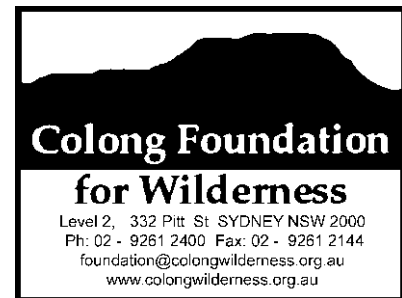


Wednesday, 4th June, 2014

Ms Margaret Kirton
Mining Industry Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



cc. Colin.Phillips@planning.nsw.gov.au

Dear Ms Kirton,

Angus Place Colliery Project Approval 06_0021 Modification 4, the extension of First Workings approved by Modification 2

The Colong Foundation strongly objects to this development proposal for first workings. This proposal has come forward without requirements from the Director General of the Department of Planning and Infrastructure (the Department) and consent should be refused.

The Angus Place Modification 4 proposal has been confused with Extension Project SSD5602 due to Centennial Coal advertising Modification 4 while SSD5602 was on exhibition (e.g. in the *Lithgow Mercury*). Some environment groups have received copies of the Modification Proposal 4 from Centennial Coal as a CD and confused it with the SSD5602 extension project. Some have addressed Modification 4 issues in their SSD5602 submission. For this reason, **the Colong Foundation requests that all submissions received by the Department on SSD5602 also be accepted by the Department as submissions on the Modification 4 proposal.**

Centennial Coal has already been granted consent for first workings in the area subject to this development application under 06_0021 (Mod 2), as shown in the figure below.

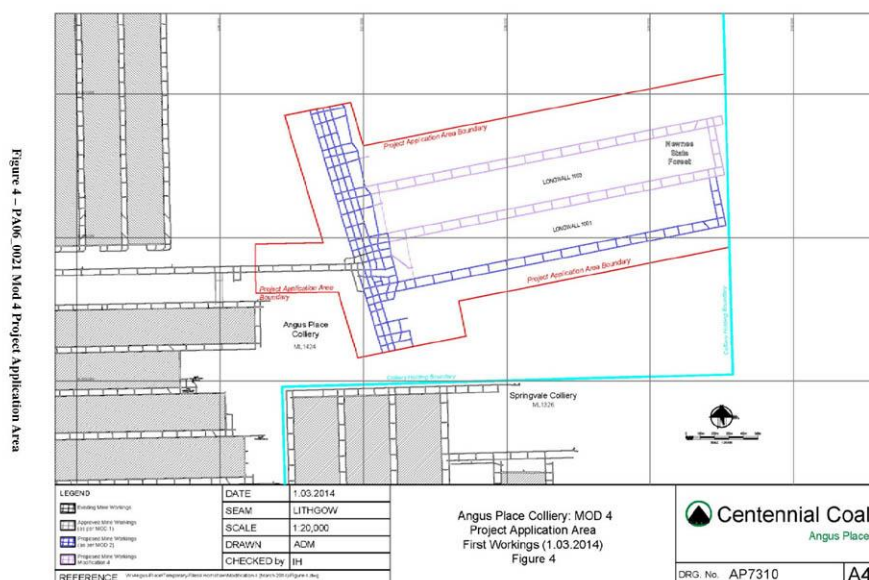
The Project Application Modification 4 proposal is for a very small amount of first workings. These workings define the longwall panel widths for the first two panels of the major proposal currently under assessment (SSD6502). This small amount of first workings proposed could not be crucial for continuity of operations at the Angus Place mine.

Grounds for refusal of Modification 4 to Project Approval 06_0021

The Colong Foundation for Wilderness is pleased that regulatory authorities treated the “trial mining” proposed in 06_0021 (Mod 2) with appropriate caution when it was determined.

As the the Department would recall, Centennial Coal requested “*trial mining ... to explore from the western to eastern extents of the Subsidence Assessment Area ... via the underground roadways developed from the eastern extent of longwall 910*” (page 30, Vol 1 of the Environmental Assessment for Mod 2).

