Submission to the Independent Planning Commission
UCML Proposed Mod 4

Dear Commissioners,
I respectfully submit the following Comments and Observations for your consideration.

I declare I am not opposed nor have ever been opposed to coal mining, nor am I an advocate of "climate change". I remain unconvinced of the alleged science noting many of the extreme cursory predictions have never come to fruition. My comments & observations relate to direct measurable physical impacts resultant from mining on or below private land holdings.

NOTE: {*Having read the transcripts, I note material such as plans, maps & other data relied on during the meeting, have not been made available. Accordingly as a reader it is difficult to put some of the discussion and responses into context*}

Comments on Transcript of IPC Meeting with DP&E

Pg 3 line 1- "…….. . It is currently operated by Ulan Coal Mines which is part of the Glencore group, **but also in conjunction with Mitsubishi Development as a joint venture"** *Mitsubishi sold its 10 per cent stake in Ulan Coal Mine Limited to Glencore Coal in December 2018.*

Pg3 line 24- MR O'DONAGHUE: Yes, which is the orange, and predominantly the area they're working in is to the north and Ulan West complex which is these panels over here further to the west of the project. So they're the two key precincts. But there's also an approved open-cut mine which hasn't been – there's still approval for that but it hasn't been operating since about 2008, but there is an approval for some further extension of that.
MR KIRKBY: So is it in care and maintenance? Is that - - -
As an adjoining landholder I was led to believe by UCML that open cut mining has been completed & the site been rehabilitated as UCML have transitioned to Longwall mining. Is it possible that open cut mining can proceed over areas already longwall mined & subsidence affected?

MR O'DONAGHUE: It's – yes. So the operations are approved till 2033 at this point. So from the complex it's **approved to extract about 24 million tonnes a year until 2033**. And it's approved for about – your total resource under the current approval is about 253 million tonnes. So it was 240 originally approved in 2010 and through a Land and Environment Court challenge as well, and then in MOD 3 there was an additional 13 million tonnes approved through MOD 3. Just some other information – **so there about 900-odd people working there at the mine**. There's 10 laden trains leave the site per day, just to give context to the rail movements. And the current configuration of the Longwall panels that they're mining is about 400 metres – 411 metre width, just to put that in the context.

1. *The latter contradicts the publicly available information on the Glencore website.*
"The proposed extension of the open cut, continued Ulan No. 3 underground and Ulan West underground are shown in the figure "Ulan Coal Continued Operations Project Area". A combined production rate of up to 20 million tonnes per annum (Mtpa) product coal is proposed for the 21 year mine plan, operations **approved to 30 August 2031**. **The Project will employ approximately 931 people including ancillary contractors when at full production" . {**http://www.ulancoal.com.au/en/Pages/home.aspx}

2. *The latter also contradicts the statement by UCML General Manager Mr Allan {on page 3 line 36}* ***of the public hearing transcript****.* "Our Ulan operation employs over 700 people directly and a thousand indirectly". *As a landholder we would appreciate some certainty, Is the mine approved to 30 August 2031 or sometime in 2033?*

Page 5 line 12- PROF WHELAN: But that's his property that goes out to there; is that right? Is that – that's the only bit I was trying to figure out in the report is the property boundaries.
MR O'DONAGHUE: That's right, yes. Yes. So that extends up. And I've got some other maps in terms of where the extension boundary goes into to show that perspective as well. But a fair percentage of the Woodbury property is already undermined under the existing approval. T*he correct UCML plans provided at the community meeting last month show LWW 5 is the only area already mined beneath Woodbury. This constitutes less than 0.5% of the site, most certainly not "A FAIR PERCENTAGE"*

PROF Whelan raises a very relevant issue, {something landholders have previously raised with UCML}. It would be of great assistance to landholders & avoid confusion if the UCML plans included an overlay of the cadastral boundaries. Inclusion of cadastral boundaries will minimise confusion, uncertainty & greatly assist land holders who are not rehearsed in reading & interpreting Plans.

Page Five Line 34 - MR O'DONAGHUE: So in terms of the modification, **I guess the – I will just pull out the – I guess the first map I gave you** shows you the location of the modification which is the extensions in yellow. So I guess the key – so there has been lengthening – if you look at it further to the east as part of Ulan 3 or UUG, they're – there's extension of four panels which are being lengthened from 1 to 1.14 kilometres and that extends into Durridgere State Conservation Area. **If you have a look at the landowner map provided, it sort of shows** – it shows where the panels would extend into the state conservation area. So in terms of land ownership, there's the private residence Woodbury but there's also the national park state where it did require land owner consent which the national parks also provided for the modification. *This is an example of the difficulty of putting the conversation into some context "without the benefit of the MAPS referred to".*

Page 6 Line 33 - MR O'DONAGHUE: So I guess looking at the modification extension, it's – the increase overall in the underground mining area is about 161 hectares which is about a 2 per cent increase overall on the approved mine. That's the sort of scale we're looking at in terms of extending the Longwall panels. The other thing to point out – there is additional surface infrastructure, apart from the extension of the panels. There is additional surface infrastructure and this is a detail of the Ulan 3 or UUG extension - - -
Line 40- MR KIRKBY: Yes.
MR O'DONAGHUE: - - - which – **this figure here shows in red where they're proposing to put the infrastructure corridors and additional structure and the ones in blue are the already approved infrastructure.** So the intention is to – with the panel extension is to replace the blue cleared disturbance areas with the red disturbance areas. And that would be part of the approval. That could only – that can only clear

In the absence of the map referred too & relied upon:
- I would ask if all recently completed infrastructure work including the ***BORROW PIT DAM, infrastructure Pads, dewatering bores etc been approved?***
- Were all the mandatory assessments completed prior to land clearing and commencement of any works".
- I kindly request the IPC confirm with DP&E if all the necessary approvals were obtained.

Page 7 line 31 - MR O'DONAGHUE: They're fairly different. **I mean, the MOD 3 which is probably the most significant MOD** was further to the south which was extending.
MR KIRKBY: I do actually have one question. I just – there was a comment in the report that a previous modification required – it might have been MOD 3 – required them to basically – there was reference to a condition requiring additional research studies in their statement of commitments to discharge into the Talbragar River.
Line 40 MR O'DONAGHUE: Yes, yes.
MR KIRKBY: And I just had a question as to have they been done and - - -
MR O'DONAGHUE: No, they haven't. No
MR KIRKBY: Right.

As MOD 3 has been raised on a number of occasions, I consider it is prudent I comment on the MOD 3 approval. From my perspective I found it alarming and disturbing that MOD 3 was approved on reliance of "false & misleading information". The "false and misleading information" was included in the Environmental Assessment prepared by Umwelt & included as part of the MOD 3 application lodged by UCML to DP&E.

As the land owner of Lot 72 DP750742, directly impacted by the MOD 3 approval I raise the following:-

- *I purchased the property 2 weeks after MOD 3 was approved on 16 March 2016.*
- *Despite repeated requests, I was unable to obtain copies of the Environmental Assessments {EA's} conducted on my property from UCML.*
- *On reading the publicly available documents on the DP&E Major Approvals portal for MOD 3 I was shocked to discover **NO EA's were performed**.*
- *The Environmental assessment prepared by Umwelt on behalf of UCML stated" "Agreement to access the private property for the purposes of the environmental assessment studies was not reached with the landholder to enable the property to be accessed. UCML sent a letter to the landholder on 31 March 2014 to request access to conduct environment surveys with an offer of compensation. **This letter was returned to UCML in April 2014 with a noted attached stating that the private landholder would not agree to access."***
- *I was dismayed that prior to granting approval DP&E took no steps to corroborate the existence of the alleged letter, nor instruct "UCML to utilise Section 252 of the Mining Act 1992 to gain access for environmental study purposes"*
- *I consequently made a formal submission with my concerns to DP&E.*
- *DP&E then conducted two separate investigations.*
- *As a consequence of the first investigation, Director David Kitto confirmed during a meeting he convened that Mr Drosd did NOT send a letter as alleged in the EA.*
- *I was totally flabbergasted MOD3 was approved in the absence of any EA's on my property & on reliance of "false and misleading information" included in documents lodged with the application by UCML.*
- *As a direct consequence of my concerns, DP&E instructed UCML to perform the studies, even though MOD3 has already been approved.*
- *As a landowner I found it horrendous that DP&E failed to corroborate the existence of the letter or instruct UCML to utilise Sec 252, which was enacted so as to provide a mechanism whereby the proponent may obtain lawful access onto private property to perform the required EA and thus discharge their legislated duties.*
- *I have never been afforded an explanation as to why Umwelt made the false assertion in the EA submitted to DP&E, or who provided or instructed them to make the assertion.*
- *Whilst I will agree to a land access agreement for UCML to perform the studies, I question there worth given MOD 3 is approved.*

- *The accepted practice is all studies must be completed prior to the submission of an application so they may be considered during the assessment by DP&E.*

I note it is a serious offence to provide false and misleading information to DP&E.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 10.6
Offence--false or misleading information (cf previous s 148B)

(1) A person must not provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading in a material particular.
Maximum penalty: Tier 3 monetary penalty.
(3) For the purposes of this section, a person provides information in connection with a planning matter if:
(a) the person is an applicant for a consent, approval or certificate under this Act (or for the modification of any such consent, approval or certificate) and the information is provided by the applicant in or in connection with the application, or
(b) the person is engaged by any such applicant and the information is provided by that person for the purposes of the application, or
(c) the person is a proponent of proposed development and the information is provided in or in connection with a formal request to the Minister, a council, the Planning Secretary or other planning authority for the making of provisions of an environmental planning instrument, Ministerial planning order, plan or other document under this Act in relation to the proposed development, or
(d) the person provides information in connection with any other matter or thing under this Act that the regulations declare to be the provision of information in connection with a planning matter for the purposes of this section.
(4) An environmental impact statement or other document is part of information provided in connection with a matter if it forms part of or accompanies the matter or is subsequently submitted in support of the matter.
Note : The *Crimes Act 1900* contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement--maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents--maximum penalty 2 years imprisonment or $22,000, or both).

