

“Reata”

5850 New England Highway
CAMBERWELL NSW 2330
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29 October 2012

The Director of Planning
Mr David Kitto
Department of Planning & Infrastructure
PO Box 39
SYDNEY NSW 2001

ALSO BY EMAIL: david.kitto@planning.nsw.gov.au
elle.donnelley@planning.nsw.gov.au

Dear Sir

**RE: STEPHEN FRANCIS ERNST & CAROL DAWN ERNST
LOT 31 DP 1018512 BEING FOLIO IDENTIFIER 31/1018512
VALE INTEGRA MINE COMPLEX
MODIFICATION 2 – OVERLAND CONVEYOR AND BIODIVERSITY
OFFSET
APPLICATION NUMBER: 08_0101 MOD 2 and 08_0102 MOD 2**

We wish to advise of our opposition to Integra's modification to their existing consent conditions regarding the construction of an overland conveyor to transport coal from the underground mine to the coal handling plant at their open cut operation.

We strongly believe that the termination of road haulage of coal will reduce the already intolerable levels of dust and noise that we currently experience from the existing open cut Western Extension of Integra of which, we have previously notified the Department of Planning & Infrastructure. We have not had the courtesy of a reply from your Department.

We are subject to high levels of noise emitted from this mine caused by dozer tracks, rocks hitting the sides of truck bodies whilst loading, drive train noise from haul trucks, reversing alarms and vehicle horns. We suffer constantly with extreme levels of dust from the mining operation, blasting and erosion from the huge amount of exposed ground present on the Integra Lease.

Blasting operations have caused major vibration through our residence, even when within Integra's consent conditions. Mr Ernst is constantly woken by blasting, during the day, from this operation as he is a shift worker. We have notified the compliance officers of one major exceedance on 7th July 2012 when over pressure from a blast was such that it frightened a horse our twelve year old daughter was holding, so much so that the horse jumped forward, knocking our daughter to the ground then jumping over the top of her.

Please refer the high level of complaints made from our residence to Integra in respect to these impacts upon us and our property. Whilst on most occasions Integra have acknowledged the impact upon us they have indicated that they are at most times operating within the consent conditions granted to them by your Department and they fail to take any action to minimise these negative impacts.

We feel that as our property is not within the acquisition zone for this operation, Integra feel they are not obligated to satisfy our requests and our quality of life and freedom to enjoy our property is severely compromised. We have previously written to your Department requesting you review our situation but however, your Department have failed to respond to us on each occasion.

It is our view that it is a very bold assumption being made by Integra, based on the time frame of this application, that your Department will yield to their requests. We are more than certain they will plead a case of a depressed coal market threatening the viability of this operation however, we would argue that the fall in coal prices has been a recent occurrence and most likely a temporary one. Integra has traded through a lot of good years with this condition in place in respect to the construction of the overland conveyor.

In summarising, we suggest that the management of Integra are content to operate at the highest limits of their consent conditions and use these boundaries as an excuse to bombard our property and lives with negative impacts which are far greater than we should have to tolerate. We also suggest that the limits are also greater than any of Integra's management would be able to tolerate if they were forced to live in the environment that they have created for us. We challenge also that our situation would be intolerable to the members of your Department who are to make a decision in respect to this modification.

We are left with a feeling that your Department has turned its back on us. We plead that you find that Integra must honour their original consent conditions and construct the overland conveyor! Otherwise, it would be viewed as one more time that a mining company has agreed to conditions to get an approval from your Department with full intent of "crying broke" and pleading for a modification.

It would be unfair of you to make a decision in favour of Integra without speaking with us personally. We are asking no more than that, which we are sure would be granted to Integra.

We enclose copies of the following letters previously forwarded to you for your information:-

1. Letter dated 28 May 2012; and
2. Letter dated 17 September 2012.

Once again we request you acknowledge receipt of the enclosed submission and letters and we look forward to receiving a reply from your Department.

Yours faithfully

STEPHEN ERNST
and **CAROL ERNST**

Enclosure

“Reata”

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17 September 2012

The Director of Planning
Mr David Kitto
Department of Planning & Infrastructure
PO Box 39
SYDNEY NSW 2001

ALSO BY EMAIL: david.kitto@planning.nsw.gov.au

Dear Sir

**RE: STEPHEN FRANCIS ERNST & CAROL DAWN ERNST
LOT 31 DP 1018512 BEING FOLIO IDENTIFIER 31/1018512
VALE INTEGRA WESTERN EXTENSION**

We refer to our letter of 28 May 2012, a copy of which is enclosed. We acknowledge a visit to our property by a representative from your office, however we have received no correspondence from you regarding this matter.

