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Jayne Barker, of Gunnedah NSW, made the following submission on the project:

Vickery Coal Project



Comments on this project

As a stakeholder with a property nearby the proposed Vickery mine site, my husband and I object to the proposed operating hours of 24 hours per day, 7 days per week. We feel a break from potential noise impact from the operations, lights and traffic flow is necessary for our health and wellbeing. We also object to operations on Sunday's based on our Christian beliefs. We hereby request operating hours cease at midnight and resume at 6.30am Monday to Saturday with no operations on Sundays and public holidays over Easter, Christmas and New Year.

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Jayne Barker, of Gunnedah NSW, made the following submission on the project:

Vickery Coal Project



Objects to this project

My husband, Lachlan Barker and I also have concerns about the visual impact of the Eastern Emplacement on our property value in future. We request a modification to the expected height, or preferably no Eastern Emplacement at all.

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Wayne Campbell, of GUNNEDAH NSW, made the following submission on the project:

Vickery Coal Project



Objects to this project

TO WHOM IT MAY CONCERN

We wish to submit our strongest objection to the section of the Environmental Impact Assessment sent to us by Whitehaven Coal who wish to haul coal along the Blue Vale Road to its coal handling and preparation plant from the Vickery Coal Mine.

Our house and cottage are in close alignment with this road, thus our objection to the noise pollution this would cause. Noise is not the only problem we incur. We also have the problems of coal dust (dry weather), black slushy cars and windscreens (wet weather) and stone chips in the paint and windscreens of all of our vehicles. Currently we have a 10:30pm to 6:30am curfew on these coal haulage trucks and we strongly believe this is the best solution for both us and Whitehaven Coal. This curfew is in line with current urban noise limits. We are able to live with the worker vehicles waking us as the drive past just before 6:30am, but if trucks are running 24-7, we will have vehicles waking us all night. We should not have to live like this.

These problems have currently affected badly the valuation of our property and our quality of life. This property has been on the market for two years and any prospective buyers have looked and left due to our current coal haulage problems. We believe if Whitehaven get the go ahead for 24-7 haulage, the value of our property will drop more, and we will have to live with little or at best interrupted sleep.

In the past few years these B-double coal trucks have been involved in three separate accidents within the length of our property, one of which involving our son who came within centimetres of losing his life. The coal truck was at fault. None of these accidents have been fatal as yet, but it seems it could only be a matter of time. When B-doubles were introduced on our road, we were told by the then community liaison officer for Whitehaven Coal that these B-doubles would only travel to a maximum of 80km/h. However, they now travel at 100km/h and often overtake each other and other vehicles at this speed.

We also believe Whitehaven should take into account the safety of many of their own workers who travel this route to work. Currently morning shift travel before 6:30am thus missing the coal trucks, but with a 24-7 haulage run, this would change and put workers in danger also.

As you can see there are many reasons we believe for NOT allowing coal trucks to travel this road twenty-four hours a day, seven days a week. We look forward to

further communication on this issue.

Wayne & Kay Campbell
"Weroona"
824 Blue Vale Road
GUNNEDAH NSW 2380
0428 512 752
0428 422 075

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

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RE Vicory Coal EIS STATE significance assessment- response to request for extension of public comment

This is not a form letter this is a letter which captures the concerns of individuals and families- Gomerioi and other Aboriginal parties

Please accept our submission regarding Vickory Coal as we are very concerned about this project being approved.

The Vicory Coal has failed to undertake an Aboriginal cultural values assessment and has not detailed an assessment according to the Director Generals requirements 2005 Guidelines and the Burra Charter -therefore should not be determined as having adequately addressed the assessment requirements.

The area concerned has a number of culturally important and sensitive areas which unless a values assessment is undertaken are at risk of irreparable harm.

Vicory Coal also fails to identify the social impact assessments which are likely to the Aboriginal community and low income communities within our area. The divide between the have and have nots are not mitigated. Housing costs, jobs training needs and impact to human services are poorly detailed.

Vicory Coal also does little to address the environmental losses and impacts to endangered species- species listed as protected. This also includes our birds and koalas. The impact to waterways and aquifer management does not appear to be adequately addressed. Flora and fauna impact assessment should be protecting not inferring an offset arrangements.

Cumulative impacts are not addressed and the rationale for destruction is poor

Of important note – the archaeological assessment report has some serious flaws and does not reflect guideline requirements therefore cannot be accepted as adequate.....Of greatest concern is that it is missing some basic details such as how big the Project area is, how much land would be impacted, how much land was surveyed, effectiveness of that survey, assessment of archaeological potential, information on known sites etc. If this was not undertaken by Landskape Natural Cultural Heritage Management at a minimum these details should be sources from the prior survey and assessment by Kayandel Archaeology. **A key and highly concerning issue is that the ACHA describes a 'social and cultural study' as being undertaken in conjunction with Aboriginal registrants, and**

presents a 'cultural assessment' which describes all known sites as being of low social significance to Aboriginal people, with only one site described as of moderate social significance – being the grinding groove complex.

The report does not describe how this conclusion was reached (apart from vaguely referring to fieldwork opportunities to comment on management), and it is inconsistent with views expressed by RAPs.

There are also other big issues about the archaeological assessment and understanding of the Aboriginal history of the Project area – full details on all below. The flaws of the assessment are reflected in the management framework, which is based on the view that all sites are of lower scientific and social significance – and which fails to consider a range of known and likely cultural heritage management issues. It also fails to make any attempt to provide analysis about the social cultural significance of the area and the material culture within the area.

Given that an assessment report provides the basis for managing cultural heritage for the life of a Project, I formally request that the ACHA be revised and completed to the standard required by OEH guidelines and then re-issued to Aboriginal registrants, as there is insufficient information to even make comment on some parts of the assessment. This is concerning as it makes up a component of the overall EIS assessment

However, there are several aspects of the ACHA process undertaken and report provided that simply do not reflect the principles and specific requirements of the above guidelines. Key concerns relate to:

- Basic information on the Project is not provided, such as the size (ha) of the Project area, the size (ha) of the disturbance area within the Project area, and mapping which clearly illustrates this (noting that Figure 2 of the ACHA does not clearly illustrate this)
- Aboriginal involvement in all stages of the assessment and management process, with consultation specifically lacking in:
 - The lack of a consultative process to seek Aboriginal registrant views on the cultural values of the Project area
 - The approach that views of some Aboriginal registrants 'are considered to be indicative of Aboriginal community attitudes' (Section 10.2). OEH guidelines acknowledge the diversity of social values that may occur within the Aboriginal community, who may have a range of traditional, historic and contemporary attachments to an area. To assume a singular view of cultural significance amongst the Aboriginal registrants involved in the Project is not appropriate, and it does not reflect professional guidelines
 - The inclusion of an assessment of social significance of archaeological sites that does not reflect past Aboriginal registrant input on social significance
 - The lack of consultation to actively involve Aboriginal people in determining Project impacts to cultural heritage values
 - The lack of consultation to actively involve Aboriginal people in developing management options and determining appropriate final management recommendations
- The level of ethnohistoric research presented in the ACHA is limited, and it does not reflect the range of past Aboriginal associations with the Project area – including the historical experiences of Aboriginal people in the region.

- The predictive model developed for the Project does not integrate ethnohistoric information on past Aboriginal associations with the Project area, both pre- and post-contact
- The level of information on the archaeological survey strategy is limited, and it does not provide a justification for sampling, or describe how sampling relates to the Project area/disturbance area, and how each landform proposed for impact will be sampled
- No information is provided on the coverage of the archaeological survey, being the total area inspected (ha) and the placement of survey transects; which should be described in writing and illustrated on mapping.
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- The ACHA provides a limited discussion of the meaning of the archaeology of the Project area, which OEH describe as discussion of what events took place in the past, how the landscape was used and why the identified Aboriginal objects are in this location.
- The ACHA does not provide an assessment of the historic significance of the Project area and the specific places/objects contained within it
- The ACHA presents an assessment of the social significance of known archaeological sites, but does not discuss the social significance of the broader area and non-archaeological places to Aboriginal registrants – reflecting a limited consultation process regarding cultural values.
- The ACHA presents an assessment of the social significance of known archaeological sites, which describes all sites except one as being of low significance (and describes the remaining site – a grinding groove and scatter complex – as being of moderate significance). **This does not reflect Aboriginal registrant input on the significance of archaeological sites, and this requirement should be urgently amended to document Aboriginal registrant views, as OEH guidelines identify that it is only Aboriginal people that determine the social significance of Aboriginal cultural heritage.**
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- The report has omitted to record Aboriginal cultural features identified as important to the RAPs and their omission is highly concerning.

Given the above, the ACHA to inform the EIS provided is viewed as incomplete and non-compliant with OEH guideline requirements. The limited content of the ACHA also means that Aboriginal registrants cannot comment on key aspects of the assessment, such as the methods and outcomes of the archaeological survey. There is also significant concern that the ACHA was prepared without adequate consultation of the cultural values of the Project area, and the social significance assessment it contains is incorrect and does not reflect Aboriginal registrant input.

On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

Yours faithfully

Name Louise Conlan

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Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

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Name Dave Horton

Address 56 Little Conadilly St Gunnedah 2380

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Yours faithfully

Name Lyodd Mathews

Address 31 Little Conadilly St Gunnedah 2380

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Grant McIlveen, of GUNNEDAH NSW, made the following submission on the project:

Vickery Coal Project



Comments on this project

Vickery Coal Project (SSD-5000)

I don't object to the Vickery Coal project by Whitehaven Coal provided that they do the right thing, such as:-

- * No work between 6pm to 7am on the Western Dumps
- * No work on the Western Dump on weekends
- * No work on Public Holidays
- * No floodlights to be faced out to the Southwest of the Mine
- * Work to stop if too loud between 6pm and 7am
- * If dust leaves the Vickery Lease work is to be stopped
- * Blast monitors of our choice placed at our place of residence
- * 24hrs notice prior to blasting
- * No blasting before 9am and after 3.30pm
- * No blasting in heavy cloud cover, fog and/or rain
- * No blasting if the wind is blowing towards the SouthWest
- * No blasting on weekends at all
- * Spread the dumps out so they do not exceed 350rl
- * If they buy neighbouring property (127) on the EIS Maps, no mining vehicles, including trucks are to go through and over the vickery bridge
- * Contact with neighbouring properties maintained at all times so that all concerned are kept uptodate
- * An independent person to look at The Vickery Coal Project noise modelling contours

I am a neighbour to Vickery Coal Project and my place of residence is 4.3km away from the proposed mining site. I would like to see all the above adhered to, if not then i do object to the Vickery Coal Project going ahead.

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6111
Fax: 02 9228 6455
Email: information@planning.nsw.gov.au

RE Vicory Coal EIS STATE significance assessment- response to request for extension of public comment

This is not a form letter this is a letter which captures the concerns of individuals and families- Gomerol and other Aboriginal parties

Please accept our submission regarding Vickory Coal as we are very concerned about this project being approved.

The Vicory Coal has failed to undertake an Aboriginal cultural values assessment and has not detailed an assessment according to the Director Generals requirements 2005 Guidelines and the Burra Charter -therefore should not be determined as having adequately addressed the assessment requirements.

The area concerned has a number of culturally important and sensitive areas which unless a values assessment is undertaken are at risk of irreparable harm.

Vicory Coal also fails to identify the social impact assessments which are likely to the Aboriginal community and low income communities within our area. The divide between the have and have nots are not mitigated. Housing costs, jobs training needs and impact to human services are poorly detailed.

Vicory Coal also does little to address the environmental losses and impacts to endangered species- species listed as protected. This also includes our birds and koalas. The impact to waterways and aquifer management does not appear to be adequately addressed. Flora and fauna impact assessment should be protecting not inferring an offset arrangements.

