

From: "Ron and Janet Fenwick" <randjfenwick@bigpond.com>
To: "Department of Planning" <plan_comment@planning.nsw.gov.au>
CC: "Naomi Nelson" <naomi.nelson@planning.nsw.gov.au>
Date: 27/05/2011 11:31 am
Subject: Wambo Coal Mine Mod 10
Attachments: DA 305_7_2003 Mod 10.doc

Please find attachment as my preliminary submission for the modification as advertised in Singleton Argus on Tuesday 24th May 2004. I was unable to place this "on line" through your web site today as the item had been removed.

Regards,
Ron Fenwick

Friday 27th May 2011

DA 305-7-2003 Mod 10 proposal by Wambo Coal Mine

Firstly I request an extension of time for my full submission regarding this modification and advise the reasons for this request are as follows:

- Advertising placed in Singleton Argus 24th May 2011 indicating that the exhibition period for the modifications from 13th May 2011 to 27th May 2011 with the submission to reach the Department by Friday 27th May 2011.

As you would be aware this short period of 14 days for review of the documents is unrealistic considering the time the proponent has had to prepare these bulky documents.

- The time available for submission in this case is only 3 days from the notice appearing in the local paper.

The document appears to contain somewhere between 200 and 300 pages to review and comment.

I would further suggest that this application be readvertised with an appropriate timeframe for comment such that all persons may have the right to submit regarding these mods.

Preliminary Submission.

From a first pass reading of the EA for the modification it appears that:

The consultants heavily rely on information that has been provided for previous EISs and EAs either by themselves or other consultants. This information is repeated under cut and paste protocol from previous applications and there is little varied from previous claims.

Consultants rely on information provided by the proponent and there are many omissions of data that needs to be reviewed to validate previous predictions in order to make the assumptions that are offered.

From the Environmental Assessment there is a lack of proof from previous claims and the overall image indicates that there have been no impacts in the past and there will be no impacts in the future.

Consultation as with the other elements of the components of the assessment are misleading and there is no evidence of validation.

The monitoring and data gathering has been flawed in the past and there is no assurance that this will change.

Areas of major concern that have been raised before are Subsidence and the impacts overall on other elements. There is no ongoing monitoring by the company and only token monitoring done by the company.

Groundwater and Surfacewater have been heavily impacted on from past works and there has been no provision of these facts within the documents.

Aboriginal cultural heritage has been incomplete. Past information being only sparsely referenced and then with errors through these missed or misinformed references.

Flora and Fauna does not receive fullness of the reviews that should have been taken from all past activities, rather we see the specially selected data that will promote the modification.

Noise and blasting are no more than self referenced information with the monitoring done by the company or under agreed protocols and assumptions provided by the company representatives in agreement with consultants.

Noise levels have been outside consent conditions and there has been no attempt to reduce impacts to date.

There needs to be credibility evident from past consents and to support the claims of compliance. This cannot be done under the present regime where the applicant controls the monitoring and the reporting comes from the applicant. There is no assurance of the independence and hence the reliability of the information provided. Until authorities genuinely control this, in particular your department, as this is where the approval ultimately comes from, then there is no reliability.

Friday 27th May 2011

A complete review will follow, hopefully within a week but more likely within 14 days, hopefully the time will be extended overall.

Naomi Nelson - Wambo Coal Mine Mod 10

From: "Ron and Janet Fenwick" <randjfenwick@bigpond.com>
To: "Naomi Nelson" <naomi.nelson@planning.nsw.gov.au>
Date: 9/06/2011 5:56 PM
Subject: Wambo Coal Mine Mod 10
CC: "Department of Planning" <plan_comment@planning.nsw.gov.au>
Attachments: DA 305_7_2003 Mod 10 supplementary.doc

Hi Naomi,

Sorry this has taken so long but as expected there have been a series of other matters that needed priority. Unfortunately I have not fully dealt with the issues, the attached however deals with the major points of concern.

I can procure much better photos of subsidence from files that would be locatable here or through the MSB if necessary.

There are also references on the DECCW site that raise concerns regarding the cracks and the effect on Wambo Creek (South Wambo Creek).

Regards,
Ron

DA 305-7-2003 Mod 10 proposal by Wambo Coal Mine
Submission 2 June 2011

Follow-up to Preliminary Submission sent 27 May 2011

R W Fenwick

From my second reading of the documents the initial review was confirmed. The contents of the EA rely heavily on past information that was prepared either by the same groups or relies on previous EAs, none of which appears to have been followed up on or has been validated.

The predictions made in the past are being made again and lose credibility as a result. Prime concerns that continue to be of issue relate to the lack of validations made from previous operations and the total lack of appropriate monitoring to either prove or disprove the claims previously presented for past applications.

