Donna Upton

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Airly Extension PAC 23 September 2015

Submission as an objection to proposal RO33/15: Airly Mine Extension Project

Thank you for the opportunity to speak to this Planning Assessment Commission Public Hearing.

Commissioners and participants – My Personal Story as a landowner and community member in regard to Centennial Airly Mine.

Background

Before moving permanently to the Capertee Valley in September 2004. I worked as a CEO of a Public Company NFP in Sydney. My husband in IT with Sydney Water. 40 years retiring in 1998.

We travelled every second weekend to our 100 acres camping in the shed.

The pressure of work and city life would disappear after spending a weekends planting trees and shrubs, our prime focus has been extending the habitat of the highly endangered Regent Honeyeater.

On our Conservation Block we have planted over 10,000 trees as part of the Regent Honeyeater Recovery Program.

The salinity and erosion apparent at the rear of our 100 acres, we embarked on a program to repair with assistance through HNCMA and attended a Training Day for Capertee Valley Landholders; Hydrogeological Landscapes and Salinity. Our property is in the Glencoe Hydrogeological Landscape within the Capertee Valley east of the Glen Davis/Capertee Road, in an area of moderate rainfall (-600mm). The HGL is located in the centre of the Capertee Valley HGL map area and comprises a significant component of the Capertee Valley floor.

Soil landscapes for this HGL include parts of the Wollangambe, Mount Sinai, Newnes Plateau, Hassans Walls, Glen Alice and Umbiella Soil Landscapes (King 1992).

Woodlands in SE Australia have been extensively cleared for agriculture and settlements. Woodlands are highly valued, supporting a diverse array of birds, mammals, reptiles and native plants. On farms woodlands provide shelter for stock, pasture and crops and habitat for birds and other animals that eat insect pests. Woodland store carbon and reduce the threat of salinity.

Woodland remnants, with appropriate planting and management to improve their condition and secure their protection, can make a significant contribution to landscape scale conservation of biodiversity at the local and sub-catchment scale.

HNCMA made funds available through the Australian Government's *"Caring for our Country*" program for individuals and groups to prepare landscape scale biodiversity conservation plans that address the protection of woodlands and derived native grasslands.

Whilst we and other landowners participated in this program over many years Planning agreed to Centennial Airly Mine to clear an area.

So all this funding made available by State and Federal for this program is laughable when Centennial is given permission to clear Woodlands.

I wonder if we seek permission to clear our woodlands whether we will be granted the same approval.

We built our house as a purpose built B&B and our market was Birders National and International. WE have made friends all around the world.

The house is big enough to accommodate our family of 4 adult children, their partners and our 9 grandchildren.

I enjoyed being involved in the community holding Tourism workshops and Capertee Valley Catchment Group; participating and organising many projects.

Capertee Valley is considered a 'Hotspot' environmentally.

When the boundaries changed in 2005 and our property transferred to Lithgow our Business Plan for Tourism had a setback.

I joined Lithgow Tourism but soon learned that Capertee Valley, the most northern boundary of Lithgow City Council was not recognised as a Tourist Destination.

That's when the community came to me to set up a community group 'Capertee Valley Alliance Inc'.

We achieved a great deal including developing our own logo with the help of UTS student's community program.

Then suddenly we were faced with water sharing plans, LUS /LEP's, and Mining.

My priorities changed and suddenly my office grew paper, I was time poor and it changed our life.

The Process – My Experience

- In early 2009 when we learned that Centennial had purchased from Novacoal some years back, Airly Mine had signed a contract for the construction of the rail loop and permanent infrastructure to support the Mine beyond the Trial Mine Phase and into its permanent operational phase, I was flawed, new residents during 1997/98 did not know that a mine existed. Absolute no mention by any of the previous owners, neighbours, Real Estate Agents or in any legal searches. I notice in the section 149 certificates today it now mentions mining activity.
- I read the 162/91 Development Consent and the EIS, myself and 3 other landowners visited Centennial's Office at Capertee. I didn't have a personal view on the merits or otherwise of Airly Coal Mine, I went with an open view and a conciliatory approach.
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- Centennial in their documentation since 2008 gave the impression that there are few residents affected by mining at Airly, .their preference was to meet with Capertee Progress Assn, which at the time had few members to operate efficiently.
- Airly mine was in the Capertee Valley and the people MOST affected lived in the Capertee Valley.
- Right from the start ignored the 1000 rate payers (population in excess of) in the Capertee Valley, even though the impacts of Water Quality and Quantity, the aquifers would be most at risk to the existing enterprises of farming and Tourism, and as we found further down the track other major issues were born to light.
- The Conditions of Consent refer to a "Special Monitoring Committee" and Capertee Valley had a representative. I mentioned we would like copies of the Special Monitoring Committee Minutes and the name of our representative. We discussed whether a washery would be built as it was mentioned in the DA, they replied NO there wasn't going to be a washery. Then they couldn't find the name of our representative nor provide any Minutes of the Airly Mine Special Monitoring Committee meetings. A brick wall was emerging.
- CVA Inc. applied to become members of the Special Monitoring Committee of which I was President of CVA Inc. so we could inform the community of the process and address concerns.

