

Thank you for allowing us to comment on this Modification.

We are mixed cropping and livestock producers who live near the Vickery Coal Mine. We have both dryland and irrigated cropping, with our irrigation water coming solely from the Namoi alluvial Groundwater. We have lived on this farm for 17 years, raising three children and have enjoyed being active members of the Boggabri Community.

Individually and as members of the Boggabri Farming and Community Group, we objected to the Vickery Coal Mine Extension project. We objected to the threat that it poses to the Namoi River and our groundwater, which we are so reliant on to keep our business running. But most of all we objected to the lies and mistruths that Whitehaven were presenting in their water budgets.

It was evident to us that Whitehaven did not have enough water to supply the needs of the mine. It was evident to us that that water would ultimately come from Agriculture.

It was evident to us that they would use Zone 4 Upper Namoi Groundwater.

And here we are. Despite Whitehaven making a commitment to the IPC that it already held all the licences it would ever require for the mine, just 4 years later and before they've sent a load of coal, here we are.

You, the department of planning have an obligation to reject this modification. You were also told that they didn't need any more water.

To reject this is not to stifle progress, or cost jobs, it will just allow Whitehaven to proceed with their mine as approved. While giving some security to the producers, communities and industries impacted that the resources that have kept them going for multiple generations and will for multiple generation into the future, long after this mine is gone, will be protected.

We **object** to this Modification for the following reasons.

1a. **The acquisition of additional water is not consistent with material presented to the Independent Planning Commission, upon which its determination was based.**

Following questioning from Public and Special Interest Groups and Agency Submissions during the assessment of the Vickery Extension Project, the IPC identified "Justification that Whitehaven holds sufficient water access licences for the project" as one of its **Key Issues**.

In response to this, on page 72 of its submissions report Whitehaven committed to the IPC and the Department of Planning that -

"Whitehaven holds sufficient surface water and groundwater access licences (net of licences required for groundwater inflows) to account for predicted operational water supply requirements. Whitehaven also holds sufficient water access licences to account for groundwater inflows to the open cut and induced losses from the Namoi River and associated alluvium. These licences are dedicated for use for the Project."

The fact that the IPC identified this as a “Key Issue” shows that it was a highly important consideration in making its determination on this project. It would make a mockery of the NSW Planning system to allow a post hoc approval of pipelines that would supply more water to the mine from new access licences.

1b. The proponent will still be “reliant” on the Namoi River.

No less than 10 times in the modification report the applicant states that this will reduce the reliance on taking water from the Namoi River. The only truth in this is that they will now be reliant on Zone 4 Alluvial Groundwater as well as the Namoi River.

This new water source is in addition to water from the Namoi River.

For the Proponent to reduce its reliance on the Namoi River, they should surrender the equivalent volume of River Licenses to match that which will be taken from the Alluvial Groundwater.

It is also important that the Planning Department understands that the bores which the proponent intends on pumping water from are all drawing to some extent from the shallow alluvial aquifer which is unconfined in the area and highly connected to the surface water systems including the Namoi River.

1c. The Likelihood of exceeding current extraction volumes.

The Property which is identified as “Ovenden” in the modification report, currently extracts groundwater from three bores with three WALs totalling 766ML. However the annual extraction limit is more that double that at 1532ML. It is highly likely that, should this modification be approved, with the addition requirements to supply the mine these bores will be extracting the maximum annual extraction limit yearly.

Even more concerning is that the bore identified on the property “Mirrabinda” does not have an extraction limit. Currently the property “Mirrabinda” has a WAL which allows 587ML to be pumped annually across three bores. It is reasonable to suggest that this whole allocation will be pumped from the one bore identified once Whitehaven has access to it. But without a BEL (Bore Extraction Limit) applied to this property and bore it is open ended as to how much water will be allowed to be pumped from it into the future.

Whitehaven has a long history of non-compliance with water extraction, especially when water becomes short. We have also witnessed government Authorities “relax rules” for them when they have run out of water in the past.

Consequently we are extremely concerned that Whitehaven will transfer either permanent or temporary allocation to these bores when they require additional water. This is likely a drought situation when resources are already under stress. With the likelihood of additional pipelines heading North to Tarrawonga and Maules Creek mines, they could be seeking to pump thousands of megalitres from these bores creating a “hotspot” of pumping.

It is essential that other water users and the environment are provided with some form of protection. It is essential that a realistic BEL, determined by DCCEE Hydrogeologists be imposed on the Mirrabinda Bore.

1d. Impacts of Groundwater Extraction have not been assessed.

Page 17 of the modification report states;

“Given the groundwater would continue to be extracted by the landholder using existing infrastructure and in accordance with the already authorised extraction limits under the Works Approvals, it is considered that the impacts associated with the water extraction are already authorised”

This is attempt by the proponent to avoid the rigorous assessment that should be applied to a development of this scale. It fails to assess;

- * The social and economic impacts of removing this water from Agriculture
- * The hydrogeological impacts of exceeding current extraction volumes on the aquifer, in terms of both;
 - the surrounding environment eg. Surface water sources and
 - other extraction sites.