Cumulative impacts are not addressed and the rationale for destruction is poor

Of important note – the archaeological assessment report has some serious flaws and does not reflect guideline requirements therefore cannot be accepted as adequate.....Of greatest concern is that it is missing some basic details such as how big the Project area is, how much land would be impacted, how much land was surveyed, effectiveness of that survey, assessment of archaeological potential, information on known sites etc. If this was not undertaken by Landskape Natural Cultural Heritage Management at a minimum these details should be sources from the prior survey and assessment by Kayandel Archaeology. **A key and highly concerning issue is that the ACHA describes a 'social and cultural study' as being undertaken in conjunction with Aboriginal registrants, and**

presents a 'cultural assessment' which describes all known sites as being of low social significance to Aboriginal people, with only one site described as of moderate social significance – being the grinding groove complex.

The report does not describe how this conclusion was reached (apart from vaguely referring to fieldwork opportunities to comment on management), and it is inconsistent with views expressed by RAPs.

There are also other big issues about the archaeological assessment and understanding of the Aboriginal history of the Project area – full details on all below. The flaws of the assessment are reflected in the management framework, which is based on the view that all sites are of lower scientific and social significance – and which fails to consider a range of known and likely cultural heritage management issues. It also fails to make any attempt to provide analysis about the social cultural significance of the area and the material culture within the area.

Given that an assessment report provides the basis for managing cultural heritage for the life of a Project, I formally request that the ACHA be revised and completed to the standard required by OEH guidelines and then re-issued to Aboriginal registrants, as there is insufficient information to even make comment on some parts of the assessment. This is concerning as it makes up a component of the overall EIS assessment

However, there are several aspects of the ACHA process undertaken and report provided that simply do not reflect the principles and specific requirements of the above guidelines. Key concerns relate to:

- Basic information on the Project is not provided, such as the size (ha) of the Project area, the size (ha) of the disturbance area within the Project area, and mapping which clearly illustrates this (noting that Figure 2 of the ACHA does not clearly illustrate this)
- Aboriginal involvement in all stages of the assessment and management process, with consultation specifically lacking in:
 - The lack of a consultative process to seek Aboriginal registrant views on the cultural values of the Project area
 - The approach that views of some Aboriginal registrants 'are considered to be indicative of Aboriginal community attitudes' (Section 10.2). OEH guidelines acknowledge the diversity of social values that may occur within the Aboriginal community, who may have a range of traditional, historic and contemporary attachments to an area. To assume a singular view of cultural significance amongst the Aboriginal registrants involved in the Project is not appropriate, and it does not reflect professional guidelines
 - The inclusion of an assessment of social significance of archaeological sites that does not reflect past Aboriginal registrant input on social significance
 - The lack of consultation to actively involve Aboriginal people in determining Project impacts to cultural heritage values
 - The lack of consultation to actively involve Aboriginal people in developing management options and determining appropriate final management recommendations
- The level of ethnohistoric research presented in the ACHA is limited, and it does not reflect the range of past Aboriginal associations with the Project area – including the historical experiences of Aboriginal people in the region.

- The predictive model developed for the Project does not integrate ethnohistoric information on past Aboriginal associations with the Project area, both pre- and post-contact
- The level of information on the archaeological survey strategy is limited, and it does not provide a justification for sampling, or describe how sampling relates to the Project area/disturbance area, and how each landform proposed for impact will be sampled
- No information is provided on the coverage of the archaeological survey, being the total area inspected (ha) and the placement of survey transects; which should be described in writing and illustrated on mapping.
- No information is provided on the effectiveness of survey coverage, given ground surface visibility conditions at the time of survey
- The ACHA does not provide an assessment of the archaeological potential of the landforms of the Project area, considering both the occurrence of surface sites and features beyond survey areas, and the distribution and integrity of subsurface archaeological deposits.
- The ACHA also fails to discuss the archaeological potential of landforms normally identified as being of high archaeological potential, being creek lines, the floodplain of the Namoi River and footslopes with colluvium.
- The ACHA provides a limited discussion of the meaning of the archaeology of the Project area, which OEH describe as discussion of what events took place in the past, how the landscape was used and why the identified Aboriginal objects are in this location.
- The ACHA does not provide an assessment of the historic significance of the Project area and the specific places/objects contained within it
- The ACHA presents an assessment of the social significance of known archaeological sites, but does not discuss the social significance of the broader area and non-archaeological places to Aboriginal registrants – reflecting a limited consultation process regarding cultural values.
- The ACHA presents an assessment of the social significance of known archaeological sites, which describes all sites except one as being of low significance (and describes the remaining site – a grinding groove and scatter complex – as being of moderate significance). **This does not reflect Aboriginal registrant input on the significance of archaeological sites, and this requirement should be urgently amended to document Aboriginal registrant views, as OEH guidelines identify that it is only Aboriginal people that determine the social significance of Aboriginal cultural heritage.**
- **The assessment of aesthetic significance makes no comment on the importance of sites and places to Aboriginal people.**
- The assessment of Project impact is limited to archaeological sites only, and does not address the broader impact of the Project on the landforms of the Project area, including landforms of archaeological potential.
- The impact assessment includes a statement that the impact of blasting (vibration) to the grinding groove site will be negligible, although no information on how this was determined has been included or discussed with Aboriginal registrants
- The management strategy for the Project is limited in scope, on the basis that the Project area contains no archaeological sites of high social or scientific value, and that there are no other places or objects of cultural value. **This is questioned and considered insufficient, as the ACHA does not adequately assess the cultural values and the archaeological potential of the Project area, and management strategies have not been developed in consultation with Aboriginal**

registrants. The following management strategies are identified as requiring discussion with Aboriginal registrants for inclusion in the revised ACHA:

- Management protocols for continued Aboriginal registrant involvement and consultation
 - Management protocols for the management (protection) of known archaeological sites not impacted by the Project
 - Management protocols for the management of new finds (all archaeological objects as defined by the NPW Act)
 - Management protocols for due diligence inspections of additional or relocated Project infrastructure within the Project's disturbance footprint, if not specifically assessed by Protocols for archaeological excavation (test pitting and open area salvage) for sites/landforms of archaeological potential
 - Management protocols for erosion and sediment control works in landforms of archaeological potential
 - Management protocols for access to cultural sites and areas by Aboriginal community members
 - Management protocols for baselines recording of the grinding groove site and blast vibration monitoring if appropriate
 - Management protocols for the temporary care of salvaged objects
 - Management protocols for the ongoing review and revision of the Project ACHMP
 - Any additional management protocols identified by the completed cultural values assessment and assessment of archaeological potential.
- The ACHA does not contain a technical archaeological appendix, which is the approach outlined by both the OEH Code of Practice for Archaeological Investigations (DECCW 2010) and the OEH (2011) ACHA guideline. Even if this information has been integrated into the main cultural heritage report, the specific requirements of the OEH (2011) and DECCW (2010) guidelines are still relevant and should be demonstrated in the report prepared.
- The report has omitted to record Aboriginal cultural features identified as important to the RAPs and their omission is highly concerning.

Given the above, the ACHA to inform the EIS provided is viewed as incomplete and non-compliant with OEH guideline requirements. The limited content of the ACHA also means that Aboriginal registrants cannot comment on key aspects of the assessment, such as the methods and outcomes of the archaeological survey. There is also significant concern that the ACHA was prepared without adequate consultation of the cultural values of the Project area, and the social significance assessment it contains is incorrect and does not reflect Aboriginal registrant input.

On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

Yours faithfully



Name

Address Lot 136 MAIN STREET
BREEZA NSW 2381

Ph: 02 (67445746) .

Due 12 April 2013

"Brolga",
Cunnedah,
NSW.

3-4-13.

Submission re: Vickery Coal Mine.

To Whom It May Concern,

We are painfully well aware that nothing we have to say will have any bearing on the approval of this project. We do however absolutely object to the disastrous, even catastrophic position in which we are left, as nearby residents, marked as receivers 101 on the maps, for the following reasons.

Blasting.

Our house has already been shaken by blasting operations from Canyon 12 km., Rocqleg 7 km., Tarravonga 24 km. on numerous occasions. We absolutely and utterly object, that this is already occurring and note that with 5 & 6 blasts per week from Vickery that our house can be expected to fall to pieces over a 30 year period. This is not a reasonable position for any neighbour to have to contend with. The underlying strata is carrying blasting vibrations our direction and the Vickery forest between us and Tarravonga has offered no protection. Computer modelling of 7,600 blasts in the Hunter Valley cannot be applied here, and we can only expect total disaster from the Vickery project. Despite belging formal objections Whitehaven does not want to know anything about problems arising from their blasting operations and conveniently dismiss by passing responsibility to Orica who claim no criteria have been exceeded. Due to the distances involved this just cannot be correct. The minimal distance from Vickery pit operations cause us to be fearful of serious damage arising. This is a disastrous position for anybody to be placed in.

With over 8,000 blasts to be expected over the life of the mine it is no wonder we have to come to that conclusion.

Noise and dust.

We believe noise levels will be far worse for us than computer modelling predictions show, Fig. 4-17 & 4-18. At the open day in Boggabri (September 2012) the assumption of wind carrying noise & dust from the southeast to the northwest was disputed. This direction may happen on some occasions but is not the usually prevailing as most of our weather systems come from a generally westerly to generally easterly direction with variations occurring on some occasions, mostly on a seasonal basis. We therefore believe the modelling is fundamentally incorrect and will give more noise than predicted from day 1, and will be worse as the heights of the eastern and western emplacements increase.

Visual aspect.

It is amazing to observe just how little significance has been placed upon aspect, modification and sensitivity, by both Whitehaven and state government planners. We are absolutely aghast at the prospect of staring at another 2 emplacements growing steadily day by day. Having already had the Rocgen experience to our north was nothing short of disaster. Words such as catastrophic and disastrous are nowhere near strong enough to describe the completely devastating view which we will have from all points on our property, including from the kitchen window at the house. The completely inadequate descriptions, moderate and low for visual sensitivity and modification are completely ludicrous when considering the overall impact of the mining process. We absolutely object to the completely false impression

given by Fig. 4-31. This simulation gives a completely false impression of distance when viewed again from precisely the same location. Mt. Binalong on the left is much closer and larger as are the Vickery hills on the right, given the real view. We believe this to be deliberately "trick" photographic manipulation and misrepresentation which deliberately gives a completely false impression of the eastern and western emplacements as they both will be larger and nearer in real viewing. We absolutely object to the years of ugliness of viewing, noise, dust, lights, 24 hour operation which will occur and for the eastern emplacement on its own is estimated at least to be 7 years. The whole problem becomes further compounded when our nearest point to the Vickery operation is little over 2 km. This close proximity cannot be ignored in the context of normal property operation. Even driving from the front ramp in to the house will have the full view of both emplacements, plus the Rocgen emplacements plus the Kurrembede operation adjoining the Vickery operation, when it also starts in the not too distant future. All of our efforts to try to grow a nice garden and plant trees appear to be completely futile when fundamental landscape change occurs as drastically as the Vickery mine will create.

Land value.

As we have already found 3 years ago after the commencement of the Rocgen mine land near to mining operations is completely unsalable and as a consequence becomes worth very little. We believe in our own case, it can be shown as a direct result we have incurred direct financial losses of at least \$500,000 and possibly as much as \$750,000.

The reason for this can be attributable to the result of fundamental land use change from rural use to mining use, causing a total lack of confidence for those landholders near to those mines. The reason for the lack of confidence for those properties are:- suspicions that water supplies will dry up, health issues, lights, noise, dust, visual ugliness from mining emplacements, blasting, duration of mine life, new mines starting, perpetual operation, total lack or willingness by government to set guidelines on buffer zones, an understandable unwillingness for people to not want to live near to coal mines. The impacts for landholders concerned are catastrophic and local and state governments must address these issues instead of do nothing. All of these issues amount to an ever decreasing land value. Local councils will have to significantly reduce rates and the state government will have to pay compensation to those drastically affected. Neither will be willing to do either, but it is not reasonable for landholders to be continually shafted. The effects from the Vickery mine already add to the existing catastrophic situation even though the mine has not yet commenced operation!

