

To: www.planningportal.nsw.gov.au

From: Chris Jonkers, LIDSDALE NSW 2790

5 August 2024

RE: MP06_0021-MOD-9 ANGUS PLACE COLLIERY

Thankyou for the opportunity to comment on MOD 9 Angus Place Colliery. I **object** to this proposal for the reasons outlined below –

1. This Modification (MP06_0021-MOD-9 Angus Place Colliery) was not exhibited on the Independent Planning Commission (IPC) website as required, since the IPC is the decision maker (reg 106 EP&A Reg 2021).
2. This Modification (MP06_0021-MOD-9 Angus Place Colliery) was not exhibited for the mandatory minimum of 14 days (ss 4.60, Sch 1 Div 2, 10 EP&A Act).
3. Centennial has misled the community by stating In the Western Region Community Consultative Committee (CCC) Minutes on 12 March 2024 that MOD 9 was seeking to extend the consent for 5 years until 31 August 2029 (see below). However the MOD 9 documentation states until 31 December 2042. I believe that an 18 year extension is excessively long, totally unjustifiable, totally unacceptable, and that a shorter time limit must be imposed.

Angus Place MOD 9 – Long Term

- Angus Place Modification 9 proposes the following:
 - ~~Operate of a Reverse Osmosis Water Treatment Plant to treat up to 13.4 ML/day raw mine water;~~
 - ~~Reinstatement of licenced discharges of up to 10 ML/day of treated mine water (EC 350 µS/cm);~~
 - Extension to the PA 06_0021 consent expiry for 5 years to 31 August 2029 to enable the Angus Place West Project application (SSD-26254212) to be assessed and determined.
 - Infrastructure for the Regis mine water transfers.
- Technical specialists are preparing technical assessments for the proposed Modification.

Figure1: Western Region CCC Minutes 12 March 2024

4. The Proposal does not meet the criteria as having a minimal environmental impact.
5. The Proposal clarifies that Centennial Angus Place Colliery will not meet its rehabilitation and mine closure obligations mandated under the existing consents and will enable Centennial to continue to be non-compliant for a further 18 years because –

- i. The Proposal is incompatible with the energy and resources environmental planning instrument due to the ongoing and unnecessary impacts on water resources and inefficient resource recovery,
 - ii. The Proposal enables Centennial to cause further and avoidable environmental impacts by delaying decommissioning and rehabilitation, and
 - iii. The Modification is not in the public interest as the description of the proposal obscures Centennial actual plans to continue to operate Angus Place as a 'care-and-maintenance' project rather than for the purpose of decommissioning and rehabilitation.
- 6. Misleading information in Centennial's Mod 9 proposal may be at risk of breaches under s 10.6 EP&A Act for misleading information in connection with a planning matter.
- 7. In failing to refer Mod 9 as a controlled action, Centennial may also be in breach of the EPBC Act. The 2014 EPBC Referral approved for MP06_0021 is now woefully deficient and out of date. On 26 August 2022 the Commonwealth DCCEEW deemed that the Angus Place West proposal (EPBC 2022/09270) was a Controlled Action under
 - i. World Heritage properties (sections 12 & 15A)
 - ii. National Heritage places (sections 15B & 15C)
 - iii. Listed threatened species and communities (sections 18 & 18A)
 - iv. Listed migratory species (sections 20 & 20A) • A water resource, in relation to coal seam gas development and large coal mining development (section 24D & 24E)

8. Cumulative Impacts on Water Resources

Centennial coal mines extract 20.1 billion litres of groundwater from a mine disturbance footprint of about 12,000 Ha in the Gardens of Stone SCA each and every year, increasing with every new Panel that is mined. (Source: numerous Centennial documents have confirmed that the Springvale Transfer sends 42ML/day to Mount Piper Power Station, and that Clarence Colliery discharges 15ML/day into the Wollangambe River).

Angus Place Mine has approval to extract 3.24 billion litres each and every year that MOD 9 unnecessarily extends the life of the mine.

By any measure these are staggeringly large volumes of groundwater, water that is vital to maintain base flow into local waterways and sustain groundwater dependent ecosystems such as endangered

Temperate Highland Peat Swamps on Sandstone (THPSS) and threatened species such as the Blue Mountain Water Skink (*Eulamprus leurensis*) and Giant Dragonfly (*Petalura gigantea*).

It has never been the intention that Angus Place Colliery (or any other coal mine in Australia) would continue to extract groundwater indefinitely. When the extraction of the coal resource ceases, then so too should the extraction of the groundwater resource. And it is not Centennial who should decide to send this minewater to McPhillamys Gold Mine near Blayney.