1e. **The use of Alluvial Groundwater for extractive Industry is a Breach of Licence Conditions.**

Figures 1and 2 below are copies of the water supply works approvals for both the “Ovenden property” and “Mirrabinda.” It is clear that the sole purpose of the works is for irrigation, and only on the lots specified. Any other use is a breach of licence.

Search Results

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Water Supply Works And Water Use	01-NOV-2006	31-OCT-2029	90CA806738	Current	Upper Namoi Zone 4, Namoi Valley (Keepit Dam To Gin'S Leap) Groundwater Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Suffix	Work ID	ESID
Extraction Works Gw	Bore	457	Active	1	Lot 1, DP 416081	Whole Lot	1000082277	11055
Extraction Works Gw	Bore	460	Active	1	Lot 1, DP 416081	Whole Lot	1000082278	11056
Extraction Works Gw	Bore	285	Active	1	Lot 1, DP 416081	Whole Lot	1000147715	73547

Use Purpose(s)	Location(s)
Irrigation	Lot 1, DP 416081

Water Access Licences nominating these works			
Reference Number	WAL Number	WAL Status	Status Date
90AL806736	12608	Current	01-NOV-2006
90AL812916	20162	Current	01-FEB-2010

Figure 1. The “Ovenden property” works approval.

Search Results

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Water Supply Works And Water Use	01-NOV-2006	30-APR-2031	90CA806958	Current	Upper Namoi Zone 4, Namoi Valley (Keepit Dam To Gin'S Leap) Groundwater Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Suffix	Work ID	ESID
Extraction Works Gw	Bore	305	Active	1	Lot 1, DP 1106929	Whole Lot	1000082460	11608
Extraction Works Gw	Bore	355	Active	1	Lot 1, DP 1106929	Whole Lot	1000082461	11609
Extraction Works Gw	Bore	355	Active	1	Lot 1, DP 1106929	Whole Lot	1000179255	105553
Extraction Works Gw	Bore	<i>Not specified</i>	Active	1	Lot 1, DP 1106929	Whole Lot	1000205981	142975

Use Purpose(s)	Location(s)
Irrigation	Lot 1, DP 419963 Lot 1, DP 419964 Lot 1, DP 564491 Lot 21, DP 603412 Lot 150, DP 755502 Lot 234, DP 755502 Lot 235, DP 755502 Lot 27, DP 755502 Lot 1, DP 1106929 Lot 1, DP 1107496

Water Access Licences nominating these works			
Reference Number	WAL Number	WAL Status	Status Date
90AL806956	12696	Current	01-NOV-2006

Figure 2. The “Mirrabinda” works approval.

1f. **DCCEEW identify this area as already being over extracted.**

Very recently a trade of just 25ML between 2 neighbouring properties was rejected by WaterNSW and the Department of Climate Change, Energy, the Environment and Water because of impacts at nearby extraction sites and to connected water sources. They determined that the cumulative drawdown would exceed allowable levels at Gulligal Lagoon, an offshoot of the Namoi River.

“Mirrabinda” lies between this property and Gulligal Lagoon and its bores draw from the same aquifer.

Had the 25 ML trade been approved, the bore would have had a BEL applied to it.

If the Whitehaven application were to be assessed by WaterNSW and DCCEEW, as it should be, it would certainly be rejected.

1g. **Water is to be pumped Via Storages.**

At both properties, Whitehaven proposes to pump the groundwater via open on farm storages. This raises two concerns.

Firstly, the losses caused by evaporation and seepage will result in the requirement for more water from the groundwater system.

Secondly, at any given time these storages may contain a combination of groundwater, river water and water captured from overland flow/floodplain harvesting. Without the requirement for a meter on the discharge side of these storages to correlate with bore, river and overland flow meters, there will be no way of determining the water source from which the mine is pumping.

2.a The burial of used tyres.

The burial of used tyres is not best practice and should be avoided in any instance. To suggest it in this location illustrates the proponents disregard for the local environment and the legacy it wishes to leave to our future generations.

The Vickery mine site is bounded to the south and west by the Namoi River and to the East South and West by the Namoi Alluvial Groundwater System.

The topography of the mine site rises above these water sources, resulting in a gradient that will ensure leachates from these tyres will pollute surface and groundwater for hundreds and possibly thousands of years.

It has long been known that decomposing tyres leach heavy metals such as lead, copper, cadmium and zinc, but researchers have only recently discovered a chemical called 6PPD, which is added to tyres to prevent cracking and degradation, that has been killing fish along the west coast of the US.

Why would we risk this on the banks of the Namoi River?

To save money.

Whitehaven say it is too onerous to expect them to cart out to a recycler the same tyres that they cart into the mine. They say it would create more trucks on our roads, yet they cart millions of tonnes of coal out by road each year. Across all their mine sites they would produce enough used tyres to develop their own recycling facility. This would create more jobs for locals and solve the issue of carting out used tyres.

Whitehaven are relying on the fact that The Department of Planning has approved the modification at all its other mines as justification that it will be approved at Vickery, to the extent that it hasn't even raised a mention in the Biodiversity Development Assent Report for this modification.