

Objection Submission

Condition 63, Schedule 3 of the Maules Creek Project

Approval (10_0138) – Employee Transportation Modification

This submission is prepared by Peter Watson MCCM CCC representative representing the Maules Creek Community Council.

As a neighbour of the Maules Creek Mine, a member of the Maules Creek Community and as a community Representative on the Maules Creek Coalmine Community Consultative Committee (MCCM CCC) I object to the application by Whitehaven Coal to modify Condition 63 of the Project Approval for the Maules Creek Coal Mine (MCCM).

The concerns I have about reducing the requirement from ‘90% of Staff” catching a bus to work, to a vague and unenforceable ‘target of 70% of wages employees’ and the process being used by Whitehaven and the MCCM to achieve it are:

- an increase in the risk of harm and death for all public road users especially locals and our families;
- Maules Creek Coal Mine has done nothing to achieve the 90% requirement since being issued a breach notice in May 2015 for not complying with their approval conditions and will presumably ignore a ‘target of 70%’;
- The ongoing issue with MCCM and Whitehaven Coal treating the Community Consultation Process with contempt as opposed to it being a positive way for the mine and community to interact and engage to seek mutually beneficial outcomes.

Consequently I reject the MOD 3 Application to change the operating condition 63 for the Maules Creek Coal Mine.

Discussion

The approval for the mine was provided based on the mining company’s response to the Director Generals Requirements (DGRs) and also on submissions given by the public to the then Department of Planning and the Planning Assessment Commission. Many of the approval conditions placed on the Mine, such as in this case the requirement for 90% of staff to travel to the mine by bus, is the result of those community submissions and presentations, to recognise and respect the values of the area and the community.

The result of reducing the travel requirements to a “target of 70%” is an immediate reduction in safety for members of the community who use the roads, which includes mine staff for MCCM and the other coal mines in the area. There will be more vehicles on the road driven by fatigued, potentially overtired drivers coming off long twelve hour shifts who have up to an hour or more to drive before they get home.

The DGRs also asked for “a detailed assessment of the potential impacts on ... the safety of the road and rail networks”. This application for modification does not address safety, in fact the word safety is only mentioned in the Consultant’s report after they have spent the majority of the report explaining that congestion will not increase even though there will be more vehicles on the road.

The community is currently at greater risk because the mine has not been complying with their approval by allowing more than 10% of their staff and contractors to travel to the mine by light vehicle. Asking for a ‘target of 70%’ from a company whose own report show they can only achieve 65% travel by bus when they are required to have 90% compliance provides no certainty for the safety of the community. When the MCCM had a fixed requirement they could not achieve it, so a ‘target’ is even less likely to be achieved and has no ability to be enforceable.

Even though the changes in traffic congestion have been modelled by the consultant GTA and found to be negligible it simply highlights a further reduction in the amenity of locals due to neighbouring Maules Creek Coal Mine, whether through impacts on safety or competition for road space. The consultant states in 5.7 of their report that traffic conditions after the modification will be similar to before the modification, and no measures are needed to mitigate the changes. They provide no evidence regarding whether or not safety is compromised due to fatigue of the drivers.

The original Director General’s Requirements (DGRs) for the mine required “accurate predictions of the road and rail traffic of the project”. The consultant GTA has reported that the MCCM has only managed to get 65-84% of their staff to use buses to get to work, why then has the MCCM been able to continue operating in breach of the ‘90% of staff bussed to mine’. The mine has made no attempt to encourage practice change within their staff when they knew they were in breach. Their approach has simply been to apply to change their Approval conditions to match current practice. It begs the question if 90% of staff being bussed to mine site has been a condition of operation for the mine, why isn’t it a condition of employment for staff at MCCM to only travel to work by bus?

The MCCM claim that their application for modification is based on the downturn in the mining industry and that they were not expecting to be able to employ so many locally based staff. When MCCM agreed to the conditions in their project approval they were determined to employ local people, indeed at the Community Consultation meeting on the 18th November 2014 General Manager Peter Wilkinson reported Whitehaven were charging staff more for accommodation, the longer they stayed at the MAC camp, and

were implementing rosters which were not suitable for FIFO or DIDO. Clearly the company has a policy of actively sourcing staff locally and have done little to enforce the terms of their approval with respect to the 90% rule.

