billiton puts forward in this SMP, while the final section details NAG responses to the so-called community consultation process as outlined in the SMP.

The Nepean Action Group was formed from local people in the Upper Nepean Catchment in 2004. 90 attended our launch in Douglas Park. We have held public meetings and events, such as "Paddle for the Nepean" attended by 80 canoeists, we have been on four delegations to visit Ministers and public servants in the city, we have presented our case to Wollondilly Shire Council, we have written submissions, letters and emails, we have released many media updates, and we have photographed damage from mining in our rivers.

NAG is not opposed to mining. We are not hostile to BHP Billiton. We only want the NSW Government to protect our rivers from destruction by ensuring that all future mine plans are set back at a safe distance from all rivers. We are part of the newly formed Rivers SOS Coalition, nineteen environmental groups campaigning for a safety zone of at least 1 km round rivers in NSW, to protect them from further damage by mining operations.

NAG was formed to oppose BHP Billiton's plans to mine under the Upper Nepean River between Douglas Park and Menangle. We are pleased by the fact that BHP Billiton has since altered its plans and will no longer mine directly under the Nepean, however we argue that planned longwalls still go dangerously close to the Upper Nepean River on both sides.

Changing the original plan meant that BHP Billiton will lose some coal, and we regret to say that the corporation therefore decided to put a set of three new longwall mines on the Upper Cataract River in order to compensate. So another river is also under threat. This is the subject of this submission.

NAG's major concern is the inevitability of cracking, fracturing and buckling of beds of the Upper Cataract River and its 18 tributaries/creeks in, and beyond, the area around the proposed mines, which we call Appin 3 for the purposes of this submission.

Thousands of cracks and fractures in riverbeds, resulting from subsidence and upsidence, cause water loss and pollution. NAG members and many others have been witnessing over more than a decade these mine-induced disasters in our region. We have seen destruction in the Lower Cataract and the Upper Georges Rivers, and Stokes Creek, Wongawilli Creek, Ousedale Creek and the unnamed creek near Appin Colliery. Brennans Creek near West Cliff Colliery has been diverted and dammed up to provide an outlet for saline groundwater being pumped out of BHP Billiton's West Cliff Colliery. Further south, the Bargo River has been cracked in many places, and tilted through upsidence, by the operations of the Tahmoor Colliery, now owned by Centennial Coal.

Now BHP B want the approval of our elected representatives, and our bureaucracy and government agencies, to continue this path of destruction on the Upper Cataract, and in

the very near future they also will want approvals to mine on the Upper Georges (again!) and the Upper Nepean.

What kind of society are we if we allow this permanent damage to our precious rivers and creeks to go on, year after year, in spite of the loss of our natural heritage, and some of the priceless beauty spots in our region? The profit involved for the corporation, the government (via royalties) and the shareholders can never compensate for the permanent damage we are witnessing.

We add here that two members of NAG had the opportunity to address the last AGM of BHP Billiton at the Darling Harbour Convention Centre last year. Both made a plea, to the Board and the CEO Chip Goodyear as well as to shareholders, to stop wrecking rivers, and both received applause from the 900 shareholders present. We need to put this on the record, as the corporation cannot now use a common excuse of corporations behaving badly: "Our shareholders make us do it."

We do recognize the importance of mineral resources to our economy. This sector has superseded agriculture and is the top income earner. But mineral resources are non-renewable. Australia's economy can be buoyed by mineral wealth for only a short time.

Minerals are being ripped out of the ground with indecent haste. It is the responsibility of the government to ensure that our natural environment does not suffer irreparable harm in this process. It is a matter of inter-generational equity. The corporation and the state, through royalties, may benefit in the short term, but we have no right to bequeath a badly degraded environment to future generations. NAG members feel strongly about this issue.

