



## Lithgow Environment Group Inc.

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*Preserving the Balance of Nature*

To: Gabriel Wardenburg  
NSW Department of Planning

17 February 2026

Dear Gabriel

### **RE: CLARENCE COLLIERY MODIFICATION 11 TIMELINE EXTENSION (DA504-00-Mod-11)**

Lithgow Environment Group (LEG) is a not-for-profit organisation established in 2005 with the principal aims of conservation, protection and enhancement of local natural environments. LEG has taken an evidence-based approach by conducting regular Water Quality, Upland Swamp, Threatened Species, and Mine Subsidence Monitoring. LEG is also a member of the Gardens of Stone Alliance which works for the full and better protection of the Gardens of Stone region.

Our members **object** to Modification 11, believe that a Modification to extend DA504-00 by 5 years is highly inappropriate due to its complexity and the mines compliance history, and that a full EIS is required to properly address the many recurring issues.

### **SUMMARY**

Clarence Colliery MOD 11 will lock-in for a further 5 years a range of recurring problems that have never been adequately addressed by the current approvals. It is simply described as an extension of mining duration only, and implies that everything else is fine, business-as-usual for 5 more years.

However if everything was fine, why then since the 2005 approval of DA504-00 has Clarence Colliery –

- Recorded 166 Licence non-compliances on EPL726 since 2005, 87% of those since 2018;
- Been issued with 3 Clean-up Notices, 6 Pollution Studies & Reduction Programs, 1 Prevention Notice, and 1 Penalty Notice since 2005;
- Entered into an Enforceable Undertaking of \$1,217,336.50 on 9 August 2024;
- Been prosecuted \$1,050,000 plus \$106,010 in investigation and legal costs in 2017 - the single largest fine following prosecution by the EPA;
- Is currently facing proceedings in the Land and Environment Court (2024/471797-801);

- Exceeded the maximum approved vertical subsidence limit of 100mm many times, including a Condition Amber on the 600 Area TARP, Condition Red on the 900 Area TARP, and from the most recent End of Year Subsidence Management Report 2024 "*Maximum subsidence from the 900D line is now recorded to be 193mm (at peg D20)*", almost double the 100mm approval limit;
- Continued to operate without a current EPBC Referral determination because the 2024 Referral (2024/09856) has not been determined yet, and the 2012 (2012/6446) and 2009 (2009/4882) referrals preceded the 'water trigger' and did not consider the full range of Threatened Species occurring within ML 1583 that have been listed since 2009 and 2012.
- Continues to claim "*no known evidence of mining-related impacts*" above Clarence Colliery despite a 2024 LEG survey identifying 27.8 Ha of damaged swamps/hanging swamps, 10.5 km of desiccated creeklines, 3 cliff falls, 2 subsidence cracks, and 3 examples of water pollution.

Furthermore, the MOD11 documentation fails to identify some seriously major changes and impacts that have occurred since DA504-00 was approved in 2005, not the least of those being -

1. The EPBC Act listed Temperate Highland Peat Swamps on Sandstone (THPSS) Endangered Ecological Community was Gazetted in 2005, the same year DA 504-00 was approved. It is highly unlikely that the significance of THPSS in Clarence Colliery ML 1583 and groundwater-dependent Threatened Species in them was even known at that time, let alone identified or considered in approving DA504-00 in 2005.
2. Fifteen (15) THPSS and numerous Hanging Swamps have been lost to Centennial mining operations on Newnes Plateau since 2005 when DA504-00 was approved. In 2011 Centennial entered a \$1,450,000 Enforceable Undertaking under s486DA of the EPBC Act after significant impacts to Temperate Highland Peat Swamps on Sandstone (THPSS) in Narrow Swamp, East Wolgan Swamp, and Junction Swamp. Those swamps have not recovered. The remaining THPSS in Clarence Colliery Mining Lease (ML) 1583 are now therefore of far greater significance than in 2005, and must be afforded a much higher level of protection;
3. The EPBC Act was amended in June 2013, after the 2005 approval of DA504-00, to include water resources as a matter of National Environmental Significance (MNES) in relation to coal seam gas and large coal mining developments (known as the 'water trigger'). Any action that 'has, will have or is likely to have a significant impact on a matter of national environmental significance' is deemed a 'controlled action' under the EPBC Act and may not be undertaken without prior approval from the Commonwealth Environment Minister. The 'water trigger' has never been considered in any currently determined Clarence Colliery EPBC referrals:

- The 2012 Referral (2012/6446) preceded the 'water trigger'
  - The 2009 Referral (2009/4882) preceded the 'water trigger'
  - The 2024 Referral (2024/09856) is still active under the EPBC Act, and is yet to be approved.
4. Since the 2005 approval of DA 504-00, a 2012 report by Benson & Baird identified that peat depths in the eastern Newnes Plateau swamps including all Clarence swamps were deeper (0.6 - 1.3m) than the now largely destroyed western swamps (0.3 - 0.6m), are less rainwater-dependent, more groundwater dependent, have permanently high water tables maintained by groundwater, and are associated with a greater occurrence of threatened groundwater-dependent biota restricted to those sites. This association makes them highly susceptible to groundwater drawdown and loss. (*Cunninghamia* (2012) 12(4): 267–307 *Vegetation, fauna and groundwater interrelations in low nutrient temperate montane peat swamps in the upper Blue Mountains, New South Wales. Doug Benson and Ian R. C. Baird*);
  5. Since the 2005 approval of DA 504-00, fires have twice burnt all THPSS in Clarence Colliery ML 1583, in 2013 and again in 2019. A 2022 report by Krogh et al found that, to date, 15 THPSS on Newnes Plateau have been irreversibly impacted by longwall mining (DPIE BCS 2020), and that protecting the remaining Newnes Plateau Shrub and Hanging Swamps from further hydrological impacts is crucial to prevent further irreversible impacts and localised extinctions of threatened species populations within mining impacted swamps (if not immediately, then following the next major fire event in the area). (*Krogh, Martin & Gorissen, Sarsha & Baird, Ian & Keith, David. (2022). Impacts of the Gospers Mountain Wildfire on the flora and fauna of mining-impacted Newnes Plateau Shrub Swamps in Australia's Eastern Highlands. Australian Zoologist. 42. 199 216*)
  6. In 2022 the Gardens of Stone SCA was declared over the Clarence Colliery mine leases, a major change since DA504-00 was approved in 2005. Once managed by NSW Forests with a primary production/resource focus, it is now managed by the NPWS with Conservation priority focus. Business-as-usual no longer applies.
  7. The MOD11 documents state that the current pumping capacity of 18.5 ML/day may be exceeded, and the only solution offered is for the '*WMP TARP response plan to lodge an application to increase the water entitlement.*' This is totally unacceptable to LEG. Centennial mines already extract over 20 billion litres of groundwater each and every year from Newnes Plateau, increasing with every new panel mined. It is very unclear where all this water really comes from (i.e. which aquifers, their water storage and recharge capacity) and how far drawdown extends into the GBMWA. Centennial, Council, and Government agencies appear

to assume that these pumping volumes will continue indefinitely after mine closure, with plans afoot to transfer this water to a new treatment plant at Lake Wallace. Major questions need to be asked about whether such a huge water take from Newnes Plateau is sustainable, given the identified issues of connective fracturing and baseflow loss to streams and swamps. The Consent Authority must reject any further increase to groundwater extraction volumes, and mandate greater efforts to minimise aquifer interference and reduce the volume of groundwater extraction through mechanisms such as reduced extraction ratios, modified mining methods, and the installation of underground barriers to seal-off older mined areas;

