

COALPAC PTY. LIMITED

COLLIERY PROPRIETORS

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30TH May 2006

Environmental Planning Officer
Mining and Extractive Industries
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Mr Colin Phillips,

RE : Response to Submissions for Proposed Extension to Invincible Open Cut.

Dear Sir,

In response to your request of 10th of May 2006, please find following our response to the submissions received with regards to the Application to extend Open Cut Mining areas at Invincible Colliery.

If you have any questions with regards to this report please don't hesitate to contact either Noel Craven or myself at our office in Lithgow.

The contact numbers are (02) 63512281 or my mobile 0409 247 282.

Regards,
For Coalpac Pty Ltd.

Graeme Muir.
Acting Environmental Officer.

Response to Submissions Proposed Extension to Invincible Open Cut

Respondent: Mr and Mrs McFadden

Issue: Consultation, Blasting, Dust and Noise.

Response: Coalpac provided notices at the Cullen Bullen hotel and general store during the consultation period as well as advertisements in the Lithgow Mercury providing contact details to allow members of the public to contact Coalpac regarding the proposal. It is considered that the proposal was adequately advertised.

Coalpac does not anticipate that noise or dust from operations would disturb people at Cullen Bullen. Operational procedures will be adopted to monitor compliance and ensure that disturbances to members of the community are not encountered.

Coalpac would be happy to provide contact details to Mr and Mrs McFadden to allow them to contact the Mine Manager or the Environmental Officer directly should they encounter any disturbance.

Coalpac would propose to place blast monitoring devices at the McFaddens residence during initial blasting operations to ensure compliance with blasting conditions to the satisfaction of all parties.

There will be no transport of goods or materials for use at Invincible on the Back Cullen Road that would disturb the amenity of Mr and Mrs McFadden. All goods and materials used or produced at Invincible will be transported via the Castlereagh Highway.

Respondent: Dr Richard J Stiles

Issue: Disturbance of natural bushland.

Response: The proposal will disturb approximately 10 hectares of the Ben Bullen State Forest.

The adoption and planting of 10 hectares (associated with the vegetation offset strategy) will replace the 10 hectares disturbed by mining. In addition the ongoing rehabilitation of the overall site will further the replacement of vegetation disturbed and final revegetation of mined areas will eventually replace the area disturbed by mining.

The vegetation communities proposed to be disturbed are considered to be adequately conserved within the remainder of Ben Bullen State Forest and in other areas within the region.

Respondent: NSW Department of Primary Industries – Minerals Division

Issue: Acid and salinity generation and oil/water separation.

Response: To date, in conjunction with open cut mining operations at Invincible, there has never been any occurrence of either acid mine wastes or waters or problems associated with salinity as a result of operations at the mine.

As the proposed mine workings are immediately adjacent to those previously worked it is not considered that there is any likelihood of overburden or wastes contributing to, or being contaminated by, acid or salinity generation.

It is not proposed to wash any coal product produced at the open cut and hence waste waters will be minimised.

Due to the effects of the drought, water levels in the main dam at the discharge point have not been significant enough to provide representative samples for testing purposes. Acidity levels tested at the dam in previous years have never revealed problems with regards to the ph of the samples taken.

Future water monitoring on site will be designed to monitor water quality with regards to acidity and salinity.

The current workshop area is serviced by an oil and water separation system. These current facilities and areas will be utilised for wash down areas and contaminated waters will be recovered and treated utilizing the existing system.

Respondent: Nature Conservation Council of NSW

Issue: Disturbance of 10 Hectares of bushland habitat associated with Gardens of Stone proposal.

Response: With regards to the disturbance of 10 hectares of bushland, please refer to the response to Dr Richard J Stiles listed above.

The proposed revegetation of the area associated with the vegetation offset strategy and the proposed revegetation of the mining areas will endeavor to reestablish the vegetation communities currently found on the site by using seed collected from the site and by using species known to exist in the area.

Issue: Potential increased soil erosion, disturbance of ground waters and generation of saline run-off.

Response: The proposed rehabilitated slopes and landforms will be constructed in consultation with Department of Primary Industries- Minerals Division Environmental Section and the Soil Services Division of the Department of Lands to ensure compliance with all current standards.

All surface run-offs will be monitored to check for saline potential prior to any discharge of waters to downstream users.

