INVINCIBLE SOUTHERN EXTENSION MODIFICATION
(07_127 MOD 5)

PLANNING ASSESSMENT COMMISSION MEETING
29 NOVEMBER 2017

MADI MACLEAN
BLUE MOUNTAINS CONSERVATION SOCIETY
This would still allow undergound mining under the National Parks and Wildlife Act. The CEC and state conservation areas (SCA) are also under the National Parks and Wildlife Act. The area includes the area of the Invisable Southern Stone Stage 2 area. Conservation organisations are seeking protection of the Gardens of Memorial Band of over 500 people. The Society has a membership of over 800 people. The Society has a environment of the Greater Blue Mountains area. The Society is working to achieve the preservation and regeneration of the natural. The Blue Mountains Conservation Society is a community organisation.
High Conservation values – previous PACs

• The Invincible Southern Extension (ISE) is part of the two Coalpac expansion areas rejected by independent Planning Assessment Commissions.

• Two independent Planning Assessment Commissions concluded the Coalpac project areas (including the Southern Extension area) should have “the highest level of protection” from mining. The two PACs rejected open cut mining as totally inappropriate.

• The 2014 PAC, in rejecting the Coalpac Invincible modification project, concluded that “The Commission accepts the finding of the 2012 PAC Review, the OEH and the Department of Planning and Infrastructure’s (DPE) 2013 Assessment Report, that the pagoda landform complex is a natural feature of special significance and that the features warrant the highest level of protection, i.e. they should be fully protected from risks of mine induced impacts.” 2014 PAC Determination Report 17 October 2014 (2014 PAC Report), p.10

• The 2014 PAC also agreed the “… the highest and best use for the (Coalpac Consolidation project) land is conservation purposes”

• The PAC should now observe the previous PACs decisions which were reached after extensive investigation and assessment, and reject the Invincible Southern Extension entirely. To do otherwise would create a precedent which would bring back further open cut mining proposals at Invincible and other nearby mines in the area.
However, in doing this DEP has misunderstood the previous PACs' conclusions about what constitutes the pagoda land complex.

- They recommend removing an area with steeper slopes and some parts within the buffer zones around certain conditions.
- (35 ha rather than 50 ha) over a smaller area.

DEP has recommended approval of the ISE project over a smaller area.

- Despite these changes, the report suggests that the project needs to be reconsidered.

DPP Proposal
PACs’ definition: Pagoda land system 1

• The Department of Planning and Environment (DPE) noted regarding the Coalpac Consolidation project that “...the project site is properly characterised as a ‘pagoda landform complex’. This landform comprises a complex arrangement of habitats characterised by a convoluted line of towering rock faces that give way to rocky steep slopes and these in turn give way to forested slopes and valley floors dominated by various eucalypt vegetation communities. All components contribute to the overall significance of the pagoda landform complex, and any impacts to components of the landform complex have the potential to compromise the significance of the landform complex as a whole”. [DPE Coalpac Consolidation Project (10_01 76) Addendum Report - 7 August 2013. P.6]
Inivincible Southern extension.

by previous PACS should be protected from mining and refused the

The PAC should recommend that the whole Pagoda land system as defined
defined of their food.

depend on the slopes and valleys for their food. They can’t live if they are

For instance, animals which live among the rocks and crevices of cliffs

on the area.

The interdependence of the land form contributes to the high biodiversity

slopes (DPF) is not consistent with the PAC’s decisions.

Deciding to only protect the pagodas (Manilida) or the pagodas and step

The PACs clearly saw the whole land system as requiring protection.

Pagoda land system – PACS - 2
Biodiversity of ISE, Ben Bullen State Forest and Offsets

- DPE's recommendation to approve the ISE will endanger eight threatened species including allowing mining of the habitat for the Squirrel glider (most of the 50 ha), the broad-headed snake (11 ha) and most probably the Purple Copper Butterfly plus remove threatened species, Capertee Stringybark trees.

- The offsets proposed are totally unsatisfactory as any replacement for what will be permanently lost.

