

Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

23 October 2018

To Whom it May Concern

**Re: Submission regarding Vickery Extension Project Environmental Impact Statement**

Thank you for the opportunity to make a submission in relation to Whitehaven's Vickery Extension Project Environmental Impact Statement.

**I, Sarah Ciesiolka, OBJECT to this Project and believe it should be rejected.**

Failure to do otherwise in the face of the overwhelming evidence of the large-scale risks and impacts, and community opposition, both locally and from further afield, is not only culpable but potentially liable.

**"We cannot afford to make a mistake; the potential risks are too great. In fact, they are not even fully known."**

- Andrew Cuomo

Whitehaven's Environmental Impact Statement for the Vickery Extension Project is largely dismissive of the significant environmental, social, and economic risks and impacts. My submission hopes to bring to your attention many of the deficiencies regarding Whitehaven's Environmental Impact Statement for the Vickery Extension Project.

My submission is not intended to be an exhaustive list of concerns, primarily due to the onerously short Public Exhibition period. As such, I have not been able to provide as full a submission as is called for given the size, complexity and lack of public awareness of the Vickery Extension Project. The relatively short Public Exhibition period has compromised the right of the public to comment on this important State Significant Development and is an incorrect decision by the Minister for Planning who refused to extend the Public Exhibition to 90 days to allow more expert consideration and community comment.

The Vickery Extension Project poses the risk of irreversible or catastrophic harm to the Namoi River, and its surrounding surface water and groundwater systems, and the health and well-being of human populations in the Boggabri region, as well as the habitat of the endangered koala and the Commonwealth-listed Murray Cod.

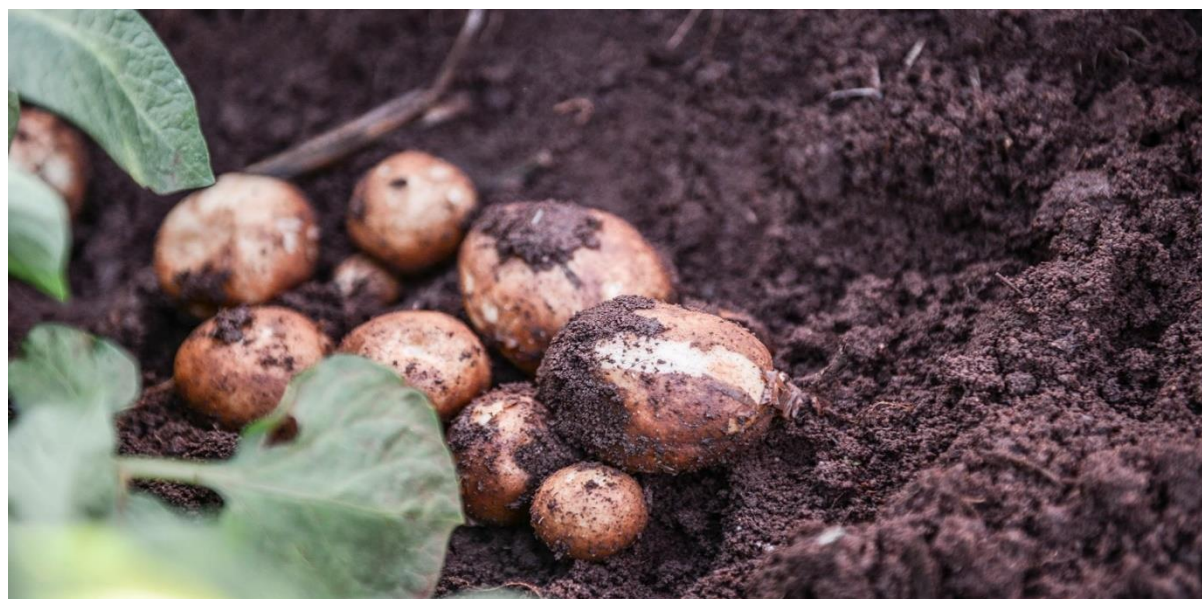
It is clear that there is rapidly mounting evidence, which Whitehaven has conveniently failed to reference, that coal mining developments, the likes of which Whitehaven are proposing near Boggabri

and the Namoi River, have resulted in people's health being compromised, productive farmland eroded being away and precious aquifers permanently damaged.

