



22 July 2022

Referrals Gateway
Environment Assessment Branch
Department of Climate Change, Energy, the Environment and Water
By email: epbc.referrals@awe.gov.au

Dear Sir/Madam

Re: Angus Place West coalmine extension EPBC Ref# 2022/09270 – controlled action and EIS assessment

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 160 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

I am writing in relation to the Angus Place West coal mine (**Proposed Action**) that should be assessed under the *Environment Protection and Biodiversity Act 1999* (Cth) (**Act**) as a controlled action. The Proposed Action has the potential to significantly impact matters of National Environmental Significance (**MNES**) and falls within several controlled action provisions of the Act. The Proposed Action must be assessed through an environmental impact statement (**EIS**) due to the scale and magnitude of the potential impacts on MNES.

The Proposed Action has the potential to significantly impact the following MNES:

1. Listed threatened species and ecological communities;
2. Water resource in relation to large coal mining development; and
3. Migratory species.

1. Listed threatened species and ecological communities

The Proposed Action is a controlled action because of the potential for significant direct and indirect impacts on 10 threatened species and ecological Communities listed under the Act. These species include the Giant Burrowing Frog and the Black Gum and Swamp Everlasting tree species.

The Proposed Action referral understates the size of the nationally endangered wetlands in its referral application. These swamps are not "small patches of freshwater wetland habitat (ie permanently or seasonally saturated land) associated with Coxs River, Kangaroo Creek and Lambs Creek." The potentially impacted wetlands are large and permanent, with Long Swamp extending over many kilometres. These swamps are known as Temperate Highland Peat Swamps on Sandstone (**THPSS**) and are listed as an endangered ecological community under the Act.



The Proposed Action involves mining directly under Kangaroo Creek and within 60 metres of the Coxs River. This has the potential to significantly impact near surface groundwater and surface waters essential for the survival of the above swamps and therefore also local populations of the Black Gum and Swamp Everlasting tree species. Former mining by Baal Bone colliery of an area adjoining the Long Swamp to the north was observed in 2011 to lower groundwater levels in the northern tip of Long Swamp that is within 400m of the project area. This drawdown was due to the Coxs River being associated with a large north-south running fault complex. When Centennial Coal's mine workings approach the fractured strata associated with the Coxs River, far field drawdown of near surface groundwater can be expected to drain nationally endangered Long Swamp and swamps filled by Kangaroo Creek.

The Referral claims these large swamps are not nationally significant THPSS however, the THPSS are officially mapped in the upper reaches of the Coxs River at Long Swamp, and at Kangaroo and Lambs Creeks.¹ This mapping research was paid for with the \$1.45 million enforceable undertaking by Centennial Coal due to swamp damage including by the Angus Place mine. The referral decision must be based on the best available science that demonstrates THPSS exist in the immediate vicinity of the Proposed Action.

Groundwater drawdown through coal mining has been found to significantly impact THPSS.² East Wolgan swamp was drained due to subsidence caused by mining undertaken by Centennial Coal.³ The proposal must be referred for its impacts on those species occurring in the sensitive swamps and the real possibility of subsidence and dewatering lowering the water levels in those swamps.

2. Water resource in relation to large coal mining development

The Proposed Action is also a controlled action as it poses the potential to significantly impact water resources and it is a large coal mining development. The referral document identifies significant hydrogeological impacts through dewatering associated that through fractures will cause changes in surface and groundwater hydrology. Flows from swamps, streams or near surface groundwater into the Angus Place mine through intersecting rock fracture lineaments are resources taken from the Sydney water supply catchment. These flows are then transferred to the Mt Piper Power Plant.

The referral acknowledges that mine dewatering will impact swamp areas in the project area and further hydrogeological assessments are required to identify the spatial extent of the potential groundwater drawdown. The lack of comprehensive monitoring data makes it difficult to quantify the relationship between groundwater dewatering and the health of the swamps.⁴

¹ [Temperate Highland Peat Swamps on Sandstone \(THPSS\) spatial distribution maps - VIS IDs 4480 to 4485 \(nsw.gov.au\)](https://www.environment.nsw.gov.au/peatswamps/peatswamps.htm)

² <https://www.agriculture.gov.au/sites/default/files/documents/peat-swamp-ecological-characteristics.pdf>

³ <https://www.dcceew.gov.au/sites/default/files/documents/monitoring-management-subsidence-induced-longwall-coal-mining-activity.pdf>

⁴ <https://www.agriculture.gov.au/sites/default/files/documents/peat-swamp-ecological-characteristics.pdf>



The Referral has identified the potential for significant impacts but is not able predict the magnitude of that impact. The uncertainty in this impact mandates assessment under the Act through an EIS.

The Proposed Action has the potential to directly impact valuable water resources. The Sydney drinking water catchment area could be impacted by a reducing in inflows resulting from dewatering. The Greater Blue Mountains World Heritage Area could also be impacted though the loss of headwater flows. These potential impacts have not been adequately investigated. An EIS is needed to understand the potential impact on those resources.

3. Migratory species

Latham's Snipe has been recorded by the proponent as existing within the project area in significant populations. The initial assessment was limited to one location and did not demonstrate the range of the species. A more comprehensive assessment through an EIS is required to determine the range of this species and other nesting grounds. The project should be referred due to its potential for significant impacts on the habitat of this threatened migratory species.

Environmental assessment

The Proposed Action has the potential for both direct and indirect significant impacts on MNES that fall within controlled action provisions of the Act. Considering the scale and complexity of these impacts and the uncertainty of accurately identifying hydrological impacts, NCC submits that it must be assessed through an EIS process. A comprehensive and thorough assessment is needed to ensure that these impacts are accurately identified to determine if they are acceptable.

Brad Smith
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