

Colin Pursehouse
Homebush Park
40 Smiths Road
JILLIBY 2259

9th September, 2016

Dear Sir,

Development Application SSD 4974
Wallarah No. 2, Coal Mine

Reference is made to the subject Development Application. I am an owner of property at 40 Smiths Road, Jilliby, known as Homebush Park, which is within the area the subject of the Application.

I have previously communicated with Jessie Evans of your office and indicated that I intended to make a submission but that I required further information from the proponents and that it was unlikely this would be received in time to lodge any documentation within the exhibition period. I have been led to believe that notwithstanding this submission is strictly out of time, it will nevertheless be accepted for consideration.

I wish to object to the proposal and in support of my objection I make the following submissions.

Consultation with Stakeholders

The Applicant submits that they have consulted with all relevant stakeholders and in this regard I refer particularly to owners of land within the project area. This statement may very well have been true at the time of lodgement of the Application in its original form, but it is certainly not so at this time and can only have value as an historical reference. As I understand it, the EIS supporting the Application was submitted in 2013, this is the latest at which the proponent's assertion in this regard can be accepted with any certainty.

In my own case, we bought our property in 2013, but have never been consulted by the Applicant nor did we ever receive any notification of the Application as originally lodged nor as amended. I would suggest we are not alone and there would be many people who have bought properties post whatever consultations may have been conducted prior to lodgement of the initiating Application but who have had no specific contact from the Applicant, certainly nothing approximating "consultation". There is a healthy property market in the Dooralong and Yarramalong Valleys and contiguous areas and very likely many 'new' owners who have had no consultation.

At my instigation, with assistance from Ms. Evans, I have only recently met with Mr. Peter Smith of the proponents, and he has been very helpful in answering my enquiries but this comes after the fact as it were and doesn't assist others who are unaware their properties are affected.

Public Exhibition and Process

As already referred to, this proposal has had considerable history and in fact the Application itself is now some several years old. There has been previous public exhibition of the original proposal but that proposal is now amended and it is the amended proposal that is, or rather should, now be under consideration. I say “should”, because the entire Application as amended was not exhibited, rather only the amended portion.

When I attended the Department’s offices to view the proposal, the only documentation on exhibition related to the amendments being the proposed coal loader and its ancillary facilities. The original Application and its supporting documentation were not on display and I had to ask for them to be retrieved and brought out for me to view.

The amendments cannot be considered in isolation as indeed neither can the original proposal; the one is an amendment to the other and makes no sense unless the whole is taken into account. I am advised by the Department that it was at the Applicant’s request that the DA was “put on hold” and that the Consent Authority subsequently agreed to amendment of the Application. However, exhibition of just a portion of the proposal only (ie: the so called “amendment”) does not in my view satisfy the requirements to publicly notify the proposal and instead, the public exhibition should have been of the whole DA as amended in its entirety. To do otherwise (which is what has occurred) is to approach the notification and assessment of the proposal in a piecemeal fashion when what should be before the public (and Consent Authority) is the entire proposal.

It is not appropriate for the Consent Authority, prior to determination and especially at the time of public consultation, to pre-determine what submissions might be made nor to attempt to constrain submissions by only disclosing or exhibiting part of a proposal. Notwithstanding that some affected persons may have already made submissions previously (that is, to the original proposal) they or others have a right to consider the whole of the current proposal and the current proposal is not limited to any amendment only but at all times must be the whole of the development in contemplation and for which Consent is sought.

This issue is especially crucial in the case of a proposal such as that at issue with an extensive history of several years. Affected landowners and others come and go from time to time and each has the right to consider their position as it might be affected by the whole of the proposal, not limited just to the latest change. To require lay members of the public to seek out documentation necessary to make sense of the whole proposal because only an amendment is being notified frustrates the whole purpose and reason for public consultation.

An ordinary person responds to a notification of development in the expectation that all relevant information will be freely available to them without the need for further investigation or enquiry but that was not the case in this instance. Similarly, the ordinary person is very likely to accept at face value such information as a government department puts before them in public notices and in this case they would be led to believe that the only matter upon which they might comment is the amendment, whereas I say that it is the whole Development Application that is available for consideration and comment.

It is my submission that the public exhibition was flawed and misleading. What should have occurred was re-advertising of the entire proposal as amended, not simply the amendment. The documentation on display should have been all of the DA, not just the amended parts. It follows that the statutory requirements for public exhibition have not been followed.

Subsidence & Other Changes to Surface Topography

The proponents admit they are unable to accurately predict the impacts of their underground operations at the surface although there will be change as a direct result of the mine. They assert their predictive modelling is using best available practice and weighted conservatively so that actual impact should (in their opinion) be less than the worst case scenarios they have adopted. They have looked to other existing NSW coal fields for comparison and suggest the southern fields are useful in this regard despite also acknowledging the above seam strata in the south is structurally strong which is most certainly not the case in the Dooralong and Yarramalong Valleys.

The impact on my property is stated to be subsidence in the range of 1300mm, with tilt of 2mm/1000m, a significant potential impact.

