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Planning Assessment Commission
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Monday 5 December 2016

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**SUBMISSION of OBJECTION
Wilpinjong Extension Project RO39-16**

Wollar Progress Association wishes to raise a number of key issues relating to the assessment of the proposed Wilpinjong Extension Project (WEP), the assumptions and predictions of impact and the lack of sufficient mitigation of those impacts.

We continue to object strongly to the expansion proposal and are dismayed by the dismissive treatment our community has received during this and previous planning assessment processes. At no time, in previous assessments for the Wilpinjong Mine, has there been a prediction that the Wollar community would be functionally destroyed. Yet this is the conclusion now being proffered by the NSW Government.

We lodged a detailed submission with the Department of Planning and Environment (DPE) in March 2016, attended three meetings held during the public exhibition period arranged by DPE and submitted further information following the public release of the Peabody Energy Response to Submissions Report (RTS).

We have read the DPE Assessment Report and the expert reviews of the social impact, economic, noise and air quality assessments, including Peabody responses.

The Association wrote to DPE on 14 June 2016 outlining key issues not adequately addressed in the RTS and requested that the expert review reports be made available to the community prior to the finalisation of the DPE Assessment Report.

There was no response to that letter and no access to the reports prior to the public release of all information on the PAC website on 7 November 2016. We have been given less than one month to review all the new information and respond by 29 November at a public hearing and a month to respond in writing by 5 December 2016.

Meanwhile Peabody has been given access to the independent reports and an opportunity to reply to them from as early as June 2016. The community most affected by

the project and the likely increased impacts, particularly from noise and dust, and local social and economic impacts, were not afforded similar access or a right to respond to these reports prior to the finalisation of the DPE Assessment Report.

Wollar Progress Association considers that the assessment process for large mining projects is biased against the impacted community. The very short period of time to consider and comment on large volumes of new information is unfair and inappropriate.

We invited the PAC to attend a meeting with the Association in situ in Wollar to discuss the extent of the impacts being proposed by the WEP. We are deeply disappointed that our invitation was declined. This is particularly because Peabody Energy was afforded a private hearing to present information to the PAC on the mine site on Monday 28 November.

The Association decided not to present to the Public Hearing because we wanted to highlight the unfairness of the loss of merit appeal rights. We note that Peabody also did not present to the Public Hearing.

We have attempted to provide the PAC with as much feedback as possible in the short time frame available to absorb the various documents. We would have preferred to be given equal time as Peabody to discuss our issues.

We would like the bias towards the industry to be noted and trust that the PAC will take note of the serious issues raised in this submission.

Background to previous impact assessment

The key issues for the remaining local people, who have a long association with the Wollar community, stem from the experience over 10 years of the impacts of the Wilpinjong Mine being far greater than assessed and predicted.

This has been borne out by DPE support for the aggressive property acquisition policy of Peabody Energy, even though very few members of the Wollar community were granted formal acquisition rights under consent conditions over 6 modifications of mining operations.

As pointed out in our original submission to this proposal, only 10 properties have been granted formal acquisition rights and 18 properties with formal mitigation rights in conditions of approval over the 10 year period of mining operations and ongoing increase in production rates and mining areas.

Attachment 1 is the original landownership map as provided in the 2005 EIS for the Wilpinjong Mine. The emptying out of the population of the Wollar district has been caused by a combination of factors. The early acquisitions were in the mine footprint, prior to approval.

Other factors include acquisition of biodiversity offsets adjacent to Goulburn River National Park, acquisition of housing for mine workers during the height of the mining boom when the real estate market in Mudgee and Gulgong was over-heated, but more importantly acquisition of properties with noise impacts greater than predicted that have caused ongoing production shut downs.

None of these combined social impacts have been seriously assessed or recognised in previous approval processes for 6 modifications of the Wilpinjong Mine.

As soon as a property is owned by the mining company the conditions of noise and dust management no longer apply.

Therefore, by stating that the mine has been able to comply with existing noise limits during all attended noise monitoring since 2012¹ is merely a reflection of the number of additional private properties that have been acquired over that time.

There has never been an attempt to compare noise predictions with actual noise emissions at any of the properties acquired under no formal acquisition rights. DPE outlines that after Government agency investigation of noise complaints from residents to the south of the mine, more stringent noise management was put in place and Peabody *'embarked on a program of property acquisition to increase the buffer around the mine'*²

This was the first stage of great social disruption to the Wollar community. At no time was there a validation of the noise predictions with the actual noise propagation in the Cumbo Valley. At no time was there recognition of the intense social and health impacts imposed on these residents. This had a domino effect on the rest of the community.

DPE outlines that since that time a program of monthly attended noise monitoring, real time noise monitoring (that doesn't trigger compliance requirements) and the validation of the two has provided a *'far more comprehensive understanding of the existing noise environment and the effects of topography and adverse weather on the propagation of noise from the mine.'*³

Needless to say, these were all issues raised by the community during consultation meetings and submissions objecting to the original mine proposal. The topography of the area around the mine was pointed out as a key issue. We were assured that noise would not affect us.

At no time has there been a validation of noise predictions at properties acquired by Peabody to increase a buffer around the mine. The acquisition merely negates the noise and dust limits.

¹ DPE Assessment Report p21

² Ibid

³ Ibid

The community considers this to be a backdoor method of creating major social disruption without assessment or recognition at the time of the mine application. The same process has occurred with each subsequent modification. It is a very dishonest method of disguising the true social impacts.

Very few properties were formally predicted to be impacted, yet a very large number have been acquired after the approval and expansion of mining operations. This has been the consistent pattern over the past 10 years.

DPE describes this as a method of increasing the buffer around the mine without admitting that the assessment predictions were vastly understated and the social impacts very significant.

Therefore, the community can be excused for continuing to be cynical about the predictions and impact assessment for this next large expansion proposal.

The Association has outlined key issues and recommendations in the following submission. They are summarised here

Key Recommendations:

1. If the Commission decides to support the approval of the WEP

Recommendation 1:

That conditions of approval contain a provision for acquisition rights for all remaining private property in Wollar district based on:

- Value of property based on comparable nearby centers unaffected by mining
- Plus relocation and disturbance costs
- Plus a premium for replacement costs

2. Before the Commission can finalise a decision

Recommendation 2:

That the Commission require the validation of noise impacts on mine-owned land to test the accuracy of the noise model.

Recommendation 3:

That the Commission require a comprehensive noise assessment, including the assessment of LFN, to be conducted by an independent consultant that has not previously worked for the mining industry or DPE.

3. If the Commission decides to support the approval of the WEP

Recommendation 4:

That the Commission not adopt the recommended condition to apply the draft Industrial Noise Guideline methodology for assessing Low Frequency Noise.

Recommendation 5

That the Commission require all final voids to be backfilled.

