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Nature Conservation Saves for Tomorrow

23 August 2016

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY 2001
By email

Dear sir or madam

Submission re Modification to Springvale Extension Project (SSD 5594)

The Blue Mountains Conservation Society is a community organisation working to achieve the preservation of the natural environment of the Greater Blue Mountains. The Society has a membership of over 800 people. This includes the protection of the Greater Blue Mountains World Heritage Area and the adjacent lands in the Gardens of Stone Stage 2 Conservation Proposal within which the Springvale Mine operates.

The applicant, Springvale Coal Pty. Ltd., seeks to increase the production limit of SSD 5594 from 4.5 million tonnes per annum to 5.5Mtpa and increase in the existing coal stockpile at the pit top from the approved 85,000 tonnes capacity to 200,000 tonnes capacity. The society submits that the environmental impacts on the natural environment of the proposed modification have not been adequately assessed. As well, the impacts of the proposed accelerated coal production have not been comprehensively considered. For instance, this could hinder the ability of the Independent Monitoring Panel to provide timely advice as required under the Springvale Conditions of Consent.

1. Adequacy of the Statement of Environmental Effects

The society believes that the proposed modification has not adequately assessed the likely environmental impacts on the natural environment. The consent authority for a modification is required to consider all the factors in *Environmental Planning and Assessment Act 1979* under s.79C (1) which includes at S.70C (1) (b) particular "the likely impacts of the development, including environmental impacts on the natural and built environments…" s.79C (1) (b). Although the consultants preparing the *Statement of Environmental Effects* (July 2016) (SEE) did a "desktop level

assessment" (SEE, p.136) they failed to include the report of the Independent Monitoring Panel for Springvale Coal Mine on the *Springvale Mine Extension Project - Extraction Plan for Longwall 19* (June 2016) (IMP Report). [A copy of the IMP Report is attached as part of this submission]

This report is an important addition to the understanding of impacts of subsidence specifically from the Springvale Mine on swamps lying above or near the Springvale Mine area. This report's existence was known to the proponent and if it wasn't in existence when the consultants were engaged, it was known it would exist and be relevant given the IMP's role as defined in the Springvale Mine Expansion Project Conditions of Consent (2015) (Springvale Consent Conditions). The consultants could have identified its existence through their desktop level research or by merely reading the Springvale Consent Conditions. Those conditions state that the Independent Monitoring Panel (IMP)'s role included giving advice "…to the applicant and the Secretary of the Department of Planning and Environment (DPE) regarding the collection of relevant data to predict and monitor the potential subsidence impacts and environmental consequences of second workings" [Schedule 4, condition 11(a)]

The IMP Report concentrated on what was causing the damage to Carne West swamp in the Springvale mining area which it reported was " … the very significant drop in the water level of Carne West Swamp and the cessation of flow in the watercourse through this swamp, with consequential drying out of the swamp and loss of the waterfall at the downstream end of the swamp" [IMP Report, p.2] . "These change began to be detected when mining was up to 700 m away, <u>well outside the impact zone predicted in the EIS for mining in this region of Springvale Mine.</u>" [IMP Report p.2] "It appears to the Panel on the basis of the information provided to it that this swamp (Carne West) may have started to be impacted by mining at around July 2013." (IMP Report p.7) The IMP concluded that the likely cause was mining causing far field movement. They comment that while the EIS "…acknowledged the occurrence of far field movements, apparently these have not been measured in any detail to date at Springvale Mine. Based on behaviour in the southern Coalfield, reported in the EIS, these movements can be quite substantial (up to 100mm at a distance of 700m from the edge of a longwall panel.)" [IMP Report p.5]

Impact identified by IMP Report but not assessed in EIS

DPE has included much of the IMP's advice in its approval of the extraction plan for Longwall 149 (LW419) under the Springvale Consent Conditions. The IMP's Report concluded that impacts occurred which were not assessed in the EIS process for the determination of the Springvale Mine Expansion Project. The proposed modification (increasing coal production) will affect the whole of Springvale Mine Expansion Project (MEP) area. It is not, for instance, a modification to increase the area of the consent. The swamps within the MEP are listed as endangered ecological communities under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and at the state level the Newnes Plateau Shrub Swamps are declared as endangered ecological communities under the *Threatened Species Conservation Act 1995*. These should be taken into account in considering the

environmental impacts of the modification under s.79C and conditions imposed to ensure this damage does not recur or continue.

In summary, taking the IMP Report into account, consent conditions for the proposed Modification should cover the following items. The consent authority (DPE) should:

- Create protection zones for all the hanging and shrubs swamps within the approval area;
- Add the nine swamps referred to in Schedule 3, conditions 4 and 5 to the Performance Measures Table (Table 1) in Schedule 3,Condition 1, so that all swamps are afforded the same protection, that is, clear performance measures to be met, the penalty of a breach of the performance measures being a breach of the consent; and the adaptive management condition [Schedule 6.condition 8]. At present if any of these nine shrub swamps are damaged, they can be merely offset by an offset payment;
- Protect waterfalls in the MEP by specific inclusion in the Performance Measures Table in Consent Schedule 3, condition 1 and have a Performance Measure of no loss of flow. This is not without precedent as waterfalls are referred to in the DPE Model Provisions for Underground Mining.
- The IMP recommends increasing the time and distance of impacts of mining given their concerns that damage to Carne West swamp is likely to have happened from further afield. [IMP Report p.5] This is strongly supported. The IMP believes it is likely that damage to swamps occurred at distance of 700 metres whereas the Springvale Consent puts a limit of 400 metres from swamps in relation to the release of a bond for damage [schedule 3, condition 4];
- Require Centennial to develop a new mine plan to move its mining to the south of the MEP away from the many swamps and at an increased distance from all swamps.

