

## Tarrawonga Modification 7 – Life of Mine

People for the Plains is a group of people from the Narrabri district interested in the impacts from coal and coal seam gas and we would like to respond to the Tarrawonga Modification 7 – Life of Mine.

Our concerns focus on three primary areas:

1. That Whitehaven has a long list of breaches (including from Tarrawonga mine) and is facing a range of further prosecutions this year. Consequently it is not a fit and proper entity to be given further approvals and modifications at this stage.
2. That the BTM (Boggabri / Tarrawonga / Maules Creek) water model is out of date and is not yet available for public review, therefore changes to water use at Tarrawonga based on the water model are pre-emptive and appear to not have legal standing.
3. This will create further water stress to the region by; mining right to the edge of the alluvium, by piping extra water from the proposed Vickery mine site and by allowing the establishment of a network of pipeline adds to the opacity of water licencing across all Whitehaven mines.

### **1. Long list of Breaches**

Whitehaven has been found guilty of a range of non-compliances since 2012. We have developed a list of these from across all five of their mines, including Tarrawonga. This company is not a fit and proper entity to be given further approvals. It has proven time and time again that it has a blatant disregard for the community and the environment and that it has an active program of paying fines to make up for its illegal activities, and then continuing to act the same.

Whitehaven has been investigated or found in breach of various legislation on more than twenty occasions since 2012.

A full list of these breaches is attached here and some of these breaches include:

1. Just last week Whitehaven was fined \$15,000 (the maximum fine allowed) after an alleged breach of its environment protection licence when a sediment dam failed. EPA said that Whitehaven did not have a maintenance plan for the dam in place and did not schedule inspections to identify emerging structural failings.
2. Illegal dumping of waste at the Narrabri tip
3. Illegal clearing of bushland, resulting in the removal of its exploration licence for its proposed expansion of the Narrabri Underground Mine
4. Allowing toxic blast fumes to leave the Rocglen mine site and drift over neighbouring properties
5. Failing to minimise air pollution and dust at its Narrabri Underground Mine
6. Repeat breaches of mine procedures relating to the safe operation of mine vehicles
7. Illegal take of surface water to run mining operations over a sustained period.

To date, the company has been fined more than \$100,000 and has twice been taken to court, once by the EPA and once by local community group Maules Creek Community Council Inc. There are further current investigations underway, including one that appears to be considering further prosecution at the moment.

Whitehaven is currently under Natural Resources Access Regulator (NRAR) investigation for its impacts to the surface water around its Maules Creek mine. NRAR is currently considering prosecution due to Whitehaven's unauthorised take of surface water for at least three years at Maules Creek mine.

We understand that NRAR is also investigating Whitehaven's illegal use of groundwater at Maules Creek.

We also understand that at least three other investigations against Whitehaven are currently underway:

- The Department of Planning is investigating a possible breach of development consent by constructing water pipelines from properties outside the Maules Creek coal mine without authority
- The EPA is investigating unlawful water releases this year at the Maules Creek mine into Back Creek
- The EPA is also investigating a pollution event of millions of styrofoam balls into Back Creek.

Furthermore, Whitehaven has not yet satisfied its Commonwealth biodiversity offsets requirements which were imposed by the Commonwealth Minister for the Environment in 2013. The biodiversity offsets are required because Whitehaven Coal's Maules Creek Coal Mine removed significant areas of critically endangered woodlands and the habitat of threatened species on public lands. A consent condition required legally binding covenants to be registered over the Commonwealth offset areas by 11 February 2018. Although Whitehaven Coal has had 5 years to comply, it appears to still not have put these offsets in place.

These incidences are of great relevance to this Modification and must be considered. These repeat offences demonstrate a blatant disregard for the environment and for the conditions of consent afforded to Whitehaven. Until they can demonstrate a clean record and complete fulfilment of all of the consent conditions, they should not be permitted further Modification approvals. This company is not a fit and proper entity to be holding these licences.

