

8 June 2020

Dear Sir/Madam,

Re: Tarrawonga Coal Mine Expansion Project Project Application Number: MP11_0047-Mod-7

Please find enclosed a submission by the Maules Creek Community Council Inc (MCCC) regarding the Environmental Assessment by Tarrawonga Coal Pty Ltd (Tarrawonga) prepared as part of the above mentioned Project Modification Application.

The Environmental Assessment walks back significantly protections for groundwater mandated in the so called 'strict conditions' provided in the original project approval dated the 22nd of Jan 2013. The Council is very disappointed that Mod 7 has only provided the public with 20 days for the exhibition period and that crucial groundwater modelling that is being undertaken now by all mines in the vicinity is not included in the Environmental Assessment for consideration.

The watering down of groundwater protections follows a period when the owner of the Maules Creek Coal mine, which coincidentally is also the proponent of the Tarrawonga mine Mod 7 and the proposed Vickery mine extension mentioned in this EA, has been under investigation for water theft and is subject to prosecution. It is our view that protections for groundwater should be increased wherever possible when this proponent is involved.

As you can gather from the above, the Maules Creek Community Council has significant concerns regarding Mod 7 and makes recommendations as to prudent amendments to the proposed modification.

Yours sincerely

Phil Laird
Maules Creek Community Council Inc

Tarrawonga Coal Mine Mod 7

Project Application Number: MP11_0047-Mod-7

Submission by:

Maules Creek Community Council Inc

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Executive Summary

Tarrawonga Coal proposes to extend its mine pit right up to the Namoi Alluvium and remove the current planning approval requirement to construct a “Low Permeability Barrier” that protects groundwater from flowing into the open cut coal mine.

“The Modification proposes mining of coal within 200 m of the Upper Namoi alluvium (but would avoid mining the Upper Namoi alluvium itself). This would allow TCPL to maximise the extraction of economic coal without the requirement to construct the infrastructure described above (i.e. the low permeability barrier, Goonbri Creek diversion, road and electricity transmission line realignments). The Modification would result in forgoing coal extraction from some areas permitted under PA 11_0047 (i.e. underlying the Upper Namoi alluvium).”¹

By removing the 200m safety margin, this “modification” appears on its face to be a straight out water grab of unregulated pit inflow, known colloquially as “passive take”, from the Namoi Alluvium. The modification is designed to increase the passive take of groundwater by freeing the proponent from the constraints of building the Low Permeability Barrier.

It rings alarm bells for the Maules Creek community whose groundwater was seriously impacted last year due to drought and mine de-watering of nearby coal seams where the company was exempted from controls due to the passive take which would reduce the passive take nature of the inflows.

Furthermore the modification envisages a network of new pipelines and existing water transfer arrangements that will enable the movement of unregulated Namoi alluvium water to or from other mine sites such as Vickery and Maules Creek² including sites outside the water zone of origin.

Justification

The MCCC is concerned that the proponent is attempting to use its production costs as the justification for a modification that reduces groundwater protections. Such a justification does not align with the intent of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Acts objects are clear. i.e. to protect the environment;

“(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,”³

1 Whitehaven Coal, **Tarrawonga coal mine – Life of Mine Modification Report: Executive Summary** https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP11_0047-MOD-7%2120200428T070726.782%20GMT downloaded 8.6.2020

2 Hydro engineering and Consulting, **Tarrawonga coal mine – Life of Mine Modification Report: Surface Water Assessment and Site Water Balance** https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP11_0047-MOD-7%2120200428T070730.897%20GMT downloaded 8.6.2020

3 **Environmental Planning and Assessment Act 1979** (EP&A Act) Part 1, S1.3 (e) [https://www.legislation.nsw.gov.au/#/view/act/1979/203/part1/sec1.3?dq=Within%20Title%3D%22Environmental%20Planning%20and%20Assessment%20Act%201979%20No%20203%22,%20Exact%20Phrase%3D%22precautionary%20principle%22&fullquery=\(Content%3D\(\(%22precautionary%20principle%22\)\)\)](https://www.legislation.nsw.gov.au/#/view/act/1979/203/part1/sec1.3?dq=Within%20Title%3D%22Environmental%20Planning%20and%20Assessment%20Act%201979%20No%20203%22,%20Exact%20Phrase%3D%22precautionary%20principle%22&fullquery=(Content%3D((%22precautionary%20principle%22)))) downloaded 8.6.2020

Normal rules of supply and demand are designed to reduce supply when price is low, not externalise the costs to the environment and the community. For this reason the removal of the 200 m safety margin and the Low Permeability Barrier should be rejected.

