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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

PUBLIC HEARING

RE: VICKERY EXTENSION PROJECT

PANEL: **JOHN HANN**
PROF GARRY WILLGOOSE
PROF CHRIS FELL

ASSISTING PANEL: **DAVID WAY**
TROY DEIGHTON

LOCATION: **BOGGABRI RSL MEMORIAL CLUB**
77-79 LAIDLAW STREET
BOGGABRI, NEW SOUTH WALES

DATE: **9.00 AM, MONDAY, 4 FEBRUARY 2019**

DAY 1

MR J. HANN: Well, good morning, everybody, and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. So welcome to the initial hearing
5 on the State Significant Development application SSD 7480 from the applicant, Whitehaven Coal, who are seeking to expand the Vickery Coal Mine. My name is John Hann and I'm the chair of this Commission panel, which has been appointed to carry out a public hearing into the project.

10 Joining me are my fellow Commissioners, Professor Garry Willgoose and Professor Chris Fell. We are supported by David Way and Troy Deighton of the Commission's Secretariat. All appointed Commissioners must make an annual declaration of interest, identifying potential conflicts with their appointed role. For
15 the record, we are unaware of any conflicts in relation to carrying out of this public hearing. You can find additional information on the way we manage potential conflicts on our policy paper which is available on our website.

Now, the hearing purpose, in effect, today – we're here today because on 6
20 September 2018, the Minister for Planning requested that the Commission hold a public hearing into the carrying out of the Vickery Extension Project. This request was made under the Environmental Planning and Assessment Act and, specifically, the Minister requested that the Commission conduct a public hearing into the carrying out of the Vickery Extension Project as soon as practicable after the public
25 exhibition of the Environmental Impact Statement, the EIS, for the project. And the Commission is to consider the following information: the EIS for the project, submissions on the project, any relevant expert advice and any other relevant information.

The Commission is to publish a report to the Department of Planning and
30 Environment within 12 weeks of the submissions being published on the Department's website unless otherwise agreed by the Planning Secretary. It sets out the actions taken by the Commission in conducting this initial stage of the public hearing, summarises the submissions made during the public exhibition of the EIS and any other relevant information provided to the Commission during this stage of
35 the public hearing and identifies the key issues requiring detailed consideration by the Department of Planning and Environment in evaluating the merits of the project under the Environmental Planning and Assessment Act.

So in accordance with the Minister's request, today's hearing will serve as the initial
40 hearing. And this hearing is a vital input for us, the Commission, in identifying the key issues in relation to this application. Public hearings of this nature provide you, the community, and interested parties with a valuable opportunity to address us directly in relation to the proposed development and this will be of great assistance to us in our consideration and we thank you for being here today. In the interests of
45 openness and transparency, the hearing today is being recorded and a full transcript will be produced and made available to the Commission's website. And I should

say, look, there's wiring everywhere, so please if you're approaching the tables, just please take care. We've taped them down on the carpet but they are a trip hazard.

5 The guidelines for this review – this project is for the first time, the Commissioner
has been requested to hold a public hearing in multiple stages. And the
Commissioner has published new, multiple stage public hearing guidelines on its
website and we invite you to review them. The process set out in the guidelines will
10 be reviewed at the end of this year, certainly by the end of 2019. So in regard to
appeal rights, in accordance with the Environmental Planning and Assessment Act,
holding this public hearing means that no merit appeal may be brought under the Act
in respect of future decisions made by the Commission as the consent authority in
relation to the carrying out of this development.

15 So what is the IPC? What is the Commission? The Independent Planning
Commission of New South Wales was established by the New South Wales
Government on March 1 2018 as an independent statutory body, operating separately
to the Department of Planning and Environment. The Commission plays an
important role in strengthening transparency and independence in the decision-
making process for major development land use planning in New South Wales.