8. Inadequacy of the Groundwater monitoring network - The 2024 EPBC Referral for the 918 & 920 Panels (*Att 17 Clarence 2023 Groundwater Monitoring Results, qualifiers in Att 22 Mining Method Comparative Analysis*) identified that of the 30 Swamp Piezometers 13% (4 of 30) have been damaged or did not provide useable data; 17% (5 of 30) were recently installed and didn't provide useful long-term trends; and of the remaining 21 piezos 47% recorded 'declining trend' or 'exceeds trigger level' or 'decreasing trend'. Only 20% (6 of 30) piezometers recorded a 'Stable trend'. Of the 14 Open Borehole Standpipe Piezometers, 1 (7%) was decommissioned (CC113 since January 2014); 3 (21%) reported 'declining trends'; 1 (7%) reported 'Below trigger value from early August 2019 until late April 2022 (CLRP10); and 8 (57%) reported 'decreasing trend consistent with climatic observations'. Only 1 of the 14 sites (7%) was reported as 'Stable'. Of the 19 Vibrating Wire Piezometers (VWPs) none (100%) have trigger levels defined in the WMP (How can "Adaptive Management" to avoid swamp damage be assured without specified Trigger levels?); 68% (13 of 19) reported 'Sensor not functional', 'Data assurance concerns', 'Communication lost' or 'Malfunctioned'; 26% (5 of 19) reported 'Depressurisation response' or 'Unsaturated'; 26% (5 of 19) reported 'Decreasing trend'; and only 10% (2 of 19) actually reported 'Stable trend'. The Groundwater Monitoring Network is clearly inadequate, and should not be locked in for a further 5 years;
9. Inaccurate predictions of subsidence impacts on swamps, cliffs, waterways, and GBMWA. Clearly the Condition Red on the 900 Area TARP in 2022, and 193mm reported at Peg D20 in 2024 indicate inaccurate subsidence predictions at Clarence Colliery. Clearly 27.8 Ha of damaged swamps/hanging swamps, 10.5 km of desiccated creeklines, 3 cliff falls, 2 subsidence cracks, and 3 unreported cliff falls recorded by LEG in 2024 indicate that subsidence impacts are not being accurately predicted/recorded/reported by Clarence Colliery. Angus Place and Springvale Collieries inaccurately predicted subsidence impacts in the past, resulting in the loss of 15 THPSS & numerous Hanging Swamps. In 2022 Centennial Airly Mine entered into a \$150,000 Enforceable Undertaking for breaching its Development Consent causing irreversible

fractures in Mugii Murum-ban State Conservation Area. Consent Authorities knowingly endorsing inaccurate predictions of subsidence and issuing Enforceable Undertakings and/or fines after damage has occurred is a perversion of proper Planning processes;

10. Exploration Activities continue to damage/destroy Threatened Species and ecological communities, despite claims in MOD 11 that everything related to MOD 504-00 is hunky-dory. In August 2025 volunteers reported a number of *Veronica blakelyi* (Endangered NSW BCA) destroyed by trackworks to an exploratory drilling rig in the Clarence Colliery 700 Area. Previous exploration drilling by Clarence Colliery is known to have destroyed locally rare plants including *Grevillea sericea*, *Pultenaea furcata*, *Styphelia laeta*, and others. More stringent controls and monitoring of Exploration activities must be required in the Consent Conditions;
11. A Consent must require Real-time Monitoring at Clarence Colliery LDP2 directly linked to the EPA, and require immediate shut-down of minewater discharges to prevent any further repeat of the 2015 and 2023 coal-fines spills into the Wollangambe River and GBMWHA;
12. Failure to record/report threatened flora species in contravention of the EPBC Act and NSW BCA. MOD 11 is a Controlled Action and an EPBC Referral must be lodged. For example:
  - *Boronia deanei* was listed as Vulnerable under the EPBC Act and NSW BCA in 2005 when DA505-00 was approved. On 5 March 2025 *Boronia deanei* subsp. *deanei* was reassessed as Endangered under the EPBC Act. There are many more records in the Clarence Colliery mine lease than shown on the Bionet Atlas, suggesting Clarence Colliery has not adequately recorded/reported all occurrences in ML 1583;
  - *Hibbertia cistiflora* subsp. *quadristaminae* was listed as Endangered under the EPBC Act on 7 September 2023. It has been recorded in ML 1583, but not on the Bionet Atlas by Centennial;
  - *Pultenaea glabra* (Vulnerable EPBC Act & NSW BCA) and the closely related newly described *Pultenaea furcata* have been recorded in the Clarence Colliery mine leases, but not on Bionet by Centennial;
  - *Commersonia prostrata* (Endangered EPBC Act & NSW BCA) has been recorded in the Clarence Colliery mine lease, but not on the Bionet Atlas by Centennial;
  - *Xerochrysum palustre* (Swamp Everlasting EPBC Act: Vulnerable) has been recorded in Pine Swamp on the AVH and ALA databases, but not on the Bionet Atlas by Centennial.

