

## Invincible Colliery Southern Extension Modification 5

Planning Assessment Commission - Hearing 29/11/17

Presentation: Dr Richard Stiles

Main points:

Big picture

- What is being asked for? - A smallish extension
- What is at stake? – A large progressive series of mine extensions – see exploratory licence applications – larger than original Coalpac proposal

Precedents: Coalpac x 2 – and outcomes

What is new?

- Mining in this area remains inappropriate:
- High environmental impacts
- High health impacts – see DoH reports for Coalpac
- See my previous reports for Coalpac: Cullen Bullen community already faces excess health burdens – further adverse effects from open cut mining – diesel fumes, blasting, noise pollution, infra-sound etc – should be avoided for this community
- Jobs – One industry's gain is another's loss – mining will damage the potential for many other jobs in the area – agricultural, tourist etc. These latter jobs are more sustainable and have less adverse environmental and health impacts

Castlereagh Coal has sought to get a minor extension of the least contestable area – yet even mining in this area should be avoided because of the above reasons, and especially because it represents a reprehensible game of death by a thousand cuts, long favoured by miners. Perversion of planning process.

The PAC's for Coalpac considered that cumulative impacts from the mine should be considered – no less than for this case.

Thus this mining proposal should be rejected on the grounds of its own merits and adverse impacts and on the cumulative larger impacts it will no doubt herald if approved – a Trojan horse.

# Lithgow Environment Group Inc.

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*Preserving the Balance of Nature*

4/7/16

To the Hon Anthony Roberts  
NSW Minister for Industry, Resources and Energy

Dear Sir,

## **Submission re. Market Interest Test for ELA 5289 & 5290 (Act 1992)**

The Lithgow Environment Group would propose that Castlereagh Coal's application for a licence to explore for coal in the above two allotments be rejected.

To state an obvious point, an expression of interest to explore an area for coal needs to be considered in the context of the impacts on the region should that resource be extracted. I.e. exploration of a resource comes with the implied interest to extract the resource, should it be found to be economically favourable to do so. So it is worthwhile at the outset to consider whether this exploratory process should be allowed to occur in the first instance, given the potential impacts should it be allowed to proceed.

In support of this position of rejection of the applications, we would ask to bring to the attention of the government to following factors:

- These applications essentially re-open an interest in exploiting the coal that was previously sought for extraction by the mining company Coalpac Pty Ltd. In fact, the area the two applications cover represents an **increase in the area proposed for potential mining compared to the original Coalpac proposal.**

As the department will be aware, the Coalpac proposal was rejected twice by the Planning Assessment Commission:

- 2010: **1088ha** proposal
- A revised proposal was proposed by Coalpac in 2013, of **958 ha** - after further adverse comment by the Dept of Planning this was further reduced to a proposal in 2014 to mine **315 ha** of land around Cullen Bullen. This was also rejected by a second PAC.

Coalpac then went into receivership. Castlereagh Coal, a subsidiary of the Manildra Group that we understand had a financial interest in Coalpac, then acquired its leases.

These applications stand in stark contrast to Castlereagh Coal's public statements to date that have declared it only sought to undertake a small extension south of the current Invincible Mine, near Cullen Bullen – so the group can access 'nut coal' for its processing plant in Nowra.

ELA 5289 overlies 808 ha of land  
ELA 5290 overlies 560.7 ha

Thus the total area that is sought for potential mining is **1368.7 ha – substantially more than even the original Coalpac proposal.**

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The (smaller) Coalpac proposal was twice rejected by the PAC because of a variety of adverse impacts. These included:

**Ecological Impacts:**

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- Destruction of significant portions of Ben Bullen State Forest – that has been assessed by the Office for the Environment and Heritage to have high conservation value.
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As stated the in 2012 PAC report, "Biodiversity impacts are divided into those affecting the pagoda landform and those affecting other aspects of the ecology of the project area. The pagodas are considered to be internationally significant geological features some 250 million years old and worthy of total protection. No mining--induced damage should be permitted to these features. The Commission recommends that highwall mining in the vicinity of the pagodas be prohibited.....However, the real value of the area from a biodiversity perspective is that it contains a wide diversity of vegetation associations and a very high species richness." (1)

