

Firstly I would like to introduce you to my family.

(SLIDE ONE)

(SLIDE TWO)

Our place is on the [REDACTED] and as you will see we are within 35km of the Underground, Maules Creek, Boggabri mine and the proposed Vickery mine. We have lived there for about 8 years and four years before that on the other side of Baan Baa and with my husband being third generation in the region.

My kids have done all their primary schooling in Boggabri and now go to Gunnedah for high school. We do all our shopping and business expenses between Boggabri and Narrabri, are part of community and sporting groups here and we love this community.

We produce enough beef for about 134,000 steaks each year and more than enough garlic for the garlic cream sauce to go on those steaks.

(SLIDE THREE)

We take being a global citizen pretty seriously. We believe we all have a responsibility to do what is within our powers to make the world a better place. To do this, we try to produce much of our own food, recycle as much as we can, use managed grazing to capture carbon in the soil and have our home on solar power as well as many other steps. Almost every decision we make we take into consideration the impacts it will have on our natural resource base on which our lives rely. We are aware that even in doing all this, we may well have a minimal overall impact on the global climate situation, but we still do it, because we can and we should. Everyone can do their bit, including those in the room today.

(SLIDE FOUR)

Thankyou for the opportunity to speak my views on the Vickery project. I feel disappointed that we all have to spend our time responding to such a substandard EIS that had glaring omissions around the rail overpass, the bore field and the water monitoring. We understand that we are not required today to address the points that we already made in our written submissions, however I feel like it needs to be noted that the EIS did not answer all our questions and did not seem to a blueprint for the project.

Firstly, I would like to draw your attention to one particular fact that I and others have raised in our EIS submissions, that was not captured in the Department's summary of the key issues and I am concerned will be lost in the process of assessing the Vickery application.

Despite the claims that this project is just an extension on an already approved mine, I get the distinct impression that this claim is only made when it suits the proponent. For example, the proponent name has changed since the original EIS.

If this new proponent, Vickery Coal wants to apply for this new project approval, should it not have to be the proponent for the original project as well? Or is it picking and choosing which parts of the project are an extension on the original?

In March 2018 a SEARS was issued with the proponent named as Whitehaven. We see a Commonwealth supplementary SEARS was issued at some time after that SEARS and included a request for the environmental record of the proponent. Then in July we see a revised SEARS issued

which includes the requirement for the environmental record and the proponent name is noted as Vickery Coal.

**6.1.2 Environmental Record of the Applicant**

In accordance with requirements in the SEARs pertaining to assessment under the EPBC Act (Attachment 2), a summary of the environmental record of the applicant is provided below.

Whitehaven's environmental procedures are implemented in accordance with the Whitehaven Coal Limited Health, Safety, Environment and Community Committee Charter.

The applicant for the Project is Vickery Coal Pty Ltd (a subsidiary of Whitehaven).

No proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources have been taken against Vickery Coal Pty Ltd.

Yet when the EIS came out section 6.1.2 (pictured) didn't include the environmental record of the proponent because the proponent name is now "Vickery Coal". While it states "a summary of the environmental record of the applicant is provided below" it doesn't actually provide it below. There is no environmental record in the EIS.

When we try to see when the new proponent first came to being, we see the first reference to this new proponent is in

the more recent SEARs issued on 19<sup>th</sup> July 2018. Just weeks after the ASIC report shows that a new entity "Vickery Coal" was established on 17<sup>th</sup> May 2018.



Australian Company

VICKERY COAL PTY LTD  
[Redacted]

Extracted from ASIC's database at AEST 13:32:56 on 23/10/2018

Company Summary
Name: VICKERY COAL PTY LTD [Redacted]
Registration Date: 17/05/2018
Next Review Date: 17/05/2019
Status: Registered
Type: Australian Proprietary Company, Limited By Shares
Locality of Registered Office: SYDNEY NSW 2000
Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

Why would Whitehaven not want to have to document its environmental record? Well possibly because there is such a long list of their non-compliances, breaches and fines for their current operations here in the Namoi Valley. Whilst I haven't had time to compile all their non-compliances I have found references to 11 different penalty notices and fines by the EPA. A scout around the 3-yearly Independent Environmental Audits for each of Whitehaven's mines shows more than 1,000 non-compliances. On average every time one of their mines undergoes an IEA they get 53 non-compliances, with an average of 9 of those administrative. This sounded pretty bad to me – especially given this is essentially self-reporting and so it is likely that there are others that don't make the list. I made a comparison with Hunter Valley Operations which is the largest coal mine in

the Hunter and their last IEA had 14 non-compliances. So I get the feeling an average of 53 is above what the industry would normally have and is well worth noting, especially when specifically requested to by the Commonwealth.