As stated above, to date, no salinity or acid drainage problems have been encountered at Invincible and it is not anticipated that the overburden or mine wastes will likely generate either acidic or saline conditions.

With regards to the contamination of ground waters, Coalpac proposes to modify its water management system as stated in the Environmental Assessment to ensure that no waters will be discharged to underground workings to prevent any contamination of existing groundwater reserves contained with these adjoining areas.

Issue: Non-utilisation of underground mining methods.

Response: The proposal to mine the area by underground methods is not considered a viable alternative in the current economic climate with regards to the market price for power station coal.

Respondent: Blue Mountains Conservation Society Inc.

Issue: Inadequate Justification of open cut operation;

Response: The original consent for open cut operations was approved by the Minister for Urban Affairs and Planning in 1998.

Consent for DA 28/98 was granted by the Minister on 26 August 1998, and hence Councils records would not show any record of consent for the operation.

With regards to claiming "existing use" rights for the open cut, Coalpac would not and could not claim existing use rights for the open cut as the open cut operations were commenced with approval in 1998 and hence existing use rights do not apply. If existing use rights could be established for the open cut then approval through Planning would not be required and the operation would have continued as previously operated.

Issue: Unacceptable visual impacts and safety issues;

Response: Coalpac investigated the visual impacts of the open cut from the Castlereagh highway and concluded that the open cut operations proposed would not in fact be visible from the Castlereagh Highway due to the intervening topography and existing vegetation coverage.

The open cut would be visible from some areas on the escarpment above, however none of these areas are accessible by road which would limit the number of people likely to be in the position to see the operation from above.

With regards to the safety of open highwalls during and after mining. The safety of working on and around highwalls is well understood by all involved in the operation at Invincible and due regard, including risk assessments and management processes, will be carried out when working near the highwalls.

The safety of others will be managed by placement of temporary bunding around the outside of operational areas to prevent "accidental" access to the tops of highwalls. The isolated nature of the site restricts general access to the extremities of the operation and members of the public are unlikely to be in the position where their safety is at risk.

The current open cut proposal does not propose to leave any open highwalls at the conclusion of operations.

The Gardens of Stone 2 proposal has not as yet been approved and was not, to my knowledge, lodged as a formal application to Council or Planning at the time of preparation of the EA and hence the proposals impact on the Gardens of Stone 2 proposal was not considered.

Issue: Contentious water management practices;

Response: The water management strategy for the open cut has been changed and no waters will be disposed of into old underground workings.

All dirty water from the open cut will be contained within "in-pit" sumps and will be used for dust suppression or will be pumped to the main dam which is a licenced discharge point to the west which will not affect the hydrology in Long Swamp.

As has been previously discussed with the Department of Planning, There has been no water pumped from the borehole at Long Swamp since open cut operations commenced in 1998.

Issue: Deceptively simplistic rehabilitation proposals;

Response: The basis on which the respondent claims Invincible's current rehabilitation contains floral and faunal "weed" infestations has no justification and is unfounded, as to the best of our knowledge the respondent has never attended or visited the site to inspect the current rehabilitation for such infestations.

Coalpac proposes to rehabilitate the site as specified in its EA document.

Rehabilitation plans will be prepared as part of the MOP to be approved by the Department of Primary Industries – Minerals Division and progress against these plans will be reported in the Annual Environmental Management Plan and via a Community Consultative Committee.

Approaches are being made to the Lithgow Community Nursery and the Australian Seed Company with regards to their availability and expertise in collection of seed from the site for propagation and later use in the rehabilitation of the site.

Having operational staff on site and taking the mine from its current state to an operational one will facilitate additional rehabilitation of other areas on the mining lease.

The relinquishment of responsibility for the site would not be granted until the proposed rehabilitation has achieved a standard which is deemed adequate by approval bodies such as the DEC and the Department of Primary Industries.

Issue: Outrageous transport intentions;

Response: The proposed transport of coal to the south coast is estimated to be 16 round trip truck movements per day, the supply of this coal is still subject to contractual arrangements.

The Lithgow seam coal from the Western districts is the preferred coal for these markets and the customer's preference for coal of these specific qualities determines their need to purchase coal from the western coal fields.

The coal currently being supplied to the south coast is supplied from other mines in the district.

If Coalpac was to win the contract to supply coal to these markets it would mean that there would be no additional trucks on the highways to the south coast than current arrangements allow.

