**Errol Darley Property 144 a & b.**

At the first Public Meeting addressing the Vickery Mine Extension I was assured by the Planning Department that all issued I’d raised would be dealt with. Issues that have not been dealt with are:

1. **Run off from the Western embankment.**

There is no protection for the river from runoff during times of intense rainfall. I have supplied to you a video showing the water flowing from the emplacement area into the river. During this video, the water flows into the dry river so there is no dilution factor. This will happen again. The mine is too close to the river and cannot be approved.

1. **Rail Spur:**

Still no details of the rail spur. How can the rail spur be approved without any plans of this proposal? Approximately 400 pylons driven or drilled into the aquifer are required. Are the pilot holes drilled with drilling fluids which will contaminate the aquifer? These fluids are removed by baling when developing an agricultural bore but can’t be removed once a pylon is secured into place.

The Independent Expert Scientific Committee also questioned the probable maximum floods levels used by the proponent of three times the annual exceedance probability, not six times as is recommended for south east Australia and 20% lower than observed global maxima.

1. **Automation:**

The number of jobs lost to automation has never been explained. Mr Flynn tells investors how automation will save costs, but tells the Planning Department how many jobs will be created. Also, there seems to be an over estimation of jobs for the Vickery Mine when compared to the existing Maules Creek Mine. Trucks are being fitted with automation as I speak and I believe all trucks are to be converted and ready for Vickery Mine Extension.

1. **Water Shortage**:

I know this subject has been addressed by others I will limit myself to the following;

Detailed advice to DPIE planning and Assessment regarding the Vickery Mine extension response to submissions. 1.2 recommendation prior to determination “The proponent is required to insure it has adequate water supply prior to production.” Then says “Clearly detailing which project each water access licence applies to”, and following “And where a water assess licence is being counted against multiple projects how much of the total is allocated to each project.” The document then states ‘The Aquifer Interference Policy requires the proponent to hold sufficient water entitlements prior to approval. For Project approval section 75J of environmental Planning and Assessment Act 1979 ‘The proponent shall ensure that it has sufficient water for all stages of the project.’ How can the planning Department recommend approval before this critical requirement is even commenced? Why did the planning Department bother to obtain advice from Planning Industry and Environment if they don’t use this advice?

It is now public knowledge that charges of water thief by the proponent are to be brought before the court. Those before the court are given presumption of innocence, however, it is extremely disturbing that if the offences if proven have occurred over three extreme drought years.

This brings doubt that the proponent is a fit and proper person to be granted a mining licence.

The desperate shortage of water for their current mine was never more evident than in November and December last year. B Double trucks were using a small country road to deliver water to the Maules Creek Mine. Soon after road trains were added to the fleet. How can approval be given for road trains while farmers were being charged for carting hay on wider roads? Then one lane of the road is excavated to lay pipe to the mine. When was approval given for this work to happen?

Was the replacement bore the same depth and diameter of the original bore as is a requirement for all irrigators.

1. **Methane:**

A methane Molecule produces 21 times more atmospheric warming than carbon dioxide and accounts for 20% of the enhance greenhouse effect. Estimates and measurements show a rise from an average of 722 ppb in 1750 to a rise of 1823 ppb in 2015. Testing shows the highest concentration at the Hunter Coal Mines, with this concentration extending 50km from the mines. Why is this continually being ignored. Government do not want you to know.

1. **Additional Coal Resources.**
   1. issues requiring further consideration “Additional coal resource to the South and North of the mine and why these are not included in the project.” The reply 6.1.3 doesn’t answer the question, replicates the proposed mines objectives. The answer, or what Whitehaven tells investors is a 735 million tonne resource for Vickery Open cut and Underground and a Tarrawonga total 110 million tonnes making a total resource of both mines of 845 million tonnes. This is why the proponent is so determined for this extension and rail spur to be approved as this is the starting point for development in this vicinity. The Rail line is very costly but is there for a possible 845 million tonnes, not 170 million tonnes. This is the first extension, many more will follow.
2. **Noise Level Limits:**

