



# *Coastwatchers*

*Eurobodalla's environment group*

SUBMISSION TO THE  
NSW DEPARTMENT OF PLANNING

REGARDING CHANGES TO THE  
NEW SOUTH WALES

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

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## 1. COASTWATCHERS ASSOCIATION INC.

The Coastwatchers Association Inc. is an incorporated association based at Batemans Bay NSW. It represents community members on the South Coast of NSW, who have concerns about local environmental issues. The Association has successfully represented its members for 30 years. Its' principal aims are:

*To take action to protect the natural environment and preserve the integrity of ecological systems in the Eurobodalla and Shoalhaven areas of New South Wales*

*To oppose the unnecessary destruction and degradation of natural systems, unbalanced development, and pollution.*

The Association opposed the 2010 Development Application regarding the **Dargues Reef Gold Mine** by Big Island Mining Pty. Ltd., in 2010, and again opposed the Modification to that Development Approval in 2015. That experience highlighted some major deficiencies with the development approval process.

**If it is no too late, the Association requests these deficiencies be considered by Government, and be included into the NSW Planning Law Changes to the Environmental Planning & Assessment Act 1979.**

## 2. MANDATORY CONSIDERATION OF POTENTIAL DOWN STREAM IMPACTS FROM MINING DEVELOPMENTS

Worldwide there are one or two major incidents per annum with mining operations, such as the recent devastation in Brazil where the tailings dam collapsed and the contents plus millions of tonnes of sediment travelled 650 km to the Atlantic Ocean devastating everything in its path, including the death of at least 16 people.

Yet the NSW Government does not require the miners to even consider risk factors downstream when planning approval is being considered for mining developments. In the case of the Dargues Reef Gold Mine near Braidwood any consideration of potential downstream impacts was totally ignored. Yet the creek and river system that flows from the mine passes directly through the Deua National Park, and it provides 85% of the Eurobodalla Shire's water supply after 45 km, and after 60 km enters the Pacific Ocean.

In the late 1990s the Timbarra gold mine commenced operation at the headwaters of the Clarence River near Tenterfield NSW. The NSW Government claimed it was a world-class operation. The mine site was unsuitable for the use of cyanide due to the soil type, the wetland conditions, elevation and high rainfall, yet it was approved. After 6 months operation the mine was placed into 'care and maintenance'. In 2001 the mine was closed after heavy rainfall resulted in two successive overflows of cyanide from the ponds into the Timbarra Wetlands and the Clarence River, causing massive environmental damage. After a number of owners, the mine site was rehabilitated, and the licence relinquished in September 2013. The geographical position of this mine is almost identical to the Dargues Creek gold mine. High altitude, a river and a short distance to the ocean.

This is the blind leading the blind. The miner saying we will never have problems and the NSW Government agreeing. In other jurisdictions risk assessment of down stream

impacts is one of the most important features that is considered when assessing development applications of mining operations. Yet in NSW it is ignored.

**The Association recommends that the NSW Planning Law Changes include a mandatory requirement that any mining development proposal be required to consider down stream environmental and social impacts in the event of an incident at the mine.**

### **3. MANDATORY CONSIDERATION OF ENDANGERED AND VULNERABLE SPECIES IN ALL DEVELOPMENTS**

Not only did the NSW Government not require the miners to consider risk factors downstream when planning approval was being considered for the Dargues Reef Gold Mine, but they required no consideration by the miners, both at the mine site and down stream, of the impacts in the event of an incident, of Critically Endangered, Endangered and Vulnerable species on its own NSW lists of these species.

The Critically Endangered, Endangered and Vulnerable species were totally ignored.

Yet the Commonwealth Department of Environment did exactly the opposite, and imposed conditions on the Dargues Reef Gold Mine's development under the (Cth) Environmental Protection and Conservation Act 1999, given the potential catastrophic impacts of the Dargues Reef Mine on endangered species in the region, in the event of an incident.

**The Association recommends that the NSW Planning Law Changes include a mandatory requirement that any mining development be required to consider down stream impacts on Critically Endangered, Endangered and Vulnerable species on its own NSW lists in the event of an incident at the mine.**

**Further, as with the Commonwealth Government, this aspect should be determined by the Minister responsible for the Critically Endangered, Endangered and Vulnerable species, not the Minister for Planning.**