



USING THE LAW TO PROTECT THE LAND

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EDO Cases to Protect Prime Agricultural Land

- HUB Action Group Inc v Minister for Planning and Orange City Council (the HUB Case)
- Caroon Coal Action Group Inc v Coal Mines Australia Ltd and Minister for Mineral Resources

Hub Action Group v Minister for Planning and Orange City Council

- The Hub Action Group opposed a proposal to develop 'the Hub' regional waste facility on prime agricultural land near Molong.
- Argued that the proposal was likely to limit the ability to use the land for agricultural purposes, even after closure of the landfill.
- Productive agricultural land is a scarce resource which needs to be protected for future generations.

Hub Action Group v Minister for Planning and Orange City Council

- Land and Environment Court found that the proposal was not acceptable, partly because it was likely to adversely affect the long term use, for sustained agricultural production, of the area and the adjoining prime crop and pasture land.



Hub Action Group v Minister for Planning and Orange City Council

“(the) obligation of inter-generational equity would be breached by the carrying out of development which has an adverse effect on the long-term use, for sustainable agricultural production, of prime crop and pasture land. Such development compromises future generations’ ability to use and enjoy to the same degree as the present generation the prime crop and agricultural land.”

Caroona Coal Action Group Inc v Coal Mines Australia Ltd and Minister for Mineral Resources

- Challenge to exploration licence (or transfer of coal authorisation) granted to Coal Mines Australia P/L
- Exploration licence covers 344 square kms at Caroona (Liverpool Plains)
- Liverpool Plains one of the most productive food bowls in Australia
- Coal reserves estimated at 500 million tonnes
- Massive land-use conflict

Caroona Coal Action Group Inc v Coal Mines Australia Ltd and Minister for Mineral Resources

- Key concerns:
 - impact of longwall mining on groundwater that sustains Liverpool Plains agriculture (cracking and contamination)
 - Subsidence and water competition
 - Health impacts

Caroona Coal Action Group Inc v Coal Mines Australia Ltd and Minister for Mineral Resources

- The crux of the case is that it appears the Minister did not follow the correct process in conferring the exploration licence on BHP
- If so, the licence will be invalid (but can be reissued)



Caroona Coal Action Group inc.

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**“We must ensure mining does not destroy
our environment, agricultural production, people’s
livelihoods, health and attachment to the land.”**