

Submission:

Wambo Modification 17 – South Bates Extension

This submission is in objection to the expansion proposal by Peabody Wambo.

The Wambo Coal mine has a history of failure to comply with Consent Conditions imposed on the company since its earliest operations as far back as 1989 as well as acting prematurely to consent.

This continued failure has led to the destruction of South Wambo Creek and the aquifers supplying this and other creeks within the immediate area of the mine.

The history of compliance failure has been known to the Department of Planning, Wambo Mine operators and the Singleton Council throughout the mine operation under a myriad of owners.

This Consent, Approval 305-7-2003, and its parade of modifications, contains within the consolidated consent reference to the need for the Deferred Commencement, under schedule 3, Administrative Conditions, Terms of Approval:

5. This consent shall only commence when the Applicant has surrendered all previous development consents for the Wambo coal mine, excluding DA No. 108/91 issued by Singleton Shire Council, to the satisfaction of the Secretary.

The Tripartite agreement that holds the DA 108/91 still current has not been completed with inappropriate actions on the part of the Department and the mine terminating two consultations in defiance of the agreement conditions.

This point was referred to the PAC for Mod 12 and was ignored under misleading advice from the Department of Planning and later followed by an Erratum which added no value to the process by its similar misrepresentation of the overlying fact.

The company did not and does not to this day monitor the flows of Wambo Creek and its aquifers. This is specifically referred to under condition as required in condition 21 of DA 108/91.

“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.”

The application presented contains a continued reliance on inaccurate and misleading information that compounds upon each referral to the false data that leads to the current application. There has been no attempt to have any ratification of the predictions made by earlier consultants or the current consultants that present their reports with the direct purpose of supporting the approval.

This application is for further longwall mining promoting speed of extraction and massive impact due to **subsidence** that has been inadequately addressed for this project as has it been for all previous longwall processes. The entirety of the Subsidence Assessments is flawed and based on a compounding of inadequate evaluations of previous predictions and results on the land that has been subsided in the past.

Nothing has been done to follow up on the impacts and through selective consultants the process relies on the allegations of the past predictions with no correlation to the facts.

The land has been severely degraded with huge potentials from multiple panel series each with allegedly minimal impacts yet the cumulative impacts indicate several metres of settlement to the land that in many cases has not been rectified and the overall impact on the aquifers is similarly played down.

Not one assessment by subsidence consultants has chosen to investigate and validate any of the previous assessments of the impacts. The intent to provide information to support the application does not allow for this and there is no continuity and justification, simply the ever present, minimal if any impacts on both the land and the aquifers.

MSEC has provided the assessments for this project and is full of unnecessary data that leads to conclusions of minimalisation of the impacts with nothing to validate these claims and a total reliance on the potential for the impacts to not be evaluated, let alone challenged by any persons that the Department would accept to be reliable (noting the opposing set of examples of disputation of their accepted consultant groups) because there is also a culture of not bothering to investigate the claims, let alone look to see if the damage has exceeded the past claims. This is pretty obvious when looking back through all the documentation available including the Compliance Audit Report Wambo Coal Mine, dated 09/10/2003, by the Office of Sustainable Development, Department of Infrastructure, Planning and Natural resources.

The audit was a minimal audit, not a full audit of all conditions but still indicated a host of non-compliances by Wambo Coal. The document should be easily available from DoPE files.

The obvious continuation with subsidence is the impact on water, both surface and subsurface.

Creeks and surface flows have been and are continuing to be impacted by subsidence far more seriously than any consultant past and current have and continue to alleged.

The impacts on Wambo Creek, Stoney Creek and North Wambo Creek continue to be misrepresented by the consultants as with the subsidence.

The only time there had been a link between subsidence and aquifers was with DA 108/91 assessment whereby the subsidence consultant stated that (South) Wambo Creek had permanent flows, with the assumed minimal impact and quick recovery assured. It is unfortunate that he either did not return to confirm or dispute this or was not required to by Wambo.

All other water reviews list the flow regime as ephemeral, impacts negligible with no attempt to validate the claims made by them. It is even more damning when the consultants refer to previous assessments and do not check the legitimacy of the allegations before continuing on the same path.

Minimal impact to the aquifers is alleged with the potential to recover in upwards of 200 years.

The only concern from the DoPE, the mine and the supportive consultants is in regard the potential for water to enter the workings and whether or not the mine has sufficient water to continue.

From the earliest longwall operations, under DA 108/91 it has been shown that they were wrong but there is no acknowledgement of the error let alone any attempt to correct the concepts.

Wambo Creek showed a progressive demise as the longwalls progressed. The aquifers suffered a similar fate.

To this day, the consultants, previous and current, fail to acknowledge this impact. This is despite the fact that the creek had permanent flows prior to mining in 1991 and now is referenced as ephemeral.