It is difficult to ascertain from the EIS exactly what the resultant topography of my property or indeed the whole of the valley floor will be, whether it will be generally similar to existing but at a lower overall Reduced Level or corrugated. Longwall Sections provided in the EIS purporting to show expected subsidence were unhelpful, possibly because of the use of different horizontal and vertical scales to permit presentation in A4 format. However, after consulting with the proponent (viz Peter Smith), I am advised they expect subsidence to be uniform and absent any undulation. However, the PAC has admitted there is the possibility of a resultant wavelike landform.

My concern is that the resultant changes in topography are extremely uncertain and there is no reassurance that the suitability of my land for raising cattle and other grazing activities will not be adversely impacted. Similarly, other agricultural activities in the locality (I am adjoining the Austurf Turf farm) are essential components of the intrinsic character of the valleys and any depletion or disruption to these activities will inevitably lead to loss of character, amenity and value.

The lack of concern for impacts upon the occupiers and users of the Valleys is well illustrated by the Applicants assertions with regard to the turf farm adjoining my property. The proponent admits that impacts from subsidence may result in loss of turf production for three years but apparently regards this as acceptable. I have not discussed this matter in detail with my neighbours but even allowing for any compensation they might receive for economic loss over the three year period, at its conclusion they are effectively faced with re-establishing their business both physically and in the market and it is questionable as to whether the disincentive of three years out of the business and the need for considerable effort to recommence could be overcome. Apparently the ethic here is that local, Australian small agri-businesses and small rural landowners can pay the price for ensuring profitability for an overseas company exploiting Australia's natural resources. I refer also to the submission of the Department of Primary Industry which makes the point there is no expert or empirical evidence to support the contention that the turf farm would return to productivity in 3 years.

I am left to wonder if the turf farm can effectively be put out of business for three years (at least!), what loss will I suffer? Being far more modest, my pastoral activity doesn't apparently warrant consideration.

At least 245 dwellings are said to be likely to experience some impact due to subsidence etc. The proponents adopt a scale of impact in the form of damage to dwellings with six levels, R0-R5, with R0 being nil or the most minor damage and R5 the highest level of damage. In the case of my property they say the probability of nil or R) category damage is 87% whilst it would be something less than 0.3% for category R5. There is though, a 13% probability that damage in other categories will occur. I am expected to take comfort from the fact that if my property is impacted such that my dwelling is damaged, I can engage in an adversarial process with the Mines Subsidence Board to seek compensation. That is no comfort at all.

I might add that it was only at my specific request to the Applicant that I obtained the individual details of their expectation of the impact on my property. The information is set out in the EIS in tabular form, but rather than use commonly known details such as street and house number or even the property ID adopted elsewhere in their Statement, the proponents utilise a completely different set of identifiers so that individual owners cannot readily identify which property is which. The details should have been provided unambiguously in the EIS.

Whilst residents and landowners in the valley are expected to accept the assurances of the Applicant as to the likely subsidence and other related impacts upon their properties and wellbeing and to hope these will be benign, the confidence with which these assurances are provided as evidence of the acceptability of the proposal are apparently not so reliable when it comes to the Wyong River or certain other major areas omitted from the longwall mining area and including significant areas where coal is effectively sterilised to make it absolutely certain that subsidence impacts are avoided.

The degree of uncertainty as to impact upon surface topography is unreasonable and the predictions of the Applicant cannot be relied upon.

Impacts on Existing Water Courses and Sources

I am concerned that existing water courses and sources of water will be adversely impacted by the proposal. The degree of uncertainty surrounding this aspect is so great that the precautionary principle should apply until there is scientific proof that the harm likely to be caused will not occur or can reasonably be mitigated by the proponents. I do not accept that such scientific proofs currently exist, the assertions of the Applicant are their theories and remain untested and unproven. It would be folly to grant approval as a kind of giant experiment to see who was right when the consequences of error are so great.

When, as in this case, an Applicant can seriously suggest that it is acceptable to await 500 years for the restoration of a natural physical system (groundwater pressure), surely alarm bells must be ringing loudly. Whilst there has been human presence in the valleys for thousands of years, it is only with the coming of European settlement in the last two hundred years that human occupation has

had the potential to seriously impact the valley water and that impact has been pretty minimal. Yet the proponents believe that a period more than twice that would be acceptable to achieve return to equilibrium.

I am not alone in my concerns and note several government departments and other public authorities (DPI, EPA, WSC, CCWCC, HRCMA) and various significant community and environmental groups who have expressed similar concern about the theoretical nature of the proponent's claims. I adopt the submissions of these bodies as part of my objection.

The concerns cover a wide range of potential impacts from increased erosion, deformation or stream and drainage beds, interrupted flows right up to substantial or even complete loss of water through mining induced fractures and fissures. There are examples of catastrophic impacts at the extreme end of the range in other NSW coalfields but these have not been examined and compared by the Applicant. As far as I am aware, there is no reliable proven mechanism in the proposal to identify impending catastrophic water loss let alone prevent it, other than response to events, by which time it is too late.

I do not accept that the practice of Adaptive Management is sufficient to overcome the deficiencies in the proposal and will detail my reasons later in this objection.

Loss of existing water will not only seriously affect the water supply for the region but will have devastating impacts upon the carrying capacity of the valley grazing lands including my own property. Obviously impact is commensurate with the extent of water loss but as conceded by the Applicant, a high proportion of the accessible water in both Dooralong and Yarramalong Valleys is dependent upon recharge of the top layer through rainfall and its holding and retention capacity. Failure of the permanent creeks and watercourses and loss of seasonal waterbodies could render properties unusable for their present pastoral activities. Loss of the pastoral nature of the valleys, characterised by grazing, would totally change the character and amenity of the Valleys and lead to reduction in land values.