Key Issues

The key issues with the WEP assessment process raised in this submission include:

1. No mitigation of the social impact on remaining community members caused by isolation, stranded assets, loss of connections in the village and increased threat during natural and vehicle accident emergencies.
2. No assessment of Low Frequency Noise (LFN) emissions propagated by Wilpinjong Mine either currently or for the proposed expansion
3. No assessment of PM_{2.5} emissions
4. Significance of Aboriginal cultural heritage and biodiversity impacts
5. Change in future land use post mining
6. Lack of certainty with Peabody financial position
7. Long term impacts of increased carbon emissions
8. Peabody presentation to the PAC

The Wollar Progress Association has committed a considerable amount of time discussing the key concerns of the remaining local population of Wollar.

We believe it essential for balanced consideration of economic, social and environmental impacts that the issues raised in the following submission, attached expert reports and additional information is taken into account.

Yours sincerely



Bev Smiles
Secretary

1. Social Impact Assessment

1.1 Ongoing decline of community

The Association does not agree with the DPE position stated many times⁴ during the Assessment Report that *'even if the project is not allowed to proceed, the decline in the population and associated social impacts is likely to continue.'*⁵

This statement is not based on any evidence provided in any assessment report.

If the Wilpinjong Mine continued with its current approval to mine until 2027, the impacts on the area would not be as great.

DPE acknowledges this: *'the project would increase the impacts on the local community and environment compared with the existing mine operations'*⁶

The initial justification for Wilpinjong Mine was to supply up to 80% of the coal requirements for Bayswater and Liddell Power Stations in the Upper Hunter. If the WEP were not approved this contractual obligation could still be met. There is estimated to be approximately 79 Mt ROM coal left in the mine footprint.

The decline in operations and workforce was forecast in the original approval. The progressive drop in the number of mine employees would free up property that was purchased by Peabody to provide worker accommodation.

These properties could be put back on the market or leased to people wishing to move into the area. We know of people, including with school age children, who would move to Wollar, if it was clear that Wilpinjong Mine would be winding back operations, as approved, and thus lessening its environmental impact.

A new influx of residents could easily increase school enrolments, improve turn over at the local shop and reinvigorate social and sporting activities that have been regular events in the Wollar Village in the past, such as dances and tennis matches.

Local membership of the Bush Fire Brigade could also be reinstated.

The concept of tree change has not been considered in the DPE assessment of the future for the Wollar community.

The easy commuting distance to Mudgee allows for people to make the life-style choice of a rural village or small holding, as many people have done in the past. Previous residents of the Wollar area included health workers, teachers, academics, tradesmen,

⁴ Ibid Pp iii, 39, 40, 42, 75

⁵ Ibid P 39

⁶ Ibid p (v)

crafts and artists, stock carriers, contractors and retirees, as well as broad acre farming families, farm labourers and associated workers.

The social impact assessment conducted by Elliot-Whiting failed to identify any of these past residents or the likelihood of people wishing to move back to the area. This question was not asked.

DPE's conclusion that the Wollar community would continue to decline if the WEP was not approved is not based on any evidence.

The Wollar community was not in decline prior to the mine project being progressed and while there was some drop in school age numbers, there were younger families coming on and higher numbers in years later than those quoted in the Social Impact Assessment (SIA).

The initial purchase of properties, including Cumbo Station and the Bungulla Estate on the known coal resource, prior to the exploration licence being granted, was the beginning of the social impacts of the mine.

This has not been well documented and was not identified in the Elliot Whiting SIA Report. The description of the Wollar community background⁷ has not identified the loss of community prior to the mine commencing in 2006. The EIS for Wilpinjong Mine Figure 1-5 demonstrates the number of properties already acquired prior to the mine approval.⁸ (Attachment 1)

This issue was raised in the Association's initial submission and identified in the Elton Consulting Peer Review Report.⁹

It is inappropriate for DPE to compare Wollar Village with Windeyer Village¹⁰. Wollar has a much larger number of small lifestyle blocks or 'hobby farms' that increased the population of the area during the 1970's and 1980's. These blocks are attractive to people wanting a 'tree change' or to live outside a major centre. Most of these small blocks including the Bungulla Estate and Araluen Estate had permanent residents that participated in a range of social interactions and voluntary services in the area, before the acquisitions for Wilpinjong Mine commenced from 1998 onwards.

DPE has not explored the opportunities to rebuild the Wollar community should the expansion proposal not be approved.

The Association categorically denies that the community would have declined even if the mine had not caused so much social disruption. There is no evidence provided to

⁷ Elliot Whiting, November 2015, Social Impact Assessment p9

⁸ Resources Strategies, May 2005, Wilpinjong Coal Project EIS p8

⁹ Elton Consulting, August 2016 Peer Review of Social Impact Assessment p 13

¹⁰ DPE Assessment Report p40

demonstrate this assumption, or the assumption that the Wollar community would continue to decline without approval of the WEP.

1.2 Social impacts with the WEP approved

If the WEP is approved it will have a significant social impact on remaining private landholders in the Wollar area that has not been clearly identified or assessed. The issue must also be considered in the broader context of the cumulative loss of population from Ulan to Bylong associated directly with mine expansion in the area. The isolation of remaining outlying properties in the Wollar area will be further exacerbated in the context of a depopulated landscape.

The DPE Assessment Report outlines the number of private properties left in the Wollar area if all remaining properties in the village are acquired. It is identified that about 8 residences occur on Mogo Rd and another 8 on Barrigan Rd. The 2 private residences to the east on Ringwood Rd are ignored.

DPE recognises that *'The majority of the Wollar community lives in more isolated areas, at least 7 kms from the village. Should the project result in further population decreases it is likely that these residents would be further isolated from social networks and some services.'*¹¹

The key issue of isolation, stranded assets and increased risk to life and property during times of emergency have not been fully considered.

DPE *'considers that the limited land remaining in private ownership is a key consideration for the merit assessment of the project, particularly in regard to residual social and amenity impacts'*.¹²

The Association considers this direction to the PAC to be the most important statement made in the Assessment Report.

However, we are very concerned that DPE does not appear to fully understand the implications of such a small and isolated remaining population of private landowners once all of the Wollar Village is acquired.

DPE notes the previous call for acquisition rights for all remaining private residents, but dismisses this without thorough consideration of the issues.¹³ For reasons outlined above, and further expanded later, in regard to assessment predictions for noise and dust emissions, the Association considers the DPE position that the WEP could comply with noise and dust criteria is highly questionable.

¹¹ Ibid p 40

¹² Ibid p 9

¹³ Ibid p 41

The extent of the past poor predictions of impacts is borne out by the number of properties acquired by Peabody compared with the number of properties granted acquisition and mitigation rights.

But further to the issue of whether the mine is compliant or not, the extent of the increased social isolation and the stranding of property assets must be taken into account in the assessment of the significance of the social impacts of the WEP.

DPE have acknowledged throughout the Assessment Report that the Wilpinjong Mine has been the major cause of the social disintegration and loss of services in the Wollar area.