20 The key functions of the Commission include to determine State Significant
Development applications, conduct public hearings for development applications and
other matters, provide independent expert advice on other planning and development
matters when requested by the Minister for Planning or the Planning Secretary. The
25 Commission is the designated consent authority for State Significant Development
applications where there aren't more than 25 public objections where there aren't
more than 25 public objections, reportable political donations by the applicant,
objections by the relevant local councils.

30 So this brings us to why we're here today. Where are we in the process, particularly?
The initial hearing today is one part of the Commission's process, as I mentioned a
little earlier. So on 30 November last year, the Commission received the
Department's Preliminary Issues Report. This report is available on the
Department's website. The Commission is not involved in the preparation of the
35 Department's report, and this is an important matter. On 6 December last year, the
Commission met with the Department of Planning and Environment and later on the
same day, the Commission met with the applicant. On 19 December last year, the
Commission met with Gunnedah Shire Council and Narrabri Shire Council, and we
also did a site inspection locality tour on the same day. Transcripts of these meetings
40 and a record of the site inspection are available on our website.

As you may be aware, this initial hearing was scheduled to be conducted on 18
December late last year – 2018 – but in response to a high level of community
interest in the project, the initial hearing was postponed to ensure adequate time was
45 afforded for those requesting to speak and to be heard by the Commission panel. So
after the initial hearings today and tomorrow, as you know, in Gunnedah, we may
convene with relevant stakeholders if clarification or additional information is

required on matters raised. Transcripts of all meetings will be published on our website. And I do emphasise that no decision or determination on this application has been made and it's not part of this current process.

5 Written submissions. The Department received a number of written submissions in relation to the Vickery Extension Project during public exhibition of the Environmental Impact Statement, which the Commissioners have reviewed. These submissions are available on the Department's website. The Commission will accept written comments and submissions about the project until 5 pm on 13 February 2019.
10 Anyone can send written submissions or comments to the Commission before that time. You can do so by sending your submissions or comments to the Commission by email or by post. So – next steps. Following the initial hearings today and tomorrow, we will endeavour to publish an issues report as soon as possible, however, there may be delays if we need additional information. And the issues
15 report will be published on our website when we've completed it.

Now, I will take a little bit of time just about the ground rules for today. So before we hear from our first registered speaker, I would like to lay down some ground rules that we expect everyone to take part in taking part and I expect everyone to follow
20 these. The hearing today is not a debate. We will not take questions from the floor and we will not permit interjections. Our aim is to provide the maximum opportunity for you to speak and so that we can hear what you've got to say. Many people find public speaking very difficult. Though you may not agree with everything you hear today, each speaker has the right to be treated with respect and heard in silence.
25 Today's focus is for us to hear your views. We're here to listen and we're not to comment. We may not ask questions – we may ask questions – I'm sorry. We may ask some questions for clarification but this is usually unnecessary for us. It will be most beneficial if your presentation is focused on issues of concern specifically to you.

30 It's important that everyone registered to speak receives a fair share of time and a warning bell will sound one minute before the speaker's allotted time is up – and the Secretariat are managing that important task today – and, again, when it runs out. So you will hear two bells – a minute before and when your time is up. Please respect
35 these time limits. As chair, while I do reserve the right to allow additional time if I consider it appropriate, however, look, we have close to 100 speakers across the two days and so we respectfully seek your help in helping us keep to the timetable so everyone gets the opportunity for their allocated time.

40 We acknowledge that there is significant public interest regarding the Vickery Extension Project, and while the Commission has attempted to accommodate the time and location requests made by each speaker in order to ensure that everyone who has wished to speak at this public meeting and – sorry – public hearing could be heard, not request for speaking time or location that we couldn't accommodate,
45 we've tried to accommodate everyone as best we can.

If there are issues and you're unable to – that you feel you're unable to address, or you feel you can't completely address them today in your allocated time, we would encourage you to provide a written submission to the Commission. Though we will strive to stick to our schedule as hard as we can today, speakers sometimes don't
5 attend or decide not to speak. If you know of someone who is registered to speak but will not be attending, it will be really helpful for us if you would be able to talk to either David or Troy and just let them know so we can rearrange our schedule.

If you would like to project something on the screen, please give it to David or Troy
10 beforehand. If you have a copy of your presentation, it would be appreciated if you could also hand that to the secretariat after you speak and please note that any information given to us may be made public. The Commission's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain one from the secretariat or from our website. And, finally,
15 I would like to ask that everyone present if you could please turn your mobile phones on to silent. And that is the formal process for my introduction and we're now ready for the first scheduled speakers. If I could invite Brian Cole and Paul Flynn representing the applicant. Thank you.

20 PROF G. WILLGOOSE: David, just – there's a few empty seats that people can take.

MR HANN: Right. Yes. Sorry. Look, we do have – there are people standing in the back. If you do want some seats, there are some more seats in the front just to
25 make yourself more comfortable.

MR P. FLYNN: All right. Good morning, all, and – sorry – it's a little strange, the orientation, addressing the Commission, of course, for the purposes of it, but otherwise - - -
30

MR HANN: We can bring it back a little bit. The intent is for us – you to address us - - -

MR FLYNN: I understand. As you please.
35

MR HANN: - - - but do you want to bring it a little back.

MR FLYNN: As you please.

40 MR HANN:

MR FLYNN: I will try and turn around from time to time, because I don't want to feel like I'm talking to your back. Can I first start by acknowledging the traditional owners of the land on which we're meeting here today, the Gomeroi people, and pay
45 my respects to their elders past and present. You will see, if you don't already know about the company, it is a big part of our proposition here in the community, so we will – it's only right that I make this statement before we proceed.

MR: We can't hear you.

MR FLYNN: All right. Sorry. Is that better?

5 MR: Yes. A bit better.

MR FLYNN: Right. How about that? Why don't I just hold it. Even better. Is that better? Thank you. Firstly, thank you to the IPC for providing this opportunity for us here today and certainly commend the process of consultation, because we do
10 believe that consultation is an important part of a significant project like this and will be a very legitimate and necessary part in unlocking the day of an investment such as the Vickery Extension Project. So I wanted to make some opening remarks and then my colleague, Brian Cole, will make some follow-up remarks more about the detail of the project itself. David? Thank you.

15 Just a few remarks about our company, if I might. Whitehaven is the largest listed independent coal company in the country and sits meaningfully now within the top 100 ASX. I know this is fading in and out; is that causing everyone annoyance? We're proudly a local company with our six operating mines here in the region.
20 We've been here for about 20 years, listed on the Stock Exchange for about 10, and it's very pleasing to me that I see a number of – a contingent of people from the region travel down every year to our AGM, who are shareholders obviously, who are very appreciative of the benefit to their retirement funds that Whitehaven has provided.

25 We've got a strong track record of operating safely in the community and responsibly and we know that's particularly important at this time, you know, when we're going through some difficult times from a water-resources perspective, and, although – I know many people know that we're not a big user here in the
30 community of water relative to others. And if I'm generalising, one to two per cent; two per cent, I'm grossing it up to something big; the other 98 per cent of water licences in this region are spread around other competing land users in the community, but I will move on more to our coal, if I could, thanks, David.

35 The Gunnedah Basin is synonymous with some of the highest quality thermal coal in the area and, certainly, in the seaborne trade it is some of the best. We also produce metallurgical coal, and so our thermal coal, in particular, does have the lowest carbon intensity of any thermal coals in the seaborne trade. So from our customers' perspective, they can provide a reliable, affordable, base-load energy with this
40 thermal coal and meet the competing objectives often at times between the desire to manage people's emissions reductions requirements and, at the same time, providing reliable and affordable energy. We all know the Vickery area has been a mine in the past, and so we are seeking to reopen that area, and so this area – the customers recall the quality of the Vickery Project and we're very keen to bring that back to market.

45 It is fundamental to our growth as a company, the Vickery Extension Project, and that growth – our aspirations for growth are underpinned by the International Energy

Agency's predictions that, in our region – in the Asian region – through their outlook period out to 2040, they predict that coal consumption will go up by 500 million tonnes per annum by 2040. Where that comes from, I'm not quite sure, but we certainly would like to be able to contribute our piece to that overall need. And, of course, 24 different countries used coal as part of their NDCs that they submitted to COP21, and basically saying that they don't think they have to choose between the economic aspirations of their peoples and their obligations, as far as emissions reduction go.

10 From our community perspective, we see that the benefits of this project will accrue strongly to the local environment and that has been our focus as an organisation for many years. The company has been known, increasingly so over the years, for its orientation towards sharing the benefit of the projects with the local community. We have long-life projects, and they deliver economic growth and sustainability for the long-term, but this fuels long-term job creation, it also allows infrastructure that will survive well past the mining process and, in turn, we're providing a long-term, sustainable path for the community here.

20 We know, particularly at times like this when it's drought, the job creation of our industry and the small footprint that it has relative to either competing land users in the area is without peer internally in this region and in others when you're looking at it from the perspective of the labour intensity, the job creation relative to the footprint of the operations, but it's not just about economics, we understand that. Our behaviour is important here. Particularly our environmental stewardship is certainly important, and the various programs that we have around empowering and doing our part for indigenous disadvantaged in the area is critical to our company. So it's not just about a transient or ephemeral view of the world; it's not even just about us. We get it that it's all about the legacy that we leave and the impact on the community well past the peak of mining operations.

30 So we are the largest single employer in the region. We've got about – our workforce count is about 2000 people in total, 70 per cent of which live in the region, and we're very proud of the local contribution we make. And, as I mentioned earlier, our indigenous engagement strategy started only about five years ago, but, in a very short period of time, now our company prides itself on having 11 per cent of its workforce now of indigenous origin, which is quite an extraordinary thing given that that's above the average that indigenous people represent of the community at large in the region, so I think that's a standout.

40 Investment in the region has been solid. \$1.5 billion over the last five years we've invested here and wages, as we know, reverberate through this street and in the main streets of both Narrabri and Gunnedah also, which creates a multiplier effect in these communities. The councils themselves during the time that I've been running the company has benefitted to the tune of \$41 million in various forms of payments that we make to them. It's here in Boggabri that we're here that we acknowledge there's a bunch of contributions that we make here, as well, be that through eating here, being – residing here, being it through the supermarket, be it hospitality, hardware.

There's a number of different businesses here that we support going forward. But then there's the broader picture of this LGA in terms of the impact that we've had here, as well. We've upgraded the Narrabri Airport, upgraded Rangari Road, Therribri Road, contributed to the permanent water supply of Baan Baa, which is an
5 extraordinary thing, as well. But there are other initiatives which range from medical support through to the Girl Guides, for want of another. The awareness that our company has has generated over time a positive measure. So I would point to this that people who have been positive about our industry and our company have remained consistently over this period.

10 We take polling in the area every year, just so we can get a better sense of what people think about the company and about the industry, so this does provide us some very good feedback about what it is that people view the industry. And so you can see the blue ones up the top has been relatively consistent over this period of four
15 years. But what – where the real effort has gone, I have to say, is converting the shades of yellow or orange – whichever way you look at that – it looks orange and yellow to me. Mining does a lot of good things for you, but it might not do anything for my eyesight, I can tell you, with my glasses.

20 But what we've been able to do there is convert people who perhaps haven't been necessarily alive to what it is that we do and convert them into people who are neutral. So you can see the neutral basket has increased over time, which I think is a positive thing. And in our communication engagement with the community, what we want to do is make sure that people understand what we're doing and to do that –
25 sums in their own mind and say, "Well, here's the benefits, here's the impacts I see, now I want to be able to assess those and work out whether on net, it's a good thing". And I think in our attempts to try and explain to that – never perfect, of course, but in our attempts to try and explain that, we think we've been able to move people from negative, essentially, into a growing basket of people who are at least neutral. And
30 by neutral, I interpret that as meaning accepting of our presence, given all that I see before me – positive and negative. So that has been very positive and I hope that that continues the trend for us.