Mining ceased at Angus Place Colliery in 2015, and MOD 9 does not seek to undertake any further mining. Therefore continuing to extract 3.24 billion litres each and every year until December 2042 is totally unjustifiable.

Centennial regard groundwater inflow into mine workings as a waste product to be disposed of. For the environment of the Gardens of Stone SCA, however, that groundwater is an extremely valuable resource for maintaining baseflow into waterways and for sustaining groundwater dependent ecosystems.

Centennial has admitted that the capacity of Mount Piper Water Treatment Plant has been exceeded. They therefore cannot argue that Angus Place minewater is needed by Mount Piper Power Station.

It is not for Centennial to decide that this groundwater should be pumped to McPhillamy's Gold Mine near Blayney. This groundwater belongs to the Gardens of Stone SCA, and must be retained in the local environment for future generations so that at least some of the swamps, waterfalls, creeks, and rivers that have been desiccated by Angus Place Colliery can start to recover post-mining.

MOD 9 must not extend the life of Angus Place Colliery for a single day longer than is absolutely necessary, and certainly not until December 2042.

9. Chronic under-reporting of incidents of environmental harm

Centennial has an extremely poor record of self-reporting incidents that have caused environmental harm. For example, whilst the IPC Commissioners may be aware of the \$1,450,000 Enforceable Undertaking imposed on Centennial by Federal Environment Minister Tony Burke on 12 October 2012, the Commissioner's may not be aware that the damage caused by Angus Place and Springvale Colliery was not self-reported by Centennial.

It fell to a volunteer-run community group to report damage to nationally endangered Temperate Highland Peat Swamps on Sandstone (THPSS) in Narrow Swamp, East Wolgan Swamp and Junction Swamp by emergency minewater discharges from LDP4 & 5. When volunteers discovered that damage it was obvious from the amount of foot-traffic in the area that Centennial were fully aware of that damage, however they did not officially report it to the relevant Federal or State agencies.

Similar instances occurred with damage to THPSS by Angus Place Colliery 900 Panels to Kangaroo Creek Swamp; damage to THPSS along the northern arm of the Cocks River in Long Swamp due dewatering the Angus Place 300 Area in 2006 and 2018; by Clarence Colliery Panel 707 to THPSS in Farmers Creek Swamp and 900 Panels to upper Paddy's Creek Swamp; and many more.

The Clarence Colliery coal-fines spill into the Wollangambe River on 23 December 2023 was reported by LEG, not by Centennial.



Photos1,2,3: Clarence Colliery coal-fines spill into Wollangambe River – 23 December 2023

In June 2022 LEG reported a cliff collapse at the end of Angus Place Longwall 1 mined August 1979 - May 1980. Centennial only reported this in the Western Region CCC Minutes of 17 August 2022 after viewing LEGs Facebook page (see below). However such an incident would invariably have gone unreported by Centennial unless the community raised concerns in the public domain.

Rock Fall – Kangaroo Creek

- 3rd June 2022 - Lithgow Environment Group IMC Facebook page posted a photo of a landslide
- 6th June 2022 – Inspected by Mine manager
- Reported on 16th June 2022 to:
 - National Parks and Wildlife Services
 - Planning Secretary
 - Resource Regulator
 - NSW Environmental Protection Authority
- 18th July – Regulator Inspection

Kangaroo Creek
Regulator Inspection 18 July 2022



Figure 2: Western Region CCC Minutes - 17 August 2022

In the same CCC Minutes Centennial reported a major erosion incident in Narrow Swamp. This swamp was damaged by Angus Place Colliery 950 – 970 longwall Panels mined between 8 August 2008 - 8 October 2012, and was the subject of a \$1.45 million Enforceable Undertaking in 2011.

Narrow Swamp – Erosion

- 18th May 2022 – contractors undertaking annual photo monitoring surveys identified erosion in Narrow Swamp.
- Reported on the 25th May 2022 to:
 - The Department of Planning (DPE)
 - The Environment Protection Authority
 - The NSW Resources Regulator
 - National Parks and Wildlife Services
 - The Forestry Corporation NSW (FCNSW).
- 18th July – Regulator Inspection
- Investigation ongoing

Narrow Swamp
Regulator Inspection 18 July 2022



Figure 3: Western Region CCC Minutes – 17 August 2022

Both of the above incidents demonstrate that ongoing damage to endangered swamps, waterways, and cliff lines will continue to occur long after mine closure. However the EPA, DCCEEW & DEWHA are far too reactive, appear to rely on the community and not Centennial to report incidents, and are not conducting regular inspections to identify damage themselves.

