Mr John Hann Chair Independent Planning Commission Panel - Vickery Coal Extension Level 3, 201 Elizabeth Street Sydney NSW 2000 Prof Zada Lipman Prof Chris Fell AM Brad James By Email: <u>ipcn@ipcn.nsw.gov.au</u>

### Dear Commissioners,

Please accept this submission as our strongest possible objection to the Vickery Coal Project. We refuse to label this as an "extension", as there is no mine there now, and we know full well that the applicant never had any intention to proceed with the original "paper approval". In fact, upon announcement of the approval on the 23<sup>rd</sup> of September 2014, the applicant told the ABC that it was unlikely to proceed until Maules Creek Mine was fully ramped up, and they planned to expand the approval of Vickery from 4.5mtpa to 8mtpa. We are now looking at 10mtpa.

We purchased "Erinvale", referred to as property 140 by the applicant, in 2008 after searching long and hard to find a place of this calibre. There are very few places in Australia that offer the rich alluvial soils of the Liverpool plains with the opportunity of both summer and winter cropping, and a reasonably reliable rainfall, that can be supplemented with high quality alluvial groundwater. At the time of purchase Tarrawonga Coal mine was operating and Boggabri Coal was just beginning. When exchanging contracts, we asked our solicitor, if he thought we would ever be worried by the mines, to which he laughed and said "you're on the black soil plains, they will never be able to come near you." And yet here we are.

Since moving here, we have had 3 children and developed Erinvale into a profitable farming business which we run in conjunction with a second property that we were able to purchase in 2014. We are proud members of the Boggabri Community. Together, we are involved in:

- The local RFS brigade
- Sacred Heart School P and F Association
- Boggabri Swimming Club
- Boggabri Girl Guides
- Boggabri Community Church Parish Council
- Boggabri Business and Community Progress Association and
- Boggabri Farming and Community Group

Presently our properties are not mine affected, being 15 and 30 kms from the nearest operating mine. That is not to say our business is not impacted by the mines already operating in our area. This year for the first time we have not been able to source the temporary water licenses we rely on for our irrigated cropping. Whitehaven have paid a record \$930/ML for zone 4 water, which up until 2018/19, we had a long term agreement to buy water at \$100/ML. That supplier now sells his water to the mines, and who could blame him. It is simply not feasible for us. Consequently, our irritated crop production has more

than halved, and this is without the Vickery Project and the huge impost it will place on the local groundwater supply.

The consultation process from the applicant has been limited and frustrating to say the least. We have had only a couple of meetings with the proponents (at our request), in which we stressed that we require some form of negotiated agreement be in place prior to any approval. Only to be told that their models show that we will not be impacted. The last correspondence was an email from the then Project Manager, Brian Cole dated 6/9/19, in which he stated "In relation to some form of an ongoing consultation and mitigation plan regarding the operation of the mine (assuming it is approved), we contemplated that we would seek to reach such an arrangement with you post approval." I sincerely hope that we have not been included as one of the 6 landowners referred to in paragraph 325 of the Assessment Report that Whitehaven have told DPIE that they have entered into negotiations with, as this would be a gross misrepresentation.

It is insulting to be so flippantly dismissed by Whitehaven, when we have witnessed friends living the same proximity to their other mines, who have suffered for years trying to prove the impacts of the mines on their businesses and personal lives. Only to finally be bought out by the mine and leave the district. We have seen it all before. This company understates the impacts so they can get approval, so it is left to others to wear the impacts and subsidise their operations.

Sally Hunter revealed in her presentation to the IPC that there are now 6 families who have been forced off their land at Maules Creek who were, like us, told that they wouldn't be impacted by the mine. Surely, the IPC can see that history is repeating itself here. We are not prepared to put our family through the years of torment that this same company has put these families through.

Take the Leitch family for example. They are good friends of ours, adaptive and progressive farmers, and until recently highly regarded and loved members of our community. I say "until recently" because they have just left the district. More than 7 years after Maules Creek Mine was approved **on the basis that these people would not be affected.** The Leitch properties were very similar in proximity to Maules Creek Mine as "Erinvale" will be to Vickery Mine if it is approved.

