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The Secretary
NSW Department of Planning and Environment

Submission in relation to VICKERY EXTENSION COAL project

I am writing to express my objection to the Vickery Extension Project.

This is not what I would regard as a full submission. The 42 day Public Exhibition period is inadequate for a project of this magnitude, which includes a new railway line and railway bridge across the Namoi River, an aspect which was explicitly disapproved by the Commonwealth when considering the referral for consideration under the *Environmental Protection and Biodiversity Conservation Act*. Now this “Western” spur has re-appeared, with almost no forewarning to the community and no details about the potential flood plain impacts. Also the Coal handling and Processing Plant is a new feature of the Project, which will not only process the planned 10 Million Tonnes per Annum of coal mined at Vickery, but also import another 4MTPA of coal from Tarrawonga for processing.

Clearly, despite statements made by the Whitehaven Coal CEO Mr Flynn to the media at the launch of the EIS to justify the mere 42 day period for submissions, this Project is not “well-known” by any stretch of the imagination. A much longer Exhibition period would have been appropriate, especially as this Extension project has been in the pipeline for some years now.

I am an Environmental Representative on two coal mine Community Consultative Committees, Maules Creek and Boggabri Coal, and have an extremely close awareness of the social and environmental issues raised by the proposed Vickery Project.

In my opinion, the Environmental Impact Assessment is severely lacking in details concerning:

- The design of the railway and river crossing
- Flood risks
- Noise modelling
- Groundwater impacts
- Road Transport impacts
- Biodiversity impacts on the river and the land, particularly the habitat of the Koala

Even in the meagre time allowed for consideration of the Vickery Extension project, I have myself observed numerous failings and anomalies. To give a few examples:

- The Road Transport Assessment uses data from 2012 – predating the establishment of the Maules Creek mine, the Boggabri extension and the extension of Tarrawonga coal mine and thus not representing the true 2018 traffic movements
- The Groundwater Assessment states the proposed Blue Vale pit water storage will leak 14 tonnes of salts per year within a 4km reach of the Namoi River, posing a serious and ongoing contamination burden on the locality with undoubted impacts on agriculture and native habitat. Notwithstanding the modelling, there is a risk that salts would travel further downstream than 4km. Even if the 14 tonnes per annum is restricted to 4km, it is impossible to believe this amount of contamination can be safely absorbed by the immediate surrounding areas.
- The Groundwater Assessment chooses to model “average effects” modelled over the entire life of the mine, so the Assessment fails to identify potential risks.
- 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, p 38. This has very serious ramifications for flood risks and makes it impossible for anyone to make an informed submission.
- 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.

NOISE

Specifically in relation to noise modelling, the modelling has omitted numerous plant items that are therefore not included in noise calculations. I do not give credence to

claims that the more than double-sized coal mine, with a 14MTPA CHPP and railway, is going to be quieter than the previously approved 4.5 MTPA coal mine. There are some serious questions to be answered as to:

1. Why are the predicted noise levels at receivers on average approximately 15% lower in 2018, than 2013 (see below table), yet in 2018 the mine will be processing an additional 3-4 MTPA from other mines, has increased in size from 4.5 MTPA to up to 10 MTPA, and includes a rail spur and loader, the CHPP and conveyor belts, all of which were not present in 2013?
2. In the EIS for 2013 there is a Table for Indicative Sound Power Levels that lists 11 light plants in Yr 2 and 15 light plants for Years 7, 17 and 26 at 104 LAeq (dBA) each. The same Table of Indicative Sound Power Levels in the 2018 EIS (p. 31 of Appendix 4 - Noise and Blasting Assessment) does not mention any light plants.
3. Again the 2013 table (as above) lists one pump for yr 7, two pumps for yr 17 and one pump for yr 26 at 100 LAeq (dBA), while the 2018 table does not mention any pumps. The 10 pumps from the bore fields, which will on occasion be operating simultaneously, and the pump from the river are missing from the indicative sound power levels in this EIS.
4. The figures showing the modelled noise contours do not show Years 1 or 2 of the Project life – Impact assessment commences at Yr 3. This omits the years when height of overburden is lowest and workings in pit will be at their shallowest and there is less embankment to buffer the noise.
5. Footnote 2 of the table of “Indicative Equipment Sound Power Levels” (p. 32 of Appendix 4 - Noise and Blasting Assessment) notes that 32% of the trucks are assumed to be stationery at any period in time and footnote 4 notes that the assessment has considered mine operated routines which dictates that 50% of the pit dozers are expected to be stationary. As no sound power levels are given in the table for when these machines are stationary (or idling) does the term “the assessment has considered” mean that when the dozers or trucks are stationary, the noise from these vehicles are not included in the noise modelling?

This could be the tip of the iceberg as far as we know, and the first we will know about it when the problems commence, and the complaints start.

Until people live with low frequency mine noise, they just don't understand what it is like. This is partly because low frequency noise varies a great deal depending on the source and the precise frequency. Also, LFN is not only heard but felt, in the chest cavity especially and it is an uncomfortable – even nauseating – sensation that is linked with high blood pressure and other chronic health problems. I have researched and written on this subject in relation to the Maules Creek noise problems, as is known by the Department. I believe the silence of NSW Health on this subject is reprehensible and a serious shortcoming on the part of the agency.

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.

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.