I do not currently have any man-made dams on my property for the reason they are rendered unnecessary because we have sufficient naturally occurring permanent and seasonal water holes, billabongs and drains as well as the permanent creek. Loss of any of these features would require considerable expense to construct dams to take the place of what is here naturally and that is provided there would be sufficient available water to fill and refill them.

Attrition & Accretion

In common with many properties in the two valleys, we have a boundary that is defined by the location of a water course, in our case, Jilliby Jilliby Creek. In the normal course there is potential for the boundary to alter by attrition and accretion due to naturally occurring changes in the course of the creek. I am led to believe that the creek is relatively stable and has not significantly altered its course in living memory. Any change to surface topography brought about by the proposed mine, such that it affects the course of the stream has the potential to alter the boundary of my property with consequent loss (or gain) of land depending upon the direction of change.

Bank erosion or fracturing of the bed or similar could bring about significant change to the course of the creek or hasten any naturally occurring alteration. I or my neighbours cannot alter the course of the stream nor do anything that may pose a risk in this regard, yet we now face the very real threat of this occurring because of the activities of the mine.

As far as I am aware, the Applicants have not accurately mapped the location of existing watercourses and plotted these by co-ordinated Survey, so no record exists that can be used to establish the baseline position in order to assess what is happening to the position of the watercourses once mining commences. If Consent is contemplated, this should be a condition prerequisite to commencement of any underground working, as changes wrought downstream can affect the upstream reaches and it would not be appropriate to only establish this baseline data in pace with the underground work.

I also pose the question as to what happens in the case that a boundary shifts because of alteration to the course of the waterway; is the give and take inevitable with no compensation to the 'losing' owner or can the boundaries be fixed (but what then occurs as to riparian and water access rights), and what is the Applicant's obligations or liabilities and how would such matters be resolved? What happens if a creek no longer exists or is so drastically relocated that it is no longer the same creek at all?

Electrical Transmission Lines

There are two major electrical transmission lines in the vicinity of my property, both of which are located within the area of the proposal and will be impacted by subsidence. It is the Applicants contention that any impacts can be mitigated by various means involving alteration to the relevant structures. However, Transgrid, the owners of the lines have stated that the proponent's proposed mitigations are impractical and they reject them. Amongst other things, Transgrid prefer that there be no mining at all under certain parts of their easements.

Destabilisation of these high voltage transmission lines could lead to their failure and in addition to interruption to the national electricity grid, this may result in dangerous conditions or fire in the vicinity. We support Transgrid's submission and urge that mining not be permitted within and contiguous to the electricity easements.

Impact on Vegetation (Trees)

There are several established and very mature eucalypt trees planted in the paddock at the rear of our house. These trees are probably in their mature stage but are not senescent and are on flat ground, they are very tall with substantial girth and there is no understorey. Despite their considerable height, these trees are well clear of our dwelling although should they fall towards the house they could impact it. However, given the prevailing wind patterns at this location which are north-south, absent any other interference, it is highly unlikely they will fall towards the house. Other very large trees elsewhere on the property that we have observed to have fallen, have always done so in the predominant wind directions.

I am concerned that disturbance of the existing topography could destabilise these trees leading to them falling other than in the predominant wind direction and towards my house. I could not locate any information in the EIS dealing with this issue.

Adaptive Management

Whilst I understand the technique and rationale of Adaptive Management as proposed by the Applicant and referred to in the Merit review Report of the Planning Assessment Commission (PAC), it is just as easily characterised as a 'suck it and see approach'. In reality, this approach means those whose properties are located in way of the initial underground workings are the guinea pigs in a grand experiment and so it goes, repeated at each stage of expansion of the longwalls and extraction of the coal panels. I suppose I should be grateful that my property will not be directly affected for about 25 years after mining commences.

In this case, the serious flaw in this means of adapting mining impact management to empirical outcomes is the potentially fatal time lag required to implement necessary change. The PAC accepts this to be the case and identifies that subsidence is incremental so that conventional subsidence parameters may not reach their final value until after the next 1 or 2 panels have been extracted. It also admits that certain changes might require a lead time of some 2-3 years to implement. This means that serious impacts could continue and may not even be apparent for some considerable time after the causation has occurred. In the case of an impact on water courses especially, such a delay may very well be too late.

PAC is apparently considering quarterly reporting of variation from predicted to actual subsidence etc, however in my submission, notwithstanding the other inefficiencies and gaps in the proposed adaptive management, this is spectacularly insufficient. I would urge that reporting be on the basis of weekly assessment and reporting and should include public disclosure on the Reports to affected landowners and the public generally. The method of generating the data comprised in the reports and means of assessment must be decided upon and included in any DA Consent.

Prior to any underground work being undertaken, it would seem to be essential that a coordinated survey be undertaken of the entire surface of the project area to generate the baseline data for comparative purposes, that is, to enable accurate assessment of the impact of underground workings. There should be a specific methodology and survey standard imposed and I would suggest spot levels at not more than 10000mm intervals with contours plotted accordingly.

