



## **Blue Mountains Conservation Society Inc**

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### **Nature Conservation Saves for Tomorrow**

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Submitted via Major Projects Portal

#### **SUBMISSION OPPOSING MODIFICATIONS: WESTERN COAL SERVICES MP-060021 (MOD 8) AND ANGUS PLACE COLLIERY SSD-5579 (MOD 5)**

Blue Mountains Conservation Society (the Society) has a long-standing interest in the protection and effective management of the Greater Blue Mountains World Heritage Area and its constituent conservation reserves. The Society is a community-based volunteer organisation with over 900 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains.

#### **The Society's long-standing interest in the Gardens of Stone area**

The Society has worked with other groups for over twenty years to protect the spectacular Gardens of Stone area as part of the NSW national park estate and to achieve recognition for its national heritage and world heritage values. Legal protection of this area from the devastating damage from coal mining has been very important. This was partly achieved with the creation of the Gardens of Stone State Conservation Area (SCA) in May 2022. The SCA allows for appropriately regulated coal mining that protects heritage values. This is the first proposed mine development since the reserve was created and is a test case for how its status under *National Parks and Wildlife Act* is considered. More recently, the Australian Heritage Council announced it would include the Gardens of Stone SCA in its national heritage assessment of additional land and values for the Greater Blue Mountains World Heritage Area.

Over these years and up to today, the Society's bushwalkers have led many walks and tours in this area to share their enjoyment and wonder at this land with its sheer cliffs, waterfalls, flowering swamps, internationally recognised pagoda rock formations, aboriginal cultural sites and landscape. Our concern will continue while ever this amazing area is threatened.

## **Summary**

The Society objects to the two modifications, Western Coal Services MOD 8 and Angus Place Colliery MOD 5, because they are integral to the forthcoming Angus Place West (APW) mine proposal and so should be assessed in conjunction with that development proposal. These modifications would permit the transfer of up to 10ML/day of mine water from Angus Place to Western Coal Services for a limited period. They should be withdrawn and a more substantial solution to protecting the area's values and Sydney's drinking water catchment should be proposed as part of the APW proposal.

### ***Proposed modifications do not meet the definition of a modification***

Modifications are either minor errors, misdescriptions or miscalculations (which can be easily rectified on the facts) or they are proposed changes which involve minimal environmental impact and which are "substantially the same development as the development originally granted and before that consent was modified".<sup>1</sup> The Society believes that that these modifications are likely to lead to more than "minimal" environmental impact as set out below and therefore should be rejected.

The two modifications are essential to enable and maintain the forthcoming Angus Place West extension proposal. Importantly, these proposed modifications will make ongoing underground access to the Angus Place West (APW) project possible by preventing flooding in the underground workings for the duration of the construction and operation of the project.<sup>2</sup> These alterations to two related consents should be proposed, considered and decided upon together with the APW itself. To allow these changes to be decided beforehand through a quickly written modification means they will receive quicker and less extensive environmental assessment. This includes not having to be assessed against the neutral or beneficial water quality (NorBE) test to protect the Sydney's drinking water and having only cursory public consultation. This is not appropriate in such a significant area of natural environment and cultural heritage.

### ***Likely damage to natural environment including unique swamps***

This proposal is likely to damage the unique swamps of the area. In 2018, Angus Place Mine Modification 5 was approved allowing pumping at a rate of 10 ML/day from mine workings (areas 800 and 900). Following this approval, the groundwater table dropped between 21 and 30 metres.<sup>3</sup> This drop in groundwater was observed to quickly dry out Kangaroo and Lambs Creeks and associated swamps as well as the Coxs River and swamps as reported by Lithgow Environment Group. It has been recognised, for instance, that swamps and creeks on the Newnes plateau lost water and dried out due to underground mining. Springvale Mine was found to have caused loss of surface water while mining over one kilometre away from the damage. Because of this Springvale mine's mining plan had to be redrawn to omit and therefore

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<sup>1</sup> *Environmental Planning and Assessment Act (NSW) 1979* s.4.55 (1) and s. (1a)

<sup>2</sup> Centennial Coal Western Coal services and Angus Place Colliery Modifications Report, September 2023, p.37.

