



# Country Women's Association of NSW

ABN 82 318 909 926

*Incorporated in 1931 by an Act of NSW Parliament*

*All Communication to be addressed to the Secretary of Maules Creek Branch via  
maulescreekcwa@gmail.com*

8 June 2020

Dear Mr. Neville,

Re: Objection to Whitehaven Coal, Tarrawonga Mine,

Life of Mine, Modification 7 of Project approval PA 11\_0047

Thank you for the opportunity to make an objection submission to the Whitehaven Coal Tarrawonga Mine Modification 7 Life of Mine. The Maules Creek Branch of the Country Women's Association of NSW submission objects to the Modification of the Tarrawonga coal mine approval. In our submission, we put our reasons for that underpin our objection to the expansion of the Tarrawonga mine which is proposed under MOD 7 of Project approval PA 11\_0047- after modification.

The Modification sought by Whitehaven Coal is under section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act). Through this process, Whitehaven Coal seeks permission to take our rural and environmental landscape, carve it up with roads, pipelines to an industrial hub and effectively join up key mines by 50 km or more network of pipelines crossing multiple water zones to move water around said to facilitate a 0.5 megatonne per year increase in coal production. In the process it will link a patchwork of interconnected pits separated by mine-acquired lands, family farms, small businesses and the Boggabri township. We object to this application and the water, environmental and social impacts it places on our region.

Our Branch was initially formed in 1923. We are local women primarily concerned with the health and well-being of our rural community and rural communities more generally as we navigate our way through the most trying times of modern existence. We believe that the stable economic goal needs a stable foundation in a stable environment- that is the climate, land and water on which we are all reliant. We seek to be part of a positive voice in the development of our region in a way that is nature respectful, climate respectful and community respectful. We are part of a wide network of similarly thinking communities who have seen this go off the rails and we want a restabilising of our society and economy.

**Objection 1: Whitehaven Coal is using this process to establish a justification of a 0.5mtpa. increase to control water use in our region.**

This modification is an attempt for Whitehaven Coal to join its larger mines by pipelines.

However the Modification Executive Summary says the Mod 7 is to facilitate a change to the onsite footprint. The proposed Tarrawonga pipeline to and from Vickery is not understood by the community. And based on the small tonnage increase, the physical expansion of the footprint of the mine through water taking from Vickery is not justifiable.

Further, a pipeline from or to Vickery Mine will substantially change the mine's water source- including quality and quantity.

We object to a final void being left with unknown water impacts. This risk to the environment and water and community is unacceptable.

**Objection 2: This application cannot proceed because the updated Water Modelling is not completed or transparent to community.** The Tarrawonga Modification 7 at page 3.6 asserts that "The Modification would have "minimal impact" (as defined by the NSW *Aquifer Interference Policy* [AIP] [NSW Government, 2012]) to the water table, water pressure and water quality requirements for the relevant 'highly productive' water source (Section 5.1 and Appendix A). The lack of knowledge of the current water impacts by all stakeholders including Whitehaven Coal makes this an opinion, not a scientific fact and therefore places an unacceptable risk on local and wider water users. There is no reliable water strategy, therefore this modification is premature.

**Objection 3: The Leard Forest mines are updating their water models and the cumulative impacts on the water systems must be understood, before further interferences can occur.**

If approved, this modification will further complicate the government's understanding and management of water resource. The groundwater assessment appendix is dated September 2019. It was out of date when this application was submitted in April 2020. This document cannot be relied upon by the community or decision makers to assess this application. We object to this being used when the BTM water model is being updated.

We understand that although Water Assessment document was completed for this Project (September 2019), the DPIE has requested updated Water Modelling. We understand that this is currently occurring, for each of the Leard Forest mines.

Despite opportunities being provided by the community, this has not been reported in the 2020 Community Consultative Committees and the Water modelling has not to date been made transparent.

In fact, at the BTM CCC, not one of the three mines reported that its modelling is out of date and was going to be reviewed by the government.

Changes to water use at Tarrawonga should not proceed. Water access has always been an issue for Whitehaven Coal and rather than double using water marked for Vickery Mine it should work to its available water supply.

It is disappointing and unacceptable. The Leard Forest Precinct water model is not available and has not been reviewed by the public. It is premature to finalise an assessment of impact from a proposed modification without the data- we object to this modification proceeding at this time.