If approval is seriously contemplated, I urge that Consent be in terms similar to a Staged Development, that is, with approval limited to discrete stages and requiring further Consent for subsequent stages. I am aware of the limitation imposed by s.83B(2) of the EP&A Act, and it may be that the agreement of the applicant would be required to this procedure. However, I suggest that the alternative (and which I would prefer in any case) is refusal of the Application.

Staging, reporting or the like must be arranged so that mining does not get so far ahead of the process that irrevocable damage occurs.

The PAC report and the Applicant's offer of Adaptive Management can be said to be an equivalent provision to what I am recommending, but it is my view that as expressed, they do not operate to provide the level of protection necessary where a failure or adverse non-conformance to predicted outcomes will result in possible irreversible consequences.

Whether the further approvals necessitate additional Development Applications or the satisfaction of some definitive milestone or level of performance is really an administrative decision, although I expect that a properly framed condition will be the easiest mechanism to employ. The performance standards should be those relating to impacts which, once experienced, can never be recovered; these are the Applicant's own assertions as to subsidence, etc, and impact upon waterways and the like. However, the most important principle is that there must be a power to call a halt to further work and this must be operable immediately and unquestionably.

The terms I urge must act as a condition precedent at all times. Such a condition must be seen as a key to the whole of any Consent and accepted by the Applicant as operating as an effective estoppel should it become operative (ie: the position reached where mining must cease). Very importantly, the appropriate mechanism must be expressed and accepted by the Applicant as beyond appeal. It cannot be allowed that a future mine operator seeks to overcome the operation of such a condition by relying upon the economic impact of an order to cease mining. There is already considerable and unreasonable economic dictatorship being used to justify the proposal and overcome genuine and serious environmental, amenity and social concerns.

The necessity for such a mechanism is abundantly clear from the gaps in information and lack of absolute guarantees comprising the Application. In more than one instance the PAC cites its disappointment at the level of detail provided and similar advice has been submitted by a number of the statutory authorities. The whole scheme of adaptive management is contemplated primarily because little is certain about the significant potential impacts of the proposal and because the outcomes, if they do not achieve the proponent's asserted standards, could be permanently devastating and irrecoverable.

Loss of Property Values & Saleability of Land

It is my submission that approval of the proposal will lead to a loss of value for properties identified as subject to subsidence and a reduction in their saleability. I also believe the same will be true of properties within the Dooralong and Yarramalong Valleys generally, by reason of the significant uncertainty as to the real impacts of the mine upon topography and existing waterways.

The applicant asserts there is "no evidence reviewed which suggested a loss in housing values as a direct result of the project". With regard to agricultural land, it is stated by the proponents, "The only impact on agricultural land identified in the EIS was in relation to the proposed offset areas and the potential for minor subsidence impacts on a turf farming operation, which may, but are very unlikely to result in a temporary loss of production while subsidence effects are remedied. These agricultural impacts were considered minor in the EIS".

Both of these assertions are blatantly misleading, at best they are disingenuous if not deliberately deceitful. “No evidence reviewed”, is not the same as saying that there is no evidence at all nor that all available evidence has been sought out, yet I would suggest the Applicant by this statement is intending to imply they have thoroughly investigated the issue and come to a properly considered conclusion, whereas this is simply not the case. Similarly, the only really truthful component of their statement regarding agricultural land is that “agricultural impacts were considered minor in the EIS”; I do not however agree with that conclusion.

The first mentioned claim appears to be based upon a survey of just 400 people in 2006. All that is known about those surveyed is that they were Central Coast residents and the details of the so called survey are not disclosed. Even so, 86% of the respondents expressed the view that land and property values would be adversely impacted by the proposal. Reference is also made to a further survey, apparently in 2012 and otherwise even more anonymous, wherein the results are claimed that only 24% of respondents felt property values would be negatively affected. The enormous disparity between results may be explained by the fact that in the 2012 survey, respondents were asked “slightly different questions”. It seems those “slightly different questions” produced a vastly different answer and one which is far more favourable to the proponents. Without the survey methodology being disclosed, one is entitled to be cynical and to suggest the so-called second survey was deliberately designed to produce the more palatable outcome and it should be discounted entirely, the variation in outcome is simply unbelievable.

In any case, it is immediately apparent that the claim that the Applicant has not reviewed any evidence suggesting loss in property value is false. By their own admission, the original 2006 Survey showed that overwhelmingly, respondents felt there would be a loss. Even in the discreditable 2012 Survey, 24% of respondents still said there would be a loss. This is evidence derived from the potential market and it forms part of the applicant’s submission, so how can they sustain the claim that no such evidence was “reviewed”? The fact is the evidence was there, despite the failings of the proponent’s survey techniques, they did review it and in the first instance tried to overcome it by a second modified survey and after further review, determined to simply ignore the results of their own surveys and tell a blatant lie.

As a prospective purchaser of land in the locality and who considered numerous properties prior to purchasing our current one in 2013, I can attest that had I known of the proposal, I would certainly have expected a significant drop in the asking price of any property likely to be impacted by a mine. In fact, I would not have purchased a property so affected and would have eliminated it from my consideration. It may say something about the ethics of Real Estate Agents that not one of the several I dealt with over a few years, ever mentioned anything about the proposed mine. That agents maintained an unethical silence is easily explained because they knew that affectation or even proximity to a mine proposal would likely be death to any potential sale or result in a prospective purchaser demanding a significant discount.

