

**WOLLAR PROGRESS ASSOCIATION****C/O- POST OFFICE****WOLLAR NSW 2850**

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**Presentation****Wilpinjong Extension Project PAC  
11 April 2017**

Wollar Progress Association lodged a detailed submission to the PAC review process in December last year, as we did to the initial public exhibition of the Wilpinjong Extension Project last March.

Many of the issues we raised have received no acknowledgement in any of the reports produced during the assessment process.

We trust that Commissioners will refer to the submission we lodged for the review. All the key points are still relevant because they are yet to be addressed

The particular issues that have been repeatedly ignored include the:

1. Lack of adequate assessment of low frequency noise (LFN)
2. Lack of validation of noise predictions for each modification approval
3. Lack of justification for ongoing purchase of private property in the Wollar district that was not covered by acquisition rights in conditions of consent
4. Lack of recognition of significant social impacts on residents living outside Wollar Village

Noise from Wilpinjong Mine has been the single greatest pollution issue impacting the Wollar community, both inside and outside the village, resulting in the significant displacement of the local population.

Noise management under consecutive Noise Management Plans has caused considerable loss of production even though the assessment predictions claimed that the project would meet the approved noise criteria.

The active acquisition policy of Peabody Energy has been condoned by the Department of Planning, even though it had accepted the noise predictions and approved each expansion accordingly. This ongoing displacement of the Wollar community has been described by the Department as 'a program of property acquisition to increase the buffer around the mine.'

This program was conducted under no formal acquisition rights. This disguised the ongoing social impacts during numerous modifications.

The ongoing growth of the unofficial buffer zone was allowed to occur with no assessment of the social impact. Now that we have finally had a formal social impact assessment, the Department

of Planning has admitted that the past 10 years of mining activity and expansion has basically destroyed our community.

This has been a very stealthy and irresponsible approach. It demonstrates that negative social impacts have not been treated equally with other considerations. This has led to a very unjust outcome of severe disadvantage for the remaining local community with no recourse to fair compensation and through no fault of our own.

The Secretary's Assessment report acknowledges that the most significant social impacts have already occurred in Wollar and there is limited scope to effectively reverse them.

Our extensive submission to the Review made a number of key recommendations. These include:

1. Before a final decision can be made on the merit of the project a comprehensive assessment of LFN emissions from the project should be conducted and
2. a validation of noise impacts on mine-owned land, purchased as a buffer, should be conducted to test the accuracy of the noise model.

Neither of these recommendations have been acknowledged or fully addressed. The plan is to leave outstanding assessment of LFN impacts until after approval as part of the monitoring requirements. This places the remaining private landholders in exactly the same position as all our previous neighbours who were seriously impacted by this noise pollution and were left at the mercy of Peabody Energy to sort out the problems.

This is why we are all calling for acquisition rights, because the recommended conditions of consent will not mitigate the problem of unassessed LFN levels. The Commission cannot make an informed decision on this major social impact because you haven't been provided with the information.

The Department's Final Report states that the issues raised by the EPA in relation to the assessment of LFN have been addressed.

We do not agree. The letter from the EPA dated 13 February 2017 in the Final Report App B states that the assessment provided for LFN did not use the methodology required by the Industrial Noise Policy. The letter continues to state that 'this confirms EPA's concern throughout the assessment process for the Project that the low frequency modifying factor in the INP would apply.'

The Department acknowledges this in the Final Report stating that while Wilpinjong did further assessment of LFN to find that it is not a dominant content of mine noise, this assessment was not carried out in accordance with the Industrial Noise Policy.

This is a major problem. The identification of no dominant content means that LFN impacts have not been assessed for the project, yet the EPA has identified times when the application of the modifying factor would indeed increase assessed noise levels.

This lack of a proper assessment greatly disadvantages the community, as in all past noise predictions for this mine.

The Terms of Reference for the PAC Review required Commissioners to have regard to all relevant Government policies. The current NSW policy guiding noise assessment is the Industrial Noise Policy.

We note that the additional assessment conducted by SRL, in App G of the Secretary's Report, provides information using draft guidelines that have not been adopted by the NSW Govt.

We maintain that a proper assessment of LFN using the Industrial Noise Policy would identify greater noise impacts than those predicted. We know this to be the case because we can all hear the mine quite clearly.

An even greater problem with the SRL assessment is that all the information used was collected in late 2012. This was before the additional impacts of Modification 5 and Modification 6 were approved in 2014.

It is the noise from these extended operations and increased extraction rates that is now impacting on the remaining community. The assessment of LFN emissions provided throughout this process has not been based on the most recent noise levels or the rules of the INP.

While the EPA contends that the recommended conditions resolve the issues they have raised, this is not, in fact, correct. We do not support the Department's view that the recommended conditions for noise assessment are suitable. They actually weaken the current regulations.

The proposed condition for assessing LFN in Appendix 6 Condition 6 introduces a methodology using third-octave thresholds that is not contained in the Industrial Noise Policy.

We strongly object to the Department and EPA implementing a policy that has not been adopted by the NSW Govt, through conditions for this project.

All comparisons of this methodology with the current INP rules demonstrate a loss of rights for the community.

We will not accept the recommended condition 6 because it will increase the permissible level of LFN emissions from the mine. Many remaining residents in the district are already adversely impacted by this intrusive emission. If this condition is adopted we will be further penalised for living where we do, with no legal recourse. This is a patently unjust condition that cannot be approved.