No currently determined EPBC Referral for Clarence Colliery has considered the above. The 2009 Referral (2009/4882) and 2012 Referral (2012/6446) are out of date. The 2024 Referral

(2024/09856) is yet to be determined. The Consent Authority cannot approve MOD11 without Federal Government approval.

13. Failure to heed previous IESC advice that adaptive management and trigger action response plans (TARPs) are unlikely to be successful for mitigating and managing impacts to THPSS;
14. Failure to heed previous IESC advice that the only way to prevent impacts to THPSS is to avoid directly undermining swamps and their water supply aquifers;
15. Failure to heed previous IESC advice that current Groundwater monitoring networks do not monitor the full extent of minewater drawdown; Vibrating Wire Piezometers (VWPs) don't allow actual measurements of water levels, have a limited lifespan and aren't replaced; and predicted drawdown will extend into the Greater Blue Mountains World Heritage Area;
16. Failure to consider Cumulative Impacts and Likely Foreseeable Future Developments (eg. Clarence Colliery Consolidation Project due Q1 2027; Angus Place West project due Q1 2027; Springvale West Project due Q1 2027) on THPSS, Groundwater Drawdown, downstream water pollution, siltation, sedimentation etc in the Gardens of Stone SCA and GBMWA by assessing each proposal as stand-alone in isolation;
17. Absence of remediation, rehabilitation, or revegetation requirements once THPSS are damaged (eg. THPSS damage in 2010 by the old Clarence Transfer in Panel 707);
18. Locking-in road transport of 300,000 tonnes of coal/year for a further 5 years instead of using rail is totally unacceptable. The Clarence Colliery coal loader and rail loop must be upgraded to allow rail transport to an upgraded rail unloader at Lidsdale Siding;
19. The Consent must mandate that the huge stockpiles of coal-fines in Clarence Colliery REAs be reused rather than buried and creating yet another legacy pollution issue, by transporting those coal-fines to Mount Piper Power Station or other potential users.

## **CONCLUSION**

Lithgow Environment Group Inc has previously made submissions on the EPBC Referral Clarence Colliery 918 – 920 Panels (2024/09856) on 4 July 2024, and to the Federal and NSW Environment Minister's in September & October 2024 to report 25 examples of mine subsidence damage above Clarence Colliery.

Rather than repeat that information we have included them as Attachments below. They contain references, photos, and detailed explanations of the issues dot-pointed above. We request that NSW

Planning consider the information in these Attachments, because they have been provided to relevant government agencies and are in the public domain.

We believe that this project should not be determined as a Modification due to its complexity, and that a full EIS is required. NSW Planning should consolidate all 3 Clarence Colliery Mine Leases into one, with a new EIS that addresses cumulative swamp losses, associated losses of groundwater-dependent threatened species, groundwater drawdown across the entire Gardens of Stone SCA and GBMWA, recurring pollution incidents, and Centennials poor compliance record.

Thankyou for this opportunity to provide comment.

Yours faithfully

Chris Jonkers

Project Officer

Lithgow Environment Group Inc.