However, DPE states that *'it is also not clear that the project (in and of itself) would materially reduce access to services as these impacts have either occurred as a result of previous mining activities and/or as a result of a broader decline in the viability of rural villages such as Wollar.'*¹⁴

The Association maintains that Wollar was not in decline prior to the exploration of the coal resource in the late 1990's. All of the habitable dwellings in the village had occupants and most of the small holdings had permanent residents including young families. All the large farms had families and workers living on the properties or in the village.

The decision to approve the mine and then continue to approve subsequent expansions of extraction rate and increase the mined area has been the direct cause of the decline of the Wollar community. The DPE support for the Peabody acquisition policy, regardless of the low number of properties formally granted acquisition rights through the approvals process, has been a very poor form of social engineering with no assessment and no upfront acknowledgement of the depth of the impacts.

It is disingenuous for DPE to claim any other cause for the demise of the Wollar community.

Elton Consulting has quite rightly identified that the mitigation measures recommended by the Eliot-Whiting Report and in the RTS are inadequate in the context of deep-seated impacts and ongoing concerns.¹⁵

Elton Consulting outlines that practical mitigation measures will require more detailed consideration of whether the social and cumulative impacts can be addressed and whether *'the proposal will only worsen the already difficult social impacts'*¹⁶

The Peer Review report recommends that mitigation measures could include a commitment to ongoing support to the General Store and postal services, funds or

¹⁴ Ibid

¹⁵ Elton Consulting, August 2016 Peer Review of Social Impact Assessment p 3

¹⁶ Ibid

works in kind to restore and maintain community buildings, properties and lands, and specific commitments (such as Memorandum of Understanding) with the Rural Fire Service to ensure local fire-fighting needs can be met.¹⁷

However, these measures are not supported by Peabody Energy and DPE.¹⁸

1.2.1 Wollar Shop

The Assessment Report outlines that the Wollar Shop is not economically viable and Peabody does not support ongoing funding. DPE notes that it is not in the position to impose a condition requiring Peabody to subsidise or operate the shop as part of the project.¹⁹

There is discussion about finding alternative postal services but nothing conclusive has been identified.

It was understood that Peabody Energy purchased the Wollar Shop in the first place to maintain the viability of the village and to maintain some services to local people and mine workers moving into the area.

The lack of a shop in Wollar means that outlying remaining property owners will have up to a 150 km round trip to purchase fuel and basic supplies. The Bylong Store is also under threat from the Kepco mine proposal. The loss of local shopping and services in the region will stretch from Mudgee-Gulgong in the west to Merriwa-Sandy Hollow in the east.

These matters need to be considered as a serious social impact for stranded property owners and will lessen the likelihood of their properties being attractive to any private buyers. The proximity of services in remote rural areas is a key consideration for potential buyers.

People were attracted to Wollar in the first instance because there was a general store that provided hardware, feedstock, mechanical services, postal services, a daily meeting place and basic consumables.

The loss of all these services, if Wollar Shop closes, will cause further isolation for remaining community members. This is a strong reason for providing a condition that all remaining private landholders in the district be granted acquisition rights, if the WEP is to be approved.

¹⁷ Ibid p 24

¹⁸ DPE Assessment Report p41

¹⁹ Ibid

1.2.2 Wollar School

Wollar Public School enrolments have dropped to 8 children and the operation of the school is under review by the Department of Education and Communities. If the WEP is approved there will be no opportunity to attract new families to the area.

The loss of schooling facilities in a remote rural community removes the attractiveness for families to buy into the area.

Wollar School was once a vital hub that drew the community together with numerous functions and activities that involved the entire family and the whole community. The gradual loss of families due to mine acquisition has been the major cause of the school population dropping.

Families with children attending the school were living within the mine footprint on properties that were acquired before the original EIS appeared.

No school at Wollar is another significant social impact caused by the Wilpinjong Mine that must be recognised. If the school closes it will be harder to attract new families to the district. The lack of a local school will lessen the likelihood of remaining properties being attractive to any private buyers.

This is a strong reason for providing a condition that remaining private landholders in the district be granted acquisition rights, if the WEP is to be approved.

1.2.3 Voluntary Payment Agreement

The Voluntary Payment Agreement (VPA) for the WEP, as negotiated with Mid-Western Regional Council, does not provide for support to maintain and service community buildings and infrastructure in Wollar Village (**Attachment 2**).

The Association considers that the agreement to provide public access to toilets in a shop that will be closed and provide mowing on public land and property now owned by Peabody will not mitigate the significant social impacts caused by Wilpinjong Mine.

If all remaining local connections are lost within Wollar Village, the upkeep of the Community Hall and the Recreation Ground facilities will be harder to maintain. The loss of any immediate local surveillance could increase levels of vandalism.

Peabody refused to include a commitment towards the physical upkeep of community infrastructure in the VPA, they have only agreed to maintain the grounds.

The load of volunteer work to maintain the substantive community assets in Wollar is falling onto fewer and fewer local people. The costs of electricity, insurance and maintenance will be harder to cover.

While a number of mine workers have paid membership fees to join the Wollar Progress Association and two have attended one or two meetings, not one mine worker has ever attended working bees or fundraising events in the Wollar Village.

The only time a number of mine workers set foot in Wollar Hall was for the two public meetings conducted by DPE. At no other time have miners engaged in community activities (except one who attended one film night with BBQ). Mine workers have not contributed to community fundraising events.

The RTS states that '*It is acknowledged by WCPL that mine employees in Peabody Enery owned houses in the Village of Wollar and surrounds may have different interests or values to some of the other members of the local community.*'²⁰

There are no active members of the Association who work at the mine and there is very minimal interaction between mine workers and other local residents.

The commitment of Peabody and their workforce to the Wollar community is non-existent and should be recognised as such.

The VPA made with Mid-Western Regional Council will not mitigate these major social problems.

The loss of capacity to maintain an active social life within Wollar Village is a strong reason for providing a condition that remaining private landholders in the district be granted acquisition rights, if the WEP is to be approved.

1.2.4 Wollar Bushfire Brigade

The loss of the Wollar Bushfire Brigade is a significant decline of emergency service protection for the remaining community members and private property in the district. The closure of the Wollar Brigade and loss of local knowledge and expertise has been a direct result of the Peabody property acquisition policy.

Wollar Brigade originally had over 300 financial members and a very active, well-trained and experienced volunteer team with generations of fire knowledge of the district. The loss of this social capital has not been clearly recognised. The number of local trained members is now about 10 people.

Volunteer Rural Fire brigades now have additional responsibilities to be the primary contact for road accidents in the area, once the role of the police force, and to provide assistance to ambulance officers at the scene. This requires a dedicated and well – trained membership of the local brigade.

Peabody does not support specific commitments to the Rural Fire Service.²¹

²⁰ RTS p 118

²¹ Ibid

The lack of commitment from Peabody to ensure that mine workers will be available on call to fill these important roles leaves the remaining population further exposed to threat of natural and traffic emergencies. The driving behaviour of contractors and mine-related traffic has increased the danger of road travel on the isolated roads in the district.

