



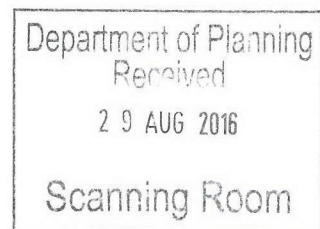
Submission on

Wallarrah 2 Coal Project

To NSW Department of Planning

Submitted by

**Ken Scales
4 The Circuit
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INTRODUCTION

My name is Ken Scales and I live with my wife in the last part of Blue Haven subdivided and sold by Landcom which is closest to the proposed coal mine. During the purchase of my land I made inquiries about mining through the Mine Subsidence Board as advised by my Solicitor. I was told that mining south of the general line of Roper Road would not be an issue and Landcom assured me that this was a pristine area for living. No one mentioned that we would be getting the added bonus of a huge Coal Loader just up the road.

I prepared and submitted written submissions to all previous inquiries inquiry into mining in this area and also spoke at both inquiries. I am lodging this submission as an individual with a severe dust allergy who does not want to relocate because of a proposal which I consider immoral to say the least

I worked for many years in both legal and technical fields including drafting and enforcing NSW Acts and Regulations. I also worked on Coal Titles prepared prior to the 1981 legislation and held in the former NSW Land Titles Office. I also managed projects to capture all digital land data in NSW and computer match it to the NSW Digital Cadastral Database.

After the EIS for mine was stopped by Minister Kelly I was invited to a celebration at Jilliby where I met residents and members of the ACA. I soon realized that the ACA and the people in the valleys who oppose the mine are very qualified, very determined and quite capable of causing massive financial damage disruption to the NSW economy. Now they have the assistance of Lock The Gate.

The small amount of money that this mine will generate for the NSW economy will be swallowed up by

- Increased health costs due to sickness caused by the dust from the mine. This is stated in the EIS submitted by Kores.
- Damage to the road system during construction
- Loss of future living areas around the coal loader and surrounding areas
- Repairing Ecological possible damage to Tuggerah Lakes
- Addition rail infrastructure costs other than the loader closer to Newcastle to accommodate the additional rail traffic from the mine

If the mine goes any further I believe they will fight this in the High Court of Australia on issues that are embodied in the Australian Constitution. Why? Because if Kores has to pay both the government and land owners for the coal it will not be economic to operate the mine. The current legislation which gives ownership of coal to the State of NSW is highly complex and I believe flawed. If the right information is provided to a large law firm it could form the basis for a class action. This would make the mine uneconomic and also see the NSW Government lose control of all coal levies which would be forfeited to the Commonwealth. It would also have flow on effects to government revenue from other underground mines outside the Hunter and Gloucester areas. This latest proposal has already resulted in legal information reaching Lock the Gate which may form the basis of Constitutional challenges to Coal Mining in NSW. Wallarah 2 will provide the revenue stream from a class action to make a High Court Challenge cost neutral.

I am experienced in translating large documents such as the EIS so I am basing my objections mainly on data provided in the document. I referred to maps in the original

EIS which have been omitted from the latest EIS. The major dust data is identical in the current report so these maps are totally relevant.

DUST AND AIR QUALITY ARE MY MAIN CONCERN

Firstly the environmental impact statement located in volume 1-main report page 13 assesses the health risk resulting in death at 1 in 100,000. The health assessment in Appendix M at page 7 contains a chart showing increased mortality and serious illness that will result from increased coal dust generated by the mine. Now this risk is increased by moving the Coal Loader closer to houses, schools and child minding centers.

I am sure that the good people from Kores will assure us that not enough coal and crystalline silica dust will reach Blue Haven to kill us or our neighbours. Unfortunately for me that will not work and because I have suffered from severe hay fever generated by dust for most of my life. The maps in the previous EIS clearly show the effects of dust. Figure 18 shows dust reaching the Western end of Blue haven where I live. Now the coal loader will be even closer to the Blue Haven Primary School and three nearby child minding centers. Young children and older people such as myself with existing respiratory issues are the ones at greatest risk from the dust. I believe these maps have been omitted from the new EIS to make dust deposition in critical locations much more obscure. The dust data is identical in both EIS documents except that the later one omits the maps.

Last but not least the EIS does not adequately address volumes transport and storage of fine Crystalline Silica Dust Particles generated by blasting to get access to coal. I was informed by a local mine engineer who lives in the valleys that this mine will generate a significant volume of Crystalline Silica Dust Particles. This seems to be substantiated by various sections of the EIS. The EIS states that these particles can cause tuberculosis, bronchitis, emphysema, chronic obstructive pulmonary disease, renal disease, silicosis and lung cancer. I believe that by putting all this data out in the EIS, the consultants Pae Holmes have made sure there they have no case to answer if it all goes wrong. The data is there but any conclusions are obscure and there is no risk management strategy to make an informed decision as what the real effects will be. Pontius Pilate was alive and well when he prepared this report and the NSW taxpayers will pay the price.