Significantly, the proponent failed to interview any local Real Estate Agents to come to their conclusions nor did they obtain opinions from relevantly experienced licensed, practising Valuers. They also failed to research or disclose empirical information from other localities where mines have been proposed and subsequently approved and commenced. I believe these omissions are not

accidental nor are they careless or simple incompetence, but a very deliberate attempt at distortion and misrepresentation in favour of the proposal.

I have discussed the mine proposal with many ordinary people, friends and acquaintances and without exception, all agree that in their view, the mine proposal will lead to loss of value and reduction in saleability. These people are the sort of persons who would constitute potential buyers of land within the affected area and their responses are direct evidence of what the real market will be.

It is my submission there will be both a loss of property value and a reduction in saleability as a result of this mine proposal and that this will adversely affect all properties within the Project Area but especially those identified as likely to suffer subsidence. I also expect some negative flow on to contiguous properties and localities, not least because in the public's mind (ie: potential buyers), areas containing mines are considered degraded or likely to be degraded.

Property owners in the two valleys are likely to be placed into a kind of economic limbo should this proposal be approved. The market of potential buyers for land in both locations will inevitably contract at the same time as prices will decline or cease to keep pace with the overall market which continues to rise in value. Whilst perversely, those whose properties are in the area to be mined first will know the actual impact on their land sooner and can perhaps demonstrate to a prospective purchaser that there will be no further direct impact, those of us whose land will not be mined for many years will suffer from the uncertainty of not knowing exactly how our properties will be affected. The only likely buyers are people seeking a bargain and who recognise that the existing landowners are now captive and will use the leverage of mine affectation to try to drive prices even lower.

Both Dooralong and Yarramalong Valleys are currently desirable locations for people seeking a more rural style of life whilst still being close to the attractions and amenities of more dense urban centres. In my case, the northern edge of Sydney is only 45 minutes away and all daily and other needs are able to be accessed at Tuggerah and Wyong just 10 minutes drive away. Beaches are only 20-30 minutes away. Both valleys are high in scenic value and delightfully bucolic. None of this will be as valued should this mine be approved regardless of any claims or even proof of minimal actual impact, because the general public is fixed in its view that, rightly or wrongly, mining areas are undesirable as places to live.

The ordinary person un-associated with the mining industry does not trust mining companies nor governments when it comes to mining and its impacts on people. Almost daily, the media reports stories of mining excesses and cases where ordinary people, especially farmers, are seen to be ridden over rough shod. Press reports and dramatic television coverage of serious damage to the environment caused by mining are regular feature stories in the media and many people associate the worst of these excesses with coal mining. There would be few Australians who have not seen the ugly degradation caused by open cut mining methods including the massive stockpiles at loading facilities and although the current proposal is for an underground mine, albeit with a surface loader etc, the fact that it is a mine and that it is coal immediately associates it in the mind of the public with the awful scars on the landscape they have seen in the Hunter Valley and elsewhere and with

the constant stream of horror stories they see, hear or read about daily. These factors weigh heavily in the minds of any prospective purchaser of land and will certainly lead to a deleterious change in the real estate market of the valleys.

One of the important attributes of the Valleys is the presence and easy accessibility to fresh water in the many streams, watercourses, billabongs and the like. Especially for those seeking to raise cattle, horses or other livestock, whether as a way of making a living or part of their 'tree-change', water for their animals is hugely important in their choice to buy or not. It is also important for its contribution to the scenic quality and general amenity of the locality. It is unarguable that impact of the mine on existing water courses, etc, is an enormous issue in the public mind and it will never dissipate until well after the mine has been rejected or ceased to operate. It is an issue that has been raised as a concern not just in the majority of private submissions on the proposal and those of public interest groups but also several public authorities. There is sufficient reasonable concern about the future of water in the valleys should the mine proceed, that it is fixed in the public mind and seen as a huge negative. This issue will impact in a very significant way upon the local real estate market and contribute to loss of value and reduction in potential buyers.

If it be said that information is available to any prospective purchaser that should dispel any concerns and being the Applicant's documentation, the answer to this is that there is a threshold question that prospective buyers would need to cross and that is, "is it worth the risk?". I would argue that it is highly unlikely that any ordinary prospective purchaser would take the time and effort to seek out and research the voluminous documentation the Applicant relies upon and instead they would simply look elsewhere. Also, they would also become aware of the many contrary views espoused by the opponents of the proposal and would very likely be more swayed by these than anything the proponent or even the Consent Authority might say.

For the Applicant to seriously claim there will be no adverse impact upon property values as a result of their proposal is a gross falsity. To maintain that position must call into question the ethics of the proponents and whether they are prepared to say anything that suits their cause rather than be always truthful and honest.

If the Applicant is so convinced that there will be no adverse impacts generally to the affected properties and that land values will be similarly unaffected, perhaps they should acquire or offer to acquire all impacted land at current market value plus solatium, relocation etc. The company should have no fear of economic loss by such a strategy as on their view, they would not lose any money either re-selling now or at some future time post mining and they would also have the added advantage of not having to compensate or undertake remediation to properties damaged by their project. I urge this solution be seriously pursued.