The size of the Cooks Gap Firebrigade area of operation and distance of the brigade headquarters from Wollar has increased the threat to remaining isolated Wollar people during major fires and in road accidents. With no local knowledge left in the Village, the ability of the Fire Brigade to respond effectively to emergencies will be further diminished. This is a real life-threatening situation for remaining property owners.

One of the villagers being granted acquisition rights is a Deputy Fire Captain and has the best knowledge of the functioning arrangements with equipment in the Wollar Fire Shed. The loss of the last remaining trained local fire-fighting volunteers from the village is an increased threat to life and property in the area.

Only 4 of the mine workers living in the Wollar area have completed basic training with the fire brigade which allows them to be on call for fire and road accident emergencies.

This lack of a strong local fire brigade and increased isolation from effective emergency services will make it harder to attract private buyers for remaining stranded properties. This is another strong reason for providing a condition that remaining private landholders in the district be granted acquisition rights, if the WEP is to be approved.

1.2.5 Significance of Social Impacts

The decision to grant acquisition rights to all remaining private landowners in Wollar Village removes the final social connection for the isolated properties at the edges of Peabody owned land. The day to day oversight of the community facilities will be lost.

If the WEP is approved Wollar will have no shop, no school, no guaranteed postal service, no adequate emergency services and no other services.

If the WEP is approved the remaining private property owners are likely to be stranded with worthless assets. This issue has not been addressed or mitigated.

1.3 Stranded Assets

The remaining private properties in the Wollar area are highly likely to be unsaleable on the open property market if the WEP is approved. This applies particularly to the properties on Mogo Rd and the property on Ringwood Rd (that is not even acknowledged in the DPE Assessment Report).

These properties are already impacted by LFN from the current approved operations, as well as increased dust, blasting impacts and spontaneous combustion odour. These issues will be covered in more detail later in this submission.

The proposed expansion into Slate Gully with a haul road and ROM pad to the north east of current operations will increase the impacts experienced on private property up Mogo Rd and at Ringwood Rd.

While the mine may be predicted to be technically compliant with Government policy, many of these policies do not protect human health or environmental amenity. The evidence that past predictions for noise and dust impacts have been underestimated is borne out by the number of property acquisitions beyond those formally granted in conditions of approval

Many people have their life assets tied up in their property. It will be very difficult to attract buyers to an isolated property with no immediate access to shop, school and other services, particularly emergency services.

The continued loss of local knowledge and support base for the Rural Fire Service is putting the remaining population at greater risk.

This issue has not been adequately addressed in either the Social Impact Assessment, the Peer Review Report or the DPE Assessment Report.

The remaining long-term residents in the district were originally attracted to Wollar because of family connections, the environmental amenity, the range of property types and opportunities within a thriving community providing many services and a high level of social interaction.

Because of Wilpinjong Mine and Peabody acquisition policy these circumstances no longer exist and will be further degraded if the WEP is approved.

The environmental amenity will be further destroyed and all social function removed. It will be highly unlikely that new residents will be attracted to the district when it has such a high degree of unmitigated environmental and social impact.

The decision to approve the WEP is likely to strand the remaining landholders with life assets tied up in unsaleable properties. This outcome will condemn these families with no choice to change their circumstances.

This, plus additional costs in travel to reach distant shopping facilities is an economic displacement that has not been identified or assessed.

Because this untenable situation will be a direct consequence of the WEP all the remaining isolate properties in the Wollar district should be granted acquisition rights.

The Association reiterates the recommendation provided in our initial submission. If the WEP is approved there must be acquisition rights granted to all remaining private landowners. This is the only equitable mitigation measure available in the context of the extensive past and future social impact that is a trade-off for the perceived broader public benefit of the mine.

Our previous submission recommended that:

If the NSW Government decides that the greater public benefit of the WEP supports approval then the Association recommends that all remaining private landowners in the Wollar district be offered appropriate compensation based on the following guidelines:

- Value of property based on comparable nearby centers unaffected by mining
- Plus relocation and disturbance costs
- Plus a premium for replacement costs

This compensation package must be included in the conditions of approval.

This recommendation is the only feasible mitigation measure available for private landowners left stranded through the approval of the WEP.

The DPE Assessment Report concludes that *'any residual social impacts on the local community are largely unavoidable and there are limited options available to effectively mitigate these impacts'*.²²

This statement supports the Association position that the only fair and equitable mitigation measure for the 'residual social impacts' ie peoples' loss of future options, is to grant all remaining land owners in the district acquisition rights in line with the above recommendation.

This will provide the few remaining Wollar citizens equal rights to decide to stay in the area or leave when they need to.

Recommendation 1:

That conditions of approval contain a provision for acquisition rights for all remaining private property in Wollar district based on:

- Value of property based on comparable nearby centers unaffected by mining
- Plus relocation and disturbance costs
- Plus a premium for replacement costs

²² Ibid p 75

2. Noise Assessment

2.1 Achievement of compliance

The Association disputes the DPE statement that attended noise monitoring since 2012 has demonstrated that Wilpinjong Mine has been able to comply with its existing noise limits.²³

This statement is made in the absence of information in regard to the number of properties acquired by Peabody Energy during that time. It must be pointed out that once a property is owned by the mining company the noise limits in the conditions no longer apply. Therefore the only way that the mine has maintained compliance has been to continue purchasing property.

There has been no validation of the modelled predictions on properties once acquired by Peabody. Noise no longer needs to be managed when these properties become mine-owned land.

The true nature of the mine noise impacts would be obtained by comparing noise measurements on mine-owned land that had not been granted formal acquisition rights with the noise levels predicted by the noise model. It was this assessment prediction that informed the approval decisions.

The Association considers that the true test of accuracy of noise impact assessment and predictions for the current operations would be the validation of noise predictions on properties that were privately owned at the time of past assessments and were then acquired as a means of a cheap mitigation measure.

This issue was raised in our initial submission and has been ignored. There was no response provided to this issue in the Response to Submissions Report.

The Commission should require this work to be undertaken to better inform decisions on the adequacy of the noise impact assessment. This validation work was not undertaken in the independent review.

The Association is concerned that current noise generated by the mine, assessed to not exceed the limits set in the conditions of approval, has caused 600 hrs of lost production between November 2014 and October 2015 to enable the mine operations to stay within those limits.²⁴

Meanwhile Peabody has continued buying properties that were not granted formal acquisition rights under previous approvals.

²³ Ibid p 21

²⁴ Ibid p 22

The DPE Assessment Report is contradictory in relation to the noise assessment. On the one hand it states that the noise model may marginally over-predict noise impacts²⁵ while on the other hand presenting a table from the independent review (Table 5)²⁶ with predicted night-time noise adjusted higher than those presented in the EIS.