Currently, the local community can have no faith that our health, our environment, and our water supplies will be safe. It is unthinkable that “one off” extraction of coal would even be considered whilst putting at risk water, air, soil and public health. Once our surface and groundwater resources, our air, our soil, and/or our health is contaminated or destroyed, there is no turning back, there is no “make good”.

### **Family Background**

My name is Sarah Ciesiolka. I am a mother of three young children and I care deeply about the future of agriculture and our precious land and water resources. I am also a 5<sup>th</sup> generation farmer living and farming downstream from the proposed Vickery Extension Project. We farm potatoes, peanuts, and grains that supply NSW, Australian, and global consumers. To put that into some perspective, each year, year in, year out, our 945-hectare farm produces approximately 50 million potatoes, 1 million kilograms of peanuts and wheat for 3.3 million loaves of bread. The end-point value of this product is in excess of \$50 million annually. We also employ up to 20 permanent and seasonal staff. We rely entirely on underground water to irrigate our crops, and for drinking and everyday household use. We have no other reliable source of water.







### **Cumulative impacts have not been considered**

Coal mining developments represent a substantial industrialisation of a previously rural landscape, and we know first-hand the impacts that are likely to occur. Whitehaven, through its incremental development-by-development approach, is leading the NSW Government through a very “non-strategic” approach to what the NSW Government declared as a State Significant Development.

The Namoi Cumulative Risk Assessment Tool was developed specifically to assess the cumulative impact of mining scenarios on bioregional assets in the Namoi Catchment, in which the Vickery Extension Project lies, and considers any mining scenario, be it a combination of one of more mines

including open cut mines, long wall mines and coal seam gas operations. It quantifies the risk of cumulative impacts across ten natural resource assets in the Catchment, namely:

- Land use
- Soils
- Carbon
- Surface water
- Groundwater
- Vegetation extent
- Vegetation type
- Vegetation condition (intactness)
- Vegetation connectivity
- Threatened species.

The Namoi Cumulative Risk Assessment Tool is designed to:

- analyse the cumulative impact of a scenario across a number of asset sensitivity surfaces
- call on respective risk tables that associate sensitivity and likeliness/magnitude with risk, and
- produce a risk report that includes maps, area statistics, single and cumulative risk diagrams, and statement about specific assets impacted.

In other words, the Namoi Cumulative Risk Assessment Tool is an ideal tool for assessing the cumulative risks associated with the Vickery Extension Project with respect to the natural resources of the region. The Namoi Cumulative Risk Assessment Tool is housed in the Local Land Services office as well as the office of the Independent Expert Scientific Committee.

The assessment process must take into consideration the cumulative impacts of multiple projects of this size and scale, rather than the current piecemeal approach to planning and approval. This project should not receive further consideration until the Namoi Cumulative Risk Assessment Tool is deployed to assess the cumulative risks of the development to the natural resources of the region.

In addition, the Vickery Extension Project represents a significant expansion of the mining industry in this region. The Gunnedah Basin, near Boggabri, is the location for 22 million tonnes per annum (MTPA) of approved coal mining. The 10 MTPA proposed Vickery Mine is surrounded by other Exploration Licences which will, in the course of time, be sought to be developed, including a licence which covers the Vickery State Forest itself. It is imperative that the Environmental Impact Statement be considered in the context of Whitehaven's, and others, overall aspirations in North West NSW.

The Vickery Extension Project is another megamine the scale of Maules Creek, and in close proximity to the Leard Forest Coal Mining precinct yet Whitehaven, in their Environmental Impact Statement, does not make any attempt to make any assessment of the cumulative impacts. There are many examples where the Environmental Impact Statement has ignored or misstated the cumulative impacts eg. locals are already badly affected by blasting vibrations and dust from Whitehaven's Rocglen and Tarrawonga mines. This is not alluded to in the Environmental Impact Statement. The

Environmental Impact Statement is also misleading about the distance between Vickery and Tarrawonga, stating they are 11km apart when in fact there is just 4km distance between Tarrawonga and the proposed Vickery borefield.

In view of pre-existing concerns about dust from the Leard Forest coal mines, I am of the view that cumulative impacts of dust pollution and the risk to the health of communities in the Gunnedah Basin are not adequately assessed.

