Dr Neil Shepherd  
Chair  
R015/12 - Coalpac Consolidation Project  
Planning Assessment Commission  
GPO Box 3415,  
Sydney NSW 2001

Dear Dr Shepherd,

Submission in reply to Coalpac Response to Submissions Report (Aug 2012)

The Colong Foundation for Wilderness maintains its objection to the Coalpac Consolidation Open-cut mining proposal because it is too close to the village of Cullen Bullen and mainly located in a public forest of high conservation value.

In regard to the natural environment, the Coalpac proposal is similar to the 1991 Novacoal proposal for an underground Colliery at Airly that was subjected to a lengthy Inquiry in 1993 by the then Acting Chairperson, Commissioner William Simpson. The 1993 inquiry found that the area was indeed suitable for national park reservation were it not for a coal resource.

Mr Simpson wrote ‘I am persuaded that the natural qualities and heritage considerations ... qualifies the Mount Airly-Genowlan Area for consideration to be included as part of the Wollemi National Park.’ He then recommended approval of the colliery, with conditions on consent that ultimately would lead to a lower-impact underground mine and a state conservation reserve.

Like the Airly situation, the Ben Bullen State Forest is also suitable, and has been proposed for, reservation under the National Parks and Wildlife Act (NPW Act) by the Office of Environment and Heritage. There the similarities end, however, for Coalpac proposes to mine the coal resource by open-cut methods. The proposed open-cut mine offers no opportunities for a concurrent or even sequential use of the same area as a reserve under the NPW Act. A large open-cut coal mine and a reserve under the NPW Act are mutually exclusive land uses.

Coalpac’s $23 million biodiversity offset in effect tacitly acknowledges that high conservation values would be destroyed if the mine proceeds. These offset properties do not replace the 837 hectares of publicly-owned bushland that will be lost to conservation by mining. Intact natural areas supporting threatened plant communities, many individual threatened plants and animals are not replaced by the 3030 hectares of acquisitions and Voluntary Conservation Agreements, no matter how secure. The Gardens of Stone complex of micro-habitats are irreplaceable and 837 hectares of it will be destroyed by the proposal if it proceeds.
Nearly all of the Lithgow coal seam in Ben Bullen State Forest had been mined by underground methods. The open-cut proposal would re-mine the forest, placing its environmental values under a double-jeopardy.

While open-cut mining may be tolerable in indifferent country, it is intolerable in this scenic, very bio-diverse landscape. Environment groups say no to open-cut mining in the Gardens of Stone and oppose especially this mining proposal, that would, if approved set a precedent for the Pine Dale
colliery open-cut proposals (stages 2 and 3) and to a lesser extent the Newbeck colliery open-cut proposal (Coalpac pg 212) that would then also be proposed within the Ben Bullen State Forest.

A precedent, and an environmental double jeopardy Development Application

No open-cut colliery of any size has been proposed in the Gardens of Stone Stage 2 reserve proposal prior to this proposal by Coalpac. The claim that this Integration proposal is the ‘last remaining significant open-cut resource which can be presently economically mined in the Cullen Bullen area’ is not correct (pg 146).

Until the Coalpac proposal emerged in December 2010, environment groups had not only expected but been informed that the Ben Bullen – Long Swamp Division would be reserved as a priority. Once the last longwall panel in the Baal Bone Colliery adjoining this proposal to the north had extracted the last of the higher quality coal from the Lithgow seam the forest would be reserved, or so conservationists thought. The question of large-scale open-cut mining in the Gardens of Stone, until that moment, had hardly been imagined, except in the abstract.

From the perspective of the Colong Foundation, the issue is not so much about the relative proportion of the Gardens of Stone that this open-cut proposal represents, rather, the step change in adverse environmental impacts upon the superlative Gardens of Stone area that this proposal represents. It is not a question of the proposal destroying 7% of the Ben Bullen – Long Swamp Division. It is a question of, now that almost 100% of the Lithgow seam has been mined by underground methods, should the anticipated reservation as the appropriate sequential land use for the Ben Bullen State Forest be subjected to an environmental double jeopardy.

Given that almost all the good quality coal has been removed by underground methods, is it not justifiable to re-mine this public forest in a manner that destroys its outstanding heritage values. Note that the figure above that indicates that almost the entire state forest has been subjected to underground mining.

The proposed re-mining by open-cut methods by Coalpac (837 hectares) and then by Enhance Place (ultimately up to a 500 hectare proposal) and Centennial Coal (a 240 hectare proposal) will bring intolerable open-cut impacts on an area of international conservation significance.

