



Country Women's Association of NSW

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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

Director – Resource Assessments
Planning and Assessment,
Department of Planning Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

21st October 2021

Objection to PA 10_0138, Modification 8

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

Thank you for the opportunity to make a submission. We ask that the Department of Planning, reject this modification

We consider the approval of this Modification will directly result in a degradation of our public health and environment

The Maules Creek Branch of the Country Women's Association of NSW are very concerned about the ongoing and long-term impacts on human health from dust particulates, mining noise and pollution of our water sources from mine waste to land pollution from industry in our community. We oppose the Modification 8 proposal and request that the Department of Planning reject the Modification.

- The social benefit of the MCCM is increasingly reduced with the growing automation of the industry. Our community has the benefit of watching a section of the community, mining, expand, while the workforce shrinks and our own public health- the conditions in which we are born, grow, live, work and age, declines.
https://www.who.int/social_determinants/sdh_definition/en/
- We believe that today, by the government rejecting this proposed modification it is the time to address this inequity. This is a modification, with increased dust particulates and including the additional release of toxic airborne chemicals, volume and frequencies of noise, increased greenhouse gas emissions and threats to water ground and surface water. Time is short to respond, we object based on the following points:
- This Maules Creek Mod 8 Report (not actually an EIS) lacks actual investigation and evidence of working with the recycling industry in order to include alternatives to tyre burial in the modification to ensure avoidance of our region with tyre pollution.

- For equity, we see resource recovery at minimum as the goal and the polluter pays principle needs to be enacted for this and past pollution.
- By refusing to take responsibility and recover the resource, as the world is shifting rapidly to the circular economy, the Modification sanctions MCCM in becoming a job taker, not a job maker. Recycling facilities exist.
- We consider a commitment to tyre recycling by a 2022 date with quotas of tyre storage (not burial), that reduce to zero over 3 years to force the Maules Creek Coal mine to get its processes in order.
- The Waste Tyre Disposal – of many hundreds of thousands of tonnes of “special waste, tyres” are not of minimal impact. Tyres (like asbestos) must be handling in a particular manner to protect the environment and community from the pollution. The modification must not be used to convert the Leard State Forest, into effectively a landfill with long term impacts to be felt long after the mine has gone. With the cumulative impact of the other Leard forest mines this is very wrong. For the benefit of current and future generations, the forest must rehabilitated, we were not promised a tyre pit and the region must be pristine as it is a recharge area for the Maules Creek water source and for our creeks.
- The modification seems completely out of step and engagement with the outside world, for example the broader tyre recycling industry. If genuine engagement had occurred, how could the Modification Report not be informed by the biggest change in the OTR industry for years, i.e. both its tyre suppliers contributing to the Tyre Product Stewardship scheme from January 2022?
- The modification should be rejected for its proposed direction to avoid or delay the opportunities created by the industry; for example, the Tyre stewardship Australia (TSA). We agree with TSA and the NSW EPA that resource recovery is the preferred method of tyre waste management in NSW and that the Modification must be used to ensure this occurs.
- There is no inclusion for transparent tracing and tracking of tyres already buried at the mine. There are hundreds of tyres that are undermining the existing landscape and no understanding of how these will impact water and the location of future tyre burials planned by an approval of this Modification. Mod 8 does not improve the environment, it makes the local environment worse.
- Modification commitments to monitor groundwater by the MCCM seem unproductive for successful compliance work. After the recent MCCM surface water court case where NRAR were forced to rely on the mine’s own water monitoring, for a professional water modeller to create a reliable conceptual model out of in order to understand the impacts and extent of the illegal water take the MCCM confessed to. After the model was created, the MCCM argued that the data from the monitoring was too poor for the conceptual model to be reliable.

