

## To the PAC for Wambo Mod 17 Approval

1. I am disappointed you chose not to visit our property prior to this "hearing" under claims you would see relevant examples of subsidence when you visit the mine site.
  - You will only see what Wambo wish you to see and this is only recent subsidence.
  - We know that it gets worse over time.
  - We see subsidence that is still ongoing from 1991.
2. It is unlikely any of you may have received what you could have seen first-hand.
3. Our land reflects the ongoing impacts of subsidence on land and water.
  - Can you really believe our land, creeks and aquifers are different to others to the point that our subsidence is any different to what could be found on mine land? Claims by consultants are either hearsay or by desktop.
4. Consultants are selected to present support material and this is accepted without question.
  - This can be referenced to page 17 of the reply B to submissions where Advisan 2016 is supported by the claim of AECOM 2016.
  - Neither Advisan claims of the 1998 inflows nor AECOM have credibility with both based on selected hearsay.
  - AECOM report is incomplete inaccurate and a compilation of fabricated data and interpretations, is only a draft document and can have no credibility and should not be used as reference
5. Predictions are assumptive history and creative models tweaked to provide figures and not adequately assessed.
  - Modelling claims that aquifers will return and creeks flow again in 200 or more years is fanciful guesswork.
  - 200 years is outside any lifetime it is designed to support minimizing the impacts.
6. Desktop evaluations based on creative writing and fabricated spreadsheets are used by serial consultants do not correlate to actual observations and measurements.
  - Refer to Advisan and A ECOM reports.
7. Wambo land, acquired over 50 plus years, has been neglected agriculturally.
8. Wambo has failed to meet commitments and consent since 1969.
9. Our land is damaged, water has been lost and devalued by lack of commitment of the mine with the protection afforded it by consent authorities.
10. With each application and approval there is the claim of stringent conditions of consent. These are not followed through including:
  - Provision of base-line data, for example creeks and aquifers to be used to analyze changes. This has not happened with regularity since 108/91 and still has not happened.
  - Surveys to monitor subsidence. This is also not adequately addressed.
11. In 2008 the Environmental Protection and Regulation Group highlighted the need to review actual verses predicted subsidence impacts.
12. You, the PAC have to approve Mod 17 under DoPE advice based on consultants

briefed to promote approval.

- If challenged, peer support suddenly appears, usually based on the same or similar false data and direction from DoPE as to the correctness.
13. The Department of Planning and Environment and its associated departments have been aware of the failure of Wambo to monitor and make good damages created by mining.
  14. Audits made on compliance have been cursory and inadequate.
    - *DUAP 1998, reports by Singleton Council staff, DIPNR 2003 and more recent "independent audits" since 2004 promote compliance by selective reviews.*
    - *All overlook DA 108/91 Condition 21 generally. One report by DIPNR requires Action to Clarify with DIPNR the requirement to measure the replenishment rates of water in the wells at three monthly intervals.*
  15. Neither Wambo nor Planning have validated information provided for EA or responses and recommendations.
    - Support documents appear - incomplete drafts from selected consultants who have followed similar briefings- AECOM and Advisan.
    - Wambo has not addressed objections made.
    - Planning has supported Wambo responses, ignored experts as well as long term residents.
    - August 21 2017, it was reported in the Newcastle Herald the Independent Scientific Committee was sharply critical of limitations in an environmental assessment of plans expand current underground operations and found it was not clear how any negative impacts of expanded mining would be mitigated or managed.
    - Despite non-compliance and the damages already inflicted by the mine, Wambo has always been allowed to operate with no restraints despite the impositions of stringent conditions.
  16. We need to have appropriate conditions set with a genuine means of ensuring compliance and genuine penalties in place.
  17. Subsidence impacts need to be properly monitored and rehabilitation need to be appropriate to restore all damages and losses.
  18. Conditions as in 21 of Singleton Council's DA 108/91 need to be included and properly monitored and enforced.

The outcomes of this PAC have already been determined.

- With false/misleading material and the history of Wambo Coal, local and state government, there is no attempt to correct the behavior of the company or the auditing. Wambo always has the final say regardless of who owns the mine or what history shows.
  - Wambo will have approval for this modification.
19. I have had continued knowledge of Wambo since prior to the initial Approval of 1969.
    - Wambo has a history of non-compliance and failure to meet commitments made.
    - Singleton Council has a history of not enforcing conditions set and ignoring

activity not approved.

- We have seen history of Singleton Council Staff, Councilors and Government departments selectively auditing Wambo.
- From the initial approval in 1969, some 25 applications were processed before the rejection and resubmission for 89/158.
- DA158/89 approval attempted to cover the concerns as well as those of landowners.
- Monitoring of subsidence, protection of the creeks and rectification of damages were never complied with right up to today.
- 7 additional applications followed with note of no change to company actions.
- DA108/91 included condition 21, to protect land and water for private lands. The conditions were never complied with or enforced.
- DA 108/91 still has currency as indicated in the terms of approval item 5.
- This is controlled by a tripartite agreement of 9/09/2004 and was expected to be concluded in 12 months and still has to be adequately dealt with.
- As before, Wambo and consultants claims for EA have been “there will be little or no impact.”