Monitoring and Data provision.

As with the trend for EAs this presentation contains an amount of material that is either too technical for analysis or far too bulky to review in the short timeframe for comment. To be realistic, the time frame to produce each document spans months and even years with small armies of persons within varied groups to arrive at the documents. The potential to dismiss the actual potential of these approvals is obvious and more so when the mining companies will be monitoring the processes and making their conclusions as they see fit to provide.

Information that should be provided to provide actual results that are not assumptions is not made available. Only information that supports the application seems to find the consultants final reports.

Subsidence impacts.

Under the initial Subsidence assessment there is an incredible amount of information that suggests the impacts would be of little concern and will be managed easily as the mining progresses. The Photographic references show "Hunter Coalfields" cracking and are not proper representations of what has occurred at Wambo. Later within the section on Flora Assessment we are again presented with minimising of the facts. The typical cracks appear to be less than 100mm wide, and over distances possibly up to 20 metres. There appears to be nothing provided to show the actual damages done to land as seen with the Homestead workings as seen with longwalls 1 to 8, 9 and 9A and 10,10 to 12.

From observations of these subsidence influences it was noted that there was little monitoring of these panels and only for a period less than 12 months.

It is a fact that the cracking was more damaging in the immediate period with widths up to 750mm wide with the distances of the cracking extending over most of the panel lengths and across the ends to further complicate the impacts.

Several areas have been rehabilitated numerous times and still are breaking out with both cracks and potholes throughout the zones despite assurances made by the subsidence experts that the impacts would be minimal, as is being claimed with the Application being considered today. Of a more serious nature than the cracking and the noticeable dangers imposed is the impact upon the streams and aquifers that have been subsided. One creek is now claimed to be ephemeral where it had permanent flows prior to mining and the wells within the areas no longer produce to a valid level, let alone as they did prior to mining. These cracks have allowed waters to disappear downwards and this impact is still ongoing.

The mine was supposed to be operating with an Escarpment Protection Zone. This Zone is mapped in the support for EAI for DA 108/91.

Within the EIS for DA 108/91, under Coal Reserves, Authorisation 389- Whybrow Seam, reference is proudly offered as to the company intent “ ***The escarpment protection zone has been designed to protect the escarpment of Wollemi National Park from damage due to mine induced subsidence. Only development mining using continuous miner methods would be undertaken in this zone.***”

This zone has been forgotten since the mine began to longwall west of the original panels with longwall 10 and longwall only has been used. There has been little restoration of these areas with the company buying property and promoting environmental awareness by the creations of environmental corridors or woodlands enhancement. These are simply covering up the lack of rehabilitation.

Like many obligations these original ideals appear to be lost or interpreted with staff changes and ignored.

The fact that the EA indicates that there may be some cracking within this area shows the lack of continuity of the environmental responsibilities that result from the changes of ownership and the intent of the new owners to put coal before all else.

Authorities do not follow through with these commitments and the management of the mine take advantage of this factor.

Groundwater and Surface Water.

The report lacks information that would be critical in determining the best outcome for the area. There is nothing that shows prior longwalls have destroyed aquifers and associated streams. Similar claims that were made in the past are being offered now. It is ridiculous to pass off the likelihood of any significant impact with the insulting comments revisited.

“WCPL have identified three alluvial production bores in the lower reaches of North Wambo creek (20BL 132753, 20BL 167737 and 20BL 167738) that have a combined licensed capacity of 613 ML/year (or 19.4L/s) which is significantly greater than the predicted maximum inflow rates (i.e. 6.5 L/s) predicted by AGE (2003). If necessary, an equivalent portion of these groundwater extraction licences can be relinquished as a direct offset for potential groundwater inflows into the open cut operations.”

This grand concession lacks integrity when considering past claims.

The actual determination of these impacts would be made by the company as has been shown in the past and nothing will be done to check these reports let alone enforce restitution.

The review the impacts on Wambo Creek (know as South Wambo Creek) along this context would have been more appropriate for the EA.

South Wambo creek has been reduced to less than ephemeral from what was once a permanent flowing stream. Wells in the area do not provide assured flows, let alone meet their pre mining potentials. These facts have been recorded by NSW authorities and yet nothing has been done to meet consent conditions. ***15ML daily was recorded into longwall 9. This is 5475 Ml per year. 4995ML is the total allocation as of 2010. How would it be if Wambo were to relinquish this? It still does not restore the losses. It does not even cost the company anything other than the need to buy more allocations.***

The creek had token repairs, not proven and no follow-up by either the consenting authority, Singleton Shire Council or the department of Land and Water.

The creek still has no flow, is still denied as being the result of mining and blame is placed on a variety of causes from drought to excessive numbers of dams on properties to cattle impacts on the banks or even the impacts of farming.