We say that if mining techniques at present cannot avoid harming the rivers, then why not wait and mine later when appropriate technology is developed? The coal will not run away. Also, BHP Billiton say that Appin 3 must be developed in haste in order to provide continuity of supply for their clients. We have argued that previous contracts were no doubt entered into when this high quality coking coal was half the price it now is. If contracts have to be broken because of government intervention to prohibit damage to a river, new contracts at current prices on the spot market would provide the corporation with twice the profit. We would like this argument to be investigated by consent authorities.

As for the corporation's argument about loss of jobs if mining is delayed, we are sure that BHP Billiton's record profit of \$4.5 billion last financial year puts the corporation in a good position to put a few hundred miners on half pay, or find other projects for them to work on temporarily. NAG is concerned with job loss, especially as miners are friends and neighbours in this locality. We note however that a number of miners privately support our goal of saving our rivers. Some of them spent their childhood on these rivers. One has a beach on the Nepean named after his family. These men know how precious our rivers are.

Section Two. Problems with the Approval Process for Mining

Each mining development is assessed and approved one at a time. With each one that wrecks rivers and/or creeks and/or wetlands, the catchments as a whole suffer water

loss, desiccation and degradation. For example, the Bargo and the Cataract Rivers, and their many tributaries, are in turn major tributaries of the Hawkesbury-Nepean. However, in the SMP approval process, the health and indeed the survival of the whole catchment is not taken into account. Thus the cumulative damage goes on unchecked. Who is responsible for such shortsightedness?

After the “water scare” of 1998 there were reforms in catchment management and extra funding, however the pace is too slow. The Regional Environmental Plan, “Sustaining the Catchments”, has been drafted and then revised since 2000 but is still apparently only in draft form (the draft plan names mining as one threat to the catchments).¹

A Healthy Rivers Commission report commented in 2003: “... it is a matter of concern that nearly four years after its commencement the second public exhibition of the Regional Plan is still awaited and a number of government decisions to advance this process are still pending.”² This is still the case two years later.

The Sydney Catchment Authority at present seems not to have the funding or staffing or legislative powers to adequately protect and monitor the catchment areas. Appin 3 lies within one of the SCA's Special Areas, which are defined as environmentally sensitive and in need of special protection. The Upper Cataract acts as a channel taking water from the Cataract dam to be pumped to Sydney and Macarthur from Broughtons Pass. This water needs to be protected from every kind of pollution or contamination. Accordingly SCA signage in the area, on padlocked gates, threatens trespassers with a fine of \$11000. But the SCA seems powerless to protect the area from a destructive mine development, a million times worse than the occasional bushwalker, which is bound to pollute the river, and will certainly not have the “neutral or beneficial” effect on the water quality as called for in the draft REP.

The numerous agencies and authorities involved in catchment management and mining/development approval processes are not integrated sufficiently and in an atmosphere of uncertainty much equivocation seems to occur. For instance, six NAG members attended a Camden meeting on 3rd October with representatives from the Hawkesbury Nepean Catchment Management Authority, largely in order to raise our concerns about the effects of longwall mining on rivers in our catchment.

We were informed that the HNCMA has no jurisdiction over water as such and that they were unable to support our opposition to mine damage to rivers in the catchment. Yet their home page on their web site announces that they “play a vital role in the management of one of the most important catchments in Australia.” It was established in 2004, with a budget of approximately \$14 million p.a. , mostly from the Commonwealth Government, to “ensure the protection and sustainable development of land, vegetation and water resources within the catchment.” Its newsletter, Issue no. 3, claims it is producing a Draft Management Action Target for River Health, and a “theme team” for river health has been established. We remain confused.