**Social impacts of the Vickery Extension Project must be assessed with existing local coal mining and CSG operations in mind**

Social impacts of the mine include health and well-being, including physical and mental health. According to the Social Impact Assessment, existing local mining operations form part of the basis of assessment. Many impacts are not quantified, such as for example the effect of mine noise on sleep disturbance and quality of life is completely ignored in the Social Impact Assessment, yet widely known since a very large number of Boggabri and Maules Creek residents lodged moving objections to the Maules Creek noise modification last year.

**Land Use Conflict**

According to The World Bank and United Nations (2016) **“there won’t be enough food to feed to global population by 2050”**, a mere 30 years from now. Consequently, the critical importance to the State and the nation of our food producing areas cannot be overstated, not just in terms of food security, but also in terms of ongoing, long-term, and sustainable employment, investment, and productivity.

Australia is the driest inhabited continent on the entire planet and we have only a finite amount of arable agricultural land. At Narrabri and in the broader North West region, we are fortunate to have the trifecta – pristine, potable water, fertile soils, and an ideal climate. This means farmers can achieve productivity levels equal to, or in many cases, better than, anywhere in Australia, sustaining billions of dollars of agricultural production annually. Quite simply, to put all of this at risk for the short-term and unsustainable coal industry is madness.

The future opportunities for growth and expansion in the agricultural sector in North West NSW are significant, and critical to the long term economic and social well-being of NSW. The take-up of these opportunities is currently being severely curtailed due to the threat of mining over our farmland and water catchments, and our own experience reflects this.

**Health**

The Social Impact Assessment does not refer to the growing evidence about rising bronchial ill-health in Boggabri and Narrabri towns, reported anecdotally by GPs, and is consistent with health problems in the Upper Hunter Valley. The reported increase in bronchial medications has occurred since the time of the Maules Creek mine, and Boggabri extension. Furthermore, I am exceptionally disappointed

that the recently established Namoi Air Quality Monitoring System does not incorporate dust monitoring in or near the town of Boggabri.

### **Mental Health**

The SIA makes much of the fact that “anxiety” is a national problem. However, I believe that anxiety in coal-affected communities is based on real triggers that emanate directly from the coal mining industry. Examples include:

- The threat of loss of livelihood and property rights
- Pitting neighbour against neighbour is a common tactic of Project Delivery personnel to break down a block of landowners who deny access to their land
- Night-time noise and sleep disturbance are certain to result in some anxiety

Therefore, to blame the anxiety in coal-afflicted communities on a general national mental health problem fails to properly assess mental health impacts of the Vickery Extension Project itself on the local community.

### **Loss of farming families from the region**

Over 70 farms have been sold to coal mines in the area around the Boggabri and Maules Creek region. This has caused leakage of long-term resident population and replaced them with tenants in the most part, many of whom do not bring their families with them. Many more tenants are employees of the mines, and do not farm. Farming land is either grazed by arrangement with other parties, or left unfarmed, often because the property has been deemed a biodiversity offset.

Community groups such as the NSW Rural Fire Service, the Country Women’s Association, Meals on Wheels, etc suffer due to the decline in permanent residents.

In Boggabri, this has led to a downward economic spiral.

### **Employment forecasts are unreliable due to the prevalence of drive-in, drive-out workers**

It is a well-observed fact that even mine staff who have an address in Boggabri are drive-in, drive-out workers. They tend to leave their families in places such as the Hunter Valley towns, and commute weekly to their work. This has not been addressed in the SIA. Boggabri has not received an influx of population, and Whitehaven are understood to encourage workers to live in Gunnedah instead, adding to road traffic.

### **Threats to the town of Boggabri**

Boggabri is a town in slow decline, despite the assurances that were made by the coal industry when the Maules Creek mine was being proposed that prosperity would come.



Despite strong support in the community for a dust monitor in the town of Boggabri, which is supported by Boggabri Coal (Idemitsu Resources), Whitehaven has opposed this plan. Although a Department of Planning representative recently blamed this on the NSW EPA, there is written evidence that Whitehaven refused to support the Boggabri Dust Monitor unless it were paid for by the NSW Government.

Loss of population has an impact on housing occupation levels.

The CIVEO worker camp benefits to Boggabri are overstated – CIVEO never patronized the Boggabri butcher, for example, and bought their meat from elsewhere.

Businesses in Boggabri have not seen the benefit from decade of coal mines, if anything the reverse has happened. Only one pub out of three remains in operation.

