



Nature Conservation Council

The voice for nature in NSW

NCC Submission to Wambo Mod 17

Melanie Hollis
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Tuesday 2 May 2017

Submission of Objection

Wambo Modification 17 – South Bates Extension

Dear Madam,

The Nature Conservation Council of NSW (NCC) is the peak environment organisation for New South Wales, representing 150 member organisations across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC objects to this seventeenth proposal to extend the Wambo Coal mine on the basis that the impacts of the project are unsustainable and have not been adequately assessed, avoided, mitigated or offset.

NCC considers that this proposal should be assessed as a new project under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The application for nine new longwall panels is a large extension of approved operations at Wambo Mine that requires a new mining lease and development of land outside the current approval under DA 305-7-2003. We consider this proposal to be a large new project that should not be assessed as a 75W modification under the EP&A Act.

The Aboriginal Cultural Heritage assessment has failed to survey 34 hectares of land impacted by this proposal. NCC considers that this assessment must be conducted as part of a new project proposal that is re-exhibited for public comment.

The Air Quality assessment fails to assess the impact of PM_{2.5} under the new national standards adopted in December 2015. These are 25 µg/m³ daily average and 8 µg/m³ annual average maximum standards. The new assessment requirements were gazetted in NSW on 20 January 2017. NCC considers that this assessment must be conducted as part of a new project proposal that is re-exhibited for public comment.

The Greenhouse Gas Emissions assessment fails to use the National Greenhouse Accounts Factors (Department of the Environment and Energy, 2016). The assessment by Todoroski Air Sciences purports to use a more conservative approach. A comparison of the two in the assessment report would provide more confidence in the assessment process.

NCC considers that the predicted annual increase of 0.05% of national greenhouse gas emissions is unsustainable and will not assist the Federal Government to meet its enforceable commitments under the Paris Agreement. The Wambo Mine produces a large volume of methane emissions and should not be granted further access to disturb gassy coal seams.

The cumulative environmental impacts of the proposal are too great and have not been adequately assessed.

NCC does not support that 120m is an adequate buffer from the impacts of mine subsidence on the Wollemi National Park World Heritage Area. The assessment demonstrates that there will be subsidence impacts within the boundary of the Park. This is unacceptable and cannot be approved.

The majority of the proposed area of impact is vegetated by the *Central Hunter Valley Eucalypt Forest and Woodland* critically endangered ecological community (CEEC) listed for protection under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). We note that the proposal has been designated a controlled action under this legislation.

We consider the Flora assessment for the proposal is entirely inadequate and does not provide any visual demonstration that this CEEC has not been impacted by previous underground mining operations on the Wambo Mine site. It does not provide the timespan of the subsidence referred to or the potential long term impacts of cracking and ponding.

The Subsidence assessment identifies significant impacts on the steep slopes in the area of impact, many supporting the CEEC. Mitigation measures for surface remediation recommended in the MSEC report include infilling of cracks with soil or other suitable materials, or by locally regrading and recompacting the surface. These activities will not be able to be carried out without further disturbance to the CEEC on steep slopes. This issue has not been assessed.

The area of impact contains habitat for 37 threatened species including 11 species listed for protection under the EPBC Act. NCC considers the assessment of impact on these species has not been thorough. NCC considers that this assessment must be conducted as part of a new project proposal that is re-exhibited for public comment.

The cumulative impact on groundwater systems in the Wambo Creek and Wollombi Brook catchments is already too great and that further impacts cannot be approved.

The Main Report establishes that '*The alluvium within and adjacent to the Modification area has been disconnected from the regional alluvial system due to the removal of alluvium downstream across the full width of the channel by the approved open cut mining operations (and associated construction of the North Wambo Creek Diversion) (Figure 12). This alluvium has been affected by open cut mining activities, with several metres of drawdown in the alluvium observed to date (Appendix A).*'¹

¹ Main Report p 38

Likewise the cumulative impacts on surface water sources cannot be further increased to the detriment of the long-term health of waterways in the Hunter Region. Subsidence from this large increase in underground mining has been predicted to cause:

- five ephemeral or semi-permanent pools along North Wambo Creek up to 1.4 m deep and 350 m long;
- changes in grades in some sections by up to 5%;
- potential for flow diversion into a vegetated and stable ancestral channel that would return to the existing channel about 300 m downstream;
- cracking of surface soil and underlying rock that may result in temporary changes in surface flow.

NCC is concerned that Peabody Energy has failed to meet its commitments under agreement to remediate the subsidence damage impacting the Wambo Creek during past underground operations. There is no trust in the community that commitment to remediate further, unsustainable damage to the North Wambo Creek will be carried out.

In conclusion, this large proposed expansion of underground mining at Wambo Mine must be relogged as a new State Significant Development. The assessment of environmental impacts, as exhibited, fails to meet current requirements and needs to be redone.

The cumulative impact on biodiversity, water sources, Aboriginal cultural heritage, amenity and community has not been adequately accounted for and outweighs the perceived public benefit of the proposal.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Smolski', with a stylized, flowing script.

Kate Smolski
Chief Executive Officer
Nature Conservation Council