Page 18 line 10- PROF FELL: I've got a question on groundwater.
MR O'DONAGHUE: Yes.
PROF FELL: Now they have relatively few bores that they have to worry about.
MR O'DONAGHUE: Yes.
PROF FELL: I'm just concerned mainly about the bores.
MR O'DONAGHUE: Yes.
PROF FELL: **But what's the history of make good by this group?**
MR O'DONAGHUE: We've got – we will have to get back to you on that one. I don't have any, like, information on - - -
PROF FELL: You're not - - -

Prof Fell has asked a very pertinent question; unfortunately Mr O'Donaghue was unable to provide an answer. I believe landholders are best placed to respond to that question. Accordingly I would like to share my personal experience in that regard.
I previously complained to UCML about loss of water in my 7 dams (Including spring fed dams) to UCML on a number of occasions.
My complaints were not acted on for over 12 months, despite repeated emails
I was left with no option but to complain to DP&E. The compliance from officer DP&E found UCML did NOT register my complaint as required by a condition on their consent.
As a result DP&E issued UCML with a formal caution, as well as requiring they notify DP&E (I believe within 24 hours) of any future complaints they receive.

UCML then conducted an inspection of my property during the October Long weekend 2017. Incredibly the region was graced with a torrential down pour that flooded the entire Mudgee

region & beyond. When UCML Community Manager & offsider attended my property it was saturated with all the dams overflowing through the spillways.
The flooding on my property resulted in all the vehicles becoming severely bogged, that Ms Stoney had to arrange for a specialised truck to retrieve them.

Unfortunately within 2-3 months, I noted a rapid decline of water levels in my dams.
I also noted my largest dam (to the east) became totally devoid of any water.
UCML responded "the water loss due to evaporation" a very bizarre and implausible proposition given this dam is situated in a wooded & sheltered area, yet dams fully exposed to sunlight with no shading from trees still enjoyed some level of water.
UCML rejected that water loss in my dams was associated with their mining activity.
{Worthy to note UCML have to date never instructed their hydrologist to conduct a site inspection to assess my complaints}.

UCML refused to replenish water in my dams in accordance with the condition on the consent I was told I needed to engage my own Hydrologist to prove the loss of water was directly associated with their mining activity and not due to"EVAPORATION".
I was rather taken back that the onus of proof was shifted onto me, the landholder.
For me to commission a reputable & suitably qualified hydrologist specialising in water loss in the vicinity of mining activity would cost me $1,000's.

In any case, as part of the 2nd MOD3 investigation conducted by DP&E, Deputy Secretary Mr Ray, he informed me that DP&E are going to engage an independent Hydrologist to inspect my property & that of my neighbour Mr Ryan, and provide him with a report.
{He did it over 2 properties as they were previously one holding owned by Mr Drosd}

The Independent hydrologist's report concluded it was necessary to install water monitoring bores on both properties to assess draw down in the aquifers.
I am hopeful an access agreement with UCML will be finalised in the next 6 months so the bore may be installed. At present all my dams are devoid of water. My property was previously a cattle grazing property, currently it can't be used for cropping or grazing. Farmland is utterly useless & incapable of generating an income without water.

SUBSIDENCE IMPACTS ON SURFACE & GROUND WATER

Following on from the above, I believe it is absolutely essential to acquaint the IPC with the full extent of subsidence in our area, as it has not been introduced or acknowledged by DP&E or UCML in any documentation, nor mentioned in the water report by AGE. I strongly hold the view that a complete & transparent assessment of surface & ground water MUST reference the extent of the subsidence declared area.

Despite MOD 4 been presented as minor modification, the reality is the impacts on surface & ground water extend way beyond the MOD 4 footprint which is been presented in isolation.

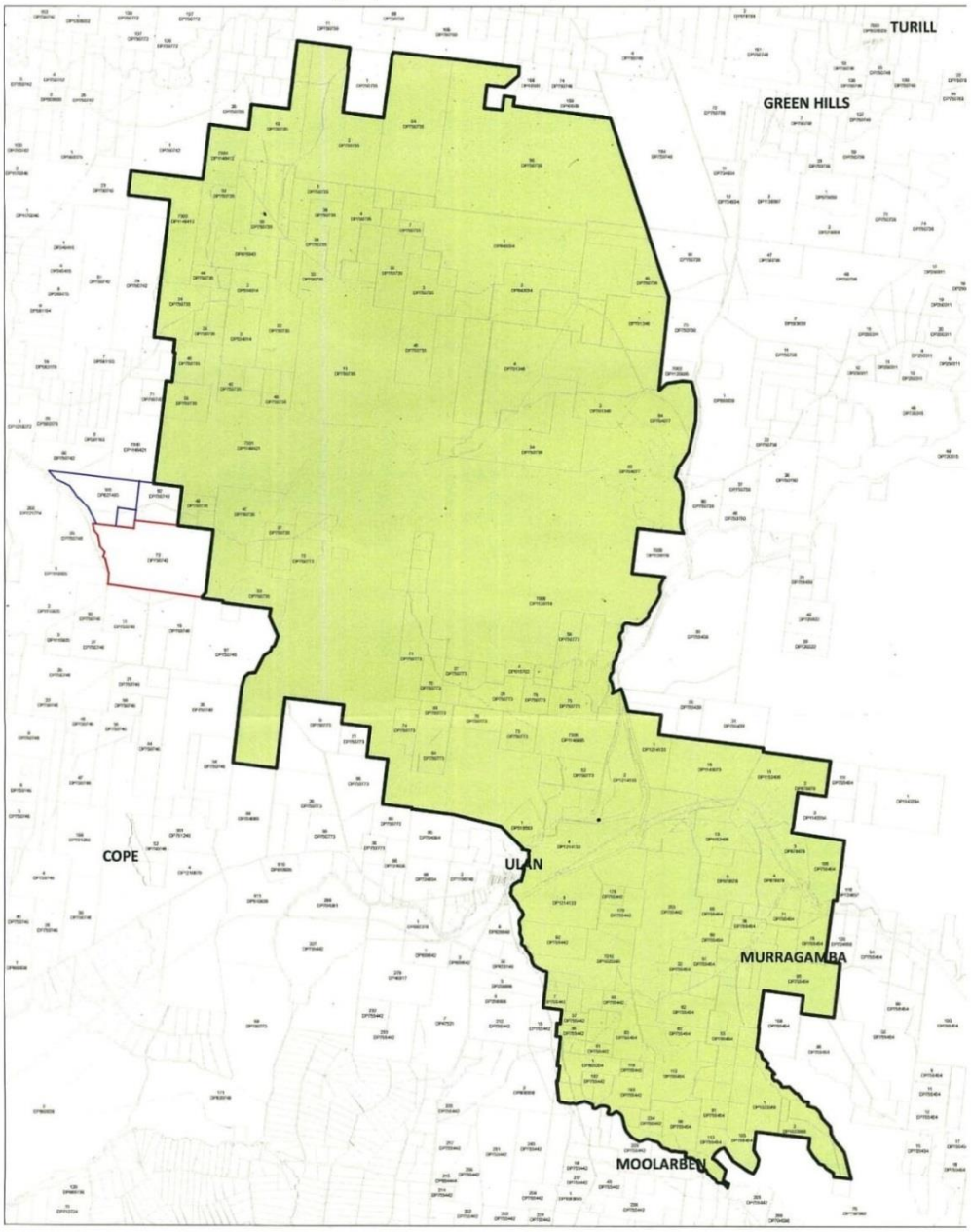
Accordingly, I have provided the image below so the IPC is made aware of the full extent of the subsidence declared area which is already directly impacting on private land.

{For transparency & completeness I have included the original of the image below which was extracted from the "Mine Subsidence Districts Ref: PP5217", & I have also attached the NSW subsidence declared area}. Below is the DECALRED SUBSIDENCE AREA immediately behind my property.

SUBSIDENCE DECLARED DISTRICT

The Plan below has been converted from the original NSW Government PDF document
Ref: PP5217 **Mine Subsidence Districts MUDGEE**

In Support of my Submission, I have included an Image showing the vastness of the region already declared as a "Mine Subsidence District" by the NSW Government.
I believe that any assessment of mining on Surface and Ground water impacts must take into account the entire area legally declared as impacted by subsidence.



To assist in your assessment of Mod 4 I have highlighted in RED my property (359 Hectares) & that of my neighbour Mr Ryan in BLUE.
This image puts the enormity of the subsidence declared area into context.
Such a vast area impacted by subsidence is undisputably impacting both surface and ground water.
Given the Ridge of the great dividing runs almost through the centre of the area, subsidence is resulting in the loss of surface water that would be otherwise captured in catchments and fill dams.
Subsidence results in ground fractures that capture surface water directly into ground water aquifers.
I very respectfully submitt it is totally untenable for UCML to continue further mining activity while simulateously asserting their activities are not impacting the availability of water resources to all the adjoing private land holdings.