Issue: Impacts on the Gardens of Stone 2 proposal;

Response: Under current arrangements the proposed open cut operation is permissible, with consent, within the area that is Ben Bullen State Forest, which is yet to be declared a State Conservation Area.

The proposed operations will be carried out within the confines of a current lease which allows mining by open cut methods.

The consultants employed as part of the approval process, to comment on ecological considerations, have determined that the ecological values associated with the proposed area to be disturbed are adequately conserved within the region.

Issue: Availability of alternative modes of operation;

Response: The modification of the water management strategy as noted above will ensure that no waters from the proposed open cut would have any impact on the Cox's River.

The economics of viably recovering the States coal resources is a factor in the recovery of coal for power generation.

The Department of Primary Industries – Minerals Division “supports the proposed extension as an appropriate use of the States coal resources”, as stated in their response to the application.

Coalpac feels that it has adequately justified the need to mine this coal by open cut methods in its Environmental Assessment.

Approval of the application and the re-commencement of operations at Invincible would facilitate future proposals to mine by underground methods to proceed.

Issue: Consultants reports disregard cumulative impacts.

Response: The Environmental Assessment adequately considers the cumulative impacts of the proposed operation.

The cumulative impacts on particular types of plants and animals as described in the respondent's letter are addressed by means of the “eight point tests” carried out as part of the assessment process.

These eight point tests are included in the appendices to the Environmental Assessment and all conclude that the effects on the individual species, for which they were completed, would not be significant.

Respondent: The Colong Foundation for Wilderness.

Issue: No Previous Approval for Open Cut.

Response: As stated earlier the previous open cut was approved by the Minister for Urban Affairs and Planning in August 1998, and no “existing use rights” are being claimed for the continued operation of the open cut at Invincible.

Issue: Visual Impacts.

Response: The area proposed to be mined is currently contained within the bounds of ML 68 which allows the area to be mined by open cut methods following consent/approval.

The area of surface, within ML 68, that is proposed to be mined is currently part of Ben Bullen State Forest, within which, under current zoning, mining is permissible with consent.

The current proposal does not propose to blast the sandstone escarpment to create high cliffs around a final void, as the respondents letter appears to suggest.

The proposed open cut does not propose to leave a final void as the respondent suggests.

The open cut highwall he describes in plate 1 of appendix D is a wall established as a box cut entry to underground workings which was included in the original application for which consent was granted in 1998. The current proposal does not allow for the inclusion of such an entry.

His reference to figure 7 of the Environmental Assessment does not indicate or display any “existing artificial cliffs”, other than the box cut entry, certainly none that are 1.5 kilometres long.

The proposed mining area is not visible from the Castlereagh Highway, as suggested.

A small section of the area, worked under the 1998 consent, is visible as you cross the top of the dividing range but the remainder of the site in which workings are proposed is not visible from the road as you traverse the Castlereagh Highway.

Issue: No adequate rehabilitation of existing operations or future operations.

Response: Rehabilitation of the Invincible Colliery site is ongoing and the approval of this application will facilitate the remediation of other areas on the lease.

The “Scotch Broom infestations” the respondent refers to in Plate 7 are flowering specimens of *Acacia buxifolia*, commonly called Box Leaf Wattle, which were direct seeded into the area as part of the rehabilitation process of previous open cut workings on the site.

Weed management and feral animal control strategies will be developed to help monitor and control and occurrences of such species on the site.

The rehabilitation of the Canyon Colliery site is on-going and Coalpac does not propose to relinquish its control of the site until statutory authorities have established that the rehabilitation is of a satisfactory standard.

The requirements of the Department of Primary Resources – Minerals Division with regards to rehabilitation standards and Mine Closure Plans will be adhered to.

Coalpac will prepare overall mine rehabilitation and closure plans pursuant to Department of Primary Industries – Minerals Division requirements within the first twelve months of operation of the open cut.

The description of the topography of the site within section 3.1.2 Colliery Holding Topography, of the EA describes both the flat to undulating land and the steeper land to which the respondent refers.

The right hand side of figure 10, the entire Colliery Holding, is an area of land on the eastern fall of the Dividing Range which will not be affected by the proposed open cut.

The intention of the rehabilitation plan is to establish landforms that are stable and once vegetated will not “erode indefinitely”. The assistance and advice of representatives of the Department of Lands will be obtained in construction of the final rehabilitated landform to ensure that indefinite erosion does not take place.

