

## **Notice of Exhibition - Northern Coal Services Project Modification (SSD-5145-Mod-5)**

### **Detailed Objections**

**1. Misinformation:** any ordinary person interested in the details of this project is likely to be confused and misinformed about its extent and nature as a direct consequence of multiple different names, descriptions, project titles used by the proponent since their submission of the original development application. As an example, the modification application document submitted by the proponent uses the title "Northern Coal Services Modification 5". The Modification report, however, uses a different project title, "Centennial: Northern Coal Logistics Modification Report for Modification 5 to SSD-5145 (MOD5)".

The proponent has used multiple different titles either for the same project, or for similar associated projects in the immediate area over a sustained period of time.

Different titles over the last 15 years include the "Awaba East Project", the "Newstan Lochiel Project", the "Newstan Life Extension Project", the "Northern Coal Logistics Project", the "Olstam Auger Mining Project". The proponent also proposed an open cut mine across their convoluted mining leases between 2005-2009 resulting in considerable community concern and distress for thousands of local residents. This was called the "Awaba Open Cut Project", and sometimes the "Awaba-Cooranbong Open Cut Project".

This has directly resulted in significant confusion preventing interested members of the public, and various government planners, from being able to effectively research and gain valid, truthful information about the project/s, and its relationship to the proponent's other mining and infrastructure projects in this particular area of western Lake Macquarie. Consequently, this application should be rejected until the proponent is able to ensure clear, coherent and sustained long-term communications with the public and interested parties.

### **2. State and Federal Threatened Species Legislation:**

The proposal is vague, inaccurate and unclear about a range of ongoing issues regarding impacts on listed threatened species across the entire project boundary. Further intensive investigation and research of these issues is essential, and the proposal should be rejected until such time as there has been a full and proper series of assessments of the cumulative impacts of all the proponent's activities in the local region.

The western area of Lake Macquarie has long been established as important for environmental conservation, which led to the proposal for the Awaba Conservation Zone more than 40 years ago. Only relatively recently the area was marked as crucial habitat for forest owls that are now listed as threatened and vulnerable under legislation. To date, the proponent has failed to make any commitment or undertaking

to assist with the important work of ensuring the integrity of environmental conservation zonings under their management, including planning for the configuration of the Awaba Conservation Zone.

Under the proponent's management across their convoluted mining leases important threatened species habitat has been degraded, without any adequate governmental or public scrutiny. Creeks have been severely damaged, along with other water courses where surface cracks have resulted in destruction of drainage lines.

The proponent has constructed more than 20 side roads throughout bushland for drilling and other purposes resulting in further degradation of the conservation values formerly established in scientific literature for this area. Formerly the bushland areas covered by the proponent's mining leases were accessible to the public as Crown Lands and areas zoned primarily for conservation purposes. Over at least the last decade public access has been restricted or prevented, hence it has become impossible for interested parties to gain any awareness of the state of the environment and threatened species viability in the area. No further approvals for modifications should be permitted until these issues have been fully and properly investigated and effective remedies put into place to ensure environmentally sustainable outcomes have been achieved.

### **3. Community Consultation:**

There are longstanding and major issues regarding the integrity, extent, and validity of the proponent's consultation with the community. Nothing short of a major investigation of the operations of a number of the proponent's so-called "Community Consultative Committees" is long overdue before they should be permitted to engage in any further activity across the company's various convoluted mining leases in the area. There is clear evidence of failure to effectively engage with public concerns regarding the proponent's operations in the area over more than the last 16 years.

As one example, I include correspondence dated from 2009 and addressed to both the Mandalong Community Consultative Committee and the Newstan Consultative Committee that to date remains unanswered.