The process that resulted in the acquisition of the Leitch family properties by Whitehaven was a long painstaking experience that dragged out for years. Despite the 2 senior family members being hospitalised due to exposure to toxic blast fumes on their property, and evidence of the mine not fulfilling its obligations to attenuate plant (similar to what is promised to reduce noise at Vickery), which resulted in intrusive noise levels on the family (Attachment 1), Whitehaven continued to deny fault. Repeated pleas to government departments and ministers, eventually (September 2017) resulted in the Deputy Premier imploring Whitehaven to do the right thing and engage in negotiations with the Leitch Family (Attachment 2).

Finally, in November of 2018, the Department of Planning engaged an independent mediator to mediate negotiations with the Leitch family and Whitehaven.

Does the IPC consider this best practice? Should the taxpayer foot the bill to resolve a situation that only arose because the proponent failed to acknowledge the full implications of their project to facilitate approval, and then failed in its obligations to resolve it once they materialised? Are you willing to allow this to happen to our family?

As previously requested through the Boggabri farming and Community Group, we again call on the IPC to ensure that if they somehow deem that this mine should be approved, a negotiated agreement be in place prior to approval with our family and all landholders identified in our previous correspondence (Attachment 3).

As a final note, the report on the Vickery site water balance and supporting information is included in the comprehensive submission by the Boggabri Farming and Community Group, which we fully endorse and respectfully request that the Commission review in detail.

Kind Regards,

David and Janet Watt

# Attachment 1

Summary of Gippa Obtained by the Leitch Family

#### Summary

Whitehaven's Maules Creek coal mine was found to be non-compliant with Schedule 3 condition 12 during 2015. This condition requires the company to "ensure that all equipment and noise control measures deliver sound power levels that are equal to or better than the sound power levels identified in the EA, and correspond to best practice or the application of the best available technology economically achievable." Equipment sound power levels are integral to the modelling of noise pollution from the mine, which in turn informs which landholders are expected to experience noise deemed unacceptable and be granted the right to ask Whitehaven to buy them out.

On 20 May 2016, the Department of Planning issuing the company with an Advisory Letter about one aspect of this breach and in June 2016, was issued an official caution over another aspect. This caution required the company to undertake certain actions to remedy the breach.

Six months later, during the same month was Whitehaven's deadline to deliver special noise screens, the company emailed a senior resources assessment officer at the Department indicating its intention to submit an application to modify its consent to change the condition with which it had not complied.

While the Department of Planning was considering this application to amend the Maules Creek development consent and remove the requirement to achieve sound power levels equal to or better than those identified in the Environmental Assessment, compliance staff at the Department were reviewing Whitehaven's Annual Review for the 2016 year. This review again found non-compliance with the sound power levels condition, and again found that the severity of the breach was "medium," noting the large number if noise complaints the mine had received. The Department's Director of Compliance and Post-Approvals, Kirsty Ruddock, recommended a penalty notice be issued, given it was a repeated breach. Ruddock had previously noted to colleagues that the Secretary of the Department, Carolyn McNally, was "not happy" that a modification was being used to deal with the compliance issue and that she would be keen to ensure they were taking action. But Ruddock's boss, Oliver Holm indicated he did not want an immediate decision made about the breach and instead wanted to "discuss it with Marcus" – Marcus Ray Deputy Secretary of the Department, in charge of planning services.

Whitehaven shortly afterward submitted its 2017 Annual Review, showing sound power levels for five pieces of fixed plant with sound power levels above the assessment level. Two weeks later, a second "Official Caution" was issued to Maules Creek for the 2016 breach, and no penalty imposed.

It is not known what action the Department is taking about the 2017 breach.

**19 April 2016** Letter from Wayne Jones Senior compliance, northern, to Ben Harrison copied to Kirsty Ruddock about the 2015 annual review noting there were 18 conditions and commitments not complied with and saying they would need to open an investigation (Doc 63 in 165-228)

- 27 April 2016 Email Wayne Jones to Ben Harrison and others (incl D Kitto) "Annual Review report identified a significant number of non-compliances" (Doc 66 in 165-228)
- 19 May 2016: Compliance team enforcement action checklist for sound power levels breach in 2015 annual Review notes four previous warnings or penalties issued to Maules Creek in the previous eighteen months, that the severity of the breach is medium, and the public interest "medium" given 33 noise complaints were received by the mine in 2015. (Doc 17 in 36-100)

