

Wambo Coal Application 305-7-2003 Mod 15

Wambo Coal, since its commencement has had a history of non-compliance with consent conditions as well as having excessive lobbying input to the consent authorities to lessen the potential for enforcement.

Major objections raised concern the impact on water, surface water and ground water as well as the stability of land and the surrounding escarpments.

History shows that consent authorities have “imposed” serious consent conditions to protect the land and water. They have been imposed, but not enforced. The underground mining methods of Wambo Coal Mine during Singleton Council authority (DA 89/158 and DA 108/91) were required to respect an **Escarpment Protection Zone** that allegedly safeguarded the nearby areas of the Wollom National Park. This appears to have no consideration for recent consent and through reading the Subsidence assessment document the potential for impact is led to believe there will be little or no impact with the angle of draw to the escarpment. The report implies there is no impact beyond the predicted point of affectation.

The consultant does not show consideration of elongation of affectation progressing longitudinally beyond the determined area as considering the domino effect and corresponding movements.

“The Cliffs Associated with the Wollemi Escarpment are located at distances between 240 metres and 320 metres south-west of the proposed longwalls. At these distances, the cliffs are all predicted to experience less than 20 mm vertical subsidence and are not predicted to experience any significant conventional tilts, curvatures and strains. It is unlikely, therefore, that these cliffs would experience any adverse impacts as a result of mining.”

If this projection happens not to be correct and there are significant impacts on the escarpments there will be a disastrous consequence with little correction afterwards. The impact will be unable to be restored and scouring will move both upward and downward of the impact to the environmental detriment as well as the detriment of lands below the escarpment.

Later in the report the consultant changes tack from unlikely to likely impacts in the section aptly termed “**Non-Conventional Ground Movements**” where it is stated that

“It is likely non-conventional ground movements will occur within the Study Area, due to the multi-seam mining conditions, near surface geological features and shallow depths of cover, which is discussed in Section B.5. These non-conventional movements are often accompanied by elevated tilts, curvatures and strains which are likely to exceed the conventional predictions. It is likely non-conventional ground movements will occur within the Study Area, due to the multi-seam mining conditions, near surface geological features and shallow depths of cover, which is discussed in Section B.5. These non-conventional movements are often accompanied by elevated tilts, curvatures and strains which are likely to exceed the conventional predictions”

When referring to the drainage, drainage lines and surface streams the potential for damage is minimised and there appears to be little concern for the actual effects relying on the “It is unlikely” assurances offered.

“It can be seen in Fig. 5.2, that the predicted post-mining grades along Stony Creek are similar to the natural grades. **It is unlikely, therefore, that there would be any adverse changes in the levels of ponding or scouring along this creek as a result of the proposed mining.**”

Stoney Creek has shown there has been adverse ponding and scouring from previous extractions to the point that some works were required on both mine owned land and neighbouring lands. These repairs were token with authorities failing to properly supervise and enforce completion. They have been incomplete since the impacts occurred in the 1990's.

"If adverse impacts were to develop as the result of localised increased ponding along the ephemeral drainage lines, these could be remediated by locally regrading the beds, so as to re-establish the natural gradients. The drainage lines have shallow incisions in the natural surface soils and, therefore, **it is expected that the mining induced ponding areas could be reduced by locally excavating the channels downstream of these areas.**

Some sections of Stony Creek and the upper reaches of ephemeral drainage lines have exposed bedrock which has formed into small cascades with isolated pools. Fracturing of the exposed bedrock could result in spalling or dislodgement of rocks. **There could also be some diversion of the surface water flows into the dilated strata beneath the beds, which could drain any ponded surface water upstream of the outcropping. It is expected that any diverted surface water would re-emerge further downstream due to the high natural grades in these locations."**

The references to what could be done to repair the stream damage has little assurance considering past reluctance of the regulators to firstly acknowledge the damages caused and secondly to enforce any restoration.

This can be demonstrated by the damages to both South Wambo Creek and Stoney Creek under DA 108/91 of Singleton Council and the tripartite agreement of 2004 the Department of Planning are still yet to facilitate. It is also still evident that what little was done to South Wambo Creek, repairs and grouting, both failed and have not been addressed appropriately by any agency.