Transport of Extracted Coal

It goes without saying that the proposed mine will be reliant upon rail transport of its product. The alternative of road transport is neither efficient nor practicable and does not bear thinking about as to its environmental impact. Australian Rail Track Corporation (ARTC) has advised that there are no available paths for the trains which the Applicant is relying upon to transport the mined coal to the

wharves at Newcastle. Transport for New South Wales (TNSW) has also indicated there are significant issues concerning rail access and capacity including alternative routeing when parts of the Main Northern Line are unavailable for any reason. It follows that so much of the Application which describes the use of trains to remove coal to the wharves for export cannot be relied upon and should be discounted accordingly.

Availability of train paths may be able to be overcome to some extent by negotiation but has an impact upon passenger operations and the Short North (ie: that part of the Main Northern Line between Gosford and Newcastle) is an important commuter route as well as forming part of the East Coast freight system connecting New South Wales, Queensland and Victoria and ultimately South Australia, Western Australia and the Northern Territory. Similarly, lack of rail capacity is a critical constraint to the proposal, especially if the cure for this deficiency is the construction of additional mainlines, passing loops or holding yards.

Normally, it is the responsibility of the proponent of any development to meet the cost of their development, including necessary new or additional public infrastructure necessary to allow the proposal to proceed. It appears that the Applicant's attitude in this regard is that the State will need to come to the party in order to accommodate its transport requirements. I understand that amplification of rail beyond that directly associated with the loading facility does not form part of the Applicant's proposal. This being the case, the proponents have not factored into their economic projections, the significant cost of augmenting existing rail lines and other major and minor infrastructure necessary to meet their transport requirements. I would expect that the cost of amplification of the existing rail line would be in the many millions of dollars. Accordingly, serious issues arise concerning the viability of the entire enterprise and I will deal with this more specifically elsewhere.

It is entirely inappropriate for a proponent seeking to exploit resources reserved to the Crown on behalf of the people, to also expect that major off-site infrastructure required to meet the proponent's demands will also be provided by the community at no cost to the developer. Any purported economic benefit in the way of royalties to the Crown are likely to be seriously diminished or even disappear if considerable sums are necessary to augment existing rail links to satisfy the demand of the proposed mine.

Transport of the product from the mine is an integral part of the proposal and unless guaranteed rail service is available, any Consent could not be implemented. In fact, it is my submission that Consent ought not be granted until it is abundantly clear that the necessary additional trains will be provided. However, this then also raises the question as to the impacts of the proposal beyond the boundaries of the Project Area, insofar as any amplification, augmentation or the like of rail infrastructure is likely to require Development Consent in its own right and will bring with it attendant issues of its impact on the locality, all of which would come about only as a result of the current proposal.

Economic Viability

The current world price for export thermal coal is between US\$47 to US\$51 per tonne and most reliable predictors indicate either stability or marginal increases up to 2025 in the range of US\$1 to US\$9 per tonne. The long term outlook is no better for coal producers as the world gradually reduces dependence on coal fired power stations for electricity generation. Although there may be some minor short term increases in demand these will not halt the overall decline in demand and therefore pricing and by 2025, it is expected the decline will accelerate.

Advocates of coal as a fuel source often refer to outdated or misquoted data and reports by the International Energy Association to back up the view that coal demand and pricing will continue to grow with consequent increasing profits. However, the reality is that IEA is no longer saying that Coal will maintain its place in the world energy market. Maria Van Der Hoeven, IEA Executive Director, has been quoted as saying that “coal use in its current form is simply unsustainable”. The coal industry wants us to believe that as demand (for thermal coal) declines in the first world because of growing environmental concerns, its place will be taken by the emerging economies of Africa, Asia and to a lesser extent, South America. Cynically, promoters of the coal industry portray coal, through coal fired generating plants, as bringing light, heating and electricity to millions who hitherto have not had ready access to electricity in the third world. However this ignores policy commitments by nations such as China and India to dramatically scale back their reliance upon coal fired power stations and the exponential rise of gas as an alternative fuel. Although it is inevitable that there will still be some old technology, inefficient coal burning power plants constructed in 3rd world countries and even in the first world, increasingly there will be considerable pressure and support from leading nations to either abandon thermal coal or at the very least only construct and operate latest technology efficient stations which make better use of the coal they burn and therefore have a lower demand.

All of these geopolitical economic realities are ignored or reinterpreted by the proponents to portray a rosy future for their proposed mine. This is even in the face of moves away from coal in South Korea, homeland of the Applicant’s parent company. The South Korean government has announced the closure of at least ten coal fired power plants by 2025 to meet part of its commitments made at the 2015 Paris climate summit. At the same time, the South Korean government has announced a major restructure of the parent company in line with its avowed intention of reducing reliance upon coal.

The Department of Trade and Investment (DTI) has raised concerns about the viability of the proposal and in particular cites the need to sterilise significant areas of coal beneath the major electricity transmission lines. DTI has stated that the amount of coal sterilised may exceed the proponent’s predictions and call into question the viability of the proposal. I would add to this, the potentially very high cost of rail augmentation, the true cost of which I do not believe has even been properly investigated and costed let alone brought into consideration by the Applicant.

