



17th November 2017

NSW Planning Assessment Commission
Rocky Hill Project Opposition

Thank you for your recent public hearing at Gloucester where you together showed an interest to get it right. It is much appreciated to see that the community is being heard. I did not speak at that meeting but have taken the opportunity to write to you of my main concerns.

I oppose GRL's Rocky Hill Coal Project - at Rocky Hill or under a new application for that site or elsewhere in this valley.

I applaud Department of Planning's recommendation to PAC to refuse approval - but I object strongly to the tone of that recommendation as it commended many aspects of the project as 'best practice' - virtually stating that this project anywhere else would be a goer. Or perhaps even that it can still be approved – directly or by appeal - if suitable conditions can be imposed.

MY OPPOSITION

- 1. GRL's Performance.** GRL's performance in this crucial assessment phase does not approach best practice. There is no basis to expect best practice to be achieved later. (See 'Best Practice' below.)
- 2. Excessive Coal Rejects Impacts.** The full extent of coal rejects deposited both in the voids and at Stratford is not disclosed. To the 35% ROM rejects of the EIS, GRL needs to add the full content of thermal coal seams which will be dumped back into the 'rehabilitated' landform and void.
- 3. Air Quality Already Exceeds NSW Health Guidance.** The cumulative impact of GRL air quality impacts - including projected exceedances - must be added to existing background airborne dusts which already can exceed air quality guidelines. Importantly variability and the frequency of cumulative exceedances needs to independently evaluated.
- 4. Employment Projections Are Unprofessional And Inflated.** The Planning Dept like some few members of this community has wrongly accepted GRL's employment statements as fact. They are not. GRL failed to account for industry trends to minimise employment, automation and the cyclic slump in the coal market - which for the past three years has seen operations cease at Stratford. This information would raise serious questions regarding employment claims and further reduce GRL's presumed local and state benefit.
- 5. GRL's Cynical Game With Its Supporters.** GRL's support to the community via various grants is a cynical game to buy support. More recently GRL has allowed its supporters to self-deceive that this coal mine and its leadership will generate substantial tourism employment. The EIS makes no reference to this. I doubt that it is formalised. I note that all tourism promotions in NSW coal areas promote natural beauty and lifestyle activities. There's a reason for this.

BEST PRACTICE

'Best Practice' Is Only Observable In Its Performance.

GRL's EIS is a document of self-advocacy aimed at achieving approval. Thus it describes some aspects of best practice. But since the EIS process is aimed at giving Government expert evidence for its decision processes, this level of self-advocacy cannot valuably assist Government processes. Instead Government is presented with the challenge of having to pick through the EIS for omission, exaggeration and misuse of argument. Unfortunately in nine

years of this project, we have seen the revolving door of 6 Premiers 6 Planning Ministers 6 Minerals Ministers. Thus community expertise bolstered by nine years of study has been an essential element in disclosing GRL's many failings. In the early stages this was impossible as Minister MacDonald created a concrete barrier to this essential community input. It has taken years for that barrier to crumble and for the realities of this project to be seen.

But even now unreasonable commendations are made.

No Evidence of Best Practice Leadership.

Best practices need to be designed, implemented and sustained by modern best practice leadership. GRL's current and past policies and practices contradict any assumption that best practice in matters valued by the community is an aim of this this company.

A disciplined assessment of GRL's potential to achieve best practice is to examine what GRL has said, how well it has done it, and what might be best practice criteria for that activity. Government needs to know GRL's potential to achieve and sustain best practice when confronted by the industrial, community, climatic, environmental and human challenges over the next twenty years.

Two facts are clear: GRL has written that it wants to mine and can use some terms attractive to an approvals process; GRL does not even approach best practice performance in this critical assessment phase.

GRL Uses Deflection, Omission and Secrecy.

None of GRL's public advertisements and its Response to EIS submissions have directly and fully answered the community's questions and concerns.

Instead GRL has used advertising to restate very questionable benefits hinging on income and employment. GRL has glossed-over or omitted inconvenient aspects concerning: community well-being, details of the four community opinion surveys (including GRL's), environmental impacts from dust, diesel and leachates, scenic damage, final landform uncertainties, water use and contamination, drought response, water sharing, long term extension of the current disturbance area, and total silence on any future development that might concern the community (eg extension/modifications at Rocky Hill and projects on the other two inactive but retained ELs).

Given GRL's observable performance, it is wrong to believe this company will actually achieve and sustain best practice for the life of the project.

