Public Hearing
Wednesday 2 April 2014
Wyong Golf Club, 319 Pacific Hwy, Wyong

Speaker
Alexia Martinez

Addressing

NSW Planning Assessment Commission:
Dr Neil Shepherd AM
Mr Joe Woodward
Mr Garry West
And
Members of the Public

In regards to
Wallarah 2 Coal Project (SSD 4974)
INTRODUCTIONS

1. I am Alexia Martinez, resident and custodian of a 100-acre block in Jilliby.
2. 70% is bush, (status: conservation land) and is backing the Jilliby State Conservation Area. 30% of the block is fertile arable land.
3. Myrte Creek, tributary to Jilliby Jilliby Creek, is crossing the property for a length of 800m.
4. We are protecting the pristine condition of the creek and riverine vegetation.:
   a. excluding domestic animals off the creek and,
   b. actively managing the healthy growth of the native vegetation and its native fauna.
5. Our land is also home to a native Red Cedar Tree, which is well in its centenary.
   We’re committed to protect this specimen for the obvious reason that it can help repopulate the local area with such a valuable timber species that used to grow here. It also represents an iconic tree specimen in Australian Culture.
6. Our land is also home to the endangered Spotted Quoll which, although shy and therefore hard to see, gives plenty of evidence of its presence: scats, feeding patterns, night call.
7. I speak today to reiterate my objections to Wallarah 2 Coal Project.
8. My objection is based on the following points:
OBSESSION REASON #1

9. We (my husband, child and I) looked at the Central Coast as our preferred location to setup our family farm and homestead.

10. We chose the Central Coast for its rural setting, its closeness to Sydney and Newcastle, its good schools, and hospitals, its estuary, its river system, its beaches and before anything else, for its lush, green, moist pastures. It’s a place that has it all – a very envious position for many competing cities in NSW.

11. We investigated the area further, found an interesting property to settle and carried out due diligence.

12. We had been made aware the land was under mine subsidence status. But after finding some archived news and published articles on the topic we understood that:
   • the first coal project had been rejected based on unsustainability in 2011, and that,
   • Barry O’Farrell had promised, if elected, that no mining would occur on the Central Coast Catchment, “no ifs, not buts, a guaranteed”.

13. Mr. O’Farrell got elected and his promise gave us the go-ahead to carry on with making an offer (January 2013).

14. We moved in April 2014 and started planning for our farm installation (cattle farm).

15. We invested ALL OUR LIFE’S SAVINGS (mine, my husband’s)

16. We borrowed money from the bank.

17. We borrowed money from our family.

18. 24 April 2013 Wallarah 2 Coal project re-emerged: a media release from The Department of Planning and Infrastructure invited public comment for a new Environmental Impact Statement for the project.

19. There was no public news of Wallarah 2 being active again before that date. I and we all members of the public, were left in the dark until 24 April 2013 when we were left only two months to review the main report and its 28 annexes – over thousands of pages!

20. Since that day, we placed our cattle farm installation and further investments on hold – pending to hear the decision about the mine project and waiting to see how Mr. O’Farrell is a man of his word.
OBJECTION REASON #2

21. There is a pending ICAC investigation targeting key figures involved directly or indirectly in the Wallarah 2 Coal Project, including Mr O’Farrell.

22. Because of the presence of reasonable doubts, the project should be halted until the ICAC experts can reach any conclusion.
OBJECTION REASON #3

23. Many experts today have already spoken about the negative effect this mine will have on the Central Coast Water Catchment and I choose not to revisit this topic now.

24. Ditto regarding air pollution.

25. Ditto regarding biodiversity

26. Ditto regarding adaptive management

27. Ditto regarding the bad economics

28. What the experts said today, I agree with.
29. Wallarah 2's Response to Submission is far from reassuring – I will only target now a few points that I can relate to:

a. I really do question the reliability of data and that of the models used. Wallarah 2's answers are based on dubious statistics and not on actual data drawn from field studies of the area. Instead, data borrowed from other places or projects seem to have been injected into computer models that are anyway not adapted to this area. I trust the work and data of local experts who walked the land, took samples, registered changes, etc. The CMA is one of them. I do not trust the reliability of Hansen Bailey's data.

b. Quote Page 24, line 21-22 "However, the assessments indicate that the potential impact on approximately one house within the SIL may be such that the cost of repair may exceed the cost of replacement":
   i. Does the word "approximately" indicate that more houses could face the same situation?
   ii. "The cost of repair may exceed the cost of replacement": so they are indeed admitting that subsidence will have disastrous impacts.

c. Quote Page 24, line 24 "It is not possible to identify the particular dwellings in each repair category at this stage. The numbers of dwellings in each repair category (as shown in Table 1) were predicted using a statistical approach."
   i. Why can't they identify those properties?
   ii. Isn't Wallarah 2's so-called extensive study able to demonstrate which one will subside?
   iii. Are these data real?
   iv. Or is this because divulging such information will alarm the public about the serious impacts on each property perhaps too early in the process of the mine application?
   v. Leaving the public in the dark is a sure way to buy themselves, and the PAC by extension, time and help fasten the approval process. I condemn such practices. This is why we have ICAC, Ombudsman and the Court.
   vi. Is that also because they have carried out no physical survey of the area and their statistical model cannot actually compute a physical address?
   vii. Is that because at no point in the process they interacted with land/property owner to discuss potential damage?
viii. Why is my neighbour's property not showing while he's been living there for several years already? Clearly this is proof that no physical survey was carried out.

d. Quote Page 24, line 26 “using a statistical approach“:
   i. why hasn't any fact finding survey been carried out?
   ii. Based on what statistics? From which region of NSW, Australia or the world?
   iii. The future of people's home is bet on using "statistical approach" rather than real facts?