## **2. Out of Date BTM Water Model**

Many of the predicted impacts to water are based on an "updated and calibrated groundwater model" (Table ES-1 Mod application). However, the BTM (Boggabri Tarrawonga Maules Creek) water model for the Leard Forest mining precinct has been out of date for at least two years with a new model long promised. This updated model still has not been released to the public and therefore this Modification cannot be approved.

In October 2018 DPI Water did an assessment of the BTM Water Management Strategy and the 2018 BTM Cumulative Groundwater Model. FOI documents show the Department made the following comments:

"the observed data generally indicates a downward gradient from the alluvium to the underlying coal basin however the model has hydraulic gradient going from the coal basin to the alluvium..... the generally poor correlation between modelled and observed data.....Noting this same error in conceptualisation of the hydraulic gradient and model calibration is also present in the 2018 AGE BTM cumulative numerical model..... This apparent error in the modelling has significant implications re potential impacts, licensing requirements and the water balance and hence is specifically relevant to this requirement and must be addressed."

With such serious concerns raised with the water model and the BTM Water Management Strategy, new works with implications to water should not be approved. The community was expecting the updated BTM Water Management Strategy in 2019, but it is still not available. This Modification cannot be approved without the cumulative impacts to water being addressed and properly assessed.

### **3. Further Water Stress Created**

This region has highly variable rainfall, with predicted hotter and dryer summers into the future due to climate change. Our region is already highly water stressed and the summer of 2019/20 showed very clearly that current mining operations in the region do not have enough water supplies to support their current level of operations, let alone increasing the ROM coal tonnage at Tarrawonga through this Modification. As was clearly demonstrated last summer, and is currently being investigated by the authorities, the current operations were forced to go to great lengths and, in some proven situations, illegal lengths to secure enough water to maintain their current operations.

This Modification will cause further water stress to the region through three identified ways:

- by mining right up to the edge of the alluvium and
- by piping more water from/to the proposed Vickery mine site
- by increasing the opacity of water licences and water use

#### **3a. Mining to the Edge of the Alluvium**

To avoid the expense of the low permeability wall that was part of the original Consent Conditions for Tarrawonga, this Modification proposes to bring back the boundary of the open cut pit, away from the alluvium. It is extremely concerning that the proposed boundary in this Modification sits exactly on the boundary of the alluvium as mapped by NSW Government and shown in Figure 5-2. These are simply lines on a map, interpolated from widely spaced exploratory bores. As groundwater drillers will attest, variances can occur within a few metres. In other words, water can be found at a particular location but not at a location a few metres away. A line on a map is not an accurate guide for locating the edge of a 300 meter void. Whitehaven's conditions of consent on this Modification should ensure at least a 500 metre buffer between the mine and the Government's mapping line of the edge of the alluvium.

It is worthwhile noting that Whitehaven's own mapping puts the line of the aquifer further away from the proposed pit edge but it is unclear why, or how Whitehaven came to this conclusion. There is a reason that the initial consent condition forced Whitehaven to use a low permeability wall – it was to stop pit inflows from the alluvium aquifer. It was to stop precious alluvial water from pouring into the pit at Tarrawonga. This consent condition should not be modified.

It could appear as a deliberate strategy to mine so close to the alluvium that pit inflows are created. Water stress across all of the Whitehaven mines is a considerable problem for its business, access to a new source of large quantities of water could be useful to it, without the need for bores, pipelines or haulage trucks. What's more, with a network of pipelines in place this source of water could well be used to augment the lack of water licences held for the Vickery coal mine project.

The precautionary principle should be applied and the mine kept at least 500 m away from the aquifer boundary as mapped by the NSW government, not by the company. Science to validate the lines on the map would be a useful addition to the consideration.