SCIENTIFIC STUDIES OF SUBSIDENCE IMPACTS ON GROUND & SURFACE WATER

Below are extracts from Independent Studies on the direct impacts of subsidence on both Surface & Ground water. These are long term scientific studies which are far superior in comparison to desk top modelling which is reliant on variable inputs & hypothesis. These studies are extremely relevant given the enormity of the subsidence declared area shown above. I submit, it is remiss not to acknowledge the extent of subsidence in the area when making an assessment discussing the impacts on surface & ground water resources.

To that extent I rely on the following studies which clearly & unambiguously articulate the consequences of subsidence on Ground & surface water. For completeness & transparency I have attached the studies in their entirety.

The conclusions in the studies speak for themselves; they give rise to our well-founded concerns of permitting further expansion of UCML mining, thus an expansion of the subsidence areas. ***The studies relied on were completed by Mr Jerzy Jankowski {Sydney Catchment Authority}, a leader in his field with his work very highly regarded and referenced.***

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1 "Impact of longwall mining on surface water-ground water interaction and changes in chemical composition of creek water" Page 9:

Conclusions

Mining-induced subsidence alters the hydrological system of surface water and groundwater and intensifies surface water and groundwater connectivity. Increased water-rock interaction on the newly exposed rock in fractures and fracture zones mobilises chemical elements from the rock mass. This in turn increases salinity of water, brings more metals into the surface waterways and results in deterioration of water quality. A full understanding of the impact on surface waterways and groundwater system is needed before any remediation options to reduce loss of water into subsurface routes and minimise impact on water quality are considered.

2. Surface Water-Groundwater Interaction in the Fractured Sandstone Aquifer Impacted by Mining Induced subsidence 1. Hydrology and Hydrogeoology

"Mining-induced subsidence under surface waterways enhances surface water-groundwater interaction due to the enlargement of existing, and development of new, fractures and fracture zones. Fracturing of streambeds and rockbars causes surface flow to be diverted to subsurface routes. The vertical distribution of fracture zones and horizontal distribution of bedding planes limit surface water-groundwater interaction. The interaction in a pristine environment is dominated by baseflow discharge to streams. In mining impacted catchments interaction is much more complex, as new fracture zones develop sequentially with mining progress, acting as conduits for surface water influx to the subsurface. Interaction is constantly modified as composite impacts of sequentially mined panels cause changes to the size, distribution, extension and connectivity of horizontal bedding planes and vertical fracture networks. Surface water-groundwater interaction in the Waratah Rivulet, a small creek in the Southern Coalfield of New South Wales (NSW), Australia has been assessed by analysing hydrological, hydrogeological and hydrochemical data.

3. Surface Water-Groundwater Interactions in a Catchment Impacted by Longwall Mining

A few conclusions can be drawn from this analysis of the SW-GW interaction in a catchment impacted by mining-induced subsidence:

1. Longwall mining-induced subsidence enhances SW-GW interaction laterally and longitudinally.
2. Horizontal and vertical extension and enlargement of fractures and bedding planes networks cause a more intensified interaction away from the river and deeper in the aquifer system, creating a complex 3- D pattern.
3. Several conceptual scenarios of lateral SW-GW interaction are possible depending on the GW level near the river.
4. Longitudinal SW-GW interaction depends on the number of fractures and bedding planes present across the river. Scenarios can range from a simple single recharge-discharge system to a complex 3-D multiple recharge-discharge system, with mixing zones, variable vertical extension, and connection with a number of fracture systems and bedding planes.

4. The investigation of groundwater-surface water linkages using environmental and applied tracers: a case study from a mining-impacted catchment.
Longwall mining can have a significant impact on surface hydrology, groundwater systems and water quality as a consequence of subsidence (Booth, 2003, 2006). In the vicinity of creeks and rivers, mine subsidence can reactivate existing fractures, joints, lineaments and faults, and cause new fractures and fracture zones. The impact of subsidence on surface waterways is characterised by fracturing of riverbeds and rockbars, resulting in diversion of surface water to subsurface flow, changes to stream alignment, increased interaction between surface water and groundwater and deterioration in water quality (Kay et al., 2006). Depending on the depth of coal mining, and vertical extent of cracking, surface water may either be lost permanently or temporarily from longwall mining impacted waterways with the possibility of some water re-emerging downstream of mining related subsidence area.

5. Surface Water-Groundwater Connectivity in a Longwall Mining Impacted Catchment in the Southern Coalfield, NSW, Australia.
Vertical subsidence and horizontal rock movements change flow and interconnectivity in hydraulic systems causing changes in surface flow, groundwater level, and enhancing surface water groundwater interaction. Surface water-groundwater interaction increases during mining due to enhanced fracture porosity and permeability (Booth, 2003). This can alter hydraulic gradients close to the surface water-groundwater interface, cause leakage between hydrogeological units, and can result in aquifers changing from confined to unconfined (Booth, 2007). Mining-induced development of joints and fractures can occur by vertical displacement of a single fracture or multiple fractures, horizontal displacement of a single horizontal shear or complex shear, vertical slips, compression and tension related upsidence, and complex deformations on bedding planes. Detailed field observations and analysis of geology, fracture distribution, and subsidence data indicates that in the Southern Coalfield of NSW, bedding planes produce horizontal pathways for groundwater flow, and reactivated or newly developed fractures and joints are major pathways for the vertical movement of water (Jankowski, 2007a).

Page 10 - **Conclusions from this study can be summarised as follow:**

- Longwall mining-induced subsidence enhances surface water-groundwater interaction laterally and longitudinally;
- Vertical and horizontal extension and enlargement of fractures and bedding planes cause a more intensified surface water-groundwater interaction deeper in the aquifer system than would occur under pre-mining conditions;
- Several conceptual scenarios of surface water-groundwater interaction are possible depending on the groundwater level near the stream and the number of fractures and bedding planes present across the stream;

- The Waratah Rivulet system is both connected-gaining and connected–loosing over various segments of the rivulet, although the system could have been entirely connected-gaining before mining (URS, 2007);
- Chemical data indicates that deterioration of water quality in the mining impacted area occurs soon after subsidence, when surface water is re-routed into the subsurface;
- There are higher concentrations of metals and major ions, and increased salinity in mining-impacted surface water and groundwater;
- Iron and manganese are mobilised from the rock mass during and after rainfall events, as fresh runoff enters the subsurface environment and dissolve and/or oxidises metal carbonates, oxides and hydroxides;
- Discharging subsurface flow rich in iron and manganese is rapidly oxidised by atmospheric oxygen, removing metals from the surface aquatic system and precipitating as metal oxides/hydroxides, together with the development of thick mats in the rivulet;
- Precipitates of iron and manganese oxides/hydroxides, during wet weather conditions, are mobilised from the streambed when surface flow is dominated by acidic surface runoff;
- Barium and strontium appear to be excellent tracers in the system and can be used as indicators of the rates of chemical reactions as well as residence time in the subsurface. Their highest concentration is related to the maximum impact of mining-induced subsidence on water chemistry.

6. Changes of Water Quality in a Stream Impacted by Longwall Mining Subsidence.

"Water quality along the Waratah Rivulet in the Woronora Catchment has been monitored during the last two years by the Sydney Catchment Authority. Water quality data shows changes in chemical composition due to cracking of riverbeds and rockbars, and diversion of surface water into subsurface routes in the Hawkesbury Sandstone aquifer. Water quality upstream of the longwall panels is comparable to nearly pristine water in creeks and rivers flowing in similar sandstone bedrock environments and to limited water quality data collected prior to mining. A segment of the Waratah Rivulet, where subsidence and cracking of riverbeds and rockbars has occurred, is causing surface water to be redirected into subsurface fracture systems, mix with groundwater already present in the aquifer and reappear downstream. This subsurface flow in the shallow fractured sandstone aquifer causes the chemical composition and water quality to change as an effect of water-rock interactions. Salinity, iron, manganese and many cation and anion concentrations increase, whereas oxygen is significantly depleted. Mobilisation of barium and strontium from the rock mass indicates fast chemical dissolution reactions between the subsurface flow and carbonate minerals. Other metals mobilised include zinc, cobalt and nickel. Subsurface water discharges from underground receptors downstream of the area impacted by longwall mining. The discharged water is rapidly oxidised by atmospheric oxygen, causing precipitation of iron and manganese oxides/hydroxides out of solution. Hydrogeochemical modelling indicates the dominant iron minerals precipitated out from the water are magnetite, hematite, goethite, lepidocrocite and ferrihydrite. The paper discusses changes in surface water and groundwater chemistry, the hydrogeochemical processes responsible for changes in water chemistry, as well as changes in water quality along the rivulet".

Page 10 **Conclusions** "Mining-induced subsidence alters the hydrological system of surface water and groundwater and intensifies surface water and groundwater connectivity. Increased water-rock interaction on the newly exposed rock in fractures, joints, veins, fracture zones and bedding planes mobilises chemical elements from the rock mass. This in turn increases the salinity of surface water, brings more metals into the surface waterways, and results in the deterioration of water quality. An understanding of the rates of chemical reactions and mobilisation of metals through dissolution, weathering, and redox processes should be established to assess water quality in mining impacted catchments. A full understanding of the impact on surface waterways and groundwater systems is needed before any remediation

options to reduce loss of water into subsurface routes and minimise impact on water quality are considered.

