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Nature Conservation Saves for Tomorrow

Coalpac Consolidation Project 10_0178

Comments on Coalpac's Response (CCPR) to Submissions

0. Preliminary position-defining statements

The Society fully supports:

- Statements in the submission from the Office of Environment and Heritage that the whole of the Ben Bullen State Forest has been identified "*...as being of suitably high conservation value for future reservation under the National Parks and Wildlife Act.*" BMCS therefore calls for this area to be protected in the conservation reserve system as a matter of priority.
- The Environment Protection Authority's inability to support the CCP because of noise issues, particularly in view of the company's failure to manage noise issues for existing operations, as has been noted by many local residents. The EPA states: "*...that the potential for unacceptable noise impacts upon both rural residents and the residents of Cullen Bullen is too great based on the assumptions in the noise modelling of the proposed 24 hours a day/7 days a week operations.*"
- The Lithgow Environment Group's submission that Coalpac's environmental assessment grossly understates the natural values of the area in that it fails to identify a large number of native plant species; an independent flora assessment should therefore be carried out on the area of the CCP and within the boundaries of Coalpac's existing development approvals.
- The call for a 5 kilometre buffer zone for future open cut mines to also apply to villages and towns in NSW, as outlined in The Nationals NSW submission to the Director, Strategic Regional Policy, NSW Department of Planning and Infrastructure, regarding the NSW Government's Draft Strategic Regional Land Use Policy.
- The 'Gardens of Stone of Stone Stage 2' reserve proposal (as lodged in 2005), which has been recognised by the OEH in stating that the "*...OEH has been working with other agencies to maximise positive reservation outcomes in the Gardens of Stone area, including the Ben Bullen State Forest.*"

1. General comments

- This is the third submission made by BMCS' Management Committee in relation to the Coalpac Project: the first was a response to the Preliminary Environmental Assessment, the second related to the Environmental Assessment (EA), and this (the third) is a reply to Coalpac's response to submissions about the EA and in part to the EA amendments (e.g. the Revised Biodiversity Offset Strategy). As this third submission is a reply to Coalpac' response to submissions to the EA, it is virtually impossible to provide an executive summary or any other abridgement. Understanding the various issues and concerns will necessitate much detailed reading and analysis.

- Despite the matter being raised in BMCS Submission Section 2.2.1, the saturation principle continues in that the response comprises >21 MB of data, much of which is embedded in appendices, produced by highly paid consulting organisations, and is substantially repetitive. If government, through the DP&I and the PAC, truly wants a proper examination of what the response comprises, it would need to engage consultants to separate the ‘wheat’ from the obfuscatory ‘chaff’.
- The scope of the data, particularly in the various appendices, is designed to be overwhelming. A natural response from government departments and other organisations could be that the plethora of information (irrespective of the flimsiness of its base) must surely be correct; it becomes an exercise in providing a basis for ‘comfort’. Yet despite all the ‘knowledge’ paraded in the response, much is based on assumptions which substantially ignore the heterogeneity of both natural materials at a range of scales and human behaviour and perception in the context of external impacts.
- The Society will focus on responses made by Coalpac in relation to the formal BMCS Submission about the EA, but comment may be made regarding some matters raised by others. The Society notes that as of 3.00pm on August 20, 2012, the Society’s formal submission was incompletely available on the Department of Planning’s official website (http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4332). In view of the full BMCS submission being incompletely available on the website, the Society very much hopes that Coalpac and the PAC are in possession of the full BMCS Submission¹.
- The Society notes that, despite the voluminous nature of the CCPR, the tabulation of matters raised in submissions in Appendix A2 has significant errors. The table shows that BMCS failed to raise concerns about groundwater, economics, traffic, and land-use aspects. These matters were indeed addressed by BMCS’ Submission in Sections 3.8 and 3.11. One wonders what has been omitted from other submissions?
- Finally, the Society draws attention to BMCS Submission Sections 2.2.3 (**Reductionism and minimization**) and 2.2.4 (**Cumulative impacts**). **Aspects of the former continue to be utilised in the CCPR. Conversely, cumulative impacts are either disregarded or treated most superficially in the CCPR**, despite the original EA mentioning cumulative impacts, and despite the BMCS Submission Section 2.2.4 p5 stating:

“BMCS finds it regrettable that Coalpac’s EA, despite its length and glossy paper, fails to fully evaluate both site-specific and regional cumulative impacts.”

“BMCS is of the view that the regional impact of the CCP in relation to already-damaging open-cut and LW mining along the Western Escarpment, on the Dividing Range, and in the Gardens of Stone environmentally sensitive landscape renders the CCP unacceptable.”

“BMCS is similarly of the view that the site-specific cumulative impact of the CCP is unacceptable and outweighs the so-called management and mitigation practices and economic arguments.”

“BMCS finds it particularly offensive that, at a time when the World (including Australia) is attempting to reduce GGE, economic manipulations and bio-offsets are used to justify increasing GGE, damaging local communities, and destroying scenic values and complex ecosystems. When the CCP (if approved) finishes and Coalpac walks away with its profits, the region will be a monument to the destructive capacity of open-cut mining and the short-sightedness of governments.”

2. Subsidence concerns – CCPR Section 4.1

This is a major concern for anyone with an environmental bone in his/her body. The following comments are made:

- **Patronising over-simplification!** CCPR p4 states: *“Highwall mining is a well proven and widely applied mining method with more than 70 systems currently operating around the world in a wide range of mining conditions and is based on sound well researched geotechnical design parameters.”*

The Society notes that Longwall or open-cut mining are far more widely used, both in Australia and globally, yet that does not mean either operates without problems. Detail is unnecessary. It is sufficient to look at literature from the PAC related to the Southern Coalfield, the damage inflicted by mining on Thirlmere Lakes, the Enforceable Undertaking applied to Centennial in the Western Coalfield and debate about the impacts of open-cut

¹ Formal advice from Planning (email 20/08/12 @ 15.36) is that the full submission was always in their possession and that it has been made appropriately available.

operations in the Upper Hunter. The essential point is that despite all the claims made by companies and their consultants, various forms of damage eventuate. **Highwall mining is less widely used and has acknowledged problems in regions where topography is steeply incised and detailed structure is conjectural.**

- The remainder of CCPR pp4-5 reiterates what is already in the Environmental Assessment and particularly emphasises the <20 mm subsidence criterion. Having paraded all the monitoring methods available concurrent with the mining and available over the longer term, the CCPR p5 concludes that the “...*data can be used to validate the Subsidence Management Plan (SMP) in the same way that reviews of the effectiveness of other underground mining methods are conducted.*” **Unfortunately, ‘the effectiveness of underground mining’ is marred by cliff-cracking, rock-falls, swamp damage, and loss of surface and groundwater; hardly an encouraging comparison!**
- All these aspects are raised in the BMCS Submission Section 1.2 dot-point 7, Section 3.2.3 dot-points 1-5, Section 3.3.2 dot-points 1-3, and Section 4 dot-point 5. **These issues are inadequately addressed by the CCPR pp7-9.** Reliance is placed on “...*appropriate management and mitigation measures...*” being built into the MREMP, but the Society’s experience with Subsidence Management Planning and Environmental Management Plans (which the MREMP is superseding) is that they are a recipe for sanctioned destruction; mining continues while the company and DTIRIS-DRE debate what has gone wrong and whether remediation is feasible.
- In relation to safety of the workforce, CCPR p9 suggests that there is no significant risk. This is interesting because in the EA it was emphasised that Highwall mining equipment is too costly to have a cliff collapse on it. The same type of argument is used for oil-drilling marine platforms, yet several have been lost to fire and other causes. **Assurances are no better than the last accident!**

