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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-1216094

**INDEPENDENT PLANNING COMMISSION**

**PUBLIC HEARING**

**RE: VICKERY EXTENSION PROJECT**

**PANEL:**                      **MR JOHN HANN (Chair)**  
**PROF CHRIS FELL AM**  
**PROF ZADA LIPMAN**

**ASSISTING PANEL:**      **BRAD JAMES**

**LOCATION:**                      **SYDNEY (Telephone/Video Conference)**

**DATE:**                              **10.01 AM, THURSDAY, 2 JULY 2020**

MR J. HANN: Good morning and welcome to the public hearing for the Vickery Extension Project. My name is John Hann. And I'm the Chair of this IPC panel. Joining me are my fellow commissioners, Professor Zada Lipman and Professor Chris Fell. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet and pay my respects to all elders, past and present, and to the elders from other communities who may be participating today.

Vickery Coal Pty Ltd, a subsidiary of Whitehaven Coal Pty Ltd, the applicant, is seeking development consent to extend the Vickery approved project and develop a new CHPP ..... and training aid out facility at the Vickery Coal mine. The project also proposes to develop a rail spur across the Namoi River floodplain and includes a water supply bore ..... and associated infrastructure. The project is located within both Narrabri and Gunnedah local government areas.

Before I continue, I could – I should state all ..... commissioners must make a declaration identifying potential conflicts with their appointed role. For the record, we are unaware of any conflicts in relation to our determination of this proposal. You can find additional information on the way we manage potential conflicts on the Commission's website.

In line with current COVID 19 regulations, we have moved this public hearing online with registered speakers provided the opportunity to present to the panel via telephone, video conference or the studio we've set up in Narrabri itself. In the interests of openness and transparency, we allow streaming this electronic public hearing via our website.

As always, this public hearing is being recorded and a full transcript will be available on our website. So what is the purpose of this hearing? This public hearing gives us the opportunity to hear your views on the assessment report by the Department of Planning, Industry and Environment before we determine the application.

But first, what is the Commission and what role do we play in this determination? The Independent Planning Commission was established by the New South Wales government on the 1st of March 2018 as an independent statutory body, operating separately to the department and other agencies. The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning in New South Wales. The Commission is an independent consent authority for State significant development applications where there are more than 50 public objections, reportable political donations or objections by the relevant local council or councils.

The Commission is not involved in the department's assessment of this project, the preparation of its assessment report or any findings contained within it. So where are we in the process today? This public hearing is one part of the Commission's process. We've been briefed by the department, we've met with the applicant, we've

also met with Narrabri and Gunnedah councils and the Commission has also undertaken a site inspection. After the public hearing, we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Transcripts of meetings will be published on the Commission's website.

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So what are the next steps? Well, following this hearing, we will endeavour to determine the development application as soon as possible. However, there may be delays if we need additional information. How will the hearing run? Before we hear our first registered speaker, I would like to outline how today's hearing will run. I will introduce each speaker and when it is their turn to present to the panel, each speaker has been advised how long they have to speak. Now, it is important that everyone registered to speak receives a fair share of time. I will enforce time keeping rules and as the Chair, I reserve the right to allow additional time for provision of further technical materials. You will hear a warning bell at one minute before your allocated time is up and two bells when your allocated time is up. I also ask that speakers today refrain from making any offensive, threatening or defamatory statements as per the guidelines that you will find on our website.

It is important that all speakers understand that the hearing today is not a debate and the panel will not be taking questions. If there is something that you would like the panel to consider but you don't get the opportunity to completely address, that matter, today or tomorrow, the panel will consider any written submission made up to 5 pm on Friday the 10th of July 2020. All written submissions are weighted in the same way as verbal submissions made during the public hearing. Any person can make a written submission irrespective of whether they have been allocated time to speak at the public hearing.

If you have a copy of speaking notes or any additional material to support your presentation, it would be appreciated if you would provide a copy to the Commission and please note, however, that any information you give us may be made public. Thank you. And now I would like to call the first speaker, Mike Young, to present the Department of Planning, Industry and Environment's assessment.

MR M. YOUNG: Thank you, John. It's Mike Young here. Can you hear me properly?

MR HANN: Indeed.

MR YOUNG: Fantastic. Thanks for the introduction. As John has indicated – as the Commission has indicated, my name's Mike Young. I work for the department of planning, environment – industry and the environment. I'm the executive director of energy resources and compliance and I just wanted to thank the Commission for the opportunity to present the department's whole of government assessment today for the Vickery Extension Project. I am sharing slides so I'm hoping that they are also visible to everybody and to the Commission. So just moving to the next slide

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MR HANN: Thank you.

MR YOUNG: There we go. Okay. The Commission has already broadly outlined where we're up to in the process. I won't spend too long on this slide here. But just  
5 to clarify the role of the Department of Planning, Industry and Environment, our role is to undertake a whole of government assessment to State significant projects such as large mining projects like the Vickery Extension Project, and that assessment is done on behalf of the various agencies that provide advice and feedback into that assessment and it's undertaken in accordance with the requirements of the  
10 Environmental Planning and Assessment Act. As the Chair has outlined, the Independent Planning Commission is a concerned authority for this project, firstly because there's been more than 50 objections and, secondly, Narrabri council has now formally objected to the proposal.

15 You may be aware that we spoke about our preliminary assessment report, preliminary issues identification report, in February of 2019 and so this is the second public hearing through the assessment process and clearly the role of the IPC now is to determine the application.

20 The point, I guess, I was quite keen to make on this slide was how, over a number of years, the department has been involved in the assessment of this application and indeed even before that in regard to the previous approved Vickery Coal Project. In this case the ..... or the environment assessment requirements for the preparation of the EIS were issued over four years ago so there has been a comprehensive and  
25 robust assessment process firstly by the applicant in preparing its EIS, and then by the department and other government agencies over the last four years.

As you can see by that flow chart, we are now at the very pointy end of the process where we've had exhibition, we've had responses from the company, we've had an  
30 initial preliminary public hearing and we've undertaken a full assessment over the last several months since that response from the company, and now we're in the last stage of having these public hearings and then a final determination of the project.

35 However, it's also important to understand that the planning approval or planning consent under the Environmental Planning and Assessment Act, is not the only licence or approval that is required for the project to be able to proceed. It's important to note that the project now has been declared a controlled action under the Commonwealth environment or EPBC Act, and the department is undertaking a  
40 bilateral assessment under the bilateral agreement between the Commonwealth and New South Wales which means that we, as a department, with the assistance of the Biodiversity Conservation Division, undertake a full assessment of the matters of national environmental significance that are listed under the Commonwealth EPBC Act.

45 But that does also mean that whatever decision is made at the State level, that would then be followed by final consideration by the Commonwealth and in order for the

project to proceed, there would also need to be an approval from the Minister for the Environment.

In addition to that at the State level, there are a number of other approvals and licences that would be required.

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As for every mine there would need to be a mining lease under the mining legislation, the Mining Act, from the Minister for Resources. There would also need to be an EPA licence under the protection of the operations – protection of the Environment Operations Act, water licences under the Water Management Act and various road permits for some of the road works under the Roads Act from Transport for NSW and council. So the important thing there to say is that whilst many things are integrated into the planning assessment process, there are additional licences and permits that are required in addition to that before the mine can proceed.

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Just in terms of strategic context, I think it is important for this project to note two key points. One is that mining and the idea of mining and exploration and, indeed, operational mining, both open cut and underground, is nothing new to this site and the adjacent areas. Clearly there are a number of operating mines now but even in the Vickery area, there has been the Vickery Coal Mine and the Canyon Coal Mine operating on parts of the site and mining only ceased in 2009 in those areas. And really ever since then, when Whitehaven has purchased the project, they've been seeking, firstly, approval for the Vickery Coal Project which was approved by a comprehensive assessment process around six years ago in 2014, and now obviously over the last five or six years, seeking an extension to that approved project.

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The Vickery Coal Project was a similar project and I'll talk about that a little bit more in a minute in terms of the differences between that and what Whitehaven is now seeking. It was a 30-year proposal extracting – seeking to extract 4.5 million tons of coal – from coal a year and the planning approval was issued in 2014 and the company has physically commenced the project in June last year.

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Now, whilst mining has not yet commenced, the physical commencement of the project in accordance with the regulations means that there is a valid approval on foot for the Vickery Coal Project and consequently, the impacts associated with that mine, that approved project, do not need to be reassessed although obviously the cumulative impacts and the contribution to those impacts when combined with the current proposal need to be considered and the department has done so in its assessment.

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In terms of the Vickery Extension Project and, I guess, comparing it to what's already approved on the site, the coal resource that was approved in 2014 was around 135 million tons. That's now been increased to 168 million tons. The mining rate has significantly increased so, really, mining more coal and mining it more quickly has been increased from 4.5 to 10 million tons per annum so that's a significant increase. Part of the trade off, although there is more coal and it's been mined more quickly, means that the mine life now would be reduced by around five years from 30 to 25 years.

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In terms of the additional infrastructure compared to what has already been approved, I guess there's three new elements to the proposed mining operations being the rail spur to join the site to the main rail line to export coal to the Port of Newcastle, and Whitehaven has confirmed the construction methodology for that  
5 would be on piers, particularly to address potential flooding issues. There would also be a coal processing plant on-site and a bore field which would augment the other surface and ground water supplies to provide water for the operations of the mine.

10 So in terms of what is the difference in the disturbance footprint of what's approved versus what's proposed, the increase in disturbance footprint, which includes additional open cut mining and additional infrastructure and additional overburden emplacement areas is approximately a 20 per cent increase in aerial extent. There's a new or larger western emplacement area which is proposed to be the same height as the existing western emplacement area, and – but – so it will be a larger area but the  
15 same height. The eastern emplacement area, which was proposed as part of the approved project, has now been removed from the proposed mine plan.

It will be the final void in regard to the final land form that would now be reduced from two final voids approved under the Vickery Coal Project to one. In terms of  
20 jobs, the increase in the amount of jobs would go from 250 to 450 during operations which reflects the greater intensity of mining operations proposed under the extension project and there'd be also increase in the capital investment from 461 million to around 607 million. So I haven't gone through every component, every detail of the extension project because, obviously, that's all contained in our report  
25 but I thought it would be important to focus on some of the differences between what's approved and what's proposed now.

This map is illustrative of that and I'd just like to go through that a little bit. Hopefully you people can see that map reasonably clearly. What that shows there,  
30 essentially, is the yellow areas are the new areas proposed by Whitehaven. I'm not sure if people can see my cursor. Can the Commission see the cursor or not?

MR HANN: No, Mike.

35 MR YOUNG: No. Okay. That's fine. I'll just use – try to describe it. So to the south, the yellow area is to the south, clearly there's the new rail line there to the south-east of the project. Adjacent to that rail loop is the new infrastructure – project infrastructure area and then there's to the – adjacent to that is an additional area of open cut and waste rock emplacement. So that yellow area to the south is a  
40 combination of surface infrastructure and additional mining.

To the north in those yellow areas, there has been some changes since the preliminary hearings of the IPC in that ML1718 there have been some changes to the extent of the proposed open cut and so that yellow area is now somewhat smaller  
45 than it was originally proposed. And then to the north-west in ML1471, ML1718, that is primarily the extension to the proposed western emplacement area and then to the north, that string of black dots is the new ground water bore field and associated

pipe line. So I can that's illustrative of the – the roughly the 20 per cent increase in the total disturbance footprint compared to what's already approved.

5 I just wanted to emphasise that the department has undertaken extensive community engagement over the last couple of years. Obviously that's both a combination of formal Bis exhibition but also other informal sessions, community information sessions, various meetings with landowners and special interest groups in the area and in Sydney. There's been a community consultative committee operating with representatives of the community and key interest groups for a number of years now.

10 During the formal public exhibition, the department received 560 public submissions. Now, the majority of those did support the project but obviously there was a large minority that objected to the project, approximately 36 per cent of those 560 submissions objected to the project.

15 We also received advice from various government agencies, submissions from Gunnedah and Narrabri councils. Importantly, none of the agencies, the government agencies have objected or raised any significant residual issues with the project and the department has been careful to consult with those agencies in finalising the recommended conditions that have been submitted to the IPC for consideration.

20 In regard to the councils, 70 per cent of the land area is within the Gunnedah council LGA and that council hasn't objected to the project. Narrabri council has now formally objected more recently in the process and I believe they may well be presenting as part of this public hearing process and so I'll let them talk about the residual concerns that they have in regard to the project. So the main message there is extensive community consultation throughout over the last two years or more.

25 Some of the key issues identified in that consultation, both formally and informally, I don't propose to talk about this too much on this slide. I'll go through some of the key issues in the next slides. But clearly things like water resources, impacts on the amenity in terms of dust and noise, concerns about high diversity impacts, particularly koalas in recent times, given the bushfires and other concerns about impacts on koala populations and Gunnedah being a key area where koalas – where there's large areas of koala habitat.

30 The final land form in terms of concerns about the final void in the landscape and the loss of agricultural land, clearly social and economic issues in regards to both positive and negative in terms of additional jobs and community benefits but also concerns about whether those benefits have been exaggerated and/or whether all those benefits would flow to the local community as opposed to the broader regional community and to the State.

35 Other important issues include heritage in terms of Aboriginal heritage and also historic heritage, particularly with the Kurrumbede Homestead which is associated with the poet Dorothea Mackellar, greenhouse gas emissions are clearly essential issue in submissions particularly in regard to the extraction of coal and scope 1, 2

and 3 emissions and climate change and international agreements and traffic and transport, as well.

5 I'm proposing to then go through a summary of the key findings of the assessment on  
some of these key issues but before we do, I guess I wanted to indicate that this  
assessment process not only has taken a long time in terms of the number of years  
but it's also been a very serious process involving expert advice from a range of  
government agencies, both Commonwealth and State and there's a list of those  
10 agencies and the sorts of issues that the department has sought advice on, so that  
includes the independent expert scientific committee, the Commonwealth level, the  
various divisions within the Department of Planning, Industry and Environment  
including the Biodiversity Conservation Division, the Water Division and the Natural  
Resources Access Regulator, EPA, clearly, in terms of pollution issues, dust and  
noise, water, waste and contamination.

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Regional New South Wales, on the resources side, matters of rehabilitation, final  
land form, the utilisation of the resource and royalties, but also in regard to some of  
the environmental issues on aquatic pathology from NSW Fisheries, NSW  
Agriculture in terms of impacts on agriculture resources and enterprises and other  
20 assets that agriculture needs to co-exist with mining. A DPC, the premiers in  
cabinet, New South Wales heritages now resides with premiers in cabinet and so we  
received advice from New South Wales heritage, Transport for NSW, which includes  
the old RMS in regard to traffic and rail, health and NSW Health in regard to  
potential health impacts and, in this part of New South Wales, it is within an area that  
25 – where potential ..... pollution needs to be considered in regards to potential impacts  
on the Siding Spring Observatory there in the Warrumbungles.

So in addition to the government expert advice, which is common for the department  
to undertake for major resource projects, we also sought additional independent  
30 expert advice from a number of experts on – particularly on water in terms of ground  
water, surface water and flooding, but also to test some of the assumptions in regard  
to the economic side of the analysis of the project in terms of benefits locally and  
regionally and to New South Wales including sensitivity analysis around coal prices  
and other aspects of a state of benefits of the project. Importantly, in the interests of  
35 transparency and openness, all of the advice from the government and independent  
experts has been attached to our detailed assessment report and is available on our  
website so people can see what those experts have said, both government and  
independent.

40 Going on to some of the key issues. Firstly, a water resource is being a key concern  
to the community. The – clearly we've undertaken a detailed assessment with those  
agencies and with the benefit of the advice of the experts. As a result of their initial  
advice, which we presented in our preliminary issues report at the previous public  
hearings, there has been further modelling and sensitivity analysis on ground water  
45 and flooding and other matters undertaken at the request of those experts by  
Whitehaven and its consultants and that information is being provided and is publicly  
available as well.

The findings of that are as follows. In regard to the alluvium associated, the ground water alluvium associated with the Namoi River, the findings show that there will be negligible impact on those alluvial aquifers, principally because the mining extraction is located beyond the boundaries of those alluvial aquifers and is located in that deeper strata that's not directly connected to those aquifers.

In terms of the inflows to the open cut pit, the modelling indicates it would actually be less than the approved project, averaging around .9 megalitres a day compared to 1.2 in the approved project. So there's some reduction there. In terms of drawdown in the alluvium, as a result of that inflow and depressurisation of the aquifers, the modelling indicates that there would be, at the boundaries of the mining areas, it would be around a one metre drawdown and at the nearest privately owned bore it would be around .2 metres at the nearest private bore and obviously less than that beyond – further away from the mine itself.

The company has confirmed, and BPI water has confirmed that there are sufficient licences available for the water take under the various water sharing plans. There's been extensive work looking at drier conditions and drought conditions and climate change variability and that analysis is also indicated that even under dry conditions, there would be sufficient licences and water available for the operation of the mine although there are some conditions around that which I'll speak to shortly.

In terms of key policies that we would consider are important for demonstrating compliance with and ensuring minimal or minor impacts on water resources, in regard to ground water, the key policy is the aquifer interference policy. The nature and extent of the impacts have demonstrated that they would be the company and the operations would be able to comply with that policy and also the latest flood plan management plan called the Namoi – Upper Namoi Valley Floodplain in 2019, the flooding impacts will also comply with the requirements of that document.

The ISC, the recommendations of independent experts scientific committee have been considered and incorporated in the recommended conditions and, overall, the government independent experts consider ..... and support the proposed conditions that have been recommended by the department.

Okay. In terms of those recommended conditions, I thought it would be helpful for the commissioners to understand how, if it is approved, how the conditions would operate and how what the conditions would cover to ensure the outcomes that have been predicted are achieved and to protect, obviously, the environment and the local community. So in terms of water supply, there's a condition that requires the company to have – ensure that it has sufficient water for all stages of the development and if there is any issue with obtaining the necessary water for the operation that they need to match or alter the operations the ensure that it matches the supply so that there's no impacts or that impacts can be managed in accordance with the relevant criteria, say, for example, in dust suppression.

Compensatory water. The assessment predicts that there would be unlikely to be a need for compensatory water to be supplied to privately owned landowners. However, as a contingency safeguard, we have required compensatory water to be supplied in case there are significant impacts on landowners in the region and a key concern of the community is how do we prove that that impact is to do with the mine versus something else and we've clearly stated in the conditions that where an issue is raised, the burden of proof to demonstrate that it's not been the mine does rest with Whitehaven and so the presumption is that the impacts are associated with mine unless demonstrated otherwise.

10 In terms of discharges and protecting surface waters, any discharges would have to comply with the ..... protection licence from the EPA, requirements of that legislation. We're asking the company to – while we consider that the rail spur will comply and the project will comply with the flood plain management plan, that we are asking for further detailed design work to demonstrate how that would comply as the detailed design of the rail spur is undertaken.

20 We've got a range of performance measures on water where we expect the company to demonstrate compliance, including ensuring ..... on alluvial aquifers as the assessment has indicated and various management plans need to be prepared in consultation with key agencies and approved before mining can commence.

25 In terms of amenity, the assessment has been undertaken in accordance with the various EPA guidelines and policies and the projections are that in regard to air quality and dust, that the applicable criteria would be achieved, that all sensitive receivers. There are some predicted exceedances of the noise criteria at five residences on three different land holdings to the south-east of the mine. There's moderate to significant exceedances of the noise criteria predicted at two residence on one property. This is a residence or a property that was identified as potentially experiencing those similar exceedances under the current approved project and we would recommend that those rights be retained. There's also three additional residences where there would be a minor exceedance of 1 to 2 dB of the relevant project specific noise levels and we understand that Whitehaven is seeking agreements with those properties, as well as a number of other properties that are close to the proposed rail line to the south and south-east of the site.

40 In terms of other criteria in regard to amenity, sleep disturbance, rail noise, blasting and cumulative impacts on each of those matters, they would all comply with the EPA – applicable EPA criteria. And the EPA has indicated that it's satisfied with those assessments and they've been undertaken in accordance with the various technical guidelines and they support the proposal or recommended conditions and those recommended conditions, as I said, that we would be recommending that that voluntary acquisition right be retained for the property to the east of the mine or the south-east of the mine. The company would be required to comply and demonstrate compliance with noise, dust and blasting criteria. They'd have to undertake real time monitoring to demonstrate that compliance and to record on it and to manage their operations proactively to address – or to ensure compliance with those criteria.

As I said, we are asking them to undertake some further detailed design in terms of the rail spur line and particularly looking at whether there are any other further steps they can take to further minimise any rail noise off site.

5 We're also asking them to undertake a fleet attenuation program to minimise noise. Once production exceeds the 3.5 mega – million tons per annum and various landscaping treatments and vegetation screens to reduce the visibility of the mining operations and infrastructure from affected residence because we clearly realise that having a large mining operation in that landscape and a large emplacement area  
10 would, obviously, be visible and potentially have impacts on the landscape and the views of some properties and so whilst those areas would be progressively rehabilitated, we are also mindful of the fact that some landscaping treatments and vegetation screens may be appropriate.

15 And obviously various management plans would need to be prepared, noise blast, air quality management plans in consultation with the EPA. Biodiversity, as I said, the additional clearing is around about 20 per cent greater than the current surface footprint from the approved project which is around 580 hectares. It's important to note that the majority of that additional disturbance footprint is grassland, dry native  
20 grassland and around 13 per cent of that area is woodland as opposed to grassland.

There's no endangered ecological communities or threatened forest species identified that would be impacted by the project but regard to fauna, obviously koalas are a particular concern. Now, the records – the surveys didn't identify any koalas on this  
25 mine site itself, but did identify koalas in the locality, particularly to the west along the river itself and those areas. So certainly koalas occur in the region and they would need to be factored into the offset arrangements.

In terms of those offsets, the proposal is to rehabilitate the majority of the site to  
30 woodland and that would produce an additional thousand hectares of woodland on the mine rehabilitation area and there would be an additional thousand hectares associated with the project of land based offsets in the region which would generate something in the order of 5,000 hectares of strategic offsets when combined with those offsets required for the approved project to build on and enhance habitat  
35 connectivity in the region. And the Biodiversity Conservation Division, BCD, has indicated that it's satisfied with the assessment and that it's been undertaken in accordance with policies and supports the recommended conditions.

This is a map showing some of the strategic or regional offsets in the area. You  
40 might notice the Vickery Coal Mine is to the very far south of that map. The additional offsets associated with the Vickery Coal Mine or the Vickery Extension Project, I should say, are those in the pink hash offset area 8, 7, 6 and slightly to the south just off the map, there. So there's a number of additional land based offsets and that is then combined with the existing obligations of various offsets in the  
45 region and as you can see from the various hashed areas to the north associated with the Leard Forest mines, and even further north, you can see that as these offsets are secured, protected, enhanced and delivered, they will enhance the areas of

biodiversity or the regional biodiversity values and certainly go some way towards restoring connectivity between some larger area – conservation areas, particularly through ..... ranges and so forth to the east and to the north and also to the Vickery state forest.

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So that just indicates how the proposed offset regime builds on the existing offset arrangements under the approved project and, indeed, associated with other mining operations in the region. So the recommended conditions reflect that, implementing the biodiversity strategy, the original offsets would have to be retired in accordance with the new legislation, the Biodiversity Conservation Act including credits for koalas and there would need to be management plans prepared in consultation with the Biodiversity Conservation Division, including a biodiversity management plan and a koala plan of management.

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15 In terms of the final land form, final void has been, obviously, an issue of concern to the community and it's noted that the proposal includes a reduction of the number of new voids created in the landscape from two to one. As a result of that, the inflows and the catchment of the final void are less than the approved project and the approved – the final void would remain a ground water sink over time and become saline.

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Now, the issue there is that if it was not a brown water sink, you may have an issue with saline water migrating in other directions and so the best outcome – the department's satisfied that the best outcome at this stage is to retain the final void as a ground water sink although there are some conditions requiring Whitehaven to look at that more carefully as mining progresses.

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In terms of final land use, the site is generally classified as class 3 and class 4 land and is primarily used for grazing and the proposed conditions require mostly rehabilitation to woodland instead of agriculture, as I said, to achieve those regional biodiversity conservation outcomes, and the key regulator in this space is the resource regulator and they've indicated they're satisfied with the proposed final land form and the recommended conditions.

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35 In terms of those conditions, there's a number of strict conditions regarding rehabilitation. Firstly that the mine operation needs to progressively rehabilitate the site as mining progresses through the mine life. It's not appropriate to leave that rehabilitation towards the end, that it needs to happen progressively. There's a requirement to restore biodiversity and eco system values on the site as part of that strategic offset strategy.

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There's strict criteria about how the rehabilitation needs to occur and what criterion outcomes need to be achieved. There's a rehabilitation strategy that the company's required to prepare and it needs to up-date that or review that every five years as mining progresses. To examine the final land form and the final void, ensure that it's trending towards meeting those criteria and obligations under the consent but also to examine options for minimising the size of the final void and/or other hydrological

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functions of the void with a view to, yes, reducing the size of that void if possible. In terms of the management plans, there would be a requirement to prepare a rehabilitation management plan in accordance with the conditions of any mining lease should the project be approved.

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I just wanted to touch on a couple of other issues that ..... raised and more recently have been of concern to the local community. Firstly in regard to historic heritage, the Kurrumbede Homestead which is historic dwelling located approximately 1.2 kilometres from the proposed mining area. Whilst it's not listed on heritage registers, it is associated with the poet Dorothea Mackellar and obviously it's of importance to the community and others in terms of ensuring protection of that structure and to ensure that's the case and to avoid any damage, not that it's predicted, but to ensure that remains the case, the conditions require an engineering assessment to be undertaken to confirm the appropriate criteria for blasting in particular to avoid damage to that site. There's a heritage management plan that must be prepared which also will ensure that there is access maintained to that residence as the mining is undertaken and these measures and these plans have been prepared or are supported by the heritage council and they must be prepared in consultation with them.