Its a double-dipping DA too

Note also that Coalpac seeks to ramp up the intensity of its mining activity from the 2009 consent. The community, the government and its agencies had a reasonable expectation that the 2009 consent (see figure below left) would establish a definite limit on the open-cut intrusion into the Ben Bullen State Forest, where its high-wall mining is currently limited to the talus slopes, and does not mine under the escarpment of the Great Dividing Range. Coalpac has sought to replace, through a sequence of development applications, areas approved for high wall mining with open-cut mining over the same area. This practice creates inefficiencies; wasting time and government resources on inappropriate double dipping development processes.

The practice of mining companies double-dipping through multiple development consents to ramp up mining intensity should be discouraged for the efficiency reasons outlined in the Planning Green
Paper (June 2012). Recommendations should be made arising from this Inquiry to prevent its occurrence as the practice increases adverse environmental impacts. If the original proposal contained these higher impacts then perhaps the proposal would have been refused consent.

Multiple mining applications over the same area of public forest also requires all parties to repeatedly revisit the proposed mine and revise their stance. As explained in the Foundation’s primary submission this process has occurred in three previous development applications by Coalpac. This time, the open-cut mining is proposed to be moved into steeply sloping forests of the talus below the escarpment on the Divide.

Above - two figures illustrate the double dipping process through multiple development applications over the same area. The arrows indicate the open-cut proposal area of forest to be mined by high-wall methods.

Proposed talus slope open-cut mining will destroy the heritage values of the adjoining pagoda area. The escarpment forests will be scenically compromised and ecologically isolated.
This part of the public forest is a spectacularly beautiful area, of great plant species diversity with outstanding cultural heritage: it is a key part of the Gardens of Stone.

The Ben Bullen State Forest has provided for 130 years the best of its coal. Any open-cut mining inside the red lines will remove the area’s spectacular plant diversity and ruin its scenic value. **This small project area has thirteen threatened vertebrate animals, plus at least 30 threatened plants and 20 plant communities.**

By way of relative comparison, Mr Gary Schoer of the National Parks Association in his letter to the *Herald* on September 8th 2012 lists up to 12 threatened vertebrate species occurring in the 80,000 hectare Metropolitan Special Area.

It is unconscionable to destroy this part of the Gardens of Stone through a re-mining operation to win a second rate coal resource comprising a collection of thin, inter-bedded coal seams that are half dirt and which produce a thermal coal that is, after washing, up to 30 per cent ash.

The development application for open-cut mining should be refused to protect the talus slopes of the escarpment along this part of the Great Dividing Range from being open-cut. This sort of mining is unprecedented in the Gardens of Stone.

If approved, Commissioners should note that the Pine Dale open-cut proposal to the south of Coalpac seeks to mine the lower hilltops of the Ben Bullen State Forest. The following proposal for a stage 3 of this mine will seek approval to open-cut mine along the talus slopes that face the headwaters of the Coxs River on the eastern side of the Ben Bullen State Forest. The Colong Foundation has been concerned for over a decade with this increasing trend in the intensity of coal mining and its impacts that can be traced through a series of mining proposals in this and other coalfields.

**Offsets not appropriate for endangered ecological communities**

It is inappropriate to propose an offset for clearing of Endangered Ecological Communities. Offsets should not be used to balance the impacts of clearing over-cleared vegetation that is not in low condition.

Allowing the proposed offsets would be contrary to the *Native Vegetation Act* which, while it does not apply to Coalpac, does define policy and a legislative benchmark in terms of current offset standards. Under the methodology used to assess clearing and offsets under the Act the following applies (from Native Vegetation Regulation 2005 Environmental Outcomes Assessment Methodology, 4 March 2011, p37):

‘Clearing of over-cleared vegetation does not improve or maintain environmental outcomes for biodiversity, unless the vegetation is in low condition.

Over-cleared vegetation is native vegetation that:

1. ... [not applicable]; or
2. is a vegetation type that is more than 70% cleared; or

3. is an ecological community listed as ‘critically endangered’ or ‘endangered’ under the Threatened Species Conservation Act 1995 (NSW) or listed as ‘critically endangered’, ‘endangered’ or ‘vulnerable’ under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth).

It appears that some of the offsets that Coalpac are proposing are inconsistent with government policy established under the Native Vegetation Act. The Endangered Ecological Communities located in the project area should not be cleared.

**Too much Greenhouse gas is produced by this proposal**

Dr Haydn Washington explains the greenhouse estimates for the proposal represent 0.02% of annual global emissions and 1.3% of Australia’s current annual carbon footprint. Using blasting, excavators, dump trucks and bulldozers to sequentially peal away, layer by layer, 0.84 of a Sydney Harbour of earth and rocks between the thin inter-bedded coal seams is a very inefficient method of open-cut mining. This type of open-cut mining compares unfavourably with the mining of one, tens of metres thick, high quality coal seam with a drag line, such as performed in the Hunter Valley.

