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Nature Conservation Saves for Tomorrow

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Mining and Industry Projects
NSW Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Angus Place Colliery PA06_0021 Modification 4 Development of roadways and headings for LWs 1001 and 1003

1. BMCS' position

The Society totally opposes Modification 4 because it effectively pre-empts the full assessment of SSD 5602 and is, in fact, part of SSD 5602. Any approval by Planning of Modification 4 would amount to short-circuiting the assessment process for SSD 5602, including the possibility of SSD 5602 being referred to the Planning Assessment Commission. At a time when corruption and avoidance of due process is in the forefront of many people's minds, acceding to Angus Place's request to proceed with the development of LWs 1001 and 1003 in advance of the full and final assessment of SSD 5602 would be at once courageous and outrageous.

Additional matters leading to BMCS' position are raised in Section 3 below, but it is here emphasised that the Society has made a submission opposing SSD 5602. **In such circumstances, it would be totally ludicrous for the Society not to oppose Modification 4.**

2. Centennial Angus Place's Objective

Centennial Angus Place proposes to modify its Project Approval (PA) 06_0021 pursuant to Section 75W of the EP&A Act. The modification allows for the development of roadways and headings for two longwall panels (LW1001 and LW1003) which form part of the Angus Place Mine Extension Project (SSD 5602).

Much emphasis is placed on Modification 4 not including (Executive Summary page i) "*...any physical works nor significant changes to the existing mining operation...*" in order to "*...achieve sustained development activities.*"

The objective has the inbuilt assumption that SSD 5602 will be approved without any changes imposed by Planning or a Planning Assessment Commission. It countenances no possibility of rejection.

3. Additional considerations

3.1 Modification 2 and Planning's determination

These aspects are a matter of record to the extent that a determination was made and is part of the 'Angus Place' history on Planning's website. It is nevertheless worth emphasising that: Angus Place previously requested (through Modification 2) a trial-mining operation in association with the proposed ventilation

facility; and that a limited trial-mining operation was conditionally approved. Planning did not support components of the trial-mining operation which effectively set up a longwall mining layout. The approved trial ensured that Centennial could ascertain geological and mining conditions without constraining “*the future environmental management of longwall subsidence impacts and consequences*”¹.

It is significant that Angus Place (under Modification 4) seems less enthused about the trial-mining requirement and is now invoking the continuity of development activities as justification for attempting to ‘lock-in’ the LW panel width. **This should be no more acceptable now, than it was when Modification 2 was assessed.**

To emphasise the importance of the Modification 2 assessment and its relevance to Modification 4, the following quotation² is provided from the determination document:

“...parts of the originally proposed trial mining (in particular the 5 sets of easterly twin headings) have the potential to establish a mining layout for four longwall panels that could then become part of the proposed Angus Place Extension Project, for which Director-General's requirements were issued on 6 November 2012.

If this was to be the case, then this part of the longwall layout, and the associated subsidence impacts on surface features, would effectively become a foregone conclusion...it would effectively "lock-in" the width of these longwall panels. Consequently, any future assessment would not have effective means to control subsidence impacts, for example by requiring narrower longwall panels...the most appropriate timing for environmental impact assessment of the trial mining would be as a component of an integrated application for an extension of mining to the northeast of the proposed ventilation shafts. Such an approach would allow the impacts of subsidence associated with longwall mining operations to be fully assessed.”

Angus Place will no doubt argue that it has now provided sufficient information in its Appendices to Modification 4 to resolve any uncertainties regarding panel width and subsidence due to proposed secondary mining activities. The Society rejects this argument because:

- The opinions of the consultants in the Appendices have yet to be fully assessed by Planning, and potentially a Planning Assessment Commission, within the context of SSD 5062. **To accept the Appendices at face value would prejudice any determination of SSD 5062.**
- Submissions to the SSD 5062 assessment process raise uncertainties about the level of confidence assigned to the consultants’ opinions.
- It would seem that the advocated panel widths exceed those previously used, yet the Carne Creek region is one of extreme environmental sensitivity in terms of THPSS and should not be subject to the risks associated with adaptive management processes.

3.2 Modification 4 – is there a demonstrable need?

The Society strongly believes that the precedent which would be set in terms of panel width for LWs 1001 and 1003 and the extent to which approval of Modification 4 would compromise the assessment process for SSD 5062 are the principal reasons behind the Modification 4 proposal. **Yet, to the best of the Society’s knowledge, Angus Place makes no overt claim that these are the reasons behind Modification 4, so what justification (if any) remains for Angus Place submitting Modification 4?**

Disregarding the role of any tactical advantage obtained by gaining approval of Modification 4, Angus Place states it wants to push ahead with the roadways and headings for LWs 1001 and 1003 on the grounds of sustained development (see Section 2 above). As indicated in a letter from Angus Place to Howard Reed

¹<https://majorprojects.affinitylive.com/public/4e80644ada78aa4a3cab8ac8e51d5acc/Angus%20Place%20Mod%202%20Assessment%20Report.pdf>, pp17-18.