20 May 2016:	Show Cause letter about sound power levels of fixed plant exceeding EA levels according to 2015 Annual Review (Doc 13 in 36-100)	
20 May 2016:	Advisory letter from DOPE compliance to WHC about equipment sound power levels made notes that "three pieces of equipment operating at MCCM were identified during testing completed in 2015 as not operating in accordance with the criteria specified in the Maules Creek coal Project Environmental Assessment (EA) (2011)" This letter requested "a detailed action plan" which "clearly outlines the measures that will be taken to address the SPL equipment exceedances and estimated dates for completion. (Doc 14 in 36-100)	
30 May 2016:	Meeting between Department staff and Whitehaven (Doc 69 in 165-228)	
9 June 2016:	Kirsty Ruddock emails Steve O'D and Mike Young "we've decided after discussing the matter with Oliver that we should issue an official caution to Whitehaven in relation to the sound power levels, and I attach the letter for your information" (Doc 70 in 165-228)	
9 June 2016:	Official Caution to MCCM over sound power levels including a request that the mine make public current planning, design and forecast implementation of noise mitigation measures in relation to fixed plant.	
27 June 2016:	letter from WHC to Stewart McLachlan, Senior Compliance Officer, in response to Department's 20 May letter.	
30 June 2016:	Whitehaven letter responding to official caution and request for publication of information (Doc 31 in 100-165)	
4 August 2016:	DOPE updates EDO about the Official Caution. EDO writes back asking if the noise attenuation investigation is complete and asking why the Department decided an Official Caution was the appropriate response (Doc 22 in 36-100)	
11 Aug 2016:	Who is the author of the email that is document 24 in 100-165? Is this is Whitehaven person? Or DOPE? This is a response to EDO's query about why only an official caution was the result of the Sound Power Levels investigation	
24 August	WHC letter to someone notifying of mitigation measures for sound (Doc 26 in 100- 165)	
12 Dec 2016:	WHC employee emails Steve O'Donahue with a draft of its intended modification application (Doc 147-1-35 page 1)	
End Dec 2016:	WHC deadline to install noise screening panels at the train load out according to Doc 54 165-22	
20 Mar 2017	Meeting between Maules Creek and Department staff in Singleton (Doc 26 in 100- 165)	
10 April 2017	Annual Review Assessment for Maules Creek for 2016 Annual Review. Nine items of fixed and mobile plant have sound power levels above the EA assessed levels (Doc 16 in 36-100).	
7 June 2017:	Lochie Leitch sends noise complaint about Maules Creek to the EPA and Planning. Kirsty Ruddock forwards toHeidi Watters and Leah Cook saying "More noise	

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complaints. We should probably arrange to follow up of the SPL investigation to check what actually happened re some of the insulation they had said they were doing? I think next time you are up there you should have a look." (Doc 77 in 165-228)

- End June 2017: Deadline for WHC to install ROM Bin screening and CHPP screening according to doc 54 165-22
- **20 July 2017:** WHC sends Steve O'Donoghue a draft Environmental Assessment for the Sound Power Levels Modification to change the condition they are breaching.
- July 2017: Heidi Watters notes from a meeting with MCC. Doc 60.
- 1 August 2017: WHC sends Steve O'Donoghue final draft EA of Sound Power Levels modification
- Sept 2017: MCC applied to the Department to modify Sch 3 cond 12 to remove the sound power levels requirement (Mod 4). Large numbers of objecting submissions are received.
- 4 October: Heidi Watters notes on site visit to Maules Creek "SPL mitigation works are still being installed [...] the CHPP and train loading facility" (Doc 59)
- 17 Oct 2017: Matt Riley DOPE email to WHC requesting a Response to submissions on the Sound power levels modification
- 18 Oct 2017: Heidi Watters writes to WHC "as discussed this morning..." asking for the annual validation assessment of site noise model (as required by WHC's Noise Mgmt Plan) and "the detailed assessment of plant with sound power levels remaining above EA levels (as per recommendation 7 of the Mandatory Environmental Audit)
- 20 Oct 2017: WHC sends Heidi Watters the validation report
- 24 October: Heidi Watters notes? Doc 58. Summarising compliance actions around Maules Creek.
- 23 Nov 2017: WHC provides Sound Power Evaluation report by Global Accoustics to DOPE's Heidi Watters (it refers to *total* sound power levels, not plant levels as requested) Doc 56
- 4 Dec 2017: WHC sends Response to Submissions re: Sound Power Levels modification to Steve O'Donahue.