The Coalpac proposal’s energy inefficiency is reflected in its astoundingly high annual Greenhouse gas emissions that will be produced when extracting this relatively small 70-100 million tonne deposit of mostly low grade thermal coal. It is exactly these sorts of coal deposits that should not receive development consent but be kept in the ground. Approval of this mine would be irresponsible in terms of Greenhouse gas per tonne of low-density thermal coal produced.

**Discharge Point LDP001 unnecessary for this proposal**

The Coalpac reply to submissions mentions a desire to retain LDP001 as a discharge point in the catchment of Long Swamp for ‘flexibility’ purposes (Coalpac pg 85). The EPL1095 discharge limits are inadequate to protect Long Swamp and the Coxs River headwaters. Coalpac’s claim in its reply to submissions that the water in the old workings is low salinity fresh water of surface origin (Coalpac pg 92) is at odds with independent water quality data previously recorded for this discharge point. This is also a point of amusement because Xstrata has always argued in its subsidence management plans for the adjoining Baal Bone Colliery, that its longwall operations were not hydraulically connected to surface waters. Yet the bord and pillar low intensity Old Invincible Colliery is suddenly hydraulically connected.

The discharge from LDP001 was observed in the latter half of 2007 to have a salinity ranging from 1600 – 1750 µS/cm (Jonkers, 2009) which is what would be expected from groundwater emerging from the Lithgow coal seam. Any future discharges would severely damage the ecology of Long Swamp. This swamp meets the definition of a Temperate Highland Peat Swamp as an endangered ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1998.
Impact of Coalpac’s allegedly benign, low-salt surface water stored in the abandoned old underground workings appears to be in line with the impact expected from contaminated groundwater emerging from the Lithgow coal seam.

This saline water may be suitable for washing coal and controlling dust levels at the mine but may be less unsuitable for use in washing sand that is subsequently used in cement manufacture.

The environmental consequences of discharges of such water were not been considered in relation to the continued use of LD001. Double-jeopardy development applications only operate in one way, to ramp up mining impacts, not wind them back. No proposal has been made by Coalpac to treat these discharges to ensure a neutral or beneficial effect on the Coxs River or Long Swamp. Treatment of mine effluent would be required if this effluent was to be used during droughts in the condensers of the Mount Piper Power Plant, as Coalpac discovered with much embarrassment arising after providing untreated mine effluent for this purpose.

The Colong Foundation requests that this Inquiry recommend that LDP 001 be removed from Environmental Pollution Licence 1095 to prevent further damaging effluent discharges at the rate of 2ML/day. Further, the Inquiry should recommend that no licence for LDP 001 be issued under part 5 of the Water Act by the Office of Water.

Blast protection for the escarpment and pagodas

The proposed Coalpac statement of commitments offers baseline structural assessments for residences within two kilometres of blast areas.

Yet Coalpac proposes to open-cut mine and so undertake blasting to within 50 metres of the escarpment and the pagodas that stud the cliff tops and spurs of the Great Divide.

As shown in the image left, some padogas are jointed on diagonal lines and could be unstable. This pagoda moving at speeds greater than 100mm/sec during blast vibration doesn’t fill the Colong Foundation with confidence.

Shaking arising from blasting is likely to result in pagoda falls and cliff collapses. I would not like to be operating highwall
plant to within 50 metres of this pagoda following possible destabilisation by blasting. Collapse of pagodas will crush any protection operators and machines are given

Conclusion

Approval of this double jeopardy development application would:

- Allow re-mining by high-impact, energy inefficient open-cut methods of 837 hectares of the Ben Bullen State Forest that are proposed for reservation as a state conservation area;
- Cause unacceptable impacts on superlative scenery, natural and cultural heritage values;
- Defeat the existing balance between conservation and underground coal mining achieved over the last 130 years of mining, most recently at Airly Colliery;
- Set an unacceptable precedent for open-cut mining, indicating that perhaps more damaging and currently pending open-cut mining proposals in the Gardens of Stone Stage 2 reserve proposal could be considered and found acceptable in other areas previously mined;
- Condone double-dipping using a sequence of development applications as a mechanism for intensifying coal mining operations, and development more generally;
- Replace an area of outstanding universal heritage with a degraded landscape; and
- Accept that a ‘net loss’ of high quality native vegetation in the Gardens of Stone (including Endangered Ecological Communities) can be replaced by inferior biological off-sets and money.

The Colong Foundation believes that the Commission should recommend refusal of this development application on the grounds outlined in our two submissions and recommend instead that the subject area be reserved under the National Parks and Wildlife Act.

The Colong Foundation for Wilderness thanks the Commission for the opportunity to comment and hopes that the points at issue raised in this submission and those in our primary submission will be thoroughly considered by Inquiry processes.

Yours sincerely,

Keith Muir
Director
Colong Foundation

Reference: