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TO: NSW Department of Planning, Industry and Environment

SUBMISSION: DRAFT ILLAWARRA-SHOALHAVEN REGIONAL PLAN 2041

FROM: [REDACTED]

Thank you for the opportunity to comment on the Draft Illawarra-Shoalhaven Regional Plan 2041 (the Plan). As I am a Wollongong resident, my comments are mostly restricted to the Illawarra.

There is much about the content of the Plan that is pleasing. The Vision is inspiring. I was thrilled to read: "The Illawarra Shoalhaven is transitioning to a low-carbon economy. It is a global hub for clean energy, with green hydrogen production at the Port of Port Kembla, biogenic gas and pumped hydro in the Shoalhaven, and employment precincts that capture solar power and convert waste to energy". However, I am concerned about the Plan's vagueness, lack of specificity and inconsistencies.

Acknowledgement of Traditional Owners

The Plan's acknowledgement of the regions Traditional Owners is informative for the non-Aboriginal reader and seems respectful. However, I do think the Acknowledgement could be made stronger. Please consider the following suggestions.

- Obtain Indigenous confirmation of information contained in the acknowledgement and give endnote reference to the confirmation;
- Give endnote reference to the "statutory objectives" that the acknowledgement commits the NSW Government to observe (2nd last paragraph);
- Clarify of the meaning of 'sustainably' (2nd last paragraph). The reader needs to know that the commitment being made here is to 'sustaining Indigenous cultural well-being'.
- Recognise the unequal relationship that still exists between Indigenous and non-indigenous Australia by altering the second part of the last sentence: "... build ... pathways for knowledge of Aboriginal communities to be shared with non-Aboriginal communities".
- Clarify what 'capacity' means in the last paragraph.

The acknowledgement's highlighting of the Indigenous proverb "if you care for Country, it will care for you" is important. Could the sentence following mention of the proverb be made clearer, something like, " This requires Country to be cared for throughout the processes of planning, constructing and managing all the region's developments"?

Introduction

In the Plan's Introduction, the claim is made that environmental protection has improved, an achievement of the previous regional plan. I don't think this is a justified claim. While

some improvements to the management of the natural environment have been made (e.g. WCC's Urban Greening Strategy), the rate of land clearing has not decreased (despite loss of SE forests to bushfire!), fragmentation of biodiversity corridors continues, and development encroachment and impacts on riparian areas continues. As I understand, local government and local DPIE Environment Division officers have worked hard to improve stormwater control in West Lake greenfield urbanisation areas but are still left frustrated at the intransience of developers to take adequate measures. Stormwater mismanagement remains a major threat to the health of Lake Illawarra and its catchment.

When making claims such as this, the Plan should provide reference to the relevant data.

Vision

The second last line seems to be missing some test: "access to ..." what?

Less vagueness, more specificity

There is a lot of vagueness and what reads as 'wishful thinking' throughout the Plan.

Less vagueness

At the risk of sounding very pedantic, I want to suggest that the misuse and over-use of some terms detract from the value of the Plan.

ECOSYSTEM: This is a valuable ecological term and at this time of ecological crisis, it is important that it remain so. Metaphoric use of the term risks compromising its importance to science. In the Plan, the term is used metaphorically to promote innovation and collaboration, and we are even expected to know what Port Kembla's "world-class research ecosystem" actually means. The emphasis throughout the Plan on collaboration is one of its best features. However, the term 'ecosystem of collaboration' is surely oxymoronic. The importance the Plan gives to innovation and research is also warranted. However, the use of 'ecosystem' in relation to innovation and research glosses over what the reader needs to know: what bodies are working together to achieve what?

SUSTAINABLE/SUSTAINABILITY: In the Plan these two words are each used 26 times. In most of these 52 uses, the nature of the sustainability being talked about is not given: is it economic, cultural, environmental, social? Without qualification this word is not meaningful.

RESILIENT & VIBRANT: These two words and their nouns are over-used in the Plan, as they are generally. They have been drained of any punch they once had and should be allowed a rest.

More specificity

The Plan is a strategic one and I know it is unreasonable to expect quantified estimates for smaller local-level developments and management demands. However, the Plan would benefit if more data and targets were given for the whole region and for what are designated as strategic matters, such as centres and precincts. The Plan tells us what the

population increases within 20 years and the overall housing need. We need to know what and when the region, its centres and growth areas, will need in the way of roads, public transport, schools, tertiary education, hospitals, and community services generally.

In regard to housing need, the Plan provides percentages of low income householders in housing stress. It tells us what is being provided but does not specify how far short of the need current provision falls. Five- and ten-yearly targets for affordable and social housing should be given. Strategy 19.3 is essential but should include targets.

On p13, the Plan promises a, "...framework for these areas [Regionally Significant Precincts] that will identify precinct-specific opportunities for renewable energy, water cycle management, building design, green infrastructure, the circular economy, transport, smart technology and public spaces." It is not clear how the Plan's precinct framework actually does this.