There was a time when low levels of asbestos dust were considered to be acceptable and within government guidelines. As a child I played on heaps of broken asbestos sheeting donated by James Hardie as land fill behind the local scout hall. Later on I cut up fibro sheets with a handsaw. Maybe in time the safe dust from the mine at the predicted safe levels will cost the community as much as the asbestos and again it will be the NSW taxpayers who will pay.

The real bottom line is that the dust from this mine will kill people and make others very sick. Yes it is only a few but how many dead people are too many. What about a small child who dies from the dust? Would the person who signs this off like to visit the children's hospital and explain to a parent why their child has a lung disease caused by crystalline silica or coal dust. The EIS actually acknowledges that there are no actual levels of crystalline silica or coal dust which can be guaranteed to be totally safe

(See page 11 Executive Summary & pages 6 to 9 Appendix M Health Risk Summary)

OTHER MATTERS WHICH SHOULD BE CONSIDERED

SUBSIDENCE

The main purpose of an Environmental Impact Statement is to assess the effects of a project and assess what can be done to mitigate any negative impacts. In the event of any major subsidence damage to property the mitigation strategy is clearly stated in Section 6.2 at the top of page 68 which states **"In the event that any impacts do occur the Mine Subsidence Board will rectify them"**. This is not an acceptable mitigation strategy under the risk assessment practices I studied during my working career.

This strategy has not worked in the past with subsidence events such as those at Chain Valley Bay.

Again it is the taxpayer who gets the bill.

(See page 68 Subsidence Modelling Study Appendix G)

DAMAGE TO POWERLINES

The mitigation for major damage to the Transmission Lines and their supporting towers is even better than the subsidence strategy. This matter is covered on page 106 of the report which states that based on the experience at other NSW longwall mines that impacts to powerlines as a result of subsidence are uncommon and damage is generally of a minor nature. The mitigating strategy is to **"discuss this with Transgrid"** so that the towers are not undermined. This does not appear possible with the length of the panels and the huge area that will be subsided. At Jilliby road three of the Towers are almost together and could be displaced in a single subsidence event with quite devastating consequences to the Sydney Electricity supply grid. There is no remedial action proposed if this did happen. We just have to hope the talks with Transgrid work out for the best.

(See Page 106 Impacts Management & Mitigation Volume 1 No 7)

FLOODING

The flood assessment indicates that a total of 75.4 hectares of land and 27 dwellings will be impacted in some way by flooding that will increase as a result of subsidence caused by the mine. The EIS does have a clear strategy to deal with these outcomes. It lists some measures such as raising houses, constructing levies, and moving or relocating houses to higher ground within the existing property boundaries. It states that for potentially impacted houses that are unable to be protected raise or moved properties may need to be purchased or owners otherwise compensated. It does not mention who will actually look after these matters just goes on with a lot of motherhood statements about determining mitigation options prior to commencing mining. Unfortunately there is no legal compulsion for the mining company to do anything once the EIS is approved. Anything relating to flooding is virtually impossible to prove in court. There is no legal protection for residents against these events other than to get out of town before it happens and watch the unfortunate purchaser telling their story on a Current Affair. Environmental Impact Statements are designed to stop these events happening by not approving projects such as this one.

(See page ii Volume 3 No K Flood Impact Assessment)

FLUSHING OF TUGGERAH LAKE

The reduction in water flowing from the Wyong River into Tuggerah Lake will reduce the flushing ability of the lake. Tuggerah Lake is only partially tidal and the eco systems within the lake are dependent on regular flushing from Wyong River generated by heavy rain. This is recognized in the EIS however there does not seem to be any mitigating strategy to address the effects of reduced water flows from the Wyong River and consequential reduced flushing of Tuggerah Lake. Any reduction in this would cause damage to the eco systems of the lake and irreparable damage to marine creatures and bird species that live in and on the Tuggerah Lake.

All current Strategies to keep the lake healthy are based on the principle that the whole eco system is delicately balanced and any major change such as a breakwater to increase the inflow of sea water would cause destroy the balance. I am sure any major reduction in river flushing would have the same effect. However the breakwater may become necessary if too much water is lost because of the mine. Again NSW taxpayers will pay the price.

The effect of discharging pollutants or even increased acidity from residents washing coal dust from their properties or natural rainwater cleansing coal dust does not rate a mention in the EIS. Any negative impact will further reduce the economic benefit to the state economy from the mine because the NSW government will have to repair the damage to the Tuggerah Lakes. Again NSW taxpayers will pay the price.

