

Singleton Shire Healthy Environment Group

“NSW Resident’s Health Protection Planning”



A community-based group looking to address Environmental issues affecting Singleton Shire residents

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We seek identification as to what is making our Children and Community Sick so they can be mitigated by OH&S Compliance Orders.

SSHEG Focus on Health

SSHEG is Not Anti Mining or Anti Power Stations

11 November 2019

Productivity Commissioner
NSW Planning Review

ProductivityFeedback@treasury.nsw.gov.au

“Planning Assessment Expertise, Protocols & Procedures”

This SSHEG Submission is in response to The Hon Rob Stokes, Minister for Planning and Public Spaces; has requested the Productivity Commissioner to conduct a review of the Independent Planning Commission and report back to the Minister by mid-December 2019.

For 10 Years SSHEG on behalf of the Singleton Shire Community and Local Doctors GP’s, Resident’s Health has been sacrificed and sidelined by the Mining Industry in the Hunter Valley. Our member’s dialogue with Department of Planning over 20 Years, and more recently with PAC and IPC submission has met with Health stonewall resistance since the World Health Organisation 17 October 2013 declaration “*IARC: Outdoor air pollution a leading environmental cause of cancer deaths*”.

Our efforts are as follows: - “*Ten years of SSHEG Hunter Valley Air Pollution Research and Dialogue; three years with NSW Health; five years examination with the Upper Hunter Mining Dialogue has been unable to move Institutional Air Pollution practices. By Oct 2013 the World Health Organisation however emphatically declared the Disease associations and life shortening impact of all levels of Airborne Pollution*”.

This brings us to the recent example of the Rix’s Creek Continuation SSD6300 Project of 2015 to Oct 2019 and used here to illustrate the shortcomings and improvements for current Planning, Assessment, Approval, Decision Making, Conditions of Consent, the Day to Day Implementation Plans and Compliance & Complaint Processes, etc.

Issues are: -

1) SSHEG and NSW Health are seeking the Health Cultural change in Mining and Planning processes to Minimise Air Pollution in the Mining Industry in the Hunter Valley.

Include Assessment Priority Significance Audit of Government Decision Making Processes in the light of the World Health Organisation call for Health Authorities to play a leading role in Minimising Air Particulate Matter.

*Refer **Attachment 3** SSHEG Air Quality & Community Health 10 Year Review 2008 – 2018, August 2018; **Attachment 4** SSHEG “Impact on Health of Air Quality in Australia”. Senate Committee March 2013.*

2) Rixs Creek Continuation SSD6300 May 2015 – October 2019.

All Major Projects to be allowed only a fixed period of one year for the application in which time the project is either approved with conditions or Not approved or Terminated.

3) IPC & Planning - Decision Making Professionalism

Incorporate weighted judgement guidelines for Open Cut Mine Assessment Evaluation Criteria and Issue Decision Making Weighted Significance decisions not too dissimilar to Government Tendering evaluation Tables and selection of a complex nature.

4) Mine Productivity under threat - Pollution Dispersion

Planning, IPC & EPA to consider Mine Pollution Dispersion and Drifting Patterns Mitigation Controls as they impact “Near Neighbours Health” in conjunction with restrictions on and from Backburning, Pollen Spore events, Wood Fire Heaters and Bush

Burning events in the context of their Social Licence to Operate; and like other industries they are under threat of Full or Progressive Shutdown as Air Quality Hospitalisation levels Spike.

NSW Health summary for Air Quality was detailed on 3 Dec 2015:

“There is no evidence of a threshold below which exposure to particulate matter (PM) is not associated with health effects. Therefore, it is important that all reasonable and feasible measures are taken to minimise human exposure to PM, even where assessment criteria are met”.

5) IPC- NSW Health Concerns of 3 December 2015 – 15 Aug 2018.

*Health having been identified as the highest Singleton Resident’s Complaints Priority, repeatedly stated by NSW Health in both Planning, PAC and IPC evaluations; the IPC Evaluation, Assessment and Decision-Making Processes of 15 August 2018 appear naive for such a professional organisation. Refer the technical complexity in **Attachment 1 & 2** - SSHEG “Mine Pollution Dispersion & Minimisation” dated 11 November 2019, including SSHEG Upper Mining Dialogue Project Proposal entitled “Coordinated Coal Mining Air Pollution Mitigation Controls, Options as WHO & NEPM Standards lower in the Hunter”.*

6) IPC & Planning - Independent Health Expertise

Calls for Planning & IPC to be equipped to be truly independent with Specialist Health and Coal Industry Pollution Disease Expertise to keep pace with changing more stringent NEPM & WHO Standards as better targeted Medical Research since WHO 2013 Declarations on Air Pollution and Human Diseases unfolds.

*Refer **Attachment 5** “SSHEG Response to IPC Rixs Creek Report Aug 2018”*

7) IPC & Planning Independent Real Time Visualisation

*Expose Mine Operators to Resident's Day to Day Pollution associated Disease Impacts by Bringing to bear modern Emerging Real Time Visualisation Technologies as a Mine Process Pollution Mitigation Control Methodology for Mine Pollution Dispersion and Minimisation. Refer **Attachment 2** for Proposal outline.*

8) IPC & Planning - Procedural Legal Fairness

Audits for procedural fairness and visible transparency that Submissions are afforded due consideration before Approvals. The IPC approval Rixs Creek of 4 Oct 2019 and the submission extension to 11 Oct 2019 followed by Approval the next day 12 Oct 2019 leaves this decision open to challenge. These are additional grounds to the repeat of MTW 2002 etc attempts by intervening Modifications to hoodwink here that Rixs Creek Appeals provisions were extinguished by IPC Approval process. Clearly if Approvals are limited to one year, Mine applications need to be in order or otherwise reworked as a new application overcoming these uncertainties: clearly a productivity consideration. Further the MTW Land & Environment Court Rulings, and Supreme Court actions mean Preston's rulings are as valid today across the entire industry. Again, Preston's rulings on Rocky Hill Mine also apply. For certainty The Planning Approvals Process needs to be streamlined and their duration limited for the benefit of all parties.

9) IPC & Planning - Conditions of Consent as a Legal Entity

Transferring Approval decision Making into enacted Conditions of Consent lack legal connectivity in their implementation. Specific Wording is omitted but inferred while reliance on further Wording and Content Change is left in the hands of Mining Company Management Plans wording: Mostly without ongoing Compliance Auditing of the key Approval Decision Making Concerns.

Thanking you in anticipation of your acknowledgement.

Dr Neville Hodkinson PhD

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- Attachment 1 *SSHEG “Mine Pollution Dispersion & Minimisation” dated 11 November 2019. (9 Pages)*
- Attachment 2 *SSHEG Upper Mining Dialogue Project Proposal entitled “Coordinated Coal Mining Air Pollution Mitigation Controls, Options as WHO & NEPM Standards lower in the Hunter” dated Sept 2019. (22 Pages)*
- Attachment 3 *SSHEG Air Quality & Community Health 10 Year Review 2008 – 2018, August 2018. (5 Pages)*
- Attachment 4 *SSHEG “Impact on Health of Air Quality in Australia”. Senate Committee March 2013. (47 Pages)*
- Attachment 5 *SSHEG Response to IPC Rixs Creek Report Aug 2018” (17 Pages)*