What would be particularly appreciated (and timely) would be a detailed account of what the region as a whole, and each of its strategic parts, need in way of improvements to the ecological services we all rely on: clean air, clean water, healthy soil, robust biodiversity. Action 5 of Objective 14 – the Illawarra-Shoalhaven Green Grid – and Action 6 of Objective 15 – Illawarra-Shoalhaven Sustainability Roadmap – make for a great start but Action 5 could include a specific and strong emphasis on preserving and enhancing our LGAs' 'natural areas', our forests, green and riparian corridors, fresh and sea waters. And Action 6 could specify a target for CO2-emissions reduction for 2025-6 based on the region's emissions for 2018 (9.7Mt), as shown in diagram p56. To establish this target, expert help would undoubtedly be available.

Contradictions

I am particularly concerned about the contradiction between Objective 10 'Sustainably maximise productivity of resource lands' and several other of the Plan's 30 objectives, especially many of the objectives under the theme 'A sustainable and resilient region'.

Objective 10 includes the statement: "The region lies partly within the Southern Coalfield that provides the only hard coking coal in NSW and is in high demand for steel production around the world. As the region grows, the continued extraction of resource lands should remain a priority."

The statement is not well based in that the demand for coking coal for steel making across the world and in Australia is a rapidly decreasing in demand and its continuing extraction should not be a considered a priority. Plan is wrong

As Plan authors would be aware, most of the coal mining taking place in the Southern Coalfields are in WaterNSW's Special Areas of the Sydney Drinking Water Catchment (the catchment). Labelling the catchment as 'extraction resource land' is unacceptable and at odds with much else that is contained in the Plan. These Special Areas (described in the Plan as Sydney Catchment Authority special and controlled areas) are home to water storages on which most of the Illawarra and Sydney depend. Water is an essential of life – coal is not. It is more than time these areas were 'sterilised' of fossil fuel resources.

Coal mining in the drinking water catchment has long been opposed by many experts, state agencies and many in the community. (Community submissions objecting to the recently exhibited Dendrobium Extension Project totalled 776; those supporting the project totalled 578.) There is undeniable evidence that mining has caused and continues to cause water loss, water contamination, and serious, irreparable subsidence, including cracking of creek beds and the bedrock under Coastal Upland Swamps.

Coastal Upland Swamps are legislated Threatened Ecological Communities (TECs). Other TECs and rare fauna and flora are found in the catchment and suffer from water loss and other mining impacts. It is astonishing that the Plan does not emphasise the biodiversity importance of the catchment area and the threats that mining poses.

There are also strong social and economic reasons for not approving any more coal mining proposals in Australia, including in the Illawarra. As long ago as 2015, the Climate Council warned “For Australia to play its role in preventing a 2°C rise in temperature requires over 90% of Australia’s coal reserves to be left in the ground, unburned”. Further, coal is a toxic substance, causing serious human health problems, serious pollution problems and the burden of coal ash waste. The coal industry is a dying industry and the sooner the Illawarra can transition to the “low-carbon economy” and become “... a global hub for clean energy, with green hydrogen production at the Port of Port Kembla”, as envisaged in the Plan, the better!

Reasons for non-approval of proposals for new mines or mine expansions in the Declared Sydney Catchment Area are particularly compelling and are implied by many of the Plans strategies. Objective 10 is in obvious conflict with Objectives 3, 11, 15, 16 and 17. I suspect I would find many others if time allowed.

In the introduction to the theme “A sustainable and resilient region”, the Plan state’s “The Illawarra Shoalhaven will be a leading region in sustainability through collaborative approaches that reduce emissions, promote a circular economy and low emissions transport, position the region as a hub for clean energy, use water resources efficiently and increase tree canopy cover.” Objective 10 sits in stark contrast to these words.

Objective 10 is also in glaring conflict with all objectives and strategies that purport to support the well being and self-determination of Indigenous people. Coal mining in the catchment and the Illawarra Escarpment has caused heart breaking damage to the Indigenous artefact and art of the area <https://www.abc.net.au/news/2020-10-02/illawarra-indigenous-sites-being-destroyed-behind-barricades/12717976>. Following is a quote from the submission made by the community organisation Protect Our Water (POWA) to the Dendrobium Extension Project: “... physical survey of 6.91 % of areas likely to be affected by longwall mining in Areas 5 and 6 [the proposal’s areas for longwall mining] identified 58 Aboriginal heritage sites, including six new sites. These were mostly rock shelters with or without art and deposits, and axe-groove sites located in creeks. These sites are around 2,000 years old and testify to the lives of Dharawal peoples. Prior mining experience suggests that one-in-ten rock-based sites are likely to be impacted, for example, rock shelters can collapse and axe grinding sites can be broken.” (Powa’s submission is attached attached).

WaterNSW is among those deeply concerned about catchment mining and deeply opposed to the most recent proposal for expanding catchment coalmining, the Dendrobium Mine Extension Project.