If this proceeds I will be forced by my dust allergy to use my water tanks and a sprinkler system to keep my property clean, including the roof of the house, by washing away any coal dust. This will all end up in the Tuggerah Lakes because it has to drain into the street. Wallarah Creek is less than 400 meters away. It is Tidal and drains all the area around us. The drainage from our property currently goes through sediment pits I have installed as a responsible citizen to reduce siltation of the lakes. They are not designed to catch fine coal dust particles which will simply travel in the water and end up in the Tuggerah Lakes.

(See pages 4 & 5 Aquatic Ecology Impact Assessment, Volume 5 No P)

INCREASE IN WATER CHARGES

The damage to the water supply will be well covered by others. However I would point out the a reduction in supply will cause a huge rise in cost over the long term much like electricity and have political ramifications for decades. This will have little effect on me because I have 5 water tanks and pay little in water charges. However I do care about my community or I would not have fought against this proposal.

WATER QUALITY

No matter how it is argued there is a significant risk that the mine could compromise the quality of the water going into Mardi Dam. This happened with the Cataract River where the cracks in the bed resulted in large amounts of sediment entering the water flows and reducing the quality of the water. Cataract Dam is a small part of a very large water catchment system and consequently this sediment has not caused significant problems for the Sydney water supply. Mardi Dam on the other hand is a relatively small dam but forms a major component of the Central Coast Water Supply

System. Any serious degradation of the water flowing into Mardi Dam would have serious consequences for the entire Central Coast water supply system.

DUST ALONG THE RAIL CORRIDOR

At the previous enquiries the issue of dust disposition along the rail corridor was raised. Kores answer to this was that it was not their problem. The social responsibility for potential harm to the community again is a matter for an EIS not something to be dismissed by motherhood statements. This matter should be examined in conjunction with dust issues in Newcastle and along the rail corridor where we are sending this coal. Increased health costs in Newcastle generated by coal dust are already an economic concern. Actually very little negative impacts from this proposal are a problem for Kores. Nearly everything that can go wrong is a problem for NSW taxpayers.

DUST AND THE F3

The effect on passing traffic on the M1 Motorway which is very close to the mine loading and stockpile area does not get a specific mention. Dust will actually be sucked into the ventilation units of passing motor vehicles. This will include Crystalline Silica Dust Particles which are only slightly less deadly than Asbestos. This will concentrate it and blow it directly onto passengers. The negative health effects of this material are well covered in the EIS. Even worse a police highway patrol vehicle parked on the side of the road to perform speed checks with the air conditioner running in hot weather will ingest a much higher volume of dust than any other vehicle. I believe both the tens of thousands of motorists who drive along this road every day and in particular the Police Officers who put their lives on the line on a daily basis deserve better treatment than this. I believe the EIS should include a strategy for the closing and cleanup of the M1 Motorway if sufficient amounts of this material had accumulated and were found to constitute a health hazard along this part of the freeway and surrounding area. The maps in the previous EIS shown clearly show dust disposition on the M1 Motorway during construction and mine operation

FINANCIAL BENEFITS AND EMPLOYMENT

The EIS lists large numbers of jobs and income for NSW that will be generated by the project. There are several points that need to be made here. Firstly there will be a lot of jobs created that are not listed in the EIS, but they will all be paid for by the NSW taxpayers, not Kores. Just to list a few there will be positions in health due to dust, construction jobs to repair damage caused by subsidence and flooding, possibly a breakwater for Tuggerah Lake to allow seawater to replace the river water lost to the mine, additional rail infrastructure, additional road and rail maintenance just to name a few. Secondly I would not like to own a business that is run like this mine. For the current owners of the coal, the NSW taxpayers get a small bounty per ton of coal. For the citizens of South Korea they get coal worth a lot more less the cost of mining and transport. There are taxes on employees and some other offsets for NSW taxpayers but nothing that is substantial. The coal was acquired by the NSW Government in 1981 to provide cheap power for NSW not South Korea. Lastly restoration of fish stocks in the Tuggerah Lakes and some minor redevelopment of existing tourist infrastructure could make the area a fishing mecca.

This would provide as many long term jobs as this project. We do not need to destroy the environment to just make money.

TRANSPORT ISSUES

The rail study indicates the mine will be using the best available technology to transport the coal. It mentions the use of locos with AC traction motors. I would also expect that new coal hoppers with ECP braking will also be built and used for this operation. This might make us believe that there will be no effect on other operations on the main Northern line between the mine and Newcastle.

The rail study points out the following:

Kores will no doubt pay for all infrastructures for loading the coal. However to allow this many extra trains to run on the line it will most likely extra passing loops. The most suitable option for transporting the coal to Newcastle will require the provision of new 1700 meter southbound and northbound loops at Awaba. I would expect this would be funded by NSW taxpayers.

