

2 July 2020

NSW Independent Planning Commission  
Level 3  
201 Elizabeth Street  
Sydney NSW 2000

Electronically: online submission form

### **Vickery Coal Mine – Vickery Extension Project**

Dear Commissioners

As indicated in our 2019 submission, Cotton Australia does not typically get involved in locally based issues as we take a position that we only represent the broad concerns of growers. However, we believe that the Vickery Extension Project has much broader implications for our growers due to the proximity of the development to prime agricultural lands and high-quality water resources.

It is concerning The Project represents significant development creep and the revisions the proponent has since undertaken do little to alleviate the accumulative impacts of an additional mine to the valley, a coal processing facility, plus rail spur.

Cotton Australia has worked closely with members and other landholders affected by the Vickery Extension Project; we understand they will be making submissions that seek its refusal. Cotton Australia recognises and supports these landholders' position.

#### **EXECUTIVE SUMMARY**

In Cotton Australia's view, the 2020 version of The Vickery Extension Project (The Project) still represents significant development creep:

- The revised excavation activity is still located adjacent to the Namoi River and its flood plain.
- Spoil will be placed on top of the alluvium and the resulting "The Western Emplacement" increases the risk of ground water contamination from leachate and compaction of the aquifer.
- The coal processing activities will still be conducted on site and under the extension these will increase because material from all other Whitehaven mines is to be directed to the Vickery site's proposed coal handling and preparation Plant (CHPP).

The resulting coal will still need to be stockpiled for washing or transport and its location will be even closer to the Namoi River and floodplain than the mine

#### **COTTON AUSTRALIA LIMITED**

Head Office Suite 4.01, 247 Coward St, Mascot NSW 2020 Australia

Phone + 61 2 9669 5222 Fax +61 2 9669 5511

Brisbane Level 3, 183 North Quay, Brisbane QLD 4000

Toowoomba Unit 3, 6 Rutledge St, Toowoomba QLD 4350

Narrabri Level 2, 2 Lloyd St, Narrabri NSW 2390

ABN 24 054 122 879

[www.cottonaustralia.com.au](http://www.cottonaustralia.com.au)

- A rail spur will still be created to transport the coal instead of using roads and it will still transverse both the river and floodplain.
- The lands impacted by the rail loop and CHPP are on the other side of the Namoi River and that land is still designated as Biophysical Strategic Agricultural Land (BSAL).
- The noise, light and sound impacts caused by the coal handling and preparation Plant (CHPP) operating for 24 hours, in Cotton Australia's view, will still be substantial. Now, we note that the nearest landholder's property which is on BSAL is identified for Voluntary Land Acquisition and Mitigation Policy due to The Project's operational noise.
- The mine's rehabilitation still includes a final void and nothing is said about the impacted BSAL lands that will host the rail infrastructure when the mine is at its end of life.

#### **Cotton Australia recommends:**

The extension of The Project for this previously approved mine not proceed because the extended activities impact BSAL, prime agricultural lands, and high-quality water resources; and the extended activities combined represent development creep beyond the original intent of the approved mine.

If disappointingly The Project's expansion proceeds, and this is despite strong community objection, in Cotton Australia's view the Commission should direct that:

- The community is given the opportunity to have input into:
  - The siting and location of the rail line to make use of local knowledge of flood events.
  - The final form and use of the rehabilitated landscape, for both the approved mine and also all features of the Vickery Extension Project, noting that Cotton Australia considers the use of a void as the final landform as not acceptable and the agricultural land that the mine has disturbed, is to be fully restored to its former agricultural quality. This refers to the quality of soil, landform and catchment hydrology, including surface and ground waters.
- The out-of-pit emplacement of spoil is not to occur, but the required geochemical analysis occurs of the spoil and ground water to prevent acid sulphate soil leaching.
- The monitoring of bore water drawn down occurs at a level deeper than 60 metres to reflect the mine pit that will be 250 metres deep.

## GENERAL OBSERVATIONS

### Water

#### Flooding

Cotton Australia remains concerned about the potential impacts of the rail infrastructure on flooding characteristics. The embankment may have been changed to pylons, but it is an additional structure being added to a flood plain.

The height of the rail structure should also be considered in context of the changing climate. Reliable modelling<sup>1</sup> indicates the frequency and veracity of storm effects will change, not just temperature and dry spells. These projections suggest the volume of what is currently considered a large rain event, such as the magnitude of a one in 100 year, will be more normal than unusual. The event itself will also dump the volume of the rain in a shorter period of time.

