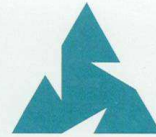


July 28 2011



Association of
Mining Related Councils Inc

Mr David Kitto
Director – Mining & Industry Projects
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: **Ms Naomi Nelson via email**

Dear Naomi

DA 177-8-2004 – Modification – Rail refuelling facility

Further to our telephone conversation today regarding the above modification, I confirm that this was only brought to the Wambo Community Consultative Committee's attention at its meeting earlier this week. Some of the members have raised the following in an email to me;

*"THIS SUBMISSION IS FROM: David Thelander, Paul Nichols and Helen Holt
(Community Representatives Wambo CCC)"*

Based on information provided at Tuesday's meeting in Peabody's Wambo presentation and Modification of DA 177-8-2004 Environmental Assessment Locomotive Refuelling Station Wambo Coal Rail Loop from their website.

We believe the following to be reasons for selecting the other two nominated sites in the Environmental Assessment or sourcing another area along the rail loop possibly at Mount Thorley.

Visibility –

- *Highly visible from the road based on Bush Fire Threat assessment due to recommendations Re canopy height, tree spacing etc would not provide suitable screening from the Highway due to being located only 50 metres inside the mine boundary.*
- *Lighting of the area for operational and security would impact on highway users.*

Increase in usage –

- *With other mines seeking access to the Rail Loop this would increase the amount of trains and possibly due to refuelling encourage other rail works to be done at the site which is outside the original intent of a transport corridor not a rail yard for refuelling and repairs etc*

Security –

- *Vandalism and threat of terrorism / protesters, pose high threat due to close proximity to public roads and residents of Warkworth.*

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Safety -

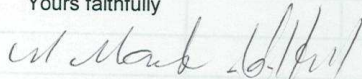
- Road closures associated with safety incidents would severely disrupt local residents from Denman, Jerrys Plains, Warkworth, Singleton that work in and around the area possibly adding in excess of 100km trip to avoid the area and attend work etc.
- Access of fuel trucks at Peabody Wambo entrance and mention of unsuitable use of Wallaby Scrub Road (consent condition not addressed by Peabody) in other options is an unacceptable reason for their non consideration.
- The Peabody Wambo Intersection (Mine Entrance) location on the bend in an 80 km zone along with the close proximity of the unsatisfactory Wallaby Scrub Road intersection creates problems with merging trucks with existing traffic and traffic turning into Wallaby Scrub Road etc due to poor condition of verge and etc (Peabody Consent condition to upgrade not completed)

Suggestions: Using point off Wallaby Scrub road as mentioned in other options in Modification of DA 177-8-2004 Environmental Assessment Locomotive Refuelling Station Wambo Coal Rail Loop rejected due to intersection of Wallaby Scrub Road not acceptable but if Peabody honoured their consent conditions this could be acceptable and would fix the above issues raised.

The members of the Wambo CCC are also concerned that Peabody had not raised this at the previous meeting, giving time for proper consultation and explained it away by saying it was published in the Singleton Argus Newspaper which is not the intent or spirit of proper Community Consultation and Relations."

I am aware that public exhibition of this proposal closed on May 27, and I appreciate your consideration of these matters.

Yours faithfully



Margaret MacDonald-Hill
**EXECUTIVE OFFICER &
INDEPENDENT CHAIR
WAMBO
COMMUNITY CONSULTATIVE COMMITTEE**

INTERVIEWER DECLARATION

I have completed all the interviews covered by this payment. I am a full and to the best of my knowledge, an accurate recording and have been completed in accordance with my interviewing and recording guidelines. I understand that payment may be withheld if work is not completed as required.

July 30 2011

Mr David Kitto
Director – Mining & Industry Projects
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: **Ms Naomi Nelson via email**

Dear Naomi

DA 177-8-2004 – Modification – Rail refuelling facility

“THIS SUBMISSION IS FROM: Ron Fenwick (Community Representative Wambo CCC) in addition to the submission sent 28 July 2011 from David Thelander, Paul Nichols and Helen Holt.

Based on information provided at Tuesday’s meeting in Peabody’s Wambo presentation and Modification of DA 177-8-2004 Environmental Assessment Locomotive Refuelling Station Wambo Coal Rail Loop from their website.

It is only reasonable to seriously consider the option for outright refusal of the modification in entirety.

General safety for the community at large and the travelling public.