30. 245 houses at say four people on average is 980 people affected by subsidence, of whom 18% are in R2, R3, R4 and R5 category. Who is the unlucky one in R5 "beyond repair"?
   a. I live in a 2.3m subsidence area.
   b. Myrtle Creek is said to subside 2.5m.
   c. How tall is that? [RAISE FROM SEAT. THEN RAISE HAND. THIS IS THIS MUCH...AT LEAST]

31. Quote Page 26, line 1 "The extent of impact to 23% of farm structures is yet to be quantified but is likely to be low if they are of flexible construction”:
   a. Is "is yet to be quantified" an indication that the EIS is incomplete or that data is flawed?
   b. When are they quantifying this information? Will they ever do?
   c. "Flexible construction"? What does it mean? My shed isn’t made out of rubber. Nor my dam.
   d. Again, no clear explanations – lots of stats, very weak and general words.

32. Quote Page 26, line 10: "Landowners that have suffered damage to property can make a claim for compensation under the Mine Subsidence Compensation Act 1993 (MSC Act)."
   a. I do not want to "suffer" damage to my property.
   b. Why should I suffer the consequences of a mining company's plans-gone-wrong.
   c. We all know how long, stressful, and unsatisfactory the claim for compensation process is. I do not wish to be subjected to this. Nor my community.
   i. The Mine Subsidence Board only covers our house. Not our shed. Not our dam. Not our water tanks. Not our septic system. Not our fences. Any problem that arise from subsidence on everything but our house is AT OUR OWN EXPENSE. One of our cow falls into a crack and
break a hip – it’s at our own expense. The bridge becomes misaligned due to lateral subsidence – we’re stuck until someone comes and fix it AT OUR OWN EXPENSE. The transmission line over the hills threatens to tilt, what may happen?

ii. This process is inhumane, unfair and wrong.

33. Quote page 79, line 24 “There will be changes in the topography.../...where farm dams are located:

   a. A change in topography will affect spillways, banks stability and the integrity of its water holding capability.

   b. Repairs will be at our own expense (which I do not agree with)

   c. Buying water to supplement the lost water will be at our own expense. (ditto)
OBJECTION REASON #5

34. The EIS is targeted at experts – laypeople like me had to become expert in every topic in less than two months before the deadline for submissions. This is unrealistic, unfair and plain wrong.

35. There was NO TICKET NUMBER system in place upon sending my submission.
   a. What proof have I got that my submission was received?
   b. What proof is there that no duplicated submissions were received and therefore taken into account twice?

36. There was no written acknowledgment receipt of my submission either.

37. I eventually received a letter from the Planning Commission a few weeks ago advising me of this hearing and I elected to speak.

38. In the process of preparing for what I had to say, I accidentally stumbled on an official Response to Submission!
   a. I repeat: I accidentally stumbled on the Wallarah 2 Response to Submission!!!!!
   b. You have to be Sherlock Holmes to find it. Let me guide to it:

   ii. As you read through that page, you find the following vague phrase “View this proposal and associated documents in the Major Project Register” written in a faint blue colour with a hyperlink. (Can you see the line? Very faint isn’t it? See below, circled in red for added visibility.) See next page.
iii. Then you click on the hyperlink:


iv. Then you scroll down, and down, and finally, you find the Response to Submission

c. I am one of the 245 houses. My name is stated in the Response to Submission as well as my address.
d. So not only do Hansen Bailey & Wallarah 2 have my details, the PAC too has it. Neither did Hansen Bailey, Wallarah 2 or the PAC formally communicated the presence of this response to submission.
e. I know the document in 80 plus megabytes and 759 pages in size. So why wasn’t a letter with a hyperlink sent to each member of the public who submitted, or with information where to view response to submission such as at the Council Chambers or the Library (that was done for the EIS – they even had a CD Rom!)?
f. I find this flaw in the process fundamentally DISHONEST and borderline legal
39. Why are some of the submitters marked as “name withheld”? Has the PAC checked their true identity?
40. Last but not least, why is this hearing not minuted or recorded? How good is our say if there is no trace of it?
OBJECTION REASON #6

41. I am angry that we've come thus far and read in the press and on the Wallarah 2's website that the project has been 'approved'.

42. Why are we here then?

43. Is that meeting a mean for PAC to tick the盒Let's Invite Those Laypeople To Speak And Pretend We Will Hear?

44. Stress is the number one culprit for cancers onsets, depression, suicides. The Central Community doesn't need that. I don't need that. My family doesn't need that. My child should not bear the burden of Wallarah 2-stress on the family.

45. Wallarah 2 isn't going to manage all these issues that this mine project will have fathered. Tax-paying residents will. The public hospitals will. The coroners will.
CONCLUSION

46. After all what we've hear thus far from flawed data, bad economics, wrong modelling, social degradation, etc... it seriously cannot say anything else but "NO TO THIS MINE!" because:

a. A promise has been made and must be fulfilled.

b. This mine will bring extensive land degradation and property dilapidation.

c. It will deplete our water resources.

d. It will scar the Central Coast community and put it at risks..

e. The process, from EIS to Public Hearing, was flawed.