- The best way we could inform the community was start a blog, more process to deal with. Not just about Airly Mine Extension but other matters of interest to the residents, to date we have had 250,300 page views'. The Capertee Valley photo blog page views 26,300.
- A Legal opinion was sort through Lithgow City Council who chaired the Special Monitoring Committee and CVA Inc. was denied membership, however we were invited to attend and recording of our concerns/complaints was selective, not all we said and enquired about was recorded.
- CVA Inc. was treated poorly and I personally found the experience very superficial, all decisions were made prior to meetings, no upfront discussion, tell you the bullet points after the process had been approved by Planning ,EPA
- It has been documented of the treatment by Centennial.
- A particular question was raised at a meeting in relation to Bores and requested to see the REFS. Centennial would not respond at the meeting, instead called myself and CVEG into the Mine Mangers office, and said it was not usual practise to respond to our question.
- There were many incidents like this, stressful and time consuming.

Impact Personally

- I have experienced ugliness between miners, community stresses, a reluctance for the community to air their beliefs or concerns in regard to the mine for fear of retribution or their health may be affected if they do. I have personally been the brunt of people fears and their anxieties.
- Lack of support from Local Government on communities concerns in regard to mining impacts on communities like the Capertee Valley, not recognising that there are thriving businesses that already exist in the Capertee Valley in Farming and Tourism and other small businesses.
- The workload and issues that I had to deal with in unbelievable time frames with submissions to MOD3, September 2014 and then PAC for the same having to attend in the Commissions Office in Sydney, always during school holidays, then immediately The EIS for the Extension was released In October 14, getting the message out, speaking to experts, trying to get money to pay for these experts opinions, for their time. Dealing with the Dept. of Planning. And insuring the issues raised by residents were covered, time frames

for the community to respond was ridiculous, then a MOD4 recently including this PAC public hearing, today. I could go on forever.

- The process has to change, it's not sustainable. But then I suspect that's a given.
- The personal time has been great.
- The commitment is not sustainable for community members to run their business and deal with the mounds of paperwork Airly Mine produced at all of these Modifications, EIS is confusing and often repetitive to deliberately confuse the situation or make it difficult to get to the 'chase'.
- Since 2009 dealing with the Community and Centennial Airly Mine it has been at a great personal cost to my family, business and my well- being.
- I couldn't describe the process other than to say there were obstacles at Local Government, State and Federal levels.
- Political agendas has go in the way of what is right or wrong, all the evidence is there.
- Centennial Airly Mine originally owned by Novacoal in 1991 should never have been approved, it's so blatantly obvious.

Changes in the Area

Since 2009 there isn't a time since, when I visit friends' homes or go out to an event in the Capertee Valley and surrounds that mining is not mentioned in conversation. It will start "Ok let's have a good time" we won't mention the impacts of Airly Mine on our lives", but then an anxious comment will slip in and I would give them information and where to look, often too, a wall of anxiousness came over them..

There is a shortage of volunteers now both for the two RFS Fire Brigades and community groups, Glen Alice and Glen Davis, the Garden Club etc. Everyone is tired and want a peaceful calm life.

This does not happen in communities where mining exists.

All the promises of mining improving the economics of the area, providing jobs. Justifications and Conclusion supposed to have regard to environmental, economic and social considerations. The truth wasn't spelt out here it was skirted around. The recycling of Centennial employees from Charbon to Airly Mine reopening it when it was in Care and Maintenance. Probably because they didn't want to pay out redundancies as the mine reached is closure time. Centennial should have allowed for this in their Business Plan like any other industry.

Centennial mentions "without development consent, Airly Mine will not be able to operate, resulting in the loss of 135 job *opportunities.*

There is no loss as their not employed in the first place.
In one breath they talk about 20 contractors in the same way but not secured yet, so how is that a loss?
I agree with the statement of “access to 20 years of coal production at 1.8million tonnes per annum” how can a mine of this size be profitable, particularly in a sinking market?
The coal from fist workings is delivered by rail to Eraring (apparently) Central Coast all the way by train, it would be quicker and cheaper from Newcastle and some overseas but that is questionable. It’s not profitable and none of it makes sense. I suspect Centennial is getting ready to sell. Airly mine has a history of ‘Sell’
In the Socio-Economic Analysis Golder and Associates it mentions “Population and demographic data for Capertee and Glen Davis, it fails to recognize the demographics of Glen Alice, Bogee and Mt Marsden which are located in the Capertee Valley HNCM catchment and will be affected If this mine is given approval.
It’s a deliberate failure on Centennial’s part to not include these demographics.
Residents were interviewed by Centennial’s consultant and the issues were Surface and Ground Water impacts, Quality and quantity Visual, Biodiversity, Tourism, Bird Trail farming all relates to current employment in the Capertee Valley.
To dismiss these jobs as not being of value is of a grouse oversight weighted toward the proponent. It would be of value to get the detail of all the interviews.
The community couldn’t afford to do a similar Socio-Economic Analysis, the financial burden to the community was great as it was, we had to work out the priorities with the funds we had.
This is where the community is at the mercy of the mine as they can say as much as or as little as and the real story in this area never gets stated. This is a huge burden on the residents.

I and my family have a right to live and work and enjoy what the area has to offer just as much as any employee of a mining company.

Outcome

Economic

It is hard to understand why the Department of Planning and Environment (the Department) continues to rely on analysis from a consultant that refuses to comply with government guidelines and is incapable of submitting replicable analysis – see Secretary’s Environmental Assessment Report, p50, section 6.5 Socio-economic Assessment.

The economic assessment by AIGIS group is highly unreliable and its conclusion that the project would provide economic net benefit to the state should be considered as speculation with no robust analysis to support it. Given the project's environmental and social impacts are likely to be negative, it is likely the project represents a net loss of economic welfare to the NSW.

Thank you for the opportunity to comment.

Donna Upton

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23/9/2015