Next reported to the CCC on the 20th May 2015 was the infringement notice from DoPE for noncompliance with 90% staff bussed to site guideline which MCCM had agreed to in the project approval. They did not report what action was taken by MCCM to attempt to achieve compliance. CCC member Lloyd Finlay asked about a double decker bus carting staff to the Maules Creek area –he was advised it was for Downer Contractors to get to work (Downer are operators of Boggabri Coal Mine). It appears that a neighbouring mine which does not have the 90% rule as part of its approval has voluntarily used buses to get its staff to work but MCCM finds it too difficult to do the same and comply with the conditions to which it had agreed in the Project Approval.

On 2nd March 2016 at the CCC meeting I queried the fact that traffic on Therribri Road appeared to be increasing, Craig Simmons (Whitehaven Area Manager Services) informed the CCC that the majority of employees are bussed to work. While he was technically correct at this time, the Mine was still in breach of their conditions and this was not reported to the Community Consultative Committee.

In what seems to be *modus operandi* for MCCM there has been no engagement with the CCC regarding what looks like a continual breach of the operating conditions potentially since the mine's inception. A letter detailing the application to modify the operating conditions regarding transport was emailed to CCC members on the 20th June from CCC Chair John Turner, who had received the email from MCCM on the 31st of May.

It seems as though the MCCM did not wish to have discussion with the community or the CCC regarding the modification as the Display period for the Modification closes before the next meeting in August. This highlights the contempt MCCM has for the Community Consultative Committee and the fact that the NSW Department of Planning and Environment continually lets the company abuse the CCC process. The community is willing to put time into overseeing the performance of the MCCM but the DoPE allows the mine to be in breach of their conditions and not report it. It is similar to the MCCM not having an environmental representative on the CCC for three years even though it was a requirement of their Approval Conditions.

Reducing the requirement for bus transport from 90% will lead to more vehicles and greater environmental impact through more roadkill, less chance for fauna to use the supposed biodiversity corridor which is bisected by the mine access road and greater greenhouse emissions through more vehicle movements. None of these points have been addressed in the modification application with any serious thought.

The DGRs also asked for 'an assessment of all reasonable and feasible measures that could be implemented on site to minimise greenhouse gas emissions of the project'. The modification application does not satisfy this requirement, rather it says the increased

emissions from more vehicles is insignificant compared to the emission from burning the coal dug up by the mine, it also suggests that the increased emissions from more vehicles being used by staff could be offset by them using a bus to get to work. Both of these points question whether the MCCM takes the issue of emissions seriously because it appears like they are treating the DGRs with contempt.

Conclusion

Maules Creek Coal Mine is attempting to reduce the safety of the environment around the coal mine to both the community and fauna who live there because they have been unable to comply with the terms of their Approval. As a neighbour of the Maules Creek Mine, a member of the Maules Creek Community and as a community Representative on the Maules Creek Community Consultative Committee I am concerned that the DoPE have not taken risk to the public seriously or even assessed risks to community and environment. The department is all too happy to use the substandard GTA consultant report as justification to allow the mine to put community safety at risk.

What the Consultant report highlights is that the MCCM has been in breach of their Approval Conditions and have not seriously approached the problem of attempting to achieve compliance.

I reject the arguments used by Whitehaven to water down the original approval conditions which they did agree to at the time. The MCCM have always had a policy to employ locally based staff and should not be surprised now that the majority of their staff are based locally.

The increased greenhouse emissions which would result from the modification are not mitigated by staff having the option to ride on a bus if they result from the staff being allowed to drive to work and not ride on the bus in the first place! Just because the extra emissions are insignificant compared to the burning of the 13 million tonnes of coal per year does not mean they should not be have to be mitigated as per the Director Generals Requirements for the approval.

I will finish by adding that just because staff at the surrounding mines are currently able to drive themselves to work the terms of the approval for MCCM staff to catch a bus seemed to suggest a way forward for the mining industry. Anyone who has driven through the Hunter Valley between Muswellbrook and Maitland during a mine Shift change would know that the safety and convenience of road users and the health of the environment is compromised by have too many vehicles on the road with one or two occupants.

The safety of the community and mine staff will be further decreased if this Modification to Condition 63 of the Approval is allowed to proceed. As a neighbour and Community member I object to the Modification Application by the MCCM wholeheartedly.