4 Dec 2017: Steve O'D sends Submissions Report to Heidi Watters and Rose-Anne H remarking it is "Light on detail on contribution of individual items which we requested" (Doc 7 and 10 in 36-100)

- **5 Dec 2017**: Heidi Watters to Steve O'D and Rose-Anne H "All I received in response to the request for more information was the noise validation report and a sound power evaluation report (both attached)." (Doc 10 in 36-100)
- 8 Dec 2017: Updated RTS sent to Steve O'D which includes sound power evaluation report

8 Dec 2017: Show Cause letter from Leah Cook to WHC (Doc 55 in 165-228) saying the 2016 Annual Review reported that sound power levels exceeded the EA criteria specified for nine items and seeking a response by 15 January 2018.

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	11 Dec 2017:	Steve O'D to Heidi Watters and Rose-Anne Hawkeswood "FYI we asked Whitehaven to include the sound power evaluation report in the Response to Submissions which they have now updated, so will be publicly available as part of the modification application." (Doc 10 in 36-100)
	18 Mar 2018:	Kirsty Ruddock to Leah Cook and Heidi Watters "I tried to call on Friday but the Secretary was not happy that a mod was being considered to remedy this noncompliance at ACC. So it would be good if we can finalise the checklist as I think she will be keen to ensure we are taking action for non-compliance. I'll give it to Oliver so he can consult with Marcus etc" (Doc 78 in 165-228)
Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production Production	20 Mar 2018:	Email chain sending sound power levels enforcement check list up the chain for decision. Heidi Watters sends to Leah Cook finding "The significance (harm + culpability) of the breach has been calculated to be MEDIUM" and leaving open whether the Department should issue an Official Caution or a Penalty notice. Leah Cook sends on to Kirsty Ruddock and Ruddock to Oliver Holm and Benjamin Harrison regarding the enforcement checklist for the sound power levels investigation and documents to the sent to the "ERC". "I would probably be recommending the penalty notice given the fact that we cautioned them last year, and the mod is yet to be approved (and may not be by IPC)." (Doc 79 in 147-228)
	20 Mar 2018:	Oliver Holm says he "like to discuss with Marcus before it goes through ERC" (Doc 79 in 147-228)
	21 Mar 2018:	Kirsty Ruddock again recommends a PIN ("to be consistent with Splendour and other cases") (Doc 80 165-228)
	21 Mar 2018:	Stewart McLachlan does not disagree re: consistency (Doc 81 in 165-228)
	26 Mar 2018:	Date of signature on Whitehaven's 2017 Annual Review for Maules Creek. There are five sound power levels above the EA level.
	5 April 2018:	Heidi Watters emails Leah Cook noting five exceedances in sound power levels for MCCM in 2017 and that this was the second year of exceedance for these plant items (51 in 165-228)
	18 April 2018:	Official caution issued for sound power level exceedances in the 2016 Annual Review (Doc 15 36-100) this letter says "In deciding to issue an Official Caution the Department notes that the alleged offence has not resulted in risks to public safety, known harm to the environment or damage to property"
	12 Mar 2018:	WHC sends "additional information in relation to a cost estimate as requested in relation to the CHPP" she sends on to Steve O'D (Doc 11 in 36-100)
Summing Sectors	18 April 2018	"Official caution" letter about 2016 exceedance of sound power levels for seven items of fixed plant, and 2017 exceedance of sound power levels for three items of fixed plant. "In deciding to issue an Official Caution the Department notes that the alleged offence has not resulted in risks to public safety, known harm to the environment or damage to property." (Doc 15 in 36-100)
	13 July 2018	Whitehaven withdraws "Mod 4" application to change its sound power levels condition
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### Attachment 2

Correspondence Between Deputy Premier John Barilaro MP and Whitehaven CEO Paul Flynn



### John Barilaro MP

Deputy Premier, Minister for Regional New South Wales, Minister for Skills, Minister for Small Business

27 SEP 2017

Mr Paul Flynn Managing Director Whitehaven Coal PO Box R1113 Royal Exchange NSW 1225

Dear Mr Flynn, Pal

I refer to our meeting on 7th September, where I raised, amongst other things, reputational issues relating to Whitehaven, in particular those concerning Mr Patrick Murphy and Mr Lachlan Leitch.