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Greenhouse gases are clearly a concern to the community particularly in regard to climate change and the contribution that coal mining makes to that both in Australia and overseas and certainly the department has looked at that in detail and acknowledges that this project, like other coal mines, would contribute to climate change. However, that needs to be balanced against the benefits of the project, as indicated in recent court cases such as the Rocky Hill court case. Those things need to be balanced by the consent authority being the IPC.

25

Importantly for this project, the majority of the coal would be not thermal coal but metallurgical coal which is used for steel making overseas, approximately 70 per cent of the coal production and scope 1 and scope 2 emissions, greenhouse gas emissions, will be accounted for in Australia in terms of its commitments under the Paris agreement but in accordance with those international agreements, scope 3 would be accounted for by other country in accordance with those – the Paris agreement and other international obligations.

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Finally, on other issues, traffic and transport, the assessment indicates that there would be no significant impacts on the road network. It would be able to accommodate the additional traffic associated with the additional workforce without any significant impacts.

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Part of the proposal is to not – after a period of time, to not rely on the Gunnedah Coal Handling and Preparation Plant and to remove coal trucks from the public road to the south of the site to ..... There's also strict requirements in the consent not to use key local roads, particularly roads like Braymont Road, which are of concern to the community particularly the local Boggabri community and there's strict requirements that those roads are not to be used by project related traffic.

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There's also provisions for road maintenance contributions to councils in respect of local roads and a traffic management plan needs to be prepared in consultation with road authorities. So the key message there, really, is that coal trucks will be removed from the public road network primarily all to the south of the site. There'd be some continuation of coal trucks from the Tarrawonga Mine. Primarily the key benefit there is a removal of those coal trucks from the road – public road network to the south towards Gunnedah.

In terms of some of the other benefits of the project, there would be an additional 450 jobs during the construction period compared to the approved project, an additional 200 jobs during operations. The economic assessment, which was peer reviewed by our independent economic expert indicates that from an MPV point of view, the project would have a net benefit to New South Wales 1.2 billion which would include royalties of in the order of 671 million, MPV to the New South Wales government which clearly could be used for various purposes of a broader State wide community benefit including, you know, health, education and other services that the New South Wales government supplies.

At the local level, Whitehaven has also increased its proposed contributions to councils under planning agreements by 3.2 million from around seven and a half million to 10.7 million for community projects in the region. So I just thought I'd summarise the department's assessment and make a concluding statement which hopefully is obviously of assistance.

So the department has – excuse me. So in summary, you know, the department has completed a comprehensive assessment of the project in accordance with the requirements of the EP and A Act over the last two years and obviously the company before that in terms of preparing the EIS. This has included extensive community consultation and detailed advice from government agencies and independent experts.

The department fully acknowledges that some members of the community remain strongly opposed to the project and certainly we've sought to consult and listen to those concerns and we certainly acknowledge that the project would result in additional environmental and amenity impacts. However, based on all the advice we've received from the various government and independent experts, the department has concluded that the environmental and amenity impacts of the project are not going to be significantly greater than those associated with the approved project. It's not that they won't be greater but they're not – the indication from all the assessment advice, its expert advice, is that they will not be significantly greater.

And the department has ..... recommended a comprehensive range of conditions to ensure compliance to the relevant standards to protect the local community and environment and those conditions have been prepared, as I said, in consultation with those experts and reflect contemporary regulatory practice in regard to mining in New South Wales.

The department also considers that the project would provide major economical and social benefits for the region and to New South Wales as a whole, including direct capital investment of over \$600 million, up to 450 jobs during operations and over \$10 million in contributions towards local community projects.

5

Importantly, people may be aware about the recent announcement by the New South Wales government, the future of coal statement, last week where the New South Wales government has acknowledged that the coal is industry has a finite life and that we need to – and we are transitioning to a less carbon intensive economy.

10 However, the statement also confirms the important role of the mining industry to the New South Wales economy and the strong international demand for coal exports over the next 20 to 30 years and I guess I would argue that – or the department would state that the project – this project would produce both metalliferous and thermal coal for that export market over that period, over the next 25 years, and is therefore, based  
15 on the government’s policy and the government’s anticipated demand for export coal, both thermal and metalliferous, this project is particularly well-placed to contribute to that strategic economic benefit as identified by the government in that coal statement which was released by the deputy premier last week.

20 So finally I’d like to confirm that the department has carefully weighed the impacts of the project against the significance of the resource and the social economic benefits that I’ve outlined. The department has concluded that the project does achieve a reasonable balance between maximising the recovery of that high quality coal resource and minimising the impacts on surrounding land users and the  
25 environment as far as practical. It’s not to say that we don’t acknowledge those concerns that the community has, particularly those living nearest to the mine but it’s not to say that the mine won’t have any impacts but we believe that those impacts are not so significant that it ought to warrant refusal of the project. Indeed, we think the benefits outweigh those impacts.

30

And so therefore and on balance, when we consider the project’s in the public interest and is approvable, obviously it’s not our decision to – whether or not to approve the project, that’s up to the Independent Planning Commission, but our recommendation or our finding is that the project is approvable and subject to the  
35 recommended conditions of consent.

So thank you for that opportunity. I think I’ve used most of my time but happy to answer any clarifying or follow-up questions.

40 MR HANN: Thank you, Mike. You may be aware the IPC’s received in excess of 500 submissions just in the past few months in regard to this application. In particular there’s been very strong community concern in relation to the availability of water. With the predicted shortfalls of available water in drought conditions, and especially in the early years of the proposed operation, can the department explain what adjustments might be made to the proposed mining operation and triggered to  
45 reduce the water demand, in other words what would trigger adjustments to the actual operation of the proposed mine in order to reduce the demand of water?

MR YOUNG: Thank you for that question. So the operations have indicated that the mine would seek water from a number of different sources; surface water allocation from the Namoi River itself, inflows to the pit, surface water collection on the site itself and also from the proposed bore field. My understanding is that they  
5 have both general security and high security licences on those water sources. Clearly the allocations for some of those sources may be adjusted over time. However, I do understand that there's the ability to apply for additional licences, particularly in the bore field, if necessary.

10 However, at the end of the day, and it's certainly a question you may like to put to Whitehaven to respond to specifically, however, at the end of the day, should the quantity of water not be sufficient to meet the operational needs of the mine, including coal processing and/or dust suppression on the site and other uses for water, we would expect the mine to adjust its operations to ensure that it obviously  
15 meets those other environmental outcomes.

And, for example, say, significant source of water use on the site would be the dust suppression, and what I'd indicated in the presentation today and certainly in the recommended conditions, is that there are strict criteria that the company has to meet  
20 at the boundary of the site and at receivers and we'd be asking them to install a real time and comprehensive monitoring framework network around the site to demonstrate that those are achieved and those criteria are not just long-term dust criteria, but they're also  
25 short-term dust criteria as well that have to be met.

And so whilst I understand it is of concern to the community, particularly I'm aware of the issues at the Maules Creek Mine around water supply recently, but, you know, we certainly take that obligation seriously and I would say to the key lever or driver that we have on ensuring that remains the case to present the community, is to ensure  
30 that things like those dust criteria are achieved and, I guess, if there's any indication that they're not being achieved, that would become a compliance and enforcement matter but would also raise the further investigations in regard to appropriate use of water and so forth.

35 But I am sure that the company also has various internal policies and requirements and it would also need to be set out in the water management plan and the water balance, which would have to be updated regularly, to ensure that they can demonstrate that they do have sufficient licence and sufficient allocations to meet their water demand on a progressive basis. So that would be, I guess, my key  
40 comments.

I guess the only other thing would be my understanding is that contemporary coal operations now, they do prioritise recycling on-site and clearly water is a precious resource and we'd certainly expect Whitehaven to ensure that it is using that water  
45 wisely and it's certainly in its interest to do so, and to recycle as much as possible particularly the coal preparation plant. But as I said, Whitehaven may well have some specific details on top of that about meeting that obligation.

MR HANN: Thank you, Mike. Chris, do you have any particular - - -

PROF FELL: Yes, I do have one, thanks, John. Mike, it's a question about why  
waste emplacement located on the alluvium? DPO water does not support the  
5 emplacement of mine waste on the alluvium. How has DPIE reached its conclusion  
that it's acceptable? And if monitoring indicates seepage to alluvium and leachate  
criteria are exceeded, what's the proposed rectification?

MR YOUNG: Thank you, Commissioner. Yes, that has the – the Namoi alluvium  
10 does have an embayment to the north of the site and part of the proposed west  
emplacement area does include overlying, overburden or placing overburden within  
that embayment. The clear evidence and technical information, including water  
analysis and sampling and surveys, indicates that the water in that embayment is  
15 relatively saline and is therefore not currently being used for particular beneficial  
uses. So that's the first thing to say.  
The second thing to say is that on the chemical biochemistry analysis of the material  
indicates that, you know, it's not a high risk of resulting in leachate into that area.  
Sorry, I'm just getting some advice on this.

20 PROF FELL: Thank you, Mike.

MR HANN: Mike, you can come back to us - - -

MR YOUNG: Yes. I think that might be - - -  
25

MR HANN: - - - with written material on that, if you don't mind.

MR YOUNG: Yes, it's probably a highly technical question. It's also something  
that you might put to Whitehaven as well about how that would be met. But I'm  
30 happy to come back in writing. Yes.

MR HANN: Yes. All right. Chris, do you have any other questions?

PROF FELL: Look, I do, thanks. It's on the final land form and a void. The DPIE  
35 ground water export – expert, sorry, Hugh Middlemiss, concludes that the  
assessment does not fully justify a residual void. Do the conditions that you propose  
for no void or the possibility thereof, is recommended by your expert? If so, how  
would these conditions operate?

MR YOUNG: So clearly the assessment has proposed the reduction of the final  
void from the current approved project from two voids to one void. The size and  
catchment of that void is significantly less than the approved project. Clearly the  
government has a policy to minimise the number and size of voids where possible.  
40 However, with open cut mining, generally speaking, it is appropriate or a necessary  
component or residual aspect of mining is that given the depth and the – of the coal  
45 seams and the need to move overburden that typically some kind of final void is  
usually left in the landscape.

In this case, we are requiring the company to, as the mine progresses, to examine ways of minimising the size of that void, to reduce that sort of legacy element of the final land form within the landscape. But importantly, we are also asking them to look at the hydrological functioning of that final void as well because at the moment,  
5 as I said in my presentation, the final void would act as a ground water sink which means that the ground water from the site and from the mine would tend towards being collected in that final void as a ground water sink.

Any proposal to either fill or partially fill that void, would have a number of  
10 potential, you know, adverse environmental risks or consequences being that if the ground water pressurisation means that the water flows in another direction and potentially off site, that clearly would have potential environmental impacts to water resources off site that wouldn't be the case if ground water flow was towards that ground water sink, particularly the migration of saline ground water to other areas.  
15 That's the first issue that would need to be considered and we're asking the company to do that as mining progresses.

But the second issue is that partially or fully filling that final void may result in a longer period of mine life. It may increase or extend the period of time when  
20 overburden needs to be moved or rehandled which would obviously result in both extension of noise and potential dust impacts. Now, that may be able to be minimised or managed through appropriate mine design as the mine progresses and certainly we're asking that to be regularly reviewed and considered in the rehabilitation strategy that we've recommended that the mine implement.

25 Just circling back to the emplacement over the embayment area as well is that whilst the assessment indicates that it's a very low risk of, you know, significant migration of any material from that leachate from the west emplacement area, part of the importance of having a mine design where any ground water flow flows towards the  
30 final void, is that if, in the unexpected circumstances, there are some – there is some leachate from that area, it would also flow to the final void and therefore minimise the risk of any off site migration of saline water so that's another point in favour of the current mine design. That being said, as I said, the government is keen to ensure that this is – we have examined this but we're keen to require the company to  
35 continue to examine this as the mine progresses with a view to looking at alternatives as suggested by our independent expert.

PROF FELL: Thank you.

40 MR HANN: Thank you, Mike. Ms Zada, do you have any particular questions?

PROF LIPMAN: Yes, I have a question, thank you, Mike. I'm interested in the department's response to community concerns regarding the project's removal of agricultural land for mining, and the associated social impacts.  
45

MR YOUNG: Thank you, Commissioner. Yes. Obviously open cut mining in particular does involve the disturbance of land and in this case mostly class 3 and

class 4 grazing land. I would note that the approved project that was approved in 2014, involves or covers the vast majority of the proposed mine site. So in terms of what we're currently assessing, it's the additional disturbance footprint associated with the extension project being, you know, still a large area of, you know, 580  
5 hectares or more. But in context, is the less significant ..... the entire site.

That being said, we, I guess, balance these matters in terms of the overall land use considerations. In this case mining is a permissible land use within the agricultural zone. Clearly on a – balancing the benefits of the mine versus the benefits of  
10 retaining that grazing land, as I've outlined, there are very, very significant benefits in undertaking the extraction of that resource on behalf of the State, and various benefits that would flow to the region and to the State. It's not to say that agriculture in that area, the grazing and other activities don't generate income and that analysis has been done in the EIS and other documentation. And so really it's about a balance  
15 in the land use and clearly the project will result in disturbance of agriculture land.

But in terms of the rehabilitation project process, we determined that at a strategic level for this particular site, given the potential to build on existing offsets and existing areas of remnant vegetation, that the predominant final end use or land use is  
20 best served by creating biodiversity outcomes on the site. There are some areas that would be retained for some of the higher quality areas that would be retained on the site for agricultural, including some desal, I believe. No, no desal, sorry. For agriculture and – but the majority of the site we decided that, on balance, it was appropriate to have an outcome that would improve those biodiversity values. So  
25 that impact on agriculture's acknowledged but, on balance, we consider that the benefits of the proposed mining activity were in – ultimately in the public interest.

PROF LIPMAN: Thank you.

30 MR HANN: Thank you, Mike. At this stage we have no further questions, so I'd like to ask our next registered speaker, Paul Flynn, representing the applicant.

MR FLYNN: Yes. Good morning. Can the commissioners hear me?

35 MR HANN: Indeed we can.

MR FLYNN: Good morning, commissioners. My name's Paul Flynn. I'm the CEO of Whitehaven and thank you very much for this opportunity to speak today and also thank everybody for their interest in the Vickery Extension Project and  
40 taking the time out of their days to participate in these important two days of hearings. If I might, commissioners, I'd like to make a brief presentation and I'd like to share my screen so that you and the audience have the benefit of the slides that I'd like to present today.

45 MR HANN: We're just waiting on that to come up on our screen, Paul.

MR FLYNN: Thank you. I'm trusting that - - -

MR HANN: Yes. That's good.

MR FLYNN: - - - ..... quickly. You have now received that?

5 MR HANN: Indeed.

MR FLYNN: Thank you. That should now be in full screen mode, I think.

10 MR HANN: Yes, it is. Yes, no, we can see that, thank you.

MR FLYNN: All right. Thank you. And I'll continue with my presentation. As I say, thank you very much for the opportunity and try and get my allotted time in an expeditious fashion. But firstly I just wanted to make a brief presentation about Whitehaven as a company. We are the leading Australian producer of premium  
15 quality coal. We operate four mines in the Gunnedah basin; three open cut mines, and a large underground mine as well. Of course you're aware of the Vickery Coal Project and this application for the Vickery Extension Project in Gunnedah and we also have a further development asset of metallurgical coal called Winchester South in Queensland's Bowen Basin.

20 We have a 20-year history but I'd like to focus just briefly on the last decade being most important in our reason given that we brought two large new mines; the Narrabri underground mine and our Maules Creek coal mine also within that same period. The growth in production has been accompanied by significant growth in our  
25 workforce and obviously prosperity to the region through that and we are the largest private sector employer in the region.

Importantly, as production has increased, our safety record has also proved ..... The Gunnedah Basin is synonymous with high quality low ash flow sulfur and high  
30 energy coals, produces two products; the very high quality thermal product which is typified by, again, low ash flow sulfur low phosphorous and which reduces some of the lowest emissions for any coal consumed in the seaborne trade. And also metallurgical coal which is an input to steel making which this project would produce a majority of, which is also low sulfur, low phosphorous and low ash  
35 product.

All our customers for our parent business and also the Vickery Coal are signatories to the Paris agreement or have equivalent domestic arrangements in place such as Taiwan. We believe the benefits of our operation should extend beyond our  
40 workforce and we seek to leave a positive legacy after mining. Our community and social compact starts with identifying developing very high quality long life resources. These long life projects underpin the economic growth and sustainability and also fuels long-term job creation in the region. We focus our procurement locally so there is an active business stimulus in the region, which I'll speak to a little  
45 bit later on. And the long life and therefore intergenerational nature of our investments, ..... and skills in the region but also infrastructure that serves the community through both good times and challenging times.

We believe how we behave determines how we are perceived as a responsible member of the community, particularly with our environmental stewardship and our various community programs and partnerships.

- 5 We offer sustainable long-term rewarding career opportunities in regional New South Wales and invest in skills and development in creating pathways for young people to remain in the region. Projects like Vickery put us in a strong position to continue to improve on our contribution to-date.
- 10 As many know, we don't support long-term FIFO workforce and the bulk of our people live in the community, about 75 per cent of our total workforce are resident in the community. In terms of diversity, a proportion of our workforce that is female bears reference to industry average as a whole but I do acknowledge there's always more work to be done here in all of these matters and of course we're very proud, as
- 15 an organisation, of our efforts to address indigenous disadvantage which includes concerted effort on our parts to ensure that our workforce and its composition reflects the indigenous representation of the community as a whole. I will take a moment just to focus on this for you.
- 20 As an organisation, we're very proud of our contribution, as I say, to reducing indigenous disadvantage in our region. We take a holistic approach to addressing this. It's not just job creation and training, which are two obvious areas where we make a meaningful contribution, but we support families and their children in their early stages with our engagement in organisation such as Winanga-Li early learning
- 25 centre, both Gunnedah and also in Narrabri. We also support the girls academy and Clontarf Academy also, both at Gunnedah and Narrabri respectively, and keeping young people at school and exposing them to the potential of post school education and work opportunities and for many, jobs with Whitehaven and we're also building our base of engagement with indigenous suppliers, close to 20 different businesses
- 30 that we engage with in our current State.

I would like to also just point out some of the contributions in the environment that – in the economic environment that we make in our region which is significant, as I say, the largest private ..... in the region. If I look at some of the stats on this slide

35 that I've presented here. In the last five years we've contributed about 1.7 billion into the New South Wales north-west in salaries, wages and suppliers. And if I focus on suppliers in particular, about \$330 million we spent in the last financial year, '19, in the local community between Tamworth and Narrabri.

40 In terms of royalties and taxes, we paid about 320 million in this last financial year. Of course the Vickery Extension Project would definitely increase those numbers significantly over and above what you see and as reported in previous years. Our engagement with those small businesses benefit also from class leading payment

45 terms where we pay on a 21K basis with the local businesses which keeps everyone's cash flow healthy.

And in crafting our business and our value proposition towards and around the local community, it has paid some dividends in terms of our engagement with the community. We are very conscious of this and we do measure it on a regular basis, taking statistically relevant robust polling in the region every 18 months. This chart depicts the net sentiment towards the company since we started taking this in 2015 and in this last 12 months in particular, 18 months, you can see jumping from 2018 to 2020, quite a significant shift in positive sentiment towards mining and Whitehaven as a company in particular in the region, jumping to a high point for us of a net positive sentiment of 28, which is encouragement to continue on this path of making sure that our business does share the benefits with the local community.

Now, this page just highlights, for the benefit of all, some of the movements, if you like, and the outcomes of that most recent polling. So I won't go through it all but I will just highlight for you that in the broader context, 62 per cent of people agree that developing the local mining industry will help strengthen the economy in the wake of the coronavirus and then amongst people in Gunnedah in particular, which obviously this project, the Vickery Extension Project, predominantly sits although our benefit to our business is right across the region, that there are 76 per cent strongly or somewhat support and are neutral towards the project. So quite a significant step on previous years.

Over to the Vickery Extension Project itself. I've got a couple of slides here which deal with the existing mining operations footprint and the approved mine. Certainly mining started here in 1986 with various mines and our first, as Whitehaven's mining operation, this area was the Canyon mine's previously been mentioned earlier, and we mined that between 2000 and 2009.

The improved mine footprint is on the right and the green light highlights the Vickery South tenement which forms part of the proposed extension. The Vickery South tenement itself was granted by the New South Wales government to a company called Coalworks which we purchased in 2012 and then we subsequently made an acquisition of the remaining minority interest in that tenement in 2013 after the original VIS was lodged.

I'll move across to this side and it's familiar to the one you've just seen from the Department of Planning and it goes to the incremental impact of footprint of the extension project, as you can see in yellow and it's the incremental footprint over and above the existing approved mine. The orange line on the project shows the rail spur that is proposed for the site and once, obviously, our CHPP in Gunnedah is decommissioned, once the new on-site facility is commissioned, you will see 320 truck movements move off public roads on a daily basis. The alignment that - - -

MR HANN: I'll need to get you to wrap this up in a short period of time, thank you.  
MR FLYNN: Thank you. And so you'll see the alignment to the north is for the water facilities with a bore field included in this project. And so over – I just want to go through a couple of aspects of the project and we'll deal with more benefits to the community.

Certainly you can see the rail line, of course, trucks coming off the road, decommissioning of the prep plant in Gunnedah and see moving that out on to site. The mine itself has been mentioned, its life has been compressed from 30 to 25 years. The ..... pit, as the community has told us, was concerned to them. We have  
5 taken that out of this project. The bore field, of course, will increase the water security for the project going forward.

With the government's assessment of the project has been extensive and the outcome to the assessment are now in public record and the department has stated that the  
10 project can be operated consistent with government policy and legislation which is a positive outcome and as stated here, it's not in our – it's just not an opinion from ourselves but obviously the ..... planning and their various experts and peer reviewers that have concluded the same. And so just in terms of that assessment report has included that we – the project can achieve a reasonable balance between maximise  
15 and recovery of the high quality coal resources ..... and minimising potential impacts to the surrounding land users and the environment as far as practicable. The conditions as outlined draft by Department of Planning are acceptable to the company and we look forward to receiving a favourable outcome here and bringing the benefits to the community as soon as possible. That concludes my presentation,  
20 commissioners, and I'll hand back to you.

MR HANN: Thank you very much. We just have a couple of questions. In relation to Kurrumbede Homestead, that's of particular interest and concern in regards to its  
25 protection from the various submissions that we've received. What particular measures do you propose that will protect the Kurrumbede Homestead in your proposal?

MR FLYNN: Yes. We're similarly aligned in terms of being concerned about the preservation of the homestead. It's obviously an important feature in the local  
30 community and for the country as a whole and we take that – they take that very seriously. There will be a heritage assessment and plan that will be put in place to ensure that none of the operations of the Vickery Extension Project have a negative impact on the facility.

We have a good relationship with the Dorothea Mackellar Memorial Society with whom we'd be liaising in terms of how to not only protect and improve the  
35 homestead, but we'd also allow it to be opened for public use from time to time which I think they've welcomed. We have committed half a million dollars to improve the grounds as they currently stand so that we can welcome people on to  
40 site. And I think the government itself has concluded that the arrangements we put in place will be sufficient to protect the homestead and we do not and they do not predict negative impacts to come from the operations of the Vickery Extension Project in any event.

45 MR HANN: Thank you. Zada, do you have any - - -

PROF LIPMAN: Yes. I have a question. In relation to the overburden and placement on the alluvium and it's in two parts. The first part is what mitigation actions are planned if leachate trigger levels are exceeded and, secondly, will this include removal of overburden should unacceptable aquifer impacts result?

5

MR FLYNN: Well, we will be monitoring – we will be monitoring, obviously, at various points across the site to ensure that's not the case. The design of the mine itself is cognisant of what's deemed to be a relatively small risk but certainly we're mindful of it and it has been designed such that the hydrological impacts will be drawn towards the void of the mine which trends away from the very area that you're mentioning now, and such that the flow, potentially, of leachates and other aspects, will go towards the south-west away from the area that you're referring to and we'll be monitoring that during the course of the mine life.

10

15 PROF LIPMAN: And your reaction if unacceptable aquifer impacts, will you be removing the overburden?

MR FLYNN: I think the conclusion thus far is that there obviously is overburden already on that small portion of alluvium from previous mining activities and that the work that we contemplate doing is obviously tipping further on top of that existing emplacement. So part of that monitoring would certainly be looking to assess what the impact might be. I know that the government and the assessments that we've done conclude that that risk is very low and we would work with the government if there was, in the unlikely eventuality, that there was some leachate migration over and above what has been predicted. We would work ..... to ensure that there was a plan of work to mitigate any impacts that were there.

20

25 PROF LIPMAN: Thank you.

30 MR HANN: Thank you, Paul. Chris, do you have any particular - - -

PROF FELL: Yes, Paul. There's been quite strong community concerns expressed in the submissions we've received regarding the impact on available water. So I just wanted to know if water allocations are insufficient for Vickery, what aspects of the operations will be adjusted and, I guess, secondly, if Vickery – is Vickery prepared to operate at a reduced scale during an extended drought?

35

MR FLYNN: Yes, thank you for that important question. And we, as a significant business leader are similarly minded to ensure that not just that we can continue to operate during dry times but obviously that the community also has water for its purposes. We're a relatively minor water user in the area, with about 3 per cent of the available licences in the region. To the extent that water constraints, you know, extend through periods of extended dryness, we're quite comfortable that the depth of the market for water trading is there. During 2019, we ..... between five – about 5,000 megalitres, five and 7,000, were traded during that period so there is quite a deep market for water trading.