The recommended development consent, B2 states, “That residents within 2.5kms of the rail overpass at night has to endure 55 LA1 and any other residents 45 LA1.” The train will be at full throttle to get over the Highway Overpass. The proponent knows that the noise will be excessive so “Operational Noise Criteria” is calculated to ensure complacence. Shouldn’t the noise criteria be the same for any impacted residences? This also applies for B1 Table 1, B5 Table 3 and B7 Table 4. Are we being discriminated against? Why were the relevant day time noise criteria changed from 35dB to 40dB? ‘The Department agrees that it is reasonable for construction outside the standard construction hours with strict operational noise criteria.” Which Department, on site, after hours will monitor this?

Whitehaven Coal Vickery Extension Project – Submission Report measures the noise levels at the existing rail spur viaduct. Considering that receiver 144b is 450 metres from the proposed Rail Spur, documented values in Table 7 shows 12 readings between 71.1 and 86.6 dB 400 metres from viaduct. The proponent cannot possibly comply with the predicted noise levels particularly sleep disturbances levels of 52dB. How can the Planning Department ignore such evidence? If you are impacted by the Brandy Hill Development you only have to endure 45dBs (5am-7am), not 52dBs like we have to endure. As I awake listening to the train 5.7km away I Know someone is being dishonest about the expected noise levels. It must also be noted that if this development proceeds, sleeping shift workers will need lower daytime noise levels.

**Further Issues that should be dealt with:**

The issue of overburden emplacement impacting water quality and alluvium consolidation has been addressed with the proponent required to:

1. Coal reject material placed near pit with cover to direct infiltration and runoff to the pit.
2. Potential acid forming material to be blended with none acid forming material.
3. Emplacement be designed to ensure potential acid forming material and coal contact water do not migrate to receiving waters.
4. With the measure “To be described in the Water Management Plan”
5. Abide with recommended ‘Water quality management objectives.’

This Planning Objective shows that the Planning Department doesn’t understand how the proponent operates. Will Whitehaven test for acid forming material, redirect autonomous trucks, and comply with the water quality objectives. These directives are just meaningless words which will never be complied with and are there to just gain approval. No Department will be present to ensure compliance. This hocus pocus will be replaced with a minor modification and what will be the final height of the Western Embankment, overlying the alluvium?

**Dust and Tier emissions:**

Information gained from Origin Energy “ Notice of AGM 2019” states that there are 279 early deaths in NSW from the five Coal Fired Power Stations. They estimate that from the Eraring Coal Fired Power Station till its closure in 2032 will cause 1219 deaths 1058 babies of low birth weight, and 1579 additional cases of new onset diabetes. These estimates are based on PM2.5 so there is likely to be broader health impacts from other emissions. How can these emissions and Tier3 Co2 emissions be ignored? We all live on this planet with just one atmosphere! How can we continue to ignore renewables? It is time to take the land and progress to a new world of electricity generation.

**Zone of Affectation:**

The Department of Planning has shown no regard to any lessons that should have been learnt with the development of the Maules Creek Mine. Mines of this size after a period of operation show a zone of affectation of at least 8kms. Compliance enforcement is negligible as all responsible departments don’t have a permanent presence here. Breaches are generally reported by the public and acted upon later, well after the breach as occurred. I’ve seen photos of the dust along haul roads when water was in critically short supply. A large blast was experienced one Saturday, a deferred blast from Friday as the mine was being monitored that day. Dust complaints have been dismissed, because ‘Dust control at the site at this time was consistent with best practice expectations.’ Doesn’t help those affected!

The impact of the mine will be worn by a few residents unfortunately near this development, and if approved I appeal to you Commissions to ensure that ‘the conditions to operate’ give us protection.

It is disappointing that those who will be affected by this proposal weren’t given some time during the last visit to the mine site.