### 3b. No Water Licences for the Piping of Water from the Proposed Vickery Site

The Modification Report offers little clarity regarding its water access and licensing arrangements for the new pipeline:

- The Report fails to identify the source of water it will transport through the proposed pipeline from Vickery
- It fails to identify the WALs (Water Access Licences) and Works Licences that apply to the pipeline
- It fails to identify enough water licences for the expected water use at Tarrawonga from Zone 4 without the pipeline
- It fails to identify the extra water licences that it would need if it actually utilised the pipeline from/to the proposed Vickery site.

Section 1-1 and Section 2-2 of the Modification Report states the pipeline will “provide an alternative contingency water supply from surplus water from the proposed Vickery Extension Project (subject to the Vickery Extension Project’s approval, commissioning and water extraction/licensing limits)”

Section 3-13 further states “where required, extraction/transfer of water from external sources is subject to approval of the respective projects and associated licensing requirements. **An alternative contingency water supply could be surplus water from the Vickery Extension Project, should it be approved.** The Modification pipeline connecting to the pipeline extending north of the Vickery Extension Project would facilitate contingency transfer of water. The Modification does not include the extraction of water from the Vickery Extension Project, as this is subject to the Vickery Extension Project Development Application.”

Does this mean, that if Vickery is not approved, Tarrawonga will not use the pipeline it has built to access the water through the bore on the Vickery mining lease (located on this historical farm “Kurrumbede”)? Does this mean, that if the pipeline is built before Vickery is approved, Tarrawonga will not use the water on the Vickery lease until after Vickery (if) is approved?

Either way, this Modification must outline the water licences that will be used to fill the pipeline to help Tarrawonga out when water is desperate.

We note that [Brian Cole \[who’s he\] sent a letter](#) to the Department of Planning on 3<sup>rd</sup> March 2020 confirming:

“The existing, approved groundwater bore (Works Approval 90CA807002) and associated infrastructure are located on Whitehaven-owned land and within the road reserves associated with Blue Vale Road and Braymont Road to the south of the proposed Vickery Extension Project (SSD 7480), and are within the associated Development Application area. Whitehaven entities hold Water Access Licences 12651 and 12653 associated with the existing groundwater bore under the Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2019.”

We [also note](#) that in November 2019 these two Water Access Licences were transferred to Maules Creek coal mine to use in their operations when they were desperate for water.