The Colong Foundation is pleased that the Department did not allow the “trial mining” to define the width of longwall panels in the 395 hectare proposal area.



This approved ‘trial mining’ in blue is much larger than the current proposal for first workings that will determine the longwall panel widths

The proposed 06_0021 (Mod 4) does not rely on the mining trial argument, apparently so important only a year ago. Now the argument of this small amount of mining is for continuity of the Angus Place Mine. Yet the extent of trial mining above is small relative to the area already approved under 06_0021 (Mod 2).

The Modification 4 application is an unnecessary reapplication over an area where first workings have already been sought and approved in a modified form.

Centennial is gaming the planning system to gain a tactical benefit, namely to set the width of the longwalls as a precedent in the sensitive area proposed for future mining under SSD 5602.

The Department of Planning and Infrastructure should stand by its Modification 2 determination, and refuse this Modification 4 application.

It is insufficient that Modification 4 has provided an assessment of the impacts of those secondary mining operations that was previously absent from the Modification 2 application. Consideration of the Modification 4 secondary mining assessment by regulatory authorities will pre-empt the regulatory purpose of the Planning Assessment Commission when it reviews the intensity of mining in the area subject to SSD 5602.

The Department's determination of Modification 4 must not "lock in" the position of regulatory authorities regarding the intensity of mining in this sensitive Carne Creek area before the Commission has reviewed the matter. This will give Centennial a tactical advantage because regulatory authorities will be unwilling to change the position adopted on Modification 4 regardless of the Commission process of SSD 5602. This advantage is the reason for this application, not mining continuity, although Centennial Coal may indeed threaten mining lockouts to force the Department's hand on Modification 4.

The Department's limitation of trial mining in relation to 06_0021 (Mod 2) ensured that the extent and severity of subsidence damage was not pre-determined without a proper assessment and due process. These considerations should be applied by the Department in its determination of the 06_0021 Mod 4 proposal.

The proposed development of underground roadways for longwall panels 1001 and 1003 pre-empts any subsequent limitations of mine subsidence impacts on surface features as changes to panel width are not possible if Modification 4 is approved.

The proposed longwall panels are WIDER than those previously approved. The longwall mining of panels 1001 and 1003 will lead to GREATER environmental damage as the proponent moves east into the more sensitive Carne Creek catchment.

The Department has already rejected Centennial Coal's proposal to pre-empt proper review of its development proposal when it limited the extent of the "trial mining".

The Colong Foundation believes that the Planning Assessment Commission review of SSD 5602 must be able to review the proposed intensity of mining in the 395 hectare area within the Modification 4 proposal.

The Department must not issue development consent for these first workings, as assessment of the subsidence damage arising from longwall panel extraction in the Modification 4 area must be part of the Planning Assessment Commission review.

Any limitations to control subsidence must be applied at the first workings stage, not at the secondary approval stage when the mine plan has been already set. The proposed first workings are key to the mining in this part of the very sensitive Carne Creek catchment and should not be approved until the impacts of the secondary workings are properly assessed and reviewed by the Commission.

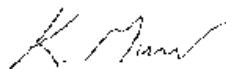
“Trial mining” has already been approved and allows mining operations east in a sensitive, more pristine catchment area, Carne Creek. Future mining must not allow Carne Creek to become polluted and diminished. Carne Creek flows through the Greater Blue Mountains World Heritage Area and beside the Emirates resort. Inappropriate mining in the application area would impact on internationally significant tourism and heritage values.

The Modification 4 proposal should either be refused or deferred until Extension Project SSD5602 is determined by the Commission.

The Colong Foundation for Wilderness does not make donations to political parties.

Thank you for the opportunity to comment on this Development Application.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'K. Muir', with a stylized flourish at the end.

Keith Muir

Director

The Colong Foundation for Wilderness