

VICKERY EXTENSION PROJECT SUBMISSION

The Vickery mine extension Environmental Impact Assessment should be rejected.

Although I do not live in the area, I grew up in the region and understand the concerns of the farming community. As it is classed as a State Significant Development, I wonder who for – the company, the government, certainly not the citizens as we have enough coal. Along with many voters I am concerned about climate change and the lack of will by the Liberal and National Parties to act on this issue. This agricultural land with its water systems will never be rehabilitated. Shame!

The Vickery mine poses risks to the Namoi River, and its surrounding surface water and groundwater systems, to the health and well-being of human populations in the Boggabri region and to the habitat of the endangered koala and the Commonwealth-listed Murray Cod.

1. Cumulative impacts have not been considered.

The Gunnedah Basin in the vicinity of Boggabri is also the location for 22 Million Tonnes per Annum 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.

Vickery Coal Mine Extension is another megamine the scale of Maules Creek, and in close distance from the Leard Forest Coal Mining precinct. Yet the EIA does not make any attempt to apply the Precautionary Principle to its assessment of the cumulative impacts. There are many examples where the EIA 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 EIA. The EIA also is 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.

2. Social Impacts

Social impacts of Vickery must be assessed with existing local mining operations in mind Social impacts of the mine includes 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.

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.

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
- Dividing neighbor against neighbour is a common tactic of Project Delivery personnel to break down a bloc of landowners who deny access to their land
- Night-time noise and sleep disturbance is bound 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 coal mine itself on the local community.

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. This has led to a downward economic spiral in Boggabri.

Employment forecasts 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.

3. 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 Dept 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.

4. 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 coal mine 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.

5. Coal railway and rail loop

No modelling has been provided as to the movement of surface water once the railway were 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 th Sept 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 project.

6. Biodiversity – koalas

The entire locality where the Vickery mine 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 EIS. 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.

7. 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 Dept of Planning has continued to approve increases in truck movements on the Highway from 2MTPA to 3MTPA to 4MTPA, rather than building the Kamillaroi Highway overpass as promised.

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

8. 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 an untruth. 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 Coal Mine 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.

9. 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 EIA 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 EIA 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.

10. Indigenous culture

From the experience of the Maules Creek mine, Whitehaven continually ignores 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.

11. Short Public Exhibition

Due to the short Public Exhibition period of this proposal 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 Coal mine extension project. I believe that the relatively short Public Exhibition period has compromised the right of the public and experts to comment on this important State Significant Development.