3. Air quality concerns – CCPR Section 4.2

- The majority of this section deals with matters raised by Lithgow CC, the EPA, NSW Health, and in some instances the Colo Committee and the NCC. Many of the concerns are dealt with in a range of ways. For example, sealing the internal haul road was deemed impracticable, utilising the **minimisation** tactic in relation to exceedances as in CCPR Section 4.2.15 p24, proposed changes to the AQMP on the basis that (CCPR p25) “...*it is better to manage short-term impacts rather than predict them*”, and motherhood statements about Coalpac’s commitment to (CCPR p28) “...*the implementation of leading practice management and mitigation measures discussed in the EA...*”
- The Society was particularly incensed by the use of reductionism and minimisation (BMCS Submission Section 3.4.1) to deal with exceedances in respect of properties, while largely disregarding the facts that some of the affected people will work on the mines, and others will be variably exposed to particulates as they go about their daily business. **Bottom line: why focus on house addresses and disregard the facts that people have day-to-day mobility? This has still not been addressed by the CCPR.**
- BMCS Submission Section 3.4.2 dot-points 1-2 deal with the health and environmental risks associated with PM_{2.5} particle sizes. CCPR p30 mentions this in conjunction with the threat to Cullen Bullen School by stating it will “...*place a compliance monitor measuring PM_{2.5} and PM₁₀, in the vicinity of Cullen Bullen Public School to monitor long-term and short-term levels in consideration of relevant standards...*” It will surely be gratifying for the children to know the reason for having breathing difficulties on some days, and the possible cause of their deteriorating lung capacities over the longer term. **Could almost be construed a public service!**
- BMCS concurrently notes the **minimisation** response to the WA EPA recommendation of a 1-2 km buffer between open-cut mines and sensitive land-uses such as for schools, and the total disregard of the Nationals call for a **5 km buffer around open-cut mines and a 5 km buffer around villages.** **These are obviously unacceptable to Coalpac as they would greatly affect the company’s plans for a financial ‘killing’** (or is ‘killing’ a bad choice of word in the context of children’s health?)
- BMCS Submission Section 3.4.2 dot-points 3 (potential for impacts on Portland, the Emirates Resort and Ben Bullen State Forest) and 6 (the impacts from Pine Dale Stage 2) are seemingly disregarded. **Perhaps these people are ‘collateral damage’?**

4. Greenhouse gas concerns – CCPR Section 4.4

- Sections 4.4.1-4.4.4 involve government-related concerns and deal with aspects of the emissions estimates. The most notable aspect was that scope 3 emissions were underestimated. This has been rectified (CCPR pp42-43). From BMCS' viewpoint the precise amount is irrelevant, because BMCS takes issue with Coalpac's original contention that its emissions will have negligible impact on GGE and global warming. **Such a contention reflects a totally false argument in that it disregards the cumulative nature of emissions both within Australia and globally.**
- BMCS Section 3.5.2.1 and 3.5.2.2 pp9-10 raise a series of issues which are effectively dismissed in this part of the CCPR.

In relation to the potential for renewable energy sources to meet base-load power demand, CCPR p44 states: "...there will be a continuing requirement for coal to meet basic energy needs and in particular for electricity generation." Yet on p47, in the face of information provided by SIG 3 (the Colong Foundation), the CCPR states that this issue "...is beyond the scope of the GHG assessment provided in the AQIA" and refers the reader to Section 4.21 (Project justification). On checking Section 4.21.6 (pp206-207), the principal thrust is that: "While the EA acknowledges the non-renewable nature of coal resources and the impacts of coal fired power generation on greenhouse gas emissions...an alternative source has not yet been, or not considered to be for some time to come, developed sufficiently to replace carbon based energy entirely as the source of energy for base-load electricity supply" "...while there will be development of non-carbon based energy...there will, for some time, continue to be a need for low cost, good quality, thermal coal for electricity generation..." **This is the redundant argument which impedes movement to renewables and even to the concept of a gas-fired transition.**

In a similarly absurd fashion, questions raised about using an inferior quality of coal in the context of emissions are met with minimization in relation to Scope 1 emissions (CCPR p 44), together with the bald statement (CCPR p45) that: "The Greenhouse gas emissions per tonne of coal for inferior quality coal are lower, due to the reduced energy content." This disregards the obvious corollary that **many more tonnes of inferior coal are needed to produce the required energy output.**

Overall, it is perfectly clear that GGE, global warming and the dollar-value of environmental assets are of no consequence to Coalpac and its consultants.

5. Noise and blasting concerns – CCPR Sections 4.5 and 4.6

5.1 Noise aspects

- The initial sections (4.5.1-4.5.6) are responses to government-raised issues. The responses are a re-hash of what is in the EA, the 'subtitles' being that the pertinent sections of the EA were insufficiently well examined. For example, CCPR p62: "Potential noise impacts associated with mining operations, construction noise, sleep disturbance, low frequency noise, traffic noise (road and rail) and cumulative effects from other industry in the local area were considered in the Project AIA, with results summarised in Section 8.6.3 of the EA."

BMCS makes three comments in the above context: (i) concerns are raised in relation to the EA based on extremely careful analysis – it is inappropriate and even insulting to deal with such concerns by referring the organisation or individual to the EA; (ii) BMCS Submission Section 3.6.2.1 p11 dot-point 1 pointed to the reductionism employed through mining (operational) noise being separated from other types of noise and blasting effects – **this has received no response**; and (iii) Section 3.6.2.1 p11 dot-point 3 criticised the inadequate treatment of cumulative noise – the EA treated cumulative impacts as if they only result from compounding noises at a given time, whereas cumulative effects can arise simply by extending the time over which a particular level of noise continues or by increasing the number of times a given noise-level is recorded – **this has received no response.**

The implications of item (iii) are embodied in BMCS Section 3.6.2.1 p11 dot-point 4: BMCS concluded that the lack of attention to cumulative impacts required the whole of the noise issues to be re-assessed – **there is no response and no other indication that this has happened.**

- BMCS Submission Section 3.6.2.1 dot-point 2 queried the Adopted Intrusive Criteria (AIC), dealing with operational noise, and the Amenity Criteria (AC) said to reflect the amenity of a rural setting and to cover all industrial and **other** mining developments. BMCS suggested that the AIC and AC are statistical constructs which mask astounding variability and that it was irrational to set the noise-level amenity of a rural community at a

significantly higher level than the existing (so-called background) noise profile. **There has been no response to this.**