Health issues.

We are greatly concerned at likely health problems caused by our proximity to Vickery, contaminated rainwater supplies caused by fallout from the huge expected increase in vehicles movement plus non stop mining vehicles movement. Night lighting will also cause light pollution and will even prevent astronomical observation. We are forced to sign legally binding

animal health declarations when selling livestock and we do not know what the implications might be upon livestock grazing at a close distance from a major coalmining operation.

Water

Water is always a highly contentious issue and we note there will be a 1 metre drawdown in bore water levels despite being told at the Boggabri information day that there would be no projected change to water levels. Nobody can guarantee that the Vickery mining process will not damage supplies even if the process is not expected to do so. We rely entirely upon underground water supplies, are within the 4 km. zone from the mine, Fig. A-14C, and will be perpetually on edge regarding water levels due to that close proximity. We need a clear answer before mining starts on what will happen if the mining process does cause supply problems. Will it be yet further financial losses we will be expected to bear if this does occur?

Omissions, real and social costs.

It is clear from information presented in the E.I.S. for Vickery what the projected value of coal is, what the net costs for Whitehaven are, what benefit there is to State and Federal coffers from royalties, taxes and charges, what benefit there is to local towns and what a pitiful comparative earning if it was only rural industry instead. We do not disagree with the stated benefits, however, what is glaringly omitted is the very real and direct costs

for all the surrounding landholders who find their properties are completely unsaleable and the value of their capital asset is worth very little as a direct consequence of mining approval and operation. The social costs are great but are not included as any part of the EIS for Vickers. Despite numerous letters written to the Premier, ministers, Federal and State parliamentarians, numerous visits to see our local member, and letters and visits to our local council nobody is interested in the very serious plight which people are placed into. Starting with the Premier, the people mentioned above can go fuck themselves. It is their duty to govern fairly for all, not just disregard, turn a blind eye and ignore when these major problems are clearly pointed out. All the other financial calculations have been assessed, it is not reasonable to leave out the social costs and consequently treat people so badly affected by these major project developments as completely inconsequential. As a result of this happening we have no confidence whatsoever in the political process and will not make the mistake of voting for the current government or local member a second time. The Premier and ministers cannot be bothered to acknowledge receipt of nor respond to correspondence addressed to them. Real costs and social costs should be addressed in the EIS.

As we are too close to such a major mining development, effectively 100% within the 4 km. zone from the mine, we demand the Minister for Planning do the following:-

1. Send reps. from Planning office to inspect first hand what we will be looking at, over whole property.
2. That Fig. 4-31 be redrawn to show the true size and distance of eastern and western emplacements.
3. That shire rates be reduced to nearly nothing as the value of land is now nearly nothing.
4. Provide trees and fencing materials to provide visual screening from the emplacements and noise/light.
5. That written assurances be given re. what happens if water supply is damaged, before project commences.
6. That written assurances be given if blasting damages house, structures, or bores, before commencement.

We are not opposed to this life changing project going ahead, we are bitterly opposed to the real damage done to us by the severe changes which have already occurred and will only get worse, and worse, and worse.

Yours faithfully,

Nicholls,

for WF + SE Nicholls.

Maps 4-30

4-17

4-18.

Fig. 4-31

4-30

A-14C.

7/7.

Page 33.

5.2.2 SUB-REGIONAL SETTING

The visual impacts on viewing locations within the sub-regional setting would vary according to the visual screening provided by intervening vegetation. The impacts of the proposed development on individual areas are described below.

VIEWPOINT 4 – BROLGA

Viewing Location	Adjacent to the sheds/yards approximately 100 m north-west of the property house, and at the northern edge of the home yard around house (Figure 10).
Viewing Distance	4.5 km to the Project (Eastern Emplacement). <i>Approx. 2 km. from nearest point to nearest point of mine.</i>
Visual Setting	Sub-regional (distant).
Landscape Setting	The landscape is generally flat and concentrations of denser vegetation occur along roadsides and property or paddock boundaries (Figure 14). This residence, like most in the sub-regional setting, is contained within a "home yard" surrounded by vegetation and farm sheds (Figure 15).
Visual Modification	Visual simulations from adjacent to the sheds approximately 100 m north-west of the house has been developed (Figure 14). The established vegetation and sheds partially screens views out to the surrounding area from the house. Given the distance from the Project, the relatively minimal topographic variation that prevents overlooking and the presence of intervening vegetation, views to the upper surfaces of the emplacements would be possible from a location adjacent to the sheds on the property but they would not be visible in their entirety from the house due to screening effects from the vegetation and sheds. <u>The open cut would not be visible from this location.</u> <i>Open cut would be visible.</i> As a result, the overall visual modification level is considered to be <u>low to moderate.</u>
Land Use	Residential/agricultural. <i>Ludicrously false descriptions.</i>
Visual Sensitivity	<u>Moderate</u> (distant sub-regional).
Duration of View	Static.
Potential Visual Impact	<u>The moderate visual sensitivity combined with a low to moderate visual modification level, would result in a low to moderate visual impact for most residences in the distant sub-regional setting. This would reduce to low, to very low, once rehabilitation of the waste emplacements has established.</u>

Cannot object strongly enough. Whoever sets these guidelines go fuck yourselves. Impact does not stop at house/garden fence or 100m from shed. Whole of property impact not given any consideration; we demand that it is as it is fundamental to land value/capital losses, and reason why properties are so unsalable. We demand our location be reviewed for above impact descriptions. Timeframe vitally significant, 30 yrs. + Shows how little understanding Dept. of Planning has on real affect.

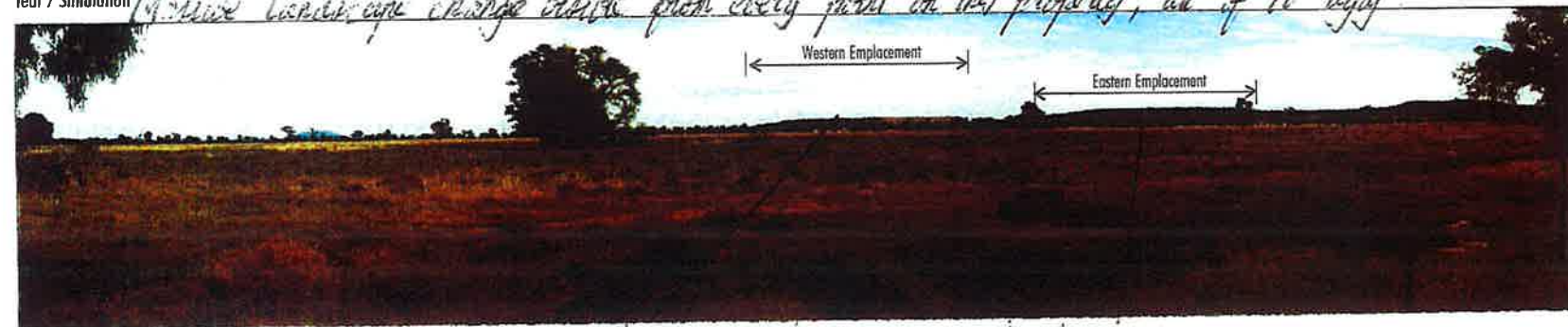
Real view is much bigger and much closer than photograph shows



Existing View



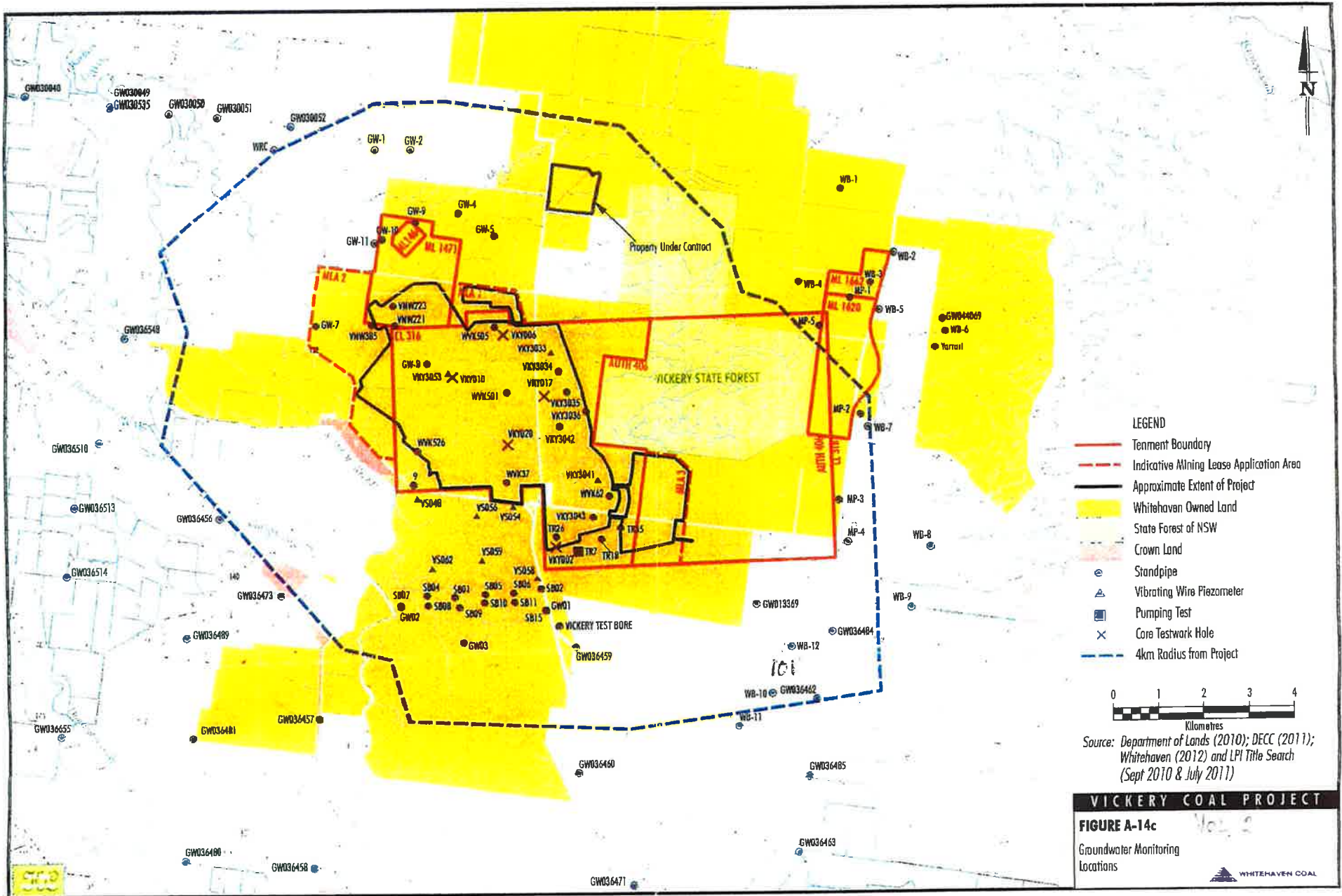
Year 7 Simulation



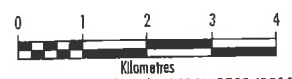
Year 26 Simulation

Minor landscape change visible from every point on this property, all of it ugly

Both emplacements will be much bigger and far more imposing than simulation shows. Not showing 100 metres high