On 11 June 2018 volunteers noticed the Pollution Control Dam adjacent Angus Place Colliery was heavily contaminated with Solcenic oils. This dam is only 500metres from the Coxs River, and some of those oils most probably contaminated the Coxs River and Sydney drinking water supply. Once again it was up to LEG, not Centennial, to report this incident to the EPA.



Photo 4: Solcenic oil spill – Angus Place Colliery – 11 June 2018

After LEG reported this to the EPA, the oil was pumped into a truck and dumped down Angus Place underground workings, along with Brine waste from the 2018 Temporary Reverse Osmosis (RO) plant. The EPA did not record a non-compliance for this incident on EPL467.

Solcenic oils are apparently a taboo subject for the EPA. LEG has previously reported Solcenic oil spills from LDP5 into the Wolgan River, only to have these concerns ignored by the EPA.



Photo 5: Solcenic oil discharge from LDP5 into Narrow Swamp & Wolgan River 2008

This is the very same minewater that Angus Place MOD 5 & 8 propose to dump into Wangcol Creek.

Legacy pollution issues such as this will continue to accumulate if MOD9 is approved for 18 years.

Every single day that MOD 9 extends the consent for Angus Place Colliery beyond what is absolutely necessary means that further incidents of environmental harm are likely to occur and go unreported due to Centennial's ingrained culture of under-reporting and non-compliance.

10. Culture of Non-compliance

An audit of Angus Place Colliery EPL467 found 139 instances of licence non-compliances over the past 23 years (see below). Across all Centennial mines in the Lithgow region there have been over 1000 POEO Licence non-compliances; Enforceable Undertakings; Penalty Notices; Prevention Notices; Clean-up Notices; and Pollution Reduction Notices. Just some of these include –

- Angus Place Colliery – **139** POEO Licence non-compliances on EPL467 from 2000-2023;
- Springvale Colliery – **1,017** POEO Licence non-compliances on EPL3607 from 2000-2023;
- Clarence Colliery - **156** POEO Licence non-compliances EPL726 from 2000 to 2023;
- Airly, Charbon, Ivanhoe, Lidsdale Coal Unloader – not calculated;
- Prevention Notice, 22 December 2023: EPA issued Clarence Colliery with a Prevention Notice after EPA officers sighted turbid water discharging from the Premises via the Main Dam and into Wollangambe River. The EPA also suspected there was a build-up of coal fines/coal material in the Polishing Lagoon, and Main Dam. Reported by LEG, not Centennial.
- Enforceable Undertaking: In 2022 Centennial breached its Development Consent for Airly Mine, causing major irreversible fractures in the Mugii Murum-ban State Conservation Area. The Department of Planning and Environment imposed a \$150,000 Enforceable Undertaking on Centennial. The company has since mined outside its approved area, which is a Class 1 reportable offence under the NSW EP&A Act.
- Enforceable Undertaking: 2 November 2021 - two workers at Clarence Colliery suffered serious injuries including multiple spinal fractures when struck by falling roof material.
- Prosecution 2017 - EPA fined Centennial over \$1 million after coal Reject Emplacement Area 3 (REA3) at Clarence Colliery spilled 2,330 tonnes of coal-fines into the Wollangambe River and caused damage within the Greater Blue Mountains World Heritage Area (GBMWH).A).
- In 2015 Centennial was fined \$15,000 when toxic coal sludge was illegally discharged from Springvale Colliery sediment storage ponds into downstream wetlands.

- Penalty Notice 3085772169, 30 May 2013 – Springvale Colliery EPL3607 - Contravene of Part 5 pt 7 of the Protection of the Environment Operations Act 1997 – Corporation
- Penalty Notice 3085772178, 30 May 2013 – Springvale Colliery EPL3607 - Contravene any condition of licence - not noise - corporation
- Penalty Notice, 26 March 2012. Clarence Colliery breached its manganese limit as the treatment plant couldn't cope with increased minewater inflow. The mine was fined \$1500.
- Enforceable Undertaking: In 2011 Centennial Angus Place & Springvale Mines acknowledged that the Federal Environment Minister considered its mining operations had significantly impacted upon Temperate Highland Peat Swamps on Sandstone (THPSS) in Narrow Swamp, East Wolgan Swamp, and Junction Swamp. Centennial entered into a \$1.45 million Enforceable Undertaking under s486DA of the EPBC Act. These swamps have not recovered.
- 2 February 2010 - Angus Place Colliery was convicted and fined \$288,000 plus costs in the Industrial Court of NSW after a fatality at the mine.
<https://www.caselaw.nsw.gov.au/decision/549f77c83004262463a89ccf>
- 30 November 2007 - Clarence Coal P/L and Centennial Coal Company Ltd were each fined \$80,000 under the OH&S Act after a worker received serious injuries resulting in paraplegia.
- November 2004 - EPA issued Clarence Colliery with a Penalty Notice and \$1500 fine for breaching the filterable manganese limit of EPL726 on 18 October 2004.
- 1981 - during construction of the main storage dam and polishing dam, Clarence Colliery was prosecuted by the State Pollution Control Commission (SPCC) for failing to prevent water pollution of the Wollangambe River.