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27 October 2009

Mr Milton Morris AO

Chairman

Mandalong Mine Community Consultative Committee

P O Box 559

MAITLAND NSW 2320

(by email to chairman@hvtc.com.au)

Dear Milton,

MANDALONG COMMUNITY CONSULTATIVE COMMITTEE MEETING  
THURSDAY OCTOBER 29, 2009

OBJECTIONS TO MANDALONG COAL HAUL ROAD CONSTRUCTION  
FOR INCLUSION ON THE PUBLIC RECORD AND TO BE MINUTED BY  
THE MANDALONG CCC

I write on behalf of a number of Awaba residents and other members of the public with long-standing interests in bushland conservation in the Awaba region and surrounds.

I refer to our discussion of issues regarding objections to the Mandalong Haul Road construction from a number of people resident at Awaba and other interested persons and members of the public. I refer also to my letter dated 11 August 2009 which was tabled at that month's Newstan Community Consultative Committee meeting by community representatives, ....., a copy of which is attached.

Firstly I would like to thank you again for listening to the concerns many of us have with the construction of the haul road, and the reasons why we object to the development. As you now understand, although Awaba people over several generations have worked in and supported the coal industry and coal mining nearby the village, many of us feel utterly dismayed by the way in which this haul road has been foisted upon us without any consultation whatsoever. In our reasoned and critically informed opinion, alternatives should have been engaged by Centennial so that one of the last intact bits of bushland in the area was not cut in half and dramatically fragmented. Hence we take the view that the current development expresses complete disdain for the community desire to ensure conservation of a bushland corridor for the area that was very clearly established on the public agenda, as my attached letter explains in more detail.

Many people in fact feel that they have been betrayed, and denied natural justice on a number of grounds. The meeting with Centennial representatives that you so kindly

organised on 21 September 2009 demonstrated comprehensively that we had been

excluded and ignored in the scheme of community consultation until many months after the damage had been done to our precious bushland surrounds. The fact that people at Awaba and elsewhere – far beyond the confines of the Mandalong area – may suffer various impacts has not been adequately addressed, and was never effectively dealt with in the original development consent for the mine. While Mandalong residents were included in consultations more than 12 years ago, according to available records, no persons outside the Mandalong area appear to have been involved either then or in more recent times. The first Awaba residents knew of the road was when people either saw operations from trains, or when they followed their normal route along Hawkmount Road only to discover that what was previously crucial crown land offering public access and relatively free movement for a range of recreational and practical pursuits was now blocked and access denied without any warnings whatsoever.

Consequently, on behalf of Awaba residents and others, I put the following objections, complaints and requests to the Mandalong Community Consultative Committee:-

1. We wish to have our total objections to the construction of the Mandalong Haul Road put on the public record. We do not regard it as a legitimate or reasonable use of crown land that was clearly marked for conservation requirements by State and Local Government. In our view permission under the original consent should have either lapsed, or required a completely new assessment to reflect the dramatic changes in circumstances since 1997, notably the massive increase in public interest in conservation of the bushland in this area that occurred in the context of the campaign against the Awaba-Newstan Open Cut Project. The original consent was outdated and irrelevant as a consequence of this and a range of other reasons, including failure to take into consideration associated actions by Centennial Coal and impacts on adjacent land.
2. We request in writing a formal public apology from Centennial for their failure to properly inform and advise affected communities and people of the nature, scope and scale of the haul road and associated developments now extending far beyond the Mandalong surface facilities.
3. We request a full response from Centennial Mandalong to my original letter, a copy of which is attached.

4. We wish to register a formal complaint regarding the continuing noise from construction operations which can on a daily basis be heard from the Awaba township: we also request an explanation of why no assessments of noise impacts have been conducted to address potential effects on the Awaba community in the first instance, and other communities nearby such as Blackalls Park, Fassifern, and Biraban.