The impacts of this operation have in no way been lessened to the contrary they have intensified.

One particular event occurred on 7 July 2012 when a blast excessively exceeded their consent conditions. As we are led to believe, energy from the blast “blew out” through an unloaded, unstemmed drill hole resulting in major over pressure. As a result our residence shook violently, felt by Mrs Ernst who was in doors at the time and of significant concern was that at the time our 12 year old daughter, Gabrielle, was holding one of our horses, waiting to load the mare onto our trailer. The noise, resulting from the blast, frightened the mare so much so that she leapt forward knocking Gabrielle to the ground then jumped over her and onto the trailer.

You no doubt can understand the serious potential for permanent or fatal injuries had the horse stepped on our daughter’s head, chest or abdomen. The potential for serious or permanent injury was extremely high.

We understand that Vale were fined for this serious breach but however, there is no way the financial loss for this fine does in any way reflect the seriousness of the offence nor does it alleviate any of our concerns.

We had met with Vales senior on-site management led by General Manager Mr Andrew Betts in January of this year. During this meeting an admission was made by Andrew Betts that he was are of the impacts this operation was having on us and how he felt this was in just and a commitment was made to undertake a study of the effects they were having on us, so as to provide evidence to Vale's corporate to purchase our property as if it was to meet acquisition criteria. For months following we were assured that this study was underway even though we could not see evidence but however, during our most recent meeting with members of Vale's management we were informed that "the world has changed" and due to the drop in coal prices, absolutely no consideration was to be made regarding the purchase of our property unless the property was included in their acquisition Zone by your Department.

It must be mentioned also that we have needed to telephone Vale on many occasions regarding issues of dust, noise, light and blasting impacts but however, at no time have they made any modifications to alleviate these impacts. There has been incidences when we have requested changes to the operation and received replies such as "my arse would be on the line if I was to do that" from Open Cut Examiners or "I don't have the authority to".

We note also that an application is to be lodged for a modification to consent conditions to continue the transport of coal from their underground operation to the washery by truck as opposed to construction of an overland conveyor.

It is our feeling that a reduction in the cumulative impact upon our property and others will result by minimising truck haulage movements of coal in line with original consent conditions and therefore we will strongly and vigorously object and oppose this modification and view it that a very bold assumption is being made by Vale that they will be granted this modification based on the time of this application considering that the original conditions were that the truck haulage of coal was to be replaced by conveyor by 1 January 2013.

These conditions were granted near on ten (10) years ago and we feel it fair to understand that your Department would at some stage sought evidence that these conditions would have been adhered to in time with the original time frame.

Again, we request a response from you as a matter of urgency to our situation.

Yours faithfully

STEPHEN ERNST
and **CAROL ERNST**

“Reata”

5850 New England Highway
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28 May 2012

The Director of Planning
Mr David Kitto
Department of Planning & Infrastructure
P O Box 39
SYDNEY NSW 2001

ALSO BY EMAIL: david.kiitto@planning.nsw.gov.au

Dear Sir

RE: VALE INTEGRA WESTERN EXTENSION

We write to you in respect to the impacts caused by Vale Integra Western Extension of their Open Cut Mining Operation at Camberwell, upon our property, 5850 New England Highway Camberwell, NSW, 2330.

From the commencement of this Extension, the impacts have been intolerable. The first blast fired on this Western Extension sent a cloud of dust and odour over our property, engrossing the residence where Mrs Ernst was residing. Mr Ernst was outside riding a horse and was forced to turn and face away from the direction the cloud was travelling from, to avoid grit in his eyes, as well as the horse.

We were unable to escape the odour (fume) from the blast. Upon contacting Geoff McKenzie, a Vale representative he informed Mr Ernst that no consideration was given to the impact on our property in the planning of this blast.

Since then many blasts have shaken the residence enough that Mr Ernst has been woken on many occasions as he is a shift worker and therefore frequently sleeps during daylight hours. One blast in particular resulted in major over pressure and was recorded at well above allowable levels.