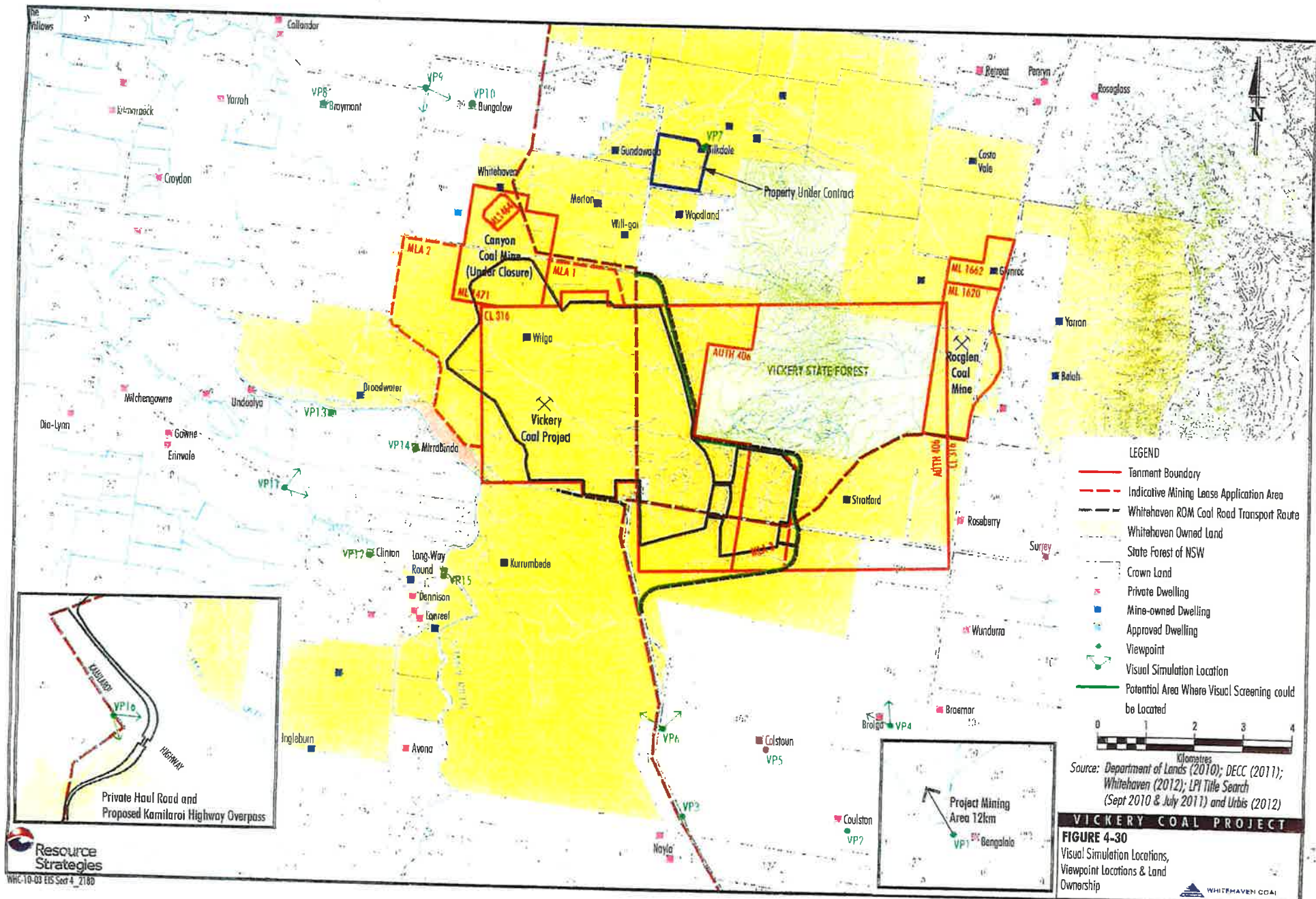
- LEGEND**
- Tenement Boundary
 - - - Indicative Mining Lease Application Area
 - Approximate Extent of Project
 - Yellow Whitehaven Owned Land
 - Green State Forest of NSW
 - Pink Crown Land
 - e Standpipe
 - ▲ Vibrating Wire Piezometer
 - Pumping Test
 - x Core Testwork Hole
 - - - 4km Radius from Project



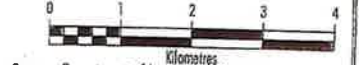
Source: Department of Lands (2010); DECC (2011); Whitehaven (2012) and LPI Title Search (Sept 2010 & July 2011)

VICKERY COAL PROJECT
FIGURE A-14c
 Groundwater Monitoring Locations





- LEGEND**
- Tenement Boundary
 - - - Indicative Mining Lease Application Area
 - Whitehaven ROM Coal Road Transport Route
 - Whitehaven Owned Land
 - State Forest of NSW
 - Crown Land
 - Private Dwelling
 - Mine-owned Dwelling
 - Approved Dwelling
 - Viewpoint
 - Visual Simulation Location
 - Potential Area Where Visual Screening could be Located

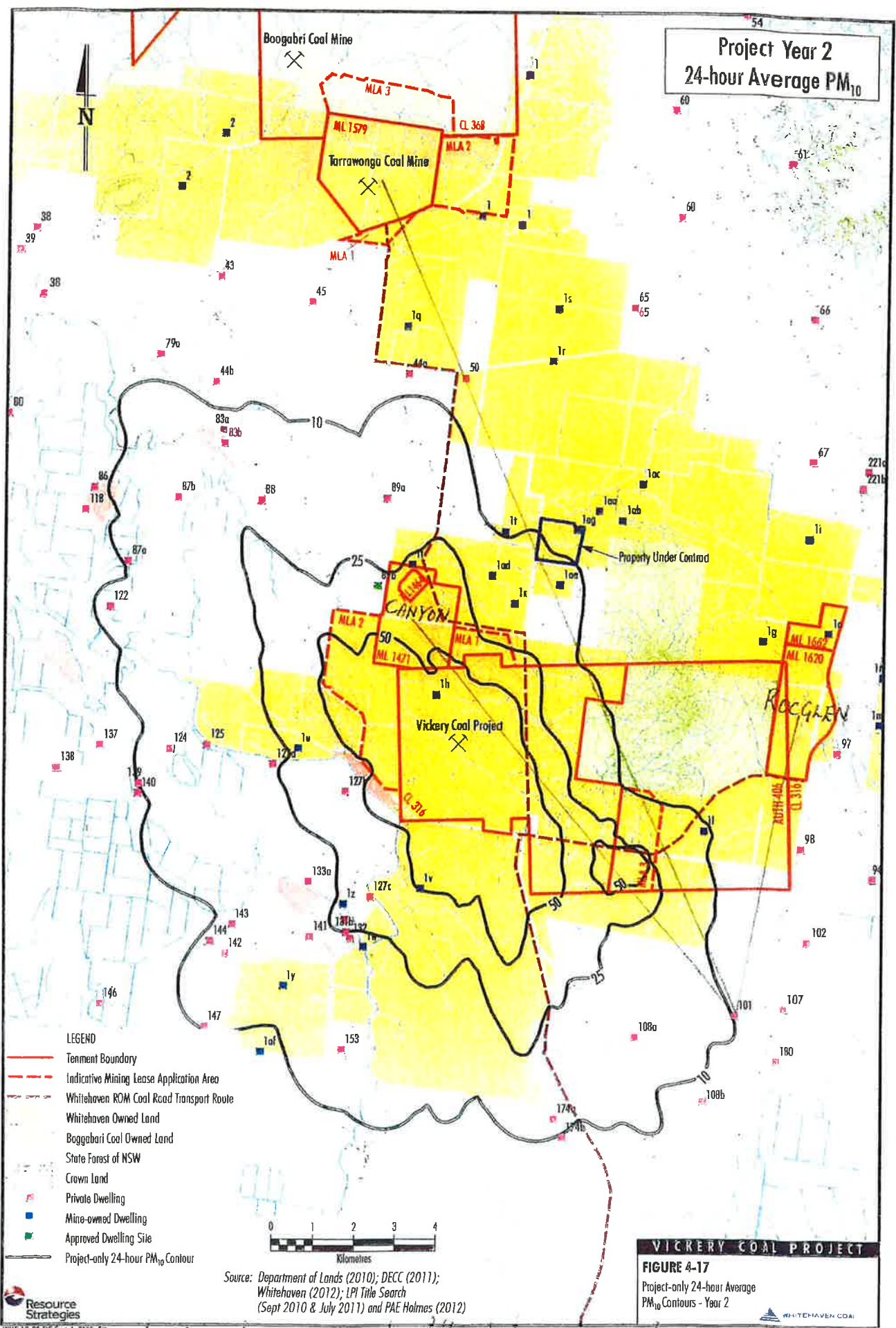


Source: Department of Lands (2010); DECC (2011); Whitehaven (2012); LPI Title Search (Sept 2010 & July 2011) and Urbis (2012)

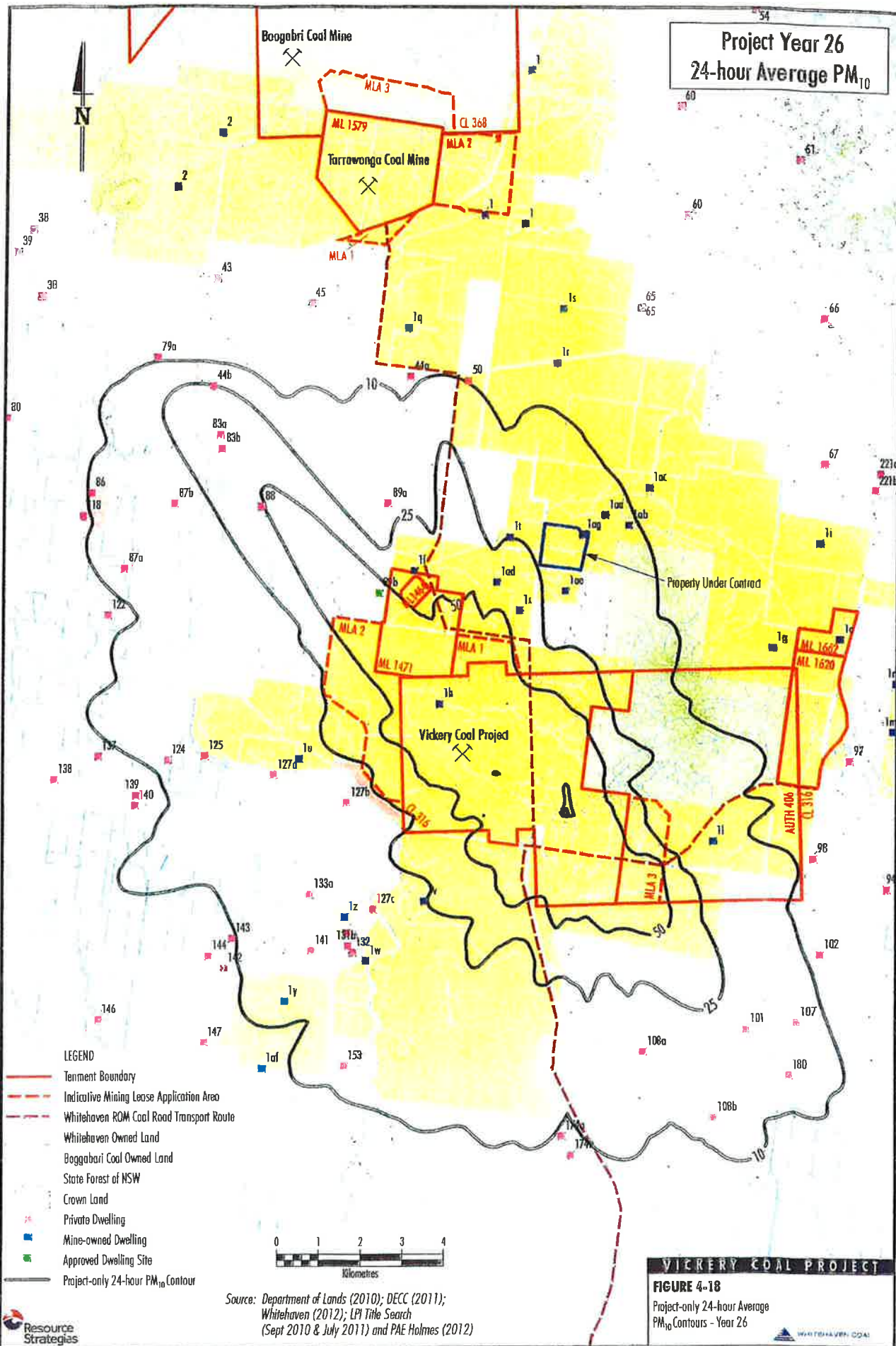
VICKERY COAL PROJECT

FIGURE 4-30
Visual Simulation Locations, Viewpoint Locations & Land Ownership

**Project Year 2
24-hour Average PM₁₀**



*Pencil lines show previously felt shaking from blasting, at 101.
Tarrawonga 24 km. Canyon 12 km. Rocglen 7 km. approx.*



