

Wambo Mine – Modification 12 – Southern Longwall Modifications

I object to the proposed Wambo Mine modification 12 because:

1. The allegation that the Modification would involve a realignment and extension of the approved South Wambo Underground Mine Longwall panels is untrue and is repeated continuously to emphasise this fallacy through all documents
2. The documentation provided supports the modification by providing inaccurate, unsubstantiated and misleading information that could be overlooked by persons reading without knowledge of the material provided
3. Management of Wambo mine impacts over a long period of time has been very poor
4. The cumulative impacts of Wambo Mine and surrounding mines has not been assessed
5. Water is not adequately addressed. Previous mining has already seriously impacted on the surface waters, particularly Wambo Creek and the aquifers that supplied water to the neighbouring properties. This impact is not considered important enough to mention or consider.
6. The mine has had a significant subsidence impact on Wambo Creek. The required repair work has not been carried out under conditions of approval and management plans. This issue has been ongoing since longwall mining commenced in 1991
7. Wambo's South Water Storage Dam built in 2009 has failed on one occasion
8. Much information within the application is flawed and/or unclear
9. The proposed 3 year extension for Wambo open cut will defer current rehabilitation commitments and heighten impacts on the local community- noise, dust and subsidence
10. There has been no consultation or agreement reached with landowners that would be affected by this modification in the original or current form
11. The poor assessment of, and determinations on all built features under 22A, 22B do not allow the owner of any built feature full honest repair options. 22C,g indicates A Built Features Management Plan indicates public infrastructure and all classes of other built features

Background:

Wambo Mine, between Bulga and Jerry's Plains in the Upper Hunter, is an underground and open cut operation. It has been operating since 1969 and has changed hands many times. Peabody Energy has owned the mine since 2006. The impacts over that period of time have been significant.

The mine currently extracts up to 14.7 million tonnes per annum (mtpa) to produce 11.3 mtpa of thermal coal, mostly for export.

Subsidence from the underground mine has cracked Wambo Creek and caused important permanent pools to be destroyed. These pools provided drought protection for wildlife and farming activities.

This problem has not been satisfactorily addressed despite numerous court cases and agreements with affected landholders. North Wambo Creek was also diverted for a couple of kms around the open cut mine. This is more important to authorities than Wambo Creek.

The proposed modification to the underground mine and extension of the open cut will cause additional environmental and social damage that has not been adequately assessed.

Indications of lack of consultation and proper investigations appear throughout the documents and much of the information is misleading. If there had been consultation, there would be many issues raised and potential solutions formulated.

Subsidence impact is a prime example of this lack of consultation as previous and ongoing subsidence would have definitely been raised in relationship with our land and experiences. The previous mining throughout areas is pertinent to the company history of dealing with land, water, noise, infrastructure and safety. This is a problem that impacts on many infrastructure components from utilities to private property and yet they do not seriously consider this.

Within page ES3 of the Executive Summary states “The Modification would involve: A realignment and extension of the approved South Wambo Underground Mine Longwall panels;” The approved South Wambo Underground Mine is shown on Figure ES-1 and is only an area east of the Wollombi Brook. The extension alleged is actually inclusive of **THREE** additional areas of mining as on ES-2, all on the west of the Wollombi Brook. Table ES1 indicates Subsidence commitments and management. There appears to be no notation to indicate just what this is. What is being or will be done? Currently there is work required on neighbouring property as well as Wambo owned land from previous mining and the fact that despite the rehabilitation to land once the mining was declared complete under the neighbouring property, subsidence has re-immersed over the entire property and became obvious for the danger factor in 2010.

The modified mine layout of South Wambo Underground mine is shown on figure ES2 – this shows workings under neighbouring land as well as Wambo Creek and impacting on Wambo Road as well as power and communications assets. There is nothing to indicate the existence of the public utilities (powerlines and telecommunications cables) within the study area and it appears that the study area was determined to overlook the potential of Wambo Road which is a public road (see 6.1 Public Utilities and 6.2 Unsealed roads, within the MSEC report on Subsidence Predictions and Impact Assessments for the South Wambo Modification). Within 6.2.1 the reference “*Whilst there are no public roads within the Study Area, the road above the proposed WHLW7 to WHLW11 and AFLW2 to AFLW6 is a right of way in favour of several private properties, the route of which may be varied on reasonable notice.*” This is evidence of failing to validate information.

Public safety in light of these assets and the rights of ways have not been properly investigated and evaluated.