There would seem to be no effective protection for this catchment. As the Healthy Rivers Commission report stated: “... in the absence of the drive to integrate around common goals, this process [of interagency discussions of planning and management] generally

¹ SCA Web Site: www.sca.nsw.gov.au

² HRC, *Hawkesbury Nepean and Shoalhaven River Systems*, June 2003

results in only loose co-ordination and collaboration rather than ... achieving significant progress towards 'whole-of-system' approaches to catchment and river management."³

So we are not only faced with an unsatisfactory SMP/approvals process for this mining development, which takes no account of cumulative effects on the catchment as a whole, but we are also faced with a scandalously uncoordinated set of agencies and authorities which, though faced with a large scale threat to yet another river in their domain, are apparently able to do little other than run weed and rubbish removal programmes, virtuous as these may be.

The 1999 Williams Audit of the Sydney Catchment Authority comments: "Failure to support the Authority with adequate legislative powers and effective institutional arrangements is the paramount hazard facing the hydrological catchments that supply Sydney's drinking water."⁴

This judgment seems apt for every other agency as well, seemingly unable to carry out their charters of protection of catchments, river health, water quality, or threatened species.

Section Three Inevitable Cracking and Fracturing of the Upper Cataract

The SMP admits that cracking and fracturing of the river bed and the eighteen tributaries of the river is likely, but argues that this will be only a minor effect as the three planned longwalls do not go directly under the river bed.

NAG argues that these longwalls are so close to the river bed that the effects will not be all that different from the cracking and buckling, fish kills, vegetation dieback, water pollution, and gas releases seen in the Lower Cataract after BHP B mined directly underneath that river in the 1990s.

Details of this damage is well-known and can be found in the 2 reports of the Cataract River Taskforce of 1998, the 2004 report of the Hawkesbury Nepean River Management Forum, the 2005 Final Determination of the NSW Scientific Committee, and papers and books by subsidence experts such as B.K. Hebblewhite of University of NSW and the late Lax Holla, former principal subsidence engineer for the Department of Mineral Resources.

Several years ago, BHP Billiton's subsidence consultants assured all and sundry, including Peta Seaton, MLA for Southern Highlands, that mining about to take place on the Upper Georges River behind Appin township would not have the same shocking effects as were seen on the Cataract River. This was entirely inaccurate. The Upper Georges is permanently damaged and polluted. We advise decision makers not to have faith in SMP predictions that damage to the river will be minor.

Pat and Barry Durman, of the Macarthur National Parks Association, have made and shown at a conference held this year at the University of Western Sydney, a detailed video of the damage to the Upper Georges River. NAG members have taken photos

³ HRC, p. iii

⁴ Ticky Fullerton, *Watershed*, ABC Books, 1992, p.26

this year of crumbling grouts and the once beautiful Marhnyes Hole, now drained and the colour of pumpkin soup.

We ask all decision makers to abide by the Precautionary Principle, which is about to be incorporated into the Mining Act, in this and other applications, especially in a supposedly protected Special Area.

In his book on subsidence in the Southern Coalfield (our region) Lax Holla, former Principal Subsidence Engineer for the Department of Mineral Resources wrote that in some situations accurate predictions are virtually impossible and he calls for special care in rugged terrain (like the Cataract Gorge) where “large strains are likely to occur.” He adds: “While conservative designs may unnecessarily sterilise coal reserves, the cost of conservative designs may be justified when balanced against the cost of wrong predictions.”⁵ Our rivers are priceless.

Attachment D, Section 5, of the current SMP takes pains to outline the possibility of anomalies or wrong predictions, due to unknown geological features.

It is clear that BHP B cannot guarantee the outcome of mining, especially in the “rugged terrain” so close to the riverbed. The SMP makes it clear that some cracking will occur but wants us to believe that, since mining is not directly under the river, the cracking will be relatively minor. But there is ample evidence that subsidence effects and cracking may occur well beyond the longwall panels. The Rivers SOS coalition has collected evidence to this effect, which can be found, on the web site www.riverssos.com. There are numerous examples given of cracking, fracturing and ground movements well beyond the longwall panels.