- BMCS Submission Section 3.6.2.1 dot-points 5 and 6 raise additional concerns: first, there is the rigidity of the statistical approach coupled with the reductionism which it engenders; and second, there is the heterogeneous reaction to noise by different individuals at the same time, and by the same individual at different times and circumstances. **This has attracted no response.**

5.2 Blasting aspects

- S8.7.3 p129 of the EA emphasised that the private residences predicted to be impacted by noise levels greater than the relevant noise criteria will also be the closest receivers to blast locations. This cumulative concern is the basis for the request for re-assessment under Section 5.1 dot-point 1 above. **There is no direct CCPR response to this**, other than the possibility of it appearing in the proposed Blast Management Plan.
- BMCS Submission Section 3.6.2.2 dot-points 1 and 2 are concerned with the rigidity of a statistical approach in view of the variable strength likely for dwellings in the region, and also with the individual response to blasting – one size does not fit all! **These have attracted no direct response** – residents will need to trust Coalpac’s structural surveys and the ‘updated’ Blast Management Plan.
- BMCS Submission Section 3.6.2.2 dot-point 3 raised the matter of a special geotechnical examination when blasting is to take place within 200 m of pagodas and cliffs, whereas BMCS believes that there should be a 310 m step-back for the Highwall. **There is no apparent acceptance of this.** The CCPR’s solution (Section 4.6.5 p64) was to have a consultant do an additional study (CCPR Appendix D). This showed that to keep the PPV² at or below 100 mm/s there would need to be a 130 m step-back³, but that lesser step-backs can be ‘managed’. Although this may be the case, **BMCS believes that Highwall mining should not be permitted beneath pagodas or major cliff features; and this constraint necessitates either a step-back of 310 m, or avoidance of Highwall mining.**

6. Visual and lighting concerns – CCPR Section 4.7

The Society found that (BMCS Submission Section 4.7.2 p13) there would be direct visual effects of workings and machinery, and there would be a ‘night-glow’ which would impede the viewing of those interested in the night sky. However, the principal detraction would be the destructive impacts visible **from** the high cliff and pagoda country to the east in BBSF. The CCPR p77 offers ‘comfort’ statements such as “*Coalpac is committed to undertaking Project operations in such a way as to ensure that the visual and scenic value of the pagodas and escarpments within the Project Boundary are not degraded in the long term*”; and “*Coalpac will implement a number of visual mitigation treatments to minimise the high level of visual impacts created by the progression of elevated open cut mining operations in proximity to the pagodas and the period over which these impacts would occur.*” **There is no direct response to those viewing from the pagoda country.** Should the CCP be approved it will become a text-book example of how to desecrate scenic values.

7. Surface water concerns – CCPR Section 4.8

- CCPR Section 4.8.4 p80 comments on Acid Mine Drainage: “*...any releases from Project surface water storages will comply with relevant water quality discharge limits to ensure no adverse impacts on downstream environments*”. **This provides little comfort because the water quality discharge limits are insufficiently comprehensive, as elaborated upon in dot-point 4 below.**
- CCPR Section 4.8.5 p81 indicates that 121 years of climate data were used to investigate the behaviour of the surface water management system under a range of climatic conditions. This is a response to the issue of La Niña and El Niño cycles; **it does not resolve concerns about climate change over the proposed period of mine-operation.**

² PPV is the Peak Particle Velocity – this should not exceed 100 mm/s if damage to pagodas and cliff-lines is to be avoided.

³ This is for the inter-burden thickness between the Upper Irondale and Moolarben Seams – other inter-seam intervals have lesser step-back requirements.

- CCPR Section 4.8.6 p81 indicates that the proposed surface water management strategy/system will minimise releases of dirty and contaminated water, ensure that substantial amounts of the operational water are recycled, or sent to the old underground workings if surplus to needs, such that there will be no impact on water quality or quantity in the wider Murray-Darling basin. This is obviously true on the scale of the whole Murray-Darling basin. However, **there must be an effect in the portion of the basin comprising Cullen, Dulhunts, and Jews Creeks because for the duration of mining (21 years) these three creeks will have reduced flows.** In turn, this has the capacity to influence the local watertable, the conservation of aqueous and riparian communities, and the water levels in agricultural or domestic water bores.

Not surprisingly, CCPR Section 4.8.9 p84 attempts to minimise the impact by suggesting that less than 2% of the Jews Creek catchment would be affected, progressive rehabilitation during Project operations will increase catchment area draining to Cullen and Dulhunty's Creeks (but only compared with what it would be reduced to!), and that the minimal losses of catchment are not expected to impact on local water tables or flows in the river systems. **This is illogical: catchment reductions must reduce the amount of precipitation which is 'caught' and this has inevitable consequences for stream-flows and groundwater regime.**

The Society notes that CCPR Section 4.8.14 p87 precisely duplicates the response in Section 4.8.9. It remains equally illogical.

- BMCS Section 3.7.2 pp13-14 raised various matters about water quality and its monitoring. CCPR Sections 4.8.6 and 4.8.7 attempt to deal with this. They do this by repeating various assurances. Thus (CCPR pp81-82): "*The proposed Surface Water Management System...complies with current industry best practice...*" and the "*...monitoring program for the Project...proposes monitoring of a range of pollutants...not currently included in EPLs for existing Coalpac operations...*" "*Should other pollutants of concern be identified by site staff or the relevant regulatory agencies, the proposed monitoring program will be amended to include these pollutants.*"

The above essentially makes the Society's case! The existing EPLs prescribe limits for relatively few contaminants. Even if the CCP proposes to monitor a few more contaminants, two concerns remain: are the existing and additional limits too generous; and what other contaminants should be controlled to ensure that the chemistry of the discharge waters matches that of the receiving waters? The Society considers that it is ridiculous to rely on "*...site staff or the relevant regulatory agencies...*" to determine whether other pollutants might be of concern. **The sequence should be to determine the quality of the receiving waters and then impose limits which ensure that quality is preserved. This is the only way to exclude the possibility of an adverse environmental impact.** Indeed, until this approach is imposed, the industry will continue to gain comfort from such self-congratulatory statements as (see BMCS Section 3.7.2 dot-point 4) "*...the EPL 10341 discharge criteria are exceeded...less than 20% of the time...*"

- CCPR Section 4.8.11 p85 deals with licensed discharge points. The Society noted (BMCS Section 3.7.2 p14) that Invincible LD001, which discharges to Long Swamp Gully and thence to the Coxs River, seems to have no role in future planning. It was therefore stated that, in the interests of protecting Long Swamp and the Upper Coxs river system, this discharge point should and must be relinquished. **The CCPR's response to this is disappointing. Having noted that no further discharges are likely from LD001, the company has elected to retain it for 'flexibility'.**

The company notes elsewhere (CCPR Section 4.9.2 p92) that the water in the Invincible Colliery 'void' has a low salinity and would be no threat to Long Swamp. The Lithgow Environment Group disputes this.