Until there is certainty and an understanding of the impacts of current water use on water resources, this Modification risks irreversible impacts to groundwater. This Modification should not go ahead.

#### **Objection 4: Far too risky to groundwater**

We object to this mine, as the new mine footprint is of major concern to water security.

Firstly, a void, let alone a deeper void must not be part of the modification.

Secondly, the water grab may extend all the way into the alluvium- the very part of the region the Modification purports to be attempting to protect. There is a cross over area where there is mapped a ZERO buffer between the alluvium and the pit. That is, the proposed modification boundary for the new open cut pit intersects with both the government and Whitehaven Coal's own identification of the boundary of the alluvium. This is disgraceful and this modification must be rejected based on its risk to groundwater.

The 2012 mine expansion included a **Low Permeability Barrier** to prevent water inflows to the mine from Goonbri Creek. In this 2020 modification application- the Low Permeability Barrier will not be built, apparently considered to be too expensive and has been removed via this Modification. However, Whitehaven Coal are applying to mine right up to the line on the map that government mapping identifies as the alluvium. Mod 7 documentation shows that it is only Whitehaven Coal's mapping that claims the mining line is 200m away from the government's alluvium line. This is clearly an unacceptable risk to our water resources. If the alluvium is breached and it will be irreparably compromised and it will be disastrous for groundwater security.

**Objection 5: Whitehaven Coal is under NRAR investigation for its impacts to the surface and groundwater of our region.** This is a company that is under investigation for surface and groundwater interference by the Natural Resource Regulator (NRAR). It is inappropriate to approve a modification to Tarrawonga when cumulative water impacts of Maules Creek Mine, Boggabri Mine and Tarrawonga Mine combined are currently unacceptable.

Further, the planning department is requesting more information for WHC's Tarrawonga Modification 8 (an additional Modification to this pit) and it is held up in assessment. The information is most likely to be the updated water modelling being requested by the Government. This demonstrates how important this modelling information is. This modelling must be understood by the community including our organisation, Planning, DPIE-Water and NRAR ahead of any changes to water. Water is precious, it is shared and decision around it must be made to ensure life continues to exist in this landscape. Water affects everyone and everything in this region.

**Objection 6: The Whitehaven Coal Modification Application known as Tarrawonga Modification 7 Life of Mine application is unclear.**

It cannot be finalised as it is unacceptable for a community to be expected to give feedback on a "something" that will happen in the future- that will cause impacts to so much legislation, regulation and operational plans without the current impacts being understood.

As stakeholders we take protection of our water very seriously and expect our Planning Assessments division to support our region with sensible and ecological sustainable developments.

- As previously noted, Whitehaven Coal including Tarrawonga has a poor track record within the host community including blasting, water loss and dust, biodiversity loss and depleted community. It has such a poor track record that family farmers have had to leave the district.
- It has consistently disregarded its Environmental Protection Licence in terms of dust.
- This modification should be withdrawn at this time.

Whitehaven Coal appears to have no picture of where it is heading and wants government to give it a free hand to make things up as it wants going forward i.e. water going to the Leard Forest complex or away from it towards Vickery as it suits.

Mod 7 calls for a permanent pipeline from Vickery while Mod 8 is calling for trucking of water from Vickery. Modification proposals should not be designed as plan A and plan B, but, rather should be the result of careful and rigorous planning and consultation.

Currently, the Department is asking for further information on Mod 8, these two modifications are not compatible with each other, the company is wasting the time and valuable resources of the Department and the community through simultaneously expecting these two incompatible modification proposals to be considered.

“As a temporary contingency measure, up to approximately 1.6 megalitres per day of groundwater extracted from the existing Vickery Coal Mine groundwater bore”

[https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP11\\_0047-MOD-8%2120200218T032411.727%20GMT](https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP11_0047-MOD-8%2120200218T032411.727%20GMT)

Firstly, there are contamination of aquifer issues – taking water across aquifers and trading between zones.

Secondly, we understand that Mod 8 – a Water Haulage Modification requesting the taking of water from Vickery Mine - submitted due to Tarrawonga being fined by the EPA due to environmental dust pollution. This Mod 8 is incomplete and department is awaiting further information. At the BTM CCC it was said to be “just for drought,” yet it has not been withdrawn- so clearly it extends beyond the peak summer dust problems.