The Association considers that, from past experience with noise predictions and actual outcomes, the WEP will cause greater noise impacts than predicted and will further impact on outlying properties.

One of the key reasons for this conclusion is that LFN is not monitored and has not been included in the noise impact assessment.

Recommendation 2

That the Commission require the validation of noise impacts on mine-owned land to test the accuracy of the noise model.

2.2 LFN assessment, monitoring and reporting

The Association is very concerned that LFN has not been included in the noise impact assessment conducted by SLR Consulting. We are also concerned that there is continued misinformation about LFN presence in noise emissions from Wilpinjong Mine.

All remaining residents to the north and east of the mine experience LFN impacts with current operations. The assertion that the mine does not contain dominant LFN content is misleading.

It is concerning that LFN is not monitored, as required by the Industrial Noise Policy (INP), and there is no evidence to support the current DPE position that LFN is not emitted by Wipinjong Mine.

The independent review identifies that LFN is possible in Pit 8 if the extension proposal is approved.²⁷

However, more compelling is the evidence collected by the EPA in June 2016 that has not been publicly released. The monitoring demonstrated that dBC levels were greater than dBA by 15 dB. Therefore, the 5 dBA modifier should have been applied thus demonstrating that the mine was not compliant with current noise limit conditions.

The matter of these noise measurements being below the proposed increased noise limit of 37 dBA is immaterial. The monitoring exposes the fact that the mine is currently exceeding its noise limits.

²⁵ Ibid p 22

²⁶ Ibid p 23

²⁷ Wilkinson Murray, June 2016, Independent Noise Assessment Review p 7

The lack of assessment of LFN for the expansion proposal is a failure of duty of care.

The Commission should require a comprehensive noise assessment, including the assessment of LFN, to be conducted by an independent consultant that has not previously worked for the mining industry or DPE.

The Association provided the following comments to DPE following up the RTS in a letter dated 15 June 2016 (**Attachment 3**):

‘The RTS refers to unattended monitoring conducted by SLR in December 2012²⁸ when mining operations were greater than 5 kms from Wollar village and operations had not commenced in Pits 3 and 7. The monitoring demonstrated that 9% of the records showed a difference between dBA and dBC of greater than 15 dB with A-weighted readings above 30 dBA. These measurements indicate noise levels above the conditions of approval when the LFN modifier is applied.

WPA is concerned that no recent monitoring results were used. While the EA and RTS maintain that Wilpinjong noise emissions do not contain “dominant low frequency content”, we note with interest that the assessment for the Modification 5 expansion concluded that *‘current noise emissions of the mine do not “contain a low frequency content”*.²⁹

It is concerning that Modification 5 was approved in 2014, two years after SLR monitoring measured 18% of periods analysed under adverse temperatures that triggered the LFN modifier.³⁰

The fact that the assessment of LFN has changed from conclusions of ‘no LFN content’ to conclusions of ‘no dominant LFN content’ with no additional assessment being undertaken, is a key issue that needs to be addressed.

It is completely inappropriate for the extension proposal EA to consider that no further assessment of LFN is required.’

The Association received no response to this letter and the issue has not been satisfactorily addressed in the DPE Assessment Report.

Recommendation 3:

That the Commission require a comprehensive noise assessment, including the assessment of LFN, to be conducted by an independent consultant that has not previously worked for the mining industry or DPE.

²⁸ RTS p4

²⁹ RTS p6

³⁰ RTS p5

2.3 Independent expert report

The Association commissioned an independent report on the SRL noise assessment for the WEP. This report has not been acknowledged in the Response to Submissions Report and the issues raised are basically ignored by Peabody and DPE.

Attachment 4 provides further expert comments on the noise assessment, DPE Assessment Report and the Wilkinson Murray peer review. This report further confirms the Association's concerns about the poor quality of the noise assessment for the WEP.

The Association is very concerned that DPE appears to have taken no notice of these issues as raised. We believe that current mine noise is quite regularly exceeding limits of approval if LFN was monitored and the INP modifier applied.

2.4 Application of the draft Industrial Noise Guideline

We strongly object to the Wilkinson Murray proposal to apply the proposed Industrial Noise Guideline (ING) approach to LFN monitoring. Communities across the Hunter and North West currently affected by mine noise, and particularly LFN, have made very strong objections to the unscientific approach being adopted by the EPA in the draft ING.

The approach recommended by Wilkinson Murray and DPE to apply the draft ING methodology for assessing LFN in the conditions is highly inappropriate, particularly as the ING has not yet been formally adopted by the NSW Government.

The recommendations of Wilkinson Murray put in question the degree of 'independence' held by this company.

The proposed methodology in the ING is based on criteria adopted in the UK for measuring LFN inside a building. This criteria is then unscientifically modified by the EPA for measurement of LFN outside a building.

Very detailed criticism of this approach has been lodged with the EPA. There has been no response from the EPA to issues raised in submissions. (**Attachment 5**)

The Association is extremely concerned that DPE and the 'independent' reviewer are both proposing that this inappropriate methodology be included in the recommended conditions for the expansion approval.

The EPA has admitted in answers to questions in Parliament that there has been no research conducted in rural areas of NSW on the impacts of industrial noise.³¹

The Commission should not adopt this recommendation.

³¹ <https://www.parliament.nsw.gov.au/lc/papers/pages/qanda-tracking-details.aspx?pk=233902>

Recommendation 4:

That the Commission not adopt the recommended condition to apply the draft Industrial Noise Guideline methodology for assessing Low Frequency Noise.

2.5 Cost shifting onto community

The Association is most concerned that DPE and the 'independent' reviewer have supported the Peabody position that mitigation of noise emissions would be too expensive for the project.

The Association considers this to be a strong argument for the expansion proposal to be rejected as economically unviable.

The DPE Assessment Report and Wilkinson Murray propose to cost shift \$42 m of noise mitigation measures onto increased noise impacts on the community. This is without adequate assessment of LFN.

The property acquisition strategy of Peabody Energy has been a cheaper means of achieving noise mitigation. This is because once a property is owned by the mining company the noise limits in the conditions no longer apply.

The Wilkinson Murray Report confirms that acquisition is the cheapest form of noise mitigation.³²

The Association is concerned that DPE has supported this approach without conducting any social impact assessment and are now concluding that the community of Wollar has been irrevocably destroyed by this past and present decision-making approach.

The proposed cost shifting is a continuation of this approach that DPE admits has caused the social decline of the Wollar area.

The past poor prediction of noise impact, the expansion of a mine buffer zone into areas not afforded formal acquisition and mitigation rights through conditions of approval, and the lack of validation of noise predictions on properties that are now owned by the mine, are all indications of the poor assessment and approvals process conducted for Wilpinjong Mine.

The proposal to implement the draft ING methodology for assessing LFN is a further cost shifting exercise onto community health. Impacts of LFN on the human body have been well researched and reported.

