**Denise Keeler**

**Property 131a & 131b**

I am the owner of the property “Denison” with my husband Brian, which includes the above residences. The homes are located approximately 2300 metres from the proposed Coal Handling Preparation Plant and 600 metres from the proposed rail spur. We are the second closest landholders to the project. We purchased the property in late 1997. At the time, Rio Tinto had ceased mining operations at the original Vickery mine and were undertaking rehabilitation. As mining operations had ceased, “Denison” proved to be an excellent property to raise our young family. On purchase, the property and its two homes were run down. We spent a lot of time and money to improve the two houses and surrounding farmland including the planting of more than 350 local trees species to regenerate the land and waterways and prevent erosion of Gulligal Lagoon. Based on a recent valuation, this has increased the property value to almost 6 times the original purchase price.

On the 17th January 2019, we met with Whitehaven representatives at their request to discuss the impacts the Vickery extension project and rail spur would have on our property and homes. At this meeting, we were told that, if we were not happy with the proposed mine and rail spur, they would mitigate, and potentially purchase, our property But, before this could be formalised in writing, we needed to sign a confidentiality agreement. At this meeting, we felt that at last Whitehaven had a social conscience and were going to do the right thing for adversely impacted landholders. We went ahead and signed the confidentiality agreement.

That agreement precludes us from disclosing the negotiations but what we can say is that, since 21 October 2019, we have been waiting for a response from Whitehaven and it is extremely disappointing that, 9 months later, there is still nothing from them.

That means we still do not have either their response or a negotiated agreement in place. We have always acted in good faith and we believe our participation has been fair and reasonable. We have just been ignored by Whitehaven. This is insulting. It is now clear that these meetings and promises were just a tick box exercise by Whitehaven to show they are ‘negotiating with the neighbours.’ This is far from the truth. These meetings have not been productive as nothing has been achieved in 18 months other than the signing of a confidentiality agreement.

We know Whitehaven has purchased property or entered into negotiated agreements with landholders up to 8km away from the Maules Creek Mine. Our home is 2300 metres from the proposed mine project and 600 metres from the rail spur, yet they still have not reached any agreement with us. In addition, our home is a mere 800 metres from the Nonda homestead which has a voluntary acquisition order in place but we do not have a negotiated agreement. After years of dealing with Whitehaven, all that has been achieved is Whitehaven’s request for us to sign a confidentiality agreement. These failed attempts to negotiate a fair and reasonable agreement with Whitehaven is proving stressful for us and a forecast for an uncertain future.

In the Department of Planning Assessment, it is reported that Whitehaven has been seeking negotiated agreements and continuing in ongoing negotiations with 6 landholders close to the mine and rail spur. Our experience and the experience of surrounding landholders proves this to be false or at best questionable. In addition, the Vickery Extension Project Social Impact Assessment undertaken by Elliott Whiting states ‘It is recommended that Whitehaven continue to consult with the owners of properties within 5 km of the Project, including the Project rail spur, regarding their specific concerns and the findings of the EIS and how they relate specifically to their property. It is also recommended that Whitehaven develop property specific management plans with all interested property owners within this radius to address visual impacts, noise exceedances as assessed, unanticipated noise effects, and any other issues which may affect enjoyment of private property.’ We do not believe Whitehaven is meeting this recommendation with their dismissive attitude.

In summary to date;

* In the past 18 months of ‘negotiations’ all that has been achieved is the signing of a confidentiality agreement
* We have always acted in good faith and believe the one option we put forward is fair and reasonable
* We still do not have a negotiated agreement with Whitehaven despite numerous emails and phone calls from our solicitor chasing Whitehaven.
* In our opinion, Whitehaven is not sincere in negotiating with us as we are still waiting for them to respond to our option that was forwarded to them on the 21st October 2019.
* Whitehaven are continually dismissive in our requests to negotiate.
* This has caused major stress for our family and uncertainty for our future.

We did not seek out Whitehaven in the first instance. They originally approached us to start negotiations in January 2019, but since then we have been ignored and our rights and concerns have not been considered. Our experience in dealing with Whitehaven proves they are not sincere in entering into a negotiated agreement with us. Whitehaven has had many years to forge good relationships and negotiate fair agreements with impacted landholders but has failed to do so. I respectfully request that the IPC ensure our rights are protected when handing down their decision on the Vickery Extension and rail spur project.