Whilst I understand and appreciate that this is a private matter between Whitehaven and the two gentlemen in question, and that my office cannot require your company to act differently, I would like to make the following observations.

As Leader of the NSW Nationals and Minister for Regional NSW, my job also requires me to represent those people I feel are not getting fair treatment, whether from Government or the private sector.

I also have a responsibility to ensure our famers and agricultural sectors are represented and have a sustainable future.

Whilst I am and will continue to be a strong advocate for our State's coal industry, my role is to find an equitable co-existence between the two.

Whilst no-one is questioning Whitehaven's official license to operate, I also strongly believe in a 'social license' which applies equally to the agricultural sector.

In this particular case, my opinion is that these gentlemen and their families have been treated unfairly by your company and that this has affected their quality of life negatively for a considerable period of time.

110 Box 5341 Sydney NSW 2001 = P; (02) 8574 5150 = F- (02) 9339 5558 = E: contact a barilaro.minister.nsw.gov.au

I respectfully request that you reassess your current acquisition negotiations with Mr Murphy with a view to reaching an agreement and also engage with Mr Leitch to acquire his property. I encourage you to appoint an independent mediator to play a key role in facilitating a positive outcome in both cases.

I look forward to receiving your reply.

Yours faithfully,

John Barilaro MP Deputy Premier, Minister for Regional New South Wales, Minister for Skills, Minister for Small Business

Cc:

The Hon Donald Harwin MLC, Minister for Resources and Minister for Energy and Utilities

The Hon Anthony Roberts MP, Minister for Planning

The Hon Mark Vaile AO

## Attachment 3

Correspondence From Boggabri Farming and Community Group To IPC

#### Mr John Hann

Chair Independent Planning Commission Panel - Vickery Coal Project Level 3, 201 Elizabeth Street Sydney NSW 2000

And Prof Chris Fell AM, Panel Member And Prof Zada Lipman, Panel Member

#### Cc: Prof Mary O'Kane, AC, Chair & David Way, Planning Officer

By Email: ipcn@ipcn.nsw.gov.au

16 March 2020

Dear Members of the Independent Planning Commission Panel - Vickery Coal Project

### Affected Landholders - Negotiated Agreements – NSW Government Voluntary Land Acquisition and Mitigation Policy

As landholders who are affected by the Vickery Mine Project Proposal, we write to inform you that our experience to date leads us to conclude that the project proponent, Whitehaven Coal, is not following NSW Government Policy as it applies to us. For many years now we have all been living with the stress and anxiety of the prospect that a mine of this size and impact may be approved within such close proximity to our homes. Our homes are also our workplaces and the source of our livelihoods. They are the places that define us and connect us to each other and our community. All of us are the holders of lands that have been identified as Biophysical Strategic Agricultural Lands (BSAL). The stress and anxiety we have endured to date living in the shadow of this proposal is very real. It affects our families, young and old, our capacity to operate in our community and has led to the loss of productivity through the many hours it has consumed of us all and the impairment it causes to our normal functions. We will be significantly impacted by the mine in so many ways, including those most recognised by government policy, noise and air quality impacts.

To date we have all been approached by various representatives of Whitehaven Coal and some of us have had a number of meetings. Some of us have felt pressured to enter into confidentiality agreements. These meetings have not been productive, in some cases they have been insulting and in fact have caused further stress and anxiety. A number of us have invested in property valuations and put much effort and resources into considering our options, we have put various options to Whitehaven Coal about the possible terms of a reasonable negotiated agreement, none of which have been met constructively or in good faith on part of Whitehaven Coal. We have no doubt Whitehaven Coal would argue otherwise. The facts however, speak for themselves. None of us have agreements in place, we are all experiencing stress and anxiety and we no longer trust that Whitehaven Coal intends to do the right thing by us.