It is known that exposure to LFN in the home at night can cause sleep disturbance and have adverse effects on health.³³

³² Wilkinson Murray, June 2016, Independent Noise Assessment Review p 9

³³ World Health Organisation Paper 34 and Levinthall et al, 2003 Review of Published Research on LFN & its Effects

The proposed cost shifting of noise mitigation onto the community is irresponsible.

The Association therefore reiterates the position outlined in the Social Impact section above that, if the PAC decides to approve the WEP, the recommended conditions include acquisition rights for all private property left in the district, not just the 4 remaining private properties within Wollar Village.

This would absolve Peabody Energy from any requirement to monitor noise impacts from the mine once there was no remaining private property left.

2.6 Train Noise

The DPE Assessment Report acknowledges that train noise is an additional disturbance for remaining people in the Wollar area, particularly at night. DPE also acknowledges that the difference between the noise limits in the INP and the Rail Infrastructure Noise Guideline (RING) is an issue.³⁴ The current guidelines do not protect the amenity of quiet rural areas at night. Sleep disturbance from coal trains is a key health issue for remaining Wollar district residents.

DPE notes that the proposed train movements from Bylong Mine have not been included in the assessment. The issue raised in the Association's initial submission is the additional time that trains will be idling in the Wollar area rail loops, particularly the loop directly to the east of Wollar Village. This has not been addressed.

DPE notes that trains from Wilpinjong Mine make up 30% of the daily rail movements³⁵ and that these will be extended for additional 7 years if the WEP is approved. DPE also states that if not approved the other mines would likely take up additional line capacity.

The Moolarben and Ulan Mines both have conditions on maximum daily train movements. The only way that additional line capacity can be taken up is for DPE to change conditions of approval.

Recent information released from Peabody to the CCC has identified that Modification 7 which brings current coal production up to the 13mtpa applied for in the WEP has generated an addition 58 trains from Wilpinjong Mine.

2.7 Blasting

The current policy managing blast vibration and frequency does not protect the amenity of the Wollar area or local buildings. While the mine operates blasting within policy limits, often at the top end of the limit, remaining residents are impacted by the noise and vibration on a regular basis.

³⁴ DPE Assessment Report p 28

³⁵ Ibid

The expansion proposal to blast in Pit 8 will further disturb remaining residents.

Considerable vibration and blast noise impacts are currently experienced with existing operations. Any further encroachment of mining towards remaining private residences will exacerbate the problem.

3. Air Quality Assessment

The Association is concerned that the Air Quality Impact Assessment did not assess PM_{2.5} emissions and predicts exceedances of the national standard for 24 hr average PM₁₀ emissions.

The cumulative impact of three large open cut mines operating to the west, southwest and northwest of remaining private property has not been adequately assessed.

The Association notes the serious criticism of the assessment provided by the independent review conducted by Ramboll Environ.

The issues raised include no ambient monitoring data being included from the adjacent mines, no assessment of cumulative PM_{2.5} concentrations, no inclusion of combustion emissions in the model (CO, SO₂, NO₂, VOCs) including from the other mines.

The independent review concludes that the information in the air quality assessment could be misleading.

The consultancy conducting the air assessment, Todoroski Air Sciences, refers to EPA acceptance of various approaches. However, the EPA did not conduct an independent review of the predictions.

The DPE assessment report notes that with Pit 8 dust emissions would increase to the east.³⁶ What is not recognised is that private property and public buildings in Wollar are already impacted by high levels of dust inside the building. This was demonstrated by testing carried out by the EPA in 2014 in Wollar that showed traces of coal dust inside houses.

Outlying private property, especially to the north of the mine, are currently getting black dust deposits on outside furniture and vehicles from the operation of three large mines in the area.

The cumulative impact of air pollution emissions from coal mining in the area has not been adequately assessed. The dispersal models underestimate the extent of mining dust deposition across the region.

The Wilpinjong Mine provides annual self-reporting to the National Pollution Inventory on toxic emissions.

³⁶ Ibid p 32

The 2014-15 report demonstrates the mine to be very significant source of toxic substances including arsenic (28kg), benzene (15kg), boron (370kg), fluoride (780kg), lead (140kg), manganese (2100kg), xylene (7.4kg), zinc (230kg). The mine is also a very significant source of coarse particle pollution and oxides of nitrogen, reporting up to 5.8 million kg of PM10 per annum and 4 million kg of NOx.

All of these toxic substances have an impact on human health. In fact, there is no safe level of PM₁₀.

Any increase in dust emissions should not be approved. The WEP should be rejected on these grounds.

As reiterated in the sections on social impact and noise pollution, if the PAC recommends the approval of the WEP, then all remaining private property in the Wollar area should be granted acquisition rights.

This would absolve Peabody Energy from any requirement to monitor air quality impacts from the mine once there was no remaining private property left in the district.

4. Aboriginal Cultural Heritage and biodiversity impacts

4.1 Cumulative impact

The extension proposal to disturb a further 800 ha of land additional to the current 1,990 ha of approved disturbance is a significant area of land – 28 km² of mine disturbance.

The cumulative environmental and heritage loss caused by this large area of disturbance has not been adequately identified or assessed.

There has been no detailed information provided in the WEP assessment that outlines the extent of previous loss to biodiversity and cultural and European heritage caused by the Wilpinjong mining operation.

Nor has there been adequate information provided about the loss to biodiversity and cultural and European heritage in the region caused by the neighbouring Moolarben Stage 1 and Stage 2 approvals or the Ulan Mine.

These cumulative impacts have been occurring for over 30 years and there has been no rigorous assessment of this at a regional scale.

There is also no detailed analysis provided about the cumulative loss of significant features in the landscape including irreplaceable loss of Aboriginal Cultural Heritage or critically endangered ecological communities and critically endangered species habitat.

4.2 Aboriginal Cultural Heritage

The WEP, particularly the additional Pit 8 proposal in Slate Gully, will cause the loss of further regionally significant Aboriginal heritage cultural sites including an ochre quarry and art site.

Overall the expansion proposal will impact on 230 cultural heritage sites. The connection of these sites in the landscape and the story they tell about Aboriginal occupation of the area has not been clearly described or considered.

The connection for the local Aboriginal community and Wiradjuri elders to be able to share cultural knowledge and teach younger generations about the spiritual and landscape significance of art sites with connections to country are not acknowledged.

The Office of Environment and Heritage (OEH) has commented that *'impacts on Aboriginal Cultural Heritage is approaching unacceptable thresholds for the region'* ³⁷

The DPE Assessment Report notes that the proponent's assessment concludes that the expansion proposal is unlikely to result in any cumulative impacts.³⁸

This conclusion is a demonstration of the paucity of information provided in the Cultural Heritage assessment report.

DPE acknowledges that *'the regional heritage values have been impacted by mining in the region'* ³⁹

A key component of background information missing from any Cultural Heritage assessment conducted in the region is the high significance of the region to Aboriginal people at a national level.