Referral to the Commonwealth

The swamps in Springvale MEP area include nationally listed swamps, therefore harm to these swamps is a matter of national environmental significance under the *EPBC Act*. In the light of the IMP Report, the modification and the IMP Report should be referred to the Department of Environment for consideration of the impacts under Part 9 of the *EPBC Act.*

2. Impacts of increased annual coal production

The Springvale Modification 1 will increase the amount and rate of annual coal extraction by up to 22 per cent. This is likely to accelerate damage occurring to the endangered swamps. The impact of accelerated extraction needs to be assessed as to its environmental impacts on the natural environment

Impacts of removing the turn around/ set up times for machinery

The IMP's advice is required per extraction plan for a longwall (SV Consent, schedule4 condition 11). The IMP has referred to the time pressures on their work which come from the timetable for approvals [IMP Report, pp.1 and 11]. These pressures are likely to increase as Modification 1 proposes to increase mining time in

part by removing the six week changeover time to get new longwall machine installed in a new panel. [SEE at p.4] This could reduce both the time and monitoring data available to the IMP as it carries out its role including reviewing extraction plans. The consent says that the IMP has to provide "**timely,** accurate and focussed advice" [Springvale Consent Conditions, schedule 6 condition 11]. DPE needs to consider how the IMP can still meet its role as defined in the consent and, for instance, whether they need more support.

Comprehensive and targeted data is going to be important to the IMP's future reports. The IMP has been critical of the existing monitoring in place and has recommended additional monitoring equipment be put in place as soon as possible in relation to Carne West swamp damage, particularly to identify far field movement. [IMP Report pp7-8]
The IMP Report suggests that the current monitoring data is not the "robust monitoring" claimed by the SEE eg at p.137. For instance, the IMP has stated as follows:

- there appears to be no baseline data for Carne West before it was impacted by mining [IMP Report p.7];
- "the existing monitoring program has been restricted and limited across lineament zones ' p.5
- There is a lack of groundwater monitoring in swamps. The current monitoring regime is inadequate (p.6)
- Lack of knowledge and sufficient monitoring p.5
- There is no measurement of far field movements [p.5]
- Lack of soil moisture monitoring is unacceptable [p.7];
- No information available to the panel on the status of soil moisture monitoring since July 2013 at sites of relevance to assessing the impacts of mining at Springvale Mine" [p.7];
- "there is currently a knowledge gap in the status and dynamics of moisture content in the top 1 – 1.5m of the substrate of the swamps, with the most critical gap being in the 0.0 to 0.5m zone, which is the zone of greatest biological activity" [p.7];
- Flow monitoring maybe be too late for Carne West (p.8)

This situation needs to be rectified for future swamps and accelerating the extraction rate may undermine the ability of getting appropriate monitoring in place and providing the data in time for the next extraction plan's approval.

Impacts of installing longwall machines earlier

"The next longwall to be extracted can be preinstalled with the additional longwall equipment prior to the completion of the current longwall being extracted. The elimination of production downtime will result in additional weeks available for ROM coal extraction." [SEE, P.4] It is understood that removing a longwall machine would not possible without actually mining, as Springvale will use "the retreat mining configuration whereby the longwall face equipment is established at the end of the panel that is remote from the main headings…" SEE p.25]. Thus, putting the mining equipment in place before the extraction plan has been prepared and approved puts pressure on the consent authority not to change the mining plan even when it might be a necessary action depending on the outcomes and monitoring of previous longwalls. For instance, it might remove the possibility of avoiding or shortening a

longwall to prevent further damage based on conclusions drawn from previous mining and monitoring. The conditions of consent already allow for the proponent to object to recommendations on the basis that it is "unreasonable or not feasible" [Springvale Consent Conditions, Schedule 6, condition 11 (b)] or that it is not "possible" even if recommended by the IMP. [Schedule 6 condition 11 (d)]

This fait accompli could be avoided if the longwall machinery s not put in place in the next longwall to be mined until the extraction plan for that longwall has been reviewed by the IMP and approved by DPE.

There appears to be a lot of leeway in the additional time that would result from removing the down time between longwalls. There is no equivalence between the time lost before the approval of Springvale MEP (eight weeks), as is suggested [SEE at p. vi]), and the ability to make up time by the earlier insertion of the longwall in place earlier (estimated to be up to six week downtime per longwall.) With 19 longwalls still to be mined and have extraction plans approved, this is a saving of up to 18 longwalls times six weeks equals 108 weeks or just over two years. Referring to the downtime before MEP was approved is really a red herring.

3. Impact of Mine Discharges to Coxs River

The consent authority also needs to take into account the Sydney Drinking Water State Environmental Planning Policy. The mine discharge to the Coxs River will not have a neutral or beneficial impact on Sydney's drinking water supply. A river flowing through world heritage area and into a major drinking water supply should not be used as a place to dump toxic mining waste. Sydney has cleaned up the discharging of industrial waste into its rivers such as Parramatta, Georges and Cooks Rivers. The same principle should apply to a significant asset to the functioning of the greater Sydney area, its drinking water supply.

4. Significant increase in size of coal reject piles

The proposed change to the size of the coal stockpile is in fact a large increase of 120,000 (235%) on the existing stockpile of 80,000 allowed. (SEE, p.iii) Given the massive and very damaging coal waste collapse in July 2015 at Centennial's Clarence Colliery, it is not clear from the SEE whether Springvale has learnt from this disaster at its associated mine and applied any learnings from Clarence Colliery to its operations at Springvale.

Thank you for the opportunity to comment on this modification application.

Yours faithfully,

Madi Maclean

For the Management Committee