- Because of the inadequacy of the proposed biobanking land, the “shortfall” in the offset system allows amongst other things, for $194K to be spent on conservation for the broadheaded snake. But what will research do for the snake after its food hunting areas become a deep hole in the ground? Open cut mining below the pagodas will permanently reduce the amount of habitat it needs. It is a just a cynical calculation and payment of money.
threwned species in the area.

offsets system provides a totally inadequate response to damage to the
that it is satisfied that any damage will be “compensated for”. Again the
surveys must now be done before mining starts but after consent. DPE says
done in November 2017? The proposed consent conditions say that
will these surveys be

[Manildra Group’s consultants missed the dates. Will these surveys be

\[\text{Consent was granted [DPE Assessment Report (AR), Appendix D, p.9]}
\]

important for protecting the butterfly that needed to be one before
projects’ environmental assessment. OEH considered these surveys so
carried out in the peak flying season (late October – November) for the
patches the butterflies need, have been identified and no targeted surveys

\[\text{Office of Environment and Heritage (OEH) concerned that not all bursaria}
\]

Purple Copper Butterfly
Ben Bullen State Forest – Conservation values

BBSF has large floral diversity as well as internationally significant geo diversity in its pagoda rock formations.

Compared with all 578 NSW state forests Ben Bullen State Forest has
  • the third most native plant species (645); and
  • third highest number of threatened plant species and ROTAP listed species (12).

• BBSF has more native plant species (645) than any other state forest in NSW of a similar size (7000 ha).

BBSF also contains many more native plant species (645) than many existing local national parks including Mugii Murrumban SCA (530), Capertee NP (172); Marrangarangaroo MP (267) and Gardens of Stone NP (576).

covered in the ISW assessment report [DEEGR 2014: p.3]. None of this is

has significant conservation value and is suitable for reservation under NPW Act.
committee that the area be protected as a priority and OEH’s advice that BBST
long campaign for its protection; the recommendation of the GBMWH Advisory
(BBST) being part of the Gardens of Stone Stage 2 conservation proposals; the
modifications in the former Coalpaca area referred to Ben Bullen State Forest
In contrast, the same section in the 2014 DPE assessment report on the

values of the Ben Bullen State Forest at all.
The Strategic Context section of the report does not refer to the recognised
this still does not adequately protect the Pagoda Land system.
[DEEAR p.24] While DPE is recommending removing about a third of the 15E area
DPE says it is taking it into account the significance of Ben Bullen State Forest

State Forest underplayed,

Conservation significance of the Ben Bullen
Weak case for the project

- Justification for the proposal is weak. The Manildra group say they need this special “nut” coal to feed the boilers at their Shoalhaven Starches operations near Nowra. But they are currently already getting nut coal from two other mines and there is no evidence of unreliability of supply.

- DPE accepts Manildra Group’s argument without comment in its assessment report. [P.2] Nor do they question that transitioning away from nut coal would make its operations more expensive and therefore uncompetitive [DPEAR p,32]

- One of Manildra’s current coal suppliers is Clarence Colliery, a nearby underground mine. They do not need to reopen the Invincible mine and destroy forest to keep their boilers going in the Shoalhaven.

- The proposal wants to mine 2.7 million tonnes of coal to get just 300,000 tonnes of nut coal for their boilers! A mere 11% of the total coal being sought.

- It is an extremely wasteful and destructive process to acquire this small amount of nut coal. It destroys 50 hectares of woodlands to produce just 300,000 tonnes of nut coal fuel! A yield of 6,000 tonnes per hectare.

- Yet we are told this is the “primary objective” of the proposal! In fact, this is just for the financial benefit of the mine owners.

- That is insufficient justification for destroying 50 hectares of woodland, leaving a wasteland below pagodas landscape and right beside a main highway plus creating a precedent allowing for more open-cut mining in the area.
Value to state in terms of Royalty for use of the resource (coal) will be $12M over eight years. This is a very small sum in context of NSW State Budget.

- could contribute much more through further future proposals.
- Eight years is not a big contribution to MPPs’ needs. However, in principle being extracted.
- EA’s letter of support is key. Possibly because 2.4M tonnes of coal over

Economic case - 2
Project’s capacity – future expansion

• **Capacity in the consent is much bigger than this proposal**
  
  Invincible’s consent allows 1.2Mtpa or 21.6Mt coal to be extracted over eight years. The current proposal is only 2.7MT over eight years (12% of consent capacity).

• Shoalhaven Coal, another related organisation of the Manildra Group, was granted two new exploration licences around the mine in 2016 (Exploration Licences 8168 and 8169) covering 1368 hectares.