This has proven to be totally wrong with subsidence impacts continuing 27 years onward with no completion.

- The creeks are seriously damaged, repairs inadequate.
  - The aquifers degraded with sign of repair.
20. These impacts have been ignored in the production of the EA with Wambo Creek stated as being ephemeral (Advisan). It was a permanent stream (DA 108/91) and our wells are now close to useless. Wambo, Council and DP&E ignore the facts related to past mining.
- Impacts are far greater than any subsidence predictions offer.
  - Consultants provide inaccurate material, show no sign of attempting to validate and hide behind disclaimers and prepare for the actual impacts being caused by “unforeseen impacts”. It is the expectation that the consultants chosen to provide impact predictions will do so with the intent to convince authorities and PACs there will be minimal impact if any.
  - They hide behind claims of extraordinary impact that were not predictable.
21. Wambo Mining company has a history of non- compliance from 1969 to present day.
- 158/89 required monitoring and protection of the creeks and aquifers- ignored.
  - 108/91 required monitoring of aquifers and creeks –Baseline and ongoing-never done and still not done.
22. It has poor environmental record during the entire time.
- Water discharges from the mine found by EPA
  - Dam failures- South dam and sediment dam
  - Discharge from borehole onto our land
  - Wambo creek and loss of flows as impact from subsidence

23. As far back as 2010 PAC records acknowledge that November 2010:

- Mining will cause subsidence and
- Mining and subsidence will cause changes in groundwater flow patterns and rates

24. Long term Predictions show partial recovery after 200 years, i.e. 160 years after the end of Mining with complete recovery will take much longer.

Why is this continually disputed for you to accept minimalized reports?

How can you with any conscience consider approval of this operation?

By whom and how will the ongoing mess be repaired?

Regulators continue to favor the miner over the land viability and the local community.

I believe that it is impossible to read and validate all documents to obtain a proper assessment in the time available.

The company knows this hence the mountain of documentation

Refuse this ongoing destruction.

Ron Fenwick

[REDACTED]

Bulga

Attached is extracted page 13 of submission on the strategic review of the impacts of underground mining in the Wyong LGA and relates to impact of Longwall 9 and the sealing of the area.

The photos show much larger cracks than are presented today by the mine and consultants. The second and third paragraphs provide the advice of the Department of Water and Energy regarding the "repairs"

### Wambo Creek (Hunter Valley)

In August 1998, Wambo Mining Corporation operations resulted in cracking the bed of South Wambo Creek, a tributary of Wollombi Brook, Longwall extraction from the Whybrow coal seam in Longwall Panel 9 caused a severe fracture event which connected the mine workings with South Wambo Creek. Inflow rates were estimated to be in the order of 200 l/s. The fracture was well defined, as shown in *Figure 4* below.<sup>14</sup>

Figure 4—Subsidence impacts at Wambo Creek



Department of Water and Energy, has advised that the effectiveness of the grout sealing to isolate South Wambo Creek and its connected alluvium to the mine workings has never been demonstrated. Nor has the mining company agreed to verify the effectiveness of the seal or the expected life of the seal.

As the groundwater system connected to South Wambo Creek appears to be completely dewatered, it may be impossible to establish if the grout is effective in sealing the connective fracture, or to what extent additional grouting may be required. Cracking of this would significantly impact a high conservation ecosystem and on the information available the impact would be irreversible.

### Dartbrook mine (Muswellbrook)

Dartbrook mine (now in care and maintenance) highlights the impact that can occur to high conservation streams or water bodies when water bearing strata is intercepted or mine cracking causes a connection to above groundwater bodies.

The mine was approved as a nil discharge mine. However the groundwater assessment for the mine underestimated groundwater seepage into the mine from the Hunter tunnel under the Hunter River. In 1998 Dartbrook Coal applied to discharge up to 514 ML/year of highly saline water to the Hunter River under the rules of the Hunter River Salinity Trading Scheme. A discharge of this kind would have a significant impact on streams of high conservation value in the Wyong LGA.

<sup>14</sup> NSW Department of Land and Water Conservation 1999. *Memorandum*. Provided by Department of Water and Energy.





**NSW Planning Assessment Commission Determination Report  
Wambo Coal Project – MOD 12 Southern Longwall Modifications**

**Erratum**

At section 6.2 of the Commission's Determination Report, it is stated that DA 108/91 "was to be surrendered to enable the existing consent to commence – Condition 5." It has subsequently come to the Commission's attention that condition 5 of the existing consent in fact excludes DA 108/91 from the consents for the Wambo coal mine required to be surrendered to trigger commencement of the existing consent.

The Commission wishes to correct this error and apologise for any confusion it may have caused.

**Lynelle Briggs (Chair)**  
**Member of the Commission**

**Roger Fisher**  
**Member of the Commission**