The suggestion that relinquishment of portion of a licence to compensate any loss is ridiculous. Under Singleton Shire council approval **DA 98/159** it was stated as one of the conditions ***Where the subsidence monitoring shows that adverse effects are occurring on Stony Creek and South Wambo Creek, the mine plan being designed to minimise or eliminate such effects.***

There was neither monitoring nor change in plans.

Under the following approval, ***“Condition 21 of DA 108/91 specifically reinforced the position:***

4. Immediately following the issue of development consent and thence at three monthly intervals, the replenishment rates and the quality of water in wells will be established. The flow and quality of surface streams is to be similarly established.

8. Wambo undertakes to:

(a) provide in the event of an interruption to water supplies either through a change in quality or quantity, for whatever period, an equivalent amount of water of at least equivalent quality to a location convenient to the private landowner. If required Wambo is to provide at its cost a storage receptacle appropriate for the volume of water to be delivered.

(b) take such steps as are reasonably available to ensure the continual flow of water in the natural streams servicing the properties; and

(c) take such steps as are necessary to overcome the sterilisation of lands through ponding.”

Nothing was done to meet these conditions and nothing done to enforce them

Both consents acted concurrently but little was done in fact to comply with the conditions.

Aboriginal Cultural Heritage.

The strategies put in place in 2009 by Wambo, to have a roster system for the participation of the aboriginal stakeholders, is a farcical justification for the minimising of various persons with history to be able to look to the areas with full knowledge and confidence. There are significant flaws in the responses to this aspect of the EA as a direct consequence of this. The premise that it does not need full participation covers up the full reasoning for the placement of sites, the connection of these sites within the areas.

The admission that the Wonnarua were predominant stakeholders within the area should have meant that they would be present at all participation to discuss the sites.

Reference to the Bora Grounds and the assurance that the area to be mined is kilometres away is short of the mark.

The major site is some distance away from this area but the evaluation overlooks the fact that with the special gathering of the peoples the actual area that was used for camps extended way beyond the site that is allegedly the Bora Grounds as listed by the national parks. These ground were last recorded in the 1920s and these records can be located with a little research. The NPWS did not exist when these were viewed last. The persons last recording the sighting have since past on and only the photographs and notes survive. The misinformation provided when the Federal Government requested information regarding preservation of the Bora Grounds is not surprising.

There are several caves and rocks in the area as well as campsites that have not been identified within these areas and this is the result of the manner in which the mine has always approached

these investigations. There has not been an extended perimeter to check nor has there been full acceptance of material to present. The mine tends to minimise these studies and selects the outcomes preferred.

Many of the small sites have not been identified by previous investigations with those doing the surveys walking past scar trees and grinding and sharpening stones. There are several sites that are incorrectly mapped. Probably this may have been oversight or regrettably in order that they may be allowed to be lost.

Flora and Fauna.

The approach taken with this assessment is contaminated with the material provided by Wambo. The claims, under the heading Climate, of stress to the areas with Evaporation being compared with rainfall are ludicrous. This data recently prepared and promoted as a distraction by "Environmental managers" to avoid responsibilities of the aquifer damages caused by the mining methods in place. This is challenged in the reference to "the array of low shrubs that were not or rarely found in drier communities on the adjoining slopes including a wax flower".

This further loses credibility when tied in with claims from vegetation studies made within the regions and historic knowledge that the area contained species tied in with rainforests. The fact that timbers disappeared and have not been allowed to regenerate is testimony to this. White Cedar is a species no longer present. The Aquifers have been severely impacted by subsidence and this is evident by the numbers of creeks that do not now flow. Within the critical habitat declaration there is potential to not list as consequence of the lack of full investigation of the areas to detect. There are species of birds and reptiles as well as some marsupials that have almost been wiped out in the area but there are vegetations within the areas that these species do rely on such as many of the oaks, gums, mahogany and iron bark. Similarly there are grasses that are disappearing as direct results of burning in the areas, mining and some agriculture.

Weeds within the area being so few as suggested may be so with the timing of the investigations or may simply by luck and randomness of the areas selected or determined for investigation. There are definitely several introduced weeds in the area that have not been referenced, such as African boxthorn, blackberry and tumbleweeds. Johnson grass was introduced several years ago to "rehabilitate" areas and may not have been fully eradicated. Generally up until the recent purchase of one of the properties in the area weeds were kept under control by the owners diligence.

With the reference to Jerrys Plains as the choice for rainfall data the author fails to note that these figures offered are not fully reliable. It would have been appropriate to validate the inferences. There is little likelihood of the maximums and minimums as quoted.