40

45

But to answer your question also, Commissioner, to the extent that limitations in procuring licences, which we don't think is an issue, but if it was, there is always the potential to modify production in terms of scale of production. So winding that back, if that was required. And there's also opportunities for changing the product mix that comes from the site. We are fortunate that there are seams that do not have to be washed. They are improved products if they are washed, of course, but the products can be sold, in some instances, in its unwashed form and that would also reduce the water consumption on site. So there's a couple of different layers of active management that we would seek to ensure that – as we do with our other operations, that plans are made in the event of an extended dry period.

MR HANN: Thank you, Paul. We don't have any further questions at this stage. So thank you for your presentation. I'd now like to introduce Councillor Gae Swain, who's representing Gunnedah Shire Council.

MS SWAIN: Good morning, commissioners. I'll just alter that. My name is a Gae Swain. I'm a long-term resident of the Gunnedah Shire for over 56 years, having married a local farmer, but I'm not representing the local council. Thank you for the opportunity to present my personal thoughts and to speak in support of the Vickery expansion. I speak as an individual, as I said, not on behalf of any organisation and I understand my presentation will be recorded and will be on the panel's website.

I registered to speak because I can – feel I can provide the panel with a unique understanding of the history and experiences the town and district has gone through over the last 30 years, particularly during my time in public life. I've served on the Gunnedah Shire Council since 1991, holding the position as mayor for nine years, deputy mayor for eight years. I currently serve as a councillor, an independent chairperson of the Werris Creek Coal Community Consultative Committee.

Our family has two sons, a grandson and a son-in-law, all young farmers, who are working in different mines here in different roles; admin, underground and open cut. Their mine employment supplements an income which allows them to maintain and operate their farms, never more evident than during the last couple of years of devastating drought and now COVID 19. I'm aware of many others, male and female, who do likewise, functioning as farmers as well as miners. The two industries are not naturally exclusive. Gunnedah has a proud history of mining and agriculture working side-by-side over the last more than a hundred years.

In our area, drought recently had a devastating effect on the farming community and also on small businesses and that affect is still being felt by many. Families struggle to keep their heads above water and then COVID struck. To say it was a double whammy is an understatement. Not being able to harvest a reasonable crop for several years has a huge impact on rural communities.

As we start to come out of lock-down, and I look around at our town, I'm aware that the mining sector has had and is still having a very positive influence on the business activity. The main street is busy, the shop fronts are practically full and there's a

sense of busyness everywhere. This has helped our community hang in there during the extreme height of the drought and, to some extent, during the lock-down.

5 Though we are a strong agricultural area, we are keenly aware that farming has the naturally occurring cycles of drought, wet weather and even floods, never more evident than back in the late '90s and early 2000s. During that time while I was mayor, our abattoir closed, we suffered drought, followed closely by an extremely wet summer just at harvest time, when the small crop which was ready for harvest, was so badly damaged by weather and so severely downgraded as to be worthless.  
10 That was a very distressing time for Gunnedah. We were all reminded of the vagaries of our weather.

15 Following many meetings held across our shire, attempting to determine how to survive, our community clearly identified that for Gunnedah to remain strong and active and, indeed, grow, we could no longer rely on one industry. We had to have diversity of economic activity. That scenario has played out over the last couple of years, minus the flood, of course, where the farming community has struggled with little farm production, so no economic flow on to businesses with the purchase of machinery, chemicals, tyres, tractor parts, fuel, et cetera. Indeed the effects of  
20 drought are still impinging on many farm's ability to produce. Several business owners have commented to me that if not for the mines, they would have been stretched to the limit financially and that was exactly the scenario during the late '90s and 2000s when we didn't have the mines to fill the gaps for our businesses and employment.

25 Today I'm heartened by the many and varied job opportunities for our young people, both men and women. New and greater opportunities to work either on farms or industries which service those or in the mines and the varied industries which service the mining sector. This proposed mine expansion provides a tremendous opportunity  
30 for employment of 500 young men and women during the construction and 450 new full-time jobs. The huge flow on to our businesses and the wider community, bringing in \$271 million in wages, will provide enormous benefits, of population growth and opportunities for the social capital that will follow. The rail spur moving trucks off the Kamilaroi Highway will greatly improve road safety for us all and is an  
35 added bonus.

I've long been concerned that many of our younger generation had to leave Gunnedah for training or employment opportunities. But now they have a choice, either to stay and make their lives in their hometown, or move away for further  
40 education, but at least they have that choice. Many of them are now choosing to move back, to settle near family and friends following tertiary studies because of the extra and varied employment avenues available. There's also the added bonus of new and exciting opportunities for employment for their spouses and partners, both male and female.

45 There's great opportunity for apprenticeships also for those choosing to study and trade and not move on to university, but they now have the opportunity of choice.

We are experiencing a growth in the many and varied jobs which service a social life of our town. Child care, retail, cafes, et cetera, which attract more people for the lifestyle that's now on offer. Showing that we need the social as well as the economic benefits now and into the future and it's as simple as people walking  
5 around with a take away coffee. I can well remember the alarm when McDonald's first put in their DA for their business here and residents thought we couldn't survive. All the cafes would close. But now we have lots of cafes and restaurants with the lifestyle that offers.

10 Our new residents attracted by mining and associated jobs bring the benefits of active lifestyles. We have fitness clubs with the need for walking and cycle ways. Lots of sports being played, with active participation in many teams and which do much to generate and support the social well-being of our community. New professionals coming in are also making a great contribution to the volunteer groups. Joining  
15 service organisation such as Rotary, Apex, Lions, Rural Fire Service, SES, and these younger members will ensure the clubs can continue to work for our residents now and into the future.

20 Environment guidelines are important and being the independent Chair of the Werris Creek Coal Community Consultative Committee, I'm well aware of the rigorous environmental guidelines within which the mining companies have to operate, and I know these are strictly enforced but which far exceed any imposed on other industries. I'm comfortable that the processes put in place do address the concerns of the community and requirements of the relevant authorities.

25 The issues of the late '90s and early 2000s demonstrate it clearly, that rural communities such as ours could no longer depend for their livelihood on one industry. Our community clearly expressed that opinion and urged council work at attracting other industries to shore up the economic impact and the economic activity  
30 for our town and district.

35 During that time we had media outlets seeking comment asking how bad it really was and give us a comment about how your town is dying. There were so many vacant shop fronts, and anyone could have bagged a park anywhere. There was such little business turnover. That was a devastating time for Gunnedah and I'm sure it's being played out in many rural communities across the State.

40 Times have been tough for people through the drought and lock-down and we will go through it again, hopefully not in such a devastating way and hopefully not the virus. But Gunnedah is reinventing itself. As Sir William Deane said in 1996, the past is never fully gone. It's absorbed into the present and the future. It stays to shape what we are and what we do, and Gunnedah has always been a doing community.

45 During our bleakest times, we didn't ever complain. We always said we didn't need a hand-out, we needed a hand up, to help us be the best community we possibly can be, for our families now and for our grandchildren and great grandchildren, our citizens of tomorrow. I registered to speak at the IPC hearing last year also because I

believe strongly in this project and the benefits which will accrue so to so many individuals, as well as businesses. The government has already said this project is in the public interest and approvable and I believe has appropriately balanced the economic and social impacts.

5

I had the opportunity to speak to many different council representatives at local government forums and they all say their communities would give their eye teeth to be in our position. We're the envy of many rural and regional centres because of our economic diversity and the flow on effect it is having for our residents and district. I know that we have a strong future, but we have to be allowed the opportunity to grow. I'm proud of what our residents are achieving and looking forward to seeing what our future brings. Thank you for the opportunity here today.

15 MR HANN: Thank you, Gae. Thank you for your presentation. Our next registered speaker is Andrew Johns, representing Gunnedah Shire Council. We'll just take a short break.

MR JOHNS: I'm trying.

20 MR HANN: Thank you. Andrew, you'll need to unmute.

MR JOHNS: Sorry about that. I did press unmute several times.

25 MR HANN: Okay. We hear you loud and clear. Thank you.

MR JOHNS: I'll start again. Apologies. Good morning, commissioners, department staff and viewers present. My name is Andrew Johns and I'm the director of planning and environmental services at Gunnedah Shire Council and I have been afforded a delegation by the general manager, Mr Eric Groth, to address you today and to express the opinion of Gunnedah Shire Council in relation to the Vickery Extension Project which is currently under the consideration of the Commission.

35 At its extraordinary meeting held on the 24th of June in 2020, council unanimously resolved to support the Vickery Extension Project. At its extraordinary – sorry, council is supportive of the project on its merits, assuming the development is undertaken strictly in accordance with the recommended development consent prepared by the Department of Planning, Industry and Environment, and that the proponent commits to these measures to reduce impacts on the surrounding receivers and also to the environment.

45 Council acknowledges that the proponent has considered council's concerns that council has raised within each of its submissions and council acknowledges that the development proposal has been amended to address these concerns or, alternatively, suitable conditions have been recommended such as the requirement for operational plans addressing noise, blasts and air quality concerns, the obligation for compensatory water supply measures and also for the necessity for road maintenance

agreements with council being required and also the imposition of strict limits to the development.

5 Council is grateful to have been consulted through the preparation of strategies and plans of the operation of the mine. Within council's submissions it was suggested that the hearing mention management plans be prepared prior to determination of this application. However, the imposition of conditions that management plans under the previous consent are to be maintained and conditions with appropriate monitoring criteria will ensure that the replacement management plans in accordance with this  
10 consents, if granted, will achieve acceptable outcomes to the council and to the community.

Council has negotiated a Voluntary Planning Agreement with the proponents, and this was ultimately unanimously supported and its position – council's position to  
15 this critical document. The Voluntary Planning Agreement has now been executed by both proponents and by Gunnedah Shire Council. There are a small number of matters that council believes need to be addressed here today and these matters are as follows.

20 Council submission raise the potential impact on the visual appearance of the rail spur on the landscape without design plans being provided, such as the height of the resulting infrastructure. The department's report in point 655 acknowledges that the rail spur would create moderate visual impact within 1.5 kilometres of that rail spur. It's assumed that condition B90 is intended to mitigate any potential visual impacts.  
25 No detail plans for the coal handling preparation plant were provided for consideration by the department or as part of the EIS. Again council assumes this matter is not a concern to the Department of Planning industry environment due to the inclusion of condition B90.

30 Condition B27B refers to Kurrumbede Homestead being an item of heritage. Mr Young comments on this earlier. To council's knowledge, Kurrumbede Homestead is not a gazetted item ..... heritage and council wants to be sure that there are no issues with the validity of this condition due to this wording and would encourage the Commission to investigate this. Having said this, council is aware of and fully  
35 supports the intent for this complex of buildings and its curtilage to be listed at the local State and even the national level due to its connection to Dorothea Mackellar. Council strongly supports the stated ongoing commitment of the proponent to maintain the Kurrumbede Homestead complex which we understand is made up of eight or nine buildings, and the curtilage of this complex entrust that this will be  
40 done.

Council further wishes to reiterate that due to the recent climatic conditions and the cyclical nature of drought in northern New South Wales, the development should be operated as water efficiently as possible to ensure that the development will not  
45 exacerbate the impact of available water resources to other users within the surrounding area.

The operators of the development, should it be approved and constructed, must be mindful of the impacts on property owners located outside of the acquisition zone without the opportunity to request for land acquisition under conditions D11 to 17. Adequate monitoring and regulation by the EPA should be undertaken to ensure that  
5 the development does not continuously exceed noise criteria resulting in detrimental impacts on those residents.

In summary and further to my comments herein, council is satisfied that the  
10 Department of Planning, Industry and Environment have adequately assessed the proposed development in their assessment report and have included a comprehensive range of conditions that will adequately mitigate the concerns that council has previously held in relation to the project.  
The development represents a direct capital investment of over \$600 million into our region as well as 450 full-time equivalent jobs, 181 indirect jobs to our region as well  
15 as up to 500 construction jobs. The proposed development has a net economic benefit of \$1.16 billion. The development will provide long-term economic strength to the Gunnedah Shire and the broader region and, as such, given the department's assessment, the proposed conditions of consent, council reiterates its support for the  
20 Vickery Extension Project. Thank you for your time.

MR HANN: Thank you very much, Andrew. Our next registered speaker is  
Councillor Cathy Redding who is the mayor of Narrabri Shire Council. Cathy, can  
25 you hear us?

MS REDDING: I can, thank you very much.

MR HANN: Thank you.

30 MS REDDING: Firstly I wish to acknowledge the Gomeroi people of the Kamilaroi nation and recognise their continuing connection to land, waters and culture. We pay our respects to their elders, past, present and emerging. Can I also take this opportunity to express my gratitude to the members of the Commission for making  
35 time to listen and learn from the experiences of our people in our community.

To say that we live in unprecedented times is an understatement. Thank you for everyone who has made the effort to make their voices heard amid these difficult times. Over many years our shire has enjoyed drought and floods and survived these challenges. We are currently battling a health crisis, the likes of which the world has  
40 not seen in over a century, yet our community has adjusted and remains resilient in anticipation of resuming life post COVID 19.

Commissioners, my team have met with you twice to raise technical issues regarding the proposal. I think you understand these issues. Today I want to talk to you as  
45 mayor. As mayor of this shire, it is a great concern that this proposal in its current form is contributing to anxiety and apprehension within our community, particularly amongst the residents of Boggabri and its surrounds. It is our understanding that the

purpose of these hearings is to consult with affected communities and listen to what they have to say.

5 As a long-term member of the Narrabri Shire Council, I have come across different forms of consultation to varying degrees of success. What I can say is that the current proponent claims to have – that they have consulted with our community, but it seems to me that they largely ignored the concerns of the Narrabri Shire about the potential impacts of this proposal on our people.

10 I've seen promotional material from the proponent that seems to not even acknowledge Narrabri on the map. I ask you, commissioners, is the proponent engaging with my community in good faith? I've been involved in VPA discussions with the proponent. When our community rejected one offer, their response was to offer us less money. I ask you again, commissioners, is the proponent engaging with  
15 my community in good faith and with the level of respect that we deserve?

Narrabri Shire is a progressive region and we have demonstrated our willingness to work constructively with a variety of proponents across different industries. We welcome external investment in our communities and embrace the challenges of  
20 developing our economy for the 21st century. We are willing to share the wealth derived from our shire but not at any price, it must be fair and equitable.

25 There must be acknowledgement that ratepayers, both current and future, should not have to bear the financial burdens of providing additional infrastructure. There must be respect for who we are as a community and the way we do things. There must be respect for our indigenous and non-indigenous heritage. There must be respect for our environment and water resources. And there must be respect for the people of Boggabri and the sacrifices and additional burdens that their community will have to make co-exist with mining.

30 We are in favour of responsible economic development, but it must co-exist with our existing industries. As mayor, it is my job to plan for the future and forward looking. But it is also my job to represent the interests of small communities in our shire such as Boggabri and I take this responsibility very seriously.

35 As I mentioned earlier, from feedback I received from various members in my community, we can co-exist with the approved project. We would like to state on the record that we do not currently support the extension, not for ideological reasons but for pragmatic reasons. We do not currently support the extension because in times of  
40 drought, when there is not enough water to go around, we think it will be our farmers who will miss out because the proponent can price them out of the water market.

45 We do not currently support the extension because we think the proponent will make profits for its shareholders around the world whilst impacting local infrastructure leaving the ratepayers to foot the bill. We do not currently support the extension because we think the impacts on ground water have not been assessed sufficiently and that the necessary safeguards are not put in place to protect our farmers.

The resources in our shire can only be dug up once. We do not – we will not surrender the right of the Boggabri community and its future to the lowest bidder or even just any bidder. If local people must make sacrifices to accommodate the extraction of these resources, then they deserve to share in the wealth that this project  
5 claims to deliver. We need to be confident that jobs are not going to evaporate with automation. We need to be sure that the proponent is committed and actually serious about investing in our community and any major impacts from this project need to be carefully considered and mitigated.

10 Residents and agricultural interests that live in and around the Boggabri area deserve fair and equitable compensation for the disruption to their livelihoods and the way of life. This applies not only to the current generation but also to future generations. We're not going to mortgage the future of our children and grandchildren based on  
15 carefully prefaced statements made by the proponent in their submission documentation and flaky commitments.

We want more than just motherhood statements and bureaucratic jargon about the so-called benefits of this project and the understatement of its impacts. The proponent  
20 needs to walk the talk. Show us that you can be a responsible corporate citizen in our shire. Show us that you can adhere to the approved project conditions of consent. Show us that you can manage our precious water resources without having a net impact on agriculture and the surrounding environment. Show us that you can deliver tangible benefits to the Boggabri community by partnering with us to deliver  
25 lasting and sustainable infrastructure in this area. Show us all this and then we can talk about an extension project.

From the outset, the proponent has not treated our community with the respect that we deserve. This is why our community – this is what our community wants, respect  
30 for our community backed up by actions that demonstration good faith. The feeling that I get from so many about this project is that we are being dictated to rather than consulted. Other local areas somehow get a better hearing than we do from the proponent. This is in stark contrast to the commissioners present today who have so far given us a fair go.

35 It is our practice to treat any development proponent, big or small, with courtesy and respect. Our aim is to assess each project on its merits, based on an evidence-based and consultative decision-making process. We trust that the commissioners will undertake a similarly rigorous and thorough approach to their assessment.

Throughout this process we have engaged with the proponent in good faith.  
40 However, it is increasingly clear that the proponent is not willing to meet us half-way, let alone a quarter of a way, to reach an agreement. What I have found hard to understand throughout this process is that the proponent themselves have failed to grasp that investment in our community is actually in their interests as well.

45 In my experience, strong and connected communities contribute to the happiness and well-being of people. If the local people are happy and can share in the benefits of a major project, then it is more likely that the proponent can continue with their

operations in a peaceful and profitable manner. If they make the necessary investment in financial and human capital towards risk litigation and compliance monitoring throughout the life of this project, they are less likely to encounter obstacles and more likely to develop a more positive reputation for corporate citizenship.

I make this offer to the proponent. Work with us to start rebuilding trust now. In conclusion, commissioners, I ask that you defer determining this application. There isn't approved in my – that my community tells me they can co-exist with. Let the proponent demonstrate their ability to operate this line with minimal impact on Boggabri and its farming community, and then let us consider the extension project.

The proper point at which to consider an extension project is when the proponent has proven it can operate the approved project responsibly and in accordance with conditions of consent and its water licences. Failing that, if the Commission and the New South Wales government decide that they must support the extension project, then they should require the proponent to pay a fair and reasonable contribution to the Boggabri community for improvements to its social infrastructure.

The current contributions recommended by the Department of Planning are not fair and reasonable in my view. As mayor of Narrabri Shire Council, what I can promise you

100 per cent is that every cent of all contributions made by the proponent in relation to this project will be spent in Boggabri. That is my commitment on the record. I thank you for taking the time to listen to the concerns of my community. I sincerely hope that these issues can be acted upon and that it will yield a positive outcome for Narrabri Shire. Thank you very much, commissioners, for listening and taking on board the concerns of my community.

MR HANN: Thank you, mayor. In your comprehensive submission to the IPC, you raised the number of jobs as being a concern and I note that the applicant has responded to that. We'd be interested to know what your view is of their response. Does it satisfy your concerns?

MS REDDING: No. No, commissioners, it does not satisfy our concerns and I believe that at the hearing that we had with you with my technical staff a week or so ago, we went through comprehensively what our concerns were around what the proponent's answers were.

MR HANN: Thank you, mayor. Chris, Zada, do you have any further questions?

PROF LIPMAN: No.

MR HANN: Thank ...

**PORTION OF FAULTY OR MISSING AUDIO**

MR HANN: Welcome back. I'd like to introduce our next speaker, which is  
5 Councillor Andrew Hope, who is the mayor of Liverpool Plains Shire Council.  
Welcome, mayor.

MR HOPE: Good afternoon, Commissioner Hann and panel members. Thank you  
for the opportunity to present to the panel today. First of all I'd just like to note that  
10 I'll be making two presentations to this panel, one in my role as mayor, which I am  
doing today, and one my role as the director of my own personal ..... tomorrow. That  
being said, the position statement today is the position of council.

Councillors elected to adopt a neutral position towards mining activities within the  
15 region. This approach has been in response to the significant ongoing tensions in  
respect of mining and agricultural interest in Liverpool Plains. Notwithstanding this  
policy position, the Liverpool Plains is physically located between the Hunter  
Region, Australia's largest ..... economy and the rapidly emerging swiftly growing  
20 economy in the Gunnedah coal fields. The mining sector, therefore, has a direct  
relevance and importance to the local business community of whom we advocate for.  
It has a potential to generate significant economic benefit for the region by bringing  
work and employment to our businesses and our region and the project is considered  
to be a major regional economic driver. I'll just skip over the page, guys.

25 The cumulative impacts of the local transport networks, particularly the road and rail,  
need to be fully considered as this, in the Liverpool Plains, particularly with the rail  
crossing at Werris Creek, is a significant impediment to us with the trains travelling  
through. So we're looking forward to the State government and the mining  
companies working together to have an outcome in that space.

30 The project is generally supported by council on the basis that it meets all of the  
regulatory guidelines and the environmental criteria and an appropriate balance must  
always be achieved. However, it is noted that the project is not within our LGA.  
The corresponding economic benefits to the region – regional community are likely  
35 to be very positive and the project has a capacity to increase economic diversity  
across the entire region.

A detailed social impact management strategy should be prepared and considered,  
the regional impacts of the project. We'd also like to note that Whitehaven Coal  
40 have a coal mine within our LGA which is the Werris Creek mine. As far as their  
dealings with council have been, they've been good corporate citizens and always  
engaged council appropriately and certainly contributed well to our community and  
we appreciate that in our community as it helps us not only fund sporting events and  
some development, it brings some money into our economy.

45 Recently we have been identified as one of the mining affected councils and we have  
been put into the resources for regions program which this year returned \$1.5 million

to our shire which we also welcome as that allows us to fund some of our infrastructure issues and our backlog so these are benefits that we see coming from resource extraction from our region and we welcome them as a shire.

5 As I said, they've always been good corporate citizens with our council and have interacted to us when needed and when we have approached council with issues from our community, have always been open and responsive. We have a triple C that operates at the Werris Creek facility owned by Whitehaven which is an effective triple C and has functioned for many years and council has always had a  
10 representative on that panel and the results coming out of that have been great.

So from where council sits, you know, we would like to see that the rail overpass infrastructure is addressed with the project by the State government and by the mining industry collaboratively to get rid of the impediments of the blocked rail line  
15 at Werris Creek and we welcome the – you know, the inclusion in the resources for regions. So that's probably council's position, in a nutshell, on it and we appreciate the opportunity to put council's position forward this morning.

MR HANN: Thank you very much, mayor. We appreciate that.  
20

MR HOPE: Thank you.

MR HANN: I would now like to call on our next speaker from our Narrabri studio, I understand. Elizabeth Laird, who's representing the Country Women's Association  
25 of New South Wales, the Maules Creek branch. I'll just have to call a very brief adjournment while we have our next speaker. Thank you.

**ADJOURNED** [12.19 pm]  
30

**RESUMED** [12.22 pm]

35 MR HANN: Welcome, now, to Elizabeth Laird who's representing the Country Women's Association of New South Wales, Maules Creek branch, from the Narrabri studio. Elizabeth.

40 MS LAIRD: Thank you. The Maules Creek branch of the Country Women's Association members are here today for the long haul. We are here for our children and our children's children. Today, on behalf of our branch, I stand here for them in front of you, our government decision-makers, in a time of extreme change. Your decision to approve new coal in our region will affect our generation. An approval will provide wealth for some of this generation while ultimately the environmental,  
45 agricultural and heritage costs will fall to the children of this region.

For this reason alone we object to this Whitehaven Coal Vickery extension application. In the first instance, we ask that you reject this development consent application and, failing this, we ask that you ensure that the conditions are fit for purpose, that is conditions must be met not generally and not qualified by such words as reasonably and feasibly. We have no room left in our environment for a project of this kind that agrees to get it approximately right.

Our key concern today is the threat this project poses to our ground water. Since the last time we spoke to the Commission, much has changed. Firstly, we ask that you take into consideration that Whitehaven Coal is under two water investigations we know of for alleged water take at the Maules Creek Mine and may face prosecution.

Under these circumstances, it is our view that where the water comes from for each project and clear conditions without loopholes for ground and surface water, should be up front before approval. Further, the term available must be clearly described in relation to water supply. Taking from farms should not be on. The water is either in the EA and conditioned in the approval or not. To our understanding this is not one big 20-kilometre mine pit from Maules Creek to Vickery. These are all separate projects and a mine can only use water once.

We know that in November 2019, Department of Water wrote to planning with a number of Vickery mine concerns, particularly to confirm if the proponent's needs had enough water entitlements. In March 2020, we note the Department of Water wrote another letter to planning, this time raising a link between Tarrawonga Mine mod 8 applying to access Vickery water licences.

The Department of Water identified in this letter that Vickery mine had a water shortfall in dry times. We ask does the Commissioner know about Tarrawonga modification 7, that is also in the planning process because at the same time as Vickery is proceeding, Tarrawonga mod 7 is also proceeding and is also linked to the Vickery mine but this time via a proposed pipe line.

Our community seeks clarification. Section 3.34 of the Tarrawonga mod 7 surface water assessment referred to mine water sharing being allowed between Boggabri, Tarrawonga and Maules Creek Mine. It outlines that Tarrawonga could, if approved, access water from the Vickery mine via a pipe line and with a pipe line in place, it's not a big stretch to see how future changes could be granted to allow water to go all ways through the pipe, or by truck.

Use of Maules Creek ground or surface water for mining at Tarrawonga or Vickery was not included in the original 2012 approval conditions for the Maules Creek coal mine. We already have water issues. We object to this door being opened as part of the Vickery Extension Project. It was not contemplated in the Maules Creek approval and the water must not be used for Tarrawonga or Vickery.