Appendix 6 Condition 1 is the other key problem with the recommended conditions. This will also greatly increase the noise impacts from the mine. By adding an exemption for moderate temperature inversions that is not in the existing conditions, mine noise will increase during winter months.

This means that the remaining community members will be even further impacted by mine noise, during cold clear nights when noise is magnified and carries further. These are times when mine noise should be more tightly regulated, not exempted from complying with noise criteria.

Moderate inversions are very frequent in the Wollar area. There has been no information provided or justification given anywhere in the Department's reports to explain why this further exemption to compliance with noise criteria is being proposed.

It appears to be yet another major concession to the industry at the expense of the local community that has not been assessed or referred to at any time.

If these two conditions are to be adopted, it further reinforces our call for the granting of acquisition rights for all remaining private properties in the area.

The proposal to have a haul road to the north of the mine between Pit 8 and Pit 3 with an additional ROM pad involving dump trucks and bulldozers will significantly increase the noise levels to the north and east of the mine.

All remaining private residents in these outlying areas can already hear the mine and feel the blasts. The steep and narrow topography funnels these impacts through the landscape in a manner that is not correctly predicted by the noise model.

The proposed exemption for moderate temperature inversions and proposed changes to the assessment of LFN will further impact on the health and amenity of remaining local residents. We will be condemned to be trapped in an unhealthy environment suffering greater sleep deprivation and more stress than is already experienced.

The Department acknowledges that the project will increase the impacts on the local community and the environment compared with the existing operations.

The existing operations have already caused the destruction of the Wollar community and the plight of the remaining residents is being unjustly ignored. At the same time as proposing to inflict greater noise impacts on us, the Department has recommended a Social Impact Management Plan that totally ignores the extent of current social impacts.

The extent of the social dislocation, isolation and economic disadvantage will not be mitigated by the recommended condition 68.

Some of the aspects of the Plan eg providing public ablutions facilities are already a legal requirement of the Voluntary Payment Agreement with Mid-Western Regional Council. We supplied the Commission with a copy of this document with our review submission.

The issue of maintaining services of the RFS was discussed in detail at the February Wilpinjong CCC meeting. The company emphasised that membership is voluntary and mine employees can choose to join or not. While the SIA identified that support for capacity of the RFS through additional mine employees would be beneficial, there is no guarantee that this is achievable.

The section 44 fire in early February threatened the Village and surrounding property and put extreme pressure on the few remaining local RFS members. The loss of the local CWA group to co-ordinate catering for fire-fighters and the loss of local knowledge from the brigade caused a number of problems during the extreme fire event.

We fail to see how the loss of over 100 local volunteers with in depth knowledge of the local terrain and years of fire-fighting experience will ever be replaced by mine workers, many who are drive-in drive-out employees. None of the workers who live part-time in the village were available to attend this threatening fire.

The fact is Wollar village has been turned into a mining camp. A quote from Wilpinjong response to submissions sums up the current circumstances; *'It is acknowledged that mine employees in Peabody Energy 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.'*

We are a group of people who have shared voluntary community responsibilities for many years with a much larger range of local people, with local interests, to take on roles in the various community organisations.

The task of fundraising for the maintenance of our community facilities has now fallen on very few people. The social impact plan mainly focuses on the maintenance of properties owned by Peabody Energy not those managed by the community.

The Progress Association was deeply disappointed that the Review PAC declined to accept our invitation for a meeting with local people so we could show you the community facilities that have been maintained voluntarily for many years. We have never received a formal reply to that invitation and it has not been acknowledged in the Review Report.

We desperately do not want to see our community totally destroyed and wish for it to begin rebuilding, which is possible if the Wilpinjong Extension Project is rejected.

The Final Report refers to the PAC review as a merit review. However, no merit of the project was determined.

We maintain that the project as recommended does not have merit because the substantial and unjust negative social impacts have not been mitigated. The proposed conditions, in fact, will further disadvantage remaining local residents by inflicting more mine noise on them through changing the assessment rules.

Therefore, we continue to emphasise that the only fair outcome if the project is approved will be to grant acquisition rights by listing the few remaining private property numbers in Schedule 3 Condition 1 Table 1.

We note that the decision to grant acquisition rights for property 102 does not meet the strict application of the Voluntary Land Acquisition and Mitigation Policy.

There appears to be no strict adherence to any of the relevant policies in the assessment of this project.

The Biodiversity Offset Policy has certainly not been adhered to, neither has the Industrial Noise Policy. We request Commissioners to continue in this vein of flexible application of Government policy by granting acquisition rights to the remaining private landholders for social justice reasons.

The Secretary's Report stated 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'*

And it recognised that *'The majority of the Wollar community lives in more isolated areas. Should the project result in further population decreases it is likely that these residents would be further isolated from social networks and some services.'*

We do not consider that the Review Report or the Department's Final report has adequately addressed this issue of further isolation and residual social and amenity impacts.

The proposed Social Impact Management Plan does not address these issues. We know we are going to lose the shop and the school. We have lost all other support services. The emphasis of the social plan is on mine closure. Having a review of the plan 3 years before the mine closes in 2030 won't help the few stranded locals now.

We recommend that just compensation for social & economic disadvantage be available in the form of acquisition rights.