- The area intended is far too close to the Golden Highway, the almost extinct village of Warkworth, the Wallaby Scrub Road and the main entrance to the Wambo Coal Mine.
- Presently, there is concern for the general public regarding the current traffic to this point with the already dangerous amounts of fuel, both diesel and petroleum derived and the supply of ammonium nitrate. It is only a matter of time before a serious incident involving either of these singularly or a combination of both.
It is important to note that these deliveries are irregular and unescorted or supervised and involve large volumes transported in B Double format.
- The increased volume of fuel trucks from depots to the indicated site will create a massive risk factor to our already congested highways. This imposes danger to a much larger proportion of the travelling public as well as to the townships through which these trucks will pass.
- The burden on the local area is to be a trade off that is misrepresented as beneficial. It is far more sensible to have fuelling where the unloading process occurs for safety and convenience. The idea of fueling outside the city by preference to the “isolation” of the country site is another misguided intent and a further recipe for disaster.

- With other mines seeking access to the Rail Loop this will increase the number of trains and inevitably with an established refuelling site, that would be upgraded to cover this increase, encourage other rail works to be done at the site which is outside the intent of the rail loop as a transport corridor. It was never promoted to be anything but this, with no hint of developing as a rail yard for refuelling and other purposes.

Security for the area will be further threatened. Currently the security of the mine site is totally inadequate and the arrogance of the management is reliant on their belief that they are adequately protected by a few signs and the belief that they will prevent access because of the might of Peabody. Vandalism and the physical threat of terrorism and/or protesters, pose high threat due to close proximity to public roads and residents of Warkworth.

If the Department is already convinced by the claims of Wambo Coal to the practicality and safety of this and approve the modification then it will only be a matter of time before something to the effects of the concerns raised becomes a reality.

If however the Department is cautious to the concerns raised and are later convinced by the assurances given by the proponent then precautions must be taken to protect against any of the potential disasters from this proposal.

Measures must be provided by ensuring that many steps are taken to remove risks.

The modification must be refused and disallowed until all risks are reduced.

- Visibility from the road is debatable in respect to potentials. The claims presented as to the visibility from the road, based on Bush Fire Threat assessment are an each way bet. With recommendations regarding canopy height, tree spacing and the controversy as to whether or not this would not provide suitable screening from the Highway is only opinion.
- The fact that it is located only 50 metres inside the mine boundary is of major concern. There are dangers with the entrance to the mine already and the increased deliveries will only heighten the risks.
Additional to have these vehicles leaving and returning to the access road leaves little to the imagination as to the escalation of an already dangerous scenario.
- The fire hazard and the control of any incident on the mine site is a recipe for disaster. Past experience has shown that previous control was outside the abilities of the mine and would most likely be a similar disaster to historic fires on and from the site.

If the depot must go ahead against all common sense then all issues will need to be addressed for the future of the area. As such there would have to be time to consider all options for location and rely on the inputs of the locals, not simply the input of consultants who will present the mine perspective, will be paid for their loyalties and will not have any responsibility once it is put into operation.

There will have to be serious upgrading to the entrance and departure to the site as well as the need to reduce potential for incidents ranging from road accidents, to the creation of explosive elements with the obvious consequences.

Dedication of security measures that will be effective as well as frequent audits of all these outside the control of the mine management will be necessary.

All elements would need to be fully in place prior to any fuel being delivered and approved for safety. We do not want to see another "Wallaby Scrub Road intersection" being created.

- Lighting of the area for operational and security needs to be properly approached. It would need to adequately light the sight and needs to do so without impact on highway users.

Safety of the community needs to be taken into consideration. Wambo has rarely given consideration for anything other than coal extraction and transport to market. This can readily be verified by noting the concerns for genuinely meeting consent conditions. This position has worsened over the last ten years under a series of ownership changes to present day.

- Road closures associated with safety incidents would severely disrupt local residents from Denman, Jerrys Plains, Warkworth, Singleton that work in and around the area possibly adding in excess of 100km trip to avoid the area and attend work etc.
- Access of fuel trucks at Peabody Wambo entrance and mention of unsuitable use of Wallaby Scrub Road (consent condition not addressed by Peabody) in other options is an unacceptable reason for their non consideration.
- The Peabody Wambo Intersection (Mine Entrance) location on the bend in an 80 km zone along with the close proximity of the unsatisfactory Wallaby Scrub Road intersection creates problems with merging trucks with existing traffic and traffic turning into Wallaby Scrub Road due to poor condition of verge (Peabody consent condition to upgrade not completed)

The members of the Wambo CCC are also concerned that Peabody had not raised this at the previous meeting, giving time for proper consultation and explained it away by saying it was published in the Singleton Argus newspaper which is not the intent or spirit of proper community consultation and relations.