Further, mod 7 involves the removal of a promised 2013 planning assessment Commission condition for a ..... wall in the Tarrawonga approval. The wall is a

barrier to protect seepage of alluvial water into the pit. So now, if approved, the water may seep into the pit. Additionally, water understanding is now less clear. The crucial ground water modelling that is being undertaken now by all the Laird forest mines was not included for community scrutiny in the Tarrawonga mod 7  
5 environmental assessment for consideration. So you see the difficulties.

Water security is very serious. If water is being moved from zone to zone, we need the science understood by all the parties. We need to understand what each mine is taking and what the impact is. We need the updated modelling. The surface and  
10 ground water must not be turned into Whitehaven Coals available water supply for whichever mine it chooses. The risks need to be understood and then addressed. We need cumulative mine water use modelling conducted by an independent water modeler and we need the modelling peer reviewed and an understanding of weather conditions and the forecast impact of climate change before any water is taken to or  
15 from Vickery mine.

Water is precious to us all. If the piecemeal approvals continue, we understand that there will be ground water piped between Maules Creek, Tarrawonga, the farm bores and Vickery. We are particularly concerned for any potential for Maules Creek  
20 ground water ending up in Tarrawonga coal mine and then being pumped to Vickery. These pipe lines, if given approval, must have full transparency by a telemetry water meters that the public can view on pipe lines leading to or from the Vickery mine.

We are concerned as to what will happen when water is not available. We  
25 recommend that the Commission independently assess the cumulative issues around water. The issue of regional economic security is everyone's concern, and this is a point all stakeholders have in common. From our perspective, our State Country Women's Association organisation has had in place since 2016 a policy position calling on our governments to scope for new industries and invest in alternatives in  
30 mine impacted regions to prepare for the energy transition.

Our branch would like to draw attention – the Commission's attention to local government leadership. The Gunnedah council last September voted to rebuild and restart the town's abattoir and make it shovel ready after privatisation and it shut  
35 down in 1997. The council run abattoir used to employ 600 people in its peak and it was set up by the State government to create employment for local people.

New South Wales government investment is even more important since the pandemic has sped up. The collapse of coal markets to South Korea and Japan and  
40 with government's geopolitical pivot away from China, this step in returning local employment without reliance on coal, a product that increasingly countries have replaced, is stabilising for our region.

Further, the Commission will note our region's geographic distance from the coal port. We feel that the changes to global economic markets and the economic risk associated with approving new coal, places our region and community at risk. The  
45 last thing our region needs is for coal being an even bigger employer in the region. It

is reasonable that a reduced number of coal buyers in a market will go for cheaper coal because it's closer to the Newcastle coal port. When coal crashes, it won't be a bus for our region, but a decimation.

5 If, commissioners, you approve this development application, we request that you include human and nature respectful conditions to protect the environment from mining. We ask that you protect our climate, our air, our land and water for heritage farming, biological diversity and recreation for our children. We have read the justification and disagree that leaving a final void is a precautionary principle in  
10 action. If a void is the only way to protect the region and avoid serious environmental damage, then signing this approval means the risks of long-term impacts on the ground water is borne by the community and our children.

15 If the final void is the only way to localise impacts, then the mine is in the wrong place. If backfilling a void will make the impact worse, then this is a no-go zone. Responsible mining in these times of water insecurity does not leave voids, our regional water needs cannot afford an irresponsible project. If the Commission does approve the closure, we recommend that funds should be retained in trust sufficient to close the final void. We ask that that leading practice occurs, that the aquifer  
20 interference licence should not expire at the conclusion of mining after the final void is closed and that funds should be retained for monitoring of the ground water levels sufficient for a minimum of 400 years.

25 We believe that closing the void is the cost of doing business and these costs must be paid by the proponent. In closing, we have experienced stringent conditions and best practice where reasonable and feasible are being applied generally and over time, significant protections are removed by modifications, the secretary's approval or through the extension to the environmental protection biodiversity conservation obligations. The changing of the mine operations plan or management plans under a  
30 strategy known as adaptive management.

35 Unfortunately the project you approve will be worn away quickly unless you lock in legally robust approval conditions and regulations. Our region's stability is at risk from this approval. We say it would be better, faced with falling prices, that the coal be left in the ground and none of this busy work need occur. Then our efforts and our region can focus on building the nature respectful and climate respectful jobs and futures we require for our children to survive. Thank you.

40 MR HANN: Thank you, Elizabeth. We just have one question, if you could remain there for a moment. Chris.

45 PROF FELL: A simple question. I believe that Vickery must have valid water licences for all the water it takes. Doesn't that give reasonable protection for the water?

MS LAIRD: We don't particularly think that our water is safe because there is a lot of ways that the mines basically can access water from other places for use in the

mines. So last year, there was an example where Boggabri – where Maules Creek Mine started pumping water from some properties they purchased. They weren't part of the project approval, those properties. They were farm water and they started building pipe lines without approval and we asked at the triple C, when are you  
5 going to send us the modification for this building that you're doing. There was no modification. They said they didn't need a modification.

But ultimately, when push come to shove and Lock the Gate actually wrote a letter to them, a legal letter to them, it was determined that a modification was in order. But  
10 this was after the pipe line had been built and we find that very, very difficult to understand that a mine can operate like that in full view of everyone. It actually made people feel sick to see water being pumped from farms, not within the footprint of the mine at all, and everyone was just sitting around just kind of watching it happen and we felt fairly powerless actually.

15 Losing your water can make you feel really, really powerless. It is so hot and it is so dry here over summer, you know, you need to come. You need to come in summer and you need to see what it's like and you need to see how dry it is and when you've had your water lost from your region and you feel that it's not just from drought but  
20 it's from hydrological drawdown due to mining, you'll become very, very protective of that precious resource.

PROF FELL: Thank you.

25 MS LAIRD: So no, no. Having those licences doesn't give us comfort at all.

PROF FELL: Thank you.

MR HANN: Thank you, Elizabeth. We'll just have a – there'll be a short moment  
30 while there's a changeover so we comply with the COVID 19 regulations just in terms of our studio in Narrabri, if you could bear with us. Our next speaker is Elizabeth O'Hara from the Wando Conservation and Cultural Centre and I'll introduce her in just a moment. You represent the Wando Conservation and Cultural Centre. Thank you.

35 MS O'HARA: That's correct. I'm the secretary.

MR HANN: Elizabeth, we're good to go.

40 MS O'HARA: Thank you. My name is Elizabeth O'Hara. I'm the secretary of the Wando Conservation and Cultural Centre Incorporated, Maules Creek. I acknowledge elders past, present and emerging of the Gomeri, the traditional custodians of this land. Wando is an environmental centre which, since its establishment in 2016, conducts tours, educational and citizen science activities,  
45 policy development and environmental monitoring in and around the Leard and Piliga state forest. Wando most strenuously objects to this proposal.

Community groups such as ours have come to understand that the Department of Planning acts as a facilitator for the proponents in this project and seeks to manage and mitigate the justified concerns of communities. The question of biodiversity offsets clearly demonstrates this. Wando, in its submissions to the environmental protection and biodiversity conservation review and to the New South Wales Upper House inquiry into koala populations demonstrated yet again just recently that requirements in Whitehaven's approvals for offsets were never enforced in any meaningful way by the Commonwealth nor by the New South Wales Department of Planning to whom responsibility for enforcing Commonwealth conditions has devolved.

The six years of mining by the proponent in the heart of the Leard forest has seen the collapse in endangered species, an invisible ecological community. I'd like to refer to a question asked by the Honourable Mark Buttigieg at the koala inquiry. If those State conditions were not met, how did the clearing go ahead? Wando's representative replied that is a question for the Department of Planning. That is a question we ask year after year and extension after extension. Why are they getting extensions? Community groups have been forced into years of writing to the department and placing government information public access requests. These applications for disclosure have been opposed by Whitehaven Coal and some have had to go to the Information and Privacy Commission for determination.

Finally, Whitehaven had until midnight on Tuesday the 31st of March 2020, to secure the required 5,532 hectares of biodiversity offsets, to compensate for their clearing of a critically endangered ecological community. The process is deeply flawed when communities are forced into legal action, in this instance brought into Federal Court by environmental defender's office against the operator of Maules Creek Mine on behalf of the community group. In the meantime, the destruction continues.

I'd like now to refer to an issue that was mentioned by the previous speaker and that's the question of retrospective approvals. We ask – Wando asks that the commissioners imagine our consternation when it became apparent that Whitehaven Coal was seeking retrospective approval for a network of pipe lines and ancillary infrastructure intended to facilitate the conveyance of ground water from farms the distance of up to 12 kilometres from the Maules Creek coal mine. You just heard Elizabeth Laird say it makes you feel sick and that is how we all felt.

In a report on the 17th of December 2019, the Northern Daily Leader captured Wando's experience. As the Northern Daily Leader observed:

*Whitehaven Coal purchases a number of properties near its Maules Creek Mine and is using those properties to access ground water purchased earlier in the year, transporting it via pipe line. Construction of two pipe lines started and straight away questions were raised, if it was in line with the State's planning laws. However, the New South Wales Department of Planning,*

*Industry and Environment was firmly of the belief that no modification application was necessary.*

5 *On multiple occasions, the Leader asked the DPIE if Whitehaven needed to lodge development applications – modifications and every time, the department wiped its hands of the situation. The leader asked DPIE if given the pipe line was outside the mine’s boundary, Whitehaven needed to lodge a modification as per the State’s planning laws. At the time DPI responded there were a number of approved pathways for development outside of an approved mine boundary. DPIE said it understood the pipe line had all the necessary*  
10 *approvals it needed from other organisation, such as Narrabri council and the water watch dog, the natural resources access regulator, NRA. The department was so firm in its belief that the pipe line didn’t need a planning modification, it stated any further questions about this matter should be directed to the mining company or NRA. Now the DPIE has changed its*  
15 *stance forcing Whitehaven to submit retrospective modification applications of the two pipe lines the company has already finished constructing. But it begs the question ...*

Pointed out the Leader:

20 *... what’s the point of a planning department if it doesn’t enforce its laws. If retrospective applications are allowed, then what’s to stop them from becoming the norm. This whole situation reeks of an easier to seek forgiveness and permission attitude.*  
25 *After weeks of denial that modifications were required, modifications were published with no particulars, no environmental assessment, not even a project application. After the briefest period on exhibition and in spite of many objections being submitted, the pipe lines were retrospectively approved.*

30 Wando submitted a complaint to the Ombudsman concerning the Department of Planning’s actions. The Ombudsman, who is pursuing this complaint, reported on June 10th, 2020:

35 *Although the responses were due in May, I am yet to receive a response. I followed this up with DPIE and I was advised today that they are reviewing why the response is delayed and will answer shortly.*

It is of very little consolation that the DPIE appears to treat the Ombudsman with the same disrespect Wando and other community groups experience. In March 2020,  
40 Wando requested a ministerial intervention in Whitehaven Coal Limited’s application for a new mining lease at Boggabri under the fit and proper person test. We communicated with Minister for Energy and Environment Matt Kean, our understanding that mining licence application 578 should be refused on the ground of the reputation and character of the applicant who has held a mining right or any other  
45 instrument issued or granted under relevant legislation that has been suspended, cancelled or revoked.

Exploration EL – expiration licence EL6324 was suspended by the resource regulator in August 2019 and remains suspended following serious breaches of the company’s expiration conditions. Ministerial correspondence policy led Wando to follow-up when no reply had been received from the Minister for the Environment, Matt Kean, after 20 working days. We were informed the matter had been referred to the deputy premier and a reply is now overdue from him.

Such a lack of transparency and urgency in the government’s responses to our concerns is not infrequent, is to be deplored and is to the unfair advantage of the proponent. Over the years, Whitehaven has shown itself to be resolutely a bad neighbour. There are so many examples, including within the last four months. On the 28th of April 2020, the Northern Daily Leader’s report Whitehaven Coal fined \$120,000 for dumping hazardous waste and on the 2nd of March 2020, a Lock the Gate media report, clean up notice for pollution not enough for repeat offender Whitehaven after thousands of small white styrofoam balls used in explosive blasts during mining were found in the overflow of Back Creek following rain. You’ll hear more about that shortly.

Such reports cannot convey the anguish, the hours of research and reporting required to have Whitehaven called to account and of course the often irreversible damage is done. The community has seen the DPIE is unable or unwilling to ensure Whitehaven’s compliance to planning approvals and yet the IPC is being asked to enforce a flawed project – to endorse a flawed project for which so many approvals are outstanding. One example is the new bore field proposed to supply the mine. Then there’s the whole nightmare of a train track to transport the coal on a new rail crossing over the Namoi River and its flood plain.

The DPIE’s own agency objects to Whitehaven’s proposal to put a mine spoil pile on top of zone 4 of the Namoi alluvial aquifer. An extraordinary omission from the project process is the Queensland Hunter Valley pipe line. Initial inspection of the Queensland Hunter gas pipe line maps found in the New South Wales planning portal and the Vickery AIS maps, show that the Queensland Hunter gas pipe line route approved by the planning processing February – 2009, crosses the property Kurrumbede, acquired by Whitehaven. It appears the route runs along the bottom half of EL7407. It appears from the approved maps that the pipe line route intersects with the proposed railway line. And yet this State significant project, with its approved corridor through the Vickery extension is not mentioned in the proposal before the commissioners.

Another issue Wando had expected to speak to if allotted their requested 15 minutes was social impacts of another open cut mine in the predominantly agricultural district of Boggabri, a matter which has caused the Narrabri council to object to the project. Further considerations we had hoped to address more fully were current market realities and climate change. Wando is bewildered by the State government’s enthusiasm for this project. As a report in the ‘Sydney Morning Herald’ by Simon Nicholas, energy analyst for the institute of energy, economics and financial analyst observed:

*New South Wales bullish coal export plan defies the global market realities. We understand that Australia is not on track to meet its Paris commitments and those commitments are, in any case, inadequate and in line with the catastrophic three degree warming outcome. Commitment to renewable energy provides the only hope.*

For these and many other reasons, we have not even considered water issues which require another 15 minutes. Wando objects to this proposal. We appreciate the opportunity to develop our concerns in our written submission and welcome questions from the panel. Thank you.

MR HANN: Thank you, Elizabeth. Do you have any questions, Chris, Zada, at this stage? No questions from us at this stage. Thank you very much, Elizabeth.

MS O'HARA: Thank you.

MR HANN: So we're just doing the changeover as I mentioned earlier so we comply with the COVID 19 and our next speaker, when ready, will be Pat Schultz, representing the Knitting Nannas of New England North West.

MS SCHULTZ: Hi.

MR HANN: Welcome, Pat.

MS SCHULTZ: Thank you. Thanks for this opportunities to speak. I speak on behalf of the Knitting Nannas New England North West. We object to the Vickery Extension Project. I have witnessed and experienced the problems of living close to Whitehaven mines. I'm a friend and support person for Cliff Wallace who resides in Black Mountain Creek Road, Maules Creek which is within site of the Maules Creek Mine, and regularly stayed at this address for a few days at a time, generally once every month or two.

For 30 years, Cliff was an irrigation farmer with a water bore that had an excellent flow rate. The bore still flows but now only produces sufficient water for watering the cattle and household use. It's my opinion and the opinion of Cliff and his neighbours that this was caused by a combination of drought and the four mines in Leard forest. Farmers survived until the Maules Creek Mine opened. The quantity of water used by the mines during the dry time was unsustainable.

At one point the bore flows was insufficient for pumping. All cattle had to be sold and the water carted for domestic purposes. This could be repeated in the Boggabri area if this mine goes ahead as mine extension for Vickery goes ahead. Coal mines require a great deal of water. In dry times mines and farming cannot co-exist. I ask that you choose farming when making a decision on the approval of this mine.

Whitehaven are not good neighbours. Last February, thousands of small white styrofoam balls used in explosive blasting during mining were found in the overflow

of Back Creek following recent rains. This is simply one incident in a long string of incidents that the neighbours have faced.

5 Whitehaven has no social licence left in this community. Whitehaven originally planned to mine within 750 metres of the Namoi River but withdrew this application because of public pressure, not because of their concerns for the environment. Poulson said this in an article in the Northern Daily Leader at ..... now comes close to the edge of the Namoi's alluvial aquifer, the productive ground water that underlies the river and feeds it. The pit will induce leakage from the alluvial aquifer and the  
10 Namoi River itself. The New South Wales planning department has also admitted there are concerns that the large mine spoils could contaminate the Namoi alluvial aquifer. Poulson influenced the results of the consultation which he held and told the Narrabri Courier:

15 *We know there's strong support for a Vickery from the comprehensive community consultation process that has already been undertaken. Sixty per cent of public submissions to the Department of Planning and 75 per cent went to the IPC called for approval – the project to be approved.*

20 What he didn't tell the Courier is that Whitehaven repeatedly emailed staff and contractors reminding them to make submissions. Whitehaven's consultation is not representative of the local community. Thank you.

25 MR HANN: Thank you very much, Pat. Our next speaker is Anna Christie representing the Leard forest research. Just one moment while we make the necessary changeover compliance. We might take a short break until we get our Narrabri studio back.

30 **ADJOURNED** [12.50 pm]

**RESUMED** [12.51 pm]

35 MR HANN: Anna Christie, welcome, and you're representing the Leard Forest Research. Thank you very much for your patience.

40 MS CHRISTIE: Hello, and thank you to the Independent Planning Commissioners for the opportunity to, once again, present to you on behalf of the Leard Forest Research Node, further to our previous written and face-to-face submissions objecting to the Vickery Project. I acknowledge and honour the Gomeri traditional owners and offer my respects to the Gomeri elders. By way of rebuttal of any  
45 accusations that this process is involving red tape and green tape, I'd like to make some introductory comments about the environmental impact assessment for this project and its inadequacy.

It is clear, as confirmed by the Commission's issues report dated 30<sup>th</sup> of April, that the environmental impact assessment was severely lacking in the scope and detail of matters which should've been made available to the IPC and the DPIE for consideration. Clearly, there is something wrong with the secretary's environmental assessment requirements if an EIS lacking so much necessary detail gets as far as the  
5 IPC. While proponents may complain of red tape and so on, it seems to us that the problem lies with the seers which did not adequately describe the requirements right from the start.

10 The IPC has identified particular issues within broad key issues and called for detailed consideration by the Department of Planning, and noted critical matters which were only briefly covered by the applicant in the EIS and the additional material, and in some instances not dealt with adequately, including the  
15 Commission's view that the project justification was inadequate, politely expressed as a more comprehensive explanation of the applicant's justification would be useful. I will cover in more detail our critique of the inadequacy of the EIS in our written submission, but today I wish to address predominantly the laxness and vagueness of the recommended conditions of approval which we urge the IPC to reject.

20 We also address the subject of the cumulative water impacts which is the topic we raised previously, and I want to present to you a document which has been obtained through government information public access which was the natural resource access regulator's commentary or comment on the regional water strategy. It's dated 5<sup>th</sup> of  
25 November 2018. It's a very important document. The document had to be obtained by government information public access mechanisms and was never presented to the community consultative committee. So I would like to start by pointing out that zone 4 is at risk of cumulative impacts, they're not well understood and that the regulatory and operational mechanisms are not in place to predict and forestall  
30 cumulative impacts as they arise. The NRAR stated in relation to the regional water strategy, that – and this is dated November 2018 – that:

*As the water management strategy currently stands, there is low confidence in the capacity of all three operations to respond to cumulative impacts effectively.*

35 This is very, very important because that's only referring to three mines, not a fourth additional mine being the Vickery Mine which is operating within the same zone, and as we now know there are four mines currently exploiting water from zone 4. So we take exception to the use of the term "strict conditions", which in the normal  
40 parlance we understand to mean rigidly enforced, exact adherence, not allowing or admitting of deviation or relaxation, but yet we constantly hear in defence of the – all of the problems that are experienced that strict conditions are imposed.

45 The Department of Planning has stated that it has recommended a range of conditions to manage amenity impacts and also, for example, to comply with strict construction, operational and railroad noise criteria, and comply with strict blasting and air quality criteria. In the 10 minutes available, it isn't possible for me to fully

canvass all the reasons why the recommended conditions fail to deliver strict conditions or to deliver certainty and confidence to the public that Vickery would be a well-regulated mine, and we will follow up with that.

5 But I would like to point out if you want to compare the regulation of this mining industry in the Namoi with what really is a strict condition, we might look, for example, at abattoirs, and I say this because AQIS inspectors are on site at these abattoirs the entire time that they are operating and people have often said, “Why is there no EPA representative at the mine?” I mean, we have a massive conglomerate of mining here and yet the closest regulator is based in Armidale, around three hours drive away, and the practical effect of that is that they are rendered – really, they’re disempowered from doing their job. We hear stories from within the mine that, really, that operations shut down when there’s an inspector come to make, you know, an unexpected call and so on.

15 And even then when the EPA visited the Maules Creek Mine in August 2019 and found the explosives dump was poorly secured with expandable polystyrene balls, the EPBs clearly escaping into the surrounding environment, all that happened was a verbal warning and no further action until February when it was discovered by a mine neighbour that a major spillage and what we regard as a tier 1 pollution offence had occurred and a large number had escaped during the flooding rains into Back Creek, which is a tributary of the Namoi River. When conditions are expressed in subjective terms with no measurable performance criteria they result in no punitive consequences for non-performance, and without consequences or with minor consequences this renders the conditions ineffective. This we regard as regulatory failure.

Vague and uncertain phrases like “all reasonable and feasible measures”, “as soon as practicable”, “to the greatest extent practicable” and “as soon as reasonably practicable” should be replaced with “measurable and quantifiable measures or methods”. Similarly, we note, having viewed the recommended conditions, there is a prevalence of conditions whose performance criterion is the satisfaction of the secretary. Case studies illustrate the problems that arise when there are one or more vague or subjective performance criteria in a condition. Recommended conditions B101 and B104 relate to rehabilitation, a major concern, according to the issues report, which states that:

40 *During public exhibition of the Vickery Project, the final void was raised as a significant concern in public submissions.*

which we agree with. Now, if you look at the wording, which I won’t repeat the wording of those two conditions, you can see that the objectives are proposed rather than required, the rehabilitation is only generally consistent and then we are referred to table 12. Upon looking at the objectives in table 12, we find one of them is to establish the final landform and post-mining land use as soon as practicable after the cessation of the mining operation and, furthermore, B104 says that:

*The applicant must prepare a rehabilitation strategy for the development to the satisfaction of the planning secretary.*

5 We strongly oppose this kind of vague performance criterion. Our group grappled with the seeming lack of progression of rehabilitation at Maules Creek Mine when in 2016 we approached the then secretary, Ms Carolyn McNally, with our concerns, that included our offset rehabilitation plan and budget were overdue. When we met Ms McNally in the company of senior planning officials, we asked:

10 *What considerations guided the secretary in determining whether she was satisfied?*

And we were told in explicit terms at the meeting, and I quote:

15 *That would be for the court to decide.*

20 This lack of guidelines as to the secretary's discretion is not in the public interest, and I would like to furthermore point out that we have discovered in recent times during the December 2019 scandal about the retrospective approval of the pipeline from the farms to Maules Creek Mine we discovered that the department, whilst insisting that there was no need for a modification, had not obtained its own legal advice and was relying on the proponent's legal advice. And then I furthermore understand, on advice from the – from a departmental officer, that this is actually departmental policy to rely on the proponent's legal advice.

25 So there we stand with a condition that only calls for the secretary's satisfaction, but the secretary is not even obtaining their own legal opinion on matters as critical as this. So we submit the time has come to remove the high number of subjective performance criteria, and this will be fleshed out more in our written submission.  
30 Now, in regard to the water cumulative impacts not being properly considered, when you consider the level of concern and the gravity of risks to groundwater in the coal mining area of the Namoi Valley, regulatory failure is evident in relation to cumulative water impacts of the Namoi Valley mines, and this is illustrated by reference to these factors. Firstly, there is the much delayed what they call the BTM  
35 regional water management strategy, also, alternatively known – actually, officially known as the Leard Mine Precinct Regional Water Strategy, which includes Boggabri, Tarrawonga - - -

40 MR HANN: Anna, I'll need to get you to wrap it up as soon as you can, please. Thank you.

MS CHRISTIE: Yes. I didn't hear a bell, so I'm sorry that I didn't hear that.

45 MR HANN: Okay. No, no, you're a minute over time.

MS CHRISTIE: Okay. Well, that's fine. I will just point out that the NRAR recommendations, 30 of them, were ignored. I will also point out that at the moment,

we have probably quite a substantial list of matters that we'll include in our written documentation. Thank you very much and I do apologise for going over time, but I didn't get a bell warning.

5 MR HANN: No, that's okay. Thank you very much, Anna.

MS CHRISTIE: Thank you very much.

MR HANN: Our next speaker is Peter Wells. Welcome, Peter.

10

MR WELLS: Thank you. Thank you. Good afternoon. My name is Peter Wells and I speak in strong opposition to the Vickery Coal Mine and its extension approval application. I'm a Whitehaven coal neighbour myself and speak with some experience into the social impacts of – on many in the community who are left  
15 residing near to these developments or in areas of potential developments of mega coal mines, and for those more broadly in our regions who fear the root spread of risky fossil fuel developments in New South Wales. My family farm is the neighbour to Whitehaven Werris Creek coal mine site and we're also on the approved route for the Queensland-Hunter Gas Pipeline.

20

I'm also a resident of Breeza, near the Shenhua and Kiruna coal mine sites and I'm a chair of the Wando conservation group, a group based around the Maules Creek mine development. I'm part of various communities in all these locations. These communities have all had to work extremely hard in often highly pressurised family  
25 and business situations, during drought and personal hardship, some for more than a decade often working in areas of research out of our normal expertise in trying to gain a deeper and better understanding of developments, investigate more detail for ourselves to satisfy and assuage our own concerns and questions we cite as risk to our region and our fellow community members.