35 So the project itself. The job is 500 people during construction, 450 during the course of the operations. Wages will be about 50 to 70 million per annum, in Net PV terms 224. Royalties will be \$670 million to the state over the course of the project itself. But I think the key changes here to this project, which the extension project represents, are changes in amenity as well as extraction rate. We will be removing
40 our Gunnedah Prep Plant over time and so once we've got a fully operational plant on-site at Vickery, our Gunnedah Prep Plant will be decommissioned. What was out of town historically is less out of town given the growth. So we want to move that in anticipation of the town encroaching further to it.

45 The scale of the project will also allow us to put in a rail loop and so that will mean that haulage of coal on public roads will be no more and so everything will be able to go through the railway line, which I think – both those two aspects, in particular, are huge amenity benefits. Overall, I did want to make one last statement. I know there

has been some concerns about Kurrumbede, in particular, but in our hands, the project – or the homestead, in particular, has received a lot of upgrades along the way and we are committing to enhancing that going forward. And we're talking to the Dorothea Mackellar Society about a contribution we're going to make here and we
5 look forward to announcing that in the very short term. Our job here is to bring the benefits and prosperity of a project like this to the community. So I thank you for the time. I thank the IPC for the opportunity to speak. And I will hand over to you, Chair.

10 MR HANN: Thank you. Thank you.

MR M. YOUNG: Thank you very much. Mike Young from the Department of Planning and Environment – sorry?

15 MR B. COLE: Brian Cole.

MR YOUNG: Brian, you're coming next. I'm sorry. Yes.

MR COLE: Thanks, John. I would like to add a little bit to what Paul has just said
20 about the project, but principally talk through some of the impacts and the work that has gone into putting forward a comprehensive EIS. Back in 2012, Whitehaven proposed, and then subsequently in 2014, had a project which involved the renewal of mining on the Vickery site approved. The mining strategy at that time really reflected what we were doing at some of our other mines, in other words, trucking
25 coal to the Gunnedah plant.

We – around about 2012/13, we purchased the Vickery South project and what that enabled us to do was over the period of time since then is to fundamentally reconceive the project. And, as Paul has indicated, what it allowed us to do was to
30 create some significant benefits for the community, that is, take coal trucks off the road, as well as ultimately be able to cease processing coal in the Gunnedah township. In terms of the project, it builds on our existing approval. The areas shown in yellow represent what is, in effect, the additional parts of the project that are subsequently subject to approval under the current process.

35 How did we approach the EIS? Well, first and foremost, we wanted it to be rigorous and comprehensive. It had to be factually and scientifically based. The assessments required by the Department of Planning and Environment had to meet the requirements of the SEARs that are issued by the Government. The specialist
40 consultants that were engaged must be respected, competent and experienced. For key assessments, Whitehaven would engage independent consultants to provide a second opinion, in other words, peer reviews.

45 It was something that we added to the whole process just to give us that additional depth and breadth of the studies. The impacts of the various elements of the project must be consistent with government policies and standards of accepted environment standards and therefore capable of being approved. So, as you can see, they're the

studies that we had peer reviewed. We picked out what we believed to be the key elements of it and had those peer reviewed and, of course, Planning, as well, have organised their own peer reviews of the studies that have been done.

5 DP&E have looked at the project and identified the key impacts. These are basically the rail spur, water resources, amenity impacts, that is noise and air quality, biodiversity impacts by the landform and social impacts. In their wisdom, that's what DP&E and their advisors have landed on. Yes. We basically work within that framework. In terms of the rail spur, what we chose to do there, ultimately, was to
10 maximise the utilisation of Whitehaven-owned land and design, achieve consistency with the flood plain management.

