

Stephen O'Donoghue
Director
Resource Assessments
3rd March 2021

Dear Stephen,

Maules Creek Coal (10_0138)
Modification 7 – Landform
Objection to the Modification

I object to the Modification 7 - Landform for the following reasons:

It offers a negative benefit to the state and the environment

Object to the Mod. justification. Whitehaven Coal has submitted a request to modify the planning approval for its Maules Creek Coal mine to approve cheaper access to the coal and to expand its footprint to the north and build a cheaper and higher wall of dirt dropping the current approved benefit of building contours for stabilisation. It is known to the community via the CCC that the MCCM is reducing its extraction to 12million MTPA of coal mined- down from the 13mtpa therefore the need for mine expansion does not exist.

Further the community are aware that Whitehaven Coal reported to the ASX a \$94.4 million loss for the six months to December 31, compared to a profit of \$27.4 million a year ago- therefore a modification to cut corners and cost shift is not surprising but not a justification to increase the environmental impacts including more water being taken directly and indirectly from agriculture and the environment. Both agriculture and the environment are crucial for humanity, but coal is not. Agriculture and the environment are needed for food security and environmental stabilisation and biodiversity, now and for future generations. This is not the case for the local and climate destabilising, short term business of coal mining. This Mod is not in the public interest.

Object to this Mod and its plan for a final void. A void should not be left. The final void must be filled in. This final landform Modification should be directed at filling in the void and leaving no harm. The Mod will increase the water volume by 3% and surface area of the final void the mine leaves behind by 3%. The final void will become a groundwater sink and will fill with groundwater and cause long term reductions in ground water due to evaporation extracting water that will be replaced by drawing water from the local area. Increasing this situation must be rejected.

The Golder image shows a lot of water flowing to the pit. But, on the groundwater impacts of this change, the opinion of the consultant that these changes would not “change the nature” of the original assessment’s prediction that long term drawdown in the alluvium 6km away would not exceed 1 metre. This lack of scientific certainty should ensure this Mod is rejected.

There is no ecological sustainable development benefit to leaving a void and allowing the draining of water into it and away from the region for 1000 years. Any final landform Modification must be working towards filling in the hole and preparing to fill in the hole.

The natural landscape has been altered extensively. The additional threat from the rain recharge going into different aquifers at different rates due to geological changes onsite, the creation of drainage across the whole landform (as pictured in Golder -Mod 7 Appendix 10) will interfere with the natural flow of water and its role in our region. This is a cumulative, negative outcome of this landform change. Any additional water-take that stems from this Mod should not be approved.

These negative cumulative water catchment effects from additional and significant diversion of natural run off and groundwater take from this Mod will impact GDEs. Changes by this Mod to the water flow, will impact groundwater dependent ecosystems (GDE) in the area. There are already visible drying impacts created by the changes to the recharge of aquifers due to diversions in surface flows in the mine site. Any redirecting of water should be to the environment not back into the mine site including the following change in the Mod: "The Modification requires that a clean water diversion pipeline currently planned to be constructed along the toe of the existing Northern Emplacement to instead be constructed within the western CL 375 boundary."

Not substantially the same project as of Mod 3. Object to substantially the same justification. A disinterested observer may list a variety of things that haven't been modified and argue this project is substantially the same. However a planner and the local population know it is not substantially the same as of Mod 3 when the EP&A Act changed.

What is substantially different is the departure since Mod 3 from the "coexistence" in this region as an objective as it related to water. It no longer coexists with agriculture but rather has demonstrated that in times of community need, it purchases farm water and applies for its conversion to mine water use. This is instead of working to its ecologically sustainable water supply and working to the PA (10_0138) Condition requiring the MCCM to 'adjusting operations to the available water supply.' The project was approved with water access that was considered to be compatible coexistence with agriculture. A retrospective \$15,000 fine does not change this attitude of mining first- it reinforces and emboldens the attitude.

It is no longer substantially the same project as of Mod 3. It is now openly designed to be parasitic. Taking water for operational purposes from farming is a major shift in the project approval achieved in Mod 5 & 6 i.e. after Mod 3. Family farm bores in our region are used sparingly during drought, farm operation would be adjusted. But it was seen that in the drought the miner claimed it needed to maintain an intensive level of production (even during dry times) and therefore must take from other industries, in order to sustain an unsustainable level of water use for this region. This was a shift in water supply away from working to the available (ecologically sustainable and approved) water supply when times are tough for the region. For example during the drought when there was no high security mine water available from Keepit Dam, a change in water supply occurred.

The up-coming Modification to electrify the farm bore pumps at Roma and Brighton underpins the importance of this water supply and these bores to MCCM. These bores are not add-ons but central to the water plan. This shift in focus, makes this project no longer

substantially the same project as of Mod 3. Approving this Mod will create an unacceptable community outcome being an increased risk of decline in food security and Agriculture employment in times of drought.

- This Modification significantly increasing the size of the soil heap nearest to the Maules Creek community and increases the size of the void and the water going into the void.
- The visual impact and dust impact are already substantial to the community.
- Further, the Mod is designed to increase the capture of surface water for internal water use and
- it places a blast re-load facility downstream of dams that have burst and polluted Back Creek during rain events recently.

In doing so, the Mod creates an intensification of the suite of environmental impacts to the community that are unacceptable.

Object to increased size and height of soil heap. Object to increased footprint. Whitehaven Coal should adjust the scale of mining to ensure it can manage its “in pit” spoil disposal without increasing the size of the northern emplacement area. It should work to its existing approval particularly in a declining coal market, rather than shift its costs onto community and environment.