Recommendation 1:

The proposal in Mod 7 to remove the 200 m safety margin from the mine pit to the Namoi Alluvium and the Low Permeability Barrier should be rejected.

Groundwater Modelling

The Boggabri area experienced extensive drought over the last few years which resulted in low flows into the Namoi River, the Namoi Alluvium, the Maules Creek creek system and the Maules Creek alluvial aquifer.

This drought has led to a huge re-assessment of what is sustainable water use in the Namoi Valley and beyond to the Murray Darling Basin.

Since Tarrawonga was approved, the climate and the weather has dramatically changed. 2019 was the hottest year on record in Australia, 1.33 degrees hotter than the previous record, which coincidentally, was 2013⁴, the year the Tarrawonga expansion was approved. In fact, 7 of the 10 hottest years have occurred since Tarrawonga was approved.

Furthermore, 2019 was also the driest year on record, more than 10% lower than the previous drought record of in 1902.

For any regional scale water use changes, such as those being proposed here where water is being moved from one zone to another, the most up to date water modelling is required. This modelling should include;

- i. the latest individual mine modelling of water use
- ii. the latest cumulative mine water use modelling,
- iii. the latest record weather conditions and,
- iv. the most recent forecast impacts of climate change.

The community is aware that modelling is currently being undertaken for all the mines in the region and that it is not used in the EA for Mod 7.

Recommendation 2:

All the proposals contained in Mod 7 should be delayed until all the latest mine water modelling is provided and a cumulative model from an independent water modeller is prepared and it has been peer reviewed.

4 Bureau of Meteorology, **Australia's warmest year on record: marked by severe, protracted drought**
<http://www.bom.gov.au/climate/current/annual/aus/2019/> downloaded 8.6.2020

Low Permeability Barrier

It seems inevitable that once Tarrawonga obtained its 2013 expansion approval it would seek an opportunity to renig on its requirement to implement the Low Permeability Barrier. At the time the MCCC expressed reservations in its submission:

“It is the view of the MCCC that the proposed “bund” and creek “re-alignment” is a doubtful and complex long term engineering solution to a simple problem.”⁵

At the time, we said that the creek should be left to it’s natural course and that the mine should be kept away from groundwater including the “perched” groundwater table near Goonbri Creek.

The fact that the proponent has sought to justify the impacts to groundwater on the basis of cost, shows how far the planning system has shifted in favour of multinational proponents and away from local people and their environment. When the first option is to externalise costs rather than take the sensible approach to either stop production until it is economic or cease production altogether due to climate change considerations, it is clear that something is wrong with the power balance between planners/regulators and proponents in NSW.

The trend for coal economics is well established⁶ and the high prices experienced at the time the Tarrawonga Expansion was approved, was a blip that will/can never be repeated.



5 Maules Creek Community Council Inc, 2013, Tarrawonga Coal Mine Expansion Project - Application Number: 11_0047

6 Trading Economics, GC Newcastle, <https://tradingeconomics.com/commodity/coal> downloaded 8.6.2020

The best outcome in this time of low coal prices and rapidly escalating climate change is the proponent responds to the orderly market signals that it is subject to and the coal is left in the ground on the basis of it being uneconomic.

In fact, the Objects of the EP&A Act 1979 Part 1, s1.3, (e) provide a clear direction in this regard;

(c) to promote the orderly and economic use and development of land,⁷

Recommendation 3:

The costs of environmental protection should be internalised by the proponent, not externalised to the environment and the community. The Low Permeability Barrier should be retained as per the original approval conditions.