Only GRL's Current And Past Performance Can Be Directly Assessed:

- **Communication with the Community** has never been open. Every GRL announcement dealing with community concern has had to be extracted. Every announcement leaves uncertainty because of omission or half-truth. No GRIP or Groundswell public meeting has been attended or followed-up by GRL. No contact has been made for these widely advertised public meetings. CCCs commonly are treated as necessary evil, information is difficult to extract and frequent reference to 'in-confidence' or bald answers when explanation and detailed answers were sought.
- **Communication with Government** can be assessed by the community through the EIS and GRL's Response to EIS opposition. Far from best practice these documents demonstrate a willingness to mislead the approvals process. As examples only: calculation of economic benefit to the community was proved to be grossly overstated; employment figures continue not to recognise the displacement of people from their farms; the destruction of thermal coal seams and their inclusion in the void has not been disclosed or quantified; the 'willing sellers' argument is a nonsense stated as fact; GRL's own community survey for the EIS was deliberately misinterpreted for Government; there was no mention of the other community surveys; GRL continues to dismiss or keep secret any notion of a stage 2 at Rocky Hill or its other ELs; the Speldon Dairy 'success' on GRL's land is heralded as a blessing to local agriculture but GRL failed to acknowledge that it came at the cost of other farmers, their families and industry who left the land through fear.

With this sort of actual performance, GRL deserves no commendation and it is not credible to assert that best practice would prevail post-approval.

- **Communication with Mine Site Neighbours.** The neighbours overlooking the mine site or sharing the water from the Avon River have not been contacted through the nine years of GRL activity - despite community concerns and despite the clear ethical need. This is the antithesis of best practice.
- **Exploration.** GRL's three ELs were approved in 2006. It was not until 2013 that the first deeply flawed EIS was submitted. The next EIS for another Rocky Hill project took another 2 years. Yet GRL continues to state that it does not know what thermal coal seams exist in the mine area. GRL's two other ELs, also renewed continually, remain 'active' despite no reported action or progress. Both have lapsed but have not been relinquished or cancelled. These are signals that this organisation is not concerned with best practice and that Government processes are still broken or under-resourced.
- **Financial Benefit and Readiness Contribute In Full To NSW and Australia.** GRL overstated financial benefits accruing locally and nationally to this project. GRL is owned primarily by AMCI. GRL's MD is employed by an AMCI entity registered in Brisbane. His email server is AMCI's. AMCI is owned by two USA residents who between them have extraordinary webs of AMCI subsidiaries and related companies - many registered in known tax havens. The Australian press reported AMCI had understated its 2008 tax liability to the ATO by more than \$130,000,000 and eventually settled with Government for an undisclosed sum.

GRL statements promoting local and national benefit should only be accepted after full scrutiny of company financial and tax arrangements and potential to deliver full Australian benefit over the twenty years of this project.

- **Future Employment Projections.** This is a pivotal aspect in GRL's argument to Government and the community.

GRL failed to apply industry productivity/cost reduction trends that inexorably will drive employment down and possibly away from the mining locality. Nor did it make allowance for the periods of industry downturn or potential for the mine to cease operations early or for an extended period. Any disciplined projection would acknowledge and detail these factors.

The result however would be an inconvenient reduction from GRL's ideal claimed employment benefit. Again this unprofessional representation to the Government of a critical aspect of the EIS is not best practice.

- **Leadership.** No GRL MD has fronted the community directly. One (MD Ross) publicly presented for 10 minutes to Gloucester Council. The notable leadership aspects of that speech were "we will mine as close to Gloucester as we are allowed" (knowing full well the intense modifications activity from his time at Whitehaven Werris Creek) and dismissal of mining particulates as a health consideration. With the known existing dust levels in this valley, GRL is unhelpful in not fully disclosing the *cumulative* impacts and their variability which would eliminate any chance of coal mining on its three ELs.
- **Site Selection.** No aspect of this proposal should be commended as best practice. It is the wrong industry, in the wrong site, designed by necessity to damage Gloucester's environment, water systems and public health - against the wishes of the community that it says it supports.

Social responsibility seems unimportant.

On the matter of site selection, GRL backers have a poor record. Many of its backers and leadership formed Vasse Coal and sought to mine underground at Margaret River WA. This prompted social distress. Vasse met the same opposition, appealed, and was refused. That the same backers should try the same tactics here makes dubious any claim that they are here to benefit Gloucester and its environment. Instead it should

confirm that GRL's backers are concerned to win approval in full knowledge that it is against community interests.