- Mine acid leaching was also recorded adjacent to the existing mining operations, with adverse impacts on local water quality
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- Concerns about the success or reliability of rehabilitation processes. "The Commission concluded that the project and reservation of Gardens of Stone Stage II are incompatible if reservation is intended to include Ben Bullen State Forest, either now or in the foreseeable future." (1)
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- Inadequate biodiversity offsets

### **Health Impacts:**

- Adverse impacts of the health status of the residents of Cullen Bullen. As stated in the PAC report, "NSW Health provided the Commission with unequivocal advice that the predicted significant increases in PM10 levels from the project will lead to increased morbidity and mortality in the Cullen Bullen community from respiratory and cardiovascular disease." (1)
- Cullen Bullen is a community already suffering from health disadvantage – the particular concerns revolved around air quality/dust and noise impacts from close proximity blasting.

The PAC also noted cumulative impacts, when other existing mining operations in the local region were considered, to augment the adverse biodiversity and health impacts.

### **Economic Considerations:**

- The PACs considered the economic merits of the proposal to be overstated, were highly vulnerable to coal prices variances, and had minimal economic flow-on benefits for the local residents.
- Castlereagh Coal has stated that its interest in re-opening the Invincible Mine was to seek 'nut coal' for the Manildra Group's starch processing plants. The highest quality coal in the Lithgow seam has mostly been mined out in earlier underground mining operations. The PAC noted the remaining coal to be of low quality, with little potential for export coal.
- The PAC also rejected the notion that mining the coal in this area was a critical project to maintain stability of electricity prices.

### **Aboriginal Heritage:**

In the proposed lease applications lie a number of Aboriginal art sites. Coalpac, via their archaeological consultants AECON, initially suggested these were 'fake', and only a few years old.

However subsequent independent analysis, and that of the OEH, all found the sites to be authentic. Coalpac's claims were thus subsequently rejected. They are now registered with the OEH as Aboriginal Sites.

This offered stark concerns about the degree of professional integrity of Coalpac's consultant reports – with the inevitable financial conflicts of interest that come with the mining agencies directly paying for their consultant reports – an inherent problem in the development application process that remains unresolved.

### **General Amenity:**

The visual impacts of open cut mining are high, no less for this proposal. The Castlereagh Highway is one of the main corridors of entry into the Lithgow region. The visual impacts that mining would have on other business interests in the region also warrant consideration. Tourism, which is developing as another economic stream that this region strongly needs for its economic sustainability, would be adversely impacted by local mining operations.

Further mining operations would also likely have further adverse implications in terms of local property prices – another adverse impact for the local community.

### **Summary:**

There is a range of social, environmental and economic concerns about again considering exploration for coal and subsequent potential mining operations in the Cullen Bullen region. The slight of hand that Castlereagh Coal has demonstrated in its public declarations to date, versus what appears now to be its real intent on the extent of its mining interests also does not bode well.

The community and government have now been through an extensive process of assessing the competing interests in mining in this area twice already. On both these occasions the mining applications were rejected.

Why then should the government (or the community) approve to re-open the same case for the third time? Our social order needs processes that can regulate where various human impact developments take place. If a mining operation has been thoroughly assessed and rejected, it makes a mockery of our system if another agency can then be allowed to re-commence the whole process again. It is also a great waste of our public review resources.

I would thus ask for the Dept for Industry, Division Resources and Energy, to reject this application at the outset.

Thank you for this opportunity to make a public comment on these applications.

Yours sincerely,

Dr Richard Stiles  
President  
Lithgow Environment Group

## References

1. <http://www.abc.net.au/cm/lb/5320974/data/nsw-coalpac-consolidation-project---planning-assessment-commisi-data.pdf>