



Wando Conservation and Cultural Centre is a Maules Creek-based group established in 2015 to undertake advocacy and research for the protection of natural resources and Aboriginal cultural heritage in the Namoi Valley region, including Leard State Forest and the Pilliga. In our years of producing reports and submissions in relation to environmental and planning issues and matters arising from the operation of extractive industry in the region we have become aware of:

- the impact of 'modification creep',
- poor compliance and fulfilment of conditions of approval;
- failure to take adequate account of the cumulative impact of the numerous projects and
- the apparent manipulation of the planning process by the proponent to avoid proper scrutiny of all aspects of projects.

7480 Vickery Coal Mine Extension Modification 1

The Modification, if approved by Department of Planning, Housing and Infrastructure (DPHI) would allow the following changes to Development Consent (SSD 7480):

it will increase the mine's negative impacts to the community and environmental by increasing the industrialization of this additional farming region in the Namoi region; it will expand the mine's footprint, constructing a new road and a new road entry/exit point; increase the expansion of the Whitehaven Coal water pipelines footprint across the North West to take and move water without transparency from farms and further additional pipelines, transferring water between its numerous mine sites. It will create a cement works in a farm zone, turn another mine site into a forever waste facility, expand its road haulage operations again (see Tarrawonga Mod 1,3,10) without constructing a Kamilaroi Highway overpass and use the modification process to change the final void, far from the scrutiny of the Independent Planning Process. When reading the application, it is clear that this Modification is light on facts and data and it is not adequate for decision making.

We object to this modification, and the expansion of the negative impacts to regional sustainability, environmental quality- water, noise, dust, health and wellbeing, that will occur from the 10 separate changes (stated above) to the existing 7480.

Given the time constraints Wando is restricting our objections to considerations of water, tyre dumping and haulage; we draw attention to [The Whitehaven Shame File](#) which explains, in part, our on-going grounds for concern. We also ask that our concerns as expressed in the attached submission, 'Vickery Coal Mine Project' and briefing note 'Transport Developments: Tarrawonga-Rocglen-Vickery mines' be considered

The proposed modifications involving water:

- construction and use of water supply pipelines and transfer points between the project and private properties Mirrabinda and Ovenden;
- construction and use of a water supply pipeline between the project and Rocglen Coal Mine;

During the IPC Hearing into the Project, WHC insisted that they *held sufficient licences for all our operations*. However, the community members who have had the onerous responsibility for monitoring compliance have every reason to find this reassurance simply a play on words.

The community knows of the retrospective approval of the illegal pipelines which are included in the proposed opaque transfer of water, see *Whitehaven Coal pipelines to Maules Creek approved by state government in just days*, [Northern Daily Leader](#), 28 December 2019

WHC's offences include stealing 1 billion litres of water without a licence during the worst drought on record at the Maules Creek Coal mine (see *'Slap on the wrist': Farmers fume as Whitehaven Coal fined \$200 000 for unlawfully taking water*, [ABC News](#) 25 November 2021)

The Modification documents

- betray a misunderstanding of the nature of the inter-connectedness of the shallow aquifers and surface water including the Namoi River and Gulligal Lagoon;
- the actual water take, and the nature of that water take, is not transparent;

- there is the likelihood that, if approved, alluvial aquifers will be drained in the event of drought;
- the community has long been aware of the movement of the edge of the zone 5 aquifer on the maps presented by Tarrawonga mine and has seen the fountains of water being sprayed into the air from the pit which would suggest damage has already been done;
- it is simply inappropriate that Lake Keepit should be considered as a source of water for the Mine.

The Vickery Extension was approved on the assertion by Whitehaven Coal that they had sufficient water. Any request to modify the supply of water to the Mine should be rejected.

The proposed modification involving tyre dumping:

- disposal of heavy vehicle tyres in emplacement areas;

It is simply not acceptable that tyres be dumped in the pit

Boggabri Coal is planning to trial off-site disposal for up to 20percent of tyre, commencing this year. There are at least two providers of this service in SE Queensland; this is an opportunity for WHC to take up the challenge of appropriate disposal of Off Road Tyres, possibly in association with the local community.

Tyre Stewardship Australia (<https://www.tyrestewardship.org.au/otr/>) notes that Denmark recovers 100percent ORT; Ontario 87percent; France 78percent; Australia less than 15percent- it is time for the NSW Government to drive leading practice to require better of companies operating in New South Wales.

Change is particularly required for this project to create an opportunity for harmonising older tyre burial approval in this region as Environmental pollution licences are reviewed or projects seek modifications- whichever comes first.

Projects associated with this company are using approval creep to litter the region with tyres at every site it operates. Since the NSW Department of Planning Industry and the Environment determined that the Maules Creek Mine's Modification 8 instrument in

November 2021, would permit Whitehaven Coal to bury hundreds of its waste tyres every year, the company and its subsidiary appear to be waiting for a firmer signal to undergo cultural change in this area. The current strategy of a pollution licence review enables an updated grace period granted by the regulator every two years. Clearly, this does not result in cultural change from this proponent.

Ahead of state and federal legislation, to ban landfilling OTR tyres or all tyres generally, the application of more stringent licencing conditions must occur out of this modification.

Wando recommends a consent condition enabling an environmental pollution licence to apply an expansion of the principles that underpin a bottle recycling scheme to OTRs and mine site tyre waste. This would see the proponent, as consumer, pay for the recycling up front at time of purchase of the tyre and then receive a bonus when it returns the tyre for recycling. Until a plan can be brought into being, we suggest a fee per tyre that is triple the cost of transporting and landfilling the tyres that doubles every two years at time of review. This could drive change across the company and, in time, the sector and support a proponent's corporate sustainability goals such as creating a circular economy for OTR tyres and thereby take responsibility of its mine site waste, end-of-life tyres and tyre products. It would also enable the NSW EPA to pursue and promote pollution prevention, encourage the reduction of the use of materials, encourage the re-use and recycling of materials and to encourage material recovery. It is time to expect better of companies operating in New South Wales.

The proposed modification involving haulage

- increase to the road haulage hours

returns us to an issue which has long been a concern of Wando and its research arm, Leard Forest Research Node. As you will be aware, B-double trucks laden with 42tonnes of coal turn left onto the Kamlaro Highway (speed limit 100km/h) before turning right several hundred metres later into the Whitehaven CHPP

We reiterate our contention that **the proposed road overpass across the Kamlaro Highway be required to be completed as previously stipulated before approval of any further haulage** (refer to pp 19-29 Vickery Mine Submission, attached and p.3 of Public briefing: WHC transport developments, attached)

In summary, Wando object to Vickery Modification 1 and request that the Modification be rejected to minimise the negative impacts to those that are already occurring and stop the expansion of harm from this project.