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- This modification does not appear to meet the regulatory requirements. Our understanding is that the consent referred to below, that is to be "attended to," did not exist at time of lodgement and exhibition. *"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."*
- ***"Waste Tyre Management*** *Consistent with the description of waste management within the MCCM Operations Plan (MCC, 2020b), used heavy vehicle tyres are currently stockpiled in preparation for disposal in the MCCM emplacement areas (however no disposal currently occurs).* The above statement is inconsistent with the evidence provided by MCCM to the EPA in mid 2020 after a site inspection. This attitude reproduced in the Modification 8, after an EPA official caution is astounding and does not bode well for any level of trust.
- The Modification is (in part) called "MOBILE COAL SIZING," yet there is a mobile rock crusher as well "generally located on the Northern emplacement." Placing such an industry on a high point- will reverberate the noise and push the fine particulate dust further than it does already through the Valley.
- While this may be cheaper for the MCCM, the volume of dust and noise of this crusher operating 24x7 will be prohibitive to local community health and the environment.
- Coal crushers like the current crusher are without shielding for the community from the noise. An accumulation of similar noise by the addition three mobile crusher plants is unacceptable. The 'plan' to "generally" located the coal crushers in the ROM stockpile and open cut, and to locate the the rock crusher 'generally" on the northern overburden is a very loose plan creating noise from many different sources, 24x7 and a lack of accountability for understanding, measuring and where appropriate prosecuting the mine for its pollution impacts.
- The noise and dust to the community is already, regularly not acceptable and this modification will increase significantly these concerns.
- Many of the locally owned properties are inexplicably outside the model boundary.
- Noise from mining is a major disturbance of night-time sleep in our community. This proposal is unacceptable and must be rejected.
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- Landholders are not even aware of the rock crusher aspect to the Modification, it is not in the modification TITLE.

- The noise increases and low frequency noise to local properties is not “negligible.”
- This is an old-fashioned proposal that will waste a lot of the community and government’s time. How could this noise be monitored in reality? How could compliance occur in reality? Spot checks will be successful in the moment, on the night they occur, require months of paperwork for prosecution or compliance letters, but the other nights will be a power up situation, all machines back on. Again, the “general location” of the crusher will ensure business will operate without accountability.
- *“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.”*

The above statement indicates a lack of likelihood that low frequency noise will be dominant. In other words, the addition of three crushers will create many sleepless nights.

The movability of the crusher on the northern embankment operating at any place and at any time will mean there be no accountability at all, or possibly even more security guards driving around waving noise and even dust monitors. This Modification is not scientific, a cost shift onto the community and it must be rejected.

The Modification 4, noise modification was withdrawn due to the large number of submissions against increasing noise levels. Having more crushers will not make it easier for the community to sleep. Rock and coal crushing will occur in the evening and at night in an attempt to mask the dust. Reject this proposal and if the DPE does not, **any evening and night rock and coal crushing must be rejected.**

Greenhouse gas assessment

Every fraction of an increase in greenhouse gases must be rejected. 3,686 T CO₂-e (kilotonnes of carbon dioxide equivalence), additional emissions matters. It matters particularly when on top of 30,028,092 T CO₂-e on average of GHG emissions per year from the MCCM. There must not be an increased GHG from the modification. The modification should be looking to lower emissions not increase emissions. This is completely unacceptable and not an environmental improvement, despite the argument put by the Modification. The time for excuses is past.

In summary, The Mod 8 Report proposal is an example of a large employer in our region shirking responsibility, cost shifting to the near community and environment, creating excuses and shifting the goal posts. A retrospective approval, after years of illegal burial at Whitehaven Coal mines in our region and no prosecution for failing to work to its Project Approval undermines public confidence in the Planning department and the mine.

To avoid harm, we require the Modification to ensure the mine act within the principles of ecological sustainable development (and not merely statements of tangential links between the modifications and the ESD framework) The Maules Creek Branch of the Country Women’s Association of **recommends the modification be withdrawn or rejected.**

Thank you.

Maules Creek Branch of the Country Women’s Association of NSW.