The recently released ‘Report on the Cumulative Social Impacts of Mining and the Voluntary Land Acquisition and Mitigation Policy on the Boggabri Community’ clearly shows that the VLAMP Policy clearly places the mine at a huge advantage to the farmers who are trying to negotiate an exit from their impacted properties. “Six of the seven participants within this study expressed overwhelming dissatisfaction if not stress.” Then adds, “Results of this study indicate that to approve the Vickery Extension Project to proceed without significant changes to existing policies regarding land acquisition would not only worsen the current social, economic and environmental conditions of Boggabri, but also allow the cycles of disempowerment and mistreatment of land owners to continue and may ultimately contribute to the death of Boggabri as a community.”

Commissioners be aware that if approved then the mine may be built and operated different to that proposed. The mine will be changed to suit the proponent with modifications, and then possibly more extensions, as is the case at Maules Creek with an extension now imminent. At Maules Creek the approved emplacement height has risen from 280metres to 420metres. Minor modifications, that don’t require any community consultation are approved by

the Planning Department and Whitehaven continue on as they please. The proponent presents all the details to satisfy the Planning Department whose job it is to approve Projects on behalf of the Government. “The Independence” of the expert advice has always been questionable as they rely on the mining industry for their very survival. Some Independent Experts on other projects have received, “At least eight grants from Industry” and there is funding from the “Australian Coal Industry Research Programme”, 100% owned and funded by the “Australian Black Coal Producers,” through a 5c per tonne levy. If everyone pays, that almost $20 million a year. How can we trust any Independence? The Minerals council also supports mining, the NSW Premier is convinced we can pay for Covid with a mining boom as is the Prime Minister and his advisors. The Mine should not be approved due to this pandemic.

If approved, the landholders adjacent to the project need protection and property rights. The mine needs constant inspections from a locally based Government Department, including noise, dust and water meter inspections without prior knowledge of their visit. The VLAMP Policy has to be rewritten to give a fair outcome for impacted landholders. If the mine is approved the only buyer for the farms is the proponent who can dictate the price. The afore mentioned report explains the hardship experienced by landholders who have had to negotiate with Whitehaven. Landholder Agreements with other company developments are done well before this stage of the approval process. Why is Whitehaven so different? Shenhua showed the way with property acquisitions. Relocating is my and my family’s last choice.

The valley now has three mines, four if you count Werris Creek and five if Shenhua becomes operational. The local available work force has been exhausted, 90 farms are now owned by the mine, reducing the permanent population of the area. Mines co-existing with agriculture is a contradiction. Farms undergo intergenerational development, mines only offer short term gain by extraction and leave a final void with an ever-increasing salty lake at approximately sea level. The mine will do nothing except extract water to wash coal and water roads, while polluting the air with dust, carbon dioxide methane and create noise and transect the flood plain with the “No plans,” rail spur. It is no coincidence that those who propose the mine and have recommended approval just happen to live a long way away from the proposal. The community has not been supported by a departmental presence. This has allowed the proponent to disregard planning compliance

and the Department of Planning has allowed this and seems to accept whatever Whitehaven tells them. I have no trust in Whitehaven, The Planning Department and Government so I am relying on you to object this dirty dirty proposal.

Now that the Public Hearings have concluded, it is certain that the Proposed Extension should never be approved. The irrevocable reasons being but not limited to:

1. Lack of sufficient Water Holdings.
2. Inability to comply with noise limits.
3. Risks associated with emplacement on the alluvium.
4. 14km rail spur over the flood plain.
5. Lack of community consultation, particularly affected landholders.
6. Underestimation on the zone of affectation.
7. Charges before the court question the proponent is a fit and proper person to hold a mining licence.
8. Loss of Social licence.
9. Leaving a final void.
10. Loss of re-charge water for the alluvium.
11. Loss of water from the alluvium to the final void.
12. Proximity to the River makes it inevitable that contaminated water will spill to the river.
13. Tier 3 emissions are responsible for global climate change.
14. Risk to Boggabri’s town water supply.