

## OPEN CUT MINES ISSUE NOT DEAD AND BURIED

Lake Macquarie residents have twice won against the spectre of open cut mining, in 1980 near Cooranbong and again with the Awaba open cut in 2007.

The 2007 proposal saw a wide range of people join together, angry at the prospect of an open cut mine and even more angry at the government's failure to rule it out. After much prompting, on 2 February I announced my candidacy in the March 2007 state election. Within hours the government announced a new planning policy prohibiting open cut mining in Lake Macquarie. Too little too late for many voters!

In May 2008 open cut mining reappeared in another guise with Centennial Coal's proposed Oltan auger mine. Augers were to drill into coal seams exposed by trenches from 40 to 100 metres wide and 3.6km long. Around 46% of the coal was to be won from these trenches.

Once again there was widespread public alarm at what was seen by many as a form of open cut mine too close to residential areas. Residents had concerns about health risks from fine dust and other impacts such as noise, loss of bushland, water pollution and falling property values. They were again fighting a proposal that should never have reached first base.

An FOI request I made ultimately revealed the Department of Planning anticipated the application would be dealt with under Part 3A – a clear sign that the proposal could be considered.

Centennial abandoned Oltan in August 2009, citing the high costs of noise controls. This was a great relief for the public, but left the open cut mining policy untested. The Government claimed that the mining policy stopped the project, but Centennial refuted this in writing.

For many the threat of open cut auger mines remained unresolved, so I conceived a Private Members Bill to overcome the Government's seeming indifference to the weakness in its mining policy.

After investigating the technical aspects of mining I found a simple solution: define an underground mine as where people work beneath the earth's surface when the mine is operating and prohibit all other mines.

The Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009 supported underground mining in Lake Macquarie and avoided technical or semantic arguments about mining processes and access pits. It was the ideal protection for the community and would provide the certainty that the government's mining policy either didn't or couldn't.

I courted Government support, even offering to let the Government amend the Bill or take it over – as long as we got the result. The Government clung to the falsehood of Oltan being rejected under the mining policy and I was

met with rejection and criticism by opponents who were ill informed on Olstan's history and the arguments involved.

During debate the Government raised points that were either irrelevant or factually incorrect. The Member for Fairfield, Joe Tripodi, said the Bill would prohibit all auger mining. Wrong! It supported augering in underground mines.

Member for Bathurst, Gerard Martin, said my Bill could prohibit surface facilities essential for underground mines. Wrong! It would not affect mines where people work underground. He also spoke of legal implications for existing underground mines, however the Bill's drafting specifically avoided this. Wrong again!

Member for Charlestown, Matthew Morris, said it created a precedent, but that occurred with the rushed new mining policy in 2007. This Bill sought to fix the grey areas caused by the haste.

The Minister for Planning honoured a commitment made in debate by providing me a copy of the Department of Planning's summary of independent legal advice on Olstan - rather limp advice that I had received much earlier under FOI and had placed on my website months before!

The legal summary shows that future applications for auger mines may not be subject to a blanket prohibition on open cut operations, but instead face an arbitrary judgement on the question of how much coal could come from an open cut trench as opposed to an auger.

Once again I've written to the Minister asking this same question.

For anyone who sees this as a "not in my backyard" issue, this "backyard" is part of a narrow coastal strip that has already served the state greatly through mining and power generation. It is part of a local government area with the fourth largest population in NSW - set to grow by some 70,000 people by 2032. With some 80,000 currently living within a 10-kilometre radius of the proposed mine, it's a backyard worth protecting.