In a meeting (26.11.20) with the Independent Planning Commission, convened as consent authority for the Dendrobium Mine Extension Proposal, WaterNSW's Manager of Catchment Protection, Mr Clay Preshaw described the Special Areas as " ... largely pristine areas of bushland where public access is restricted. These special areas are vital buffers to protect drinking water... there is a particular reference in our Act [NSW Water Act 2014] to maintaining the ecological integrity of the special areas." Transcript of meeting <https://www.ipcn.nsw.gov.au/projects/2020/10/dendrobium-extension-project-ssd-8194>

I ask the authors of the Plan to read the above mentioned meeting transcript. It reveals WaterNSW's acute concerns about the impacts of catchment mining in general and the Dendrobium extension project in particular:

- water losses and water contamination during mine operation and post operation;
- permanent and ongoing water loss and contamination;
- the water loss in times of drought (which are predicted and proving to be longer and more severe due to climate change);
- in the case of the Dendrobium proposal, unanswered questions about the possibility for a viable mine plan with reduced catchment impacts;
- the uncertainty that plagues the relevant environmental and engineering science (".. all environment impact assessments for major projects like this [Dendrobium] are based on models which are inherently uncertain");
- unlikelihood of the Dendrobium proposal meeting legal requirements such as the Neutral or Beneficial Effects Test;
- the failure of mining companies to recognise third-order streams as significant enough to protect them from subsidence;
- likelihood that 25 of the 45 upland swamps within the Dendrobium mine area will experience serious or irreversible damage; increased fire risk posed by dried swamps.

WaterNSW's Principles for Mining in the Declared Sydney Catchment Area are set out and explained here https://www.watnsw.com.au/_data/assets/pdf_file/0009/119889/Principles-for-Mining-in-the-Declared-Sydney-Catchment-Area.pdf Basically, they are:

Principle: The integrity of water supply infrastructure must not be compromised.

Principle: Leakage from reservoirs as a result of mining activities must be avoided.

Principle: Regional depressurisation and diversion of surface water flows must be avoided and minimised by adopting a precautionary approach to mine design.

Principle: All mining activities must have a neutral or beneficial effect on water quality.

Principle: The ecological integrity of the Special Areas must be maintained and protected.

WaterNSW has no power to prevent the approval of a mining proposal. How the agency is meant to met its principles (as outlined above) should the next mining adventure in the catchment go ahead is hard to fathom. The situation is described insightfully in POWA's submission: "We consider an approval would put WaterNSW in the untenable position where they have responsibility for the management and operation of the state's water supply systems, but no power to veto profoundly damaging projects. Nonetheless, WaterNSW would then have to somehow deal with and be accountable for the terrible consequences when such projects go ahead. This situation truly is utterly inconsistent with object (i) of the EP&A Act which is to promote the sharing of the

responsibility for environmental planning and assessment between the different levels of government in the State.” The matter of mining in the catchment is not only at odds with many of the Plan’s objectives and strategies, it also undermines the Plan’s emphasis on whole-of-government collaboration and collaboration between industry and government.

The Dendrobium extension lands are within three Illawarra councils, Wollongong, Wollondilly and Wingecarribee. All three councils have objected to and expressed concern about the Dendrobium proposal. Councils are listed as the lead bodies to implement Strategy 10.3. The Plan is asking them to work towards conflicting objectives.

In the above-mentioned meeting, Mr Preshaw goes on to say “... it is important to say, both the policy settings and the scientific understanding of mining activities have changed in the last decade since a major mine of this nature [Dendrobium] was approved in the catchment. In particular, the need for surface water licences, the Aquifer Interference Policy, and the Water Sharing Plans have been established. The NorBE test [Neutral or Beneficial Effect Test], as it currently is under the SEPP (Sydney Drinking Water Catchment) 2011 and its application to State Significant Developments. Protection of swamps and listing of upland swamps and the Offset Policy in the Biodiversity Conservation Act, itself.

And in terms of the scientific understanding, we’ve now got a much better way, much better methods of predicting the height of fracturing. We understand the potential for the height of fracturing to extend to the surface and to cause water losses, surface water losses. We now understand the increased likelihood of swamp impacts that are overlying longwall mining, and the difficulty of remediating mining damage to swamps and water courses. And we also have a better understanding of the extent of non-conventional subsidence impacts, in particular valley closure, which is relevant to this proposal.”

With apologies for this hurried submission, I ask Plan authors to read POWA’s submission to the Dendrobium extension and the expert submission by hydrologist Peter Dupen, also attached.

Conclusion

Despite its vagueness and contradictions, I think the Plan has taken the region and the NSW Government closer to accepting and acting on the understanding that human well being is dependent on a healthy natural environment. I thank the authors for this achievement while at the same time urging them to make the Plan’s strategies more contiguous with that inspiring environmental truth that has been given to us by Indigenous culture and highlighted in the Plan’s Acknowledgement of Traditional Owners: if you care for Country, it will care for us”.

PS A more comprehensive contents page would make for an easier read.