- CCPR Section 4.8.8 is a response to the Society's comments about water pollution from the existing mines and their proposed extensions compounding the cumulative regional damage from mining (and power generation). There is no serious attempt to address this concern beyond stating that (p82): "*...the proposed Surface Water Management System will minimise any releases of dirty and contaminated water, including the collection and reuse of runoff from coal affected and mine infrastructure areas.*" **The CCPR seems unable to appreciate that whether a small or large amount is added to an existing problem, the cumulative impact is increased.**

8. Groundwater concerns – CCPR Section 4.9

- In responding to the EA, BMCS (Section 3.8.1 p14) noted the following concerns: "*(i) contamination of the groundwater regime and/or lowering of the watertable to the west of the mining regions could affect riparian ecosystems, impact on stock watering and have adverse social consequences; (ii) depressurising the various aquifers impacting 'undisturbed' stands of Box Gum Woodland and floristic species listed under State or Federal legislation – also, any floristic impact potential affects the viability of fauna within the destabilised ecosystem; (iii) supplementing operational water supplies by pumping from the underground mines potentially exacerbates*

contamination of groundwater and surface water; and (iv) pumping from the old workings could lead to instability.”

- BMCS Section 3.8.2 dot-points 1-5 expanded upon the matters raised in items (i)-(iv) above. CCPR Sections 4.9.2-4.9.4 purport to address aspects raised by the SIGs (including BMCS)

The Society concluded (Section 3.8.2 dot-point 2): *“In relation to items (i) and (iii), contamination of the groundwater regime remains a possibility because of the interaction envisaged between groundwater and surface water within the water management plan, and **the limited nature** of testing of the various types of water”*. In elaboration of the data limitations, it was noted that a large proportion of the data derived from monitoring of the EPL criteria, yet the EPL did not require such things as salinity, Fe, Mn, Al and Zn, so little is known about their concentrations. **The CCPR does not address this.**

BMCS Section 3.8.2 dot-point 1 gives reasons why lowering of the watertable to the west of the mining region is geologically possible. Local drawdown will be enhanced by depressurised zones in the Lithgow Seam and Marrangaroo Formation within open cuts, and within underground workings partially depressurised by groundwater extraction for operational purposes. **The CCPR fails to address this and its implications for floristic and faunal impacts as noted in item (ii) of dot-point 1 above.**

9. Ecological concerns – CCPR Section 4.13 (in part)

The substantial portion of CCPR Section 4.13 (i.e., 4.13.1-4.13.4 and 4.13.13-4.13.15) deals with the biodiversity offset strategy. This approach puts the cart before the horse! In the EA and in the Society’s submission regarding the EA, the Sections on Ecology preceded those dealing with the Offset Strategy. It is strange that, in responding to submissions, Coalpac has elected to merge the two separate issues and, perhaps even more strange, to place offset considerations ahead of the ecological damage to be inflicted by mining. **It seems to the Society that this is a blatant attempt to use a self-serving offset package to overshadow full appreciation of the unquestionably large amount of ecological damage to a State Forest. The Society has no intention of accommodating this subterfuge and will look at ecological concerns in Section 9 and Offset aspects in Section 10.**

CCPR Section 4.13.5.1 p121 states: *“...the Project will remove large areas of habitat for a number of threatened species...”* *“...the impacts of the Project could be ameliorated for all species by a combination of avoidance, mitigation and compensation... to be achieved by staged clearing and progressive rehabilitation of disturbed areas, avoidance of some areas of forest and woodland clearance, active fauna management as part of the Biodiversity Management Plan (BMP), and provision of a comprehensive BOS, both adjacent to the Project Boundary and in the surrounding region.”* **The Society is firmly of the view that the most effective form of amelioration for this unconscionable Project is total avoidance.**

CCPR Sections 4.13.5-4.13.12 and 4.13.16 attempt to deal with some aspects of the ecological damage, but largely do so by reductionism, minimisation, and the perceived benefits to flow from the BOS. Because these responses inadequately deal with substantial elements of the BMCS submission, the gist of that submission will now be repeated and keyed to the CCPR.

- Deficiencies were identified by the Lithgow Environment Group (LEG) and the Society in the vegetation surveys used in the PEA. Those same surveys (EA Section 8.14.2 Table 42) and the associated deficiencies appeared in the EA and were again criticised by the LEG and BMCS; **they constitute a significant basis for rejecting the CCP.**

CCPR Sections 4.13.10 and 4.13.11 contain Coalpac’s response. CCPR Table 17 p131 affirms the timing of the surveys and their seeming inadequacy by stating (p130): *“While all efforts have been made to detect plant species during Project surveys, it is almost impossible to record every species.”* Perhaps they should use the services of two volunteers?!

In CCPR 4.13.10, it is recorded that Coalpac wasn’t aware of the Clandulla Geebung’s existence at the time of referral under the *EPBC Act*. When it was drawn to the Company’s attention (by LEG in its submission), it was determined that (CCPR p130): *“...the removal of 3.09 ha of Clandulla Geebung habitat would not impose a significant impact on the species” and that “...the Project would provide a net gain by a combination of avoidance, mitigation and compensation...by staged clearing and rehabilitation of disturbed habitat and avoidance of approximately 9 ha of habitat.”* And if this failed to be convincing *“...another 33.58 ha of habitat occurs outside the Project Boundary within Ben Bullen State Forest.”* **When will Coalpac learn that: (i) destroying a portion of an endangered population disproportionately compromises the remainder; (ii) staged clearing (= destruction) and rehabilitation (how many years to become viable?) is little more than a**

euphemism for desecration; and (iii) a species is listed under the EPBC Act because its habitat should be preserved, not selectively compromised ?

In CCPR 4.13.11, the defence for missing species is that the habitats in which the species occur “...will not be directly impacted due to avoidance...during open cut operations...” **The Society does not accept that the habitat (sandstone cliffs and pagodas) will be immune from direct impact and there will certainly be indirect impacts.**

The ensuing four dot-points demonstrate Coalpac’s appreciation of the environmental damage which would eventuate from its proposal:

- The threatened species and vegetation communities are fully detailed (EA S8.14, Tables 43, 44, 45) – there is no dispute about their presence – there is no dispute as to why the CCP is a Controlled Action under the *EPBC Act* – there is no dispute over why OEH should be acting in the interests of its ‘threatened species’ constituency under the *TSC Act*.
- Coalpac recognises the damaging implications of the destruction of portions of vegetation communities by stating (EA S8.14.3 p192): “*In addition to the removal of these native vegetation communities, the Project will also negatively affect vegetation that will remain by additional vegetation and isolation impacts.*”
- Coalpac understands the range of indirect impacts affecting fauna by listing (EA S8.14.3 p193): degradation of habitat in areas peripheral to the CCP area; competition for increasingly scarce habitat resources; noise from the mining and related operations; night-lighting disturbing susceptible species; dust affecting vegetation and various insect species; habitat modification by changes to erosion and drainage patterns; and proliferation of weeds, feral animals and invasive native species
- Coalpac accepts its impacts on biodiversity values in terms of OEH’s Key Threatening Processes as summarised from the NSW Scientific Committee in EA S8.14.3 p193: clearing of native Vegetation, loss of hollow-bearing trees, removal of dead wood and dead trees, bushrock removal, and the alteration to the natural flow regimes of rivers, streams, floodplains and wetlands. Coalpac further points out that the scale of woodland removal will impact on common woodland-dependant birds.