²<https://majorprojects.affinitylive.com/public/4e80644ada78aa4a3cab8ac8e51d5acc/Angus%20Place%20Mod%202%20Assessment%20Report.pdf>, pp16-17.

(dated March 18, 2014) in Appendix F³, mine-planning identified (in March 2013) a development-schedule shortfall between the trial mining permitted under Modification 2 and **the possible determination date** of SSD 5602; Modification 4 is therefore a bridging project to sustain development activities in line with the mine's business plan. In other words, **Modification 4 is, at best, for Angus Place's marginal convenience. No serious argument is presented in terms of the mine coming to a standstill or its production capacity being significantly compromised should this small piece of development be rejected.** But perhaps Angus Place is keeping the jobs and costs arguments in reserve? There is no shortage of creative economists!

The case for Modification 4 is weak as presented by Angus Place. The Society has the impression that someone had a thought-bubble and it was decided to run the proposal up the flagpole to see if anyone was dumb enough to salute it. **The truth would appear to be that Angus Place had the data from Modification 2, had consultants' reports available from SSD 5602, and decided to try for a Modification which might avoid equipment down-time, potentially lock in panel widths, and place pressure on Planning to either approve the Modification and/or speed up assessment of SSD 5602.**

The Society contends that Planning should reject this 'not so subtle' attempt at manipulation of the assessment process and refuse Modification 4.

3.3 What is at stake!

The region affected by SSD 5602 and the related Springvale Extension contains some of the most important swamps (THPSS) on Newnes Plateau. The swamps are recognized under Federal and State legislation and LW-mining is an acknowledged threat to their integrity. As well as being an endangered ecological community, the swamps feed the headwater tributaries of Carne Creek, a pristine surface water system which is an integral part of the water supply for the Emirates Resort and then flows into the Greater Blue Mountains World Heritage Area.

Past mining activities by Centennial have compromised parts of the groundwater and surface water systems of Newnes Plateau. The Enforceable Undertaking for \$1.45 million was in recognition of the damage inflicted by Centennial's mining activities. No amount of adaptive management was able to prevent the damage and no amount of risk management adequately countered the damage. Despite all this, the LWs have been moving eastward and are now about to undermine the Carne Creek region should the SSDs be approved.

The same consultants who have continuously reported that the hydrologic regime will not be impacted, that subsidence is within the approved range and by implication is having no impact, that swamps have not been affected, and that changes to surface flows are only temporary due to self-healing, continue to peddle their wares. They participate to disproportionate amounts in the risk-management analyses and have substantial involvement in devising the monitoring programs, and in investigating why 'unforeseen' damage eventuates. They are all part of a system in which the coal companies, in exploiting the finite resource, cause substantial environmental damage but are rarely called to account. **The system places the onus on largely volunteer underfunded environmental organizations to prove that the companies have caused damage, whereas the companies employ staff and consultants to deny responsibility. The Society has little confidence in this system because the Precautionary Principle is supplanted by risk and adaptive management processes which facilitate ongoing mining through inbuilt systemic procrastination.**

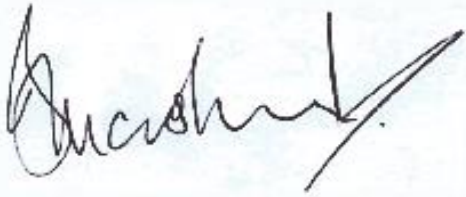
The system, complete with highly paid consultants and systematic denials, has the Carne Creek region in its sights. Damage will eventuate but it will be deemed insignificant, recoverable, resulting from unique circumstances, and all the other minimisation subterfuges which are used to justify ongoing extraction. **This will happen unless Planning is prepared to refer the proposals to a Planning Assessment Commission and recognise that the coal industry is past its peak and should be held accountable.**

³https://majorprojects.affinitylive.com/public/cb1b2c583190205a6a83870df42fe6e0/Appendix%20F%20AP%20Mod%204_%20Correspondence%20between%20Centennial%20and%20the%20Department.pdf

4. Conclusion

The Society has long said that responsible underground mining is compatible with reservation of a region as a State Conservation Area. **But responsible means minimising environmental damage through conservative mining practices and avoiding areas of extreme environmental sensitivity.** There is little evidence of this in SSD 5602 and the similar Springvale extension in relation to the Carne Creek region.

Modification 4 is a very small part of Centennial's progressive mining of coal beneath Newnes Plateau, but its significance is substantial. Its approval will be inconsistent with Planning's determination for Modification 2; it will send a clear signal that coal is paramount and the environment will hold little sway in the restructured Department of Planning and Environment.

A handwritten signature in black ink, appearing to read "Brian Marshall", is centered on a light blue rectangular background.

*Dr Brian Marshall,
For the Management committee.*