**Project Year 26
24-hour Average PM₁₀**

- LEGEND**
- Tenment Boundary
 - - - Indicative Mining Lease Application Area
 - - - Whitehaven ROM Coal Road Transport Route
 - Whitehaven Owned Land
 - Boogabri Coal Owned Land
 - State Forest of NSW
 - Crown Land
 - Private Dwelling
 - Mine-owned Dwelling
 - Approved Dwelling Site
 - Project-only 24-hour PM₁₀ Contour



Source: Department of Lands (2010); DECC (2011);
Whitehaven (2012); LPI Title Search
(Sept 2010 & July 2011) and PAE Holmes (2012)

VICKERY COAL PROJECT
FIGURE 4-18
Project-only 24-hour Average
PM₁₀ Contours - Year 26

[New South Wales Government](#)

[Department of Planning](#)

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Paul Rankin, of Gunnedah NSW, made the following submission on the project:

Vickery Coal Project



Objects to this project

I would like to make a submission regarding the proposed Vickery Coal Project. I do not object to the proposed mine but my residence is close to the proposed construction of the private haul road and overpass over the Kamilaroi Highway. I have correspondence from Whitehaven Coal that states that the proposed overpass will adversely affect the level of any flood in the Namoi River. My residence has been surveyed to be at 261.90 meters and the 1:100 year flood level is 262.25m. Whitehaven Coal admit that the overpass will increase the flood level at my residence by approximately 3 centimeters.

I object to any proposed construction that would have the effect of increasing the flood levels at my residence, as any increase in flood level at my house could cause or contribute to serious flood damage to my house.

We thank the Department of Planning and Infrastructure with the opportunity to lodge a submission in response to this project.

While we are not currently seeking for the project to be refused, there have been some major issues in the way the conduct for the purpose of the Environmental Impact Assessment (EIS) has been carried out.

The Director General's requirements (DGRs) for the EIS were issued 19 January 2012. Part of the DGRs included an Aboriginal cultural heritage assessment. The cultural heritage assessment must demonstrate both effective consultation with Aboriginal communities and outline any proposed mitigation and management measures. A list of technical and policy guidelines were attached to DGRs to assist in the preparation of the EIS, including:

- Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC 2005);
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011);
- Due diligence code of practice for protection of Aboriginal objects in NSW (DECCW 2010);
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW);
- Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW 2010); and
- The Burra Charter

We note of great interest in the Aboriginal cultural heritage consultation requirements for proponents 2010 (consultation requirements 2010) at part 1.3:

In recognising the rights and interests of Aboriginal people in their cultural heritage, all parties concerned with identifying, conserving and managing cultural heritage should acknowledge, accept and act on the principles that Aboriginal people:

- **are the primary source of information** about the value of their heritage and how this is best protected and conserved
- **must have an active role** in any Aboriginal cultural heritage planning process
- **must have early input into the assessment** of the cultural significance of their heritage and its management so they can continue to fulfil their obligations towards their heritage
- **must control the way in which cultural knowledge and other information relating specifically to their heritage is used, as this may be an integral aspect of its heritage value.**

Part 3 of the *consultation requirements 2010* further defines what effective consultation should consist of, being:

- consultation by proponents with Aboriginal people in the early stages of project planning

- building a shared understanding, between the proponent and Aboriginal people, of how advice from Aboriginal people will inform project design or decision-making processes
- building a shared understanding between the proponent and Aboriginal people of how timely feedback will be provided to participants to ensure their views were accurately taken into account and to show how the information provided by Aboriginal people contributed to the final outcome
- adherence to cultural restrictions by the proponent (e.g. Aboriginal men's business should only be discussed by men with men, and Aboriginal women's business only between women)
- avoiding culturally inappropriate days/times for consultation (e.g. NAIDOC week) and having a contingency plan should the planned consultation unexpectedly fall on the day of a funeral or other 'sorry business'
- consideration by the proponent of issues such as transport (how Aboriginal people get to meetings) and fitting in with work and family responsibilities

Further, Article 5.1 of the Burra Charter provides:

Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

After we had read the Aboriginal cultural heritage assessment of the EIS and compared them to the above technical and policy guidelines, we have a few concerns outlined in the headings below.

Surveys conducted and results

We view that the site area has not been surveyed properly and estimate about 40% of the land still unsurveyed. Some of this land unsurveyed include former creek beds and bushland. We agree that sources of water are great places to survey for our cultural heritage. However, this should still include areas of past potential resources for our people as well. Our past surveys in these similar areas have a much greater likelihood of finding parts of our heritage and it is a shame that our cultural heritage on these unsurveyed lands will not be managed at all.

One of these sites that will not be protected as it was not adequately assessed is a rock formation found about 600m East of Hoad Lane (attached is a map of Figure 2 of the Aboriginal heritage assessment with markings). In December 2011, myself (as T'N'L Site Trackers) and fellow traditional owner Leonard Talbot were surveying part of the project area for our cultural heritage, along with Mr Lance Syme of Kayandal Archaeological Services (for Whitehaven). During the survey we discovered a rock formation described above and found that it was quite significant. However, the nature of the exact significance was not clear enough and we agreed with Mr Syme

to do a controlled fire operation around the rock formation after the bushfire season (March 2012).

We were not informed about any further progress of assessing the site after March 2012 and it was only until Mid-October 2012 that I decided to call Mr Danny Young, the Group Environmental Manager for Whitehaven Coal Limited. Mr Danny Young and I had the following conversation in words to the effect:

Myself: *What is happening with the Rock formation?*

Mr Young: *there's nothing special there.*

Myself: *who said that?*

Mr Young: *Phil Purcell*

Myself: *were any of the Traditional owners there?*

Mr Young: *No, just myself, Phil and two archaeologists*

We understand Mr Phil Purcell is an archaeologist with the Office of Environment and Heritage NSW.

Consultation

Although we acknowledge the efforts made by Whitehaven to engage with Aboriginal stakeholders it is our concern that other registered Aboriginal stakeholders, despite leaving the meeting on 12 September 2012 with an expectation that there would be further consultation, were not invited or informed of the ensuing meeting and site inspection held on 19 September and 1 November respectively.

I understand that the subsequent meetings were held specifically for the purpose of consulting with the so-called "senior elders" group. We understand that a Kamilaroi elder, Aunty Rita Long, attempted to attend the meeting on 19 September 2012 but she was excluded by one of the meeting participants because she was not a 'senior elder'. Some of the members of this group do not have any cultural ties to the project area, although they are elders. The senior elders group does not speak on my behalf, nor on behalf of any other Kamilaroi people without their written consent and provision of contact details as required under part 4.1.8 of the *NSW Office of Environment and Heritage Consultation requirements for Proponents 2010* (2010 Consultation Requirements). Therefore, the representative capacity of the elders group is limited to only those individuals in the group, and they do not collectively speak for country.

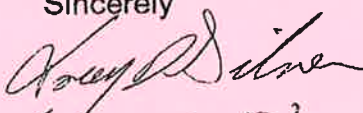
I would like to express my deepest disappointment that Whitehaven has excluded the registered stakeholders from aspects of the consultation process in circumstances where there was no justification for such exclusion.

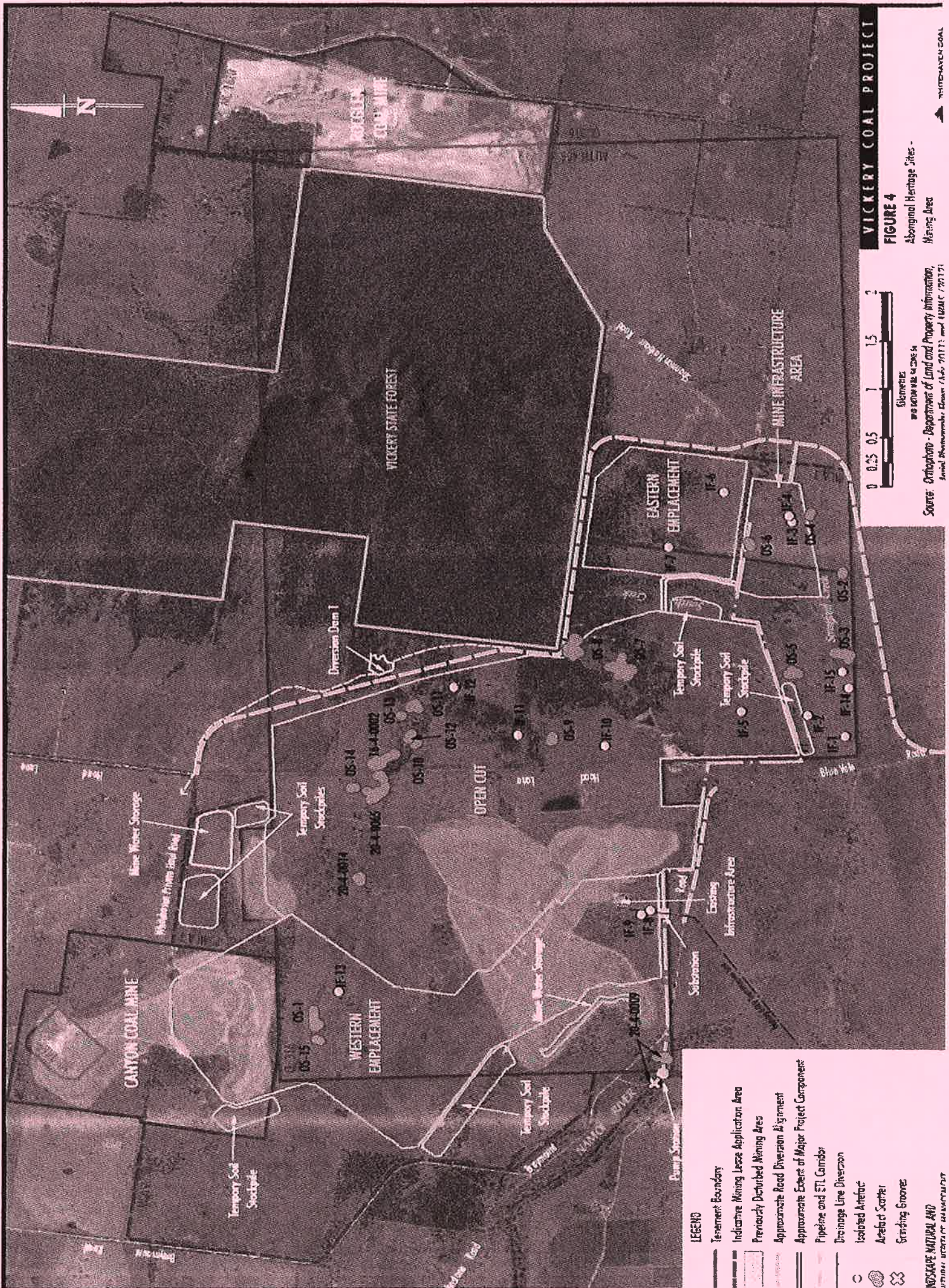
Whitehaven's approach in targeting aspects of consultation with the senior elders group has created a culture of lack of confidence in the process and is seen to be a means of circumventing the requirements to consult with the broader registered stakeholders. We are very concerned with the lack of involvement with the Traditional Owners in the making of this decision about the management of this site, particularly those Traditional Owners that were involved early in the consultation and survey stage.