Any of the super structure is above flood level, so in other words, any flood flow must pass underneath the super structure. Here is a slide just showing where it
15 crosses the highway. It's elevated – basically, across the floodplain, the rail spur will be elevated and, as I said, will allow the floods to pass underneath it. The flood assessment was done by WRM, which is very experienced in working on the floodplain, on the Namoi Valley. We also engaged Royal Haskoning to do a peer review of that assessment. They indicated:

20

...a review of the method and magnitude of the Namoi River designed discharge as provided by WRM indicated they are appropriate for the Vickery Mine expansion flood estimate –

25 DP&E did their own peer review and their consultants said the assessment was generally undertaken in accordance with industry best practice. Obviously, in this area, the protection of water resources is fundamental – we understand that. And if you look down the list of the studies that we've done and the impacts that have been assessed, you know, what it shows is that there will be negligible loss of flows from
30 the Namoi River, negligible impact on the Namoi River water quality, negligible change in flood characteristics, open cut mining does not intercept the Namoi River alluvium, negligible impact on the alluvial groundwater quality, negligible draw-down of privately owned groundwater bores.

35 In other words, when you look across the full spectrum of water resources, the studies that we've had done, the peer reviews that have been done indicate that the – those – the water resources should not be affected detrimentally. We had the peer review by done Dr Frans Kalf. He commented, the hydrological description, conceptualisation, model design, simulations and reporting have been conducted in a
40 professional manner and described in detail. DP&E. Their consultants said the Vickery expansion hydrogeological and groundwater modelling assessment is fit for purpose for mine dewatering environmental impact assessment, including cumulative impacts. As well as impacts on groundwater or potential impacts on groundwater, we've looked at surface water resources.

45

In that regard we engage Advisian to conduct that surface water study and we engaged Emeritus Professor Tom McMahon to conduct a peer review. He indicated

the report was completed in a professional and detailed manner and the conclusions in the report are appropriately supplemented by suitable modelling studies carried out by the consultant. DP&Es consultant said it is considered that the parameters and methodology adopted for the modelling of surface water are appropriate. The results
5 obtained from the modelling can be used to consider the water balance of the mine and the likelihood of discharges occurring from the mine to the receiving downstream water courses.

The Independent Expert Scientific Committee comments also on water resources.
10 They're the federal body that looks at any of the impacts of water resources. I won't go into all of it. You can see it there. But they commented, the proponent should be commended for these studies and for obtaining peer reviews of many of the major reports provided in the impact assessment. In terms of amenity and in regards the noise and air quality, again, we had peer reviews done there, and they indicate that in
15 the case of, say, the noise study, the report is comprehensive, considers other stakeholders and has been undertaken in a professional manner.

The conclusions reached in the report are supported by appropriate assessment, methodologies, calculations and assumptions where necessary to do so. Likewise
20 with amenity, you can see what Todoroski said there about the air quality assessment. In terms of economic impacts, we had BAEconomics peer review our study that was done, and they commented, I have noted that some of the assumptions used by ANALYTECON to estimate the potential economic benefits of the project could be considered to be conservative, in other words, such assumptions tend to
25 understate the benefits to New South Wales. I will just finish off with the – a summary.

Basically, what we believe we've done is produced a scientifically and factually-based EIS undertaken by competent and respected specialist consultants backed by a
30 suite of independent peer reviews which underpin the environment and economic value of the project. In other words, there will be negligible change on flood characteristics, negligible impact on the Namoi River flows and water quality, negligible drawdown of private groundwater bores, cessation of road transport of coal to the operations at the Vickery CHPP, and improved final land form, no
35 additional noise-affected properties, compliance with all air quality criteria predicted, significant employment opportunities, and, finally, significant economic benefits not only for New South Wales but for the local environment. Thank you.

MR HANN: Thanks, Brian. Mike Young from the Department of Planning and
40 Environment.

MR M. YOUNG: Thank you for – is that working? Can you hear me? No. Yes. That's kind of working. Is that breaking up a bit? No. It's all right. My name is Mike Young. I'm the Executive – Acting Executive Director for Resource,
45 Assessments and Compliance at the Department of Planning and Environment. My role is, essentially, to oversee a lot of the mining assessments that the Department of

Planning does in New South Wales and I've also got a role in overseeing compliance – the compliance function of the department as well.

