

***Reply to:***

Steve Phillips  
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13<sup>th</sup> May 2016.

**Submission on Wambo Mine – Modification 12  
Southern Longwall Modifications (DA 305-7-2003 MOD 12).**

Thank you for the opportunity to make a submission on this proposed mining development. Lock The Gate **objects** to the project for the reasons outlined below.

The impacts of the Wambo mine have already been far too great, both for the local environment and waterways, and for local residents. These impacts have exceeded anything predicted in the previous environmental assessments for the Wambo mine, and there is no reason to believe that the current EIS doesn't also downplay and underestimate the impacts of the project. For decades, the mine operators have failed to comply with conditions of approvals and management plans, or to take adequate measures to restore damage when ordered to. Impacts have included failed dams, and lost waterways.

The company has repeatedly failed even to comply with court orders in relation to the impacts of the Wambo mine on neighbouring properties and waterways. We submit that a company that won't even comply with a court order is hardly going to pay much heed to approval conditions placed on it by the Department. Rather than granting Peabody approval to further extend the lifespan and impacts of this project, the Department should insist that all previous conditions and restoration orders have been adhered to before even considering this new application.

The proponent, Peabody Energy, is untrustworthy, unscrupulous, and financially unsustainable. Since acquiring the mine in 2006, the environmental performance of the mine has been atrocious, and the mine's relationship with neighbouring landholders has been adversarial. Peabody has a similar track record everywhere the company operates. The company has no respect for science, or people, or the environment, and is infamous worldwide for its attempts to deny climate change and derail all attempts to reduce greenhouse pollution or the fossil fuels which cause it (like the coal proposed to be mined at Wambo).

Peabody is not only morally bankrupt, but financially as well. Its parent company in the United States has recently initiated Chapter 11 bankruptcy proceedings. It is hard to think of any criteria by which this company would qualify as a "fit and proper person" to operate such high impact project into the future.

This project is, as usual, being assessed by the Department in isolation of surrounding projects, but by the proponent's own admission, it is not isolated. Not only are there numerous other large mining projects in the immediate vicinity (with which no cumulative impacts have been assessed), but the Mod 12 application is designed for the sole purpose of facilitating the much larger *United and*

*Wambo Open Cut Coal Project*. We submit that the Mod 12 application should be rejected, and its impacts instead assessed as part of the larger project of which it is a part.

As well as facilitating the larger project, it's likely that among Peabody's motivations for this project are the deferment of its rehabilitation obligations. There is a high degree of public anxiety in the Hunter region about mining companies failing to properly rehabilitate their sites, and delaying rehabilitation with a view to offloading assets and responsibilities. With little identifiable public benefit to approving this project, Peabody should not be permitted to further delay their rehab obligations by receiving this approval.

The EIS has failed to properly assess the impacts on the health of neighbouring people of the noise and particulate emissions of the project, or take into account the current emissions from the project, which exceed the predictions made in previous environmental assessments. This is an area of the Hunter with particularly woeful air quality problems, due entirely to the coal mining industry, and this project will make it worse. While the open cut mining footprint – the main contributor to particulate emissions – is not proposed to increase in size as part of this project, it is proposed to increase in lifespan, leading to more particulate pollution for local people to breathe. It is a matter of fact that particulate emissions cause illness and mortality in local residents. This must be properly assessed.

Among the other failings of the EIS is its silence on the impact of the project on the perched aquifers that support the Warkworth Sands Woodland, listed as (critically) endangered under both the NSW *Threatened Species Conservation Act* and the Commonwealth *Environment Protection and Biodiversity Conservation Act*.

We urge the Department to reject this application.