We are all very aware of the circumstances around Whitehaven Coal's Maules Creek Mine and how it has impacted landowners in various negative ways. Particularly landholders who were told pre approval, on the basis of the Miner's own modelling, they would not be affected by noise and air quality impacts, who found themselves significantly impacted. They were afforded limited rights under the mine approval, not commensurate to the impacts they experienced. Some of those landholders suffered for years while they found access to lengthy, arduous and costly avenues that eventually lead to them having to leave their land and homes.

We are also aware that landholders who were afforded voluntary acquisitions rights once the Maules Creek Mine was approved felt that if they triggered that right, it was to their detriment, in that they were handing over all power and control of their lives, homes and livelihoods, to the Miner, with some possible recourse to the Department of Planning (who recommended approval of the mine, based on the Miner's own modelling), the parties who had made their lives unliveable in the first place. Essentially, some landholders who suffered as a result of the Maules Creek Mine felt they had been thrown in a hole when the then Planning Assessment Commission approved the mine, prior to Whitehaven Coal having satisfactory agreements in place with affected landholders. The impetus for the Miner to negotiate with a landholder once an approval has been granted, disappears fast, denying the landholder the actual basis of procedural fairness.

The lived experience from mining projects across NSW and reflected in NSW Government Policy is that these serious matters concerning the wellbeing of, and fairness to landholders, must be sorted before any approval is granted.

NSW Government Voluntary Land Acquisition and Mitigation Policy (VLAMP) in relation to state significant mining projects encourages:

- Earlier and better consultation between miners and landholders to find effective solutions to any potential exceedances of the relevant air and noise criteria
- Greater avoidance of impacts, either through design decisions or the early acquisition of land that could be significantly affected by a project; and
- Innovative approaches to negotiation agreements that help mitigate impacts and are tailored to individual landowner circumstances

The Policy requires a particular approach to decision making in relation to mining project proposal, including:

- The miner must clearly demonstrate that all viable project alternatives have been considered, and all reasonable and feasible avoidance and mitigation measures have been incorporated into the project design to minimise environmental and social impacts and comply with the relevant assessment criteria. Adequate consultation must have occurred with potentially affected community members to identify and respond to potential social and environmental impacts during the preparation of the environmental impact statement.

If the acquisition or mitigation criteria are likely to be exceeded, the miner should consider a negotiated agreement with the affected landowner, or acquisition of the affected land.

If the miner has not acquired the land or entered into a negotiated agreement with the landowner, then it is up to the IPC to determined whether the project should be approved or not, and if so under what conditions that would protect the affected landowners, as required.

Negotiated agreements are the preferred mechanism for managing impacts on landowners because they can be specifically tailored to the individual circumstances of the landowner, including the provision of financial compensation for impacts and the provision for alternative accommodation. They are usually entered into before any consent is granted and in fact should be entered into before any consent is granted so as to afford procedural fairness and a more level playing field to the landholder.

The policy provides that negotiations leading to an agreement for the purpose of a mining application must amongst other things, have been conducted in good faith and be enforceable at law.

The policy expressly provides that negotiated agreements can be flexible and innovative – neither party should feel constrained in proposing terms or objectives for the agreement, provided they are reasonable.

While we as affected landholders are at varying proximities to the proposed mine and its rail line, in the south westerly direction, we will all be significantly impacted by the mine, including in relation to noise and air quality as well as night lighting, visual, ground and surface water impacts. We have all been approached by Whitehaven Coal at times over the past four years, which has not been a productive or positive experience. Our collective experience is that contact made by Whitehaven Coal to us has merely been some box ticking exercise, which has caused much stress and anxiety and cannot reasonably be described as an engagement in good faith.

In the event that you consider it is possible to approve the Vickery Coal Mine proposal on its merits, we implore you as the decision maker not to do so unless Whitehaven Coal has in place a negotiated agreement with each of us, as anticipated by and in accordance with NSW Government Policy.

**Attached and Below** is an image of the locality that depicts the proposed Vickery Mine footprint, all of the land currently owned by Whitehaven Coal and our properties, identified as Privately Owned BSAL.

Yours sincerely,

James Barlow, Mirrabinda Errol and Jennifer Darley, Darley Farms Eric and Carol Hannan, Lanreef Dee and Amanda Heiemann, Laredo Steve and Anita Maunder, Undoolya Grant and Tracy McIlveen, Clinton David and Janet Watt, Erinvale