- The project will impact on level crossings at St James Road Adamstown and Clyde Street Islington. There are already significant traffic issues with these crossings and this will only make things worse.
- Despite a lot of confusing data in the EIS the general rules with coal trains are a top speed of 65kph loaded, 80kph empty, and 15kph when entering loops or any type of track crossing. Fast intermodal and passenger trains can travel up to 115kph on this line if speed boards permit.
- Even with the best of intentions and the latest equipment a heavy coal train starting on an uphill grade and crossing to the other side of the line to run north uphill will have a significant effect on the north bound fast container and passenger trains between the mine and Newcastle
- As a general rule a heavy coal train travelling north from the mine to Newcastle would on average take nearly double the time of a fast intermodal train because of a lower top speed and much slower acceleration and deceleration when starting and stopping.

Anyone deciding the fate of this EIS should be aware that nothing can stop Kores from transporting the coal by road to Newcastle or Wollongong if they so desire. This has already happened in NSW with wheat and petrol and there is no legal recourse to stop it happening. It is simply up to the operator. Coal is already being transported through the Sydney train network to Newcastle. This has a negative impact on the ability of the Sydney train network to carry passengers and consequential effects with increased traffic gridlock. Kores also have the right at any time to ship the coal by rail to Wollongong if they so desire.

There are no mitigating strategies for any impacts caused by the rail transport for this project. However my reading of the rail study indicates that transporting the coal by rail is not feasible without major improvements to existing rail infrastructure. I believe the real risk is that the coal could be moved by road or even sent to Wollongong if it becomes necessary.

SUMMARY

The Project should not be approved for the following reasons;

1. It does not adequately satisfy current industry risk management guidelines for
 - Damage caused by subsidence
 - Flooding caused by subsidence
 - Damage to Electricity Supply caused by subsidence
 - Health issues caused by dust to nearby homes
 - Health issues caused by dust to passing traffic
 - Health issues caused by dust along the rail line
 - Damage to Eco systems in Tuggerah Lake caused by a reduction in water flow into the lake
 - Damage to Eco systems in Tuggerah Lake caused pollutants from the mine and dust it generates
2. It does not address the social impacts of
 - Property loss and damage from subsidence
 - Property loss and damage from flooding
 - Increased water charges and restrictions
 - Negative effects on residents health from dust
3. It does not have a satisfactory transport strategy. The rail study gives some options. It does not contain a satisfactory transport plan that would fit within current operating timetables using existing infrastructure. There are no available legal controls that would stop Kores transporting the coal by road.
4. Objectively the financial gains for NSW citizens are not really what they seem. The real benefit from this project is cheap power or steel for South Korea. Unlike locally owned companies there is not the same flow of money back to shareholders which then further stimulates our economy. Some of the real benefits of the mining boom are now being lost because we do not have the same income return through local shareholders that we had when all money from mining was returned to our economy.
5. Kores cannot sue the government if the Project is rejected. The main Statute which governs mining in NSW is the Mining Act 1992 No29. Section 127 of this Act protects the government from any legal action to seek compensation if the mine is refused. However if the EIS is approved other legal avenues for compensation become available.

The mine was rejected by Tony Kelly the last time on the precautionary principle for reasons such as those above. Some of the issues in the last EIS have been addressed but there are still no satisfactory solutions to most of the issues that resulted in it being rejected last time.

Most remedial action will be paid for by all NSW taxpayers where ever anything goes wrong. It seems that risk management strategies for adverse outcomes are based on the Harrison Ford principle in the movie Raiders of the Lost Ark. As he chased a truck on a white horse he was asked, "What are you going to do"? He replied much like Kores have in the EIS, "I am making this up as I go along".

The omission of some of the Maps from the last EIS which contained virtually the same data on dust is an act of deceit. This should throw some doubt on the integrity of the latest EIS.

There are significant risks to all mining revenue in NSW if this were to generate legal action by landowners in the valleys and Lock The Gate. The legal precedents would apply to nearly all underground mining outside Newcastle and Gloucester. A decision in the High Court of Australia on Constitutional grounds cannot be fixed by some new dodgy legislation under NSW Statutes.

The whole concept is morally wrong and simply ruins the lives of those affected by a project that should never be approved. A lot of negative outcomes cannot be fixed. If this Project is approved then our society is in deep trouble.

We have the Prime Minister and Treasurer trying to cut government expenditure and reduce national debt. Which part of stupid do we not understand if we approve a project which creates increased costs to Taxpayers which exceed any economic benefits NSW will receive from this mine? You cannot run an economy by approving a project that has short term monetary gains at the cost of long term economic loss.

I formally request that the Wallarah 2 mine proposal be refused for the reasons set out above.

Ken Scales
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24th August 2016