<sup>3</sup> Centennial Coal, *Coxs River Swamp Review*, July 2018, p.44.

protect, more nationally listed swamps. These “far-field” impacts were once claimed to not occur in the western coalfields but are now a known and real risk.

This could explain the changes noticed by Lithgow Environment Group and why future surface water losses from dewatering areas 800 and 900 may be expected. The pumping is likely to damage Kangaroo and Lambs Creeks and swamps, as well as the upper Cocks River and its swamps. Nationally endangered plants may also be harmed, including *Xerochrysum palustre* (Swamp everlasting), *Pultenaea glabra*, *Kunzea cumbagei*, *Veronica blakleyi*, *Grevillea acanthifolia*, *Gentianella cunninghamii*, *Prasophyllum australe* and Latham's Snipe (a rare migratory bird species).

### ***Use existing Springvale water treatment plant***

Springvale water treatment plant (WTP) was built to stop polluted mine wastewater from ever being pumped into the Sydney drinking water catchment again. It was built at an estimated cost of \$120M but is believed to have cost as much as \$200M. It was recognised as one of the biggest privately owned RO plants in Australia and certainly one of the biggest construction projects in central west NSW. It is owned and operated by a private company, Veolia. This WTP should be used to treat the excess water in Angus Place.

The Society was assured in meetings during construction with Centennial Coal and the construction project management team that additional treatment could be added to cope with more throughput if ever needed. However, instead it appears Centennial has returned to its old habits: that is, pumping toxic mine water into the Cocks River and, therefore, into Sydney's drinking water catchment and through the Greater Blue Mountains World Heritage Area. Centennial Coal should be held to these objectives to keep polluted toxic mine waste out of the catchment and protected areas.

In 2018 Centennial built a temporary reverse osmosis plant to treat Angus Place mine water to an agreed standard before discharging it through LDP001 for up to 18 months. After the modification finished “...all discharges from LDP 001 would cease with all Angus Place mine water being transferred to the newly constructed Springvale WTP for treatment”.<sup>4</sup> However, this does not appear to have happened.

The SWTP's latest Annual Report states that the Springvale WTP produced a daily average of 31.44 ML and daily maximum of 37.64ML which is within its approved daily maximum limit of 42ML.<sup>5</sup> There should be capacity to use the WTP and this was intended when it was being built. If this is impossible there needs to be additional reverse osmosis capability through a separate plant as happened in 2018.

### ***Contamination of Sydney's drinking water supplies***

The mine waste water is proposed to be discharged from the Western Coal Services' surface water system through discharge point LDP001 into Wangcol Creek. This creek flows into Cocks River, a main contributor to Sydney's drinking water catchment. The discharge is likely to contain levels of heavy metals including selenium, arsenic,

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<sup>4</sup> EPL 467 Variation 11 May 2018

<sup>5</sup> P. 16 Available on Centennial Coal's website.

nickel and zinc.<sup>6</sup> This is likely to impact on aquatic life particularly invertebrates and micro-organisms. This is a weakening of the EPA regulatory protections which were earlier agreed by Centennial Coal.

The current discharge from LDP001 where there are no volumetric control limits and no limits on any heavy metals and other toxic elements is poorly controlled. The Modifications report describes discharges through LDP 001 as “predominantly untreated groundwater”<sup>7</sup> and having relatively high salinity. Dilution of the discharge does not reduce the actual metals in the mine water; it only changes the ratio of water to elements. The proposed modification would quadruple the volume of water discharge. This could also significantly increase the possibility of further damage from scouring and bank collapse.<sup>8</sup>

It is poor management or possibly corner cutting that the Springvale and Angus Place cannot both be properly controlled if they operate at the same time. Centennial’s consultants themselves note that the Wangcol Creek discharge was proposed as part of the Springvale WTP in 2016 and that this has not happened. Consequently, the conditions which made the WTP necessary have not been addressed some seven years later. The conditions at Wangcol Creek remain the same as described in 2016.<sup>9</sup>

The proposal should be assessed against the NorBE test standard. However, because the proposal is a modification this is not a statutory requirement and, therefore, not binding. Nevertheless, assessment is still recommended in Sydney Water’s *Neutral or Beneficial Effect on Water Quality Assessment Guideline 2022*.