5. We wish to register a formal complaint regarding littering and edge effects of construction activity that we witnessed on the limited site visit on 21 September 2009. Although the attendees from the public were only able to stand in one position to look down over the construction in process, we were

dismayed to find hundreds of cigarette butts littering the ground in this place that were clearly from staff employed in operations. Additionally we noticed clearing and damage to bushland as a consequence of a “lunch area” being cut into the vegetation and cleared, with a number of chairs and other items clearly indicating regular use of the spot. We see why people might want to have a camp in such a spot, indeed that is one of the reasons why we have fought so hard for conservation of the area. But this activity is not consistent with the due care and diligence required to limit the damage from construction activities and makes a complete mockery of the claim that this is some sort of “tidy operation”.

6. We seek a written commitment from Centennial to dramatically improve and extend community engagement such that false or misleading jurisdictional claims are no longer used to control, divide, diminish or exclude broad-based, informed, conservation-oriented community involvement.

I am specifically referring here to the way in which my original letter objecting to the Mandalong Haul Road was deemed not to be the business of the Newstan CCC, and was subsequently referred to the Mandalong CCC. This was in spite of the fact that the haul road is being constructed on land subject to the Centennial Newstan Consolidated Lease.

This represents clear evidence that the various community consultative committees are failing to function effectively within the terms of government guidelines and dramatic and immediate transformation in the operations of the CCCs is required to remedy this situation.

It is envisaged that an overarching body capable of effective coordination needs to be set up to properly manage cross-jurisdictional issues, and that is able to obtain a genuine, legally enforceable commitment from Centennial and all its subsidiary operations to work with local communities to properly institute our desire for conservation of all remaining bushland in the area and its inclusion in the proposed Awaba conservation zone. This, after all, was what so many of us had dedicated so much of our lives to, on a voluntary basis, especially since the 2005 campaign against the Awaba-Newstan Open Cut Project.

Again, we understand perfectly well the continuing importance of the coal industry to this region, but we also see long-term value in the amenity of the bushland and

environment. We still have the opportunity to gain a semblance of a bushland corridor and have this put into conservation: we will pursue this aim vigorously with all our available resources and through our extensive social, governmental and media networks. We hope that you can help us encourage Centennial Coal to enter into immediate discussions with us and all other stakeholders to ensure our aims can be met at the soonest opportunity.

Yours sincerely

11 August 2009

Dear .....,

Thanks as always for your continuing work as community representatives on the Newstan Community Consultative Committee.

At the next meeting scheduled for 12 August 2009 I would like to have the issues outlined below taken up by the Newstan CCC on behalf of a number of concerned community members. Assuming you will both be attending, I would appreciate it if you could deliver the following points and complaints to the Newstan CCC. Could you also please ensure that all the points below are minuted fully and put on the public record for future legal reference. I would like the letter tabled to the meeting, but it is also crucial to have the points below directly adopted into the minutes, so if this means reading the points out could you please organise for this to occur.

In short, the concerns below relate to the ongoing haul road construction. Some Awaba residents and numerous other members of the public are deeply distressed by the expansion of Centennial Coal's bushland destruction that has come with this road.

This distress is hardly surprising given the extensive and dedicated efforts of so many people who put in letters and submissions during the exhibition of the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan in 2006 seeking to have the Awaba bushland formally included in the conservation reserve system.



The hundreds of hours of effort of many people were successful in having the Minister for the Environment at the time, Bob Debus, acknowledge the importance of the Awaba bushland, and this perspective was subsequently incorporated into the Lower Hunter Regional Conservation Plan (LHRCP 2009) released by the NSW Department of Environment and Climate Change in April 2009. As the LHRCP 2009 indicates directly:

The ecological value of this area and public support for the stronger conservation of these values was highlighted in the draft conservation plan and in public submissions received. Of the 249 submissions received, 179 (72%) raised the issue of West Lake Macquarie and the need to improve the conservation status of this area. The absence of new reserves in this area dominated the consultation process and was the focus of significant media and community interest. Submissions highlighted the approximately 2500 hectares of Crown land near Awaba, which contains high conservation values.