We would appreciate that the proponents of the Project properly engage and consult with the Traditional Owners in conducting the Environmental Impact Statement as their consultation has been inadequate to take in to account our concerns.

The manner in which the consultation and survey has been carried out is unfair to the traditional owners and there is a strong feeling that this has caused many of us to fear divulging information in relation to our most sensitive areas as we are afraid of what might happen to them.

Sincerely

 1/0
TROY SILVER
101 MAITLAND
STREET
GUNNEDAH
N.S.W
2380
mob: 0458616922



Department of Planning and Infrastructure

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Of important note – the archaeological assessment report has some serious flaws and does not reflect guideline requirements therefore cannot be accepted as adequate.....Of greatest concern is that it is missing some basic details such as how big the Project area is, how much land would be impacted, how much land was surveyed, effectiveness of that survey, assessment of archaeological potential, information on known sites etc. If this was not undertaken by Landskape Natural Cultural Heritage Management at a minimum these details should be sources from the prior survey and assessment by Kayandel Archaeology. **A key and highly concerning issue is that the ACHA describes a 'social and cultural study' as being undertaken in conjunction with Aboriginal registrants, and**

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The report does not describe how this conclusion was reached (apart from vaguely referring to fieldwork opportunities to comment on management), and it is inconsistent with views expressed by RAPs.

There are also other big issues about the archaeological assessment and understanding of the Aboriginal history of the Project area – full details on all below. The flaws of the assessment are reflected in the management framework, which is based on the view that all sites are of lower scientific and social significance – and which fails to consider a range of known and likely cultural heritage management issues. It also fails to make any attempt to provide analysis about the social cultural significance of the area and the material culture within the area.

Given that an assessment report provides the basis for managing cultural heritage for the life of a Project, I formally request that the ACHA be revised and completed to the standard required by OEH guidelines and then re-issued to Aboriginal registrants, as there is insufficient information to even make comment on some parts of the assessment. This is concerning as it makes up a component of the overall EIS assessment

However, there are several aspects of the ACHA process undertaken and report provided that simply do not reflect the principles and specific requirements of the above guidelines. Key concerns relate to:

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- The level of information on the archaeological survey strategy is limited, and it does not provide a justification for sampling, or describe how sampling relates to the Project area/disturbance area, and how each landform proposed for impact will be sampled
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Given the above, the ACHA to inform the EIS provided is viewed as incomplete and non-compliant with OEH guideline requirements. The limited content of the ACHA also means that Aboriginal registrants cannot comment on key aspects of the assessment, such as the methods and outcomes of the archaeological survey. There is also significant concern that the ACHA was prepared without adequate consultation of the cultural values of the Project area, and the social significance assessment it contains is incorrect and does not reflect Aboriginal registrant input.

On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

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Name Reg (Dick) Talbott

Address 31 Little Conadilly St Gunnedah 2380

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

23-33 Bridge Street, Sydney NSW 2000
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RE Vicory Coal EIS STATE significance assessment- response to request for extension of public comment

This is not a form letter this is a letter which captures the concerns of individuals and families- Gomerioi and other Aboriginal parties

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The Vicory Coal has failed to undertake an Aboriginal cultural values assessment and has not detailed an assessment according to the Director Generals requirements 2005 Guidelines and the Burra Charter -therefore should not be determined as having adequately addressed the assessment requirements.

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Vicory Coal also fails to identify the social impact assessments which are likely to the Aboriginal community and low income communities within our area. The divide between the have and have nots are not mitigated. Housing costs, jobs training needs and impact to human services are poorly detailed.

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) u

AC Wannan and PM Winter



7 April 2013

To Whom It May Concern

I am writing regarding the Vickery Coal Environmental Impact Statement – Executive Summary and the Vickery Project Environmental Impact Statement. I have also had a meeting at “Colstoun” with Tim Muldoon, from Whitehaven, November 8th 2012 and discussed many issues related to the construction of Vickery South Mine. I will refer to the data found in these documents which are the reasons for my concerns.

I own the property “Colstoun”, directly to the south of the proposed Vickery South coal mine project. “Colstoun” is approximately 500 metres from the mine infrastructure site. I have the following concerns regarding this development and its effect on my enterprise:

1. The mine infrastructure area is situated very close to a significant flood way, Stratford Creek. Although this issue was discussed with Tim Muldoon I cannot see any assessment of this issue in the current reports and how it will affect flood flows in the creek. The plan is to alter the floodway on the north side of Stratford Creek. If bunding protection of this new mine site goes ahead as proposed I believe it will cause inundation to my property as at present flood water can currently flow over the Bluevale road unobstructed to the Namoi River.
2. According to the plans submitted, the MIA will be subject to inundation. Plans to place flood bunds for flood protection have been proposed (refer page ES8 - Attachment A). Due to the flat contour of this area (see contour lines in Figure ES1 – Attachment B) this diversion of water on the north side of the flood way will adversely affect my farm land and any crops that are being grown. This change in water flow may affect as much as 400 hectares should water be obstructed in its flow westwards by the proposed new alignment of the Bluevale road.
3. The proposed rerouting of the Bluevale Road (See Figure ES2 - Attachment C) will further exacerbate the water diversion issue by changing the path of small runoff flows during large rainfall events.
4. We note that in the *Air Quality and Greenhouse Gas* paper (page 34 - Attachment D) the total suspended particulate matter calculations are based on Hunter Valley weather data and soil types. This is highly inappropriate given the significant differences in soil types and rainfall between the two sites. A new assessment needs to be undertaken using local data that is likely to be accurate and reliable for this site.
5. In Appendix D, the air quality averages are based on only five years data collected at mine sites, but not from unmined areas. Longer term data from the EPA Tamworth would make for a better pre-mining baseline with which to compare.

AC Wannan and PM Winter



6. Further to Air Quality calculations - it is also of concern that the study has excluded the MIA and the Eastern Emplacement from their dust distribution models even though these areas will produce dust. Even with existing inadequate data it is clear from the map that my property is just on the edge of this 50 ug line (See Attachment E).
7. Noise and Blasting – this issue already impacts on us from the Rock Glen mine which is over 8 km away. I reside in an older stone dwelling which is already being adversely impacted by this mine. I constantly experience the noise from blasting and feel the earth move on these occasions. Hence the loss of quiet enjoyment time. Cracks have appeared in the walls of this building. There seems little doubt that I will be more greatly affected by this new mine which is on my doorstep. I am already affected by the Bluevale Road mine traffic noise. This will be increased substantially with the opening of another mine. We will also incur the constant noise of heavy earth moving machinery at close proximity.
8. Groundwater – I have bores to the south of the project which are being used to supply water for stock and domestic purposes. I am very concerned for the security and quality of this ground water. If it were to be affected in any way, the consequences would be disastrous for my business. Guarantees cannot and will not be given for water security, only estimates. This leaves me with many risks to my future livelihood. These issues have not been adequately addressed by the proponents EIS.

It appears that a range of environmental issues remain inadequately considered in the EIS and indeed some of the data used to assess impacts is inappropriate. It seems most likely that the real impacts of this proposal will be more seriously adverse than the current document suggests.

It seems likely that this project will adversely affect my business by changes in flooding, loss of ground water resources, loss of air quality and increased vibration. These will cause loss of income and potentially health effects.

Many of these changes will affect us and future owners of this land forever. Is it possible to provide compensation for this into the future? Current circumstances suggest that this is unlikely. I would submit that mining areas have enforced exclusion zones so that they do not have adverse effects to all pre-existing neighbouring businesses.

In summary, I feel that the models for flood inundation, air quality and noise have errors or shortcomings which appear to advantage Whitehaven Coal but disadvantage surrounding landholders. Much of this work is inaccurate and the real impacts need to be re-assessed using accurate local data which respects and appropriately values the pre-existing land uses businesses in the area that have been undertaken for over a 100 years. The proposed mining activities have the potential to destroy the long term agricultural sustainability of the local area.

Submission made by Anthony Wannan “Colstoun” Gunnedah

Potential impacts of the Project on surface water quality include the reduction in surface water quality due to uncontrolled site runoff, controlled licensed discharges and/or alteration of groundwater quality affecting baseflow in surface water resources.

The Project water management system would be designed to maintain separation between surface water runoff from undisturbed, rehabilitated and active mining areas, in order to:

- € minimise the capture of surface water runoff from undisturbed areas, by optimising the diversion of up-catchment water to downstream receiving waters;
- € provide controlled release for surface water runoff from rehabilitated mine areas through licensed discharge points in accordance with Environment Protection Licence conditions;
- € capture, store and manage surface water runoff from partially rehabilitated mine areas and infrastructure areas, and provide controlled release of these waters through licensed discharge points in accordance with Environment Protection Licence conditions; and
- € capture and store surface water runoff from active mining areas and mine-affected water, with no release off-site.

The Project would result in changes to flows in local creeks due to the progressive extension of the open cut and associated capture and re-use of drainage from operational disturbance areas and controlled releases from licensed discharge points.

The southern part of the Project open cut and the MIA would be protected from extreme flooding events from local watercourses by both temporary and permanent flood bunds.

A Water Management Plan, incorporating the Site Water Balance, Erosion and Sediment Control Plan, Surface Water Monitoring Program, Groundwater Monitoring Program, and the Surface Water and Groundwater Response Plan would be prepared for the Project.

The Surface Water and Groundwater Response Plan would describe how Whitehaven would respond to any potential exceedances of water performance criteria, and it would describe the contingent mitigation/compensation/offset measures that would be implemented in the event that downstream water users or riparian vegetation are adversely affected by the Project.

Noise and Blasting

A Noise and Blasting Impact Assessment for the Project was undertaken by Wilkinson Murray. The Project would operate 24 hours per day and seven days per week.

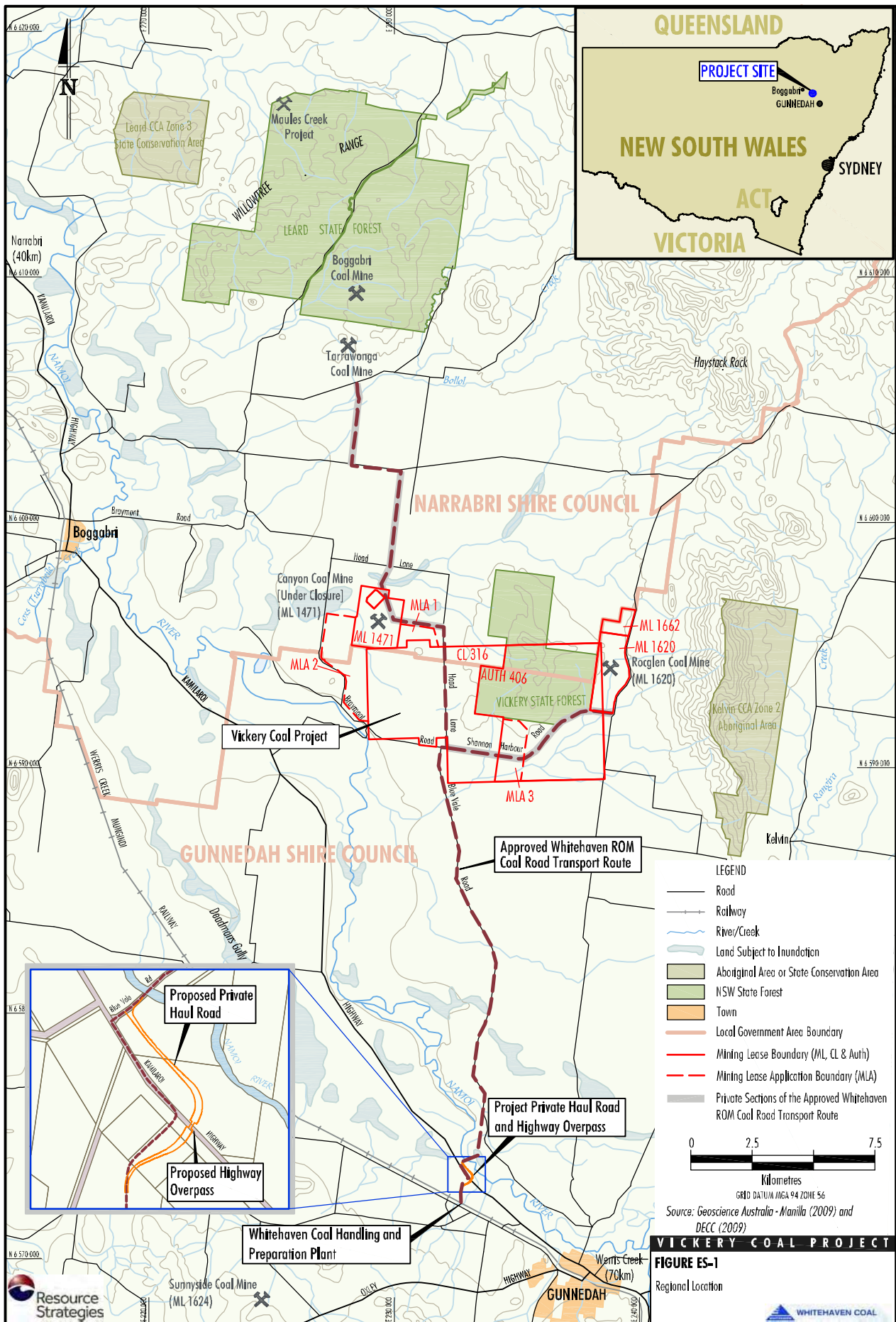
An acoustic model was developed that simulates the Project components using noise source information (i.e. sound levels and locations) and predicts noise levels at relevant receiver locations. The model considers meteorological effects, surrounding terrain, distance from source to receiver and noise attenuation.