And as we have seen, all predictions may be inaccurate, and anomalies may occur, large cracks may open up and there may be large cliff falls into the river. There were several rock falls along the Lower Cataract after mining. We maintain that no risk whatsoever should be taken with Sydney’s water supply, or with the threatened species, especially the Macquarie Perch,⁶ or the Aboriginal cave paintings found in rock overhangs on the cliffs near the longwalls⁷, all of which are detailed in the SMP.

Section Four Water Loss and Pollution

Large water losses down cracks and fractures in the Lower Cataract are estimated to be over 1.3 ML/day. The current environmental flow releases of 1.7 ML/day “are not enough to keep the river flowing or to maintain acceptable water quality.”⁸

Losses down the Upper Georges River are not so well researched, although the above-mentioned video, available from Pat and Barry Durman of the NPA, shows large quantities of water disappearing down “the plughole” and down large cracks.

⁵ L. Holla & E. Barclay, *Mine Subsidence in the Southern Coalfield*, Department of Mineral Resources, NSW, 2000, pp. 33-4

⁶ SMP, Section 9

⁷ SMO, Section 10

⁸ Hawkesbury Nepean River Management Forum, *Water & Sydney’s Future*, DIPNR, 2004, p. 55

Any loss from cracking in the Upper Cataract would be outrageous at a time of water shortages. But we cannot believe that loss can be avoided. BHP Billiton argues that water loss down cracks will resurface again later. We put this to a geologist who worked with DMR (unfortunately he insists on anonymity). He found this questionable and advised us to ask what actual research had been done to show this, here and on the rivers already damaged. There is no research that we are aware of.

The Hawkesbury Nepean Management Forum (a panel of scientists and other experts) states that: "In areas where riverbeds are not connected to the natural water table, a net loss of surface waters to the underlying groundwater occurs."⁹ NAG understands this to be the case in the Upper Cataract, a "perched" river.

The NSW Scientific Committee write that "Cracking and subsequent water loss can result in changes to riparian community structure and composition."¹⁰

Moreover they add that "There is no systematic assessment of the impacts of coal mining on the water resources in the Southern coalfield." They say that water will often reappear downstream (not always) but that in the Lower Cataract "water that re-emerged downstream was notably deoxygenated and heavily contaminated with iron deposits; no aquatic life was found in these areas."¹¹ This contamination is apparently an effect of water absorbing the ecotoxic chemicals from the cracked Hawkesbury sandstone as it flows through multiple cracks and fractures. The fact that all re-emerging water is contaminated in this way is not mentioned in the SMP as far as we could ascertain.

One well-documented impact in the Lower Cataract concerns the shocking pollution effects that residents are witnessing to their sorrow. This involves loss of water quality from increased iron, aluminium and manganese, and changes in pH. This in turn causes the "excessive growth" of iron oxidizing bacteria.¹²

Large amounts of gas may escape, composed of methane, carbon dioxide and other gases. The Lower Cataract Gorge smelt of rotten egg gas (sulfate) according to residents. Methane seeping through river water depletes oxygen, and in the riparian zone it kills patches of vegetation, including large trees.

The presence of gas in the Appin 3 area would turn any bushfire into a conflagration. There have been at least two serious fires in the area near Appin 3 in the last two years (four NAG members, Tom Chapman, Maurice Blackwood, Stuart Wine and Andrew Imrie are volunteers in the Rural Fire Service and are concerned at the possible effects of gas erupting in fire in the untouched bush of the Special Area).

Section Five Remediation?

Section 12 of the SMP outlines the corporation's rehabilitation technique, which is merely the grouting of cracks with an unsightly cement mix. The NSW Scientific Committee found that the very limited amount of grouting attempted in the Lower

⁹ p. 55 of above

¹⁰ NSW Scientific Committee, *Final Determination*, July 2005

¹¹ NSW Scientific Committee

¹² HNRMF, p 55

Cataract in 1999 was only partly successful. More grouting was attempted at Marhnyes Hole in the Georges River, previously a favourite picnic spot and swimming hole for generations of families from Appin; here too the result is unsightly, though a little more effective, but some years later shows signs of deterioration and movement. Marhnyes Hole still does not hold water and is partly drained, especially in times of low flow. Repairs elsewhere on the Georges have also been attempted at Jutts Crossing but repairs are only attempted at places which are frequented by locals and are easily accessed; a small proportion of the total area undermined.