30

The amount of time the community is compelled to invest by our own conscience is incalculable at the loss of our own personal time, time we'd rather spend – we'd rather be spending in other areas of interest and, in fact, we are forced by time constraints so more often than not, steal time from our own business and family in  
35 which to learn and understand coal and gas developments in our immediate region. I sat in the Boggabri Golf Club when the Department of Planning gave the process rundown after the release of the Vickery EIS, only to be told by a member of the panel to the effect of, "Don't worry, you don't have to read all of it", being the EIS, "We do that."

40

I'm sorry, but that sort of statement from the Department of Planning or any authority of power from people from different business backgrounds in areas of interest of study, wouldn't give anyone in the community any faith whatsoever in the process and, in fact, quite the opposite after years of local planning issues, risks and failures seen in previous developments such as Werris Creek coal mine site or the  
45 countless modifications required by Whitehaven mining operations after their initial fairy tale EIS delivery. We've seen this in the local water pricing wars that have

developed around Maules Creek and Boggabri with farmers outpriced in their market, and the retrospective water approvals ticked off by planning process not enforcing the original EIS conditions.

5 This leaves many of us, perhaps most in the community, with very little faith that –  
in the planning system that is weighted to work more for the proponent developer  
than that of the community issue or concern. Time and again there is strong  
localised reporting of community consultative committees, from those who work  
closely within these forums, that they are not working effectively for the community  
10 transparency and answering of genuine query. People give up on the process given  
to them with genuine query very often being constantly dismissed, ridiculed or spun  
as acceptable within conditions of approval. This lack of trust and subsequent  
engagement by downtrodden communities only favours the proponent company.

15 Communities learning, understanding and work within the submission process is  
what helps or should help shake conditions of framework for developers –  
developments, but very often genuine concerns are still placed second to that of  
gaining consent for development. The intensity that many in our community work  
on seeking answers can put awful pressures on individuals and families, many to  
20 breaking and very often broken points. On extra – often extra pressure is placed on  
certain individuals who actually have the nous, the ability and capacity to work in  
these high pressure spaces, only for those people to burn out completely from the  
pressure.

25 Anyone in our various communities will attest and acknowledge this being an  
unfortunate reality. There is so much to touch on regarding social impacts in a five  
minute moment when having requested a mere 15 minutes to talk about these highly  
important issues, and I hope further analysis and consideration is sought by you, the  
IPC panel, into these serious and most concerning of issues for the community. I,  
30 and, in fact, no one wants to see another farming community broken and forced into  
a 20 year plus battle of lives lived of daily concern, of battle with governing  
authorities in a mismatched weighted struggle, that we are forced with absolutely no  
choice into. Thank you.

35 MR HANN: Thank you, Peter. Peter, I just would mention that if you feel you need  
more material to provide to us, we welcome any further submission from you.

MR WELLS: Thank you. I submitted a – a submission last night about a different  
topic, but thank you for that.

40

MR HANN: Thank you very much. Now, our next speaker is Roselyn Druce.

MS DRUCE: Am I right to go?

45 MR HANN: Welcome, Roselyn.

MS DRUCE: Okay. Thank you very much and thank you for the opportunity to speak.

5 MR HANN: Roselyn, just one moment. I'm sorry to interrupt. We just need to make sure we've got the proper – the camera angles right and the audio correct. We're right to go now, thank you.

10 MS DRUCE: Okay. Thank you for the opportunity to speak and I would like to acknowledge the Gomerai past, present and emerging. Vickery Coal Mine extension should not be granted approval now, or ever. Allocating only five minutes to explain 25 years of mining destruction, deception and concern puts local stakeholders at a distinct disadvantage. I would like you, the IPC Commissioners, to hear how this company conducts its operations on the ground and how that affects the environment and the people. A subsidiary, this Vickery Coal Mine and all the other local 15 Whitehaven coal mines are part of the one parent company that has no social licence in our community. They are a difficult neighbour with little and no transparency.

The community has had to continually get the information which is always heavily redacted, so is Whitehaven a fit and proper company to hold a mining licence? 20 There's a long list of breaches and non-compliance by Whitehaven that would suggest otherwise. Consistent and increasing breaches that can be substantiated appropriately by the qualified regulatory bodies that have imposed penalty notices, official cautions, warning letters, court undertakings and clean-up notices, and these relate to polluting waters, disturbing Aboriginal artefacts, mining more coal than a 25 licence allows, failure to implement noise monitoring, blast management and biodiversity management plan failures, dumping combustible cannisters in Narrabri Shire rubbish tip, suspension of exploration licence for unlawful clearing, statutory notice.

30 The New South Wales resource regulator has detected poor rehabilitation at Tarrawonga, Rocglen, Sunnyside and Maules Creek mines. 13 years on and a large area of Tarrawonga have minimal visible signs of established tree species, including a thick cover of exotic grasses and weeds. Rocglen has planted tube stock three times, without success. Maules Creek Mine is way behind in the commitment to 35 rehabilitate their mine site, public notice from the resource regulator for a dangerous incident, a prosecution from a resource regulator with a serious work, health and safety incident which is ongoing.

40 A legal challenge by a community group to prevent winter clearing. A legal challenge in the Federal Court – and this is a really big one, this is a failure to secure biodiversity offsets for the Maules Creek Mine by the specified time. NRAR investigations. Mega pipeline, which I think you've heard from some of the previous speakers, constructed without any consent and not in their PA, but retrospectively approved by the department after the – after the community really went into uproar 45 over it. NRAR ongoing investigations of surface water harvesting at Maules Creek Mine. EPA clean-up notice – you've also heard this from previous speakers.

Polluting Back Creek with non-biodegradable Styrofoam balls and they were discovered at least seven kilometres downstream after a rain event. The extent of the pollution was widespread. It was along Back Creek. It was down into the TSR and as far afield as the Namoi River. The Namoi River is just 400 metres from this proposed Vickery Extension. A disaster waiting to happen, given Whitehaven's track record. There are only some – these are only some of the breaches by this company that has such a disregard for the approval processes and consent conditions. There are four open cut coal mines and a gas ..... that hasn't been extinguished hanging over this district, as well as this possible fifth mega coal mine.

10 This project is banking on yet another ballfield to be approved and a rail line over the flood plains. Continual approval creek with devastating consequences for the environment and agriculture. A high priority water licence to wash dirty coal. Taking water from a dying river system. Five mines extracting underground water and using river allocations to wash coal is unsustainable. Our underground aquifers cannot sustain such constant dewatering. Cumulative effects have not been considered by the consent authorities. Economic gain is all that matters to Whitehaven.

20 These beautiful bricks and pillars of the Kurrumbede Homestead that is just one 1.2 kilometres from the Vickery Project just won't stand up to the continual blasting and the effects of the over blast pressure and ground vibration, let alone the rail infrastructure construction process and 24/7 trains. I can say that from experience. Living approximately seven kilometres from the Maules Creek pit, my house has quivered and cracked due to all the blasting at Maules Creek. No wonder Whitehaven Coal - - -

MR HANN: Roselyn, I'll need you to wrap it up shortly, if you wouldn't mind.

30 MS DRUCE: Yep.

MR HANN: Thank you.

35 MS DRUCE: No wonder Whitehaven don't want this iconic homestead listed – heritage listed. The Vickery State Forest is of similar community type to that of the Leard. It will have a similar destiny as the Leard, albeit excessive noise, lighting and settling of coal dust on the foliage of the White Box. Drawdown of water could contribute to the death of this forest and yet another native forest. Our iconic koala wouldn't be impressed by species credits. They just require their food and shelter trees and no more coal trains sent 24/7.

The local environment, the Namoi River and the community near the Vickery Project Extension will ultimately be badly impacted by this company if this project is approved.

45 This Vickery Extension Project should not be approved now or in the future for these reasons. Whitehaven Coal is not a responsible company and I'd like to leave you

with just this very short quote by Ansel Adams. He's a photographer and a conservationist:

5           *It is horrifying that we have to fight our own government to save the environment.*

Thank you.

10 MR HANN: Thank you, Roselyn. And our next speaker is Bronwyn Vost, if you can just give us a moment or two to set up the studio. Thank you. Welcome, Bronwyn. We can see you and hopefully we can hear you.

15 MS VOST: Thank you. I honour the Gomeroi elders, traditional owners of this land. I strongly object to the Vickery Extension Project. I've lived all my life in New South Wales and I'm extremely angered by the attacks on our land and water, especially by the fossil fuel industry. This project will cause climate change, wildlife habitat loss, water loss and loss of arable land. I'm deeply distressed that my six grandchildren and their peers will be left with this degraded environment. The subject of intergenerational equity merited only one brief paragraph in the whole  
20 report of this project.

I am disgusted that the Department of Planning and Industry – Planning, Industry and the Environment should recommend approval of this project. In their assessment report they produce very little evidence to allay the fears of previous objectors to the  
25 project. They make assertions without any evidence at all, as if assertion were enough to make something of fact. A breathtaking example of this is to do with wildlife habitat loss. The report states on pages 10 and 11, and I quote:

30           *Surveys have identified 11 threatened fauna species recorded in the project disturbance area, including six birds, three bats, a squirrel glider and koala. None of these species are predicted to be significantly impacted.*

No realistic assessment of a colony of threatened species could expect it to survive in a mine disturbance area. The DPIE expect this, however, as it – and I quote again:

35           *...has recommended a range of conditions to manage the biodiversity impacts, including requiring Whitehaven to prepare and implement a biodiversity management plan for the project and prepare and implement a koala plan of management for the project.*  
40

This extract from the report I find highly disturbing, because it proves that Whitehaven has no existing plans for biodiversity or koala management as the DPIE is directing them to prepare and implement these. I find it staggering after the disastrous bushfires that we've recently experienced in which a billion native animals  
45 were estimated to have perished, that our Department of Planning, Industry and Environment would not put the highest value on protecting every remaining colony

of wildlife, including that most iconic of Australian animals, the koala. The DPIE has imposed a very long list of conditions on this project.

5 Unfortunately, Whitehaven has a shocking record of constantly transgressing regulations for its other mines in the district. Landholders and other citizen groups constantly have to hold Whitehaven to account for breaches. Some recent examples, their exploration licence was suspended in 2019 and remains suspended. They dumped hazardous waste at the Narrabri public landfill. They were sanctioned for inadequate mine rehabilitation. They were fined large sums of money for blasting  
10 violations. Such convictions are simply the tip of the iceberg and local groups find it exhausting to try and document breaches that are occurring on a very regular basis.

I have personally heard complaints from farmers ever since I started visiting this district in 2014. There is no trust in Whitehaven's intention to do the right thing.  
15 Conditions imposed on the project are only as good as the will and the means to uphold them. In this case, the development conditions seem to be a pointless exercise in self-deception by the DPIE. I urge this Independent Planning Commission to carefully consider my written submission where I set out many unmistakable cases of this self-deception.

20 I deeply disagree with DPIE's final assessment report where they conclude that they have struck a reasonable and appropriate balance between mine – this mine and the environment. I believe that the time has indeed come for extension, not of this coal mine but of renewable energy projects which will genuinely benefit our state. I  
25 profoundly hope that this Independent Planning Commission will review the evidence with a fresh and dispassionate eye, and will conclude that the Vickery Extension Project should not be allowed to proceed. Thank you.

30 MR HANN: Thank you, Bronwyn, and thank you for your written submission as well. We'll now take an adjournment break for lunch and we'll resume at 2 pm.

**ADJOURNED**

**[1.22 pm]**

35

**RESUMED**

**[2.00 pm]**

40 MR HANN: Good afternoon, and welcome back to the Vickery Extension Project public hearing. I would like to introduce and welcome Will Childs.

45 MR CHILDS: Yes. Good afternoon, and thanks very much for the opportunity to speak today. I'm Will Childs. I'm the owner and director of WTC Earthmoving. We are a local contracting business to the northwest area and Whitehaven Coal. The last two years, we've seen a significant growth through our – through the opportunities created by Whitehaven Coal. This growth has allowed us to employ more people from our local communities, such as Narrabri, Gunnedah, Tamworth

and Boggabri, as well as moving families in from outside regions that may not have considered otherwise. As our family owned and operated business, it has always been a priority of ours to use local suppliers and contractors whenever possible. Through this growth, we have also been not only to continue the support but increase  
5 the capacity. Whitehaven Coal has created over 2000 jobs within this area, including high skilled jobs like environmental engineers and electrical engineers – jobs that would normally not be able in our region. These jobs, along with hundreds of other jobs proposed from the Vickery Project, will generate and reduce the number of young people from moving away to find this employment and will attract young  
10 families back to our region.

Young people contribute to our businesses, schools, sporting groups and events. They are the future of our communities. With major of their workforce living within the region, Whitehaven Coal have prioritised supporting the local communities. In  
15 the 2019 financial year, Whitehaven Coal has spent millions of dollars within our local suppliers and over 500,000 donations with the sponsorships of things like the Westpac Helicopter and local sporting groups. With the Vickery Project, there will be even more available to pour into our communities. There will be also increased economical benefits to our state and federal governments to allocate to our roads,  
20 hospitals, schools and other projects. These are the things – and will be better off – will be better off for everyone in the community. Whitehaven Coal are an asset to our region, and they continue to be a positive impact to the economical and social development of our communities. And the proposed Vickery Project with ..... of this will be a large impact. I am passionate about providing opportunity to a younger  
25 generation, and to do so we need to – sorry, we need industry such as agriculture and mining within our communities to provide these careers and opportunities to our younger people. Thank you very much.

MR HANN: Thank you very much, Will. We will now cross to presentations from  
30 our Narrabri studio, starting with Stuart Murray.

MR MURRAY: Good afternoon .....

MR HANN: Welcome.  
35

MR MURRAY: This is an objection to the Vickery Coal Mine extension. I am addressing the Independent Planning Commission panel. I am Stuart Murray, a retired economist now cattle farmer in the Narrabri Shire, and unfortunately have the Whitehaven Underground Mine as my neighbour. Resource companies are notorious  
40 for exaggerating the benefits and downplaying the negatives of their proposed projects. I remember a Boggabri when submissions to the Vickery Extension EIS were being presented that Paul Flynn, the CEO of Whitehaven Coal, twice claimed the project was sustainable. Coal mining cannot be described as sustainable, because it is a finite resource. A more compelling definition of sustainability is the ability of  
45 the project to meet the needs of the present without compromising the ability of future generations to meet their own needs. Coal mining fails miserably by these criteria as demonstrated by the unrest among the younger people around the world.

At the same hearing, the case was made by eloquent young coal mining employees that coal mining was good for jobs, and no doubt this argument will be trotted out again at this hearing. Never do they mention the fact that more than 80 farming businesses, along with the associated jobs, have been squeezed out by these coal  
5 mines. That's an area of 61,000 hectares and increasing. Never do they mention the contribution coal mining has to global warming and climate change and the loss of jobs as a result. Recently, job losses for the electorate of Barwon due to the drought were calculated at around 17,500 full time jobs equivalent in 2017 and '18, and more than 34,000 jobs in 2018 and '19. Exactly what number of job losses could be  
10 attributed to a particular mine would be difficult to determine. However, the fact that fossil fuel industries collectively contribute to climate change mean job losses as a result cannot be disputed.

Never would they mention the negative impacts of climate change on the economy, a  
15 message delivered clearly over the last few years. Drought, followed by Queensland floods that washed away over half a million cattle, back into drought – rivers dry up with massive fish kills. 2019 saw many records broken – record heatwaves, hottest year on record, driest on record, and the worst fires on record during 2019 and '20. More floods in early 2020, damaging hailstorms in Melbourne, Canberra, Sydney  
20 and Rockhampton, and don't forget the dust and smoke and continued bleaching of the Great Barrier Reef.

So what does the Commonwealth and New South Wales governments do to keep  
25 these people employed and stimulate the economy? Blame arsonists for the bushfires, brush it all under the carpet and say this is not the time to talk about it and recommend another two global warming projects – Vickery and the Narrabri Gas Project. Give us a break, for goodness sake. The Murray-Darling Basin of which the Namoi is part has dried up before due to droughts. But the discussion now is how  
30 much worse the problem has become since some of these water resources have been allocated to irrigation and the needs of the community and industry along the river. Combine this with climate change, which now has a significant negative impact, would suggest it has been brought to its knees.

Indeed, the federal government's own state of the environment report 2016 gives a  
35 poor assessment in landwater flows in the basin. It reports long-term downward trends in flow since 2011 and a widespread loss of ecosystem function. Since then, on average, it has got hotter and drier, and obviously the situation has got a hell of a lot worse since then. The fact that our government has spent \$8 billion so far trying to restore environmental flows and so far there is little show for this expenditure – it  
40 begs the question of why would they allow coal mines – and I've got this in brackets – allegedly suck up water illegally, outbid local farmers for water at auction to be used for dust suppression and washing coal. We would rather see the water used for a sustainable industry like agriculture. Digging up more coal will not get us out of the mess we are in. It will only lock in more of the same for longer. Therefore, the  
45 economic contribution of mining coal – and gas, for that matter – is nowhere near as big as you might think. Thanks. Stuart Murray.

MR HANN: Thank you very much, Stuart. Our next registered speaker is Keelah Lam, also presenting from the Narrabri Studio. We will just wait for the changeover between speakers. Thank you. Keelah, we are ready to go. Welcome.

5 MR MURRAY: Thank you. I object to Whitehaven's Vickery extension, fourth largest future coalmine moonscape in New South Wales. Jobs, jobs, jobs – it's clear – ruining jobs – mining jobs are rapidly reducing. It is known Whitehaven at Maules Creek is increasingly recruiting its workforce from interstate, with many drive-in drive-outers, people with special skills are brought in. Whitehaven ..... a childcare  
10 centre in Boggabri which could support recruitment of young working families. Reduced jobs are due to enlarged, massive computerised machinery. It's staggering to see it in urban developments tearing through ancient rocks, disturbing water courses, neighbours and the environment. Coal is fast becoming a stranded asset.

15 Who will pay for rehabilitation when bonds are found insufficient? Whitehaven mixes inferior coal with better quality coal for export. One reason the company plants rail spurs around the valley to facilitate the process. The recent bushfires are the sign that rampant use of fossil fuels led to ever increasing high temperatures, decreased rainfall and violent storms. The mine area was prime agricultural lands:  
20 the food bowl for our densely populated coastal cities until the coal mines took over. In previous generations coal mining was on a very small scale in this region. Climate heating makes farmers more reliant on water from rivers, alluvial aquifers and the pristine ancient Great Artesian Basin. The Department of Planning admits the shortage of water.

25 Why does coal mining need water? To wash coal and mitigate severe dust pollution it creates. While the Namoi was dry, Walgett people had no water. Remember the sickening fish kill of 100 year old Murray River Cod downstream in the Darling? Whitehaven had bought farms and water entitlements and outbid local farmers for  
30 water by a large margin. Water was diverted from nearby farms in pipelines constructed without planning consent and, from the Gunnedah-Oxley deep water, whose capacity is not fully understood. We cannot afford a repetition of this.

35 They plan that toxic salt-laden polluted water is to be stored in risky ponds on both Namoi River banks. Because the conditions are too weak, Whitehaven won't reveal cumulative measurements of heavy metals, salts and toxins released into the Namoi when the Keepit Dam discharges water which then continues its flow into the Murray Darling system and on to the South Australian river-mouth. Along the way, all farms, townships and nature depend on its water. Whitehaven dramatically reduced  
40 the fragmented forest adjoining the Vickery State Forest and riparian corridor which now supports a koala population. What little is left must be preserved.

Whitehaven claims they will rehabilitate the ravaged mine site. Please show me any mine site which has successfully been rehabilitated to contain all its precious original  
45 species. And has any respect or attention been afforded to the traditional owners? Whitehaven's offhand mention of Aboriginal sacred sites mimics Rio Tinto's disrespect towards the value of Indigenous culture. Vickery project is an outdated,

desperate attempt to make dirty, quick bucks, to bleed our precious farmlands and water resources dry, with a futile promise of jobs. Real 21<sup>st</sup> century jobs are the promise of green jobs in renewable energy, service jobs in reforestation, in education and health, internet upgrading, work-from-home, farming. Only when the last river  
5 has died, the last fish is caught and the last tree has died, will they learn you cannot eat coal – you cannot eat money, coal or gas. This mine surely cannot go ahead. Just remember no jobs on a dead planet. Thank you.

10 MR HANN: And our next registered speaker is Cyril Baker, also presenting from the Narrabri studio. Good afternoon, Cyril.

MR C. BAKER: Yes. Good afternoon. My direct family have been farmers in New South Wales for 185 years. I am totally against and opposed this extension project. This proposed mine and railway line are built structures that will be in the  
15 wrong place. The treatment of farmland in this way is demonstrable. The negatives in the long term on water, both above ground and below, cannot be sustained. Mining is but a small blip, but with catastrophic consequences for mankind, whereas farming is the staff of life sustaining man on this planet for thousands of years. The Vickery Extension Project should not be given development consent.

20 Some housekeeping: there is a lack of continuity in the panel from last hearing with Professor Willgoose replaced by Professor Lipman. Knowledge of the process will be lost. I object to these – to how these hearings are being run with no regard to common law and, in particular, on the IPC website under merit appeal rights, it  
25 states:

*After this ... hearing, no merit appeal may be brought under division 8.3 of the Environmental Planning and Assessment Act 1979 in respect of any future decision made by the Commission as consent authority –*

30 for this state significant development application. This is a treasonous statement by the Commission. It totally tries to override and subjugate the people's common law rights by the use of a mere treasonous statute law that has never had the scrutiny and judgment of a fully informed common law jury or grand jury. There should be a jury  
35 of local residents determining judgment on this project, not outsiders, as decreed by the Constitutional enactment of the Imperial Acts Application Act 1969 (NSW); ..... 29 of Magna Carta 1297, a royal decree, "Any judgment can be appealed in common law."

40 The people behind these "environmental laws" are very strong advocates for the catastrophic anthropogenic global warning pseudoscience, because they are the types of people that have hijacked the environmental movement in order to use it to their political advantage. The unlawful Stalinist corporation, United Nations, agenda 21-  
30, Lima Declaration, Rio Earth Summit, statute environmental spiel from 1979 tries  
45 to dictate our rights after these hearings with treasonous directions such as no merit appeal may be made.

The unlawful New South Wales corporation state government – in inverted commas – has no authority. The Commission is not operating to its prescribed multi-stage public hearings. Town hall-style forums are the advertised process. COVID distancing presently does not require this over-the-top personal separation. 32 per cent is only in total are registered for day 1. This is unreasonable and would confirm another agenda of the Commission. Separation and ..... of presenters are on speaking and the members not being in person at the hearings is reducing scrutiny. I believe your Commission is trying to separate the hearing from the majority of concerned residents in person in – in person submission presenters and stakeholders and make it less likely that they will attend the hearing in person, so reducing the atmosphere of opposition to this project and the mood of a disapproving audience.

MR HANN: You have one minute remaining.

15 MR BAKER: Thank you.

MR HANN: Thank you, Cyril.

MR BAKER: Sorry? Right. Stop banging the thing. Your Commission is trying to reduce scrutiny of and participation in this review process. It would appear that there is no reason why these hearings could not be postponed until the COVID crisis has further dispersed. The coal will possibly not be mined for five years, if ever. How independent is the Independent Planning Commission? Who pays your salaries? Obviously, the New South Wales State Government. Your logo, emblem, coat of arms, seal and your email address confirms your control by New South Wales State Government. To whom do you – you also have the same ABN as the Department of Planning – I just put in there – to whom do you swear “affirm” your oath of office? Is it a lawful sovereign or a foreign or a corporate body – or a body corporate. Your so-called personal Commission is not lawful - - -

30 MR HANN: Thank you, Cyril.

MR BAKER: - - - as is that of the Planning Commission.

35 MR HANN: Our time is up. Thank you very much for your presentation.

MR BAKER: Who said that? Have you got the clock? Have you got the clock? Have you got the clock?

40 MR HANN: Thank you, Cyril. Yes.

MR BAKER: How’s your clock?

MR HANN: Your time – your five minutes is up. Thank you very much, sir. And our next speaker is Louise Kitumba. Welcome, Louise.

45

MS L. KITUMBA: Good afternoon. Thank you very much for allowing me to speak today. I have registered to speak today because I am convinced the new mine at Vickery that is erroneously called Vickery Extension is detrimental to the planet, the countryside, our community's air quality, agriculture and to water. I will  
5 concentrate on water as it is such a precious commodity in our dry land. Coal mines use extraordinary amounts of water. Western New South Wales is water poor. Coal mines are considered priority 1 in the hierarchy of New South Wales water management alongside with critical human water needs. This is higher than domestic and stock use.

10

During the drought, Walgett and other towns were drought critical and were shipping water for domestic use. But Whitehaven was using precious water for coal wash. This Vickery mine is on the Namoi River. The Namoi is part of the Murray Darling Basin, our most important waterway. So like the rest of the Murray Darling, it must  
15 be protected at all costs. The proposed new industrial site is 400 metres from the Namoi. Even now, without this new mine, Whitehaven mines have a poor record of water management. Here are a few examples of water mismanagement:

20 (i) In 2019, in the Maules Creek, it was recommended for prosecution for illegal harvesting of water. Now, they are under investigation for illegal use of ground water.

25 (ii) In April this year, at Tarrawonga, a sedimentation dam collapsed causing polluted water to escape. It was revealed that Whitehaven had no management plan to prevent these occurrences or for mitigation.

30 (iii) Also this year, polystyrene balls used for blasting escaped, polluting Back Creek, a tributary of the Namoi. This example demonstrates the contempt Whitehaven has for regulations on a number of accounts:

(1) The EPA had warned last August, this material was not being stored correctly, but no action was taken.

35 (2) The clean-up that was ordered was conducted by employees of the blasting contractor. There was no oversight by scientists or by ecologists.

This does not inspire confidence in Whitehaven Coal. The existing mines are unable  
40 to manage their water requirements and they compete against farmers on the drought – I'm sorry – on the water market, thus risking our food security. The Vickery Extension will only exacerbate these problems. In the event of rainfall exceeding 38 millimetres over five days, the present mine is allowed to dump polluted water into the Namoi. This is despicable and I have no confidence that such charges would be  
45 properly monitored.

