

Vickery Modification 1

People for the Plains object to Modification 1 of the Vickery project and request that the Modification is rejected.

This Modification is a gross change from the original approval and requires a higher level of scrutiny than what has been provided. WHC has literally had years between the original approval and extension approval to work out the details of the project and yet less than one year in from starting the project they are seeking a Modification. Noting that Modifications are notorious for allowing major changes to projects with very little external scrutiny and overview.

As a volunteer organisation, providing a two week window for feedback is just ridiculous. The level of changes requested in this modification requires technical expertise and the timeframe given does not allow for this proper input to be sought.

1. Burial of Tyres in mine pits

Whilst we understand that the burying of mining tyres has become commonplace in the Namoi Valley and that approval has been given for this pollution event by the EPA after the act had been occurring for a number of years, we still find the practice completely **abhorrent**.

The legacy that these coal mines are leaving our nation (and world) and our valley are destructive enough, let alone the dumping of hundreds of thousands of tonnes of toxic rubber underground close to our water tables.

Previously, the justification for this disgraceful practice has been cost efficiency for the mining companies. These are the same companies that repeatedly report profits in the billions of dollars. The safe disposal of the toxic by-products of this business is a cost of doing business and should be undertaken prior to profits being delivered to shareholders.

Our understanding is that the Idemitsu Boggabri Coal mine plans to trial a safe disposal strategy for up to 20% of its mine types this year. There are already 2 providers of this recycling service in Queensland, and internationally recycling is commonplace for up to 100% of mining tyres. This technology exists now and is being used, and cost is an inappropriate excuse to allow the dumping practice to continue in the Namoi Valley.

This alone is enough justification to reject this Modification.

2. Not enough water

A vast array of submissions to the application for approval of this mine project showed that the project did not have enough water to support its needs during dry times. In exactly the same way that the Maules Creek mine also promised it would have enough water to meet its needs during the application for approval, so too did Vickery. However Maules Creek mine

proved out this lie because it had to buy water, buy properties, build water pipelines and even resort to **stealing water** during the drought. This proved categorically that it did not have enough water to support its needs. And again we see this for Vickery.

It is almost like this is the play book for Whitehaven - underestimate water needs in the application phase, seek approval based on false assumptions, then apply for modifications that require less scrutiny in order to increase water availability.

All the while it is worth noting that the condition of approval for Vickery number B39 says that “the Applicant must if necessary, adjust the scale of the operations to match the available water supply.”

Is that what we see here? No, we see a project that is operating at a fraction of the level of approval that it has been given (Vickery Lite) and yet it requests an increase in water availability so that in the future it can ensure that it never has to “adjust the scale of its operations to suit the available water”.

Never once have we seen the Whitehaven mines “adjust the scale of operations to suit the available water”. What we have seen is theft, buy outs, illegal pipelines and continued expansions sought as our Valley sees the water consolidated more and more under one company’s control. This squeezes out agriculture, forcing it into the margins where it can only operate when rainfall-only is enough for it to be productive.

3. Still No Water Management Plan and Water Model

Since 2019 we have sought access to the updated Water Management Plan and Water Model for the BTM (the three mines) **should it exist**. Whilst Vickery has always been excluded from the cumulative water impact modelling and predictions developed in the BTM WMP, recent modification applications demonstrate the need for the water impacts of Vickery to be included. Previously it has been stated that Vickery doesn't need to be part of the cumulative monitoring and modelling. However now a network of pipelines are being proposed between Whitehaven mines including Vickery.

In [Sept 2021](#) on reviewing Boggabri Coal mine Modification 8 the Independent Expert Scientific Committee on water said “Potential impacts of the project were assessed using the BTM Complex’s AGE (2020) MODFLOWUSG (MFUSG) model. This model is currently being revised to address the outcomes of a NSW Natural Resources Access Regulator (NRAR) (2021) review. Until this revision is completed, *the IESC has limited confidence in the magnitude and extent of predicted impacts.*”

To our knowledge the IESC were not provided with the revision and therefore could still not have confidence in the predicted impacts. This remains the case and more modifications with water implications should not be approved until a thorough and independent review is undertaken and these documents are provided to the community.