Surely this is a key issue of note?

(SLIDE FIVE)

There was a time when our community would have accepted the promises of gilded streets and joyful work for all, given by the proponent. But now, we are in the fortunate position of real knowledge. We were given these promises and others, five years ago before Maules Creek started up so history can speak for itself in this case and we can no longer believe these promises.

As one indicator, when the first Vickery EIS went to public in 2014 it only received 23 submissions. Granted it was done when people's attention was deeply distracted by the much larger and urgent development going on at Maules Creek. But now four years later and this EIS attracted hundreds of submissions. People are now aware of what it means to have these kinds of projects on their back fence.

Whilst the proponent likes to promote the fact that they have recorded an increase in the level of acceptance of mining in Boggabri over the last three years, I thought it pertinent to give these statistics that the company collect, some context. The proponent's context is (and I quote Mr Paul Flynn) "to convert ppl who perhaps weren't potentially aligned with what we do, or indifferent to it, to put them into the neutral basket" as he told the IPC recently.

However my context to this changing attitude to mining is part of a bigger story for Boggabri about changing the entire nature of the community. These insightful results do not show an increasing acceptance of mining, its shows clearly a community where prior residents are moved out and new residents who work in the mines or have family members in the mines move in.

Many of these people are my friends and I do not begrudge them for working in the industry and of course it is great that they do make a life in town, with their families and be positively contributing to the community, rather than be FIFO workers. But these people are now fully employed. Anyone who wants to work in the mines around here, now have a job.

So what do more jobs using the same rosters over the same lifespan of the mine, do for Boggabri? I would like to quote here Whitehaven's own economics expert who has reviewed their EIS, Dr Stephen Beare who points out the project will generate 316 FTE jobs. That these are "not every year but on average over the life of the project". Dr Beare also points out when he spoke to the IPC "that only 20 per cent of jobs created by the mines are new jobs. 80 per cent are displacements from other places in New South Wales".

Furthermore he outlines that these jobs are over the lifespan of the project, not created each year.

In a community already saturated for mining jobs, we wonder what the true benefit will be of 20% of new jobs of 316 jobs over a 25 year life span of the project. This is an average annual new job creation of 2.5 jobs each year.

This community is tired of broken promises and exaggerated benefits. We are tired of the erosion of our values and the hollowing out of our community. You know from your own drive around the project area, the vast area that is now owned by Whitehaven, more than 70 family farms bought out already and more will go with Vickery. These are kids out of our schools, team mates out of our sporting clubs, volunteers out of our groups and a changing community.

Vickery is the tipping point for Boggabri – it is one mine too many in the Namoi Valley with more negatives than pluses.

We seek a balanced community, not dominated by one industry who externalises the full and proper costs of their industry onto neighbours, onto our natural resources and onto our community to allow their financial viability to look good on paper.

We believe there are a few key areas that this project fails to fully account for its true costs:

1. Leaving two final voids – Quoting the EIS the final void “is predicted to have continued inflow of up to 182ML/year for another 300 years”. It will “act as a permanent groundwater sink”. It will continually evaporate which “will lead to progressive increase in salinity” And the project “will create permanent reversal in groundwater flow direction”.

The cost of continual groundwater leakage and contamination will be borne by the community. The company will be long gone at the end of mine life. Is this really worlds best practice?

Narrabri Council Extractive Industries Policy requires no voids remain as they know the cost of remediating these final voids will be left with the community. Their policy should be respected.

Despite these long term impacts the EIS recommends monitoring for only 2 years post mining. When the full impacts of groundwater inflow are occurring, will the proponent continue to hold the licences for this water take or will this also be borne by the community?

2. Air quality – Boggabri currently has the sixth worst air quality in NSW (new work recently released), once we add the cumulative impacts of Vickery as well, we can expect worsened air quality in Boggabri. Especially given that the air quality impacts to Boggabri were not even modelled in the EIS. Will we have to be like the Hunter and not let kids out to play when the air quality alarm goes off? Oh no we wont because we don't have any air quality monitoring in Boggabri and there are no plans to install any there.