The above studies are extremely relevant as our entire area is a catchment area. Runoff from the Great Dividing Range flows to the east and west. My property frontage is Cockabutta creek, {now totally devoid of any water}.
I note the AGE hydrology fails to adequately address the serious impacts raised in the studies above. ***The AGE report has failed to****:*

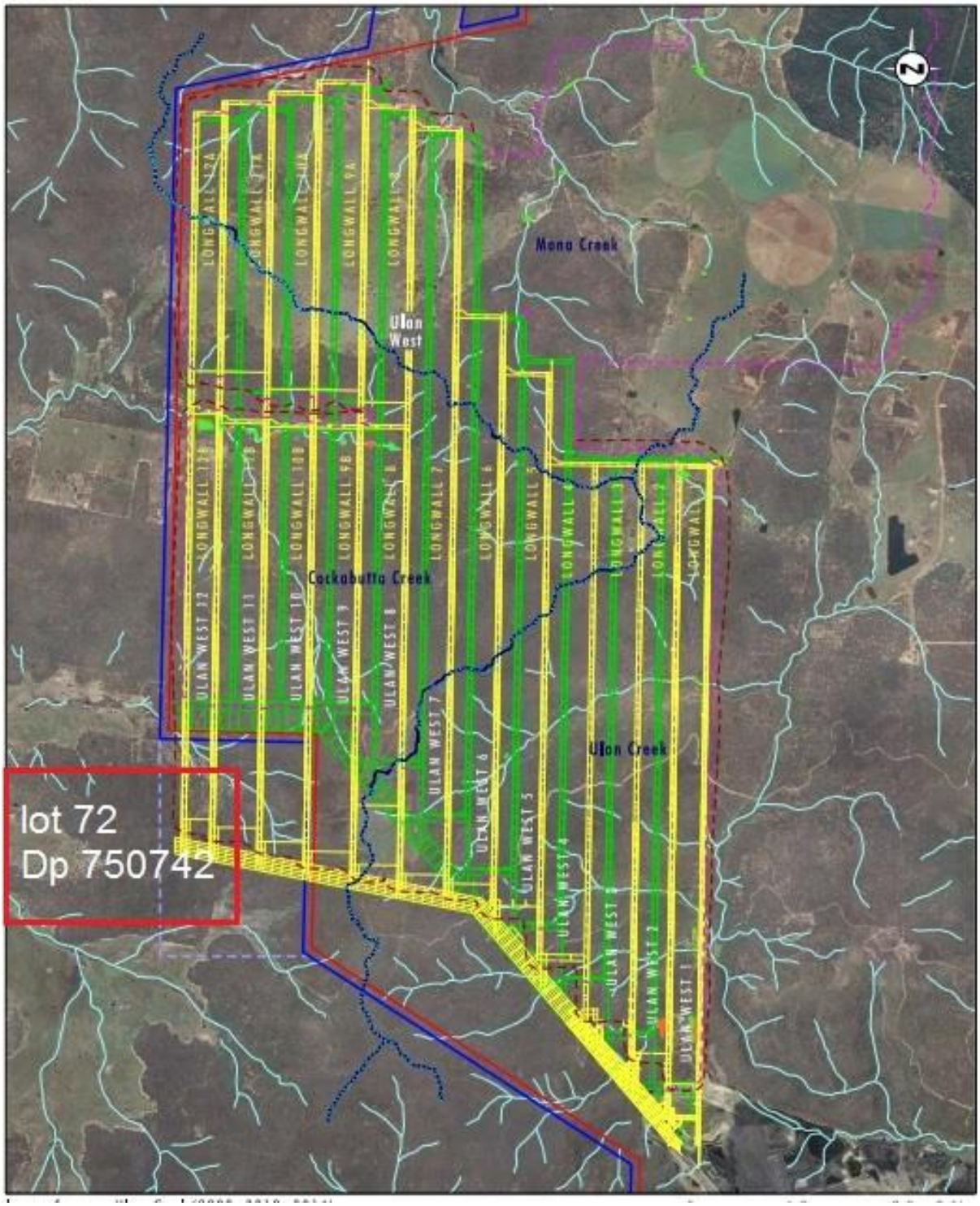
- *Acknowledge the extent of the subsidence declared area.*
- *Acknowledge the cumulative consequences of longwall mining on our water supply, water quality and the ecological integrity of the area.*
- *To acknowledge the risk of connective cracking and the resulting magnitude of any water lost from dam and catchments into underlying groundwater systems and mine voids, without these flows returning to downstream watercourses such as Cockabutta creek;*
- *To suggest mitigation measures to minimise the risk of natural and mining-induced connective and non-connective cracking and its effect on surface water resources including water stored in dams and impacts on regional aquifers and near-surface aquifers (swamps) to baseflow in streams and swamp.*
- *To acknowledge the consequences for water quantity, quality (ecosystem health) from subsidence impacts from individual mines and the cumulative long term catchment scale impacts of historic and current mining in the region.*
- *. To acknowledge or mention of the enormity of the subsidence declared area when assessing surface and ground water impacts including contamination.*
- *Fails to discuss the potential long term environmental consequences for ecosystem health, particularly to creeks, tributaries, streams and or swamps within and surrounding the subsidence area.*

7. "WaterNSW submission to the Independent Expert Panel on Mining in Sydney Catchment – Task 1 Matters May 2018" *raises the following concerns about measurement & Modelling-*

3.1.5.5 Measurement and Modelling:
Two issues common to monitoring and modelling to be resolved are:
♣ Is the monitoring system capable of detecting change at a time and spatial scale that is important for water supply, and if so can it distinguish mining impacts from climate and catchment ranges of variability?
♣ Does any hydrologic model contain the relevant structure to adequately represent the physical processes that may change as a result of mining and can the parameters needed for such a model be determined with sufficient spatial discrimination?
PLEASE NOTE: I could not attach the above document as it is 28Mb.
It is available here
{https://www.waternsw.com.au/__data/assets/pdf_file/0011/127559/20161223-WaterNSW-Literature-Review-Underground-Mining-V3.pdf}

To that end I respectfully submit the report by AGE does not if it all adequately discuss the unavoidable impacts on water resultant from longwall mining. There is also a failure to discuss the impacts on water quantity, quality, surface & ground water in light of the vastness of the declared subsidence area. Thus the assertion that MOD 4 is a minor proposal of minimal impact is fundamentally flawed due to the omitted considerations.
The Image below is from Page 62 of the Ulan West Mod 3 Environmental Assessment. Available here: http://www.ulancoal.com.au/en/about-us/approvals-licenses/OperatingApprovalsDocs/Ulan-West-Modification-EA_Part1.pdf

This image gives context to the latter, it identifies the surface water tributaries & runoff pathways either side of the Great Dividing Range overlayed with the longwalls. All the surface tributaries over the longwalls have already or soon will be directly impacted by surface fractures due to subsidence. Downstream catchment areas reliant on those tributaries will obviously be directly impacted & deprived of precious surface water flow. I believe our dams on the western side of the Great Dividing Range are already impacted. The western boundary of my property is Cockabutta Creek, which is presently devoid of water.
Fracture seepage into aquifers and to the subsided longwall mine areas is currently been pumped to the Goulburn river east of the Great Dividing Range. The UCML Longwall mining activity is in effect diverting water that would otherwise flow to the west of the range to the Goulburn River on the eastern side.



I make the IPC aware I attempted to download the UCML GWMP (Ground Water Management Plan). Despite getting a result in the "google search", I got "error message when I tried to open the page. I submit it is reasonable that the GWMP should be readily available to access & view. The only reference to the GWMP I located was on the SMP (Subsidence Management Plan). ***I question why the GWMP is not readily available.***

http://www.ulancoal.com.au/Pages/PageNotFoundError.aspx?requestUrl=http://www.ulancoal.com.au/en/environment/EnvironmentManagementPlan/Water-Management-Plan.pdf

- Polyethylene water pipeline servicing the BIS (*Built Features Management Plan ULN SD PLN 0029*);
- Poles and aerial lines servicing the BIS (Built Features Management Plan ULN SD PLN 0029);
- Bobadeen Homestead (Bobadeen Homestead Conservation Management Plan ULN SD EXT 0094); and
- Agricultural assets i.e. farm dams (Built Features Management Plan ULN SD PLN 0029).

3.3 Environmental Monitoring

A broad range of environmental monitoring of potential subsidence impacts is undertaken in accordance with the requirements of relevant conditions of PA 08_0184, DA 113-12-98, mining leases and SMP Approvals for mining areas. This monitoring includes:

- Groundwater monitoring (**Section 3.3.1**);
- Surface Water monitoring (**Section 3.3.2**);
- Biodiversity monitoring (**Section 3.3.3**);
- Cliffline monitoring (**Section 3.3.4**); and
- Heritage monitoring (**Section 3.3.5**).

A tabulated summary of monitoring is provided in Appendix D - of this document. Further detail on this monitoring is contained within specific management plans as outlined and referenced below.

3.3.1 Groundwater Monitoring

All groundwater monitoring will be undertaken in accordance with the *GWMP* (*ULN SD PLN 0056)*.

This *GWMP* (*ULN SD PLN 0056)* provides details of the groundwater monitoring program. The groundwater monitoring program includes 87 groundwater piezometers located both within and outside the approved mining boundary and previously mined areas. This program addresses monitoring of the following elements of the alluvial and hard rock/coal aquifers underlying the UCML mining area:

- Groundwater inflows to open cut pit and underground mine workings;
- Groundwater levels and water quality;
- Seepage/leachate from the UCML mine water management system;
- Baseflows in watercourses;
- Impacts on 'The Drip'; and
- Riparian Vegetation.