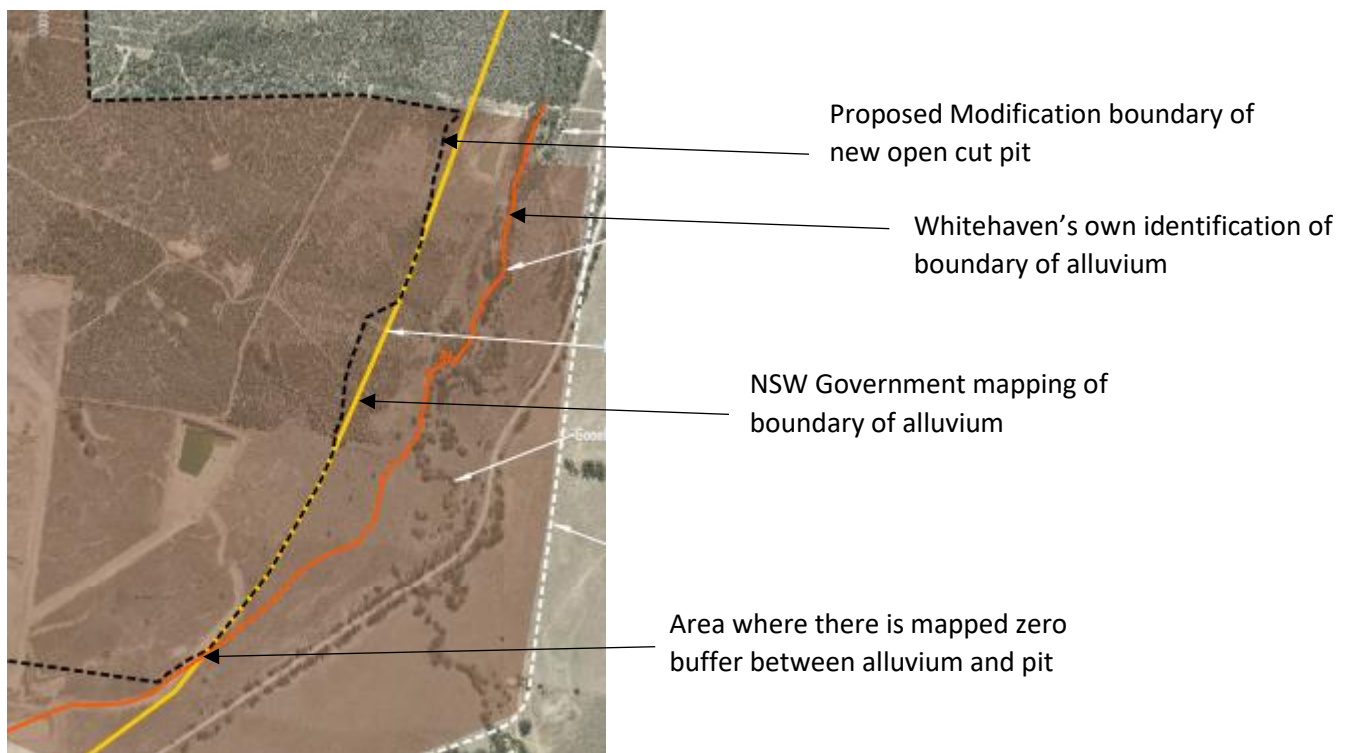
The only WALs that are mentioned in the Tarrawonga Modification application are WAL29548 and WAL31084 which are both Gunnedah Oxley Basin WALs. There is absolutely no mention of any Zone 4 water licences which would be used for the pipeline. An approval for this Modification cannot be given with such critical information missing.

Table 5-1 in the Modification Report offers the Estimated Approved Tarrawonga Coal Mine and Modification Licensing Requirements. This table clearly identifies the use of a maximum of 198ML and average of 142ML of water per annum from Zone 4. Where are the water licences for this use? Are we to assume Tarrawonga does not currently hold water licences to offset this take?

The Tarrawonga Annual Review of 2017 also lists only these two WALs (29548 and 31084) as the only WALs associated with Tarrawonga mine. Again no licences appear to be held to offset the current take from Zone 4.

Should Tarrawonga accidentally interfere with the alluvium, should their line on a map prove to be less than totally accurate, this could well provide water to Vickery with Whitehaven simply outbidding farmers in the market to access more Zone 4 licences to make up for the “accidental” take into the pit.

Below is figure 5-2 from the Modification Report to help illustrate this point:



### 3c. Network of Pipelines Adds to Opacity of Water Licences

An approval for this pipeline will facilitate the further cross sharing of water and cross sharing of water licences. An increased ability to share water and licences across the Whitehaven mines is a bad outcome for local communities reliant on water sources. NRAR already struggles to keep up with the chopping and changing of water licences and their works approvals. These activities are currently being investigated in relation to the Olivedene and Roma pipelines that Whitehaven hastily constructed last year before seeking approvals.

When considering this Modification, the Department would do well to consider the implications of Whitehaven's mines all being connected by pipelines and all sharing water and licences. There is not doubt that this would facilitate even more juggling of licences, even less ability for the regulatory authorities to keep track of what is happening and an increased ability for water theft. This is not a

good outcome for the community or the regulatory authorities and should be nipped in the bud before it gets to that point.

Consent to this Modification is simply not possible given the available information. Whitehaven is plainly not fit for purpose, they have not given the appropriate information in regards to water licences for Zone 4 and the BTM regional water model has not been updated and is full of omissions and errors, so any approval would not be based on the best available science.