There are concerns about downturn – sorry, drawdown on aquifers and the passive intake into mine pits and the distribution of this water to other Whitehaven mines. This is very difficult to quantify as there is, currently, no public disclosure of water ownership. In Australia, the driest continent on the planet, water must be our first  
5 consideration. Water for human consumption, water for agriculture, water for the environment. Water for coal is an anathema. The world is moving away from coal, a 19<sup>th</sup> Century technology that is quickly being replaced. We must protect our beautiful land and not turn it into an irredeemable moonscape. Whitehaven cannot manage now. They will not manage water when this new – if this new mine is  
10 allowed.

Our surface water and our aquifers are threatened by this Vickery mine. I urge the Independent Commission – Planning Commission, to reject this application for a mine at Vickery. Thank you, very much.  
15

MR HANN: Thank you, very much, Louise. And our next speaker, also presenting from the Narrabri Studio, is Bronwen Evans. Good afternoon, Bronwen.

MS EVANS: Good afternoon. I am here to oppose the Vickery mine, currently  
20 named the Vickery Mine Extension. As a practicing veterinarian and a shareowner of property on the Darling River, I have personally experienced the appalling devastation to the environment, native and domestic animals due to the over extraction of water resources, the recent extended fire season, mining, logging, deforestation and clearing of land.  
25

The New South Wales Parliamentary Inquiry into Koala Populations and Habitat has just been handed down on Tuesday 30 June 2020. It found koalas will be extinct by 2050 without serious government intervention. Yes, koalas. Koalas are iconic. They are recognised as Australian worldwide and endeared all over Australia. That's  
30 the reason they were chosen for research. This finding of koalas' pending extinction will, no doubt, cause many to react and, hopefully, some real action to take place to save the koalas.

But it is most important to realise that the home of koalas is also the home of an  
35 incredibly diverse web of life, of flora, fauna, microbes and minerals. All of these elements need to be saved together for any single species, such as the koala to be saved. Habitat destruction is the single greatest cause of extinction. To save the koala, we need to save its habit and all the complexity of life within it. We cannot let the few forests and landscapes that escaped devastation by the recent fires to now be  
40 destroyed. We cannot rely on promises of future rehabilitation on timelines greater than 10 years, promises can too easily be broken.

Discussing rehabilitation, to restore an integrated complex landscape is not as simple as filling in large excavated voids in the earth and planting native trees. The first  
45 plant species to grow, invariably, contain the highly invasive, often introduced species that need to be managed and it is many years till larger trees can reach canopy height and maturity. Then, even longer for tree hollows to develop which are

essential for so many of our Australian species to breed. It is incredibly difficult, if at all possible, to replace a complex ecosystem once it has been removed. And regarding translocation either away from a site or back to rehabilitated site is both, untested and likely to be successful.

5

It is clear that the future will have increasing frequency of extreme weather events. Major projects from now forward need, urgently, to be increasing our capabilities to cope with this, not to be further decreasing our resilience. Whitehaven already had a very tarnished track record with regards to its respect for the law and care of the environment. At Whitehaven's Leard Forest Mine, there has been no commitment to biodiversity, including koalas. In fact, Whitehaven still has not fulfilled its obligations to acquire biodiversity offsets, even after obtaining yet another extension of time from the Department of Planning. Whitehaven is now, even, facing litigation pursuant to action by South East Forest Rescue for failing to require the requisite quality of offset properties.

10

15

Even offsets themselves are being widely criticised as being invalid in the broader ecological outcomes. There are fears for the Vickery State Forest and the Namoi River that adjoin the proposed mine. The mine, itself, will be coming just to 400 metres of the riverbank. Blasting has already impacted the Leard State Forest as observed in the White Box grassy woodland ecosystem, which is showing signs of collapse, including dramatic loss of bird species and an overall decline. The blasting from the Vickery mine will, certainly, affect the Vickery State Forest.

20

25

In fact, Whitehaven Coal already holds an exploration licence which covers the Vickery State Forest itself, and we have no reason, based on the practice of approval creep, that we will not be back here yet again in a small time to try and oppose another extension request.

30

Based on university award-winning research by the Leard Forest Research Node, dust deposition is more concentrated closer to the mine. Vegetation is coated in dust and is therefore not healthy, and as we know out here, rainfall is rare. The animals within the area, when they're seeking water, will be drawn to the mine and into the pit to access what they think is water down there, just to be poisoned by the heavy metals and salts within that fluid, or to be physically damaged by machinery and blasting. No one can reasonably believe that life can be healthily sustained anywhere near an open pit mine or within the area designated.

35

40

MR HANN: Bronwen, would you be able to finish up shortly?

45

MS EVANS: We should look to the New South Wales Parliament inquiry into koala populations and habitat as proof we need to change our mode of operations into the future. We need to act differently to the past and make decisions that will deliver better outcomes for our koalas and their habitats. Following the inquiry's recommendations might be a blueprint for stopping more than just koalas from going extinct. The koalas - - -

MR HANN: Excuse me, Bronwen, would you be able to finish up?

MS EVANS: Yes.

5 MR HANN: You're a minute or so over time. Thank you.

MS EVANS: The koala now represents the canary in the coal mine.

10 MR HANN: Thank you very much, Bronwen. I'd now like to invite Grant McIlveen, who is dialling in by video conference. Good afternoon, Grant.

MR McILVEEN: Good afternoon, Commissioners.

MR HANN: Welcome.

15

MR McILVEEN: Yes. Thank you. I'd just like to thank you today for letting me have a talk. I'm the second-closest landholder to this project. I would like to start – and also a member of the Boggabri Farming and Community Group. I would like to start today by stating, like some of my neighbours, I am not against the four and a  
20 half million tonne-mine. Some of their noise modelling was somewhat dubious, but nothing as dubious as what we have in front of us today. I'm saying today, as back in March 2012 when Whitehaven first came to meet with me about the 4.5 million-tonne mine, it's big enough for local people to get a start in mining, small enough not to put pressure on the environment and locals living adjacent to the mine, and if  
25 Whitehaven say it's not viable, then that's a commercial decision for them. Why did they ever put in a request to mine four and a half million tonnes if they had no intention of mining?

30 If the IPC rules against this project, Whitehaven only have themselves to blame with the way they have conducted themselves in the last eight years, misleading myself, my community, starting with my first meeting with Whitehaven in March 2012, where I asked them about this extension and I was told it would be far too environmentally sensitive and strict for the coal handling plant, Blue Vale Pit and a train line to be ever considered to go across, but – across the floodplain, but here we  
35 are today.

Also, the pressure that this company has put on the Narrabri Shire Council to change their minds on a VPA. I had one councillor tell me where he was getting rung up two to three times a day to change his mind on the VPA offer, or when the Boggabri  
40 Progress Committee didn't give Whitehaven a glowing endorsement for their EIS, a Whitehaven spokesman thought it was a good idea to tell the president of the Progress Committee that if – the Progress Committee should be very careful about the money it may or may not get from this project.

45 And even you, the IPC, have not missed out, where you asked Whitehaven coal in one of your meetings about job numbers and autonomous trucks, only to be told by Whitehaven, "No autonomous trucks." But with this paperwork here in front of me

from Whitehaven stating that from early in the Vickery's life there will be fleets of autonomous trucks, this company is not acting in good faith – is this company acting in good faith? Is this company acting in good faith when it has strung families along for the last two years with confidentiality agreements but no negotiated agreement in place? Just a tick of the box exercise for the government's planning department and Whitehaven – games they play with us. So please, you three people who decide what happens to my family's lives for the next 25 years, I just ask one thing: if you approve this mine, you put in place that all our families will be affected by this project. Can we have a guarantee from youse that we will have negotiated agreements in place for all the affected families close by to this mine before final approval is granted. Because we found out at Maules Creek, where families were treated poorly for years after mining consent was granted, only to have – only to be brought out later with great angst and stress to those families.

It is not only Whitehaven that we are unhappy with. I feel the planning department has let us down badly. At a meeting we had in Boggabri Golf Club, we were told to trust the process by some of the planning department. Well, I'm sorry, after a meeting the Boggabri Farmer's Committee Group had in Tamworth with the planning department's technical experts and advisors in December last year, we do not trust the process. We sat there for about four hours, and we talked about noise modelling, dust, groundwater, flooding, rail line. By the end of the meeting, it was very clear to us the department was happy with most of the project. It was after that meeting had closed I had a very interesting chat with two of the planning department's team, where they were quite happy to tell me that they felt quite sorry for the situation that I was in with my family and that they would not want their families to go through the same situation we are in. I told them, "I needed you to say that in that meeting there last hour." One of them turned to me and said, "It's my job to say that in there. This is my personal thoughts out here." So can you see why we don't trust the process?

As a landholder only 1200 metres from the CHPP plant and a home only 2600 metres from it, we are still very concerned about the dust and noise modelling. I have read the response to your questions where youse talk about cladding on the CHPP and also the new trucks that can mitigate noise. But at a recent Boggabri progress meeting, another local miner was asked questions about these trucks, and at the meeting was told that the extra weight these trucks have to carry to mitigate the noise is overshadowed by the economics, and more trucks would have to be utilised to move the same amount of dirt. Again, I would like to state I am not against the four and a half million ton mine. But we are certainly against this extension, more so the CHPP plant and train line.

We cannot afford another repeat of Maules Creek where two rain events happened in February this year and we were – where water flowed down through the mine, into the reload area and polluted Black Creek and Maules Creek. In the same rain event at the nearby Tarrawonga Mine, a sediment dam broke. Surely we cannot afford this extension to happen and the same mistakes here at Vickery, with the CHPP plant only four to 500 metres from the river.

In finishing, I would like to read a statement – not from me or anyone else, but from Whitehaven Coal after a 7.30 report did a story late last year that in October 2018, the assessment also noted in 2017’s annual review of Maules Creek Coal, the mine showed a generally poor correlation between modelling and observed data and warned of significant implications if the mine’s licensing requirements – for the mine’s licensing requirements. Whitehaven’s response:

*This is not out of the ordinary for new mines where the accuracy of data and models improve as the mine develops.*

This is exactly what we have been saying for years now – that Whitehaven’s models on the Vickery are very poor at best. With this mine, we will be the people that will have to live with their mistakes. Commissioners, thank you for your time. If you have any questions, please ask, because this is the only chance we get to talk to youse.

MR HANN: No. Thank you very much, Grant. Look, if you don’t mind, we have got a couple of questions. You obviously are on a property that is in close proximity to the proposed infrastructure. I think you mentioned 1200 metres from the coal preparation plant; is that right?

MR McILVEEN: That’s correct.

MR HANN: As I understand it. And 2600 metres from your residence to the same plant. I am just wondering – presumably, the rail loop is also in some proximity to your residence and your property.

MR McILVEEN: That’s correct. It’s closer again – like, it’s – yes, it’s only a couple of hundred metres from the river so – yes. It would be 2400 metres.

MR HANN: Right. And while I’m not particularly precisely without a plan in front of me of the precise location of your property, is it subject to noise mitigation as per the department’s assessment report?

MR McILVEEN: No, it’s not. No. There is only three on this side of the river. Look, we have had Whitehaven – exactly 12 months today – come to me and said that they would have to discuss with me and my family – perhaps a negotiated agreement or something. Firstly, they wanted me to sign a confidentiality agreement, and I told them that I was not going to sign a confidentiality agreement until I had a negotiated agreement in place. And, look, that’s – we had three or four meetings with them. It has been very negative, and they were just ticking a box, Commissioner. But in the last 10 days, we have had some meetings with Whitehaven that were more positive. There’s new people there now, and they are a lot easier to talk to than the older people – other people. That’s the situation we’re in, sir. Like, we – the people around here just want security for our families. Like, you know, we are – anyway, we just want security.

MR HANN: Thank you, Grant. Zada, do you have any – okay. Thank you very much, Grant. We appreciate it.

MS WOODS: Thank you for your time.

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MR HANN: Right. Now, our next speaker is listed as Peter Nichol. However, I understand that he is not available at this time, so I believe Georgina Woods from Lock the Gate Alliance. Good afternoon, Georgina.

10 MS WOODS: Good afternoon. Thanks for the opportunity to present. You can hear me okay?

MR HANN: I can indeed.

15 MS WOODS: Lock the Gate Alliance objects to this project. Its impact on the environment and the social fabric of the Boggabri district are unacceptable. We would like to begin with our concern about the imposition on the commission of a statement of expectations by the minister in May. In imposing the statement of expectations and directing the IPC to seek guidance from the planning secretary to  
20 clarify policies or identify policy issues that may have implications for ..... development determinations. We believe the minister is acting beyond his powers under the Environmental Planning and Assessment Act. This direction is not consistent with the IPC's independent status as consent authority for state significant development that has both a large number of public objections and objection by  
25 relevant counsel.

Indeed, section 2.72 of the EPNA Act expressly states that the IPC is not subject to the direction and control of the minister except in specific circumstances. The matters the IPC must take into consideration in determining this application are set  
30 out in the Act and the State Environmental Planning Policy for mining. These include environmental planning instruments, environmental and social impacts of the mine, submissions made about it and the public interest. The Minister's imposition on the IPC of an expectation that its decision be based not only on the legislation but on what he calls "policy frameworks" and that its decision be informed by the  
35 Planning Secretary's assessment has no basis in the statute and is, in our view, a political intervention aimed at inhibiting the independence of the Commission.

The Department's Assessment Report, though, no doubt, useful in some respects, is not among the matters to be considered in determination application and has no  
40 statutory basis in the Act, at all. A direction by the Minister to pay particular attention to the Assessment Report to the extent that that creates an imbalance in the IPCs weighing up of its considerations of this project is, we believe, contrary to the Act's express provision that the IPC not be subject to the Minister's direction or control.

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Later this afternoon, Barrister Robert White acting for Lock the Gate will make legal submissions about this and other matters. We urge the IPC to obtain independent

legal advice on the status of the Statement of Expectations and to put it aside when considering this project.

5 Turning now to the Assessment Report and the project itself, the proponent and the Department have not addressed all of the matters raised by the IPC in its issues report late last – sorry, last year. The objection of Narrabri has been overridden. Requests for information and specific consent conditions by the Water Division have not been fulfilled. The Water Division’s objection to stockpiling mine spoil on top of Zone 4 of the Namoi alluvium has been ignored and the Department has misapplied the  
10 minimal impact considerations of the Aquifer Interference Policy in defiance of the IPCs own determination in the Bylong decision that these should apply to all water supply works.

15 We would like to speak in detail about water scarcity. This mine could well run out of water during dry periods. Even the Department acknowledges this possibility, but we believe, underestimates it, because it has ignored the insecurity of the proponent’s water entitlements. A lot of the water to run the mine is intended to be supplied with captured runoff. There will also be some groundwater inflow but there is expected to be a supply shortfall that will be met from external sources, particularly in dryer  
20 years when runoff decreases. There are widely varied estimates for how much external water will be needed, from 530 meg’ a year to 1500 megalitres a year. The majority of water entitlements claimed by the proponent to meet this demand are insecure or potentially unavailable.

25 One key source of external water, the proposed borefield in Zone 7 of the Namoi alluvium is subject to a separate assessment process and DPIE Water has advised that the extraction of the desired volume may not be approved. DPIE Water advised in March that it should be made explicit in the conditions of consent that the project development approval does not grant consent for the development and use of the  
30 borefield until their assessment requirements are fulfilled. But such a condition has not been included in the material presented to the Commission.

35 More than half of the shares held by the proponent in Zone 4 and proposed to be accessed by this borefield are currently, also, being proposed by the proponent to be diverted to supply the Tarrawonga Mine in a modification application for that mine. This fact was raised by the Water Division but is not mentioned in the Assessment Report. The other key source of external water is a general security license in the Namoi River. The Department used median available water determinations over half  
40 a century to estimate how much water might actually be accessible via that license without considering that for most of the last 20 years, available water determinations for general security licenses in the Namoi have been considerably lower than that median.

45 These issues are more than merely commercial risks for the applicant. During the current drought, the proponent’s activities in trying to obtain additional supplies of water to run the Maules Creek Mine have caused conflict in the district and have led to the company breaching its development consent and the Water Management Act.

That mine, unlike this one has a high security water license – a large high security water license to the Namoi. We will include all the details of this in our submission. But the environmental and social impacts of a mine that is approved without secure water are real. And we urge the IPC to refuse the mine on these grounds.

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The IPCs Issues Report also identified impacts on koalas as an issue that needed further attention. And the treatment of that in the assessment report offers no discussion of the recent devastating losses of koala lives and habitat in the Spring and Summer bushfires. This week, a Legislative Council inquiry published its findings that koalas may become extinct in the wild in New South Wales in 30 years, if action is not taken to arrest their decline and maintain their habitat.

15 Unlike water, social impacts, air pollution and economics, the biodiversity impacts of this project are assessed only incrementally. That is, the Department's Assessment Report focuses only on the additional 50 hectares of koala habitat it says will be cleared for the larger Vickery mine, excluding from its consideration the 464 hectares of woodland still standing but approved for clearing for this project, when it was smaller.

20 The IPC heard last year about the social impacts of the loss of a large number of farming families from the local area over the last decade. With our submission, we will provide to the Commission a map detailing the scale of land ownership by the proponent in the district. We conducted title analysis of the Namoi Region and found Whitehaven Coal owns more than 61,050 hectares of land over 471 freehold titles, an area approaching the size of Singapore. The impact of land acquisition by Whitehaven has already been felt by the community and will worsen if the mine is approved. The situation is comparable to experiences in Bylong and Wollar where communities have been emptied of people and cumulative social harm inflicted by major mining projects.

30

We don't have time, today, to go into this issue in detail. But we hope the IPC will pay particular attention to local and expert testimony about it and refuse the mine on these grounds. The Commission, also, in its Issues Report sought more contextual information about climate change and intergenerational equity and the two have not been provided by the Department. We believe it is now incumbent on the IPC to consider whether:

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40 *The refusal of the project could be seen to make a meaningful contribution to remaining within the carbon budget and achieving the long-term temperature goal of the Paris Climate Agreement following the Rocky Hill judgment.*

The Department hasn't assisted you in that consideration as it has failed to provide the requested context. In the last two days, the IPC has published new information from the proponent about this matter, indicating that coal demand assumptions justifying this project are similar to the IEAs projections for their stated policies scenario. It's helpful that they've done that because it clarifies that the economic and market justification for this project is based on an assumption that the world will fail

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to achieve the Paris Climate Agreement temperature goals and the people and environments of New South Wales will suffer the impacts of more than two degrees of global warming.

5 Finally, the Commission made it clear in its Issues Report that issues of intergenerational equity need to be assessed. In defiance of this finding, the Department provides just two paragraphs on intergenerational equity and relegates them to an Appendix of the Assessment Report. Now, mindful of your warning not to be insulting, Chair, we are appalled by the Department's treatment of this issue, I  
10 must say. Its statement that intergenerational equity has been addressed through maximising efficacy and coal resource recovery is, frankly, an affront to the IPC and to the members of the public that raised this issue last year and hold a genuine interest in the wellbeing of future generations.

15 We don't think that the Department and the company are taking the public and this issue seriously. But we sincerely hope that the IPC continues to do so and refuses this project. We apologise that we haven't had time, today, to go into further detail about these impacts. And there are many that we haven't addressed, at all. But we believe the matters raised here today should be sufficient for the IPC to refuse  
20 consent to this project.

The Commission will hear this afternoon, later, from Barrister Robert White, acting for Lock the Gate. And tomorrow, from a series of experts briefed on our behalf, Associate professor Matthew Carrol on groundwater, Dr Alison Ziller on social  
25 impacts, Professor Will Steffen on climate change and Sharyn Anderson on heritage. So thanks, very much, for the opportunity to present.

MR HANN: Thank you very much, Georgina. We appreciate that. Our next speaker is Phillipa Murray from the Dorothy Mackellar Memorial Society. Phillipa,  
30 welcome. You might need to unmute your - - -

MR P. MURRAY: Got it?

MR HANN: Yes. That sounds good. Welcome, Phillipa.  
35

MR MURRAY: Thank you. And thanks for the opportunity. My name is Phillipa Murray and I Chair the Dorothy McKellar Memorial Society, a volunteer organisation based in Gunnedah. Besides running a national poetry competition for schoolchildren, the society aims to promote a love of country as so typically  
40 espoused in the iconic Australian poem, "My Country". And as a natural extension of this, we are committed to ensuring that Dorothy McKellar's legacy is preserved for future generations. This includes the conservation of her former family home, Kurrumbede, which is the nucleus for the proposed Vickery coal mine.

45 The homestead and outbuildings were constructed by the McKellar family after they bought the property in 1905. Dorothy was a frequent visitor to the property and its distinct landscape features in several of her poems. Her diaries, held in Sydney State

Library, record activities during her stays at Kurrumbede. She writes with excitement, and there are photos in our local historical museum, of watching a mob of bullocks being driven across the Namoi. A competent horsewoman who rode both astride and side saddle, as social custom then dictated, she often accompanied her  
5 brothers to check the stock. She watched as wheat was threshed and shearing took place. She took a keen interest in the establishment of the garden around the homestead. The house was filled with flowers from the cutting garden and produce from the vegetable garden and orchard.

10 Immersed in country life, Dorothea wrote fondly of her time spent at Kurrumbede. The station was self-sufficient, as such holdings were in those days. There were living quarters for the station hands, cottages for the married men, a small house at the bottom of the garden for the gardener, and an underground meat safe. There  
15 were stables, a hay silo, a carriage shed, a milking shed, a shearing shed and shearers quarters, and a bank of dog kennels, for the Mackellar men liked their racing dogs as well as their horses. Indeed, there are the remains of the dog racing barriers in a nearby paddock, which stand in the way of the proposed mine infrastructure.

20 These buildings, mostly dilapidated, still stand today. They are behind the handsomely proportioned homestead with its wide verandas and high ceilings, which look south to the river. The society believes the house and outbuildings to be of significant heritage value. We are awaiting the outcome of a nomination for these buildings to be added to the State Heritage Register. Not only were they the home of  
25 Australia's best-known poet, but they are a truly wonderful example of an early 20<sup>th</sup> century working station.

Since I last presented to you, there have been several visits by the society to Kurrumbede and meetings with a proponent to discuss its future use. The mining  
30 company has promised \$500,000 to makeover the garden. The drought has unfortunately delayed this project, but we're hopeful it will soon proceed. There have been overtures about opening the house and gardens to the public for at least six days a year, and that's one of the most often-asked questions we get at our visitor's centre in town, and this would ensure this important piece of Australian history is enjoyed by the community and future generations.

35 The company has endeavoured to tick all the boxes you metaphorically raised in your report after the last round of hearings here in February last year, but it has stopped short of one vital statement. It is yet to give to us a firm and definitive commitment to the preservation and maintenance of the homestead and surrounds. This is what  
40 the society and I believe the community at large would like to see. We can only wonder why the proponent is stalling: is it because such an undertaking is going to be extremely difficult to fulfil with its current plans for a rail loop 300 metres from the house, a coal handling preparation plant 800 metres away, and the mine pit just a kilometre distant?

45 We are not in the business of coal mining, and indeed the proponent has said on more than one occasion they are not in the business of running an historical site; however,

we have to question why the mine infrastructure has been planned so close to the homestead. Despite all the protective measures and requirements in place, it's difficult to see how the homestead and outbuildings will survive the blasting and dust, which will shake and fall on any renewed garden and homestead. The mining  
5 company has owned Kurrumbede since 2013 and claims to be well-aware of its historical and cultural significance; if this is the case, why hasn't it taken steps to ensure the buildings are preserved? It was only after society members visited last year that the company fenced off outbuildings to livestock.

10 We're also mystified at why the different arms of government, the Heritage Office, which falls within the Premier's department, and the Department of Planning, which is overseeing this mine proposal, don't appear to communicate. The Department of Planning would appear to be oblivious to the fact that the Kurrumbede Homestead  
15 precinct is currently being considered for the State Heritage Register. Ideally, the curtilage area comprising the homestead and outbuildings, running down to the river, should be preserved. We and most of the community expect nothing less if we are truly to preserve this rare heritage precinct.

We are a diverse and passionate group of volunteers who have been overwhelmed by  
20 support from all corners of the country, people unanimous in their desire to see Dorothea Mackellar's home preserved for future generations, and why shouldn't we have this most reasonable expectation? We recognise that companies expect profits from their investments, but we also expect and demand that priceless and  
irreplaceable heritage should not be sacrificed for that end; therefore it - - -

25 MR HANN: Phillipa, would you be able to wrap it up shortly?

MS MURRAY: Yes. We expect you as members of the IPC to recognise this fact and ensure that this national treasure is preserved in its entirety. The whole precinct,  
30 including out-buildings, and we'd like to impress on you, Commissioners, the importance of this groundswell. Thank you.

MR HANN: Thank you, Phillipa. Just a question from me – and I will ask my  
35 fellow Commissioners. In regard to the conditions that are proposed by the department, I'm not sure whether you've had no opportunity to look at those, but I would be interested in any comments you might make in regards to the protection of Kurrumbede.

MS MURRAY: Nothing off the top, I'm not – unable to do that, but I would  
40 certainly reply in a written submission.

MR HANN: We would be very pleased to receive that. If you could have that to us  
by Friday, the 10<sup>th</sup> of July, that would be appreciated.

45 MS MURRAY: Thank you very much for the opportunity.

MR HANN: Zada and Chris?

PROF LIPMAN: Yes. I've just got a question. When you talk about preservation, are you in fact considering turning the house into a museum or do you anticipate that it would be occupied by family or how do you – well, how do you envisage the protection.

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MS MURRAY: Well, in the initial proposal, the proponent was talking about using the homestead as offices. That has changed somewhat. It is now tenanted by an employee and that's a great thing really, because it's actually being cared for, which is wonderful to see. No, we're not promoting it as a museum, but, certainly, the exterior of the house and the surrounds are open to the public where we could also perhaps hold events, literary events and just public visitations for the community.