Even less grouting has been attempted in the Lower Cataract, almost a decade after mining ceased. A minimum of work was carried out over a few days in 1999. Media were summoned to the scene and NAG members recall favourable media reports of the corporation's commendable efforts to grout cracks, using a helicopter to winch men and cement into the rugged gorge. The company never returned. No work has been carried out since.

NAG wonders how any undertaking on repair in this SMP can be taken seriously. If government agencies, over this lengthy period, cannot ensure that BHP Billiton remediates the damage it has previously done; if BHP Billiton has not bothered to undertake remediation/rehabilitation on a voluntary basis, then either grouting is a) admitted to be somewhat ineffective or b) the corporation will not put resources and manpower into rehabilitation work, in part because no government agency is carrying out monitoring or enforcement.

NAG will want to ascertain that those taking part in this approval process have actually seen previous damage and the lack of remediation for themselves before making any decision. NAG members would be happy to walk anyone concerned into both rivers to demonstrate the ongoing problems. NAG twice requested Minister Kerry Hickey, the previous Minister for Mineral Resources, for representation on the interagency remediation committee, as we believe that local knowledge of the rivers is an invaluable asset. This request was refused. We wonder why. Meanwhile we have not seen, or heard reports of, committee members carrying out on-site inspections. We hope this is happening on a thorough and regular basis but we are not confident.

BHP Billiton, in this SMP, frequently alludes to a future agreement with the Sydney Catchment Authority to mask the expected water loss through cracks and keep the river flowing at a reasonable rate by putting 5 ML/day in from Cataract Dam. This will also dilute the expected contamination and pollution described above, the SMP assures us.

This will not prevent water loss though it will help to hide it. Sydney drinking water will still disappear down hundreds of cracks and fractures, but this will not be noticeable given a high flow. This proposition is outrageous and should not be countenanced.

The Lower Cataract receives an average environmental flow of 1.7 ML/day. Will a much higher rate of 5 ML/day be sustainable, given the droughts and water shortages widely predicted? Who will pay for the increased flow? If the company is to contribute, we ask how long will it be around to contribute either to remediation work and/or any water payments?

Section Six Social Impacts and Community Consultation

According to the SMP application, in s15, the main purpose of the community consultation program is 'to ensure that stakeholder issues are identified, at the beginning of the process, and considered during the preparation of the SMP.'

However, stakeholder issues have been presented again and again - and ignored. No regard for stakeholder views has been evident beyond the obvious decision, which the company saw as inevitable, to not mine directly under the river. The wider community. In reality, given the well-documented and irreparable damage perpetrated by long wall mining under the Lower Cataract and Georges Rivers, mining under the Upper Cataract and Nepean Rivers was never going to eventuate in current and future plans, as the company must have been well aware. NAG has been told informally that government agencies, working behind the scenes, pressured BHP Billiton not to mine directly under rivers in future. The company's response is to mine so close that damage will still be inevitable,

The 'barrier' between the end of the longwall panels and the cliff line is totally inadequate, as discussed above, to prevent irreversible damage to river bed, cliff and rock formations, water flow and water quality, flora, fauna and aquatic habitats – the primary concerns of all stakeholders and the community at large. Furthermore, the 'Precautionary Principle' has been completely ignored throughout this SMP, the company relying, as it always has, on 'monitoring' of damage and those inappropriate, unsightly 'remediation' techniques.

