

Errol Darley

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23 September 2019

Mr Mike Young and IPC Commissioners,

Vickery Coal Mine Proposal

I spoke with Mr Young at Boggabri after a preliminary public meeting regarding the Vickery Mine Extension Proposal. Mike, you expressed a desire to talk to landholders affected by the project, and assured me any issues would be considered.

We are landholders who are already impacted by this proposal and if it is approved we have no doubt whatsoever we will be significantly impacted for the rest of our lives, in this we include our children, who have returned home from studying Agriculture at University with a vision to take on our family farm enterprise.

We understand that there are a number of further steps in this multi stage assessment process and there will be further opportunities for the community to participate. We will continue to engage in this process in good faith. As Whitehaven has now submitted their response to submissions, now seems like an appropriate time to outline a number of further issues with this project that need attention.

As a preliminary matter, we feel compelled to explain to you, that the longer we have been living with the prospect of this proposed mine and the more we have looked at the details presented so far, the more we are concerned about it and the more hellish it becomes, not just for us as affected landholders, but for the community and the environment upon which we all rely. As a rural community, everyone can see that we are experiencing extreme conditions under which we are trying to adapt and operate, so we can continue to look after our land, continue our production to contribute to our economy at all levels, as well as support our families. Given what we are faced with, including the prospect of less rainfall, increasing temperatures and longer and more frequent droughts, the prospect of a mine of this scale in our region, which is already saturated by coal mining, seems so unreasonable, it is hard to believe that this proposal is still on the table.

We outline a number of particular issues with the proposal:

- I. During the planning of the existing rail crossing over the Namoi River the coal industry was told there would only ever be one crossing.
Why is another crossing being considered?
- II. Whitehaven doesn't have enough water available for the mine. Boggabri Coal have stated they need 3285ML to mine 8 million tonnes, Whitehaven has 2747 ML for 9.9 million tonne mine plus they have to wash the Tarrawonga coal, 3.5- 4.5 million tonnes. Their water allocation includes 1701.5 ML of General and Supplementary

River allocation, none of which is currently available. Their existing mines are currently desperately short of water, so how can another mine even be considered?

- III. Whitehaven claims that our residence, which will be 450m from the Rail Spur, will experience predicted noise levels of 35LAeq, 9Hr. Whitehaven have measured levels of 86.6 dBA, 400m from the existing rail overpass North of Boggabri. The 35LAeq (Hr level is a measure of equivalent continuous sound level in dBA, or an average. We will be exposed to high noise levels every time a train passes, exceeding the 52 LAF, max sleep disturbance levels the proponent has documented. The data provided included year 3 and estimates, shortly after construction has finished. The maximum predicted noise level figures do not show the noise levels along the rail spur. Our properties will be significantly adversely affected by the operation of this rail spur. We are reliably informed that we will be significantly impacted by the rail spur as well as the mine construction and operation. Whitehaven to date has sought to underplay the impacts their proposal would have on us. We are gravely concerned that if the Department and the IPC rely on Whitehaven's assertions alone we will be overlooked and will suffer serious adverse impacts and be placed in a position that is grossly unfair in the event this project is approved.
- IV. Whitehaven have stated they intend to build their rail spur on piers/pylons west of the Namoi River. This will require approximately 400 piers/pylons to be positioned into the ground. While it is not clear whether this construction will impact upon the ground water which we rely on, because not enough detail is provided, it certainly appears likely that it will.
- V. Will the construction of the rail spur stop water flowing through the Collygra Creek culvert under the Werris Creek to Mungindi rail line? No plans on this construction are available and if restrained, more flooding will occur west of the existing rail line as a result. Any restriction will increase the chances of washing away part of the railway line which has happened previously in this vicinity.
- VI. The proposal to move the CHPP and construction of a rail spur affects many more people and property than the existing Vickery Mine approval. While this proposal may be appealing to Whitehaven's costs and profits, the real costs of the impacts upon those affected is being ignored by Whitehaven. The Department and the IPC must not allow these costs to be ignored. It would be negligent to do so and would lead to significant inequity on those landholders who make up our community.
- VII. We provided a video of the flooding along the Namoi River and Collygra Creek. This shows how the runoff from the Western Embankment will impact on the quality of water in the Namoi River, with limited dilution capacity. The flooding in Collygra Creek shows the extent tributaries have on the Namoi River flooding. This actual local knowledge of the hydrology of the locality seems to be absent in the modelling or the assessment documentation and is of great concern.
- VIII. Whitehaven's response to submissions seems to ignore significant issues we raised. These include the following;