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PROF LIPMAN: Thanks very much.

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MS MURRAY: Thank you.

MR HANN: Chris, do you have any - - -

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PROF FELL: Thank you, John. No questions. I will await your response which will be very helpful.

MS MURRAY: Okay.

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MR HANN: Thank you very much, Phillipa.

MS MURRAY: Okay.

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MR HANN: All right. Our next registered speaker is David Quince from Mullaley Gas & Pipeline Accord Incorporated.

MR D. QUINCE: Good afternoon. Can you hear me all right.

MR HANN: We can. Thank you very much, David.

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MR QUINCE: Yes. My name is David Quince. I'm the chairman of the Mullaley Gas & Pipeline Accord. Firstly, I'd like to recognise and acknowledge the traditional owners, the Gomeroi Nation, past, present and future of this region. The Mullaley Gas & Pipeline Accord is an incorporated identity that represents community concerns of approximately 100 residents and businesses in the Mullaley and surrounding districts. All members of the Mullaley Gas & Pipeline Accord are involved in primary production and associated industries and seek to have a greater say in how agricultural lands are used. We stand in solidarity with the farmers that would be adversely affected if the Vickery Extension Project was approved. We object to the project on environmental, social and economic grounds.

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The Vickery Extension Project poses an unacceptable risk to the water in the Namoi River alluvium in particular and the environment generally. I wish to bring to the

panel's attention that the past Namoi Catchment Management Authority developed the world's first state of the art computer model: the Namoi Catchment Risk Assessment Tool. Its purposes was to assess the cumulative impacts of all the mines and coal seam gas developments proposed in the catchment. This tool is the only  
5 way of properly assessing the cumulative impacts. It should have been employed for assessing the cumulative impacts of the proposed Vickery Extension Project in combination with the other existing and proposed mining activities in relation to the Namoi Catchment natural resource assets.

10 The expansion of extractive industries has been identified as a key driver of change for the Namoi catchment. The Namoi Catchment Risk Assessment Tool framework provides a way to develop a ..... interactive cumulative risk assessment tool that could be used to explore the potential cumulative impacts and unmitigated risk of  
15 mining scenarios on key natural resource management assets in the Namoi catchment. It is consistent with the Australian Standards for Risk Assessment and incorporates the critical thresholds identified in the Namoi Catchment Action Plan. The Vickery Extension Project should not receive further consideration until NCRAT is employed to assess the cumulative risks of the development to the natural  
20 resources of the region.

The Vickery extension proponent, Whitehaven, has an appalling environmental record. The company has sown time and time again that it does not respect  
25 environmental laws or the effects of its mining activities on rural communities. The company has been investigated or found in breach of environmental laws on – or conditions on numerous occasions across five different mine sites in the last eight  
30 years. Whitehaven has breached a range of conditions designed to protect the public and the environment, including allowing toxic blast risks over neighbouring properties, polluting air and water, illegal dumping of waste and illegal clearing of  
bushland.

In the Namoi Valley, Whitehaven Coal owns more than 61,050 hectares over 471  
35 freehold titles, which has resulted in at least 90 family farms being bought out, with many leaving the region permanently. This has enormous negative social impacts, as many were compulsory acquisitions forcing people from their homes and their businesses. It has impacted on people's health, livelihoods, caused division in the  
40 communities over who benefits from the mines and who doesn't, and changed the social dynamic. Outside the compulsory acquisition zone, proximity to mines decreases the value of rural properties, and this affects succession planning on farms, making it less attractive for the next generation of agricultural workers.

This reallocation of land to mining always results in direct loss of agricultural  
45 productivity and hence economic activity for this sector. There is further loss of revenue from support industries such as agricultural service providers. The flow-on effects would be considerable, with farming families leaving the area. This impacts on the school, school ..... and local sporting teams. Typically, there is cost-shifting to farmers that remain in the area, as they bear the additional costs of maintenance, of fence lines, feral animals and noxious weed control as well as rates, as seen by a 38.5

rate increase over three years to the Gunnedah Shire directly attributed to the imposts of the mining industries on council resources.

5 This is not a burden that the agricultural industry and existing ratepayers should have to carry. By removing land that has been traditionally used for agriculture from the economic and social contributions to the community, there is an exponential negative impact on rural communities. We have a considerable concern about the cost-benefit analysis for the Vickery Extension Project. The short-term economic benefits of this mining proposal outweighs the long-term costs to landholders and agricultural production communities.  
10

Farmers, along with others, now bear direct costs of climate change, as rising temperatures and concurrent increasing severity and frequency of droughts and other extreme weather events is resulting in drastically reduced food production. The Vickery Extension Project is just another fossil fuel project that is a direct threat to food security, as it would contribute to global warming. The destruction of our environment for the purposes of sourcing fuel that contributes to global warming is self-evidently unsustainable and counterproductive. The Mullaley Gas & Pipeline Accord are committed to a sustainable future through being environmentally, socially and economically responsible. On that basis, we are firmly opposed to the Vickery Project Extension.  
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Also a major concern is the conflict of interest as well as the revolving door between Gunnedah Shire Council and the company Whitehaven, as it belies the true opposition and concerns of the local community and unfairly misleads the true feelings of the community, as well as severely and unfairly disadvantages the majority of the community, both financially and in general, with loss of services such as retail and generally expected resources that have been lost due to the huge reduction in farming communities, some 112 farming families if we include the Shenhua Watermark Project and their employees and their extended families, wives and children.  
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This cost not only is impacting currently but will also have a major intergenerational burden and cost on future generations, with a loss of available agricultural country, voids and reclamation that certainly wouldn't even past a pub test, as I can confirm after firsthand witnessing the previous Vickery reclamation attempts. I would like to point out a document, the effects of the land use on coal resources. Whether it is coal mining or coal seam gas does not and cannot coexist with agriculture, ground water resources, heritage sites, commonwealth land, conservation areas, urban developments, infrastructure, natural features and stored bodies of water. In other words ..... and the environment are the greatest threat to coal resources. What a sad and terrible indictment on the way both this government and its departments distorted view of what is real importance and sustainable.  
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45 This industry directly predates on existing land use and businesses, especially agriculture, which, as we know, this area is recognised as the most precious, valuable and productive in Australia and should not be impacted by such a short-term,

unsustainable industry which is now recognised as a considerable factor in climate change. I would implore you, the panel, to reject this project for the overall benefit of this region and its community and ecology, both now and in the future. Thank you.

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MR HANN: Thank you very much, David. Good afternoon. We will have a short adjournment until 3.30 pm, when we will resume the public hearing into the Vickery extension. Thank you.

10

**ADJOURNED**

**[3.11 pm]**

**RESUMED**

**[3.31 pm]**

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MR HANN: Welcome back to the Vickery Extension public hearing, the last session for today – the first day. And, of course, we have got the second day tomorrow. I would like to welcome Jennifer Brown from Cotton Australia.

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Welcome, Jennifer.

MS BROWN: Thank you, and good afternoon, Commissioners. Cotton Australia does not typically get involved in locally-based issues, as we take a position that we only represent the broader concerns of growers. However, we believe that the Vickery extension project has as much broader implications for our growers due to the proximity of the development to prime agricultural lands and high-quality water resources. It is concerning the revisions the proponent has since undertaken do little to alleviate the accumulative impacts of an additional mine to the valley, a coal processing facility, plus a rail spur.

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Cotton Australia has worked closely with members and other landholders affected by the Vickery Extension Project. We understand they will be making submissions that seek its refusal. Cotton Australia recognises and supports these landholders' position. Specifically, we remain concerned about the potential impacts of the rail infrastructure on flooding. The embankment might have been changed to pylons, but it's the additional structure that has been added to the flood plain. The height of the rail structure could also be considered in context of the changing climate. Reliable modelling indicates the frequency and veracity of storm effects will change. These projections suggest the volume of what is currently considered a large and unusual rain event, such as a one in 100, will be more normal than unusual. The event itself will also dump the volume of rain in a shorter period of time.

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Cotton Australia is also concerned about impact on bores, which rely, as the department's assessment report observes, on the high quality of the alluvial groundwater source. We are also concerned about the community's access and enjoyment to the Namoi river, let along the landholders to the west of the project where, to use the department's words, land is extensively used for cropping and

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irrigation. It's no wonder there's 635 registered bores in that area. The department notes that the closest privately owned bore is located approximately five kilometres from the project borefield, but that is just a description and it relates to the extraction point. The water is still coming from the same source the project will use.

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Boggabri's town water supply uses this source, and they, along with all other bore users, will bear the impact of any draw-down triggered by the Vickery extension's activities. These activities will require additional water for dust suppression at the mine and for the expanded coal processing facilities, an activity which wasn't in the original project. In other words, sufficient water to process the coal from not just the Vickery mine, but coal from a total of three mines and all occurring next to the Namoi.

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It is not just draw-down. There is also the question of whether monitoring will occur at a sufficient depth for a 250 metre coal pit. In addition, the CHPP for coal handling is still being located on the banks of the river and what enters into the river impacts everyone else downstream. Then there is the west ..... placement, which I note, Commissioner Professor Fell asked about earlier this morning, namely that DPEI Water advising it does not support the emplacement of a spoil over the alluvium. In fact, to quote the letter from 21 November from DPEI Water to the Department:

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*Is concerned that the stockpile is a risk to aquifer compaction and groundwater contamination through generation of leachate.*

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Commissioners, the suggestion of potential crushing of the aquifer is most concerning, let alone leachate coming from the stockpile, a liquid with acid-forming potential. The Department considers these issues can be designed around. But is the Commission so confident? For that matter, are you confident that the applicant – or any applicant, could devise and properly implement a sufficient Trigger Response Action Plan, in this situation? We note that DPEI Water's most recent correspondence back in 11 March this year, still has these concerns:

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*The proponent should acknowledge the associated commercial risk with this out-of-pit emplacement leading to potential for removal.*

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And why? Because, in DPEI Water's way of framing it:

*If the Trigger Action and Response Plan is triggered, it could lead to removal of the out-of-pit spoil.*

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To Cotton Australia, this is not acceptable. The spoil will be put in the wrong place and this Action Plan is yet to be seen. And by the time it is in action, the required monitoring, registering and issues such as the leachate, the leachate has been generated for quite some time. And all that's happening next to the river. So apart from that impact, how would one go about restoring a crushed aquifer?

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We're also concerned about the loss of Biophysical Strategic Agricultural Land or the BSAL. The mine may not be on BSAL, but the infrastructure associated with the project's extension definitely is. The project's rail spur is on BSAL land and this corridor will see movements that, now, will be the sum of three mine's worth of  
5 proceed coal. Furthermore, a property that's highly productive because it's on the BSAL, Murambinda, is now identified as eligible for voluntary land acquisition and mitigation policy. This is because of the operational noise to be generated by this extension to the project.

10 The Department also concedes the close-knit landholders to the South West of the mine will be directly impacted by the mine, the rail spur, the handling facility and the rail loadout and these:

*Would change the character of the area.*

15 We note this is especially the case for the six landholders who derive their income from the BSAL holdings. We also note that they are now the focus of Whitehaven's latest round of negotiated agreement discussions. So Namoi Valley Agriculture is now facing a loss of highly productive Murambinda, the infrastructure of the  
20 extended project disrupting production of another six properties, if not risking their loss. And it's not just in terms of agricultural products being lost but also the potential loss of local spending in these communities which, in the case of cotton growers, can be as much as 79 per cent of farm expenses put back into these communities.

25 It also risks the further loss to the local community of the service industry supporting agriculture which for cotton can be as many as 300 additional people in the Namoi Valley in a good year with around another 2000 employed for grazing and grain farms, as well. It also risks the further unravelling of the community's social fabric  
30 with the potential loss of these landholders and their families from involvement in local groups, sports teams and other volunteering capacities with the valley.

And lastly, the mine's rehabilitation still includes a final void. It's a longstanding policy principle of Cotton Australia that final voids aren't the default option for a  
35 project. They should be a last resort used only when the ecological sustainable development benefits can be demonstrated. In Cotton Australia's view, when it has been AGLAND that's been mind, the land should be fully restored to its former agricultural quality. And this is in terms of the soil, the landform, the catchment hydrology, including surface and groundwaters.

40 The Department's Assessment Report describes the mine as "grazing land". But it also describes the adjoining lands as:

*Extensively used for cropping and irrigation.*

45 We also, still have concerns about a large-scale rain event upstream from the Vickery mine and extension. We're not just concerned about the health and productivity of

the AGLAND but also, what might the situation be post-flood event? The possible restrictions on the community's recreation to say nothing of the physical health and safety implications for the community. Unfortunately, not until the Mining Operation Plan is drafted will it be clear whether the area will be restored to the standard of its former AG-quality. This is particularly concerning as the modelling indicates there will be a slow inflow of water and gradual increase in salinity.

So in that regard, can the commission be satisfied that the management plan would sufficiently restore the agricultural qualities of the mining, CHP area and the rail spur land, or that the plan would be sufficiently applied or it would minimise the risk imposed by a final void, particularly for the besal-designated lands adjacent and downstream? In other words, have the ecological sustainable development benefits of the void been demonstrated? It's for all these reasons that Cotton Australia opposes the Extension Project to the Vickery mine, and we ask the commission to give due regard to our concerns on behalf of our members and for the community of the Namoi Valley. Thank you.

MR HANN: Thank you very much, Jennifer. Are there any questions, Zada, Chris?

PROF LIPMAN: None from me.

PROF FELL: No, I think not.

MR HANN: Okay. Thank you very much, Jennifer.

MS BROWN: Thank you.

MR HANN: Our next registered speaker is Greg Graham from WesTrac. Welcome, Greg.

MR GRAHAM: Thank you. WesTrac are the Caterpillar dealer for New South Wales and the ACT, and we're supportive of the Vickery Extension Project. We believe that it will deliver significant financial and community benefits for both local, state and federal environs. Of our nearly 1500 people, around 80 per cent are employed in regional areas of New South Wales across professional trade and support staff in mining and construction. We have a large apprenticeship program with over 100 apprentices, and we believe that the VEP will allow us to expand our workforce, continue to provide onsite support, field service, workshop, parts, and admin activities in Gunnedah in addition to our other regional sites in Tamworth, Singleton and Newcastle.

Whitehaven are a major WesTrac customer, and we have extensive engagements with them both in their service and underground operations, and some of this engagement has allowed us to continue to invest in high-end technology to support Whitehaven and our other customers. In the last 12 months, we have spent in excess of \$15 million on capital equipment to expand our technical capacity to support our mining customers, and projects like the Vickery Expansion Project provide us with

the certainty to make these investments and provide ongoing skilled employment opportunities that are so critical to regional New South Wales.

5 We're also supportive of the ongoing role of high-quality thermal coals from New South Wales in meeting demands in export markets across Asia for high-quality coals into the future. We know that the coal quality from VEP will be crucial in powering high-efficiency low-emission or HELE power plants that provide the necessary balance of affordable energy and low carbon emissions, and WesTrac are very supportive of that move towards a low-carbon future, and we believe that the  
10 VEP is a key step in that transition towards a low-carbon future as well. Thank you.

MR HANN: Thank you very much, Greg. Our next speaker is Wayne Griffiths. Good afternoon, Wayne. Wayne, you might need to unmute your computer so we  
15 can hear you.

MR GRIFFITHS: How's that?

MR HANN: Perfect, loud and clear. Thank you very much.

20 MR GRIFFITHS: Yes. Look, thank you for allowing me this opportunity to have a, you know, quick discussion. It's probably going to be, you know, reasonably brief, and according to the schedule I only have five minutes anyway. And that's probably the only time that I have ever been short, when I got married, when my wife told me to shut up and say yes, so that was pretty – but I'd like to just begin today by  
25 acknowledging our country, so ..... I really want to thank my grandfather for allowing me to speak today on country .....

30 So thank you everybody. Good afternoon. My name is Wayne Griffiths. I'm the CEO of the Winanga-Li Aboriginal Child and Family Centre in Gunnedah, and I'm just speaking here on behalf of our organisation in support of the Vickery Extension Project. And I notice always a lot of people tend to speaker from their notes, but I'm not; I'm just going to speak straight off the cuff today. If we look at our organisation as a whole, Winanga-Li has a really good relationship with Whitehaven Coal. In fact, I have some – my brothers and nephews and nieces work out at the  
35 coal company, but that's the difference. If we look at the wealth of people across this country and in terms of the westernisation of Aboriginal people, a lot of wealth is predicated on inherited wealth. If you look at Aboriginal people, we've inherited nothing and land has been removed from us all.

40 So it's up to us to rebuild where we want to go, and if I look at some of the work that we do as an organisation, we're sharing in that wealth and extending that wealth out to our community people. For all the projects that we run across each region, we're very fortunate enough to cover 14 different local ..... areas, and Gunnedah's one of the most exciting ones for us because I grew up here, I belong here and I'm not  
45 leaving, and if you look at some of the things that we do – I will touch on one project specifically. We have linkages in capacity building project that's funded to our organisation and we mainly work with groups of kiddies and teenagers and adults

who at some point have been in touch with the criminal justice system, or at risk of entering that. So – and if we look at the statistics around that, over 26.3 per cent of Aboriginal people make up the criminal justice system in Australia, and – so the wealth of that system is built on the back of the poverty of a lot of Aboriginal people.

5

Vickery Extension provides a lot of employment opportunities and the ability for a lot of Aboriginal people to gain some really meaningful employment out of that, and move forward into the future and provide a really stable and pristine life for their kiddies themselves. At our early childhood service here we have 39 Aboriginal kids that come to our service every day of the week. So across our service it's really significant that those children have got access to an early childhood education. We're very fortunate enough not only to have this service here, but we run two other services, one in Brewarrina and one in Lightning Ridge, and a small community like Brewarrina has a population of about 1500 people, about two Royal Commissions into that community. So the services that are out in that community are multiple, and guess what? They're run by the majority of non-Aboriginal organisations that have gained the wealth and absolutely built their empires on the back of the poverty of our people.

20 So this kind of system in terms of the Vickery Coal Extension really does provide to us an opportunity for that long-term meaningful employment, the ability to go down to Woolworths at night, buy \$50 worth of food rather than have to wait till pension week or what we call in Gunnedah Pram Day. So a lot of our ladies and gentlemen don't get down to go down at that given time. So when you start talking about  
25 organisations in the past have done this and done that, you won't find that Aboriginal people are collecting their super out of those organisations because none of them paid it. A lot of those positions were just day to day hard line, hard work, just hourly trade staff working – or Aboriginal people working on a day to day basis basically not creating a future for their families. This kind of employment opportunity really  
30 does send a clear message to everybody.

You can – if you can just change the way you think, if you want to change the way you do things, everybody shares in the wealth, and if I look at us as an organisation, we've been very fortunate enough to put some of that hard work in over the last  
35 seven years, and we've done that in partnership with many organisations, and Whitehaven being one of the big partners in that that have provided to us some wonderful, wonderful contributions in terms of being able to get our kiddies to that long day care service, and early childhood for anyone – and I'm sure the members of the panel either have grandchildren or children of their own that have an opportunity  
40 to in their earlier days attend an early education program and then move on to a higher education program, whether it be through a public school system or a secondary education system. So for us partnerships are important. They're really critical. Our organisation can't survive without them, and I – and partnerships are not made up of a piece of paper. They're made up of people. They're not made up  
45 of an entity or an asset. They're made up of people that are willing to sit down and contribute to each other's outcomes, willing to sit down and ensure that where we go

from here there's a future for everybody and there's a place for everybody where we all fit.

5 So for me that's absolutely important that, you know, the kids of today are our  
leaders of tomorrow. All the politicians use those speeches to basically sell  
themselves, to sell the product. The product here is everybody's contribution. The  
product here is the human beings themselves having an opportunity to live, eat and  
breathe in a community and for our kids not to go away from this community, not to  
10 have to live somewhere else and an opportunity to grow up here, get a fantastic  
education and then move into the workforce, buy a car, buy a house, and are able to  
contribute to their families long-term, not just the ones that they've got – their  
immediate family. Their families from now right into the future. What a great ..... to  
do.

15 MR HANN: Thank you, Wayne. We just need to wrap it up if you could, but we  
greatly appreciate your insights.

MR W. GRIFFITHS: Well, thank you. Thank you very much for listening to me  
today and I hope you all have a lovely night.

20

MR HANN: Just before you go, I think, Chris, you've got a question for Wayne.

PROF FELL: Yes. Thank you for your helpful input. I've just got a question about  
what happens if the mine goes ahead. 25 years from now it will close. Now, what  
25 do you see as the impact of that on the local community?

MR W. GRIFFITHS: Well, by that time we will be able to create and have our own  
organisations fully autonomous to themselves. So it's up for us to put our base  
planning in now and in 25 years time we will be moving on to somewhere else. So  
30 we would be buying Virgin Airlines and not other companies from outside of  
Australia.

PROF FELL: Thank you.

35 MR W. GRIFFITHS: So Winanga-Li would .....

PROF FELL: Thank you.

MR HANN: Thank you very much. Much appreciated, Wayne.

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MR W. GRIFFITHS: Thank you. You take care.

MR HANN: Okay. Good afternoon.

45 MR W. GRIFFITHS: Take care now.

MR HANN: Our next speaker is Greg Griffiths. Good afternoon, Greg. Greg, you might need to unmute your computer.

MR G. GRIFFITHS: How's that?

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MR HANN: That's good. Excellent.

MR G. GRIFFITHS: Yaama, everybody, the panel. My name's Greg Griffiths. My Aboriginal name is ..... my name, Murray is my skin and ..... is my totem. I'm a traditional owner. My grandfather – great-great-great grandfather – he was recorded at contact here ..... known as king of the Gunnedah tribe. His camp was at ..... which is about five to 10 kilometres from the Vickery Extension Project. So I'm just pointing out that I'm a traditional owner of this country as Wayne is as well – as my brother. I just wanted to talk about the four things that I have listed. I want to start on community relations. Traditional ..... and community relations. Like, I'm aware of Winanga-Li, the reconciliation – the very proactive reconciliation action plan, the Clontarf school – the girls school project at the high school and the Narrabri boys at the Narrabri High, and all the employment opportunities and contractual opportunities that come out of Whitehaven.

20

Yes, there is anti-mining in the Aboriginal space. There's dissenting groups, but there's also a major silent majority. That voice is never heard. The dissenting factional groups play a fabrication of culture game, emotive rhetoric language to demean other Aboriginal people. That's why you don't hear the silent majority. The fabrication and rhetoric that they use is to hold a high moral ground for themselves. So it puts them in a place to say that they're representing Gomerioi or Aboriginal people, which they don't represent me or another – a lot of other people. I wanted to specifically go on to culture and heritage now. Now, I have a vast knowledge of culture and heritage engagement in many industries. I've been doing it for over 30, 35 years. The culture and heritage legislation through ..... engagement brings Aboriginal people to the project. You do initial meetings, consultations, surveys which drafts you into a culture and heritage management plan, but you have mitigation and management measures inside of the plan that help you execute that through the legislation. Aboriginal people engage at the beginning of those cultural and heritage management plans that are being developed, right as far as going out on country and having a look at these places. My original position on all of that is you get proactive, you take control, you take ownership of that process that puts us at the table, on the ground in the fields, and also the processes about dealing and managing our culture. The – and you put at every aspect of our culture and on the mine site or any site is dealt with in the preservation and protection of culture in those management plans. Yes, there's disturbance.

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That's the reality of mining, but everything that's out of disturbance areas are left. You salvage, you collect, your test pit, you do a very aggressive manage of measures to those sites, and once all the stuff is collected you still have control of it. You have a care and collection agreement of all of those artefacts or objects and relics of Aboriginal culture, and that care and collection allows the opportunity for you to take

45

control of that as well and be the champion of our culture, and that is ..... goes to the life of the mine. You can either hold it, caretaker it or you can return it to country or have it returned to country at the end of the life of the mine. So, yes, there's disturbance. Definitely there's taking ownership and control of those management plans is where I believe is how you measure your culture.

I want to get onto employment. I'm previously – current – a – previously was a native title applicant for the Gomerioi Nation elected by the Nation at a native title meeting. That puts you on the registration for native title in the Federal Court for registration and determination, and under Maules Creek project we had a right to negotiate under section 29 of the Native Title Act, and under that process we negotiated a 10 per cent ratio of employment for Aboriginal people. It rose to the level of 15 per cent over time. About 120 Aboriginal people were working at the mine. That increments to 10s of millions of dollars directly onto Aboriginal families' tables. Something that no legislation, no lands councils or ATSIC could ever do directly to families' tables. 10s of millions of dollars. That's how you change Aboriginal families' lives.

Yes, and there was a time when we hunted and gathered. We would pick up our spears and boomerangs and go to the bush to feed our family. Times have changed. Yes, I'm a cultural practitioner. I've been doing culture for years. You never forget that. You never forget where you come from, but the spear and the boomerang now is tools. Steelcap boots. You pick – put them on now and you go and be the warrior for your family and bring home a quality of life to change families' lives. 120 families. Another 120 at Vickery. 240 who have children, who have brothers and sisters, who have mothers and fathers and grandchildren. Whatever it may be. You're changing lives. Quality of life to Aboriginal people afforded through hunting and gathering, being the warrior for your family.

These things – I'm a song of land rights and you say, "Let's change lives". Let's not change a life. Let's change hundreds of lives. So I would like to thank you for – the panel for listening to me. I've talked from my notes and I just wanted to finish on, yes, there's anti-mining, there's dissenting groups, but definitely there is a group that support changing the quality of life and the poverty – dragging our people out of poverty through opportunities and work. We had a slogan once. You know, don't be the victim. Not once. We used – don't be the victim. Opportunity leads to success, and I would like to thank the panel again for having – giving me the time to speak today. I really do.