The SMP states, in s15.1, that since March 2002 there has been a comprehensive community consultation program to assess stakeholder and broader community views. S 15 outlines key issues identified and strategies being implemented to address stakeholder concerns, supposedly with the aim of developing strategies to address those concerns (from both a technical and communication perspective)

NAG seriously questions the integrity and effectiveness of the consultation process. Specifically the following points are of concern:

1. The Appin Area Working Group is the company's community liaison group. It brings together company representatives with members of the community, and has been meeting monthly for several years. It accepts new members by invitation only. These are closed meetings with no organised flow on of information to the public. There appears to be a bias on the part of the meeting's facilitators toward the company. There is always a full agenda, with guest speakers (organised exclusively by the company) and little time for open discussion. The frustration of some members of the Appin Area Working Group is met by either a patronising attitude: 'We're sorry you're disappointed...' or a request to not be so personal, when commenting on company policy or plans. Members of the group report that the meetings are all about "them telling us, not about us telling them;" it is a farce – pseudo-consultation. We would like to tell them what we feel and think. When asking questions we are often gagged (supposedly due to time constraints).

Such a closed structure cannot adequately represent community views. There have been no open public meetings in our area whatsoever. Any "community consultation" processes have been carefully managed, e.g. only a couple of people from any one

group allowed, no media allowed, no time for input and discussion from the public, too much time on power point presentations from the company's representatives.

2. "Coalition News" is distributed to residents in the area. It is the company's flagship newsletter, and is totally biased towards the company. It does not give full details of community concerns; it publishes pictures only of the rivers in their pristine state, rather than the disgraceful state they are in following mining. It has only once reported the concerns of community members on the Appin Area Working Group. One critical report written by a community member was published on one occasion only. There is no open letter page, where community members might have an opportunity to express their concerns publicly. There is no indication here or in the SMP that every community member of the AAWG is opposed to the Appin 3 development as far as NAG can ascertain (many members seldom attend meetings at all).

3. The company has consistently adopted a patronising attitude toward the public evidenced, for example, by comments made by company representatives at a recent community conference held at UWS on the effects of long wall mining.

NAG, as mentioned above, also objects strongly to the fact that there is no community representation on the Southern Coalfields Rivers Remediation Committee, despite the fact that there is no one better qualified than those who know the rivers best – the local community.

Similarly, we object to the lack of community representation on the Interagency Review Committee, despite twice requesting this of the Minister, and despite the fact that it is the community which will endure many years of anxiety and concern as we witness the effects of longwall mine subsidence on our rivers.

The Social Impact Statement in s15.2 concludes that considerable effort has been made by the company to incorporate stakeholder views in its mine proposal, and that the decision to not directly mine under the Upper Cataract River is an example of this.

As stated above, NAG believes that this so called compromise was inevitable, given the outcry over previous damage. Furthermore the Statement agrees that uncertainty will always exist in the scientific arena in terms of predicting impacts of subsidence on natural surface features such as rivers. It is precisely for this reason that the community insists that the precautionary principle **MUST** be observed in this mine plan.

The report by Coakes Consulting presents an overview of the mitigation strategies put in place by the company to address issues of concern raised by the community (Table 1 – Social Impact Statement).

NAG seriously questions the effectiveness of these strategies, relying as they do on the previously ineffective 'monitoring and remediation', and an utterly inadequate buffer zone on the fragile cliff lines of the Upper Cataract River.

Lack of trust in the company is mentioned as a problem. Strategy: Ongoing consultation; information on impact; monitoring!

NAG's response: As outlined above, we have no faith in the consultation process as evidenced to date. We further regard 'monitoring' as typical of the company's past

practices, whereby damage was simply 'monitored' as the mining continued unabated, relying on later ineffective 'remediation', to cover the inevitable errors in subsidence damage predictions.