Despite the content of the four previous dot-points, the CCPR continues to practise reductionism and minimisation. Thus:

- CCPR 13.5.2 p122 suggests that **only 561 ha** of the Broad-headed snake’s habitat (309 winter and 252 summer) will be destroyed. Damage to winter habitat (pagodas) is rejected – this assumes the company is 100% correct and accidents never happen! And despite destruction of summer habitat, there will be no significant impact as the snakes can all migrate to the undisturbed areas. **Clearly the reptilian equivalent of refugees!**
- CCPR 13.5.3 p123 concludes that **only 445 ha** of 868 ha of potential habitat for the Brush-tailed Rock Wallaby will be destroyed, but this will have no significant impact because they too can move to undamaged area inside and east of the Project Boundary. **Perhaps concentrate them into smaller regions to improve the efficiency of fox predation or two-legged hunters?**
- CCPR 13.5.4 p124 states that the Squirrel Glider was detected in Tableland Gully Ribbon Gum Blackwood Applebox Forest within the Project Boundary. Some 1589 ha of habitat exist, but 835 ha of will be destroyed. Apart from the BOS, nest boxes targeted to provide den sites for the species will be used in mine rehabilitation. **This ‘solution’ provides BMCS with little comfort.**
- CCPR 13.5.5 p124 notes that the Project Boundary encompasses 224 ha of potential Koala habitat; some 142 ha of this will be destroyed. Apart from offsets, **the only way of dealing with this is avoidance.**
- CCPR 13.5.6 pp124-125 examines impacts to Woodland Birds because 835 ha of forest and woodland habitat will be destroyed. **Avoidance and migration are the only options!**
- CCPR 13.5.7 pp125-128 focuses on impacts to the Box Gum Woodland Critically Endangered Ecological Community (CEEC) and on habitat critical to the CEEC’s survival. Some 18.44 ha of this CEEC will be destroyed, whilst the remainder will be subject to edge effects and other indirect impacts. The extent of such impacts is played down (minimised) as they “...are likely to be highly localised to the areas surrounding the Project Disturbance Boundary and noise, light and dust levels are expected to reduce relatively rapidly with

distance from the area of direct disturbance. Weed species are not expected to penetrate deep into areas retained for vegetation as the majority of this community is located upslope of proposed open cut operations which generally eliminates potential impacts from runoff and sedimentation.” **The Society is unable to understand why any such damage should be countenanced.**

Irrespective of the discrete impacts on specific plant and animal species, the biodiversity and ecosystems of the region to be destroyed by open-cut mining have evolved over hundreds of years. They reflect the dynamic interaction between species, climate, hydrology, soils and rocks. Because of this, a reductionist approach in which the company looks at the impact of its activities on a plant, animal or even a community is nonsensical. All of the items in the preceding six dot-points constitute a cumulative impact on the region’s biodiversity. When will governments stop conniving with companies and cease this outrageous approach whereby reductionism, minimisation, and then cosmetic rehabilitation are used to justify destruction of the natural environment? This question is asked within the context of the following three dot-points.

- EA S8.14.3 pp194-195: the CCP occupies the western edge of the Sydney Basin Bioregion (SBB). Coalpac suggests that the ecosystems destroyed by the CCP are well represented in State Forests and National Parks and then engages in minimisation by emphasising that State Forests occupy 4.91% of the SBB and the CCP is only 0.4% of the State Forests. **BMCS asserts that the threatened species and vegetation communities are NOT abundant within State Forests; otherwise why would they be threatened? And once that is recognised, the area of the CCP is only relevant in the context of it obliterating threatened populations.**
- EA S8.14.3 p195: Coalpac points out that the CCP occupies only 1.3% of the GoS2 Proposal, the implication of this minimisation being that the values of the GoS2 region would not be compromised by such an excision. Yet Coalpac seems to accept that mines and other mine proposals in the region create a potential for cumulative impacts. **BMCS asks whether companies and DP&I still see the reductionist argument, whereby each development is evaluated in isolation, is in the least bit rational?**
- EA S8.14.3 p195: Coalpac similarly uses minimisation in percentage terms to suggest that the CCP will destroy negligible amounts of various types of ‘similar’ woodland when considered on the scales of the Central West Catchment and State-wide. **BMCS rejects such an approach on the grounds that: (i) it shows negligible understanding of the integrated nature of ecosystems; (ii) seems incapable of distinguishing between ‘similar’ and ‘identical’; and (iii) fails to appreciate that listing things as threatened is to ensure preservation.**

10. Biodiversity-offset concerns – CCPR Section 4.13 (in large part)

Section 9 was separated from the analysis of the BOS (biodiversity offset strategy) because the latter is extensively used to justify ecological damage which has already been trivialised through reductionism and minimisation. The essential question to be asked is whether or not the collective environmental, social, heritage and touristic values of the region demand reservation and justify rejection of the CCP? Once that has been resolved in the affirmative, avoidance must be chosen and the whole notion of a BOS becomes irrelevant; if resolved in the negative, then (and only then) should any consideration be given to a BOS because it does **nothing** to preserve the integrity of the area to be exploited.

CCPR Section 4.13.2 p102 notes that “A number of submissions received suggested that the Biodiversity Offset Strategy presented in the EA was inadequate for the impacts proposed for the Project.” **BMCS certainly holds this view to an extent where the entire concept of offsets is anathema.**

In response to the criticism, Coalpac has opted for a Revised BOS which has focused on (p103) “...those properties identified by OEH as preferred Offsets...” In addition to the OEH potential offsets, “...four other properties were investigated as potential for inclusion...” The Society appreciates the photographs provided of areas which could be chosen as ‘offsets’ and draws attention to the book prepared for the Colong Foundation and BMCS by Ian Brown⁴. The book shows the scenic values of the Coalpac region which would be destroyed were the CCP to be granted. The point to be made is that **Coalpac wishes to ‘colonise’ an area of publicly-owned State Forest which OEH has scheduled for reservation; the Revised BOS areas are of variable quality, uncertain availability and variable ‘similarity’ to the region potentially destined for destruction. It’s a no-brainer!**

⁴ Ian Brown, *A threatened wonderland - the Gardens of Stone*, launched by Catherine Cusack, Aug 15 at Parliament House – for further information contact Keith Muir of the Colong Foundation.

The Revised BOS raises similar questions and concerns to those made in the BMCS submission. Most of those matters have not been adequately addressed in the CCPR document, so they will now be repeated.