MR HANN: Thank you very much, Greg. Very insightful. We greatly appreciate it.

MR G. GRIFFITHS: Thank you.

MR HANN: Thank you. Good afternoon. Now, our next registered speaker is Lindsay McIver from the Fire and Rescue. Good afternoon, Lindsay.

MR McIVER: ..... Thanks, ..... Good afternoon. My name's Lindsay McIver. I'm the director of LRM Fire & Rescue. We're a private fire management company that actively manages and/or facilitates works across some 270,000 hectares of private, state and Commonwealth land. We're supportive of and have worked with

5 Whitehaven Coal to deliver fire management services for the last four years. LRMs engagement with Whitehaven Coal is more of a partnership, whereby Whitehaven Coal and LRM actively work together to facilitate ecological fire management for their 20,000 hectares of biodiversity offset properties, throughout Liverpool ranges, Namoi wider and Tamworth districts, in addition to bushfire response. Annually,

10 LRM has teamed up with Whitehaven Coal to perform the following activities: overall bushfire fuel hazard assessments and grassland curing assessments, ecological burn planning and mapping, execution of ecological burn programs, provision of post-burn reporting and burn scar mapping.

15 Whitehaven Coal's commitment to enhancing flora and fauna values through regeneration of native flora by the application of ecological burning is, in my experience, second to none. Whitehaven Coal are consistently exploring the effective use of fire and how it can be managed and utilised as a tool to improve regeneration of native flora species.

20 In relation to fire season, Whitehaven Coal annually adopts a proactive approach to fulfilling their landholder obligations under New South Wales Rural Fires Act through the identification and mitigation in response to bushfires in or around their respective biodiversity offset properties through the following: active attendance to

25 district bushfire management committee meetings, annual track and trail maintenance to ensure reliable access and egress throughout all of their biodiversity offsets, engage LRM to act as their agent to the New South Wales Rural Fire Service for the purpose of liaison regarding bushfire response on or even around the biodiversity offsets.

30 They engage LRM to facilitate 24/7 fire, weather and lightning strike monitoring service which provides real time notifications to all stakeholders of any positive lightning strike within a 10 kilometre geofence for any Whitehaven Coal biodiversity offset. They engage LRM to provide response services in the event of bushfire or

35 imminent threat to any Whitehaven Coal Biodiversity offset.

In 2019/20 Black Summer fires LRM was engaged directly by Whitehaven Coal to provide bushfire response services for both Capitar and Duck Hole Creek fires. The Capitar fire saw LRM personnel at the Mongala South, Werridal and Mount

40 Lindesay biodiversity offsets for some nine weeks during which time we've liaised directly with New South Wales Rural Fire Service and New South Wales National Parks and Wildlife Service, direct whereby we maintained static water points for aviation support, active fire line patrolling of the Mount Tapital/Werridal boundary line, and active firefighting on all three offset properties.

45 Duck Hole Creek fire saw LRM engaged directly by Whitehaven Coal to operate on neighbouring properties for a solid week to hold the fire at the Argerer property

boundary line. If Whitehaven Coal had not have been proactive in engaging the external contractor support for the provision of bushfire response services to support RFS and National Parks, the fires would have inevitably been worse and would have directly impacted the homesteads at both Werridal and Argerer properties, together with Whitehaven Coal's revegetation programs.

Whilst engaged by Whitehaven Coal, LRM make a point of supporting local independent companies and suppliers with logistical purchases such as accommodation, ....., fuel, vehicle repairs, maintenance and additional to capital purchases. On many occasion deliberately held off on purchasing capital items until we have local work in towns such as Berrinba, Quirindi, Gunnedah, Narrabri, Boggabri before purchasing capital items such as chainsaws, portable pumps, generators, tools and other items to support Whitehaven Coal's commitment in supporting local communities and businesses.

For the past four years I have experienced first-hand Whitehaven Coal's commitment to not only their environmental management of their biodiversity offsets but their commitment to stakeholder engagement, their stewardship and their genuine want to improve and enhance biodiversity values across all of the properties through the provision of active pest management, weed management, revegetation, flora and fauna assessments well above and beyond the requirements of their biodiversity management plan, their leadership with paving the way for the mining sector in undertaking ecological burning, and, lastly, to reiterate their leadership regarding their stewardship of their offsets.

Through our active partnership with Whitehaven Coal, LRM have developed industry best practice strategies and methodologies in fire management for which we've been fortunate enough to influence and share to many other resource sectors, state and Commonwealth clients throughout New South Wales and Queensland. I can proudly say that if not for the positive experience and growth with Whitehaven Coal, LRM would not be in a position to positively influence other resource sector clients in broad scale fire management. I thank you for the opportunity to present today, and we support Whitehaven Coal's submission.

MR HANN: Thank you very much on the behalf of the Commission, Lindsay.

MR McIVER: You're welcome.

MR HANN: Our next registered speaker is Robert White representing the New South Wales Environmental Defenders Office. Good afternoon, Robert.

MR R. WHITE: Good afternoon, Commissioners. Can you hear me?

MR HANN: We can indeed.

MR WHITE: Thank you. I'm presenting on behalf of Lock the Gate who have instructed myself and the EDO to draft some submissions and to appear before you.

You should have received a set of written submissions from the EDO. They were sent through yesterday, and this presentation is to be read with those written submissions. In addition I have a short presentation, and I think Luke is going to help me with that. So I'm not sure if you're able to see the title slide.

5

MR HANN: Yes, we are. Affirmative.

MR WHITE: Okay. Good. I can't, so - - -

10 MR HANN: Okay.

MR WHITE: - - - forgive me if we get a little lost, but the first topic I want to talk about today is the role and powers of the IPC, and the primary purpose, of course, of the EPC is to provide independent decision making on contentious state significant development applications. Section 2.7 of the EP&A Act identifies the Commission as a statutory agency which is independent from and not subject to the direction or control of the Minister and the department. The independence of the IPC from government is reinforced in the memorandum of understanding executed between the IPC and the Minister on the 5<sup>th</sup> of May 2020. And if we could turn then to the next slide, please. Is it possible to have the next slide.

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20

MR HANN: I think, just for your clarification, we're looking at a slide that's entitled Three Pathways to Refusal.

25 MR WHITE: You should be on a slide which is MOU.

MR HANN: I'm just waiting for the changeover, Robert. Just give me a moment.

MR WHITE: Thank you.

30

MR HANN: Okay. I think we're there.

MR WHITE: All right. Just – just bear in mind I can't see the slides at all for some reason. I was told they were going to be shared on my screen but they're not being.

35

MR HANN: All right.

MR WHITE: But never mind. MOU is the – is the – is the first slide, and the MOU once again reinforces that the IPC is not subject to the direction or control of the Minister, and that's obviously a very important consideration for the IPC. The MOU expressly identifies as well that the IPC is independent of the department and all other government agencies.

40

If we turn then to the next slide which is Statement of Expectations, the IPC, as you will be well aware, is the consent authority now for this project, and the matters for consideration in determining the development are those which are expressly stated in section 4.15, subsection (1) of the EP&A Act. And, of course, under section 4.15,

45

subsection (1), no precedents in the decision-making process is to be given to the department's assessment report. And it's critical that the IPC understands that – in its role as consent authority, that its task is not to consider whether the recommendations of the department in its assessment report are correct or in some way preferable on the material available to the IPC but rather to determine, based on the evidence which is presented before the IPC, namely all of the evidence, to determine what is the preferable outcome and whether development consent should be approved.

10 The statement of expectations is, of course, published, and to the extent that the statement of expectations suggests otherwise, or identifies that the department's report should be given precedence over other evidence, it's wrong in law and should be rejected. What is critical is that equal weight is given to all evidence which is put before you at this two-day hearing, and also the written evidence which is put before you as well, including the evidence of both supporters and objectors to the development.

If we could go then to the next slide, please, which is the topic of climate change, and then go onto the Three Pathways to Refusal which are – which I've identified there, and I'm just bringing up the - - -

MR HANN: We have the slide Three Pathways to Refusal with - - -

MR WHITE: You do have that slide.

MR HANN: We do indeed with greenhouse gas emissions and - - -

MR WHITE: Thank you.

MR HANN: - - - so on.

MR WHITE: So the three pathways are section 4.15, subsection (1), subsection (a) which requires the Commission to take into account the mining set and, in particular, the requirement in the mining set to have regard to downstream impacts. Section 4.15, subsection (1), subsection (b), the requirement to have regard to the environmental impacts of the project and, in particular, in this instance, the greenhouse gas emissions on climate change. And then the third potential pathway to refusal is section 4.15, subsection (1)(e) which requires the IPC to have regard to the public interest, and the courts, as we know, and I've set out in the written submissions, identify that that includes the principles of ESD. The – in the written submissions we've set out the – the case law relating to the public interest and also the case law in relation to the principles of ESD and how climate change works in relation to those particular principles. If we can go then to the next slide, please.

MR HANN: This slide is talking about the actual quantum of greenhouse gases in relation - - -

MR WHITE: Yes.

MR HANN: - - - to scope 3 and so on.

5 MR WHITE: Thank you. The – the case that we wish to present is that approval of the greenfield coal mine then will worsen the impacts of climate change thus contributing to the burden that will be borne by future generations in living with and addressing the consequences of climate change.

10 And the Lock the Gate has sought to adduce expert evidence from Professor Will Steffen, who has produced two reports for the benefit of the Commission, and I hope you've had the chance to read those documents, and he identifies in that report, in particular the first report from 2019, the current serious impacts of climate change. And what we submit is that the reason that it is relevant to take into account the  
15 scope 3 emissions from the project, namely the burning of the coal in countries other than Australia, is that all of the direct and indirect greenhouse gas emissions from the project, including the scope 3 emissions, will adversely impact on the New South Wales environment. That was the argument that was accepted by the Chief Judge of the Land and Environment Court in the Rocky Hill judgment and should be accepted  
20 in this case.

If we could go to the next slide, please, which is the burning ember slide found in Professor Steffen's report. The burning embers diagram sets out the impacts of climate change depending on the global mean temperature change above the baseline  
25 from 1870. As you can see, we are currently one degree above that baseline. The Paris targets are the solid blue line. And if you go above that, the impacts and level of additional risk due to climate change gets really quite significant. One can see from this diagram that if every country adopted Australia's climate ambition as set out in Australia's Commonwealth NEDCs, the world will be in very, very serious  
30 danger indeed from the impacts of climate change. And from Professor Steffen's report, truly we have reached the crisis point in the climate analysis and the risk analysis, and, of course, as we have seen over the last 12 months, the risks of climate change, particularly in this country, just get more and more severe. We can move then to the next slide, please, which is a new topic.

35 MR HANN: Robert, if I may just interrupt at this juncture. How long do you believe you need for – to complete your presentation? You're two and a half minutes over 10 minutes, but - - -

40 MR WHITE: Okay.

MR HANN: - - - we can afford you a little longer.

45 MR WHITE: Well, that's very kind of you. Thank you. I'll be very quick, if I may. I just really want to introduce the – the next few topics. You will be hearing from a witness tomorrow on the question of social impact Dr Alison Ziller has been briefed by Lock the Gate from Macquarie University. She has also produced a report, and I

think she's due to speak tomorrow. And in terms of the economic analysis of the project, the IPC is also due to hear evidence, or at least receive written evidence, from Mr Robert Henderson, from Mr Simon Nicholas from the Institute for Energy, Economics, and Dr Davey from Pegasus Economics.

5

Two further topics that the – the LTG – Lock the Gate draws to your attention is the impact of ground water impacts, and I know you've heard some evidence on that from others today about the continued viability of the Namoi River floodplains, and the IPC will hear tomorrow from Associate Professor Matthew Currell. He'll give some evidence about groundwater impacts and the concerns that they have.

10

And then if we turn just briefly to the final slide, the issue of European heritage. I know you've heard from the Society of Dorothea Mackellar today, so I won't say anything more about that, but you'll hear from Ms Anderson tomorrow about the heritage impacts. And the final slide just shows a picture of Boy Charlton Swimming Pool in Sydney and, of course, as you may know, Andrew Boy Charlton worked as a jackaroo at Kurrumbede for over eight years back in the 1920s.

15

Thank you very much for listening to me. As I say, that presentation was due to be accompanied by a written submission, and I think we'll take the opportunity to put in a final closing submission if that's acceptable.

20

MR HANN: Robert, thank you very much. Yes, it is acceptable. Just reminding you Friday, the 10<sup>th</sup>, 5 pm, is the deadline for any further submissions, but we would welcome that, and thank you very much for your presentation.

25

MR WHITE: Thank you.

MR HANN: Our program schedule is going to have a slight tweak in that Janet Watt is now going to present to the Commission. Welcome, Janet. Good afternoon.

30

MS J. WATT: Hi. How are you? I've decided that I was going to video my submission due to this being quite overwhelming for me, so I'll share that video now with you, and if you have questions at the end you can – I'll be back on the video and you can ask me.

35

MR HANN: Thank you, Janet.

MS WATT: Good afternoon. My name is Janet Watt. I am a mother of three, farmer and teacher, member of the Boggabri Farming and Community Group, and with my husband David we work and live on a farm known as property 140, less than four kilometres from the proposed Vickery extension. I have recorded myself doing this speech today as at the last public hearing I broke down. I still find the thought of this mine going ahead as devastating. Today I will talk about some of the significant costs of Vickery extension.

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5 Firstly, there are the negative effects on water, both the precious Namoi alluvium  
groundwater and the Namoi River as seen in this picture here right near the proposed  
mine site. Rivers and groundwater are the lifeline of Australia. Water, especially in  
Australia, is critical and scarce. It should be protected at all costs. Furthermore this  
mine should be – not be approved without a proper train line design and more  
thorough investigation into modelling of flooding. Extreme weather events are  
getting worse with our warming climate. When you put a train line across the flow  
of floodwater ramifications are inevitable. The area floods extensively as seen in this  
aerial photo of the floodplain in the 1998 flood, and there have been bigger floods  
10 recorded than this. Most of the farmers in this area live surrounded by levy banks in  
slightly higher sections of ground to avoid floodwaters. If flooding is intensified  
these people's lives are at risk and also their crops and livestock.

15 Then there is the loss of fertile farmland. Already Whitehaven Coal has purchased  
an extensive amount of farmland – 80 farms in our region. You can see on this map  
here the Whitehaven owned land in yellow. It is quite shocking really the large  
extent of land they own. They have already bought so much land to the east and  
north of the proposed Vickery site, yet to the west, just over the river, sits the fertile  
floodplain which they are supposedly not going to effect. This floodplain has the  
20 rare combination of great soils, climate and water, making it some of the best  
farmland in Australia.

25 We grow a wide variety of crops, cereals, legumes, pulses, fodder and fibre crops in  
both summer and winter. This photo collage shows just the crops on our farm in the  
last six months. These crops are reliable and high yielding. This land and water will  
be affected. It is just that Whitehaven Coal refuses to show and admit it. Highly  
productive farmland needs to be protected. Australia needs to choose to protect  
agriculture land and its associated water for long term sustainability over short term  
30 coal mining.

35 With the loss of farmland is the loss of farming families that for generations have  
managed the land and water so that future generations can farm and live on these  
same lands. When these families leave extensive knowledge, passion and connection  
with the land and its water is also lost. Also when farmers leave rural communities  
suffer. Rural communities are the backbone of regional Australia. There is a sense  
of belonging and connection in a rural community that is hard to describe. The  
connection and contribution is strong as generations of farming families protect and  
manage their land but also their rural communities. Farmers know the importance of  
40 sustainable, connected rural communities as their ancestors have relied on them as  
they do now and as their children will do so into the future.

45 Coal mining brings only a few families to smaller rural communities and often for a  
short period of time. Mining has not made Boggabri prosper as promised, and the  
Vickery Mine will not change that. The mine is closer to Gunnedah, therefore  
workers will live there and not even drive through Boggabri any more. We need to  
keep agriculture alive in this area. We already have five coal mines all with  
extensions in the pipeline. This is enough. Another extension will tip this area over

the edge where mining chokes agriculture out, and it may never be able to come back.

5 I have stated the impact of losing farms and their families, but then there are the farmers left behind. They suffer the impacts of mining but are not compensated. They put up with the noise, dust, loss of groundwater, toxic blast flumes and vibrations. Then there are the social impacts on farming families living in a community that no longer supports – fosters and supports them. There are – there is the mining verse farming divide that becomes an enormous elephant in the room.  
10 Farmers no longer feel comfortable to be in their very own communities they once loved. The negative social impacts of mining on farmers is overwhelming. The impact on the families starts years before the mine is approved and continues to affect them every day after whether they have to stay or leave. Too many people have already been devastated by having mining in the district. Vickery extension has  
15 only added to the list of affected farming families. How many people have to suffer due to mining for the cost to become too great?

Also not to be forgotten is the culture and heritage of the people long before us. There are 62 Aboriginal heritage sites within the project area, 55 of which will suffer  
20 direct disturbance as a result of mining. Here is a photo taken just recently by us of an Aboriginal grinding group on the banks of the Namoi River right near the mine site. Added to this is also the European history of the Dorothea Mackellar family farm, Kurrumbede. Is it okay to just lose these heritage sites forever for the sake of a short term coal mine?

25 Lastly I will talk about the personal cost of this coal mine on my family. Our dream of farming in peace and harmony and being part of a supportive rural community was squashed about five years ago. We are now faced with the prospect of a very large coal mine, coal handling and processing plant, and railway line nearby, and it's  
30 compounded by our other farm south-west of Boggabri being 1500 metres from the proposed Narrabri Gas Project. Coal mining was rapidly expanding around Boggabri, and it felt very quickly that our community was changing. We never dreamed that we were going to be stressing and fighting to stop a mega-mine on the banks of the river with infrastructure across the floodplain. We were not going to sit  
35 back and do nothing and accept that this was just our lot in life.

My husband and I are both passionate and dedicated to agriculture and thus good environmental management vital for sustainable long-term farming. We are parents  
40 too, and this brings with it a huge responsibility to look after the future generations. We could not tell our kids in 10 years time that we just sat back and let a coal company come in and ruin this land and water, hence the journey began. We, especially my husband, have given so much precious time, money and effort into the process of trying to bring the awful truth of this extension to light in the hope that commonsense will prevail. The Vickery extension is absolutely in the wrong place,  
45 and the negative costs far outweigh any benefit it will bring.

I'd like to draw your attention to the map of Whitehaven Coal owned land right near Vickery. Vickery is outlined in the red line. This map shows the Whitehaven Coal land in the yellow and ourselves and neighbours to the west of the mine in green. We have all been told by Whitehaven Coal that we will not be impacted, except our  
5 friend on farm 127 ..... We have great and justified concern that we will be impacted as we know that Whitehaven Coal has bought farms further from ours to their current mines due to impacts. Although they will deny it is the case, the list of impacts on nearby farming families is extensive and devastating. The only farmers that will tell you otherwise are those that are connected to the mining companies through farm  
10 leases and business arrangements.

If for some crazy misjudged reason this mine is approved, we request, in line with the Boggabri Farming and Community Group's previous request with the DPIE, that the proponent enters into a negotiated agreement with us prior to any approval. We  
15 do not want to suffer years of anguish and negative effects like many farmers at Whitehaven Coal's Maules Creek Mine. Enough is enough. Companies need to be forced to be accountable.

So I leave you with three big questions. Is it acceptable that nearby farming families subsidise the production of coal with their health and financial wellbeing? Should a coal mine and its infrastructure be on and near a sensitive and crucial river system, groundwater, floodplain and highly productive farmland? And, lastly, when we  
20 know fossil fuels are the largest contributor to global warming, is it sensible that Australia approve another coal mine? IPC, you know the answers to these questions, and you know this is utter madness. The Vickery extension should not be approved.  
25

MR HANN: Thank you, Janet. Just for clarification, I think you mentioned at the outset that you're at residence 140 as indicated in the documentation. For our  
30 guidance, what distance would that be, for example, to the rail spur itself?

MS WATT: So we're three kilometres to the rail spur but less than four kilometres – I think it's 3.8 kilometres to the actual mine site.

MR HANN: Thank you very much. Zada - - -  
35

PROF LIPMAN: No.

MR HANN: - - - do you have any questions of Janet? Chris, do you have any  
40 questions?

PROF FELL: No, thank you.

MR HANN: Janet, thank you very much for the time and your presentation. It's  
45 much appreciated.

MS WATT: Thank you very much.

MR HANN: Good afternoon. We now have the last registered speaker for the day which we just swapped the timing, so Alistair Davey from the Boggabri Farming and Community Group. Good afternoon, Alistair.

5 DR A. DAVEY: Good afternoon. Can you hear me?

MR HANN: Yes, we can. Thank you.

10 DR DAVEY: That's a relief. There's been a few technical problems from my end.

MR HANN: No. All good.

15 DR DAVEY: My name is Dr Alistair Davey from Pegasus Economics. We're a small boutique economic consultancy firm based in Canberra, and we were asked to review the economics and the commercial viability of the Vickery Extension Project by the Boggabri Farming and Community Group, and today I'd like to focus on three aspects of the economic analysis that has been presented by the proponent Whitehaven, and those three components are employment, the transparency and replicability of the economic assessment and, finally, focus on coal price forecasts.  
20 In regard to employment it appears, based on our – based on our analysis going through the public statements of Whitehaven, that they seem to have different stories for different audiences.

25 In terms of what they've been saying in regard to – in the material they've put up in favour of the proposal, they have – they have expressed themselves in the present tense along the lines that they have no current intention of actually installing any automation at their mine, however, they have actually said something entirely different, in particular, last year. In their investor day presentation in September 2019 they did talk about the possibility of introducing automation at the Vickery  
30 Extension Project . So they seem to be engaging in the present tense when they're trying to seek regulatory approval and trying to talk about employment benefits, but they seem to be saying something entirely different when they're – when – in their public releases to the Australian Securities Exchange. So I think that some questions have to be asked as to what Whitehaven's true intentions are in regard to  
35 employment and their intentions in regard to automation at the Vickery Extension Project.

The second aspect I'd like to focus on is transparency. The current New South Wales' guidelines for the economic assessment of mining and coal seam gas  
40 proposals require that economic assessments should be transparent and comprehensive and note all-important assumptions. They also say that there should be sufficient detail to allow the results of the cost benefit analysis to be easily understood and replicated. In the material that's been presented by Whitehaven in terms of their economic analysis and assessment, there is no possible way that one  
45 could perform a full replication based on the material they've provided. In fact, they've made it extremely hard and almost impossible to even replicate the schedule of gross mining revenue. So that's a big fail on their part, and they should be at least

required to provide additional information and far greater transparency than what they have up to this point in time.

5 The final aspect I'd like to talk about is coal price assumptions. Despite the lack of  
transparency in the publicly available material that Whitehaven have presented in  
regard to the – to their economic assessment, and the few clues that they've made  
available to actually engage in a replication, in the report that I believe is probably  
already been submitted or will be submitted shortly on behalf of the Boggabri  
10 Farming and Community Group, we've been able to get fairly close to replicating the  
schedule of gross mining revenue based on getting within \$1 million of their current  
estimated New South Wales mining royalties. We've come up with \$657 million  
based on their assumptions versus what they're reporting of \$656 million. So we  
believe in our report we're pretty close to the production schedule that they've  
actually come up with.

15 However, in their economic assessment and in their most recent material they've  
talked about their – their updated economic assessment. They're using price coal  
forecasts that are dramatically out of date, but they still persist in using them. For  
example, in their original economic assessment they have used thermal coal price  
20 forecasts of \$US85 a ton in 2017 real dollars whereas at the moment, as of May  
2020, the Newcastle benchmark for thermal coal was trading – trading at around fifty  
two and a half US dollars per ton.

25 If you actually use some of the most recent coal price forecasts available from the  
World Bank, as well as from KPMG, then you will find that the project is actually  
loss making, and these forecasts that have been – that we've used in our report  
actually do assume a fairly substantial price rise on current – on current coal prices  
that are probably at their lowest point. So it's not as if we've taken current coal  
prices and set them into an economic analysis. Nothing could be further from the  
30 truth. The economic forecasts or the price forecasts we've used are quite reasonable  
and assume quite a substantial price rise on current – current – current levels. In  
terms of estimating that this is likely to be a price – is likely to be a profit losing  
proposition, we have used exactly the same costs as outlined by Whitehaven in its  
original economic assessment. The only exception is that we've added another \$40  
35 million based on their publicly available material in regard to their elevated rail spur.

40 And the final point I'd like to make is, of course – is if the project is actually making  
losses, then it won't actually proceed, and the supposed benefits occurring to New  
South Wales actually will not materialise as a consequence. So in conclusion I  
would like to – like to state the view that I don't believe as it currently stands the  
economic assessment that has been presented in – by Whitehaven in favour of the  
Vickery Extension Project should be relied upon for decision-making purposes. The  
coal forecasts are completely out of date and redundant and probably should be  
updated, along with problems in terms of their public comments in terms of  
45 employment benefits, as well as a grave lack of transparency in terms of the analysis  
that's been undertaken. So that's it. So thank you.

MR HANN: Alistair, thank you very much. I'll just ask my fellow Commissioners. Chris, do you have any - - -

PROF FELL: Not at this time.

5

MR HANN: - - - questions at all? What about you, Zada?

PROF LIPMAN: No.

10 MR HANN: No. Alistair, thank you very much and good afternoon.

DR DAVEY: Okay. Thank you.

15 MR HANN: Now, that completes day 1 of this public hearing, and I thank you all for participating and those that were able to view the live streaming. I do want to remind you that a transcript will be available on the Commission's website shortly, and the Commission will be accepting comments from the public until 5 pm on Friday, the 10<sup>th</sup> of July, and these comments can be sent to the Commission via post, email or through the Have Your Say portal on the Commission's website. The public  
20 hearing will commence for the final day tomorrow at 10 am, and, again, thank you for your company today, and from all of us, good afternoon.

**ADJOURNED**

**[4.45 pm]**