### ***Modification should be a controlled action under the EPBC Act***

The proposed modifications are likely to impact on several matters of environmental significance namely nationally threatened species, nationally endangered ecological communities (Temperate Highland Peat Swamps on Sandstone), migratory species and a world heritage area. Rather than accepting the proponent’s assertion that this proposal will not meet the controlled action threshold, this matter should be referred to the Commonwealth Department for *Environmental Protection and Biodiversity Conservation Act (Cth) 1999 (EPBC Act)* assessment.

### ***Unclear how long the proposed temporary water transfer will be needed***

Both mods are proposed as short-term management actions but the Society is not confident that the issues they address (pumping water out of Angus Place mine so that the APW project can be accessed) can be properly managed in that time.

In fact, it is uncertain how long this proposed water transfer and discharge will continue as the end date of the modification (August 2024) is set to align with the end date of the current consent for Western Coal Services.<sup>10</sup> The Society has seen other short-

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<sup>6</sup> Modifications Assessment report, p. 15

<sup>7</sup> Modification Report, p.15 and p.31

<sup>8</sup> Modification report, p.32

<sup>9</sup> Modifications report, p.33-34.

<sup>10</sup> *Modifications Report*, Executive Summary p.2

term modifications extended. Given this modification is so critical to Centennial,<sup>11</sup> it could be kept going for much longer. This current proposal also does not provide information on the estimated drawdown from dewatering nor does it propose monitoring water loss and quality.

### ***Centennial Coal's history of environmental damage in Gardens of Stone area***

Centennial has failed to demonstrate that it can operate responsibly in the Gardens of Stone area without causing irreversible damage to the environment. It has a history of inaccurate predictions of environmental impacts from its operations which provides little confidence in the impact predictions in the environmental assessment for these modifications. Independent review is necessary.

An audit of Centennial's mining licences for the past five years has found at least 134 licence non-compliances across its sites in the Gardens of Stone region. Centennial's major non-compliance events in the region include:

- In 2022 Centennial breached its development consent for Airly mine causing major irreversible fractures to million-year-old sandstone pagoda formations in the Muggii Murum-ban State Conservation Area. The Department of Planning and Environment imposed a \$150,000 enforceable undertaking on Centennial;
- In 2017 the EPA prosecuted Centennial after its coal waste storage at Clarence mine spilt 2330 tonnes of coal fines into the Wollangambe River and caused damage within the Blue Mountains World Heritage Area. Centennial was fined over \$1 million and the clean-up operations took 12 months. At the time this was the largest penalty ever decided under the *Protection of the Environment Administration Act (NSW) 1991*;
- In 2015 Centennial was fined \$15,000 when toxic coal sludge was illegally discharged from Springvale mine sediment storage ponds into downstream wetlands;
- In 2011 Centennial acknowledged that the Federal Environment Minister considered its mining activities had had a significant impact on Temperate Highland Peat Swamps on Sandstone, namely Narrow Swamp, East Wolgan Swamp and Junction Swamp. Centennial entered into a \$1.45 million enforceable undertaking with the Commonwealth under s 486DA of the *EPBC Act*. These swamps have not recovered and are expected to be permanently lost.

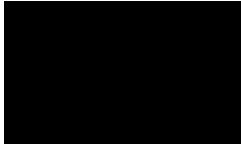
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<sup>11</sup> *Modifications Report, p.37*

***Exhibition over long weekend potentially limits public comment***

The short exhibition period for these modifications together with it starting on a public holiday long weekend has maximised the likelihood that few people would be aware of them in time to make a submission. This is not in the spirit of public consultation under the *Environmental Planning and Assessment Act 1979*.

Yours sincerely



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President

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