Object to proximity of expanded footprint to the community. The dust and health impacts are unacceptable and need to be reduced not moved closer to the community. Since the withdrawal of the Sound Power Modification 4 the height of the soil pile and dust has increased dramatically. This has implications for both people in our community and also reportedly inside the pit with an increased focus on dust and human health including silicosis potential concerns.

Object to an increase in air pollution. The air pollution assessment confirms lived experience that there are many recent exceedances of the 24-hour average limit for PM10 particle pollution at the four air pollution monitoring stations nearby. This is unacceptable and is already an impact on the community beyond what was predicted in the Maules Creek environmental assessment. On some days, the surrounding areas are experiencing average air quality where PM10 concentrations are several times the purported limit. This is unacceptable.

I am concerned about the delays in rehabilitation that have occurred on this northern soil area. The Original EA timeline was for rehabilitation to occur sooner so as to reduce visual impacts and dust on the northern side. From the Original EA 2010- “Any high to moderate impact, however, will only occur in the first five years of the mine life as the constant maturing of tree cover on the outer slopes of the Northern Overburden Emplacement Area will reduce effects and impact levels to low and insignificant. “ pg Xi

<https://whitehavencoal.com.au/Documentations/Maules%20Creek%20Mine/Environmental%20Management,%20Monitoring%20&%20Compliance/Environmental%20Assessments/MCC-Environmental%20Assessment-01-Main%20Volume%20Part%201.pdf>

But this does not appear to have occurred. This objective is repeated in the PA. The existing PA conditions already require progressive rehabilitation that has not occurred except for aerial seeding in December 2020. **Maules Creek Coal (10_0138)** Schedule 3 Condition 72 says that “The Proponent shall rehabilitate the site progressively, that is, as soon is reasonably practical following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated. “ It is unclear why there is not rehab on this slope to any degree yet there is now a Mod for taking more land into the mining footprint.

Object to an increase to 455m soil pile. This would be a backward change for rehabilitation and the environment and community. It cannot satisfy the key goal of the Rehabilitation activities being to have “the types of naturally occurring landform features that occur in the region, ” (2014 MCCM Rehabilitation Management Plan). The assertion that the massive soil hill with an increased height is a similar feature to the pre-existing landscape which was 300 metres with some lower height hills 353 m and 380 m is false.

With a 455m hill and the bottom of the Maules Creek Catchment is 280m above sea level there is a higher risk for the creation of a drying landscape due to this soil pile- an obstacle - will alter the natural (pre-mining) water pathways especially if it is all collected at the top of the landform. This will make it difficult to return the region to its pre-mining capabilities which will be a major loss for the community. This extremely artificial landscape imposed within such a small region is already having the negative impacts to the Maules Creek Community and our water and terrestrial environments: as predicted in numerous submissions by the Maules Creek Community Council’s subject experts and the subject experts who worked for the Namoi Catchment Management Authority(NCMA).

Land capability: The landform Mod provides a situation where anything will change due to mining economics and mining need. “The mining layout and sequence shown on Figures 2-1 to 2-3 may vary with consideration of localised geological features, coal market volume and quality requirements, mining economics and detailed engineering design. “

Both the proposed increase and approved slope of the Landform is not helpful for rehabilitation- from the perspective of increasing water holding capacity or from the perspective of the objective of replanting the native forest. At the time of the original Approval a maximum of a 7 degree slope was recommend by NCMA for the soil piles, https://archive.ils.nsw.gov.au/_data/assets/pdf_file/0007/496402/archive_response-maules-creek-coal-project-environmental-assessment.pdf

whereas this Modification is lobbying for a substantial increase in the slopes and a removal of the approved contours that could at least increase the water-holding capacity of the soil. Additionally, it is unclear why there is a modification for this landform process on the Northern side when it is already underway on this slope inside the MOP approval.

What is important is the need for the land capability to be restored to pre mining land capability. As noted prior to the Approval, this comes from attention to slope, terrain and soil attributes that are adequate to restore native vegetation to the site. For example, how is the restoration of the soil depth and the soil available water holding capacity of the site

(pre-mining 5780 ML, and only 459 ML post mining, estimated by Soils Futures in the Maules Creek Community Council response to the EA) being addressed?

It is difficult to see how with economics being the deciding factor as to changes how this Mod will ensure that MCCM can meet Condition 25 of Commonwealth approval EPBC 2010/5566 which “requires rehabilitation within the Project Boundary to include no less than 1,665 hectares (ha) of native forest and woodland in the project area, including 544 ha using species consistent with a Box-Gum Woodland CEEC,” and its own rehabilitation objective inside the project boundary being “the establishment of native forests and woodlands with a conservation final land use.”

<https://whitehavencoal.com.au/Documentations/Maules%20Creek%20Mine/Environmental%20Management,%20Monitoring%20&%20Compliance/Environmental%20Management%20Plans,%20Strategies%20and%20Programs/MCC-Mine%20Site%20Rehabilitation%20Management%20Plan.pdf>

There is a high risk that the experimentation may be driven by economics when coal markets are being used to decide how things may change outside a Mod process coming out of this Mod. It would be best practice to ensure that decisions are based on the Ecological Sustainable Development principle of being precautionary.

In summary

EPBC Condition 29 states that the final landform must be optimum for successful restoration of the critically endangered White Box-Yellow Box- Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community.

“The person taking the action must undertake rehabilitation to ensure that final landform provides the optimum opportunity for the successful restoration of native forest and woodland including the critically endangered White Box-Yellow Box- Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community.”

Restoring the mine site to pre-mining capabilities is critical to any modification including this one for best and leading practice mine closure to occur. Any Mod to this project should be for the benefit of the environment, this Mod is not designed for this purpose.

Thank you.
Libby Laird