Given the lack of transparency about the inputs, it is not possible to say much more with certainty at this stage other than to state that this appears to be another Maules Creek catastrophe in the making.

CUMULATIVE IMPACTS

Furthermore, cumulative impacts are given unsatisfactory consideration, that is if they are considered at all.

Cumulative blasting impacts and dust generally are one of the pressing issues for this region, and despite years of lobbying by community members the NSW Government has steadfastly refused to implement dust monitoring in or near the town of Boggabri where the impact is most severe. It is well-known that Whitehaven Coal itself has argued with the NSW EPA against the Namoi Air Pollution Monitoring Scheme, wishing to transfer the cost of this essential service back onto the NSW Government.

Cumulative impacts on the groundwater are extremely disturbing, and not well-examined by the Groundwater Assessment. The Environmental Assessment discusses Groundwater inflows into the mine pit (at p 4-26). For example, it is predicted that "average" groundwater inflows from the Maules Creek formation would be "approximately 1.42ML/day" (ie 1.42 million litres). However, the Groundwater Assessment (Appendix A) states at p 42:

“The Project inflow is expected to vary between 0.01 and 1.42 ML/day during the life of the mine.”

Obviously in this circumstance the “average” and maximum inflow cannot be equal, and the EA and the Groundwater Assessment contradict each other. Whitehaven should be required to correct the inconsistency and re-submit its inflow calculations. This is just one example from a litany of sloppy statements.

I also object to the averaging of groundwater impacts over the life of the mine, which do not provide worst case scenarios and are therefore misleading as to risk.

Worst case scenarios are a necessary, essential aspect of risk assessment. Averaging over the life of the mine smooths out extreme events and it is the extreme events – especially during drought – that are traumatic and potentially catastrophic for families and small businesses e.g. farms.

In relation to blasting impacts, I have read the submissions made by nearby residents to Vickery when the 4.5MTPA Vickery coal mine was applied for, and even 5 years ago they were suffering from vibrations, dust and fumes from blasting at Rocglen and Tarrawonga. Having observed closely the uncontrolled blasting that occurs at Maules Creek, I note such regular occurrences as failure to notify residents, changing time of blasting, blasting during inappropriate wind conditions, NO₂ fume events.

Emerald Hill residents have shared a photo of the sight of one blast from Maules Creek mine taken from their vantage point at Emerald Hill, which reveals how far the dust cloud travelled on that day in July 2018.



I have actually been shaken out of bed by a blast in Maules Creek one occasion and have friends in Upper Maules Creek who complain about noise dust and vibrations at distances 20km and over.

NO MANAGEMENT PLANS

In my capacity as Environmental representative, I have read and commented on many Mine Management Plans. I believe they are the cornerstone of proper regulation, yet they are entirely missing at the approval stage of the mine. This is a practice that attracts risks to the State of NSW. It is not in the public interest to approve Vickery Coal mine with a minimum of detail.

Social impacts

I would like to add a few words on the subject of social impact on the community. I particularly resent the smarmy way that the Social Impact Assessment attempts to portray the anxiety about the Vickery Extension mine as just a normal part of anxiety in Australian society.

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. This is an affront to the community.

In reality, the town of Boggabri, through its Boggabri Business and Community Progress Association and the Boggabri Farmers have repeatedly told Whitehaven that it has “NO SOCIAL LICENCE”, which of course is not a concept founded in strict law but should have been discussed in the SIA.

Another matter that should have been discussed, if the SIA were to be relied on as a true impact assessment, would be the many letters written objecting to Whitehaven’s Maules Creek MOD 4 noise modification attempt, which spelt out the overwhelming negative social impacts experienced by communities at the frontline of coal expansion.

Added to that is the ongoing insults, condescension and constant attempts to deceive the community about forthcoming plans, modifications and developments. Whitehaven literally do treat the community as the enemy, and their Project Delivery Director has openly told the Boggabri BCPA that the company doesn’t care if it doesn’t have community approval.

This culture appears to go all the way to the top in Whitehaven Coal whose CEO Mr Flynn attempted to scapegoat one Maules Creek landowner who wanted more money for his land, for the mine receiving a high-risk rating in 2017 for its environmental licence by the NSW EPA. He shamelessly lied to his shareholders at the company’s 2017 AGM.

The statement was, of course, a blatant mistruth as the risk rating was escalated due to a long history of noise exceedances leading to a Mandatory Noise Audit, and dust and blasting complaints and done so under the NSW EPA’s authority under *Protection of the Environment Operations Act* not – as he suggested to the Whitehaven Board and shareholders – because the EPA concocted a plan to prove that one landowner wrong.

The EIS ignores the subject of intergenerational equity.

These mines may have ended during my own lifetime. 25 years is not a long time. Yet the costs and burdens being left for future generations will be onerous, if not intractable.

The desertification of agricultural land and forests for the construction of coal mines is not in the public interest of NSW, now, and for future generations.

Indigenous matters

I am frequently in touch with Traditional Owners both in and out of the CCC's and I believe that the Company has not applied 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.

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. I do not have confidence on the Economic Assessment and believe it is not founded on accurate observed reality.

Submission incomplete

Finally, I wish it to be known that my Submission is not complete, due to the onerously short Public Exhibition period. This means I have not been able to provide as full as 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 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.

Thank you for your consideration,

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