

**Major Development Assessment,**

**Department of Planning**

**GPO BOX 39, SYDNEY NSW 2001**

**29 April 2009**

**Re: Moolarben CM Stage 2 - No: 08\_0135 & Modification Stage 1 - No: 05\_0117 MOD 3**

I would like to lodge an objection to Moolarben CM Stage 2 - No: 08\_0135 & Modification Stage 1 - No: 05\_0117 MOD 3.

When this project first was announced the Premier's Department assured us that the 'highest standards' would be followed. Stage one approval in 2007 was not signed off by a Federal Environment Minister. Approval was granted by an assistant secretary while the Government was in caretaker mode and the public and the media were preoccupied with the Federal election. MLC Lee Rhiannon has reported new data released by the Australian Electoral Commission that shows Felix Resources as first time donors donated \$100,000 to Federal ALP and \$22,300 to NSW ALP, in the same year that approval was given. Since that time one of the independent panel experts is working as a consultant for another local coal mine, and a senior Planning Department officer is also a consultant for Moolarben Coal Mine (MCM) apparently to use contacts and experience in framing the company's response to our objections. The individuals and organizations involved are entitled to pursue their own interests. However this proposed expansion asks us to trust that the mine will do the right thing and that public representatives will be willing and able to regulate them. A reasonable person would be unlikely to conclude that this approvals process has been fair and transparent so far.

The community expects our Government's Officers and Ministers to do more than merely facilitate the approval of this project. At the very least this highly profitable company should be pushed to the best deal possible and the public interest should be paramount. The destruction of most of the remaining local remnants of White Box, the destruction of significant Aboriginal sites, the destruction of eleven kilometres of major creeks, and the wholesale removal of billions of litres of water from the headwaters of the Goulburn River

are all significant sacrifices which, with the carbon pollution from this project, will cost the community very dearly for generations into the future.

In 2005 Wilpinjong mine was approved to destroy 47ha. of mature good condition Grassy Box Woodland (GBW). In 2006 Transgrid was approved to destroy 57ha. of mature good condition GBW between Wollar and Wellington. In 2007 Moolarben Stage one was approved to destroy 65ha. of mature good condition GBW. Moolarben Stage 2 is seeking approval to destroy a further 167ha. The cumulative loss of this critically endangered ecological community (CEEC) will be 336ha. The Federal Government has just allocated \$50 million to a recovery program for this CEEC. The way to recovery, when more than 95% of this pleasant and productive woodland already has been lost in NSW, is to stop giving permission to bulldoze the mature remnants that remain intact. There is no way to offset the loss of this irreplaceable CEEC and approval for destruction of this magnitude of CEEC is not in the public interest.

The Stage Two MCM application to the Dept of Planning gives the government an opportunity to respond to widespread public concern by requiring the adjustment of the current mining approval plan to remove Underground 4 -long walls 9-13 and Open cut areas 2 & 3 from mining development. These areas are highly valued for a range of reasons from their irreplaceable water resources to their recreational, educational and in the Moolarben valley, agricultural regional vegetation values.

I support the proposal that the culturally and scenically significant Goulburn River Drip and Corner Gorges (which includes the Brett Whiteley mural) are fully protected from the impacts of coal mining by the addition of this section of the river corridor and adjacent escarpments from the Cassilis Ulan road and south covering Saddlers Creek road into the Goulburn River National Park. This is the only sure way that this iconic landscape of national significance can be safeguarded for future generations.(DP 759759 Lot 45 in total and northern section of DP 755439 Lot 30 Parish Lennox County Bligh)

The MCM groundwater study does not adequately assess the long term effects of mining on this water system. I support the recommendations that;

**No production bore field is permitted within at least 2 kms of the Goulburn River Drip and Corner Gorges.**

**Representative monitoring sites and baseline data are established along with appropriate trigger levels and contingency response plans that are based on extensive scientific assessments and have the confidence of affected landowners and community.**

**Appropriately qualified independent consultants are appointed to monitor and interpret the cumulative impacts of all mining operations affecting this area**

The proposed expansion includes the destruction of eleven kilometers of Murragamba and Eastern Creeks. The Goulburn River diversion was done in the early 1980's (by White Mining with Mr. Brian Flannery as manager) and we were assured in the environmental report and at public meetings that the diversion would be stone lined to prevent erosion and would not leak. We are still waiting for these promises to be fulfilled and currently this river diversion is an eroded disgrace to all involved in its approval (see attached photo).