The groundwater and surface water predictions are questionable (Table ES-3). Both the aquifers and the streams have been seriously impacted by previous mining and have not been adequately dealt with. Further mining will cause more damage. Subsidence references to the creeks by MSEC, Surface Water references by Advisian, are extensively compromised with the latter prominent by the lack of knowledge of the area and mining history.

Under proper investigation and site visit it is clear that Wambo Creek does not flow under Wambo Road.

Similarly the referencing within the Environmental Assessment in particular to *“impacts on ephemeral creeks associated with subsidence resulting from the modified underground mine”*.

The creeks referenced have been downgraded to the ephemeral classification by the impact of previous mining.

Not one of the consultants bothers to provide the fact that this ephemeral state has been the result of the impacts of previous mining, e.g. the Whybrow seam under DA 108/91 (Singleton Council).

Similarly their assessments ignore the impacts above the areas within the streams by this project and the previous mining.

Noise and dust potential has no bearing to what is current today with the operations of the open cut and the washery. Dust and noise are excessive, now, to what was expressed in the EA for the current mine. Despite claims within the Noise Review: **2.3 Nearest Residential Receiver Areas,**
the nearest residential receiver areas in the vicinity of Wambo are residences 25, 35a and 35 b to the west.

2.6 Noise Complaints Summary

WCPL maintains a complaints register in accordance with the requirements of the Development

Consent (DA 305-7-2003). Despite claims made regarding the IEA Report (Hansen Bailey, 2015) indicates that community concerns are well managed and recorded within the Wambo Complaints Register, this has not been the case. Despite the documenting in the complaints register there are many complains made that have not been responded to and the unsatisfactory claims of compliance have been verified by monitoring by the EPA. Noise from the mine has been over approval limits continuously with no reductions- refer to conditions of consent under Terms of Approval.

Under the justification of the modification the reference to loss of environmental and social impacts and benefits and the extension of the RWEPP areas are both nonsensical.

Within the Air Quality and Greenhouse Gas Review, the summary and conclusion that the estimated dust emission may decrease up to 87% after the cessation of the open cut in 2020. The consultant fails to note that this figure will be replaced by at least the same amount, if not a higher rate, with the proposed venture with Glencore to replace this open cut.

Regarding the alleged consultation with the local community, there was none in 2012 or 2016 and only brief references given to the Wambo CCC despite claims to the contrary. There has been no issue raised and hence nothing to minimise or overcome potential impact offered. There appears to be more consultation with Aboriginal stakeholders, most of which have no connection to the area. The lack of consultation with local aboriginal groups is consequential from the *roster* Wambo uses and there appears little intent to locate those with genuine connection.

Why is there only one Bora site reference in the Cultural Heritage?

Concerns and observations or conclusions:

There has been an overwhelming lack of consultation by the proponent throughout the entire process of the development of the current approval from its inception and ongoing approvals.

The company has a history of non-compliance and monitoring from the period of early consents with Singleton Council.

Non mine owned land bears evidence of the poor response and actions to the impacts regarding:

- **Noise**

The noise being imposed on our property has been excessive despite allegations throughout the reviews.

- **Water** loss in aquifers and surface streams

This has been considerable since the longwalls of the 1990s. Permanent streams are now ephemeral, with only occasional flow being noted, our wells have been reduced from productive to almost totally useless.

- **Visual impacts** and **intrusive light**

These impacts have increased since the recommencement of the open cut operations under excavators instead of dragline. The spoil heaps are an eyesore from all aspects. Light impacts on the home regularly and is also evident when driving home at night along Wambo road and our ROW beyond.

- **Subsidence** damage

Creeks have had extended damage with repairs incomplete and the water has not been restored or replaced as previously required.

- **Air Quality**

This has become progressively worse. Dust is deposited on our home to include our rainwater supply and on most items within and about the home.

Mine owned land that has been mined, including what are now offsets, has had little or no remediation, particularly in the proximity of the escarpments and near neighbouring land.

Within the preparation of the assessments there is a continued compounding of date that has not been produced and/or verified. Reference to obtaining the information from Wambo is simply an excuse for the use of previous flawed reports and the use of disclaimers suggests the priority of the consultant is dedicated to support for the application rather than to create a complete accurate assessment of the proposal.