A number of iterative steps were undertaken to assess the potential noise impacts and develop appropriate mitigation measures for the Project.

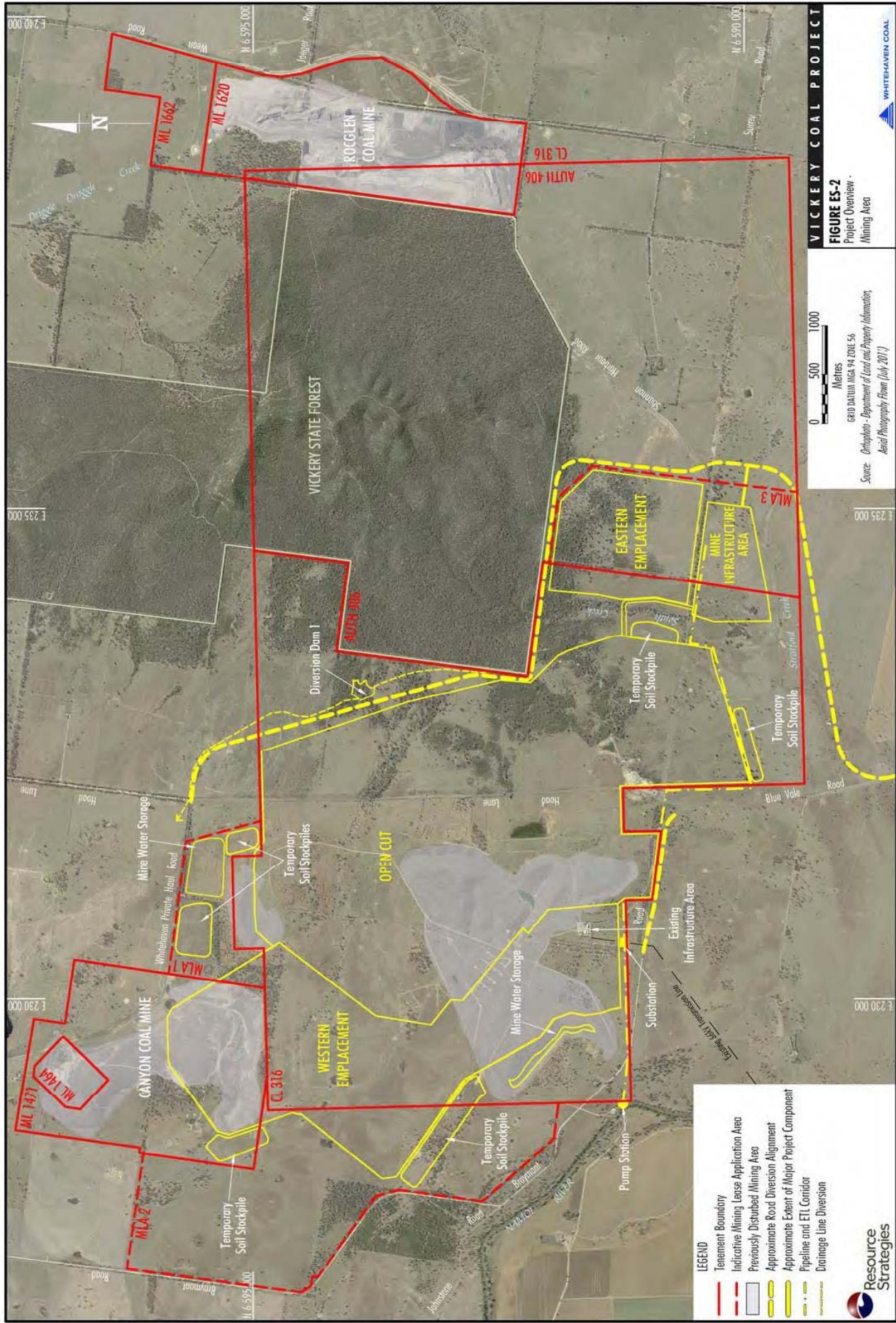
Whitehaven commits to the implementation of a pro-active noise management system for the Project. This is a system where meteorological forecasting and real-time noise and meteorological monitoring is used to anticipate upcoming periods of adverse weather conditions that may generate evening and/or night-time noise exceedances at private receivers. In response, mining operations would be altered when unfavourable meteorological conditions are predicted to target compliance with noise criteria.

In summary, with these measures in place, the operational noise assessment indicates:

- € During periods of calm meteorological conditions, operational noise from the Project would comply with the 35 A-weighted decibels (dBA) $L_{Aeq,15min}$ criterion at all privately-owned receivers.
- € During the daytime, operational noise levels (assessed under relevant meteorological conditions) are predicted to exceed the 35 dBA $L_{Aeq,15min}$ criterion at four receivers. In most instances, Project operational noise levels at receiver locations would be less during the daytime than during the evening and night.
- € During the night, exceedances of the 35 dBA $L_{Aeq,15min}$ criterion by between 1 to 2 dBA are predicted for two privately-owned receivers during adverse meteorological conditions.
- € During the night, exceedances of the 35 dBA $L_{Aeq,15min}$ criterion by between 3 to 5 dBA are predicted for two privately-owned receivers during adverse meteorological conditions.



WHC-10-03_ES_ES.m_101A



VICKERY COAL PROJECT
FIGURE ES-2
 Project Overview -
 Mining Area

0 500 1000
 Metres
 GRID DATUM: GDA 94 ZONE 56
 Source: Orthophoto - Department of Land and Property Information,
 Aerial Photography From (July 2011)

- LEGEND**
- Tenement Boundary
 - - - Indicative Mining Lease Application Area
 - Previously Disturbed Mining Area
 - Approximate Road Diversion Alignment
 - Approximate Extent of Major Project Component
 - Pipeline and ETL Corridor
 - Drainage Line Diversion

Site	2005	2006	2007	2008	2009	2010	2011	2012 ^(c)	Ave	
	D5	1.4	1.3	1.7	1.4	2.2	0.8	0.9	-	1.4
	D6	1.5	1	1.7	1.9	2.6	0.9	1.1	-	1.5
	D7	0.8	1.2	1.5	1.6	2.4	0.8	1	-	1.3
	D8	1.1	1.1	1.3	1.2	2	0.9	1.1	-	1.2
	D9	1.1	1.3	1	2.3	2.3	1.5	4.4	-	2.0
	D10	1.1	0.8	1.1	1.1	2	0.4	0.5	-	1.0
	D11	1.5	1.2	1	1.4	2.6	0.7	0.4	-	1.3
	D12	1.1	1.6	1.9	2.9	4.8	5	1.6	-	2.7
	D13	1.5	1.8	2.2	2.4	2.9	1.6	0.4	-	1.8
	D14	0.9	0.9	1.6	7.4	4.7	5.7	1	-	3.2
	D15	-	-	-	1.1	22.4	1.1	1.8	-	6.6
Maules Creek	MC01	-	-	-	-	-	1	-	1.0	
	MC02	-	-	-	-	-	1.3	-	1.3	
	MC03	-	-	-	-	-	2.2	-	2.2	
	MC04	-	-	-	-	-	1.3	-	1.3	
Vickery ^(d)	V1	-	-	-	-	-	0.6	0.6	0.6	
	V2	-	-	-	-	-	0.6	0.6	0.6	
	V3	-	-	-	-	-	0.7	4.1	2.4	
	V4	-	-	-	-	-	0.6	2.1	1.4	
	V5	-	-	-	-	-	0.6	0.8	0.7	

(a) data from August 2011.

(b) data to November 2008.

(c) data available to May/June 2012.

(d) data from October 2011 to August 2012.

Bold font indicates data above impact assessment criteria.

4.3 Total Suspended Particulate Matter Concentrations

No TSP concentration data are available in the vicinity of the Project. However, annual average TSP concentrations can be estimated from the PM₁₀ measurements by assuming that 40% of the TSP is PM₁₀. This relationship was obtained from data collected by co-located TSP and PM₁₀ monitors operated for long periods of time in the Hunter Valley (**NSW Minerals Council, 2000**).

Since the start of 2010, annual average PM₁₀ concentrations have been 10 to 12 µg/m³ across all sites (refer **Section 4.2.1**). As such, the background annual average TSP concentration for this period is estimated as 30 µg/m³.

4.4 PM_{2.5} Concentrations

PM_{2.5} concentrations are measured for the Project and the proposed Maules Creek Coal Project. Data has been collected for the Project and Maules Creek since April 2012 and November 2011, respectively. A plot of the 24-hour PM_{2.5} concentrations is shown in **Figure 4.8**.

The average PM_{2.5} concentration based on the available validated data for the Project and at Maules Creek is 4.6 µg/m³ and 4.5 µg/m³, respectively.

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

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RE Vicory Coal EIS STATE significance assessment- response to request for extension of public comment

This is not a form letter this is a letter which captures the concerns of individuals and families- Gomerioi and other Aboriginal parties

Please accept our submission regarding Vickory Coal as we are very concerned about this project being approved.

The Vicory Coal has failed to undertake an Aboriginal cultural values assessment and has not detailed an assessment according to the Director Generals requirements 2005 Guidelines and the Burra Charter -therefore should not be determined as having adequately addressed the assessment requirements.

The area concerned has a number of culturally important and sensitive areas which unless a values assessment is undertaken are at risk of irreparable harm.

Vicory Coal also fails to identify the social impact assessments which are likely to the Aboriginal community and low income communities within our area. The divide between the have and have nots are not mitigated. Housing costs, jobs training needs and impact to human services are poorly detailed.

Vicory Coal also does little to address the environmental losses and impacts to endangered species- species listed as protected. This also includes our birds and koalas. The impact to waterways and aquifer management does not appear to be adequately addressed. Flora and fauna impact assessment should be protecting not inferring an offset arrangements.