#### Accumulative impacts of water use and drawdown

Cotton Australia is concerned about impact on bores, which rely on, as the Department's Assessment Report observes, on "the high quality of the alluvial groundwater source"<sup>2</sup>. We are also concerned about the community's access and enjoyment of the Namoi River let alone landholders to the west of the Project, where to use the Department's words "land is extensively used for cropping and irrigation"<sup>3</sup>. No wonder there are 635 bores registered in DPI Water's database that are within the bounds of the model domain [33 kilometres by 29 kilometres area], or that the 2012 census found 122 production bores<sup>4</sup>.

The Department notes that the closest privately-owned bore is located approximately five kilometres from The Project borefield but that description just relates to its extraction point; the water is coming from the same source that The Project will use. Boggabri's town water supply uses this source and they, along with all bore users, will bear the impact of any drawdown triggered by the Vickery Extension's activities.

These activities will require additional water for dust suppression at the mine and for the expanded coal processing operations, an activity which was not in the original project. In other words, sufficient water to process the coal from not just the Vickery mine but coal from a total of three mines, and all occurring next to the river.

---

<sup>1</sup> Such as the *NSW and ACT Regional Climate Modelling (NARClIM) Project* <https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region>

<sup>2</sup> Para 237 on p49 of the Vickery Extension Project Assessment Report.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

It is not just drawdown, there is also the question of whether monitoring will occur at a sufficient depth for a 250 metre<sup>5</sup> coal pit. In addition, the CHPP is still located on the banks of the Namoi River and what enters into the river impacts everyone else downstream.

### Western Emplacement

In the Assessment report states that “DPIE Water has advised that it does not support the emplacement of spoil over the alluvium”<sup>6</sup>.

In fact, to quote directly from DPIE Water’s 21 Nov correspondence to DPIE it:

“is concerned that the stockpile is a risk to aquifer compaction and groundwater contamination through generation of leachate”<sup>7</sup>.

Commissioners, the suggestion of potential crushing the aquifer is most concerning let alone leachate coming from the stockpile, a liquid with acid forming potential.<sup>8</sup>

The Department considers these issues can be designed around but is The Commission so confident? For that matter is The Commission confident that Whitehaven could devise and properly implement a sufficient Trigger Response Action Plan?

We note that DPIE Water’s most recent correspondence of 11 March 2020<sup>9</sup> reiterates these concerns and goes on to state [quote] “The proponent should acknowledge the associated commercial risk with this out-of-pit emplacement leading to potential for removal” [end quote]. Why, because as DPIE Water frames it, if the Trigger Action and Response Plan (or TARP) is triggered it could lead to removal of the out of pit spoil.

In Cotton Australia’s view this is not acceptable. The spoil will be put in the wrong place. The TARP is yet to be seen and by the time the required monitoring registers such an issue, leachate has been generated for some time and ALL this will occur next to the river. Apart from that impact, how would one go about restoring a crushed aquifer?

---

<sup>5</sup> Whitehaven Coal – Vickery Extension Project Submissions Report, Table 1 page 7.

<sup>6</sup> Para 278 page 59 of the Vickery Extension Project Assessment Report.

<sup>7</sup> [Appendix G1-4](#) of the Vickery Extension Project Assessment Report.

<sup>8</sup> Para 276 of the Vickery Extension Project Assessment Report.

<sup>9</sup> [Appendix G2-1](#) of the Vickery Extension Project Assessment Report.

## Loss of Biophysical Strategic Agricultural Land (BSAL)

The mine may not be on BSAL but the infrastructure associated with the project's extension definitely is.

The Project's rail spur is on BSAL designated land and this corridor will see movements that will now be the sum of three mines worth of processed coal.

Furthermore, a property that is highly productive because it's on BSAL designated land, "Mirrabinda", is now identified as eligible for the Voluntary Land Acquisition and Mitigation Policy. This is because of the operational noise to be generated by the extended Project.<sup>10</sup>

The Department also concedes the 'close-knit' landholders to the south west of the mine will be directly impacted by the mine,<sup>11</sup> the rail spur, the CHPP and rail load out, and these [quote] "would change the character of the area"<sup>12</sup>. [end quote]

We note this is especially the case for the six landholders who derive their income from using their BSAL holdings. We also note, they are now the focus of Whitehaven's latest round of negotiated agreement discussions.<sup>13</sup>

So Namoi Valley agriculture is now facing the loss of the highly productive "Mirrabinda", the infrastructure of the extended Project disrupting the production area of another six, if not also risking their loss.