- A. The contribution to river flows due to flooding in Rangari Creek
 - B. Bore field extraction will be 200% of aquafer access license if river extractions is impossible, not 396 MI as Whitehaven claimed
 - C. The emission of methane from the exposed coal seam is ignored
 - D. Total Co2 emission is assumingly based on some Co2 capture after the coal is burnt. Table 20 “summary of key potential project gas emission” is an example of Whitehaven produced data, produced by a Whitehaven paid ‘consultant’ to aid in getting the project approved.
 - E. The loss in agricultural gross margins has been greatly under estimated. The mine is controlling more and more ground water, paying at public auction \$930/MI for temporary ground water and \$5450/MI for permanent ground water. The mine captures run off which would otherwise contribute to river flow and the utilisation of porous rock water reduces stream recharge. Farmers cannot compete with these water prices.
 - F. Whitehaven have given conflicting statements about the level of workforce automation. During the “Whitehaven coal investor day” on the 12th September 2019 Whitehaven stated “they will be using the automatous haulage system at the Vickery Mine after year 3”. Yet in their response to submissions they state ‘they will not use autonomous vehicles’. Reports have arisen from the Maules creek Mine[only yesterday, the 23rd of September] that autonomous trucks will be used right from the start of mining.
 - G. Whitehaven’s response talks of numerous monitoring measures particularly in relation to water. If approved would this data be publicly available, so compliance of the operator can be monitored.
- IX. Since the release of the EIS some 13 months ago consultation with Whitehaven has been incredibly limited and far from fair. We know a number of affected families that claim their experiences are not pleasant. In our case consultation has consisted only of;
1. Here is the map. We subsequently worked out for ourselves that in fact the rail line is proposed to traverse directly down our boundary
 2. We have been told all is ok because “You will not be affected”. When clearly, we will be.
 3. Then we have been told if we want to proceed with a discussion with Whitehaven we would have to sign a confidentiality agreement. We can only describe this as coercion.

This is all the direct consultation we, like a number of other affected families, have had with Whitehaven to date.

- X. Whitehaven’s performance at a number of levels is a concern for many of us in the community. The existing Whitehaven mines have a self-reporting incident procedure in place. However, in practice the incident is downgraded so it doesn’t have to be reported. For example, last week a dozer reversed over a four-wheel drive, a gas cloud was downgraded and beforehand a New Holland tractor was destroyed in a blast as no one moved it.

- XI. Whitehaven and Boggabri Coal have purchased properties 9 kms from the existing Maules Creek Mine and Boggabri Coal mine respectively. This clearly shows that the zone of affectation can be 9 kms. Discussion with residents near Ulan [near Mudgee] also state that residences up to 9 kms are impacted. Whitehaven seems to be seriously underplaying the actual likely affectation zone and those who are likely to be affected by the impacts of the proposed mine.
- XII. It is common knowledge in our community that Whitehaven's acquisitions of property of affected landholders around their Maules Creek Mine in many cases only occurred after years of those landholders suffering the significant impacts of the mine and in some cases only with significant pressure on Whitehaven. This situation was enabled by the then Planning Assessment Commission, by approving the Maules Creek Mine before requiring Whitehaven to have satisfactory landholder agreements in place before hand. Sadly, this was a gross neglect of those landholders by the State. Once a project is approved the impetus for a proponent to engage in such negotiation and discussions with landholders is removed. It then becomes up to the landholder to live their nightmare publicly, as well as privately, with the regulatory authorities, and whoever will listen, in their quest for some sort of restitution. As affected landholders, we wish to be assured by the IPC that this will not happen to us here in the face of Vickery.
- XIII. Our family simply does not feel it has the option to leave, but we are going to be significantly impacted if this proposal is approved. We firmly believe that on its merits, the long term negative impacts of this proposal outweigh the shorter term economic benefits. In fact, the projected economic benefits of the proposal seem likely to be diminishing by the day as NSW transitions away from its carbon economy and the demand for coal reduces exponentially. However, if this project is to be approved, or recommended to be approved we implore the Department and the IPC to ensure that Whitehaven has an agreement in place with us before any such time. To do otherwise means that we will be left to carry a number of costs and burdens of this project. It is a legal requirement that the IPC consider the economic and social impacts of the proposal, and the impacts imposed on us are costs of this nature. The Department and the IPC can only be satisfied that those costs have been properly accounted for if Whitehaven has an agreement in place with us reflecting those costs.

Thank you for your attention to this letter. If you have any doubts about why this project should be rejected, then please visit those who will be affected and who understand the local environment, we would be willing show you why this is such a terrible plan. If you seek any further explanation on the issues raised please don't hesitate to contact me.

Errol, Jennifer, Andrew & Stephanie Darley

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