Centennial have a deeply ingrained culture of non-compliance, which has clearly not been addressed by issuing more Enforceable Undertakings, Prosecutions, Penalty Notices, or similar financial deterrents.

Every single day that the current Angus Place Mine consent is extended beyond what is absolutely necessary enables further instances of environmental harm.

MOD9 must not be approved to extend the life of Angus Place Colliery for a single day longer than is absolutely necessary, and certainly not until 31 December 2042.

11. Appalling History of Mine Rehabilitation in the Lithgow region

The Lithgow region is littered with abandoned coal mines, most recently the Coalpac mines and Pine Dale Mine. The process of unsatisfactory mine closures invariably begins with a coal mine going into 'care & maintenance', as with Angus Place Colliery for the past 9 years. Companies then defer and delay, try to sell the mine, or go into receivership to avoid rehabilitation obligations.

Approving MOD 9 and extending the consent for Angus Place Colliery for another 18 years until December 2042 is setting up exactly such a scenario. All local Centennial mines could well close at the same time (eg. when Mount Piper Power Station is no longer commercially viable). Centennial could then go into receivership, and none of these mines will ever be satisfactorily rehabilitated.

MOD 9 must not extend the life of Angus Place Colliery for a single day longer than is absolutely necessary, and certainly not until 31 December 2042.

CONCLUSION

Government, Council, Unions and Industry have historically denied, lied and covered-up any inconvenient truths about coal mining in the Lithgow region to suit their 'economic benefits' dialog. All routinely ignore cumulative impacts, minewater pollution, threatened species, aboriginal heritage, legacy mining issues, post-mining impacts, the non-compliance culture, and take the 'drug dealers defence' on emissions, whilst forever increasing mining intensity, extraction ratios, and the severity of impacts.

Subsidence damage due to longwall mining in the Lithgow area since first introduced at Angus Place Mine in 1979 has been well documented. Not by Government, Council, Unions or Industry, but by outraged traditional owners, residents, bushwalkers, volunteer groups, and a diligent media.

Centennial have invariably claimed in every Proposal lodged, as with this MOD 9, that there is 'no evidence' of any environmental harm and that the proposal will have 'negligible impacts'.

Yet creeks have disappeared into mine voids; numerous swamps and hanging swamps are dead; cliffs continue to fall; waterfalls have dried up; surface fractures and sinkholes are everywhere; infrastructure has been damaged; ongoing water pollution....the list goes on.

Are the above "Acceptable impacts"? Centennial's arrogant right-to-mine attitude regards any and all impacts as acceptable, and the mine lease as their own private property to do with as they wish. But it is not Centennial land, it is publicly owned land belonging to all the people of NSW. And it is not just an ordinary patch of bush, but a biodiversity hotspot within the Gardens of Stone SCA

bordering the Greater Blue Mountains World Heritage Area – of State, National, and International significance.

The problem with long-term Government cover-ups of mining damage in the Lithgow region is that public servants approving and regulating coal mining developments start to believe their own government's 'disinformation' and 'misinformation' campaigns, and the scale and severity of those impacts escalate exponentially.

Endorsing inaccurate predictions of mine subsidence and then fining Centennial afterwards is too little too. Allowing damage to occur and then issuing enforceable undertakings and non-compliances is too little too late. And more and more enforceable undertakings and prosecutions has done nothing to change Centennial's deeply ingrained non-compliance culture.

Furthermore relying on volunteer groups to report swamp and other subsidence damage rather than enforcing Centennial to report damage is too little too late. The DCCEW and DEWHA must be more proactive, must require Centennial to report, or else get out into the Gardens of Stone SCA on a regular basis and find this damage for themselves.

Changing the abhorrent culture and attitude of the coal mining industry towards the environment in Lithgow must come from the top down – the Prime Minister, Premier, and relevant Ministers.

Yours sincerely

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