- EA v3J6.1 p6.1: “...*the Project will take place on land classified as Zone No 1(f) Rural (Forestry) which permits the development of extractive industries (mining). Notwithstanding, Coalpac has developed a BOS with the objective of offsetting the residual impacts on biodiversity, particularly on threatened ecological communities and habitat for threatened species.*”
 - BMCS notes that mining may or may not be permitted depending on the assessment of competing uses. **There is no such thing as a God-given right to mine!** This applies equally to the BOS and Revised BOS.
 - **Any attempt to offset threatened ecological communities and species is unacceptable.** A declaration of critically endangered or endangered or vulnerable is saying that the threats are real in the context of existing communities and/or species. This most certainly does NOT imply that it is acceptable to trash one set of existing viable occurrences in exchange for ‘offering’ lands which have the potential to support ‘similar’ communities and species.
- EA S8.15.1 p198: “*Discussions with DP&I, OEH...and SEWPaC...confirmed its significance and the need to develop a carefully planned and comprehensive Biodiversity Offset Strategy...*” Also CCPR p103, further advice was given in relation to OEH preferred offsets.
 - BMCS is most concerned about the nature of these discussions. It is appropriate for government departments to provide guidance regarding the serious environmental impacts of a proposal. It would be far less appropriate for government to provide guidance on how the company can overcome the intentions of legislation designed to protect threatened species and communities. **It would be totally inappropriate for government to provide assurances or make any commitments as to the outcome of a company offering a BOS or revised BOS.**
- EA S8.15.5 p214: “...*Coalpac will develop a BMP for the Project. As a component of the BMP, Coalpac will also prepare a BOMP that...*” “*The BOMP will...guide restoration and management of the biodiversity offset properties...*” “*The BMP and BOMP will prescribe the management of existing vegetation within the Project Boundary...*”
 - BMCS regards the linking of the BMP and BOMP activities as a clear indication that the Offset purchases and management costs will be internalised as a charge against future profits.
 - It is disconcerting that a company might be given approval to destroy the environmental values of public lands in exchange for a BOS; and then the public purse, as a consequence of taxation concessions, subsidises the BOS to as much as 30%. **Is this the way the offsets system is meant to work?**
- EA S8.15.5 p215: “...*Coalpac will support the progressive establishment of GoS2 and to this end provide a monetary contribution of \$0.015 per tonne of coal sold (approximately \$1,000,000) to OEH (or other relevant body) to assist in the development, implementation and management of the GoS2. If required by OEH, rehabilitated areas of the Project Disturbance Boundary and biodiversity offset properties will also be progressively released into conservation in GoS2.*” The Society is unclear about the extent to which these aspects form part of the Revised BOS.
 - BMCS was concerned about the legality and indeed the morality of such a process.
 - BMCS also expressed concern about whether such a payment would be set against profits and effectively cost the public purse about \$0.004 per tonne.
 - CCPR Section 4.13.22 now suggests that, whereas OEH noted Coalpac’s willingness to contribute to funding for the development, implementation and management of GoS2, Coalpac has subsequently confirmed that **enhancements to the proposed BOS and the provision of support to indirect offsets would be the Department’s preferred option.**
 - The Society is pleased that such an overt and seemingly amoral offer has not been accepted by OEH, but remains concerned about the mechanism by which offsets are apparently tailored to gain endorsement in principle. **This form of bargaining may be the way the Offsets approach is meant to work, but it is excessively distasteful that OEH is placed in a position of negotiating the destruction of threatened species and communities.**

- CCPR Section 4.13.2.2 Indirect biodiversity offsets (IBO) p115 states: *“During consultation with OEH and SEWPaC, some minor shortfalls in the Revised BOS were identified. To address these minor shortfalls, further discussions were held around indirect offsets for a suite of threatened species. Indirect offsets are a range of other measures that improve our knowledge, understanding/or management of environmental values leading to improved conservation outcomes for the impacted threatened species (SEWPaC 2011).”*

Also, on p106: *“Following further consultation with OEH...in addition to the Gulf Mountain offset property, Coalpac will now provide support to the indirect offset measures... totalling \$300,000 to be spent equally for these four species in the first five years of the Project.”*

- The Society refers to the concerns raised in the last circle-point above. It would seem that OEH and SEWPaC are prepared to fine-tune the proponent’s Revised BOS and the associated IBO. **BMCS sees this as totally unacceptable because it clearly involves negotiations which effectively reflect tacit acceptance of the CCP provided that sufficient ‘pieces of silver’ change hands.**
- As a summary of the Society’s concerns about the whole Offset concept, the statement from BMCS Submission re the EA, Section 4 dot-point 4 p19 is re-presented: *“The CCP relies heavily on its potential dollar-value to sway the determinations of government and...invokes the practice of a biodiversity offsets package to enhance its case for approval. The Society insists that such a package is ethically, morally and scientifically unconscionable. Species and communities are listed as threatened (critically endangered, endangered, vulnerable) to prevent further declines in the populations and/or the type of habitat. Destroying threatened species and communities in exchange for other areas which may/may not have those species or communities, may/may not require rehabilitation, and may/may not be available would be a farce. In simple terms, if you have 10 occurrences and destroy 2 you have only 8 left!”*

11. Cumulative-impacts concerns – CCPR Sections 4.13.23 and 4.13.24

- Cumulative issues have been raised in the present submission Section 1 dot-point 5 p2, Section 7 dot-point 6 p6, and Section 9 p9 para2. These have tried, amongst other things, to convey the complex nature of cumulative impacts, including the need to recognise the interdependence plant and animal species within broader ecosystems. **The CCPR has largely ignored any inconvenient aspects of this and has minimised issues.**
- CCPR 4.13.23 pp145-146 indicates that the *“The surrounding developments are not seeking approval to clear large areas of vegetation.” “The Yarraboldy Extension of Pine Dale Coal Mine will remove 27 ha of vegetation, 14 ha being native vegetation.” “Collectively, the Project makes up a large proportion of the cumulative impacts in the region. As such, areas of the Ben Bullen State Forest will be subject to open cut, highwall and underground mining within the next two to three decades, beyond which, no further disturbance is likely to occur as a result of open cut mining.”*

This is an extraordinarily simplistic response. From an ecological viewpoint, the CCPR can spend large amounts of time updating its Revised BOS and IBO matters, but conveniently disregards the Yarraboldy Stage 2 proposal involving some 200 ha of State Forest (and the even larger Stage 3). The response minimises the longer term impacts of underground and open-cut mining over the past century, and somewhat blithely implies that after another couple of decades of highwall and open-cut mining by Coalpac, there will be no further disturbance and all will be serene. **A more realistic picture will be one of a trashed landscape with a substantial loss of biodiversity in which residents who remained will face unemployment, reduced services and falling property values.**

12. Rehabilitation concerns – CCPR Sections 4.13.16, 17, 19, 27, 28, 4.19 and 4.20

- CCPR Section 4.13.16 pp136-138: this is a series of public relations ‘feel-good’ statements which present the cosmetic picture of the standard techniques and a commitment to manage things as part of an RLMP, but fail to address the true problems confronting rehabilitation. E.g., *“The Australian mining industry is well aligned to the global pursuit of sustainable development. A commitment to leading practice sustainable development is critical for a mining company to gain and maintain its ‘social license’ to operate in the community. The success of rehabilitation not only includes species composition, but also a multitude of ecological processes and properties.”* **The Society has been dealing with the mining industry’s commitment to sustainable development and the adherence to social licence for many years; the only changes are those which are forced upon the industry.**