The Goulburn River National Park was gazetted in 1983 because of the high significance and number of Aboriginal Cultural Heritage sites along the river valley and associated landscape. The Goulburn River was a major trading route for coastal tribal people to the inland. It is therefore not surprising that there are many sites in the region.

The extension proposal into Pit 8 and other areas around the existing disturbance footprint will disturb a significant number of sites including 3 sites of high significance and 3 sites of moderate significance.

The proposal to destroy Rocky Hill with an ochre quarry and art site is unacceptable.

³⁷ Ibid p 68

³⁸ Ibid

³⁹ Ibid

OEH has emphasised the importance of ochre sources and rock art in the region and that further investigation into art site patterns in the region was warranted.⁴⁰

The justification that \$127m worth of coal including \$10m royalties would be lost if this site were protected is a specious argument.

There is no value estimated for the irreplaceable loss of significant cultural heritage. The people of NSW will lose ongoing connections with the land and Aboriginal people while gaining less than 10% of the value of the coal extracted.

The DPE consideration that 'offset' sites for destroyed cultural heritage be investigated within the land based biodiversity offset sites is policy making on the run.

The Association considers that the same cavalier approach is being afforded Aboriginal Cultural Heritage values in the Wollar area, as is given to the remaining people residing in the area with strong connections to place.

4.3 Biodiversity impact

The ongoing loss of critically endangered ecosystems and species habitat in the Wollar area is not being adequately considered.

The two major reserves in the district, Munghorn Gap Nature Reserve and Goulburn River National Park are set on high sandstone escarpments with different geological and vegetation features to those in the valley areas of the Wilpinjong Creek catchment.

The Wilpinjong Mine falls within the Mudgee-Wollar Important Bird Area identified because of the habitat that supports the critically endangered Regent Honeyeater.

The Regent Honeyeater was listed as critically endangered under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in July 2015.

The habitat in the Wollar area is significant for the future survival of this species.

The ongoing loss of Regent Honeyeater habitat through subsequent Wilpinjong mine expansion since 2006 has been a significant loss from the Important Bird Area and has not been adequately offset over the past 10 years.

The extension proposal to destroy a further 190 ha of Regent Honeyeater habitat cannot meet the requirements of the Regent Honeyeater Recovery Plan.

The recovery plan identifies that habitat critical to the survival of the Regent Honeyeater includes any breeding or foraging areas where the species is likely to occur.

⁴⁰ Ibid

Improvement in the extent and quality of preferred Regent Honeyeater habitat is the key conservation objective of the recovery plan.

The proposal to destroy a further 190 ha of mature scattered habitat in a designated Important Bird Area is unacceptable and will accelerate the decline of the critically endangered Regent Honeyeater population.

We do not agree with the DPE position that the proposed offsets '*would not be inconsistent with the objective of the Recovery Plan*'⁴¹

The Association considers that the proposed biodiversity offset strategy including existing and future mine rehabilitation activities is insufficient compensation for the cumulative loss of Regent Honeyeater habitat caused by the Wilpinjong Mine including over the past 10 years.

The proposal to grant 25% of species offset credits for the Regent Honeyeater from the existing rehabilitation approval is not consistent with the NSW Biodiversity Offsets Policy for Major Projects.

The Association also does not support the expansion proposal into the very narrow valleys that intrude into the Munghorn Gap Nature Reserve boundary.

To remain consistent with the most recent new mine approval in the region, Moolarben Stage 2 in 2015, a buffer zone of 50m should be kept around the nature reserve boundary to protect its important edge values from direct impacts of open cut mining operations.

The 10 year old mine approval for Wilpinjong Mine is no longer consistent with new and more appropriate conditions.

4.4 Independent Expert Report

The Association commissioned an independent expert report to review the adequacy of the biodiversity assessment conducted for the WEP. This report has not been acknowledged in the Response to Submissions Report and the issues raised are basically ignored by Peabody and DPE.

Attachment 6 contains an independent report that reviews the adequacy of the proposed biodiversity offset strategy.

⁴¹ Appendix M Commonwealth Matters un-numbered pages

4.5 Tipping point reached

The Association considers the significance of the Wollar area for Aboriginal Cultural Heritage and for biodiversity values is too great to consider continued irreversible destruction.

The Wilpinjong Mine has caused enough cumulative damage to these special values.

The WEP is a tipping point for social, environmental and cultural assets in the Wollar district.

5. Post mining land use

5.1 Proposed change to final land form

The Association is concerned that the WEP will cause a change in land use for the final landform of the mined area. The current approval requires a mix of woodland corridors and pasture land for future grazing enterprise.

DPE now proposes that the entire mine site be returned to woodland to connect the two reserves and improve biodiversity outcomes. However, there is no indication of the final tenure for this new landscape.

There is no discussion of the mine land being incorporated into the reserve system as an outcome of final closure.

There will be no opportunity for possible future land owners to earn an income through grazing cattle or sheep on the final landform. The entire area will not be attractive to any likely future new members of the Wollar community.

The area of the mine disturbance once contained a considerable number of families that engaged in the social life of the Wollar community and had children enrolled at the Wollar School. Any past commitments to provide future economic opportunities from the final landform and attract new people to the area will not be honoured.

The mine rehabilitation proposed for the final landform will need adequate long term management to achieve the required outcomes, particularly for Regent Honeyeater habitat. There is no indication of how this will be implemented over the period of time required to establish a new functioning ecosystem that provides all the required habitat values such as food sources and nesting requirements (ie nectar, seed, hollows).

There is no discussion of the final tenure or who will be responsible for managing the final mine landform once all decommissioning has been concluded.

5.2 Final Voids

The Association does not support the proposed third final void in Pit 8. The argument that backfilling the void would not be reasonable, costing in excess of \$15 m, is a further example of the cost of environmental impacts being shifted from Peabody onto the environment and possible future land managers.

If the mine is not generating enough income to allow for a \$15 m investment in backfilling the whole disturbance area of Pit 8, then the WEP is not a viable concern.

The cost of long term management requirements for the Pit 8 void, including permanent sterilisation of land, has not been assessed.

The Association is also concerned about the proposal to shift the current final void in Pit 6 so that it is immediately adjacent to the final void in Pit 4 of the more recently approved Moolarben Stage 2 mine. This issue was raised in our initial submission and has not been addressed.

While DPE describes opportunities to integrate the final land form with Moolarben coal mine ⁴² there is no discussion of the legal mechanism by which this can be achieved. Moolarben has current consent for the final void. The groundwater modelling was conducted prior to this proposed change to the Wilpinjong Mine final landform.

It is noted that the current approval for Wilpinjong Mine leaves the design the size and depth of the Pit 3 and Pit 6 final voids to a later process.

The process of possibly combining the two voids cannot be left to post approval assessment. There needs to be further assessment of the impact of a potential 'super void' across two mine sites and two separate approvals. Moolarben has approval until 2038, the WEP proposes to finish in 2033.