The concern for water is that the cumulative impacts have been underestimated because the work is only done on the “Boggabri- Tarrawonga - Maules Creek groundwater model,” which excludes Tarrawonga Modification 7 and Vickery Mine impacts. A concern expressed [here](#) by the federal Independent Expert Scientific Committee (IESC).

The IESC went on to state:

- “Of particular concern are potential cumulative impacts associated with the Tarrawonga Modification 7 Project (not included as the Tarrawonga Modification 7 Project was approved after the AGE (2020) model was finalised) and the Vickery Mine (whose cumulative impacts of the Vickery Mine were considered unlikely by the proponent (Hansen Bailey 2021, App. H, App. A, p. 4)). In addition, the IESC notes that the Maules Creek Modification 7 Project was approved in August 2021, which allows for an increase to the existing out-of-pit rock emplacement landform. **It is recommended that all relevant projects be included in the groundwater model to improve predictions of the cumulative impacts of the project.**”

And

- “Climate change impacts on rainfall events and evaporation **were not considered** in the surface water modelling relevant to the final void or associated mine water infrastructure, which is problematic because the estimates relate to a period 20 years hence”

No more modifications for these mines should be approved until the updated water model and the updated water management plan are completed and made available (as per the Conditions of Consent for all of the mines). Furthermore no more modifications for these mines should be approved until the water impacts of Vickery mine and Tarrawonga Mods are also included in the modelling, along with the pipelines proposed.

4. Vickery Pipelines

Our understanding is that this Modification proposes to “lease” water from neighbouring farmers. The implication for this is that Whitehaven’s name will not be traceable when searching water ownership details. It will essentially mask the true impact that mining is having on the agricultural water resources of the Namoi Valley.

The bores that are proposed to be used in this Modification are on properties that access the shallow aquifers. These water sources are unconfined and highly connected to the surface water system including the Namoi River and Gulligal Lagoon. Whilst Whitehaven tries to claim it is reducing the pressure on the Namoi River, this proposal actually increases the pressure on the River in a way that is harder to measure and trace than the direct pumping from the River used at other times and by other mines.

The pipelines in this proposed Modification will connect Rocglen, Tarrawonga and Maules Creek. This will link all mines together allowing ease of moving water between them. It will also mean opacity about their water use in each mine and make it a nightmare for regulators

to track what is happening with water across these mines. This is a horrifying future and should be stopped.

5. Cumulative Water Impacts

In assessing this Modification it is incumbent on the Department to consider the implications of other mining assessments in relation to water. Especially given the increasing opacity and integration of the mines' plans for water.

Tarrawonga sought and was approved [Modification 7](#) in February of 2021. In its [Groundwater Assessment](#) it sought to no longer build the low permeability wall that was part of the original consent. The purpose of this wall was to protect the alluvium water from running into the pit, i.e. to ensure that should the pit penetrate the aquifer edge, the alluvium water would be held in the aquifer, rather than running into the mining pit that would remain as an open void forever.

When the original Tarragona [approval process](#) was underway in 2014 there was a lot of work done planning the low permeable barrier with the reason given to stop alluvial water going into the pit.

However, by the time Tarrawonga Modification 7 was applied for in 2021, the need for the barrier had diminished. As stated on [Page 49](#) "In summary, mining within 200 m of the Upper Namoi Alluvium can occur without the requirement for a low permeability barrier."

Again, the justification: "not economically feasible" to build the barrier even though the [original modelling](#) for the barrier cost the solution at \$11million.

Instead of the low permeability barrier, Mod 7 requested a "flood bund" to stop water flowing out of the mine pit. Also of note that as part of this justification of removing the barrier, the line on the map indicating the edge of the aquifer was also moved.

See below the orange line is where WHC says the alluvium line is, the yellow is where the NSW Government says the line is (and the original alluvium boundary can be seen [here](#))

and the black is where WHC want to mine the pit up to (note the places where the black line reaches or goes beyond the yellow line i.e. the places where mining goes beyond the edge of the alluvium according to the NSW Government).