- **GRL Intent.** GRL's persistence with this project in such circumstances should raise Government concern of GRL's readiness to ever deal sensitively with impacts and the community – or that GRL would remain comfortable with any constraints GRL might seek in order to win approval.

Instead all indicators show that Government should expect that if GRL were allowed to mine in this valley (*anywhere in this valley*) it is likely to:

- scour the boundaries for the lowest cost allowable performance standards,
- negotiate and modify to escape any distasteful conditions, and
- rely on 'allowable exceedances' to the extent possible.

These run counter to best practice principles.

- **Property Acquisitions.** Secret land purchases in 2008 under a variety of names generated the initial community fear and decisions by many to leave ASAP. Some residents are still selling - even as late as October 2017. (And still GRL has not contacted them.) The GRL property acquisition process has always been secretive and, as far as is known, has always required strict secrecy from sellers. Despite all that has happened to clear out Fairbairns Lane, GRL still claims that the sellers were willing sellers. This is a lie. Stress and fear along with abandonment by Government drove them out. Ask them.
- **Mining Plan** (*How to fit the glass slipper*). Transporting 19.5 million tonnes of uncovered ROM 9km to a washery in **350,000** sixty tonne loads (**700,000** trips) is not best practice. Instead it is GRL's response to accommodate the fact that Rocky Hill is in the wrong place to be mined. Discarding at least 8 million tonnes of coal waste including seams of thermal coal into the Rocky Hill void is an act of long-term vandalism dressed up to enable the claim of an improved 'final landform'. Enduring contaminated leachates entering the water system seems to be of less concern. These are two key aspects of the mining proposal that by any Australian standard fail mining best practice.
- **Poorly Conceived In A Period Of Corruption And Opposed From The Start.** In all, these aspects demonstrate that GRL made a poor choice at the height of the resources rush and at the height of the scandalous behaviour of the NSW Minerals push. GRL now seems unwilling to grasp this central idea, acknowledge its mistake, apologise to the people of Gloucester and withdraw from all ELs without appeal.

STATE SIGNIFICANT DEVELOPMENT - THE REAL ISSUE

Even if this mine were to deliver its full EIS potential, it would contribute less than 1% of Australia's export coking coal. If NSW needed to export that extra increment, then it could do so from existing mining operations - at less infrastructural cost, no new community cost, no damage to a greenfield site, and achieve the royalties from an established player.

This low production mine, that dwarfs Gloucester's residential area, affects a greenfield site in a beautiful closely-settled valley. It brings with it every prospect of unacceptable community, scenic, water and economic impacts for potentially no short-term benefit and assured permanent damage.

GRL's argument that this coal is of great benefit to the world coal industry is fatuous: its prospective increment contributes next to nothing to world steel production and its touted (marginally) superior quality would have similar impact to throwing a stone into Sydney Harbour.

Rocky Hill is only necessary to make a very few people who have no interest in Gloucester's welfare a little richer.

IS THERE A FUTURE FOR GLOUCESTER WITHOUT GRL?

Gloucester Valley itself should be seen as a SSD-in-progress. That SSD has delivered success and nurtured a growing community over the long-term. It should be allowed to continue to grow and develop organically. With NSW's current and projected rapid metropolitan population growth and consequent living stresses, Gloucester's population growth (already acknowledged to be high in rural terms) is assured. There is no justification to give Gloucester 'a shot in the arm' or any other damaging interference.

CONCLUSION

The GRL threat to Gloucester has existed for a decade. Opposition to it has been strong, justified, and consistent throughout. The project was only ever enabled by poor NSW minerals policy which was exploited by GRL and fostered by scandalous actions at NSW ministerial levels.

Best practice cannot be applied to this project. It is akin to how best to ruin beauty, peace and well-being for a temporary, uncertain, benefit to the few.

Yet still GRL suggests it will appeal a refusal.

The Planning Department has correctly applied the Precautionary Principle. I ask that the PAC go the extra step and declare that this project - and the 3 ELs - should never have been countenanced.

I Request:

1. the Government's commendations be rejected by PAC
2. the Rocky Hill Project be refused
3. all three contiguous ELs be cancelled - or cancellation recommended
4. Gloucester Valley's farmlets, residential estates, and villages be declared to comprise a closely settled area unsuited for resource extraction – or a recommendation made to that effect.