The alleged minimal impact to the land has been just as catastrophic and the period of ongoing damage has far exceeded the allegation of 12 months.

Currently the perception promoted is for minor surface cracking with no connection downward for the waters of the creeks and aquifers is totally misleading. There is evidence that has been available to totally reject showing that impacts to the aquifers is extreme with little or no chance of returning to pre-mining conditions. This is also noted to be provided by consultants that the proponent chooses to use to support any application.

Why does Wambo and DoPE not accept this?

We have been experiencing subsidence impact to the land and the aquifers continuously to present date, a period of 25 years, with little respite. The damage to the land has been much greater than the consultants allude to in their presentations to promote the continuation of mining and further destruction of what was previously good farm land.

These impacts were observed by the Commissioners for Modification 12, and were required to be overlooked by the false information presented by the Department of Planning.

It is unfortunate that there is no testing for truth with the Department in total support of the Peabody in all cases. Refer to Modification 8 - South Water Storage Dam, the denial of previous undermining, denial of impact to our Right of Way are examples of this misplaced support.

The DoPE has known since 2002 that Wambo Creek has been severely impacted since prior to 2002

The Office of Water under myriad of titles has been aware since prior to 1998 of the damage to creek

Consultants simply reference prior submissions and predictions of themselves and other consultants without any attempt to review or validate.

Dawkins is referenced as support but there is no direct references quoted, in fact Minerals Council records of presentations indicates entirely different comments to those being assured by the consultants.

In Summary, the project should be denied noting the following points for objection:

1. The project should be a new proposal, not a 75W modification, because a new mining lease is required. This modification process has been driven by the Department despite the required processes under the "we believe premise" that allows it to slip through the legal cracks.
2. The extension of nine new longwall panels within 120m of the World Heritage listed Wollemi National Park is unacceptable. This will cause rock falls and instability of cliff lines and steep slopes, and most likely already has the suggested impacts to the areas with restricted access by Wambo control.
3. Further subsidence under North Wambo Creek and the creek diversion including the associated alluvial aquifers is too great a cumulative impact. Increased ponding, cracking and loss of base flows cannot be approved.
4. Peabody Energy has not fulfilled current commitments to address long term subsidence impacts on Wambo Creek. The Department are aware of the requirements under the requirements of Approval 305-7-2003, and its parade of modifications where it contains within the consolidated consent reference to the need for the Deferred Commencement, under schedule 3, Administrative Conditions, Terms of Approval: "5. This consent shall only commence when the Applicant has surrendered all previous development consents for the Wambo coal mine, excluding DA No. 108/91 issued by Singleton Shire Council, to the satisfaction of the Secretary."

The Tripartite agreement that holds the DA 108/91 still current has not been completed with inappropriate actions on the part of the Department and the mine terminating two consultations in defiance of the agreement conditions.

The agreement has been misdirected by the Department and Wambo and stalled by the direction of both parties. All this since 2004 – an ongoing injustice and denial by the proponent and DoPE.

5. The proposal to extend the mine life to produce 11.3 mtpa of coal for another 7 years until 2039 is morally wrong and is a climate injustice with intent to profit Peabody and the State Government.

6. The Wambo mine produces large quantities of gas that is released into the atmosphere or flared. The greenhouse gas emissions from the operation are too high and the allegation that the coal exported does not impact is a misrepresentation of facts.

7. Cumulative impacts on Aboriginal cultural heritage, water sources, biodiversity, neighbours and Wollemi National Park have not been assessed to include surrounding large mines at Hunter Valley Operations, Warkworth –Mt Thorley Complex, United and Bulga operations.

8. Peabody Energy cannot be trusted to meet mine closure and rehabilitation commitments. There is history that the mine under all ownerships has a culture that continues to fail to comply with consent conditions from its earliest days to present time with no evidence of restoration of damages caused.

This compliance failure has been well documented to the Department since prior to 2002 and the impacts to the creek since 1998 is also documented for the Department as well as to what is now Water NSW. Both of these departments fail to recall these facts and choose to ignore the damage being caused.

9. Water monitoring. The company has refused to monitor water as required. It has not and does not monitor the creek and aquifers to this day. Part of the grounds for holding DA108/91 active was to ensure this was done and to ensure provision of the conditions requiring replacement of water lost through mining to the point of flow restoration.

10. Noise monitoring. The noise monitoring done by the company is totally inadequate and the levels of intrusive noise and excessive noise continue with no attempt by the company to meet requirements of any of the consents that are active.

11. Subsidence monitoring. The company has not monitored the impacts of subsidence on the land, as displayed with our property and has relied on us to provide this service for them. Current subsidence has continued as far back as 2010 with hesitance by Peabody to adequately address our current events.

This Submission needs to be read supplementary to the preliminary submission made 2/05/2017.

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