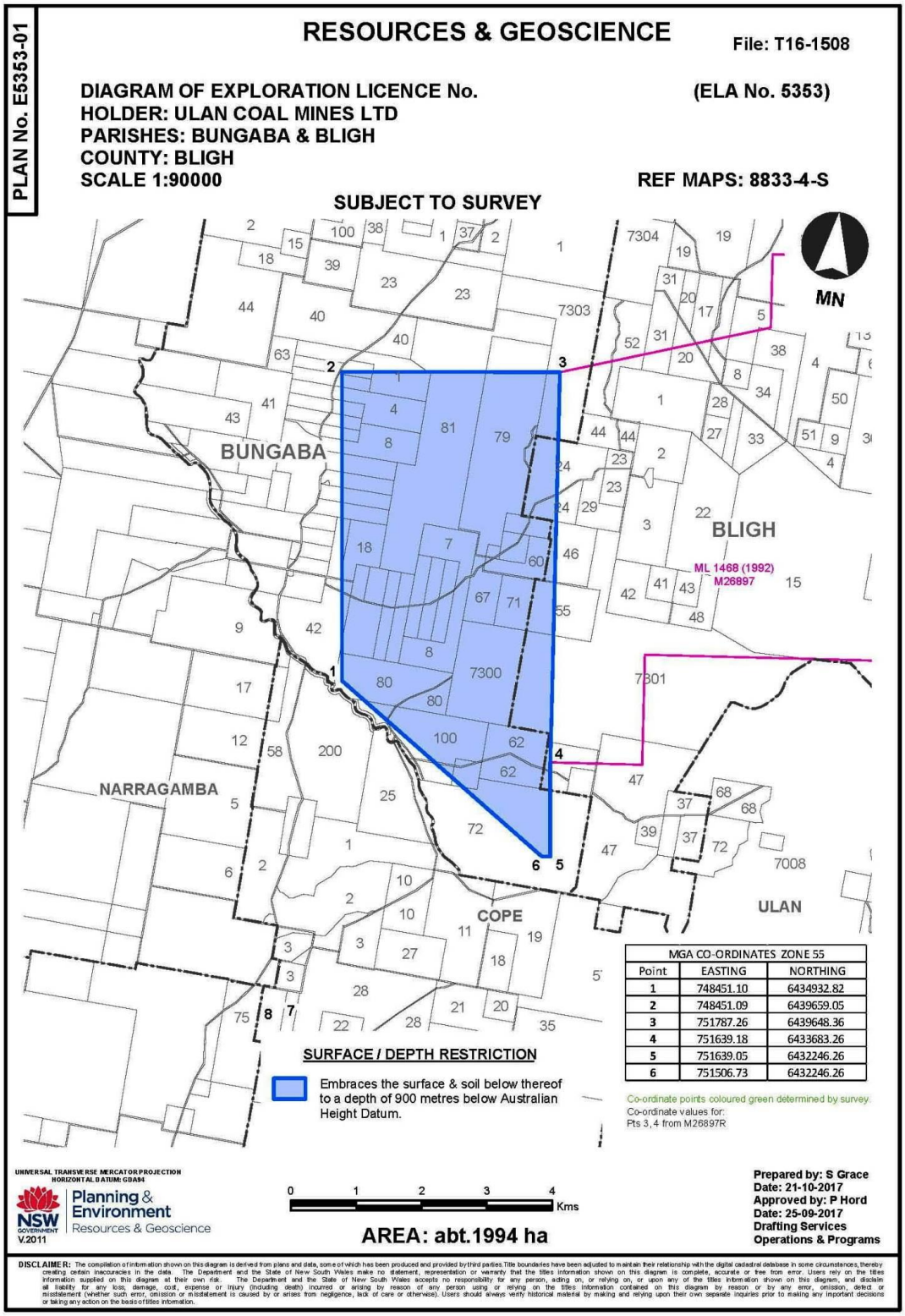
In addition to the UCML groundwater monitoring network, UCML also undertakes biannual monitoring of groundwater water quality and annual monitoring of groundwater levels for privately owned bores within the area. This monitoring program extends to approximately 12 kilometres away from the approved mine footprint.

A detailed summary of groundwater monitoring requirements are provided in Section 4.1 of the *GWMP* (*ULN SD PLN 0056)*. Tables 4.1 and 4.2 summarise details of the Bobadeen Monitoring Network and North Monitoring Network respectively. Details contained in these tables include, but are not limited to standing water level, depth to ground, depth to standpipe, monitoring frequency and range of analytical samples to be collected.

Continued measurement of groundwater levels, pressures and water quality within the existing regional network of monitoring bores and an expanded network as underground mining proceeds to the north and west will occur including depressurisation monitoring of at least three multi-level

I note both MOD 3 & MOD 4 have repeatedly been referred to as minor and insignificant proposals by UCML, its Consultants & DP&E. On face value it may appear to be minor MOD, however I would strongly argue MOD 4 must be viewed in context of ELA 5353 NOW EL8687. These minor MODs which have done a 180 on Aboriginal Heritage and cultural areas in the original reports are part of a strategic forwarding plan by UCML to expand their mining activity and the mine life. ALL THIS DIRECTLY IMPACTS ALL LANDHOLDERS.

ELA 5353 (Act 1992) Instrument Version 3.5



EL8687 was approved on 31 January 2018 and encompasses an area of 1994 hectares.

To clarify the latter, MOD 3 was necessary for the further expansion of mining by UCML. The fact is MOD3 was omitted from the original application solely to preserve the Aboriginal cultural & Heritage area known as Cockabutta Cliffs, this precious area was sacrificed when MOD 3 was approved by DP&E. As clearly shown below, MOD 3 was not merely about extra coal, it was about realignment of the infrastructure corridor to facilitate the expansion and continuation of longwall mining into the area covered by EL8687. You will note the plan below has omitted the area encompassed by MOD 3, which was approved on 16 March 2016.

umwelt

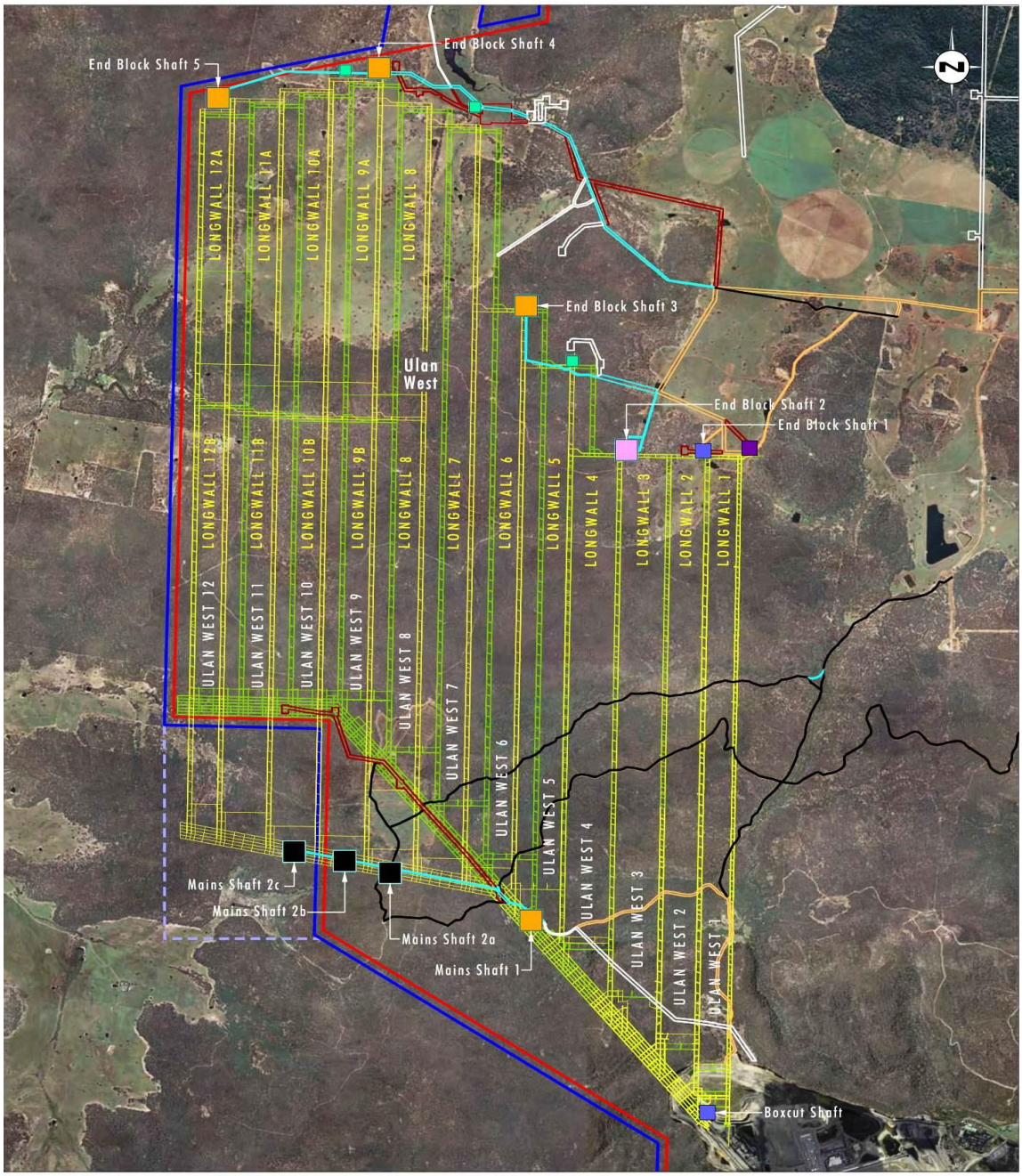


Image Source: Ulan Coal (2008, 2010, 2014)
Data Source: Ulan Coal (2014)