The Peer Review, Groundwater modelling, indicates:

- the Modelling of mining has included the influence of previous and current mined zones
- the peak annual inflow volume predicted for the Wambo mine Modification is approximately 1,293ML/a, and then
- no bores in the alluvium will be affected significantly above the IIP 2m limit, and
- the modification would have negligible effect on any streamflow in the area in excess of the already approved mining influence.

Within the conclusion, having noted that all data was used for calibration without verification it is alleged drawdown predictions are considered plausible.

Plausibility within the industry groups does not equate to reasonable or accurate and I have been unable to find any reference ***within consent information to support the indication of approval of any influence of mining on the surface and groundwater.***

Regarding the Bushfire Management, item 98 of the approval, the proponent has not provided a correct response since the original revision. Maps and references to access are inaccurate and figures and contact details are not correct. There has been no attempt to bring this to a proper plan and it needs to be done. As with most of the errors within the proposal documents, this could be overcome by proper consultation.

ENVIRONMENTAL MONITORING AND MANAGEMENT references a list including
Groundwater Monitoring Program
(WCPL, 2015e).

Surface Water Monitoring Program
(WCPL, 2015f).

Bushfire Management Plan (WCPL, 2013). This is quite inaccurate and misleading. The Figures 1.0 and 1.1 imply that Wambo has access to the fire trail, ***overlooking the fact that this passes through private lands and said access has not been discussed with the landowner nor granted. Similarly the alleged access to borehole through the same land has not been granted.***

On Page 11 of the plan it states:

Access from Wambo Mine Land to the Wollemi Fire Trail is maintained for emergency and service access. Figure 1.0

- ***Southern access via private properties along Wambo Rd, Bulga;***

Similarly Table 6 is inadequate- has not been updated.

In the "South Wambo Underground Mine Modification – Environmental Risk Assessment, section 2.3 RISK CRITERIA the statement:

"The 'tolerability' of a risk is the willingness to live with a risk to secure benefits, on the understanding that the risk is being properly controlled"

is a reference that lacks any understanding relevance to the impacts. Who is able to tolerate the risk to secure the benefits? It is obvious that those incurring the benefits have no bearing on the consequences and is condescending.

The plan was developed prior to 2012, application submitted in September 2012, withdrawn and later placed on exhibition 22/04/2016, closing on 13/05/2016. What is the real reason for this application now?

Display time from 22/04/16 to 13/05/2016 lacks consideration of the time required read let alone make a submission and consultation provided by both Peabody/Wambo and the Department of Planning also inhibits any realistic preparation.

There have been several failures to check on the integrity of the data and statements made throughout the Environmental Assessment reports from the initial application for the current consent, DA 305-7-2003. With that application and Mods to it, where I have known of the application I have noted my concerns. To date the only action appears to have been to ask the proponent and then approve.

The application and process for South Wambo Dam indicates my concerns regarding the way the Department dealt with that particular application, and poses serious concerns. Below is an extract from the Assessment Report that is on the Department and Wambo websites. Your records will show the actual submission made to this application and what lead to the approval. There was never any investigation by the Department to determine anything. The response by the proponent was accepted and that was the end of the Department obligation.

<i>Issue</i>	<i>Potential Impacts</i>	<i>Consideration</i>
		<ul style="list-style-type: none"> The Department is satisfied that impacts on Jerrys Plains Public School would be minimal.
<i>Right of Way Access</i>	Potential impact on local Right of Way access to Warkworth Village	<ul style="list-style-type: none"> One public submission raised concerns that the proposal had the potential to erode areas downslope of the dam and thereby impact on a Right of Way access. In its response, Wambo stated that: <ul style="list-style-type: none"> construction activities would be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) for the site; surface water runoff collected in the clean water diversion drain would be released at the northern and southern ends of the drain (see Figure 3) and would flow across Wambo owned land into Wollombi Brook; and there is no evidence of a legally enforceable Right of Way access across Lot 83 in DP 548749 in the vicinity of the proposed dam. The Department is satisfied that potential erosion impacts can be effectively managed in accordance with the existing erosion control conditions for the site and considers the Right of Way issue to be a matter for private negotiation between the two parties.

The fact that the Right of Way access was not considered or protected is a major concern to me and reflects on the approval process. Prior to approval the Planning Department needs to check the facts that must be deliberated on.

Following further denials by the company and refusal to honour legal requirements Peabody/ Wambo had to defend their actions in the Supreme Court. The result of this is clearly shown to have been lost by Wambo in the Supreme Court NSW Judgment **Fenwick v Wambo Coal Pty Ltd (No. 3) [2011] NSWSC 788**.

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