2. Ground water impacts – Strategy: Supplementary provision of water if required.

NAG response: This company must not be permitted to continue to waste Sydney drinking water supplies (purchased at a highly discounted rate), to cover its errors in damage prediction. Furthermore, the pollution of groundwater by the effects of longwall mining is unacceptable in any water catchment area, particularly that supplying the nation's most populous city

3. Potential for water loss; increase in poor drainage rates – Strategy: Minimum flow, 50m barrier, monitoring.

NAG response: minimum flow relies on a 5ML/day release from Cataract Dam, to cover any water loss as a result of mining subsidence. This is the same strategy used by the company when it destroyed the Lower Cataract River. In times of prolonged drought, can we afford to waste 5ML/day? Who will pay Sydney water prices for this water? The company? When the water re emerges, polluted, will it be fit to drink? The company has refused to honestly answer these concerns, at the Appin Area Workshop meetings and at every other venue.

4. Changes in pool/riffle sequences and stream barriers – Strategy: 50m barrier, grouting to seal the voids in the rocks beneath the creek beds.

NAG response: The company has admitted that cracking will occur in the creek beds. This is unacceptable, leading as it does to water loss, deep cracks and the release of toxic gases. Grouting in other riverbeds has proved ineffective, impermanent and unsightly. A barrier, of 1 km, as indicated elsewhere in this submission, and as supported by scientific evidence, would avoid damage of this kind to the river bed

5. Impacts on drinking water supply to Sydney – Strategy: Water quality studies, minimum flow as agreed by SCA

NAG response: As 3 above. The company believes that impacts are 'unlikely'. Given its record of inaccurate predictions we have no trust in the company's use of the terms 'unlikely' and 'insignificant' impacts

6. Visual amenity/Flora and fauna – Strategy: revegetation of area if gas results in death of vegetation

NAG response: Another example of 'mine and see'. Prevention is never better than cure, in this SMP, and this company's cures have proven ineffective time and again.

7. Gas Release – Strategy: 50m barrier, monitoring to assess impacts, revegetation

NAG response: Release of toxic gases is unacceptable to the community, as evidenced in all community consultation forums. Pollution of pristine water and vegetation dieback cannot be condoned by promises of 'monitoring'. The company acknowledges that there will be gas bubbles released, and has been unable to address this concern to the community's satisfaction.

8. Cliff overhangs, and rock falls associated with subsidence and mining operations – Strategy: Access prevention. Public access already prohibited as part of Schedule 1 Special Area lands.

NAG response: This strategy epitomises the environmental irresponsibility of the company. The SMP states that cliff and rock falls are of lesser significance than other concerns since the majority of steep land within the proposed mining area is inaccessible to the public. It ignores the environmental damage caused by rock and cliff falls per se, in terms of loss of wildlife habitat and degradation of the beauty of the natural river environs. The implicit condoning of such environmental vandalism by virtue of its location in an area generally inaccessible to the general public speaks volumes as to the utter disregard this company holds for the environment.

If the area is so special that public access is prohibited, the community cannot accept the irreversible damage to this special area caused by longwall mining within 50 metres of the cliff line.

9. Impact to Aboriginal and European sites of significance – Strategy: Monitoring; limiting access during times when longwalls are extracted closest to overhang sites.

NAG response: Again, this strategy completely ignores the community's insistence that cliff and rock falls are totally unacceptable, and that monitoring of damage done is not the answer. Fallen overhangs potentially destroy Aboriginal sites, wildlife habitat and visual amenity. To repeat again and again that because public access is limited, this kind of damage is acceptable is alien to all feedback given to the company during so called 'consultation'.

None of these strategies address the concerns of the community adequately. Thus the company's self-proclaimed aims of community consultation have totally failed in every respect. Community issues have been identified and then ignored during preparation of the SMP

Methodology is also addressed in s 15, as follows:

Consultation with landholders: property inspections included trespassing on stakeholder properties without permission and statements by consultants meant to intimidate and coerce.