Proposed Pipelines

Section 3.3.4 of the Mod 7 Surface Water Assessment indicates that mine water sharing arrangements allow water to be transferred between the Boggabri-Tarrawonga-MaulesCreek mines. It also indicates that Tarrawonga could, subject to approval, access water from the Vickery mine via pipeline.

This leads the MCCC to raise concerns that the proposed pipeline infrastructure could enable vital Maules Creek groundwater to be piped all the way to the Vickery coal mine, well out of the Maules Creek water source⁸.

It is concerning to the MCCC that the proponent seeks to connect Maules Creek groundwater sources to the Vickery and Tarrawonga Coal Mines for coal washing and dust suppression via a non transparent water sharing strategy developed by local mines with no input from impacted landholders.

Basically, landholders are not operating on a level playing field with mining. Landholders have not seen the cumulative modelling, have no role in the strategy development and are likely to be severely impacted if it is wrong.

In 2019 surface water at Elfin Crossing in the Maules Creek water source disappeared from view entirely. This is without precedent in living memory and is yet to be explained by the Dept or the nearby mine. Droughts have come and gone, yet we have never seen this degree of water loss before.

7 **Environmental Planning and Assessment Act 1979** (EP&A Act) Part 1, S1.3 (e)
[https://www.legislation.nsw.gov.au/#/view/act/1979/203/part1/sec1.3?dq=Within%20Title%3D%22Environmental%20Planning%20and%20Assessment%20Act%201979%20No%20203%22,%20Exact%20Phrase%3D%22precautionary%20principle%22&fullquery=\(Content%3D\(%22precautionary%20principle%22\)\)\)](https://www.legislation.nsw.gov.au/#/view/act/1979/203/part1/sec1.3?dq=Within%20Title%3D%22Environmental%20Planning%20and%20Assessment%20Act%201979%20No%20203%22,%20Exact%20Phrase%3D%22precautionary%20principle%22&fullquery=(Content%3D(%22precautionary%20principle%22)))) downloaded 8.6.2020

8 Hydro engineering and Consulting, **Tarrawonga coal mine – Life of Mine Modification Report: Surface Water Assessment and Site Water Balance** https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP11_0047-MOD-7%2120200428T0730.897%20GMT downloaded 8.6.2020



Any use of Maules Creek ground or surface water for mining at Tarrawonga or Vickery was not included in the original 2012 approval conditions for the Maules Creek coal mine. As shown above, water is already tight at Maules Creek in dry times and the handling of the investigation by the Dept of Planning to protect the Maules Creek water source for the community and the environment is of grave concern to residents.

Recommendation 4:

1. Maules Creek groundwater must not be accepted by the Tarrawonga coal mine from the Maules Creek water source.
2. Full transparency including water meters with real time telemetry that provide real time, online pumping data be provided by the proponent of Mod7 on any pipeline that leads to or from nearby mines

Final Landform

The proposed final void is not leading practice and will provide long term impacts to the groundwater and fauna of the area. Closing final voids is part of the cost of doing business for open cut mining.

Closing final voids has been standard operational practice in the US for decades and it is simply not acceptable for the proponent to leave a void. At the end of the fossil fuel era any new approvals must include conditions that utilise existing cash flows to close final voids.

Recommendation 5:

1. The final void should be closed.
2. The land capability in the area of the proposed final void should be returned to its current value.
3. Funds should be retained in trust sufficient to close the final void.
4. The Aquifer Interference License should not expire at the conclusion of mining after the final void is closed.
5. Funds should be retained for monitoring of the groundwater levels sufficient for a minimum of 400 years.
6. Tarrawonga Coal should use a impervious membrane to ensure that there is no potential for salts or heavy metals to concentrate in the soil above the standing water level.

7. Detailed investigations should be conducted and appropriate works undertaken to ensure that there should be no potential for salts or heavy metals to get into the ground water.
8. The final landform should be engineered in such a way as to maximize social, recreational and educational opportunities.