

MAULES CREEK COAL MINE - MOBILE COAL SIZING AND WASTE TYRE DISPOSAL



**Reject this modification**

Wando Conservation and Cultural Centre Inc is based at Maules Creek approx. 70 kms from Gunnedah; Wando engages in research and monitoring to protect the environment and the communities in the area.

Wando opposes the application (Mod 8) on the part of Whitehaven Mines on a number of grounds:

**a) Inappropriate and inadequate process**

- i) The proposed modification is not a 'minor' modification; however, it is of sufficient significance to warrant a separate Development Application with associated Environmental Impact Assessment
- ii) Wando understands that the necessary approval of the NSW Aboriginal Land Council has not been sought
- iii) The proposed modification is a further example of 'retrospective approval'; Whitehaven Mine has a history of pre-empting approval decisions and of 'forcing the hand' of the Government into accepting processes which are antipathetical to both appropriate environmental protections and the Precautionary Principle
- iv) An exhibition period limited to 14 days is simply inadequate for proper consideration

- b)** This modification should not be on exhibition. It appears rushed and it does not appear to meet the regulatory requirements. "Clause 115(8) of the EP&A Regulation also relevantly states: *An application for modification of a development consent under Section 4.55(1), (1A) or (2) or 4.56(1) of the Act relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.* The MCCM Project Approval includes land that is owned by Red Chief Local Aboriginal Land Council. As such, the consent requirements of the NSW Aboriginal Land Council **will be attended to** in respect of this Modification."

**This is not acceptable and justification to reject this modification.**

**c) Groundwater concerns**

Wando remains concerned that the proponent's claims that current groundwater monitoring practices are sufficient to detect (let alone prevent) leaching of contaminants into groundwater are unproven. This proposal is weak, and as seen recently, water monitoring will be used to advantage WHC when it finds itself in court over water offences. In the NSW Government case, brought by NRAR in Land and Environment case against Maules Creek coal mine, the defence for the company argued that the water monitoring was insufficient and not reliable to form the basis of the modelling that NRAR for the NSW government relied upon for the prosecution to argue the extent of the impacts. It took five years for this information to be revealed. During this five year period ongoing and cumulative harm was occurring. Until self-regulation is over, this Modification proposal must not be awarded to the Maules Creek Coal mine. It appears that the government is

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simply not managing the environment in our area. By creating another opportunity for this to occur by accepting another promise to monitor, Whitehaven Coal has been handed control of the destiny of our water environment. This makes the government to which we pay our taxes unable to do its job to the fullest extent; until things change, modifications relying on self-reporting must be rejected.

<https://www.dpie.nsw.gov.au/nrar/news/nsw-water-regulator-concludes-investigations-into-maules-creek-coal-mine>

**d) New processes: Tyre Stewardship Council of Australia**

Whitehaven Mine at Maules Creek should be encouraged to engage fully with the Tyre Stewardship of Australia and other stake-holders to develop an efficient recycling option for dealing with end-of-life mining tyres in NSW. The Tyre Stewardship Council of Australia's extended producer responsibility scheme will commence in January 2022.

The modification, which would see the dumping and burial of at least 300 tyres per annum, a practice which has been occurring since 2012, is totally unacceptable. Reject this application as the current Maules Creek Mod 8 Report (not actually an EIS) does not consider or include alternatives to tyre burial and commit to tyre recycling. It does not have targets over any time period to get its process in order. It does not intend to work with the government, merely impose its waste on the environment and the community.

**e) Increased noise and dust from mobile crushers must not be approved through this modification.**

It is unacceptable to inflict more noise and dust into the Maules Creek population. A so called "negligible" increase is alarming to the landholders, particularly at night with a "mobile," movable crusher on the northern embankment operating at any place and at any time. There will be no accountability at all or noise or dust criteria. This is a ludicrous proposition for the community and for the government to manage the environmental impacts. It must be rejected.

*"Predicted spectra indicate that it is unlikely that any of the privately-owned receivers surrounding the MCCM would be subject to dominant low-frequency noise with the Modification in place."*

Many of the locally owned properties are outside the model boundary. The last noise modification was withdrawn due to overwhelming community opposition; these properties were all assessed in the community noise monitoring program and measured to be noise impacted **already**. It beggars belief that these properties are not being modelled for. And of those being modelled for, what is different this time is that the mine is **larger** and the noise making equipment is **closer** to the "average listener," and/or 'sensitive receiver'.

Unless the government changes its practices in terms of management, much of the rock crushing will occur at night in an attempt to mask the dust. Dust in this *catcher-mitt* region is dangerous to our health and cruel. The mine generated noise during sleeping time for both average listener and sensitive receiver will create exhaustion in the population.

Should this proposal not be rejected outright at the very least **any evening and night rock crushing must be rejected**.

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**f) Greenhouse gas assessment**

This project claims to already produce 30 million plus tonnes of CO<sub>2</sub>-e. Any increase, no matter what fraction of the current project is being argued, must be rejected. There is no room in our environment to be increasing any greenhouse gas (GHG) emissions. This Modification is contributing 3,686 tonnes of CO<sub>2</sub>-e more emissions - a huge amount particularly when added to 30,028,092 annual average GHG emissions for the approved operations. A modification should seek to decrease, not increase, hazards; any increase is unacceptable.

*“An estimated additional 1,299 kilolitres per annum of diesel is estimated for the additional fleet.”*

This is not acceptable and below community expectation. The potential change in greenhouse gas (GHG) emissions associated with the Modification has been considered but not rejected by the mine whose owners are expanding mining against the world trend and in the face of catastrophic climate change projections. No additional diesel usage from either new or existing fleets must be permitted under any Modification.

**Wando recommends the withdrawal of the modification. Should the modification progress to determination, Wando is firmly of the opinion that the modification must be rejected.**