0 1.0 2.0 2.5km
1:50 000

Legend

- Existing Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- MLA 475
- Approved Ulan West Mine Plan
- Proposed Conceptual Ulan West Mine Plan
- Approved Infrastructure Corridor
- Approved Infrastructure Corridor Not to be Constructed
- Proposed Infrastructure Corridor
- Constructed Infrastructure Corridor
- Existing Access Road
- Existing Vent Shaft Compound
- Existing Dewatering Bore Compound
- Proposed Realigned Dewatering Bore Compound
- Proposed New Ventilation Shaft Compound
- Proposed Realigned Ventilation Shaft Compound
- Potential Location of Realigned Ventilation Shaft Compound

FIGURE 2.3

Proposed Ulan West Modification

File Name (A4): R01/3363_020.dgn
20150225 10.40

The image below affirms the realignment of the corridor & installation of three vent shafts is required to enable the continuation of mining into the area known as EL8687. To suggest that 3 vent shafts were required for the minor "MOD 3 proposal" is preposterous

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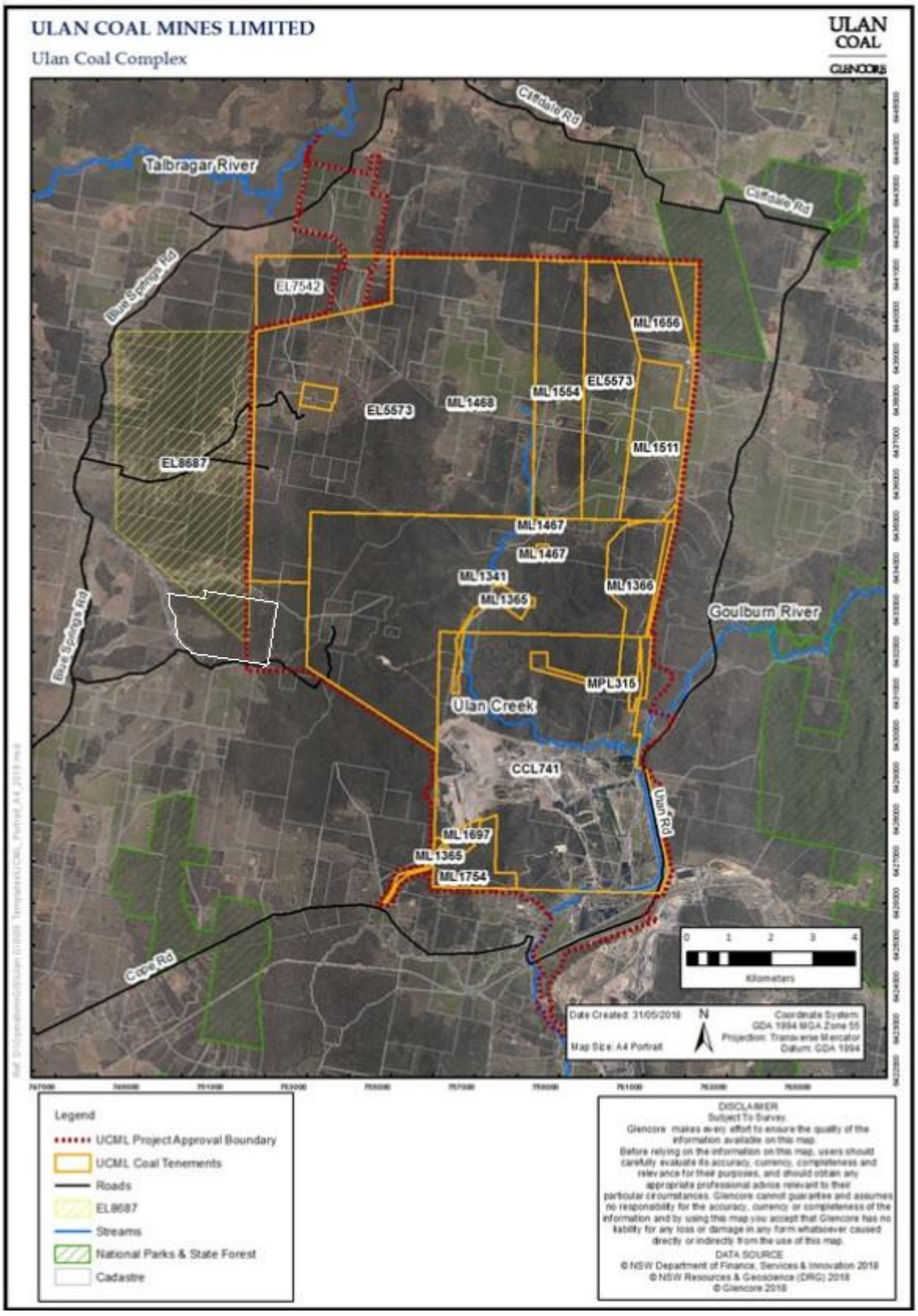
The Image Below affirms MOD 3 is in fact a gateway for continuation into EL 8687.



For Clarity my property boundary is highlighted in WHITE in the above image.

The continued expansion of longwall mining directly equates to an expansion of the subsidence area. Any further expansion of subsidence will devastate a region already struggling with the loss of water. This once prime rural farming region will take well over a century to recover from the loss of groundwater. Subsidence directly impacts surface water, as affirmed in the scientific studies above.

It will take between 100 – 200 years for the aquifers to reach the levels they enjoyed prior to mining and subsidence. By then UCML will no longer exist and the landholders will be left to with the aftermath of their mining activities. The current declared subsidence area is 1000's of hectares. The area will be riddled with 1000's of subsidence fractures acting like a mega sieve, draining our precious surface water below ground. Subsidence fissures & voids will contaminate aquifers. Presently enormous volumes of water are pumped out daily and redirected to the Goulburn River on the eastern side of the range.

Recent CCC meetings have acknowledged some failures of the modelling. During the CCC meeting of 22nd March 2018 (attached) Mr Charlie Allan disclosed:

"(CA) – Higher EC= higher salinity/brine. We are investigating strategies to reduce salinity before discharge and how we deal with the leftover salt. Our neighbours have recently carried out studies and found that underground storage is not a viable option. Know that this is a priority and we are engaging specialists to work on solutions and we are doing so whilst it is manageable" *Since the disclosure there have been no further updates and we are in the dark as to what action is proposed to deal with the salinity "BRINE". In addition a separate CCC meeting disclosed draw down levels dramatically exceeded the modelling, in one instance by as 30m. It demonstrated modelling based on hypothesis is unreliable.*

THE "BROKENBACK CONSERVATION AREA" ??

The Mod 2 Environmental assessment references ***"The Brokenback Conservation Area".***

{MOD 2 EA can be found here: http://www.ulancoal.com.au/en/about-us/approvals-licenses/OperatingApprovalsDocs/EA-Modification-to-Ulan-Coal-Continued-Operations-(Mod-2).pdf**}**

Table 4.3 – Project Approval 08_0184 Subsidence Performance Measures

Requirement	Outcome	Comment Regarding Mine Plan Modification LW 1-4
Water		
Ulan, Mona and Cockabutta Creek	No greater environmental consequence than predicted in the EA	As discussed in Section 4.2.4, the updated Ulan West mine plan will have no additional environmental consequence to that specified in the EA.
Biodiversity		
Threatened species, populations, habitat or ecological communities	Negligible Impacts	As discussed in Section 4.2.5 the revised Ulan West mine plan will not result in any change in the level or extent of biodiversity impacts.
Land		
Cliffs in the Brokenback Conservation Area	Nil environmental consequences	The updated Ulan West mine plan is not located in the vicinity of Brokenback Conservation Area. The Brokenback Conservation Area retains its extent and protection afforded under Project Approval 08_0184.
Other Cliffs	Minor environmental consequences	The proposed modifications are consistent with Project Approval 08_0184 and will result in no more than minor environmental consequence.

Long Term Security of Offset	43.0	Within 1 year of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010, the Proponent shall make suitable arrangements to provide appropriate long term security for the Bobadeen Vegetation Offset Area, the Bobadeen East Offset Area, the Brokenback Conservation Area, the stand of *Acacia ausfeldii* along the eastern side of Highett Road and the Spring Gully Cliffline Management Area to the satisfaction of the Director-General.	Compliant	Extension of time to 31/12/16 in letter dated 9/12/15. **It is recommended that UCML strongly endeavour to finalise a preferred mechanism and set it in place with the DPE**

Has UCML complied with final orders of the Land & Environment Court orders in Proceedings No. 10998.
It is extremely troubling that the Independent Auditor has been led to accept the area is an conservation area.
What longterm security arrangements has UCML implemented with the Private land owners of Brokenback?

I note there are at least 11 references to BROKENBACK Conservation Area in this "Independent Audit Report"

http://www.ulancoal.com.au/en/publications/ComplianceAudit/160701-Ulan-Independent-Audit-Report.pdf

Section	Sub-section	Requirement	Status	Comments

The extract above is from the July 2016 ***Independent Audit.*** ***{****It is available here:*
*(*http://www.ulancoal.com.au/en/publications/ComplianceAudit/160701-Ulan-Independent-Audit-Report.pdf *)****}***

The highlighted text above states: "Within 1 year of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010, the Proponent shall make suitable arrangements to provide appropriate long term security for the Bobadeen Vegetation Offset Area, the Bobadeen East Offset Area, the Brokenback Conservation Area, the stand of Acacia ausfeldii along the eastern side of Highett Road and the Spring Gully Cliffline Management Area to the satisfaction of the Director-General"

The Extract below is available on Page 27 of the **Ulan West Modification ENVIRONMENTAL ASSESSMENT Part 1.**
This EA **makes** *reference to* ***Broken Back Conservation Area*** *over 40 times.*
As you can see it Broken Back is mentioned in section 2.3.1 ***Approved conservation Areas****.*
This Environmental Assessment was submitted to DP&E as part of the MOD 3 application approved by DP&E.