- CCPR Section 14.13.17 pp139-142: “It is difficult to predict how long it will take a given rehabilitation area to regenerate into a fully functioning ecosystem...There are few areas of mature mining rehabilitation in Australia, which means that there is little information currently available on the long-term ecological development of rehabilitated communities...Due to the inherent variability of ecological systems, the ability to predict long-term successional trends in rehabilitation is low...” This acknowledges **some** of the uncertainties of rehabilitation, but largely focuses on the capacity to create a viable ecosystem, as opposed to returning the region to its **original** state. **The Society notes that the case histories are all about the establishment of vegetation with little comment on the effectiveness of re-creating the landforms and hydrologic regime.**
- CCPR Section 14.13.19 pp143-144: “A number of submissions expressed concern on the biodiversity outcomes of mine Rehabilitation...The goal of such rehabilitation is to re-establish cleared communities and associated habitats that will maximise the biodiversity and connectivity values within the landscape...To assist in determining if Project rehabilitation is providing all components of the target communities, reference sites will continue to be established and monitored under the RLMP.” **Yes, concerns exist about biodiversity outcomes, but the quotation only tells BMCS about the aim and the monitoring, and seemingly fails to appreciate the links between biodiversity, landform and the hydrologic regime.**
- CCPR Section 14.13.27 pp149-153: “Coalpac has a history of successfully establishing and developing rehabilitation areas for existing operations to the satisfaction of relevant government regulators.” **This, regrettably, is part of the problem.** For too long, the focus of government and the compliance of industry have been on ‘cosmetic’ rehabilitation. The deficiencies of this are well-illustrated in the Plates (pp151-153) in terms of smoothly contoured landforms with plantings (almost monocultures) ‘nicely’ aligned. Yet what filled the open cuts, how was it spatially organised, what levels of infiltration have been achieved, what is the geometry of the local watertable, and what are the conductance parameters of the hydrologic regime. **These are the forgotten parts of rehabilitation.**
- CCPR Sections 14.13.28, p153: this section is entitled ‘landform and rehabilitation development’ and is said to be in response to a BMCS issue. Unfortunately, the section repeats procedural aspects and makes an assurance that “...landform shaping will be undertaken to ensure that lands within the Project Boundary remain generally consistent with the surrounding landscape post-mining...” **The response lacks substance.**
- CCPR Sections 4.19 and 4.20, pp198-200: Section 4.19 states “A number of submissions noted that the rehabilitation of open cut coal mines is incapable of restoring the original biodiversity and geodiversity...” **Yes, the Society raised this, but the response is repetitive pap!** Section 4.20 is about landform slopes, but fails to address the buttressing effects of talus slopes, and seemingly misunderstood concerns about 18° slope angles; **the response consists of invoking the yet to be created RLMP.**

The Society had hoped that the many CCPR sections dealing with rehabilitation would have provided responses to the matters raised in submissions to the EA. Instead, Coalpac and its consultant have focused on the mining industry’s (in)adequate record of rehabilitation, photographs of a cosmetic vegetated veneer, repetitive procedural statements, and references to an RLMP (to be developed if the CCP is approved – just trust us!), whilst not or barely engaging with the concerns as raised. In consequence, BMCS will now revisit aspects of those concerns (below).

- Rehabilitation is an approach which aims to change a moonscape into something which, over time and to varying degrees, has some resemblance to the pre-mining vegetation and landform.
- The ‘plan’ is devised in conjunction with government, and progress is subject to monitoring growth-rates and routine inspections by government.
- The process (irrespective of what ‘plan’ it comes under) crudely involves filling, compacting, contouring, covering, seeding and planting, and ongoing maintenance.
- Healthy plant growth is one of the more obvious features of rehabilitation, but what is happening beneath the soil cover is largely disregarded – out of sight and out of mind!
- BMCS Submission p20 **Appendix I** looked at rehabilitation and its deficiencies in terms of the following circle-points:
 - Open cut mining for coal creates a large-area hole. In doing so, it destroys a landform and its ecosystems which depend on a vegetation- and soil-covered stratified rock-sequence (with different vertical and

horizontal hydraulic conductances) and the surface flows, watertable and groundwater components of the hydrologic regime. All of these have evolved over (at least) thousands of years and are integral to the interplay between rock, soil, climate, flora and fauna.

- The surface water and groundwater distributions reflect balances between precipitation (rainfall), surface run-off, infiltration, evaporation and transpiration, in turn reflecting the interaction of topography, soil structure and soil-horizon developments, and rock chemistry and structure.
 - Rehabilitation involves placing largely disordered fill in a hole, sculpting it, covering it with soil and planting it. Much is said about harvesting the original topsoil and its seed-bank and then replacing it after mining. This is common practice but the reality is more complex because the structure⁵ of the topsoil is damaged, its gradational connectivity to the deeper soil horizons and rock substrate is lost, again affecting infiltration and soil development, and even the seed-bank (if fully viable after sitting in soil dumps over the intervening years) could be ill-suited to the 'rehabilitated' conditions.
 - Even if the topographic form with drainage channels is recreated (rather than just 'tastefully contoured' to an approximation of what was once there) the destruction of the substrate precludes meaningful **redevelopment** of the hydrologic regime. Digging out a volume of rock, soil, and its contained hydrologic regime of surface water and groundwater, and then claiming to rehabilitate it by filling the hole with disordered rubble and expecting the hydrologic regime to be the same as before is nonsense⁶!
 - Recreating the original ecosystems is not possible. Plantings of various types and the distribution of additional seed by helicopter after years of open-cut mining (at the commencement of which the plants, shrubs and trees were removed, and the fauna necessarily packed its bags and migrated elsewhere) may take many years (5-10 plus) to create scrubby habitat and up to 10 times as long to create mature habitat, let alone old growth habitat. Yes, some fauna will return and ultimately some forms of ecosystem will be established, but they may be very different from what was once there.
 - 'Rehabilitation' involves creating a cosmetic veneer over deeply compromised ground. At best it constitutes superficial damage reduction and at worst remains an environmental scar, a testimony to corporate greed. It is rather like applying pancake make-up to an older person; it covers the damage but will never restore what was once underneath!
- **In summary, clear-felling and creating massive open cuts destroys scenic landscape, mature and old growth native forest, and dependent ecosystems. Coalpac will mine for 21 years and then the cosmetic cover-up (rehabilitation) will continue over the next 5-10 years. Even allowing very rapid growth-rates and disregarding rehabilitation's limitations, it will be 50-100years before mature forest with a balanced and integrated understorey is developed.**

13. Social concerns – CCPR Section 4.16

- There are many diverse social issues which will be addressed by the Lithgow Environment Group, but the principal adverse impact is on the amenity of the inhabitants of Cullen Bullen.
- CCPR 4.16.2 p171 indicated that the concerns raised in respect of Cullen Bullen include “...adverse health, visual, amenity outcomes (due to air quality, noise and blast impacts), lowered property values, reduced population with current residents leaving the area and division of the community due to the Project proposal.”

