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

Friday 2 May 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 Environment Liaison Office (ELO) provides a parliamentary liaison function for the state's leading environmental advocacy organisations. The members of the Environment Liaison Office are the Nature Conservation Council, Total Environment Centre, National Parks Association, the Wilderness Society, Colong Foundation for Wilderness, Blue Mountains Conservation Society, North Coast Environment Council, Central West Environment Council and the South East Region Conservation Alliance.

We are united by a common commitment to environmental protection, nature conservation and ecologically sustainable development in New South Wales. Together, our organisations represent hundreds of thousands of individual members from across New South Wales.

Significant impact on an internationally significant landscape

The ELO objects to the proposed modifications for the Invincible and Cullen Valley coal mines because they will cause a significant adverse impact on the internationally significant pagoda landform located on the western side of the Great Dividing Range within Ben Bullen State Forest. This public forest, and particularly the part west of the Great Dividing Range, should be protected from open-cut mining and reserved in a state conservation area as soon as possible. Ben Bullen State Forest has higher overall plant and animal diversity than either Newnes Plateau or the Gardens of Stone National Park.

The proposed open-cut mining would destroy 150 hectares of the Tablelands Grassy Woodland Complex that are an integral component of this pagoda landform. A further 165 hectares of this woodland's moister elements located below the sandstone escarpments will be permanently dried out and degraded by proposed highwall mining above the proposed open-cut mine pits.

The grassy woodland areas on the Permian sediments below the sandstone outcrop areas and within the modification proposals are critical to this pagoda landscape complex. To the north, the pagoda landform complex found in the Baal Bone coal lease area has been damaged by extensive cliff falls and desiccation due to intensive underground coal mining. To the east across the Dividing Range in the upper Cocks River valley, along the Wolgan Road, the woodlands on Permian strata have been cleared. To the south, Triassic Narrabeen sandstones are absent, and so there are no pagodas.

Further north in the Capertee Valley, Tablelands Grassy Woodland Complex is absent; and still further north, the climate becomes drier and the vegetation types change as the Blue Mountains Pagoda Shrublands reach their northern limit.

None of the unique pagoda landscape located on the western side of the Ben Bullen State Forest is protected in national parks or state conservation areas. This landscape is irreplaceable and the Tableland Grassy Woodlands will become so degraded by the proposed Coalpac modifications that it will no longer provide suitable habitat for many of plants and animals now in it.

The woodlands within the proposed modifications area contain examples of two Ecologically Endangered Communities (EECs): a Box Gum Woodland; and a Frost Hollow Woodland. At least 2,300 threatened *Eucalyptus cannonii* trees will be destroyed by the proposed Coalpac modification and a further 2,200 trees may die due to stress effects of being in the buffer area or through planned highwall mining. Numbers of *Persoonia marginata*, an EPBC listed plant, are within the proposed Cullen Valley open-cut pit modification area. Many more are found in the buffer area and the proposed high-wall mining area as no setback buffers are proposed.

The modification proposals do not provide the 300 metre minimum wildlife buffer from between the base of the pagoda rock formations and the open-cut area as recommendation for Coalpac by the Planning Assessment Commission (PAC, 2012). Such a buffer would provide some protection for wildlife, including many Lyre Birds and the threatened Broad-headed Snake, Large-eared Pied Bat and Eastern Bent-wing Bat. If such a buffer were provided, there would be no mine. Instead of offering an adequate buffer to mitigate damage to plants and animals, these modification proposals rely on biodiversity offsets.

The biodiversity offsets are inadequate compensation for mining

The 2012 Planning Assessment Commission's (PAC) decision on an earlier Coalpac proposal covering the sites currently proposed for mining, found that no mature woodland has ever been established in mine rehabilitation. The PAC found that the biodiversity characteristics of rehabilitated areas cannot replicate the existing characteristics and will inevitably be less diverse and less species rich (*NSW Planning and Assessment Commission Coalpac Review Report (14 December 2012)*, page 155). Coalpac's claims that its proposed rehabilitation can form a part of its biodiversity offsets are contrary to findings of the 2012 PAC decision, and are not supported by peer reviewed science or common sense.

The proposed offset known as 'Gulf Mountain' is remote from the modification proposals, on different geology, and unlike the Ben Bullen State Forest, the property is not contiguous with existing NPWS reserves. No threatened flora species have been recorded on it.

The relevant vegetation types that do exist on the other proposed biodiversity offsets areas require substantial rehabilitation, including extensive replanting, and so compare very unfavourably with the intact equivalent vegetation proposed to be mined.

Coalpac has offered no mine buffers or adequate offsets to compensate for the loss and fragmentation of an international significant pagoda landscape complex within the modification areas.

Coalpac's other arguments for mining are also unfounded

Another reason Coalpac offers for mine extension is to enable rehabilitation of open mine pit voids. Coalpac presented rehabilitation as an argument for granting its original consent in 2006. Eight years have elapsed in which rehabilitation works have not been brought up to date. Coalpac admits in its Environmental Assessment that the current mine voids were retained to facilitate future mining. This failure to rehabilitate in the hope of obtaining further approvals is a very poor reason upon which to justify a further development consent.

Coalpac also reasons that its coal resource is strategic, essential for power generation and necessary to keep energy prices low in NSW. The remnant coal resource in the modification areas are found in high-ash (14 to 30% ash), high-shale, weathered, thin and discontinuous multi-layered coal seams. This poor-quality resource is not essential for the on-going operation of Mt Piper Power Plant. The quality

coal in the Lithgow Seam under the Ben Bullen State Forest was removed by underground mining for over a century. The proposal to mine the remaining coal pillars from these flooded old workings must be seen as a desperate measure proposed by Coalpac so as to enrich an otherwise unsuitable resource.