However, Mod 7 states that a pipeline will now be in place and is the transfer of water is to be contingent on the WHC Vickery extension approval.

“The Modification would include construction of a water transfer pipeline that connects to the proposed Vickery Extension Project (Figure 1-4).

Future transfer of water from the Vickery Extension Project (if approved) is subject to the limits of its approval/licensing requirements. “

This modification project is premature, as there is a Whitehaven Coal Vickery IPC hearing 2-3 July. We have heard only yesterday from Member for New England, Mr. Adam Marshall MP on local ABC Radio New England/North West that the Independent Planning Commission is “independent”. Therefore any IPC assessment must not be interrupted by the outcome of this Modification and process.

Further, Whitehaven Coal's Tarrawonga Modification 7 approval will place the community at risk of impacts in the following areas due to the fact that the following areas that may need to be addressed after the approval because-

"Relevant licences or approvals required under these Acts would continue to be obtained by the Tarrawonga Coal Mine as required, including relevant revisions to key plans, licences and agreements to incorporate the Modification."

It appears that an approval will guarantee untold numbers of regulatory changes.

Additional detail on the likely requirements of the Modification under some of the key Acts is provided in the sub-sections below. "

"In addition to the EP&A Act, the following NSW Acts may be applicable to the Tarrawonga Coal Mine, incorporating the Modification:

- ■ *•Biodiversity Conservation Act, 2016 (BC Act);*
- ■ *•Contaminated Land Management Act, 1997;*
- ■ *•Crown Lands Act, 1989;*
- ■ *•Dams Safety Act, 1978;*
- ■ *•Dams Safety Act, 2015;*
- ■ *•Dangerous Goods (Road and Rail Transport) Act, 2008;*
- ■ *•Explosives Act, 2003;*
- ■ *•Fisheries Management Act, 1994;*
- ■ *•Forestry Act, 2012;*
- ■ *•Heritage Act, 1977;*
- ■ *•Mining Act, 1992;*
- ■ *•National Parks and Wildlife Act, 1974;*
- ■ *•Natural Resources Access Regulator Act, 2017;*
- ■ *•Roads Act, 1993;*
- ■ *•Petroleum (Onshore) Act, 1991;*
- ■ *•Pipelines Act, 1967;*
- ■ *•Protection of the Environment Operations Act, 1997 (PoEO Act);*
- ■ *•Soil Conservation Act, 1938; pg. 3.2.*

This indicates a lot of unworked out detail by any measure and a lot of consequences unstated. Such a free hand to Whitehaven Coal- should not be out of the sight of the community. After the Brighton, Roma, Olivedeen to Maules Creek mine pipelines issue December 2019, it is clear that the only time for transparency is now. In 2019, extensive pipelines were allegedly illegally built outside the project approval area. The Modification 5 process only came after a "cease and desist" letter from The Lock the Gate Alliance. We now have a process, but so many unknowns as noted above and throughout this submission. Further, as is typical with mining approvals and modifications- change can be made to regulation to accommodate mining.

These changes could have untold impacts in our community or other areas as projects are harmonised under "administrative changes." An example is the burying of tyres in the overburden at the Maules Creek Mine,- for approval it was a requirement- to protect the aquifer and environment- then later

quietly removed from the approval after an administrative change- rather than a requirement to recycle and dispose of thoughtfully through commercial channels.

Whitehaven Coal needs to be clear and upfront with the community and the government about its development applications.

#### **Objection 7: Social Impact- unacceptable risk is borne by community**

An expansion of Whitehaven Coal's influence in our region is not economic. Currently the local coal is being sold for \$50 a tonne, yet costing \$80 to produce. Our future is in our hands, not foreign companies and this must be reinforced by government not approving this application at this time.

There is an unacceptable level of community and environmental risk posed by this expansion Modification. The long term social impact- being the survival of our water, environment and therefore families, communities and businesses will suffer from this approval.

"Whitehaven is the single largest private sector employer in North West NSW."