The Hunter Valley is on track to record its worst air quality since monitoring began and is already causing population harm. With no monitoring of air quality in Boggabri, there can be no accountability for this change and the cost of poor health resultant from this will be borne by the community.

3. And thirdly,

(SLIDE SIX)

Further new information since I put in my submission that we believe is pertinent are the tax results for 2016/2017. We see that in that year Whitehaven (and its subsidiary, Vickery Coal) whilst making an income of nearly \$2.4 billion, only made a taxable income of a little over \$5,000 and so paid no tax. I am sure you (the IPC) were told about the wonderful economic returns that this project will deliver, but did they mention tax paid? I think it is the case that the economic justification calculations used in the EIS include taxes on profits.

I believe this is yet another example of externalising costs onto the community and not fully accounting for the true costs of doing business, therefore falsifying the economic justification for the project.

(SLIDE SEVEN)

Finally I believe the proponent has not thoroughly accounted for the true cost of the carbon emissions from this project.

The planet is off kilter due to atmospheric carbon levels and responding with increased veracity and regularity of natural disasters and a range of other consequences. There is no doubt, despite the spin, that this mine will further contribute to this problem.

This continued drought and spikes in temperatures that we are experiencing now should be reminder enough of our need to keep our warming below 1.5 degrees.

As per the EIS the Scope Three Greenhouse Gas Emissions from this project are predicted to be an average of M15 tonnes per year. In NSW, the State Environmental Planning Policy for Mining requires downstream burning emissions from coal mines (or "Scope 3 emissions") to be considered in the decision-making process as well as on-site emissions (Scope 1) and emissions created by energy use (Scope 2).

The proponent's own value is \$24 per tonne of GHGE which is a total cost of M\$360 per year. This cost is not being borne by the proponent, the amount included by the proponent is only included as M\$0.28 as is currently the reporting requirement. This leaves the community to borne the full and true cost of emissions by this project.

And the IPC needs to consider any new coal mine in the context of pathways to meeting our Paris Agreement commitments.

The world experts the International Energy Agency has predicted that for us to meet the Paris Climate Agreement goal (below 2 degrees warming) global thermal coal use must decline by more than 50% over the next two decades.

You have all seen the [International Panel on Climate Change](#) stating categorically that the burning of fossil fuels must be urgently reduced if we are to reduce the worst of the impacts of climate change.

The Vickery EIS is based on economic predictions that claim an increasing demand for Gunnedah Basin coal. These predictions put us on a path to an increase of more than 2 degrees, beyond our ability to meet our Paris commitments and beyond our ability to minimise the impacts of climate change.

It is my children and my childrens' children who will be left with the burden of these impacts.

At the very least the proponent of these projects must be responsible for the full and true costs of undertaking this project and it should not be left to those left in the community when the company has left.

I urge everyone here today to take hold of the opportunity that they have to change this outcome. To have the strength to stand up to the pressures and to start to change what our childrens future will look like. This decision today is a part of that change, it is one step towards improving the future for all our kids.

But I wont beg you today because the transition is coming anyway, you just have a choice today to make that more orderly or not.

## SUPPLEMENTARY INFORMATION

In light of the court finding 8/2/19 in Gloucester Resources Limited v Minister for Planning [2019] NSWLEC 7, we seek to draw your attention to Judge Preston's ruling "the Project's cumulative GHG emissions will contribute to the global total of GHG concentrations in the atmosphere. The global total of GHG concentrations will affect the climate system and cause climate change impact. The Project's cumulative GHG emissions are therefore likely to contribute to the future changes to the climate system and the impacts of climate change."

It is worth noting that the GHG emissions for Rocky Hill were estimated at 37,800,000 tonnes in total whilst Vickery's are 390,336,174 tonnes. Ten times the emissions would be emitted from Vickery therefore the impact from this mine will be ten times greater in terms of GHG emissions.

With the benefit of a truly independent court system the judge was also able to consider and cross examine witnesses in regards to all aspects of the EIS – sadly we are not afforded the same opportunities when it comes to Vickery as our Merits Appeal Rights are extinguished due to the holding of this hearing.

The process we are taking part in cannot make judgements such as those at Gloucester, even though the situation is the same. During the Hearing there was no cross checking of statements people made at the event or what their pecuniary interests were in the project. Furthermore, most people who spoke in favour of the project gave credit to Whitehaven who is actually not the proponent. This should make their statements null and void.