2.3.1 Approved Conservation Areas

The purpose of the 58 hectare Brokenback Conservation Area is to avoid impact on significant rock shelter sites within this area. The Brokenback Conservation Area is currently located across four longwall panels, Ulan West LWs 9 to 12 as shown on **Figure 2.1**. The mechanism for ensuring the long term conservation of the Brokenback Conservation Area is currently being considered by DP&E and the Commonwealth Department of the Environment (DoE).

The Brokenback Conservation Area was established to protect rock shelters that are significant from a cultural heritage perspective and results in ecological benefit in terms of reducing the extent of impact on cliff lines which have been confirmed to provide habitat for threatened cave dwelling bats. The Brokenback Conservation Area focused on the protection of six high significance rock shelter sites that would be susceptible to impacts.

The proposed Ulan West mine plan has been designed to maintain the Brokenback Conservation Area and in doing so protect the cliff line features located within it, including protecting high significance archaeological sites that would be susceptible to impacts.

Land		
Cliffs in the Brokenback Conservation Area	Nil environmental consequences	Longwall mining in 2017 did not occur near the Brokenback Conservation Area. No subsidence impacts to sandstone cliff formations in the Brokenback Conservation Area were observed in a survey conducted independently by Pacific Environmental (Pacific Environmental 2018 Cliff line Monitoring **Attachment J**).

The extract above is from page 64 of the Ulan "Annual Review 2017".
Again they refer to the BROKENBACK CONSERVATION AREA.
A false and misleading Statement of an area that is "PROPOSED" to become a conservation area"
How are they monitoring cliff line of an area I believe is on Privately owned land?

The extract above is from the **UCML "Annual Review 2017"** It is available here**.**
http://www.ulancoal.com.au/en/publications/AR2017/Annual%20Review%202017%20V2%2017072018%20FINAL.pdf

The Image below is contained in Page 2 of the MOD 3 Assessment report prepared by DP&E. The Image has an area marked in blue with a notation stating Brokenback Conservation Area, in white writing to the left hand side it is noted as Brokenback Conservation Area,

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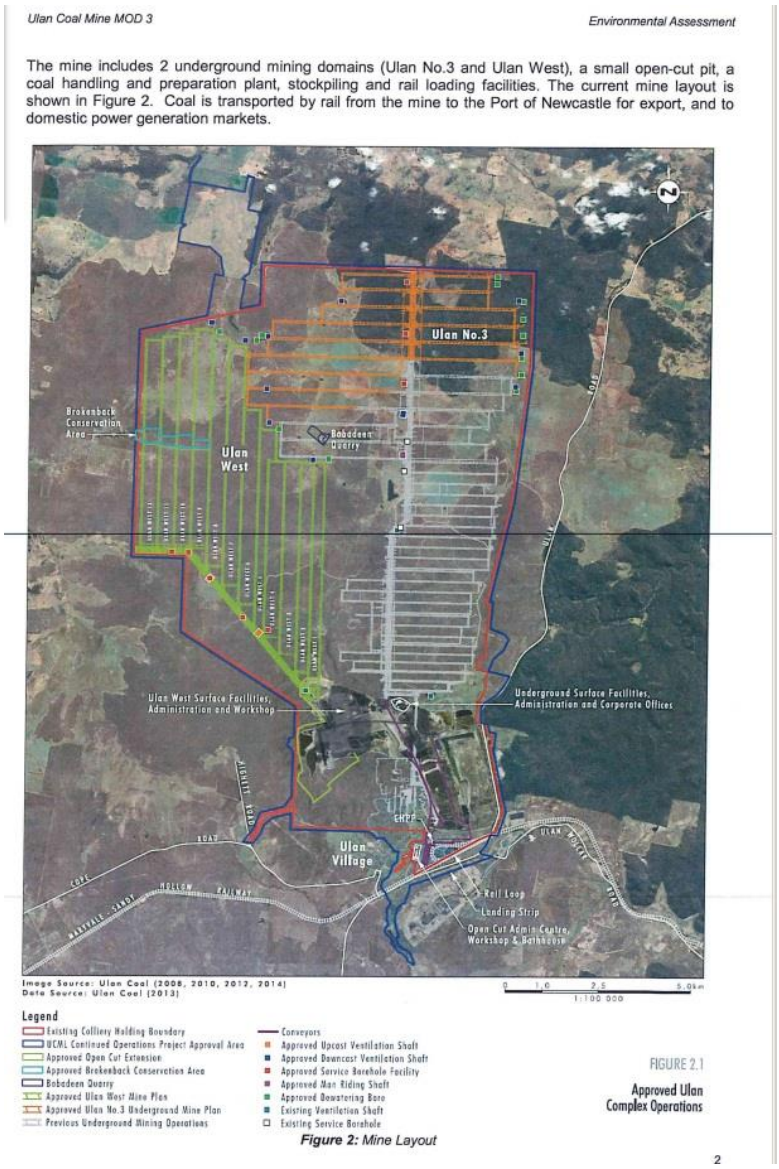

This report addresses the requirements of Sections 3.7.7 and 5.5 of the HMP and has been prepared with reference to the DEC (1997) *Aboriginal Heritage Standards and Guidelines Kit*, draft *Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation* (DEC 2005), and more recently introduced *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* OEH (2011) and *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b).

This report builds on the previous heritage assessments (particularly Kuskie 2009) and does not seek to repeat background information contained within those reports.

The registered Aboriginal parties and WVWAC were provided details of the proposed modification on 2 May 2014 and invited to attend the archaeological survey. An on-site meeting and reconnaissance inspection with WVWAC was also held on 16 May 2014 to discuss UCML projects, the proposed modification and inspect the Grinding Groove Conservation Areas and Brokenback Conservation Area.

Through establishment of the 58 hectare Brokenback Conservation Area (refer to Kuskie 2009 and Figures 4 and 5) subsidence impacts will be avoided to a total of 27 rock shelter sites, comprising one rock shelter with art, one rock shelter with art and artefacts, one rock shelter with grinding grooves, nine rock shelters with artefacts and 15 rock shelters with PADs[16]. Most importantly, these conserved sites include six of high significance that would have been susceptible to impacts if not subject to conservation, four of moderate to high significance, and three of moderate significance. Continued conservation of these sites, including several with rock art, would serve to offset to some extent any proposed impacts for the Cockabutta Creek rock shelter sites.

The above extracts are from the Aboriginal Heritage & Cultural report in MOD 3

Aboriginal heritage

No known Aboriginal heritage sites are located within the areas to be directly disturbed. However, there are potential subsidence impacts on heritage sites. Previously surveyed areas identified three known sites within the modification subsidence investigation area. Surveys undertaken for this modification identified a further 14 sites.

Two of the sites are rock shelters which have a higher potential to be impacted from subsidence, while the remaining sites are isolated finds or artefact scatters that are considered to have a low likelihood of being significantly disturbed by subsidence effects. The two rock shelter sites, classified by UCML's heritage consultant to have low overall significance, have a higher likelihood of being impacted due to rock fall and cracking from subsidence effects. These new sites would be managed under the requirements of a revised Extraction Plan, including archival recording of the sites.

The Department notes the concerns raised by the community regarding potential impacts to Mona Creek rock shelter sites as the longwall extensions would be closer to these sites. Importantly, under the existing approval, UCML is required to meet a performance measure of 'nil impact' for Aboriginal sites in the Brokenback Conservation Area, Grinding Groove Conservation Areas, and on Mona Creek Rock Shelter sites. The longwall extension is not predicted to impact on these sites and this requirement is retained in the project approval.

This Extract is from the MOD 4 Assessment prepared by DP&E and provided to the Indpendent Planning Commission for their consideration.

COMMENTS ON BROKENBACK "CONSERVATION AREA"

I raise "Brokenback" because of the manner it is repeatedly presented in official documents. A simple online search discloses ***Brokenback is NOT a conservation area*** *as repeatedly asserted by UCML, DP&E and the Independent Auditor.*
https://www.nationalparks.nsw.gov.au/conservation-and-heritage/state-conservation-areas

*In Simple terms "**THERE IS NO BROKENBACK CONSERVATION AREA".***
Below is an extract from the ULAN HERITAGE MANAGEMENT PLAN Effective 11/11/2015

3.3 Aboriginal Conservation Areas

To ensure compliance with Condition 24 (Schedule 3) of PA 08_0184, the Brokenback Conservation Area and two Grinding Groove Conservation Areas have been established (**Figure 6**) to protect specific Aboriginal heritage sites. Additionally the mine plan has been designed to ensure no impact on the Mona Creek/Cockabutta Creek rock shelter sites.

In late 2013, UCML developed a draft Conservation Agreement for the two Grinding Groove Conservation Areas in consultation with the registered Aboriginal stakeholders, OEH and the DP&E. This draft agreement is currently subject to further assessment by OEH. An extension by the DP&E was granted for the long term conservation agreements until February 2015. In February 2015 the Conservation Agreement was finalised with OEH.