• So capacity exists for a much larger mining activity over the Invincible mine area within this consent (as further modifications)

• If approved, it will also open the way for more open cut mining in Gardens of Stone area at other nearby mines currently not operating (such as Manildra Group’s Cullen Valley open cut mine). It will be a chink in the previous PACs’ decisions.
Provide people traveling to the area and beyond the same unobstructed view of
species in all.

- Eight threatened animal
  - Stringybark trees, a vulnerable threatened species
  - Squirrel gliders and broad-nosed snakes plus Capertee
  - Endangered species -

DPE's recommendation of approval for the IEP will allow mining of the habitat for

- Two PACs as discussed.

Two Provincial agreements approvals according to the assessment of the previous
- Bagoda land system and landscape according to the proposal does not protect the
- However, there is no compelling case for the recovery of the nut coal through this

Economic statement "balancing one environmental one!

That is two the surrounding Bagoda landscape and the BBSF. [DPREP, p.17]. That is two
- The protection of landscape and conservation values associated with
  - Ensuring ongoing operation of the mine, recovery of coal for use in Shoalhaven

DPE says that its reduced area proposal strikes "an appropriate balance between

DPE Proposal
Assessment conclusion

• The ISE is smaller than the two Coalpac proposals, however, what is not being said is that ISE has relatively big impacts for the amount of coal being produced. Particularly compared with the small amount of nut coal, the primary purpose of the project.

• It introduces open-cut, a very damaging mining method. More damaging than what the existing supplier, Clarence colliery, uses.

• Even the reduced size proposal would damage the pagoda land system

• High risk with unknown of water balance and highly saline mine water discharges. There is no assessment independent of these issues.

• Highly inefficient and destructive activity compared to the small output.
Interconnection

Water management – underground
Water management – interconnectedness 2

- Concerns raised by the EPA haven't been fully addressed.
- EPA has said that "water balance modelling lacked sufficient rigour to provide confidence that it accurately predicted what will occur when mining starts" [EPA letter of 27.10.17]
- DPE acknowledges EPA has "some residual uncertainties about how much water could be dewatered" [DPEAR P.9]
- The DPE itself admits there are uncertainties: "some inherent uncertainty ... With volumes of water in historical underground workings". [DPEAR p.23]
- A lot of uncertainty mean the proposal cannot just be waived through.
Even after these measures, DPE in the assessment report is cautious:

- 27. shows more caution than for some other projects.
- Management plan to be prepared before mining operations recommended under condition 2. [C.27 (c), (ii)] and water requirements under condition 4. Schedule 3. "A program and a detailed description of the relevant discharge limits as established for program" included a program to augment the baseline data over the life of the project.
- Proposed conditions suggest that the level of baseline information is insufficient data. The assessment is a "reasonable estimate" based on all available data, no comment on whether this is adequate or not.

Given the significance of this issue, the PAC should require independent, expert review of the proposer:

- Water management interconnectiveness - 3
Water management – impact of discharges

• EPA very concerned that high salinity issues need to be flagged up front and early as they usually require capital investment. EPA stressed the importance of identifying the environment impact and potential treatment options prior to approval of a project.

• EPA says that this is critical to understanding whether the potential environmental impact can be managed and mitigated by the proponent or regulated by the EPA” [EPA letter 13.9.17 App to DPEAR]

• Some assessment reports such as Coalpac modifications, state that a regulator is satisfied the impact can be managed. That is missing in the assessment of the Invincible southern Extension.

• The DPEAR recommends consent conditions using an ANZECC target rather than understanding and developing specific discharge limits relating to what is likely to occur. [proposed consent condition 24, schedule 3].

• However, the EPA has commented that they believe that any discharge from Invincible’s LDP002 would exceed that ANZECC target. If it was exceeded the POEO Act would be activated. [letter of 27.10.17]
PAC needs to play that role again in ensuring independent assessment, and our experience with reviewing mine proposals has shown that improvements to the Assessment Act are needed to ensure authority of the modification approval under the Environmental Planning and Assessment Act. These issues need to be acknowledged and actions recommended with the depending on the severity of the salinity, capital investment, reason for this is that very high salinity discharges require treatment and, but it would be better to understand the issues and have a way to manage it. One discharges 2

Water management – impact of mine