The expectation of diverted surface water re-emerging also has not been evident from experience- refer again to assurance regarding South Wambo Creek and repairs and compensatory water and the stand now presented by the Department of Planning.

The reluctance to have the creeks properly restored and appropriate water compensation has been ongoing with the lack of monitoring and the failure to enforce monitoring being used as an excuse for doing nothing by both Singleton Council and the Department of Planning. There is a distinct failure to properly recognise the extent of the aquifers and the overlying impacts throughout the EIS with an overlying assumption that the area is owned by the mine and the impacts are to be negligible and of no consequence outside the area of the survey.

The review by the EPA appears to simply indicate approval with no concern and the fact that 5.6 million tonnes of coal over 14 months appears as the bottom line. Not a bad bit of royalty during such a short period.

The OEH shows greater concern regarding the threatened biodiversity and particularly notes that some threatened entities or records were omitted from the assessment and the fact that no commitment has been made to appropriately offset potential impacts was a concern. The writer goes further to say that the project is predicted to cause mine subsidence impacts to the Wollom National Park and states that any risk of subsidence to the park is unacceptable to the point that the recommendation of the OEH is refusal.

The OEH refers to the Surface Water Assessment and indicates that there are no additional offsite flooding affects indicated. This surely indicated the direction of briefings for the consultants to take with the assessments being prepared.

The DRE has noted the encroachment on the slopes of the Wollomi escarpment and appears to be accepting the assessment by Wambo Coal in that it is **unlikely to adversely affect the escarpment**.

The fact that there have not been general rehabilitation strategies and objectives is noted with a need to appropriately address rehabilitation.

It has been shown that the past responses to the issues regarding impacts and rehabilitation need to be considered in the assessment of this project.

The profit to be made for the multinational company with a small spin off to the state government does not adequately compensate for the potential damages to the water and the national park as well as the lands downstream of the project.

With the downturn of the mining of coal and for the outcome to the valley it appears to be of little or no value to the people and for all reasons discussed it should be rejected.

The Department has been made aware of issues raised previously of the company continual failures to comply with conditions of consent. Wambo Coal has not met the conditions of monitoring of aquifers and streams from 1989 (Singleton Council) DA 89/158 requirement to protect streams, 1992 (Singleton Council) requirement to make repairs to land and repair Creeks and supply compensatory water according to DA 108/91, to keep noise levels in accordance to (Singleton Council) DA 108/91 and its current consent (NSW Department of Planning) 305-7-2003, where under Wambo Mine –Modification 8 South Water Storage Dam both Wambo Coal and the Department “overlooked” submissions made to compliance

Within item 4.3 references were made to non-compliance with consent conditions, concern regarding the water loss from surface and groundwater, dam integrity particularly with previous subsidence impacts to the area that were not considered.

The potential impact to a right of way access and lack of consultation with community was emphasised.

It is important to remind you that these issues were poorly dealt with by both Wambo Mine and the Department of planning- see Table 2 page 9 of the assessment report and the fact that the Department of Planning took the statement made by Wambo Coal to be correct and the corresponding support in the table shows this.

In conclusion I would remind you that Wambo Coal has a poor history regarding the environment and has generally been protected in the interest of the alleged benefit to the state. There has been no rehabilitation that has been followed through to successfully restore the damages caused by Wambo Coal’s mining under the creeks and aquifers in particular South Wambo Creek and Stoney Creek. The assessment on water fails to indicate this. Similarly the assessment on subsidence follows the allegation of minimal or no damages and fails to show the recurrence of subsidence well beyond the simplified allegations made in the earlier assessments.

Damages will occur beyond the predictions and I believe they will be dealt with as being the result of non-conventional ground movements. What will be done to make good on these potentials if anything?

Any review of the project needs to consider what I have submitted in line with the comments of the OEH and DRE and the project refused.

For any clarification I can be reached on 02 65745182 or by mail at PO Box 62 Singleton 2330.

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