There are already numerous existing mines in NSW closed or at reduced production levels because of downturns in the world price of coal. This being the case, what is the justification for approving a further mine with so many uncertainties surrounding it?

As part of its justification, the Applicant points to claimed but unsubstantiated benefits to the regional and local economy including opportunities for new businesses. Apparently it is considered satisfactory by the proponents and indeed a good thing that businesses which do not even exist at this time will be enabled and allegedly prosper, yet real people who already exist as residents, landowners, farmers etc in the two valleys and at Wyee and Blue Haven, who have invested their life savings, time effort and goodwill into the area, can suffer loss of value, potential damage to their property, buildings and infrastructure, reduction in amenity and wellbeing. The existing community has committed itself to the locality and in the ordinary course will be permanent, the hypothesised new businesses will generally last only so long as the mine exists and then will wither or disappear leaving no lasting benefit to the locality or region. I cannot reconcile that the worth and wellbeing of the existing valley communities can be so arrogantly dismissed and undervalued in every sense whilst ephemeral entities that are transitory and entirely hypothetical are valued highly. An existing, thriving and vibrant community provides inestimable value to the region and state for all time, the proposed mine is simply an economic contributor of finite endurance with major risks attached that will leave behind only damage to be made good at cost to the community.

The royalties which will be earned over the life of the mine are inadequate to justify the risk and uncertainty associated with it.

Health Impacts

I refer to the submissions of NSW Health and Dr. Peter Lewis, and adopt these and object accordingly.

I note with particular concern the advice of NSW Health as to the gross errors in the proponent's case where likely health impacts have been seriously understated.

I also refer to my submissions later in this objection concerning social impacts and submit that they are also relevant as a serious health issue.

Loss of Native Vegetation and Habitat

I refer to the submissions of the Hunter River Catchment Management Authority (HRCMA) identifying that the proposed offsets for native vegetation and habitat are inadequate and support that opinion.

Wyong Shire Council studies have proven that there are Platypus populations in the Wyong River, Ourimbah Creek and Jilliby Creek, which confirms the anecdotal evidence of residents. It is possible these rare animals may also be present in other creeks in the Dooralong and Yarramalong Valleys. Platypus populations are susceptible to human impact in the nature of pollution, interference with streams and water course banks and the like. It is very probable that populations can be regarded as vulnerable. Bank erosion, water loss or changes in quality and other impacts from subsidence or the like due to underground mine activities would have serious adverse consequences for platypus populations.

The Department of Primary Industry (DPI) has identified that it has significant concerns about impacts upon fish in the Jilliby Jilliby Creek, Little Jilliby Creek and Wyong River, from subsidence. HRCMA has expressed similar views. I share those concerns and object accordingly.

Social Impact

The proponents dismiss the impact of their proposal upon the valley communities and individuals but I believe they understate the amount of distress and anxiety their development has already engendered and will continue to do if approved. Residents of both valleys are a close knit community who are proud of where they live etc and that is likely to be seriously and adversely impacted if they are suddenly within a mine area with all of its negative connotations.

Already, long term residents are aggrieved at what they perceive as the relentless attacks upon their wellbeing by the constant promotion of the mine over many years now, and despite the overwhelming rejection of the proposal by those most directly affected, the residents of the Dooralong and Yarramalong Valleys. Residents and owners have been lied to by politicians including the current government over this proposal and feel they are counted as irrelevant and second rate as government and the company prepare to steam roller over them. That some of those same politicians have since been found to be corrupt, only adds to the feeling of helplessness and despondency. The general feeling of the valley communities is one of despair and the approval process is seen as nothing more than a charade because all the signs are that the government and department have already made up their minds to allow the mine to proceed. Those residents I have spoken to share my feelings that we have been abandoned and can expect nothing more from those in whose power the decisions on this mine lie and therefore our expectations for the future are similarly of having no hope for better.

For people like myself, who own affected properties but where the impacts will not be realised for some decades, that is cold comfort as we sit, trapped like a bug in the spiders web, awaiting our turn to be devoured. If that seems overly dramatic, it simply emphasises how out of touch or uncaring our decision makers really are.

To read in the proponent's documentation and which has already been favourably received by PAC, that the value of agriculture in the valleys is of no consequence, is to see your property and any efforts at raising cattle or the like regarded as worthless. The valley properties are what they are, their production capacity is necessarily limited by size and other constraints, but the value in self-worth and well-being of producing from the land, no matter how small, is inestimable. At a time when more and more family farms are disappearing and Australian agriculture is increasingly the province of massive farms, too often owned outside this nation, small holders are becoming the last bastion of a traditional Australian way of life. Many Australians have become disconnected from our birthright as a nation wedded to the soil although most Australians still have a kind of spiritual relationship to farming and the bush, however vestigial. The way of life currently practised by the valley communities is a way back to that connection and preserves and enhances very traditional Australian values. All of this is under threat because of the mine proposal and seemingly carries little weight against the overwhelming might of the dollars being brandished by a foreign power and big business.