Further, the high relief and steep slopes of the modification areas are unsuited to large-scale open-cut mining technology, and instead mining requires intricate and inefficient operations with truck and shovel machinery. These modification proposals are only possible because of the diesel fuel subsidy for mining operations.

The claim of increased costs to electricity consumers if the Coalpac proposal does not proceed is false. Nearby underground mines have provided for local electricity power plants for over 20 years without the price hikes foreseen by Coalpac.

Aboriginal heritage poorly assessed

The recent discovery of an Aboriginal cave art site that was not previously recorded in Coalpac's archeological survey raises serious questions about the thoroughness of the company's environmental assessment. Coalpac incorrectly claimed that there are no Aboriginal art sites in the modification areas. Previous studies had missed another Aboriginal cave art site near to the Invincible modification area.

Conclusion

The modification proposals should be refused due to their impact upon a unique pagoda landscape complex that is only found on the western side of the Great Dividing Range in the Ben Bullen State Forest (see attached figure). The only place where the three elements of the pagoda landscape exist is in this public forest. No offsets or suitable mining buffers for this unique landscape are possible. For these reasons the determining authority should refuse consent for both modification proposals.

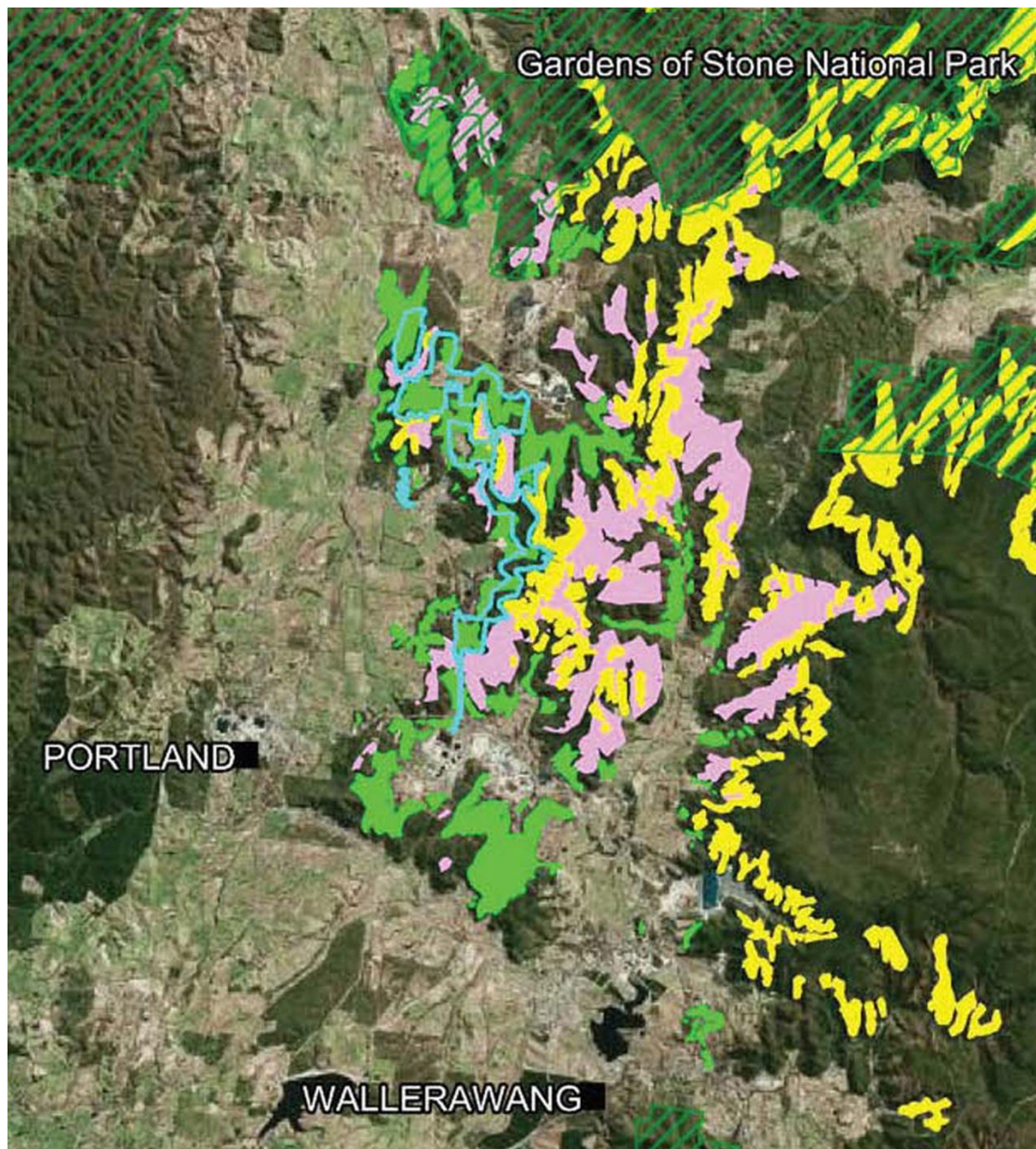
Yours sincerely,



Cerin Loane
Environment Liaison Officer

For the members of the Environment Liaison Office:


Nature Conservation Council of NSW
Total Environment Centre
National Parks Association of NSW
The Wilderness Society
Colong Foundation for Wilderness
Blue Mountains Conservation Society
North Coast Environment Council
Central West Environment Council
South East Region Conservation Alliance



Cumberland Ecology Mapping of the Ben Bullen Pagoda Land System in the Region

Legend

 Contracted Project Disturbance Boundary

 National Parks and Reserves

Ben Bullen Pagoda Land System (as described in joint submission)

 Ben Bullen Range Pagoda Unit

 Tablelands Grassy Woodland Complex Unit

 Cullen Plateau Unit