Community information day at Douglas Park: Contrary to the statements made in the SMP, community members visiting the hall were outraged once they learned the facts behind the glossy pictures, and were presented with evidence of the damage the company has inflicted on local rivers in the past by using the same methods. This evidence was provided by NAG's display and information leaflets. NAG members set up a stall outside the hall (unmentioned in the SMP). The vast majority of community members were in support of a 1km barrier to protect rivers.

Appin area working group : Referred to above

Survey of residents: Several NAG members participated in this phone poll. The results reveal the lack of trust in the company, and in its community consultation process. The poll used the infamous “push poll” technique, with questions designed to favour the company as against the environment. For example, respondents were asked how many job losses they were prepared to countenance in order to save the environment, thus pitting people’s livelihoods against the environment, as the company always tries to do in order to divide the community. Respondents were also questioned about their awareness of the company’s grants to community groups, with information provided as part of the “question”. The Hunter Minewatch group informs NAG that Coakes Consulting used the same notorious “push poll” technique there as well.

Key stakeholder workshops in Nov and Dec 2004: New mine planning options presented. Stakeholder input indicated none of the options were acceptable as the longwalls still came very close to the river. Despite extremely heated discussion at these workshops, which left the company in no doubt about stakeholder and community concerns, these concerns were subsequently ignored in the final mine plans. NOTHING about the plan for Appin 3 was mentioned at these workshops

Stakeholder feedback sessions March 2005: Appin 3 was first mentioned, very briefly, with no detail or maps provided whatsoever, at this session. The company informed the community that Appin 3 was ‘necessary to fill a gap in coal production and enable the continued supply of coal while the Douglas Project (Area 7) was being developed’. All community participants at this session were outraged that lack of foresight by the company had resulted in a plan, which has the potential to damage the pristine Upper Cataract in the same manner as the now virtually dead Lower Cataract River. The point was repeated as it had been from the beginning, that the company should have learned from its past mistakes and planned to avoid mining anywhere near rivers from the outset. Heated exchanges followed the company’s statement that longwalls would come to within 50 metres of the steep cliff faces. This was not community consultation. This was not addressing community concerns.

Social context: The SMP states, s 15.2, that while coal mining has been a feature of the Illawarra region for more than 150 years, the demographics and expectations of the local and regional communities have changed dramatically since the establishment of mining in the area. Greater environmental awareness and increasing stakeholder expectations, with respect to industry practice, now have the potential to present significant risk to mining activities.

It is noteworthy that the company views environmental responsibility and community expectations as a real threat to mining activities, since it has been with just such a patronising attitude that the pseudo-community consultation has been conducted...a process which the company has been forced to follow, with neither commitment to environmental responsibility, nor to addressing community issues in any significant way.

CONCLUSION

The precautionary principle MUST be observed in this mine plan

Repeated requests from all stakeholder groups and the wider community for a wider buffer zone have been ignored by the company and the government in the grab for coal dollars.

The destruction of this area of the Upper Cataract in order to supply 9 months coal, to compensate the company for not mining under the Nepean River in its Douglas 7 project reveals both the greed of the company and its lack of planning foresight. Following the catastrophic damage inflicted on the Lower Cataract and the Georges Rivers by the company, its presumption that mining under the Nepean would be acceptable has led to the current situation whereby the company needs to 'fill the gap in coal production'.

The community and many stakeholders have stated frequently to the company that it must not risk destruction of the river because of a lack of forward planning by the company. However, it is now clear that community consultation as practised by this company with regard to the Appin 3 SMP has been little more than a mandatory ritual to be followed, then ignored.

Finally, information about the Appin 3 project is limited. There has not been enough time given to adequate research, as the decision to mine here has been made with unseemly haste. Consultants have scrambled to write inadequate reports. A full and proper Environmental Impact Assessment process must be initiated immediately. NAG is also requesting that a Commission of Inquiry be held. The past dismal environmental record of the company here and elsewhere must be taken into account, alongside a proper and less biased examination of environmental effects.