An extension for the Brokenback Conservation Area long term agreements for conservation was provided by DP&E to 30 December 2015 and a request for extension of conditions was sent to Department of the Environment. UCML will register required offset areas as soon as the appropriate mechanism is finalised.

These Conservation Areas will be managed in accordance with the *Aboriginal Conservation Management Plan (ACMP) (ULN SD PLN 0060)* which was developed by South East Archaeology, in consultation with the registered Aboriginal stakeholders. The ACMP includes a location plan, a description of the Aboriginal sites, and a statement of the policies and actions required for the ongoing conservation of the Aboriginal heritage evidence within the Conservation Areas.

Actions

- The Brokenback Conservation Area was established prior to the commencement of longwall mining of Ulan West, and encompasses an area of approximately 58 hectares and results in the avoidance of subsidence impacts to 27 rock shelter sites (as listed in Table 12.6 of Kuskie 2009);
- Undermining that results in an assessed potential[9] for impacts (possible, likely or almost certain) to any of the specified rock shelter sites in the Brokenback Conservation Area (as listed in Table 12.6 of Kuskie 2009) will not be permitted. Minor impacts may need to occur to the surface for fire-control or vehicle track maintenance purposes, however no disturbance will not be permitted to occur at all to the rock shelter sites listed in Table 12.6 of Kuskie (2009);

[9] Following the same methodology and terminology as the subsidence impact assessment for the EA (refer to Kuskie 2009 Section 11.2 and Appendix 5, and Mills 2009).

The extract above in the 3rd paragraph confirms DP&E are aware Brokenback is NOT a proclaimed conservation area. "An extension for the Brokenback Conservation Area long term agreements for conservation was provided by DP&E to 30 December 2015 and a request for extension of conditions was sent to Department of the Environment. UCML will register required offset areas as soon as the appropriate mechanism is finalised."
*UCML **did not** comply with the deadline of 30 December 2015 on the 11/11/2015 HMP.*
(I have attached the above Heritage Management Plan as it is no longer available online.)

DP&E then granted another extension of time, *"*An extension for the Brokenback Conservation Area long term agreement for conservation was provided by DP&E & Department of Environment (DoE) to 30 June 2017. A request for extension of conditions was sent to DP&E and DoE in June 2017. UCML will register required offset areas as soon as the appropriate mechanism is finalised" *UCML have not met 30 June 2017 deadline. I understand the Aboriginal Stakeholders are unaware Brokenback is NOT a lawfully proclaimed conservation area. Why does DP&E refer to Brokenback as a conservation area?*

I provided examples above to demonstrate both UCML & DP&E appear to be knowingly misrepresenting the lawful status of the Brokenback area.
It's very disturbing they have also done so in the Assessment report for MOD 4 by again misrepresenting the status quo to IPC, & any other reader of the report.

DP&E by virtue of the two extensions of time they granted are fully aware that in the absence of an "agreement" I assume with the land owner, the area is NOT a conservation area. I assume their reference to an agreement. means "an agreement with the owners of the property". No doubt this misrepresentation of Brokenback would be of great concern to the owners. DP&E is stating "that part of a privately owned property is a Conservation area". Of course the property title of the subject property will show there is no encumbrance by a proclaimed conservation area. DP&E should never make any false or misleading assertion.

Why is DP&E referring to Brokenback as a conservation area in the MOD 4 Assessment reports provided to the IPC?

Likewise why has the proponent lodged documents as part of a lawful application to DP&E, inclusive of diagram & reports by their consultants knowing they are erroneous? Both the UCML Manager and Community &Environment Manager must be aware Broken Back is not a conservation area until they have a signed agreement and proclamation.

I also fail to comprehend how an Independent Auditor failed to detect such an error. The use of terms like, approved, established and "Conservation Area" are extremely worrisome and affirms a total failure of all checks and balances.

It is a very reasonable expectation that DP&E, the proponent & all other professionals would be fully aware there is a distinct legal difference between stating-
"A PROPOSED CONSERVATION AREA" as opposed to "A CONSERVATION AREA"

Both DP&E and UCML have an obligation to ensure there are no misleading or questionable statements in their documentation. Why not simply state, ***"Proposed conservation area"?*** *Brokenback was identified for designated as a conservation area in 2008 {11 years ago}.*

It does not appear that UCML & DP&E have considered the ramifications if the property owner(s) exercise their lawful right & refuse to enter into an agreement that will deem part of their property as a conservation area.

Failure to reach an agreement is extremely troubling & worrying given other heritage areas have been forsaken in other approvals on the basis Brokenback will be a conservation area.
As an example MOD 3 was approved permitting subsidence damage and loss of the Cockabutta Creek heritage sites (specifically ID# 161, 162 and 284 and CC28), on the basis Brokenback would be declared a conservation area and handed over to the indigenous community as a research and study area for generations to come.

The original Heritage Management plan (attached) identified the ***Cockabutta Creek heritage sites as extremely important*** *and to be preserved with NIL MINING IMPACTS as heritage sites. The decision to lodge MOD 3 and expand mining reversed the original assessment in the new HMP.*

I would say the status quo is a failure of DP&E. They should never approve or entertain such a proposal until the offset area has been declared a lawful conservation area.

What will the ramifications & impacts be for the Registered Aboriginal Parties if the landowner of Brokenback refuses to enter into a conservation agreement?

Has DP&E contemplated the consequences for the indigenous community if UCML can NOT reach an agreement?

Likewise what are the consequences for the approvals already granted by DP&E since 2008, on reliance of Brokenback being proclaimed a conservation area? Will they still proceed?

I would respectfully request the IPC view the original 162 pages Heritage Management Plan (HMP) I have attached and compare it to the recently uploaded HMP (311 pages) available here:
http://www.ulancoal.com.au/en/environment/EnvironmentManagementPlan/Heritage%20Management%20Plan.pdf

If possible I kindly ask the IPC to inquire with DP&E and ascertain if UCML-:

1. ***Have complied with condition 47 (c) and the other relevant conditions of Project Approval (08_0184)***

2. ***Have complied with the* "final Orders made by the Land and Environment Court in proceedings No. 10998 of 2010?"**

I humbly submit that it is a fair conclusion that "had I not raised this issue, the IPC and others reading the documents would have accepted on face value that "Brokenback is in fact a gazetted and proclaimed Conservation area in NSW as presented in DP&E assessment

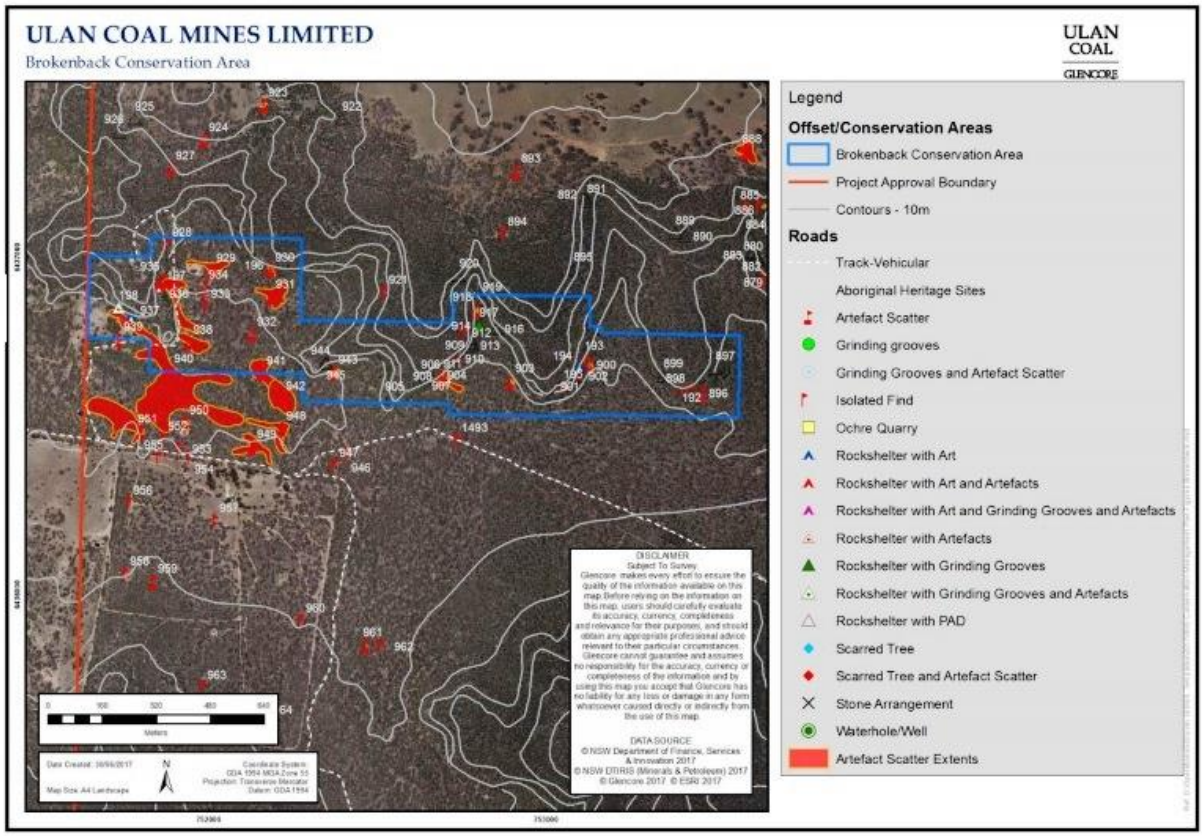

Figure 1.2 Plan of Brokenback Conservation Area