There is no child care centre and furthermore Whitehaven Coal approached Narrabri Council and advised them not to invest in child care in Boggabri, which is a disincentive to young families who may wish to relocate there. Community bitterness surrounding the child care centre has caused extreme distress to the Boggabri Business and Community Progress Association, which strives to secure the survival of the town.

#### **Noise**

The Noise Impact Assessment has extremely significant ramifications for the surrounding community, with impacts that will extend to the town of Boggabri, based on my knowledge of other coal-affected towns such as Wollar and Bulga, which are being gradually depopulated due to mine encroachment and noise issues.

The construction of a coal handling and processing plant at the Vickery Extension Project is an additional threat, as it will produce unacceptable levels of low-frequency noise. This is well-known to occur, and is well-documented that CHPPs produce highly disturbing noise in the 16-25Hertz range. Whitehaven's Maules Creek coal mine has intractable noise problems at the 50 Hz frequency.

In addition, the Noise Impact Assessment is lacking an All Years Worst Case Scenario and fails to include key noise producing infrastructure in its modelling.

I do not find it credible that the 10 MTPA mine will be quieter than the 4.5MTPA version that was previously approved in 2015.

#### **Coal railway and rail loop**

No modelling has been provided as to the movement of surface water once the railway was to be constructed, and inadequate details of the construction of the 14 km rail spur. There are inadequate indications of what sections will be elevated, and which will be embankments.

“The final vertical alignment of the rail and the sizing of the openings (bridges and culverts) will be determined during the detailed design stage.” - *Appendix C Flood Assessment, page 38.*

This has very serious ramifications for flood risks and makes it impossible for anyone to make an informed submission.

Further, according to the Dept of Planning, “this is a flood modelling much different than other developments .. without explicitly stating where each structure is.... It’s certainly a key issue.” [Source: Stephen O’Donoghue, Team Leader, Resources Assessments, Golf Club meeting, 26 September 2018]

I do not have confidence in modelling which is based on such vague assumptions, with no details about where each structure is.

The rail loop itself is particularly too close to the Namoi River and the riparian vegetation and koala habitat will be lost.

The community has been living under the assumption that there would be no Namoi River crossing associated with this project, since Whitehaven Coal was advised the Commonwealth of the Environment that a river crossing would not be acceptable under the *Environmental Protection and Biodiversity Conservation Act*.

The coal railway is one of the most serious concerns about this Vickery Extension Project.

#### **Biodiversity - koalas**

The entire locality where the Vickery Extension Project is intended to be built is prime koala habitat, including the area where the rail loop is to be built.

Koalas are listed as an endangered species under NSW and Commonwealth legislation. I do not believe that any mitigation measures, such as relocation of the local koala population can be viable because alternative habitat is being destroyed throughout NSW and in any case relocating koalas is known to have a high failure rate.

Impacts on the Koala have also been understated because of insufficient consideration of impacts upon the full extent of suitable habitat within the Approved Mine area. Like other cumulative impacts, the effects on koala habitat have been dealt with poorly in the Environmental Impact Statement. There does not seem to be any limit of the extent of impact being considered and matters in relation to landscape impacts have not been considered adequately.

Right now, some of the most important and large nearby koala habitat, being Vickery State Forest and Leard State Forest are either being actively destroyed by coal mining, or else they are slated for destruction in the medium-term.



## Road Transport

The Road Transport Assessment uses survey data collected in 2012 which is outdated. It predates the establishment of the Maules Creek coal mine, the extension of the Boggabri and Tarrawonga mines.

There has not been a thorough assessment of road usage or an up-to-date road traffic audit identifying cumulative impacts.

Road transport since 2012 has grown dramatically, including mine workers, transportation of heavy plant and equipment, and increased road haulage of coal from Tarrawonga mine which gained approval subsequent to 2012. These are not accounted for in the Vickery Road Transport Assessment.

Since 2010, the Department of Planning has continued to approve increases in truck movements on the Highway from 2MTPA to 3MTPA to 4MTPA, rather than building the Kamilaroi Highway overpass as promised.

I believe there should be no new coal on the Kamilaroi Highway.

