

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

30 April 2014

Dear Sir/Madam,

**Part 3A Modification 4 – Invincible Mine Extension (07_0127 MOD 4) and
Part 3A Modification 2 – Cullen Valley Mine Extension (DA 200-5-2003 MOD 2)**

The Nature Conservation Council of NSW (NCC) is a non-profit, non-government organisation representing more than 120 community environment groups across NSW. We have long-standing experience in state environmental assessment and planning and are extremely concerned with the proposed modifications to the Invincible and Cullen Valley coal mines in the Lithgow Local Government Area.

The Department of Planning and Infrastructure has previously recommended refusal of the open cut coal mine proposal by Coalpac. The proposed development sites are not an appropriate location for mining development, due to potential impacts on important conservation values and local residents.

This proposal will adversely impact 315 hectares of the precious Ben Bullen State Forest in the Gardens of Stone region. This public forest located on the western edge of the Great Dividing Range, contains an internationally significant pagoda landform complex and is proposed as a state conservation area for nature conservation, recreation and tourism. Therefore the Ben Bullen State Forest and Gardens of Stone should be fully protected from open-cut and high-wall mining.

The coal in this proposal is of poor quality and there are better quality substitute resources that can provide at least 25 years electricity generation by the two power plants in the Lithgow Region. The claim of increased costs to electricity consumers if the Coalpac proposal does not proceed is a wild exaggeration. Nearby underground mines have provided for local electricity power plants for over 20 years.

In this submission NCC wishes to address a number of issues relating to impacts on air quality, biodiversity, scenery and geological values associated with the pagoda landform complex and Aboriginal cultural heritage.

NCC objects to the proposal on the following grounds.

Air quality and community impacts

The proposal is less than two kilometres from Cullen Bullen and dust from this project will put the health of the residents at risk. Coal dust from the proposed project coal will cause the release of particulate matter (PM 10 and PM 2.5). Exposure to particulate matter pollution can lead to diminished lung function, damage and inflammation of lung tissue, increased mortality rates in children and young adults, aggravation of asthma symptoms, heightened risk of cardiac arrhythmias, heart attacks and other cardiovascular issues.

Noise, truck movements and blasting will also adversely impact on residents. The proposal intends to vastly increase water extraction from underground workings from 26MI/year to 750MI/year, but fails to

address the ongoing fires underground and in waste heaps. Where 2Ml/day of water pumped from old workings is to be released is not explained.

Biodiversity

The proposal will destroy a Grassy Box Woodland – a nationally endangered ecological community, many nationally endangered *Clandulla geebung* (*Persoonia marginata*) shrubs and 2,300 threatened Capertee Stringybark (*Eucalyptus cannonii*) trees which provide habitat for Lyrebirds, Regent Honeyeaters, Powerful Owls, Spotted-tail Quolls, Squirrel Gliders, the critically endangered Leek orchid and the Grey-headed Flying Fox. The key threats to these species include land clearing, change in habitat due to subsidence and alteration of water flow, and contamination of land and water.

All of these threats are possible effects of this project. The cumulative loss of threatened species habitat in NSW means that many native flora and fauna species are facing a high risk of extinction in NSW into future.

The proposed modifications should be instead reserved as a State Conservation Area to protect threatened wildlife, many threatened plants and at least one endangered ecological community. In this context the Planning Assessment Commission 2012 recommendation for independent vegetation study for any further Coalpac proposal should have been an essential element of the Environmental Assessment for these modification proposals.

Pagoda landform complex

The natural and scenic values of the Gardens of Stone region and the sensitive and important biodiversity areas are of high conservation value, therefore the impacts of the mine are unacceptable. The proposal fails to provide the 300 metre minimum buffer recommended by the Planning Assessment Commission from the base of the pagoda rock formations and the open-cut area. The buffer provides protection for wildlife including many lyre birds and the threatened broad headed snake. If such a buffer were provided, there would be no mine.

Aboriginal cultural heritage

The Aboriginal cultural heritage assessment lacks credibility because it did not find a cave art site in the proposed disturbance area for the Cullen Valley Mine. Previous studies had missed other important Aboriginal cave art sites in the area.

Conclusion

This proposal has the potential to create long-term damage to the pagoda landform, threatened species, and the health of residents in the surrounding region. Further, this proposal does not benefit the Lithgow community, because it will deny the community the benefits of tourism provided by this unique natural environment.

The Invincible Mine Extension and Cullen Valley Mine Extension would add to the environmental impacts from the cumulative effects of the rapidly growing coal industry in NSW. The project goes against the principles of Ecologically Sustainable Development as it would substantially degrade the ecological character of the Ben Bullen State Forest and Gardens of Stone. The NSW government needs to manage and protect our states environmental assets so that they can continue to provide valuable environmental services to the state. The threats to the Gardens of Stone are too great to allow this mine to proceed.

NCC is unsatisfied that the impacts of the mine can be managed and mitigated to ensure an acceptable level of environmental performance. Due to threats to the natural and scenic values of the Gardens of Stone, biodiversity, threatened species, the community and the Aboriginal cultural heritage it is irresponsible to approve the Invincible Mine Extension and Cullen Valley Mine Extension mine and we urge the determining body to reject these proposals.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Smolski', with a large, stylized flourish at the end.

Katherine Smolski

Campaigns Director