Considering this past record I have no confidence that this new proposal will be any different. The recent environmental performance of MCM is not encouraging. The

establishment of test bores on Saddlers Creek Road involved inevitable disturbance and it only was after we complained that remedial work was done. Later when the Council established the MCM road entrance thunderstorms were predicted but no erosion bunding until we complained. In both cases they did respond promptly, but this experience shows that the need for environmental planning is not a high priority and the responsibility is on the public to make sure they do the right thing. I suggest that as **a requirement of any approval the company must complete the construction of any creek bed diversion to the stage where it is stable and successfully vegetated with locally appropriate species before the natural creek beds are altered in any way. The ecological integrity of the reconstructed creek bed should be confirmed by independent experts before any mining of the existing creek is allowed.**

The destruction of Aboriginal sites in the Murrumbidgee Valley should not proceed and the mine plan needs to be changed to protect the most important sites from damage as they are irreplaceable. The concerns of the Aboriginal people in the EAR for an appropriate keeping place for salvaged artifacts, and that compensation paid to individuals or families is divisive and inappropriate are valid and should be conditions for any approval. Also the grief people feel to see their sacred landscape ruined should be recognized and compensated in a just and transparent way (see letters appendix 4 Vol.5). I suggest that the land currently held by the Murong Gialinga (Lot 80 parish Durrigere, County Bligh Dp.750736 & Drip Picnic Area Reserve 81766) to the north of the expansion proposal could be considered as a site for a keeping place and centre for cultural rebirth if the Aboriginal stakeholders agree. The funding and empowering of the Murong Gialinga to establish a cultural centre on the land above the Drip Gorges could be put as a proposal complementing the inclusion of the Goulburn River Gorges into the National Park.

The stage 2 expansion of Moolarben Coal Mine, when combined with the already approved Stage 1 will produce more than 29 million tonnes CO<sub>2</sub>-equivalent each year for more than 30 years. MCM's impact assessment of greenhouse gases concedes that increasing GHGs will change existing climates and place stresses on ecological systems and that increasing concentrations of GHGs are largely attributable to the burning of fossil fuels. Felix Resources are making this proposal in the full knowledge that this project will result in fossil carbon pollution and that this will increase global climate change. The company then

claims that the amount of CO<sub>2</sub>-e produced by this mine (total >710 Mt) is negligible and complies with Ecologically Sustainable Development. They base their argument on a bizarre set of calculations and claim that the effect of a given quantity of GHGs to the atmosphere is less and less as the concentration becomes higher and higher (see pp.21-2 Section 5 Impact Ass. & p.3,Appendix 3B). This specious reasoning is eerily reminiscent of a famous satire...

*It is known that there are an infinite number of worlds, simply because there is an infinite amount of space for them to be in. However, not every one of them is inhabited. Therefore, there must be a finite number of inhabited worlds. Any finite number divided by infinity is as near to nothing as makes no odds, so the average population of all the planets in the universe can be said to be zero. From this it follows that the population of the universe is also zero, and that any people you may meet from time to time are merely the product of a deranged imagination.*

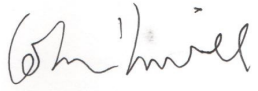
The Restaurant at the End of the Universe, Douglas Adams, chapter 19, p 245

After arguing that foregoing the colossal amount of carbon pollution to be produced by this project would be pointless MCM goes on to say they will do their bit and encourage their workers to car pool. This is an insult to all who strive to help prevent the catastrophe of Climate Change. Already there have been grievous effects from less than one degree rise. The smallest amount of global temperature rise may appear to be a small number but this number is on a Global scale. This means the effects are proportionately large scale and long running. MCM's argument is deceptive, if the amount of carbon pollution predicted for this project is calculated as part of the likely cost of the temperature rise in all its trillions of dollars or in human misery or the number of species lost for example their pollution would not be insignificant at all. To say that the need to cut carbon pollution can only be dealt with on a global scale and thus individuals or single projects can do nothing fails to perceive that a global problem requires everyone to act even though they are only individuals (acting as individuals was how we arrived at this point after all). We will greatly increase the risk and the cost of climate change if everyone insists on going last. We cannot argue figures with the laws of physics.

**I support the recommendation that the Government should retain the right to revoke approval to mine this publicly owned resource with no compensation if**

**within a reasonable time, say 5-10 years the coal produced is not being utilized in an ecologically sustainable carbon capture and storage system.**

Yours faithfully,

A handwritten signature in black ink, appearing to read "Colin Imrie". The signature is written in a cursive style with a large initial 'C'.

Colin Imrie