Cumulative impacts are not addressed and the rationale for destruction is poor

Of important note – the archaeological assessment report has some serious flaws and does not reflect guideline requirements therefore cannot be accepted as adequate.....Of greatest concern is that it is missing some basic details such as how big the Project area is, how much land would be impacted, how much land was surveyed, effectiveness of that survey, assessment of archaeological potential, information on known sites etc. If this was not undertaken by Landskape Natural Cultural Heritage Management at a minimum these details should be sources from the prior survey and assessment by Kayandel Archaeology. **A key and highly concerning issue is that the ACHA describes a 'social and cultural study' as being undertaken in conjunction with Aboriginal registrants, and**

presents a 'cultural assessment' which describes all known sites as being of low social significance to Aboriginal people, with only one site described as of moderate social significance – being the grinding groove complex.

The report does not describe how this conclusion was reached (apart from vaguely referring to fieldwork opportunities to comment on management), and it is inconsistent with views expressed by RAPs.

There are also other big issues about the archaeological assessment and understanding of the Aboriginal history of the Project area – full details on all below. The flaws of the assessment are reflected in the management framework, which is based on the view that all sites are of lower scientific and social significance – and which fails to consider a range of known and likely cultural heritage management issues. It also fails to make any attempt to provide analysis about the social cultural significance of the area and the material culture within the area.

Given that an assessment report provides the basis for managing cultural heritage for the life of a Project, I formally request that the ACHA be revised and completed to the standard required by OEH guidelines and then re-issued to Aboriginal registrants, as there is insufficient information to even make comment on some parts of the assessment. This is concerning as it makes up a component of the overall EIS assessment

However, there are several aspects of the ACHA process undertaken and report provided that simply do not reflect the principles and specific requirements of the above guidelines. Key concerns relate to:

- Basic information on the Project is not provided, such as the size (ha) of the Project area, the size (ha) of the disturbance area within the Project area, and mapping which clearly illustrates this (noting that Figure 2 of the ACHA does not clearly illustrate this)
- Aboriginal involvement in all stages of the assessment and management process, with consultation specifically lacking in:
 - The lack of a consultative process to seek Aboriginal registrant views on the cultural values of the Project area
 - The approach that views of some Aboriginal registrants 'are considered to be indicative of Aboriginal community attitudes' (Section 10.2). OEH guidelines acknowledge the diversity of social values that may occur within the Aboriginal community, who may have a range of traditional, historic and contemporary attachments to an area. To assume a singular view of cultural significance amongst the Aboriginal registrants involved in the Project is not appropriate, and it does not reflect professional guidelines
 - The inclusion of an assessment of social significance of archaeological sites that does not reflect past Aboriginal registrant input on social significance
 - The lack of consultation to actively involve Aboriginal people in determining Project impacts to cultural heritage values
 - The lack of consultation to actively involve Aboriginal people in developing management options and determining appropriate final management recommendations
- The level of ethnohistoric research presented in the ACHA is limited, and it does not reflect the range of past Aboriginal associations with the Project area – including the historical experiences of Aboriginal people in the region.

- The predictive model developed for the Project does not integrate ethnohistoric information on past Aboriginal associations with the Project area, both pre- and post-contact
- The level of information on the archaeological survey strategy is limited, and it does not provide a justification for sampling, or describe how sampling relates to the Project area/disturbance area, and how each landform proposed for impact will be sampled
- No information is provided on the coverage of the archaeological survey, being the total area inspected (ha) and the placement of survey transects; which should be described in writing and illustrated on mapping.
- No information is provided on the effectiveness of survey coverage, given ground surface visibility conditions at the time of survey
- The ACHA does not provide an assessment of the archaeological potential of the landforms of the Project area, considering both the occurrence of surface sites and features beyond survey areas, and the distribution and integrity of subsurface archaeological deposits.
- The ACHA also fails to discuss the archaeological potential of landforms normally identified as being of high archaeological potential, being creek lines, the floodplain of the Namoi River and footslopes with colluvium.
- The ACHA provides a limited discussion of the meaning of the archaeology of the Project area, which OEH describe as discussion of what events took place in the past, how the landscape was used and why the identified Aboriginal objects are in this location.
- The ACHA does not provide an assessment of the historic significance of the Project area and the specific places/objects contained within it
- The ACHA presents an assessment of the social significance of known archaeological sites, but does not discuss the social significance of the broader area and non-archaeological places to Aboriginal registrants – reflecting a limited consultation process regarding cultural values.
- The ACHA presents an assessment of the social significance of known archaeological sites, which describes all sites except one as being of low significance (and describes the remaining site – a grinding groove and scatter complex – as being of moderate significance). **This does not reflect Aboriginal registrant input on the significance of archaeological sites, and this requirement should be urgently amended to document Aboriginal registrant views, as OEH guidelines identify that it is only Aboriginal people that determine the social significance of Aboriginal cultural heritage.**
- **The assessment of aesthetic significance makes no comment on the importance of sites and places to Aboriginal people.**
- The assessment of Project impact is limited to archaeological sites only, and does not address the broader impact of the Project on the landforms of the Project area, including landforms of archaeological potential.
- The impact assessment includes a statement that the impact of blasting (vibration) to the grinding groove site will be negligible, although no information on how this was determined has been included or discussed with Aboriginal registrants
- The management strategy for the Project is limited in scope, on the basis that the Project area contains no archaeological sites of high social or scientific value, and that there are no other places or objects of cultural value. **This is questioned and considered insufficient, as the ACHA does not adequately assess the cultural values and the archaeological potential of the Project area, and management strategies have not been developed in consultation with Aboriginal**

registrants. The following management strategies are identified as requiring discussion with Aboriginal registrants for inclusion in the revised ACHA:

- Management protocols for continued Aboriginal registrant involvement and consultation
 - Management protocols for the management (protection) of known archaeological sites not impacted by the Project
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 - Management protocols for baselines recording of the grinding groove site and blast vibration monitoring if appropriate
 - Management protocols for the temporary care of salvaged objects
 - Management protocols for the ongoing review and revision of the Project ACHMP
 - Any additional management protocols identified by the completed cultural values assessment and assessment of archaeological potential.
- The ACHA does not contain a technical archaeological appendix, which is the approach outlined by both the OEH Code of Practice for Archaeological Investigations (DECCW 2010) and the OEH (2011) ACHA guideline. Even if this information has been integrated into the main cultural heritage report, the specific requirements of the OEH (2011) and DECCW (2010) guidelines are still relevant and should be demonstrated in the report prepared.
- The report has omitted to record Aboriginal cultural features identified as important to the RAPs and their omission is highly concerning.

Given the above, the ACHA to inform the EIS provided is viewed as incomplete and non-compliant with OEH guideline requirements. The limited content of the ACHA also means that Aboriginal registrants cannot comment on key aspects of the assessment, such as the methods and outcomes of the archaeological survey. There is also significant concern that the ACHA was prepared without adequate consultation of the cultural values of the Project area, and the social significance assessment it contains is incorrect and does not reflect Aboriginal registrant input.

On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

Yours faithfully

Name Kayla Whitten

Address 12 Creek Reserve Rd Boolaroo Nsw 2284

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Justin Wilkinson, of Gunnedah NSW, made the following submission on the project:

Vickery Coal Project



Objects to this project

To whom it may concern

We refer to the development application for the Vickery Coal Project.

Our property is in close proximity to the Whitehaven Coal Coal Handling and Preparation Plant (CHPP). We lived on our property prior to the construction of the CHPP.

This development application proposes developments which would have significant impacts on our residence.

Our residence currently experiences noise impacts which exceed those allowed by the Environmental Protection Licence (EPL 3637) for the Whitehaven Coal CHPP on a regular basis. This has been occurring for over 18 months. Whitehaven Coal has acknowledged that this is the case. The NSW EPA has placed a variation on EPL 3637 requiring that the company rectify this situation. This has not yet occurred and the company has not provided us with any assurance that it will occur.

Documents detailing the current noise impacts on our residence have been provided to us by the proponent. We would be happy to supply these if necessary.

At present the noise of truck movements on the haul road between Kamilaroi Highway and the CHPP impact on our residence. These trucks are regulated in the hours they are permitted to travel down that haul road to deliver coal to the CHPP by virtue of the present consent conditions. This gives us some respite during the late night hours. This application seeks to allow truck movements and access to the CHPP 24 hours per day, seven days per week.

The Company plans to construct a new haul road, including an overpass of Kamilaroi Highway, which will be built in the paddocks adjoining our property. From the EIS it is difficult to ascertain the exact location of the proposed new road. Suffice to say that from the maps provided it appears to be significantly closer to our residence than the existing haul road. The modelling by the Company's noise consultants classifies the new haul road as the equivalent to Kamilaroi Highway. The plan is to have a b-double truck movement every 4 minutes every day of the year. In other words, a new highway next door.

The EIS states that because the haul road is moving further from residences on the other side of it then the noise impacts on them (relative to the noise from the existing

haul road) will be reduced. We can only conclude from this that if it is moving closer to our residence then the noise impacts will be increased relative to what they are now.

The Company's noise consultants predict that our residence will receive noise that is 35dB. This is the allowable limit. Our experience with the developments of this Company is that they grossly underestimate the impacts their developments have on our residence. Hence the situation we (and the Company) find ourselves in now. Based on this we believe that if the noise consultants are modelling that we will be on the limit then it is a foregone conclusion that those limits will be regularly exceeded.

The current consent for the CHPP allows it to operate until 2022. From our point of view this places a nine year sunset on the operation. Considering the impacts that this facility has on us and our property, the end of the consent for this facility would be a welcome occurrence. Our interpretation is that this Development application would extend the consent for the operation of the CHPP for a further thirty years. This development would effectively ruin any prospect that our property would ever again be realistically considered rural/residential as it is currently zoned.

We believe it is unfair that a development is able to impact neighbouring properties to the extent that it totally changes their character. In our case the developments of Whitehaven Coal have been taken in a stepwise fashion so that each development seemed to be reasonable. The documents have predicted impacts within the guidelines (as in this application), however these predictions have proved to be erroneous to our detriment and Whitehaven Coal's benefit. The cumulative impact of the developments of the CHPP by Whitehaven Coal and the activities associated with it have resulted in us living with noise and vibration, wrecking our quality of life.

Our objection is based on impact data provided to us by Whitehaven Coal and we believe it is unreasonable to consent to further developments which will only exacerbate the impacts we are currently experiencing from the existing consent.

Yours Faithfully

Justin and Dianne Wilkinson

11/4/13

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

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On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

Yours faithfully

Krystyna Williams

Name: Krystyna Williams

Address: Unit 8/19-21 Muriel Street, Hornsby N.S.W, 2077

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(Name withheld), of Boggabri NSW, made the following submission on the project:

Vickery Coal Project



Objects to this project

I am against the proposed Vickery Coal Project, due to the following reasons:

- 1) I have concerns regarding the possible cumulative dust impacts from the project and other mining operations in the area, including the Tarrawonga, Boggabri and Maules Creek mines. The dominant wind direction from the south east would certainly carry dust toward my property. I understand the predicted levels are below the standard, but the cumulative effects may cause the levels to be higher than what is predicted.
- 2) I have current concerns regarding traffic on the Braymont Road. This road is unsealed and currently carries high amounts of traffic from nearby mining operations. This traffic is predicted to increase due to the Vickery Project. I believe Braymont Road should not be used by mine vehicles travelling to and from Vickery. Camp style accommodation is being built in Boggabri, workers from this camp and Boggabri would use Braymont Road throughout the mine life as it is the shortest route to travel to the site. The Manilla Road should be used by all mine vehicles and contactors, with buses used for workers from Boggabri. To police this, it would be simple to include conditions in employment contracts regarding travel routes to the Vickery site. Currently the Braymont Road produces excessive dust due to mine related vehicles. The condition of the road is very poor, as the road was built only to carry minimal local traffic.
- 3) The social aspect of mining in general is a concern. The amount of property which Whitehaven has purchased throughout this area has been detrimental on the community and also on my business. We have limited neighbours remaining in the area and I have limited opportunity to expand my business due to the majority of the land being mine owned. The proposed road diversion around the Vickery project, will make the trip to Gunnedah longer. This is a particular concern in respect to grain and livestock cartage.

Regards