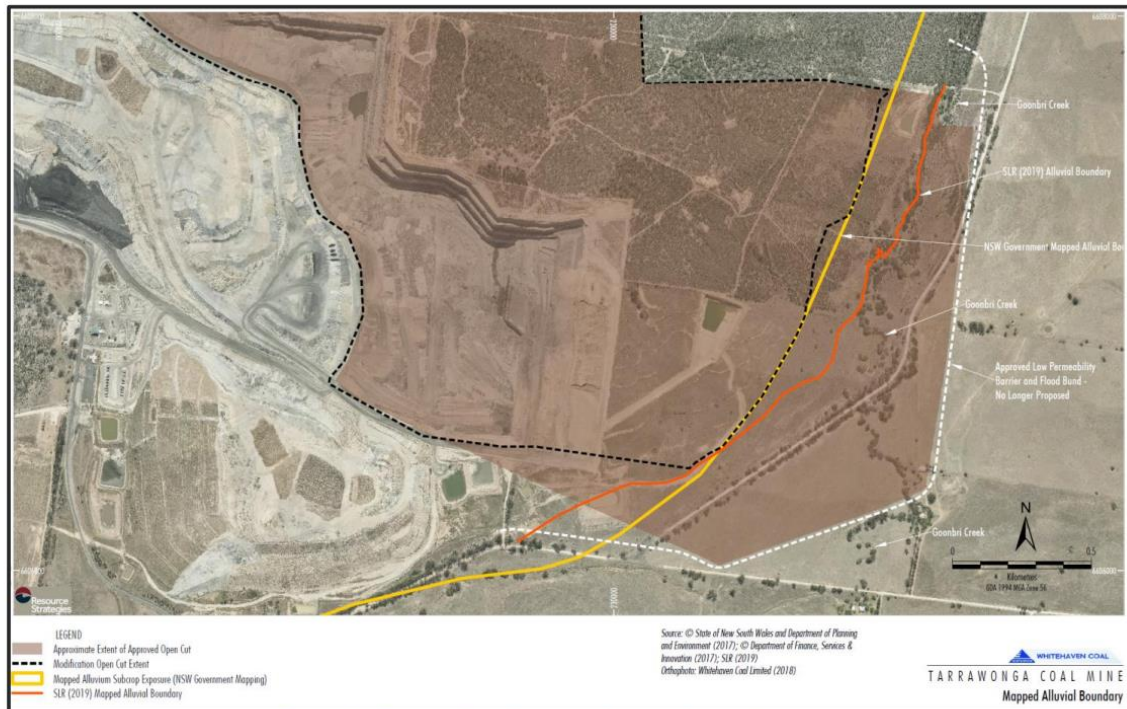


Figure 5 | Revised Mine Plan and Goonbri Creek Alluvium

This Modification 7 is also when WHC first flag the construction and use of a pipeline from Vickery - thus the relevance to this Modification 1.

During the Tarrawonga Mod 7 application there were about 5 or 6 requests for more information from DPI Water with responses from WHC around the issue of removing the barrier from the plans and it included an [independent peer review](#) commissioned by the Department. Whilst this independent peer review “generally agrees the model is fit for purpose” it does note on page 10 the odd moving of the lines on the map:

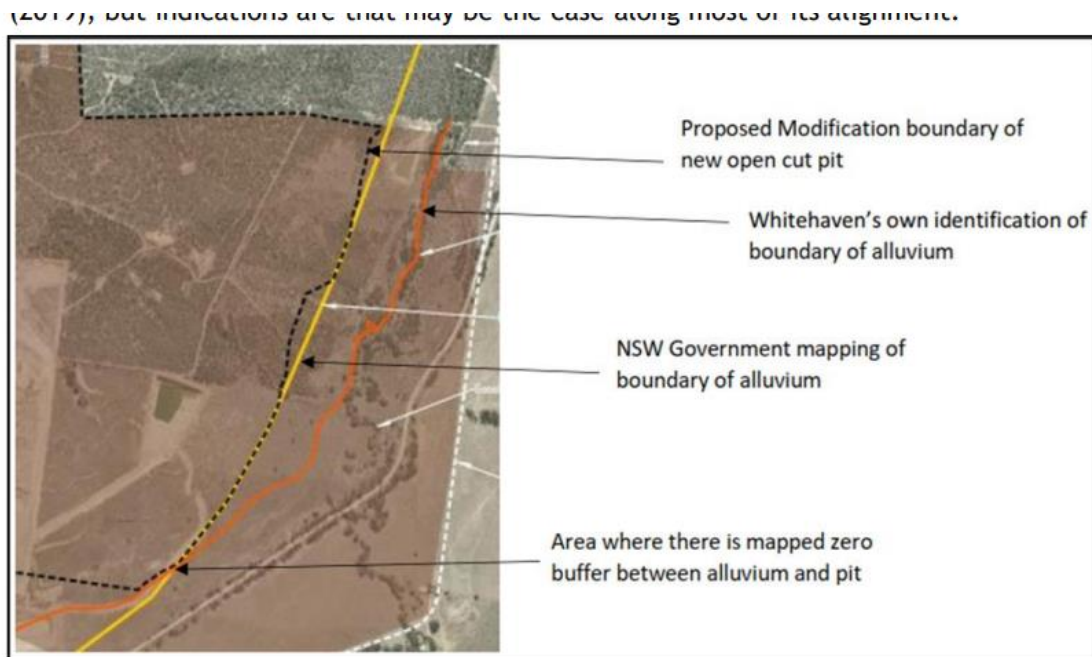


Figure 3 - mapped extent of alluvium and pit crest (after People for the Plains, 2020)

Tarrawonga Mod 7 was approved with the Department of Planning ([Final assessment report](#)) backing the idea to change the low permeability barrier from a wall that stopped aquifer water running into the pit and replaced it with a flood bund stopping overland flooding.

This potential interception with the aquifer remains highly concerning, especially when combined with the pipeline that will link the mines together and allow opaque transfers of water, particularly in dry times of water stress in the valley.

The IESC continues to harbour concerns about cumulative water impacts in the Valley as noted in September 2021 [when they reviewed Boggabri Mod 8 and said](#) “Cumulative impacts are likely to have been underestimated because the model provides an assessment of the impacts of the BTM Complex only. **Of particular concern are potential cumulative impacts associated with the Tarrawonga Modification 7 Project** (not included as the Tarrawonga Modification 7 Project was approved after the AGE (2020) model was finalised) **and the Vickery Mine** (whose cumulative impacts of the Vickery Mine were considered unlikely by the proponent (Hansen Bailey 2021, App. H, App. A, p. 4)). In addition, the IESC notes that the **Maules Creek Modification 7 Project** was approved in August 2021, which allows for an increase to the existing out-of-pit rock emplacement landform. **It is recommended that all relevant projects be included in the groundwater model to improve predictions of the cumulative impacts of the project.**”

[Tarrawonga Mod 8](#) (now approved) also seeks to truck water via road and then put in the pipelines to help with “drought preparedness”. In response to this Mod, EPA stated that they did not think WHC had considered other water options before jumping to this one.

Tarrawonga also has the condition of consent 31. “The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations on site to match its available water supply, to the satisfaction of the Secretary.”

But what it does is seek Modifications to allow it to access more water.

Tarrawonga Modification 8 in 2020 sought to change the original approval for 524 truck trips / 262 return trips on the road to allow it to truck water from Vickery. In 2023 WHC bought a trucking company that had bigger trucks (42 tonnes went to 67 tonnes), so that they could cart more coal for less trips and this freed up some of the approved trips to allow them to cart water (<78 trucks a day to cart 1.5ML a day).

WHC were asked to assess [different options](#) to trucking water from Vickery by EPA and DPIE but trucking water was the cheapest.

Then along comes [Tarrawonga Mod 10 \(approved Oct 2023\)](#) that sought to extend the hours they can truck coal and water (following Mod 8 approval). The justification was that flooding and an inability to keep staff meant they needed to make shift changes and therefore have longer hours on the road. Our roads are suffering as a result of these extensions.

6. Bore Extraction Limit

The Bore on Mirrabinda that this Modification is based on has no BEL (Bore Extraction Limit). A simple (and likely easy) application to Water NSW will see Whitehaven able to transfer any Zone 4 water licence it wants to, to this bore.

We seek that a BEL is applied to this bore as a matter of urgency.

The “Ovenden” property has a combined BEL of 2050ML. However, the property only has a WAL of 766ML. This means that WHC with all their Licences could pump more than 2.5 times the historical maximum take from that property.