The references to plates 4 and 5(?) on page 52 of the EA, refer to images taken to show general views of the site to both the North (figure 4) and the East (figure 4a).

The foregrounds in these pictures are the existing haul road into the site upon which there has been no rehabilitation as the road is still utilised it to access the site to allow the placement of washery reject from existing operations at the mine.

The background of each picture displays the rehabilitation efforts of the previous open cut. Admittedly additional work is required, a viewpoint that has been expressed by others, however it bears consideration that since this rehabilitation work was completed in 2000 and 2001 the region has been in the grips of the worst drought the country has seen in many years.

The approval of the application will facilitate activity on the site which will allow the additional works to be completed in conjunction with rehabilitation efforts associated with the proposed works.

Issue: Poor water management.

Response: The proposed open cut mine does not propose to “continue the unspecified pumping of polluted waters into Long Swamp on the Cox’s River”.

The Water Management Plan has been changed to ensure that excess surface water flows within the open cut (dirty waters) are not pumped into underground workings.

All dirty waters from within the open cut mining area will be either used within the pit for dust suppression or they will be pumped to the main colliery dam which is a licenced discharge point from where discharges can be monitored and controlled.

The borehole which discharges to Long Swamp on the Eastern fall of the range has not been used since open cut operations commenced at Invincible in 1998.

Water was pumped from the borehole to allow access to specific areas of the underground workings. The workings to which this pumping operation applied were last worked in the early 1990’s.

The borehole was maintained as a licenced discharge point so that when underground workings re-commence it can be utilised to de-water areas for mining underground which is consistent with the use for which the licence was obtained.

Coalpac has no arrangements with Delta to supplement its water needs and it is not, and has never been, Coalpac’s intention to divert run-off from the state forest, for use by Delta.

The Open Cut Water Management Plan is to be modified to allow for the collection of surface water flows from upstream of any workings into sumps or dams to allow the run-off waters to be piped past working areas to be discharged downstream of the site to ensure that downstream users are not deprived of any waters.

The quality of any waters proposed to be discharged from the site will be monitored prior to discharge. To date acidic or saline mine waters have not been encountered in water reserves found at Invincible.

Issue: Coal truck haulage absurd.

Response: See comments regarding truck haulage raised by Blue Mountains Conservation Society Inc on page 5.

- Issue:** Reserve the Gardens of Stone State Conservation Area.
- Response:** See response to Blue Mountains Conservation Society Inc. on Page 5.
- Respondent:** **Department of Environment and Conservation.**
- Issue:** Noise Impacts from Proposed Operation.
- Response:** The recommended Noise Impact Assessment Criteria and associated conditions proposed by the Department of Environment and Conservation will be adopted for the operation of the open cut if approved and the necessary licence modifications will be made as requested.
- Respondent:** **City of Lithgow Council.**
- Issue:** Rehabilitation plans and strategies.
- Response:** Coalpac will forward to Council copies of detailed rehabilitation plans and strategies as they are formulated as part of the MOP process for the Department of Primary Industries – Minerals Division.
- Issue:** Process Constraints on Road Haulage.
- Response:** Coalpac will abide by any process constraints placed on the approval with regards coal transportation by public road.
- Should the contracts to supply coal to Manildra be obtained the amount of truck transport would not change from that which currently takes place from other mines within the western coal fields.
- Issue:** Planning Agreement Contribution.
- Response:** Coalpac will negotiate directly with Council regarding a Planning Agreement Contribution in lieu of a contribution under current section 94 DCP for coal related industry arrangements.
- Issue:** Community Consultative Committee.
- Response:** Coalpac would be willing to support the formation of a Community Consultative Committee for the proposed open cut.
- Respondent:** **Forests NSW.**
- Issue:** Fire Management.
- Response:** A Bushfire Management Plan will be included in the mines Environmental Management System.
- The plan will be prepared in consultation with Councils Fire Control Officer, the local Bushfire Control centre, and Forests NSW to ensure compliance with the following requirements:
- Asset Protection
 - Preparedness standards and fire danger ratings
 - Training and resource requirements
 - Communication and notification measures
 - Fire prevention works.
- Issue:** Commercially Viable Timber Removal and Compensation Agreement.
- Response:** Coalpac will negotiate directly with Forests NSW to allow the removal of Commercially Viable Timber prior to the commencement of open cut operations on the site and with regards a compensation agreement covering the loss of resources associated with the proposal.