Judge Preston "As a consequence, I assess the positive social impacts on local employment and the local economy to be "unlikely" to occur and the scale of improvement or benefit to local employment or the local economy to be only "moderate". The significance of the positive social impact on local employment and the local economy would accordingly be "moderate" (see pp 42 and 43 of Appendix C of the Guideline).

This moderate positive social impact of the mine on local employment and the local economy may, however, be countered by negative social impacts of the mine on local employment and the local economy."

Much of the predictions of social impacts of Vickery are lacking in science and cannot be cross examined in the same way as has occurred at Gloucester. In particular I am of the view that the direct impacts to the small communities of Maules Creek and Boggabri have been skipped over for the happy stories of families relocating to Gunnedah. We are losing families in these two townships and these are the two that suffer the negative impacts of the mine, however the EIS did not address how these townships will be "managed or mitigated". This lack of equity is hard to bear for local people who make their lives here, not just weeks on, weeks off.

My observations, being heightened from having sat through much of the Vickery Hearings, are about a community divided and of people solely operating on self-interest. Townships and even hamlets are an obvious delineation of a "community". In rural areas townships and hamlets are not just places where people live but they are places where people also congregate (for business, social, recreational, health, education etc purposes), and live elsewhere (such as nearby on farms and properties). The origins of rural townships and hamlets in NSW were such that they were a manageable horse-ride's distance away and this saw very small hamlets established such as Willala, Maules Creek, Caloola, Baan Baa, Harparary and many others around the proposed project area. Over the years the threads that gathered people together wore away as cars and roads made

greater distance travel easier. Now our next tier of townships are threatened. The mining activity at Maules Creek, Boggabri Coal, Tarrawonga and the Underground mine have seen many properties sold (certainly in excess of 70) and this has undoubtedly created an erosion of the community that has not been addressed and does not appear to be addressed in Vickery EIS. These impacts are not being managed or mitigated now and it seems there are no plans to when adding Vickery.

The building of an 850 man (primary) camp in Boggabri has already changed the landscape of the town, combined with the buying out of family farms and the introduction of mining families and temporary workers. For a town with a population of under 1,000 an 85% alteration in social make up is considerable. For the ongoing estimation of 450 (mainly) male employees, again Boggabri looks to suffer another 50% shock to the social make of the town. Given Whitehaven Coal and other companies have not fulfilled the conditions of their consent to build family homes for staff to live in or to locate their office in Boggabri (despite these being conditions of consent – i.e. the mines should not be operating without fulfilling the conditions approving them to operate), there is not enough housing stock for them to live there. The bulk of these workers will be DIDO.

I don't have the proper expert wording for this but we all know, Boggabri will suffer the worst of the negative impacts of this mine, will get the least of the positive benefits

As I sat and listened to the speakers in favour of this project, it was clear that where direct gain could be assumed, they were supportive of the project. This narrow approach failed to recognise the distributive equity of these projects as outlined by Judge Preston:

“A further social impact, revealed in the other types of social impact discussed earlier, is the distributive injustice or inequity that would result from approval of the Rocky Hill Coal Project. Distributive justice concerns the just distribution of environmental benefits and environmental burdens of economic activity. Distributive justice is promoted by giving substantive rights to members of the community of justice to share in environmental benefits (such as clean air, water and land, a quiet acoustic environment, scenic landscapes and a healthy ecology) and to prevent, mitigate, remediate or be compensated for environmental burdens (such as air, water, land and noise pollution and loss of amenity, scenic landscapes, biological diversity or ecological integrity). Issues of distributive justice not only apply within generations (intra-generational equity) but also extend across generations (inter-generational equity).

The principle of intra-generational equity provides that people within the present generation have equal rights to benefit from the exploitation of natural resources as well as from the enjoyment of a clean and healthy environment: *Telstra v Hornsby Shire Council* at [117]. The principle of inter-generational equity provides that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for future generations (see s 6(2)(b) of the *Protection of the Environment Administration Act 1991*: *Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited* (2013) 194 LGERA 347; [2013] NSWLEC 48 at [486], [492].”

Likewise, terms of Vickery, I believe the benefits of the Project are distributed to the current generation but the burdens are distributed to the current as well as future generations (inter-generational inequity).