The disenchantment and anxiety of valley residents and others in contiguous areas and at Wyee and Blue Haven as a result of this proposal and which will be exacerbated with any approval should not be dismissed as silly or irrational, it is very real and will ultimately find its way into increases in health impacts, depression, mental illness and general loss of health reflected in increased visits to doctors and other health professionals and even hospitalisations. I don't expect that the Consent Authority will grant much weight, if any, to my submission in this regard, because it is not an immediately quantifiable impact. However, I would point to the acceptance today of Post Traumatic Stress Disorder (PTSD) as a very real outcome of exposure to trauma as against the scepticism and outright rejection of any such notion not very long ago (it was only added to the DSM in 1980). Trauma takes many forms and isn't limited to physical trauma but can be caused by a range of stressors that accompany a stressful life event. Having an unwanted mine impact upon your property and potentially destroy your life plan is most certainly a stressful life event.

This proposal will have a negative social impact upon hundreds of valley and other Central Coast residents.

Impact of Noise, Dust and Light from Coal Loader

The location of the proposed coal loader at Wyee in close proximity to closely settled residential areas at Blue Haven is a poor choice and design with likely diminution of residential amenity by reason of adverse noise, light and dust emissions. Noise and dust from the conveyor system transporting coal from the mine to the loader will also impact unreasonably on the peace, quiet and character of the neighbourhood through which it passes.

The loader and stockpiles will be unsightly and out of keeping with the predominant character of the locality.

Treatment of Salt Waste

The proposed treatment of salt waste from the underground workings is inadequate and likely to pose an unacceptable risk of contamination to existing water courses, billabongs, dams and other fresh water sources.

Salt as a waste from the extraction process is proposed to be stored in the underground workings and/or disposed of to Wallarah Creek or otherwise to the ocean. There is also a proposal that under certain circumstances, the underground salt storage would be flooded, although it is not disclosed where the massive amounts of water necessary to achieve this will come from.

The retention of hyper saline waste in either liquid or solid form represents an unacceptable risk to the waterways in the vicinity and the valleys themselves plus any connecting waterways and ultimately the water supply for the Central Coast. This salt already exists in dispersed, dilute form but within the ground strata many hundreds of metres from sources of fresh water and from which it is isolated. However, the mine will now concentrate this salt, bring it to the surface and store it in

ways which, should fracturing or the like occur, will seriously and perhaps irrevocably pollute the existing fresh water bodies. Increasing salinity of groundwater or the water table could result in destruction of the valley ecosystem and render land unsuitable for any agricultural activity with concurrent death of existing vegetation including trees.

Unless the salt waste can be safely and securely transported and disposed of off-site, and I do not believe this is possible, the mine should not proceed.

Role of the Planning Assessment Commission

I have already provided my view on the matter of the Public Exhibition and the process being followed in determination of the Development Application in a piecemeal manner. The current situation is perhaps somewhat unusual insofar as the Application has already been assessed by the PAC except for the latest amendment although, because of a decision of the Land & Environment Court, the Development Application remains undetermined. Additionally, PAC has clearly expressed its opinion in favour of the proposal. In the circumstances, it is not really possible that the panel can seriously be considered unbiased nor that they will approach their task unfettered by their previous opinions. Of course it is just as unbelievable that they will properly assess the whole Application and all submissions rather than attend only to the latest amendment.

Following the principle that justice has not only to be done but seen to be done, it follows in this instance that all members of the PAC who compiled the merit review of this Application, should either recuse themselves or be stood aside and their report should be disregarded. A new panel should be appointed and review the Application, as amended, in its entirety.

Conclusion

Any Development Application should be so complete as to warrant approval without the need to mould it by condition. A proposal which is so uncertain that it necessitates conditions of consent which are not simply designed to achieve compliance but actually frame the development is not worthy of Consent at all. This proposal does not provide the certainty necessary to justify the granting of Consent.

In some cases, it might be reasonable to control expected impacts by conditions that require ongoing assessment and monitoring, but normally such matters would not be essential issues going to the very acceptability of the proposed development itself. It is not appropriate to effectively postpone determination of essential issues going to the most serious impacts of a proposal by making up for material gaps in the supporting information through conditions of consent. In this case it is both the Applicant's position and the PAC's intention that this is exactly what they propose should occur. Reference to the PAC Merit Review report shows this to be the case.

The PAC admits in several instances that the Applicant's material is lacking either in substance, justification or depth, yet it then goes on to accept these deficiencies by the expedient of the adaptive management regime or else simply accepts that although the Applicant hasn't discharged its obligation, it nevertheless accepts their assertions any way. This seems to be a rather extraordinary approach in a matter where, should the proponent's projections be wrong, serious

and irreversible damage to the environment will occur. It is not only the PAC which identifies the many deficiencies of the Application but they are also highlighted in submissions and advice to the Consent Authority from other public bodies, yet PAC is obviously married to the proponent's position.

I am appalled that there is so much uncertainty attending this proposal despite an apparent history of many years and several iterations and yet this is likely to be deemed acceptable judging by the PAC attitude so blatant from the existing report. The size of documents and amount of verbiage comprising an EIS are not proof that all matters have been dealt with or dealt with fully. Notwithstanding that I believe the Application ought not be approved at all and does not provide the basis for consent, I can only reiterate what I have already proposed which is that if Consent were to be granted, it must be framed in such a way that if the Applicant's projections as to various impacts are not achieved, mining must be able to be stopped immediately.

In my submission, there are ample grounds to refuse this Application and I urge that the Consent Authority do so.

Yours faithfully

Colin Pursehouse