DPE has not identified how this final landform across two separate mine sites could be managed.

This issue is an additional argument for not approving the WEP. There are too many outstanding unknowns for the potential long-term environmental impacts.

Recommendation 5

That the Commission require all final voids to be backfilled.

⁴² DPE Assessment Report p 72

6. Peabody Finances

The Association is greatly concerned about Peabody Energy's poor financial position. This has increased uncertainty around the future of the expansion proposal. The Chapter 11 bankruptcy negotiations in America have not yet concluded.

The implications for the availability of the \$172.5 m capital expenditure costed into the value of the proposal have not been clearly identified. The complex arrangements of Peabody Energy and its subsidiary companies are cause for concern and raise questions about the actual capacity of Wilpinjong Mine to carry out the expansion, if approved.

The Wollar community is being totally destroyed for a proposal that may not get off the ground, may sit in abeyance as an approval or may be on sold to another company who will then commence to change the arrangements.

The Association considers that the financial capacity of Peabody Energy is a critical part of the analysis of the public benefit of the WEP.

The consideration of the 'person' cannot be separated from the application to develop the 'land'.

7. Carbon emissions

Early in November the NSW Government released a Climate Change Policy Framework setting a broad commitment for zero emissions by 2050.

Also in November the Federal Government ratified the Paris Agreement to restrict global temperatures to below a 2° C increase, with efforts to limit the temperature increase to 1.5° C. This is a legally binding international treaty.

The PAC must consider the responsibility of approving the extraction of a further 95 Mt of coal and the production of 20.4 Mt of additional carbon emissions over the next 17 years.

The Association considers the DPE comparison of the potential additional Wilpinjong Mine carbon emissions with other coal mines in NSW⁴³ is not a valid argument in the context of a new approval under new directions set by both State and Federal Governments.

The cost benefit analysis for the expansion proposal costed the value of carbon emissions to be up to \$25.7m.⁴⁴ This is a further example of cost shifting onto the community.

⁴³ Ibid p 37

⁴⁴ CIE, May 2016, Peer Review of Economic Assessment P 21

If either of the new commitments to control the economic, social and environmental costs of extreme weather events is to be successful, then NSW cannot continue to approve new coal mines and expansions.

The PAC has a particular responsibility under these new state and federal policy positions to apply the precautionary principle and not approve the WEP.

8. Additional comments on the WEP and Peabody

8.1 Predicted workforce

The Association original submission provided a detailed analysis of predicted job numbers compared with production and operations forecasts over the 17 year period of the WEP. None of the questions raised have been acknowledged or received a response. We still uphold that the job predictions are highly inflated and falsify the calculation of public benefit of the WEP.

DPE has provided conflicting and false information about predicted employment figures throughout the Assessment Report.

There is a statement arguing that *'the project would result in significant social and economic benefits.... These benefits include:*

- *Continued employment for approximately 550 mine workers that currently work at the Wilpinjong Mine, as well as additional employment for up to 75 people'*⁴⁵

This information is contradicted in the November 2016 Wilpinjong Coal Community Newsletter that states that the mine currently employs 383 people with 134 contractors.

The mine is currently producing 13mtpa with the approval of Modification 7 in August 2016. As pointed out in our original submission. There is no explanation of what an additional 108 people would be doing on the mine site, if the WEP is approved.

The newsletter also announces the trial of a semi-autonomous dozer on site. There is no explanation given about how this improves mine operations efficiency or impacts on job numbers.

The DPE states in other places in the report:

*'ongoing employment of up to 550 people....up to an additional 65 people'*⁴⁶ and

*'the employment of around 600 people for another 7 years.'*⁴⁷

⁴⁵ DPE Assessment Report p v

⁴⁶ Ibid p 39

⁴⁷ Ibid

These statement take no account of the mine operation plan that predicts a significant drop in coal production during the last 7 years.

The employment peak is predicted to be for a short period of time in 2024, even though there is no apparent increase in mine activity during that year.

The Association considers that the inflated job numbers have caused the public benefit of the WEP to be vastly over stated.

8.2 Mine workers living in Wollar

DPE states that there are 23 mine workers living in the Wollar area making up 30% of the population.

However, the number of these people who are drive-in-drive out workers who use the village, and other mine-owned property, as dormitory accommodation has not been identified.

The Elton Consulting peer review of the SIA comments that '*reference to population numbers to demonstrate ongoing community life ignores the fact that a community is built on relationships and shared history and cannot be measured purely by the number of residents.*'⁴⁸

As outlined above, the mine workers have not integrated well into the remaining community and have taken on very few roles to support it.

8.3 Development of Wollar Plan

The presentation given to the PAC on Monday 28 November is the first time a 'Wollar Plan' has come to light.

There has been no discussion with the community about a 'Wollar Plan'. This concept appears to be a last minute attempt to demonstrate some tokenistic responsibility for Wollar Village once it is totally owned by Peabody Energy.

There has been no discussion of this concept at a CCC meeting nor does it appear in the November 2016 Community Newsletter.

The remaining isolated members of the Wollar community have not been included in any discussion about a 'Wollar Plan'.

This lack of consultation contradicts the Peabody statement in Slide 9 of their presentation that states '*community engagement (is) key to retaining our social licence*'

Peabody has not demonstrated any commitment to genuine community engagement.

⁴⁸ Elton Consulting Report p 22

8.4 Community Consultation

The CCC is a mandatory requirement under conditions of approval and is Peabody's primary engagement with the Wollar community.

The other main engagement with villagers and property owners impacted by pollution emissions from the mine has been through a land valuer.

Peabody has consistently refused to hold or attend public meetings in Wollar.

The community newsletters have been sporadic. There is no genuine commitment to engage with the Wollar community.

A key tool used by Peabody for anyone leasing mine-owned property or negotiating a property sale is a gag clause. This prevents people from complaining about impacts from the mine and breaks down community relationships.

The gag clause in leases and sale contracts increases the division in the community and has the opposite effect of community engagement and retaining social licence. It divides the community, increases suspicion and prevents people from feeling comfortable about retaining past relationships within the community.

CONCLUSION

The Wipinjong Mine has caused significant disruption to the social, environmental and Aboriginal cultural heritage in the Wollar district which is an important area for these values on a regional and national scale.

The mine has approval to operate until 2027 and can fulfil its obligation to the AGL contract which was the initial justification for the establishment of the mine.

The Wollar community has the opportunity to rebuild if the current approval is maintained because the environmental impacts would lessen.

The approval of the WEP will cause significant additional irreversible damage to the community of Wollar, critically endangered species and important Aboriginal sites.

The viability of the WEP is based on significant cost shifting of impacts onto the community and environment.

The cumulative impacts of mining in the area between Ulan and Bylong must be taken into account.

If the Commission decides to recommend the approval of the WEP on balance then the remaining isolated pockets of Wollar residents must be afforded formal acquisition rights to prevent unfair economic disadvantage and stranded assets.