Noise levels emitted from the Operation are far beyond that which, are tolerable to our family and are a constant cause of our inability to sleep at night. We frequently make complaints to Vale's Environmental Hotline regarding noise levels yet rarely is there a reduction in noise as a result of these notifications and in some cases a call back is requested but not received.

An independent review of noise levels was conducted during 2011 finding that the levels were at, or below consent conditions however, the levels set for our residence are higher than those for most other properties in our area.

My understanding is that the levels are based on ambient background noise, plus a percentage for the Mining Operation and the proximity of our property to the New England Highway. This resulted in a higher level of noise we are expected to tolerate.

I challenge that firstly, the Highway noise is not a constant and far less frequent at night, as opposed to the 24 hours 7 days a week noise of the Mining Operation. Noise from vehicles on the Highway differ significantly from Mine noise as the noise ramps up slowly as a vehicle approaches and tapers off as it passes.

And secondly conversely machine noise from the Mine is far more intrusive and offensive. The greatest amount of noise is from dozer tracks, drive train noise from haul trucks, engine and fan noise from all equipment, reverse alarms and the loading and unloading of rocky over burden.

The impact created by the Mine Operation noise is amplified by the orientation of our bedrooms which, are highly exposed to the Mine and on the other hand, very sheltered from any possible highway noise. The Western Operation lights at night are directed towards our property and shine through the front two bedrooms, lighting them up and making it hard to sleep, without closing the blinds.

Dust deposited on our property is evident throughout our house, internally and externally. The roof and gutters are forever covered in dust. The colour of the dust varies, dependent on the type of material being mined. This dust is then washed into our water storage tanks, by rain, causing contamination of our household water. To the point that the water is not fit for human consumption and therefore we are required to purchase bottled water for drinking and hire a dispenser, all at our cost.

Our clothing washed in this water is visually not as clean when compared to clothes not washed in the contaminated water. White clothing becomes a "dirty grey" colour. Clothes are dried, in doors in a clothes dryer. Hanging clothes outside on the clothes line, where they are subject to the air born dust, would

negate the wash. The power used to dry the clothes has resulted in an escalation of approximately 30% in our quarterly Electricity Account over the previous 12 months, corresponding with the life thus far of this Extension.

Clothing and bedding that are not suitable for the clothes dryer are hung on the clothes line. Prior to doing this the clothes line must be wiped clean to remove any residual dust from the line.

Dust is very evident in sheds and on vehicles whether garaged or otherwise. Vehicles are often washed twice a week but this has become a real chore and is not always carried out. This dust is also being deposited on our pastures contaminating fertile topsoil. This is evident after heavy rain when dust from over burden is washed into the lower areas of the property and dams.

The removal of vegetation from the Western Extension has forced kangaroos to invade my property to graze. We estimate a population increase of approximately 200%. In dryer seasons this will have a major impact on available grazing for our horses and cattle.

We purchased this property nine (9) years ago with the understanding that the Vale Operation (known then as Camberwell Coal) was to be wound down and cease operation however, it is now moving closer and greatly impacting on our existence. The visual impact is one that can in no way ever be mitigated.

The impact upon our physical and mental health is immeasurable especially with consideration to the warnings given to Mr Ernst about the dangers of being near to the disturbance of dry dust soils following Mr Ernst's heart transplant four years ago

To support our statements we extend an invitation to any one from your Department to visit our property and experience our allegations first hand. We believe this is truly the only way to get a real and thorough understanding of what we are exposed to.

Any amount of mitigation to alleviate these impacts will not compensate our family for the inconvenience and the inability to move freely around our property at any time which, is our right to do but unfortunately we are at times unable to do so due to high levels of dust and noise from the Vale Operation.

We request that, based on this overview, you review the status of our property with regard to the current exclusion from compulsory acquisition criteria. We believe it would encourage Vale Integra to be more reactive to our concerns if we were included in the compulsory acquisition zone. Please consider that our neighbours, with whom we share a common boundary, meet this criteria but are in no way greater impacted upon, that our property and residence.

We also request that consideration be given to suspending Vale Integra's ability to operate in the Western Extension, other than in daylight hours, until a solution to our problem is resolved.

Your **URGENT** consideration is critical to us as our present living conditions are intolerable. Would you kindly acknowledge receipt of this correspondence and advise us of a likely outcome as soon as possible.

Yours faithfully

**STEPHEN FRANCIS ERNST
and CAROL DAWN ERNST**