It would be more appropriate to look at the last 50 years for a more accurate trend and to do so using data that is more appropriate to Warkworth, Wambo Bulga areas where the mining is more relative. The influence of the mountains in the region has influenced the impacts to be moderately less extreme that is suggested.

Glossy black Cockatoo- no sightings.. This may similarly be only result from timing as the cockatoo frequents the area under advantage food sources.

Reptiles. It is of concern that goannas and skinks were absent. This could be attributed to the enthusiastic means of poisoning by the mine on a regular basis and in particular the use of 1080.

Green and golden bell frog – not seen in previous searches, probably due to the timing of the searches despite known to be within the mine lease areas. This amphibian evaded being observed again.

Spotted quoll– not seen in previous searches, probably due to the timing of the searches despite known to be within the mine lease areas. The animal may have been collateral damage from baiting program for dogs, which appears less effective with the fact that there are sightings.

No scientific evidence of adverse surface effects (is cracking) on terrestrial vegetation is known from underground mining anywhere in Australia.

Noise and blasting.

It would be expected that the direct actions of the longwalls would have little or no impact on the levels of noise experienced by neighbours. This is not in reality correct, as there is the ongoing impact experienced from the transport, preparation and movement of the coal, which is overlooked. Currently the mine is operating under two consents, DA 305_7_2003 under the State Government authority and DA 108/91 under Singleton Council.

The mine chooses to interpret the requirements of these consents and authorities, including the Department of Planning and Infrastructure accept the reporting by the mine as being totally correct and do little to check. With the result the mine has regularly exceeded the levels of acceptable noise and ignore the full requirements, simply relying on standard replies such as there was no unusual activity. There is no attempt to reduce the levels of noise by reasonable means. The reference to the noise-monitoring program and community feedback is far from the truth. When raised at Community Consultative Committee meetings escalated noise is simply denied or ignored or brushed off as being personal material not to be raised in this forum.

There is avoidance of the requirements for monitoring and no link with historic recording sites. Rather selection of sites that will provide the best results for the mine. There is no transparency particularly when reading in the AEMRs that the interpretations are agreed between the consultant and the mine.

Noise mitigation is a farcical statement based on personal experience. The avoidance of historic recording site and replacement with mine friendly sites makes a mockery of this.

Currently the haul trucks appear to avoid the claims of responsible movement protocols and the noise from the Preparation Plant appears to fall outside requirements.

There is no consideration of noise impacts to the South east of the area, which already has made it known that the noise is intrusive now.

The conclusion is the determination required by the mine and shows that the monitoring is flawed if there are so many complaints made regarding the regularity of the intrusive noises. To add the schedule 4 from the approval is indicative of the company attitude of non-compliance with claims to the contrary. Our site, Number 25, Fenwick has serious invasion during all times of the day. Noise levels often reaching 50 or above during all time allocation with no attempt made to consider this let alone reduce the noise levels to meet the conditions of consent. The management ignoring requirements and actually using these noises from the mine as being the background noise to work from.

Blasting is often noted to the point of annoyance with building shaking, dust clouds and dust within the drinking water. Denial of happening is responded to as the noise reporting. We are alternatively met with no reply or else there are excuses offered from “it was another mine” to “there was a problem with the weather or the blasting materials”.

In summation the Environmental Assessment produced for this modification appears to contain the expected materials from past assessments with no reliable substantiations of the claims made in previous predictions by the experts. In this case there are two basics for this statement, the consultants are relying on others predictions or they produced the previous predictions. In either case no one has endeavoured to determine the actual effects.

The monitoring done, as with previous application approvals are tainted by the fact that the mine determines who does the monitoring and under what requirements with their “interpretation” of what was required. Misinterpreting the condition as suits the company further supports this ground for complacency.

The photographs of “subsidence cracks” are misleading and need to be removed and replaced with honest representations of the impacts. These are available from the mine subsidence board and my files if required on request. It is unfortunate that the consultants do not make a full effort to get realistic information from records of events particularly when Wambo Coal have claimed they are fully compliant with conditions and have regularly been challenged. It is similarly unfortunate that the monitoring and actions resulting from the monitoring done by Wambo Coal is not validated or replaced by truly independent persons.

From: carol russell <russellc2@westnet.com.au>
To: Naomi Nelson <naomi.nelson@planning.nsw.gov.au>
Date: 27/05/2011 4:24 pm
Subject: WAMBO MOD

Dear Naomi

This is a preliminary letter to inform NSW Planning & Infrastructure that I intend to make a submission on this development (Montrose East Underground) within the next few days. I will be commenting, among other things, on the Aquifer Interference Implications and Cumulative Impacts particularly relating to noise and air quality as they affect the residents of Bulga and nearer neighbours.

Sincerely

Carol Russell