Reference was made to the petition opposing the CCP that went to Paul Toole. The CCPR p171 states: “*This petition was gathered prior to the EA going on public exhibition and as such represented a community response to an undefined impact.*” **This is true, but Coalpac is fully aware that the PEA was fully available and that after release of the EA strong opposition remains.**

Reference was also made to the ‘public-spirited’ way in which, once the EA was on exhibition, Coalpac initiated a program of ‘community engagement’ and implemented ‘consultation’ via a three-day Community Information

⁵ All soils have a structure/texture which is fundamental to their aeration, capacity to accept and partly retain infiltrating rainwater, and support plant growth and a range of subsurface and supra-surface fauna.

⁶ Rock-sequences have stratification and fracturing (= structure). Returning rock rubble to the hole doesn't simulate the original stratification, structure and hydraulic properties. The disordered fill will have different permeabilities and groundwater flow-paths so a different watertable will eventuate. Even with recreated drainage lines there is little likelihood of a stream's base flow being recreated because of the changed watertable

Centre. Subsequently, Coalpac initiated a Social Impact Assessment and made it known that the company would (p174) “...continue a number of programs within the local community to mitigate the social impacts predicted for the Project...” The largesse was to include “...ongoing sponsorship and donation programs, support to local businesses, preferentially sourcing employees from the local area and the continuation of engagement with community stakeholders.” Furthermore, a Voluntary Planning Agreement, presumably aimed at greasing the wheels of the community, is under discussion with LCC. **The Society acknowledges that the residents of Cullen Bullen should maximise their return from Coalpac, irrespective of whether or not the CCP is foisted upon them. Chequebook persuasion is to be expected from an organisation which stands to gain so much!**

- CCPR 4.16.3 pp174-175 notes the reported concern in the Cullen Bullen community regarding the LCC switch from a position of objecting to the CCP to one of conditionally supporting it. The ‘uncertainty’ surrounding the results from the LCC’s public consultation process with the residents of Cullen Bullen is also noted. **The Society was most unimpressed with the way this was handled by the LCC.**

14. Economic concerns – CCPR Section 4.17

- CCPR Section 4.17.1: the Society has no intention to engage with this issue in detail because, no matter how dressed up, Delta and TRUenergy and the other companies cited support the CCP purely as a matter of economic self-interest. **The Society does however note that TRUenergy has bought Pine Dale Mine and the Yarraboldy Extension, and will presumably be supporting the Yarraboldy Stage 2 Proposal. TRUenergy has the responsibility to supply the required coal to Wallerawang and Mt Piper Power Stations.**
- Much of the remainder of section 4.17 comprises responses to a submission by SIG 22; it is a debate between experts on what constitutes a meaningful analysis. The Society will steer clear of this debate. Nevertheless, whilst acknowledging that the economic argument for proceeding with the CCP is **superficially** strong, the Society wishes to generate some perspective by reproducing its comments from the BMCS Submission Section 3.11.
 - **The economic argument is particularly strong if one subscribes to the views that: (i) Coalpac and its shareholders are entitled to make their profits from exploiting remnants of low grade thermal coal; (ii) impacts on rural communities are ‘collateral damage’ and of no consequence in economic terms; (iii) coal-fired power generation in NSW and particularly in this region will continue unabated by any government spin about conversion to gas-fired power; and (iv) the reported positions of TRUenergy and Delta Electricity in 4.17.1 are NOT totally self-serving.**
 - **In the simple economic terms adopted by Gillespie in the EA Appendix T pp1-26, any finding other than that the benefits of the CCP vastly outweigh the costs, would require: (a) Coalpac to have totally misread the opportunity to make a ‘killing’⁷; (b) a major collapse in the price of thermal coal, and/or a real commitment by government to switch from coal-fired power to gas-fired power and/or renewables; (c) a completely different way of placing a price on environmental values and the amenity of small communities; (d) an unflinching belief in the enforcement by government of Coalpac’s enormous program of mitigation and management; and (e) a total inability to see that rehabilitation is a cosmetic practice designed to justify permanent damage to the hydrologic regime and the area’s irreplaceable biodiversity.**

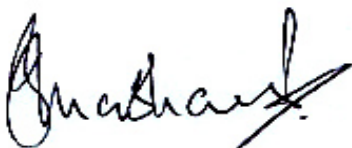
15. Concluding remarks

- Responses to the CCP EA were made by government departments (R), special interest groups (SIG), and private citizens (P). It was noted that the CCPR tended to accept and accommodate R-raised concerns, whereas those from SIG and P sources were more likely to be opposed. The Society acknowledges that this is a broad generalization. Part of the perception might be explained by some of the R-raised items reflecting bureaucratic matters.
- The CCPR responses to the BMCS Submission about sections of the EA follow predictable patterns in that they variously employ the following techniques, either singly or in combinations:
 - **Drowning the reader in a sea of words assembled by highly paid consultants.**

⁷ Or at least make sufficient commitments to mitigate impacts so as to gain approval and thereby have a truly marketable asset; surely TRUenergy would be interested?

- Having exploited reductionism and minimisation in the EA, the same techniques characterise many of the responses.
 - Referring the particular author or organisation to sections of the EA which supposedly cover the matter raised – the implication apparently being that the EA has been inadequately studied – yet on re-examining the cited section(s), the matter may be barely addressed and remains unresolved.
 - Repeating (often word for word) significant segments of the EA in the response, yet the segments were instrumental in causing the concern – repetition does not increase accuracy or credibility!
 - Deliberately(?) misinterpreting or misunderstanding what was being asked and/or why it was being asked.
 - Totally ignoring some of the issues, although it could be construed in terms of acknowledgement and acceptance by omission.
 - Emphasising compliance with government-imposed licensing and/or prescribed predictive methodologies.
 - Making deceptively simplistic statements
- The Society has now responded to some thirteen first-order sections of the CCPR, and has looked at several of the others. Many aspects raised by the Society have been handled in the manner outlined under the preceding dot-point. In effect, substantial concerns remain because the CCPR has failed to alleviate them.

Despite all the sums committed to mitigation, management, offset strategies and rehabilitation, and despite the assurances of highly-paid consultants that ‘Humpty Dumpty’ can be restored, the fact remains that Coalpac wishes to destroy a significant portion of publicly-owned State Forest. And if this were to be sanctioned, it would create a precedent for those watching in the wings, and would concurrently compromise the potential reservation of GoS2.
 - The CCPR is an inadequate response to very real environmental, heritage and social concerns; they therefore remain and collectively comprise a basis for rejecting the CCP. Even without other issues, the threat to plant and animal species and ecological communities, as listed under Commonwealth and/or State legislation should be a more than adequate reason to reject the CCP.
 - Invoking the CCP’s potential dollar-value, the self-serving support from greenhouse-gas polluters, and the spectre of unemployment, lost generating capacity and hikes to electricity costs, to sway government and force a compromise to the detriment of environmental, social and heritage values is unacceptable.
 - Using a Biodiversity Offsets Strategy to facilitate granting the CCP is ethically, morally and scientifically unconscionable. Listing species and communities as threatened (critically endangered, endangered, vulnerable) is to prevent further declines in the populations and/or the types of habitat. Permitting the destruction of threatened species and communities in exchange for lands where they do not exist would be farcical. Let’s hear it for the new motto: “Preservation through Destruction” – surely an Orwellian masterpiece?



*Dr Brian Marshall,
For the Management Committee*

September 5, 2012