This is not just in terms of the agricultural products themselves but the potential loss of local spending these holdings put back into their communities; which in the case of cotton growers can be as much as 79 per cent of farm expenses.<sup>14</sup>

---

<sup>10</sup> One residence on the Mirrabinda property (ID 127c) is predicted to experience significant noise impacts (greater than 5 dB above the PNTL) and would be afforded acquisition rights under the VLAMP. An additional dwelling within the same landholding (property ID 127b) is predicted to have moderate impacts as the noise levels are 5 dB above the PNTL. The owners of Mirrabinda are currently entitled to acquisition rights for noise impacts under the Approved Project. [para 323 p67 of the Vickery Extension Project Assessment Report ]

<sup>11</sup> "The Department acknowledges that the Project would result in amenity impacts on landholders around the mine site and along the rail spur line. In particular, to the south west of the mine there is a closeknit farming community which will be directly impacted by the mine." [para 604 p112 of the Vickery Extension Project Assessment Report]

<sup>12</sup> "...the key changes affecting this community are the introduction of the rail spur line and the CHPP and rail load out which would change the character of the area." [para 605 p112 of the Vickery Extension Project Assessment Report]

<sup>13</sup> "Due to noise impacts, and in accordance with the recommended approach in the VLAMP, Whitehaven has been seeking a negotiated agreement with the landowner of the Mirrabinda property (see Figure 29 property ID 127) for some time. In recognition of impacts to these rural residential receivers, Whitehaven has more recently been seeking negotiated agreements with a further 6 landholders closer to the mine and along the rail spur line. All these negotiations are ongoing." [607 p112 of the Vickery Extension Project Assessment Report].

<sup>14</sup> "Growers make an average of 80 per cent of their purchases locally" Australian Cotton Sustainability Report 2019- Wellbeing and social capital, page 26. <https://cottonaustralia.com.au/assets/general/Publications/Sustainability-Reports/2019-Australian-Cotton-Sustainability-Report-Full-Report-2.pdf>

It also risks further loss to the local community of the service industries supporting agriculture, which for cotton can be as much as 300<sup>15</sup> additional people in the Namoi Valley in a good year, with around another 2,000 employed<sup>16</sup> for grazing and grain farming. It also risks the further unravelling of the community's social fabric<sup>17</sup> with the potential loss of these landholders and their families' involvement in local groups, sports team and other volunteering capacities in the Namoi Valley.

## Final void

The mine's rehabilitation still includes a final void.

It is a long-standing policy principle of Cotton Australia that final voids are not the default option for a project. They should be a last resort, used only when the ecological sustainable development benefits can be demonstrated.

In Cotton Australia's view when it has been agricultural land that a mine has disturbed, the land should be fully restored to its former agricultural quality. This is in terms of quality of soil, landform and catchment hydrology, including surface and ground waters.

The Department's Assessment report describes the mine site as grazing land but it also describes the adjoining lands as "extensively used for cropping and irrigation".<sup>18</sup>

We still have concerns about a large-scale rain event upstream from the Vickery Mine and extension. Cotton Australia is not just concerned about the health and productivity of the agricultural land but also what may be the situation post flood event. The possible restrictions on the community's recreation, to say nothing of the physical health and safety implications for the community.

Unfortunately, not until the Mining Operations Plan (MOP) is drafted, will it be clear whether the area will be restored to the standard of its former agricultural quality. This is particularly concerning as the modelling indicates there will be continued in flow of water, gradually increasing in salinity in as soon as two years post mining operations.

Hence in that regard can The Commission be satisfied that:

- The required Management Plan would sufficiently restore the agricultural qualities of the mine, the CHPP and the rail spurs land? Or [that]
- The Plan be sufficiently applied, or [that]

<sup>15</sup> Cited in Ruth Nettle "People in Cotton"(2016) cotton/crops in 2011 employed 310 support role people, in 2006 this was 382 people.

<sup>16</sup> Ibid. grazing (beef cattle and sheep) plus grain in 2011 supported 2240 support people, in 2006 this was 2498 people.

<sup>17</sup> "Cotton growers are more likely to be involved in their community (attending community events, meetings, or taking part in sports groups) than others living in the region, and farmers nationally. This is backed by cotton grower surveys which show growers strongly contribute to their communities through supporting local events: 90 per cent of growers reported being involved in at least one community activity in 2019." Cotton Research and Development Corporation-funded analysis of the University of Canberra's Regional Wellbeing Survey 2018, cited in Australian Cotton Sustainability Report 2019.

<sup>18</sup> Para 237 on p49 of the Vickery Extension Project Assessment Report.

- It will minimise the risks imposed by a final void, particularly for BSAL designated lands adjacent and downstream?

In other words, have the ecological sustainable development benefits of the void been demonstrated?

## CONCLUSION

It is for all these reasons Cotton Australia opposes the Extension Project to the Vickery Mine and we ask The Commission to give due regard to our concerns on behalf of our members and the community of the Namoi Valley.

Thank you.



Jennifer Brown  
Policy Officer  
Cotton Australia