<https://www.planningportal.nsw.gov.au/major-projects/project/26936>

Our community is at risk from government approvals that place the social and economic fabric of our region at risk from mining concentration and crowding out other key industries- i.e. agriculture and renewable energy. When coal markets fail, our community will be impacted beyond acceptable levels due to planning decision like this one that seek to grow fossil fuel industry that are in structural decline. Markets and coal fired power station owners are coming to the conclusion, that the economics of burning coal just don't make sense. Apparently, there are less opportunities within a given year where operators can cover coal as the fuel costs, let alone the plant staffing costs and maintenance. Even though Japan is building some coal fired power stations, they are replacing old and less efficient one- meaning it burns less coal for a GW of power. Additionally, the Japanese people are using less electricity since 2008. It's just not need and it is being replaced with renewable sources and cheap LNG. Further in February 2020 the Japanese government is reviewing its support for coal fired power.

In relation to South Korea, the utilities are moving away from investing in coal fired power plants, so declining markets here as well. For example, BlackRock has destabilised Kepco's plans and financing. While this may seem many miles away- this will impact greatly – as Whitehaven Coal claims to be "the biggest employer in our region."

We object to the human and water resource impacts of this Modification. This expansion is set to overwhelm the host water source, economy and exposes our region to the jobs and economic risk.

There is no social licence for mining at a time as renewable energy alternatives are being taken up in the places where this company exports. Our region will be left with stranded assets and Whitehaven Coal will own the water.

**Objection 8: Whitehaven has a long list of breaches (including from Tarrawonga) and is facing a range of further prosecutions.** Whitehaven has too many to list overall. These are for Tarrawonga- 2012- Polluting water way, breaching the environmental protection licence, 2014 fine for mining more coal than allowed, 2015- failing to implement proper weed and feral animal controls, 2018 failures regarding blast management plan and noise management plan, 2019- rehabilitation notice.

Most recently as discussed at the CCC, there has been an incident involving Tarrawonga Coal breaching and polluting with toxic water:

“A sediment dam wall breached during heavy rain in February this year, causing sediment-laden water to discharge onto a neighbouring coal mine. Fortunately, the water was contained on this neighbouring site and did not make it to any waterways.”

“EPA investigations show that the mine did not have a maintenance plan for the dam in place, including an inspection schedule which could have helped identify the emerging structural failings,” as reported in EPA media. <https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200528-tarrawonga-coal-fined-after-environmental-breach-at-mine>

We feel that Whitehaven Coal is in a state of flux. At this mine, the company is revising its maintenance plans to ensure that this incident does not reoccur. This is all since the Modification was written and the poor water practices occurred. But in other WHC owned mines the impacts are widespread and have become very serious.

**Objection 9: object to potential impacts considered “Minimal,” for this modification** We disagree that this Project is substantially the same under Section 4.55(2) of the EP&A Act. And that everything can be worked out later.

“The Modification would include construction of a water transfer pipeline that connects to the proposed Vickery Extension Project (Figure 1-4).

Future transfer of water from the Vickery Extension Project (if approved) is subject to the limits of its approval/licensing requirements. “

These are substantial changes and the impact must be carefully considered.

**Objection 10: Water in our region must be protected and must not legally be handed over by state government to become the plaything for this or any mining or other company.** In summary these documents tell us that Whitehaven Coal seeks to change or impact up to 18 pieces of legislation- in order to:

- Increase coal extraction from 3.0 to 3.5 million tonnes per annum (Mtpa); without increasing GHG emissions
  - Increase ROM coal transported along the Northern Section of the Approved ROM Coal Transport Route from 3.0 to 3.5 Mtpa; still- without building a bridge over Kamilaroi highway
  - Reduce the mine footprint to avoid mining the Upper Namoi alluvium; and Goonbri Creek by;
    - a. digging deeper on the Eastern side
    - b. Leave a deeper final void
  - Relocate the ROM coal stockpile and associated infrastructure; impacts unknown
  - Construct a new site access road and intersection to allow haulage of ROM coal along a section of Goonbri Road; impacts unknown
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- Construction and use of a water transfer pipeline between the Tarrawonga Coal Mine and the proposed Vickery Extension Project without detail.

Our experience is that this is a step that will impact our State and set a raft of precedences and changes to Legislation, regulations and guidelines and that licences will likely be altered to facilitate the vision behind this modification.

Despite lots of words, there is too little explanation and too many unknowns that will lead to the interference with the region's water resources. The full picture is unknown to all stakeholder and - based on its own documents - possibly even the company.

This Modification should not be approved to facilitate an expansion of a Leard Forest Mine with such risks to our community and region.

Thank you for the opportunity to make a submission.

Yours Sincerely

Libby Laird

President of the Maules Creek Branch of the Country Women's Association of NSW