## Not a “fit and proper person”

The Chief Executive Officer of Whitehaven Coal, Mr Paul Flynn, does not have the “character, honesty and integrity” to satisfy s 83(g) “fit and proper person” test of the *Protection of the Environment Operations Act*. Here is the relevant legislation:

### **45 Matters to be taken into consideration in licensing functions**

In exercising its functions under this Chapter, the appropriate regulatory authority is required to take into consideration such of the following matters as are of relevance:

...

(f) whether the person concerned is a fit and proper person,

#### **Note.**

See section 83 for provisions relating to the determination of whether a person is a fit and proper person for the purposes of this section.

### **83 Fit and proper persons**

...

(g) if the person is a body corporate, whether, in the opinion of the appropriate regulatory authority, a director or other person concerned in the management of the body corporate is of good repute, having regard to character, honesty and integrity,

At the company’s 2017 Annual General meeting the CEO responded to questions about the Maules Creek high-risk rating, telling shareholders that the Level 3 risk rating was the result of complaints from just one nearby landowner who wanted more for his land, which was blatantly untrue. The Level 3 risk rating was due to a history of noise exceedances and pollution problems. The CEO’s statement was false and has been denied by the NSW EPA. I believe that this makes the CEO not a “fit and proper

person” within the definition of the *Protection of the Environment Operations Act 1997* to hold an Environmental Protection Licence as a Director of Whitehaven Coal, of which Maules Creek Coal Pty Ltd is a subsidiary. As a result, Whitehaven Coal should not be granted approval for the Vickery Extension Project Extension.

In addition, the history of non-compliance of the Maules Creek coal mine, the fact that Whitehaven has had a Mandatory Noise Audit at Maules Creek Coal mine, and a Pollution Reduction Program at the Gunnedah Coal Handling and Processing Plant, I believe that NSW cannot afford to take the risk.

#### **Water Trigger**

This Project is a controlled action under the *Environmental Protection and Biodiversity Conservation Act* and is a “large coal mine” under the terms of the EPBC Act.

This Environmental Impact Statement does not provide an adequate amount of detail to enable decision-makers at the State or Commonwealth level to properly assess the likely impacts of the mine, and the railway, on the Namoi River, and the surrounding surface-water and groundwater.

Elsewhere, the Environmental Impact Statement provides factually inaccurate or incomplete information which may have a tendency to be misleading.

I do not have confidence that the Namoi River is safe from severe damage if this mine proceeds, and fear that water quality and downstream flows will be damaged to the detriment of downstream users.

#### **Indigenous culture**

From the experience of the Maules Creek mine, Whitehaven continually ignore their responsibilities in relation to cultural heritage as it is set out in the Burra Charter and the Policies relating to Aboriginal Cultural Heritage Valuations set out by the Office of Environment and Heritage. There has been a lack of any consultation with the First Nation’s People’s Knowledge Holders, within the Red Chief Local Aboriginal Land Council boundaries. Consulting with Registered Aboriginal Parties is not enough.

Governments of all levels and of all persuasions have given much attention to the so-called economic benefits of coal extraction, but little consideration of the large-scale costs and risks in terms of water, health, air quality, noise, and impacts on agriculture and local communities. The perceived NSW Government’s framework that begins from the assumption and recommendation that these industries go ahead and that landholders wish to share in the supposed “benefits” of coal exploration and development, only further adds to the stress of the community, and the belief that the government is there to serve the coal companies, including Whitehaven, and not the community which they were elected to represent.

Whitehaven has grossly underestimated the commitment that rural people have for their land and their water. Ask yourself why people who receive no financial gain would be so concerned that they

are willing to dedicate countless hours and dollars to battle a company they see as representing a direct threat to our food and fibre producing regions and the underground water the flows beneath those regions. We are the families and communities that are, and will continue to be, directly and negatively impacted by the Vickery Extension Project – not politicians, no staffers, not bureaucrats, not coal executives and their families, because, by and large, they don't live here nor will they in the long-term.

We stand on the precipice. It's five minutes to midnight. The North West has seen but a tiny glimpse of what the future may hold if the Vickery Extension Project is approved. **This is about so much more than money; it's about the things that are priceless - clean air, clean water, and land to grow clean, healthy food.**

Given the reasons outlined above, I call on you to immediately reject Whitehaven's Environmental Impact Statement for the Vickery Extension Project.

I look forward to your immediate action on this vital issue.

Kind Regards  
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