The importance of the bushland corridor being impacted by haul road construction has clearly not been fully or effectively registered, contrary to the intentions of the Lower

Hunter Regional Conservation Plan (LHRCP). Consequently I bring your urgent attention to the following:

1. Broadscale Conservation Issues: We ask that all construction work cease immediately until the State Government, in genuine and transparent consultation with the community, and with Centennial Coal and other parties with ownership or claims over the lands in question, has determined how conservation of the land can be achieved consistent with the aims of the LHRCP.

## 2. Formal Apology for Absence of Consultation

Centennial Coal apologises formally to the residents of Awaba and the community generally for not involving them in a genuine consultation process regarding the haul road development, and for not advising the community of the likely effects and impacts of the haul road on lifestyle, amenity, rights of access and movement for a cross-section of the public who will be specifically impacted in the short and long term as a consequence of this development.

The suggestion that the haul road was a matter relevant only to the Mandalong Community Consultative Committee is not an acceptable position for the Company to adopt given the lands at issue are covered by Centennial Newstan's lease, and given that communities and residents far beyond the confines of the Mandalong lease area are likely to face significant impacts from haul road operations and noise from trucks. The haul road should have been openly discussed in a timely manner, and should have provided full details of the proposal for the benefit of community representatives in the context of the Newstan CCC so that they, in turn, could have disseminated that information to other members of the public with an interest in positive conservation outcomes for the area.

## 3. Environmental Matters

We also request that work on the haul road cease immediately to allow time for further investigation of a number of matters, including, but not limited to significant contradictions between key environmental assessment documents submitted in support of this project. We have taken the view that the extent and scale of clearing and disruption of the existing bushland is no longer consistent with the details of the proposal submitted to Environment Australia under the terms of the Environment Protection and Biodiversity Conservation Act, and should therefore be referred for reconsideration with the full details showing accurately the scale and nature of the construction.

The project must also be brought to the attention of the Director General of the Department of Environment and Climate Change NSW for close and careful consideration of a suite of issues under the Threatened Species Act NSW which have not received full and proper investigation to date.

We look forward to a reply within 14 days of the date of this letter.

Yours sincerely

#### **4. Deliberate Staging of Development Applications:**

This proposal, and other instrumentally associated projects, have never been adequately or properly assessed under various laws as a direct consequence of incremental staging. For example, in 2009, in relation to the original development application, a major haul road construction (sometimes called the “Cooranbong Haul Road”, but again multiple names have been used by the proponent, and this has led to public confusion) was approved based on yet another earlier, stale development application from before 1999 which ought to have been subject to detailed assessment under the provisions of the Environmental Protection and Biodiversity Act 1999. Proper assessment never occurred. The proponent's activities need to be holistically assessed under all relevant state and federal legislation before this modification is assessed.

I bring your attention to the following advice document published by The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development <https://www.iesc.gov.au/sites/default/files/2022-07/iesc-advice-newstan-mine-extension-2021-128.pdf>

The modification proposal should be rejected until the full terms and analysis of multiple cumulative impacts as presented in this document have been properly addressed.

#### **5. Confidential: additional issues warrant further sustained investigation before any approvals are given by Government.**

Human skeletal remains of unknown origin were discovered during construction of the Newstan to Eraring Private Haul Road some time around the early 1980s when the NSW Electricity Commission was the proponent of the haul road development. Ownership of the haul road and associated mining operations shifted to Powercoal in the early 1990s, and was subsequently sold on to the proponent, Centennial Coal, in 2002. Hence the proponent is now responsible for the further investigation and resolution of this matter in the public interest.

The nature and circumstances of this discovery remain obscure, in spite of unofficial accounts that have confirmed the incident. Members of the public have attempted to have this matter investigated further, but to date these efforts have not resulted in any effective response from the proponent. The proponent has not mentioned or acknowledged this discovery to date in any of the literature, reports, environmental or heritage assessments submitted over at least the last two decades. The proponent would benefit from attending to this matter finally in order to permit the discovery of human remains, whatever their nature or origin, to be put on the public record. Until this matter is settled, the proposal should not be permitted.