5 Today, I'm just going to briefly talk about the assessment process, some of which the panel has already covered and also talk about the statutory framework, so the legislative framework under which this project is being assessed and also outline some of the matters that are documented in our preliminary issues report. So just quickly on the assessment process, the role of the department – our role – we administer the Environmental Planning and Assessment Act which is, essentially, the
10 key piece of planning and land use regulation legislation in New South Wales.

It guides how you put in a DA with the council for a house or, indeed, an application for a major coalmine. So we coordinate the assessment of those State significant project, such as the Vickery Extension Project across the Government, so we
15 coordinate input from all the different agencies, etcetera, in order to undertake a robust and impartial assessment of the impacts of these State sign projects. As you've heard from the panel, the Independent Planning Commission, it is the consent authority for this particular project because there were greater than 25 objections to the application and the Minister for Planning has declared – or asked the IPC to
20 undertake public hearings and in this case, to do those public hearings in multiple stages.

I thought it might be just helpful if you can see that graphic below there to work out where we're up to in the process. As I've said – I might just hold this. As I've said,
25 the department has prepared a preliminary issues report which is available on the website. Today. We're having an initial public hearing and the next step in the process is that we will be asking Whitehaven to respond to the submissions received during the exhibition period and also to any matters or recommendations made in the IPC report that's forthcoming. I think the important thing there to notice is that once
30 we get the response to the submissions and the IPC report from the company, the department will be understanding the full assessment of the application and the EIS.

So at this stage, it's important to understand that our initial issues report is only that. It's a preliminary issues report and not a full assessment. I thought it might also be
35 useful to talk about what other approvals and licences are necessary for a coalmine of this scale. It's not just the development consent that's required under the planning legislation. There's also – this particular project has been declared a controlled action under the Commonwealth environmental legislation as well and it is being assessed under the bilateral agreement with New South Wales which means that the
40 Commonwealth doesn't undertake a separate assessment. It relies on the assessment of the State Government in accordance with requirements of both the State legislation and the Commonwealth legislation. But if the project is approved at the State level, the Minister for the Environment will also need to make a decision as to whether he or she will approve the development. So it will require both approval at
45 the State and the Commonwealth levels.

Any coalmine also has a range of other approvals and licences that are required before it can proceed. Things like – the key ones of those are the mining lease under the Mining Act. So all mines need an exploration licence and then a mining lease for mining operations. The EPA, the Environment Protection Authority, in New South
5 Wales also regulates the pollution elements of mining operations and so the company would require a licence from the EPA under the POE Act. Because of the water take involved both from the river from the bore field and from the mine itself, the company will also be required to obtain a range of water licences under the Water
10 Management Act in accordance with water sharing plans. And finally, because there are some roadworks involved, including some crossings of major highways, etcetera, with the rail spur and so on, there will also be various requirements under the Road Act to get permits and licences from the Roads and Maritime Services and from the councils if they're local roads.

15 I think it's important to consider the background to this location and to mining in the area. I think Whitehaven outlines some of this, but the bottom line here is that exploration licences and active mining operations have been occurring on or around the site for a long time. Exploration licences first being issued in the 1970s and then mining occurring in the 80s and the 90s and then even through into the 2000s.
20 Mining ceased at the Canyon Coalmine in 2009 and as we've heard, the Vickery Coal Project which is, essentially, on the same site and this is an extension of that project, was approved as a State significant development in 2014 and that was a 30 year mine at four and a half million tons. Importantly, mining has not commenced obviously on the Vickery site.

25 However, the approval that was issued in 2014 remains valid and arguably, Whitehaven could commence that development subject to some preparation re environmental management plans, etcetera. They could commence that development in accordance with that consent regardless of what happens with this extension
30 project. And I guess the important thing there to say is that whilst cumulative impacts associated with that 2014 operation have been factored into the assessment if this application, those impacts and the merits of that original development are not being revisited through this process. And the other thing to say is that under State
35 legislation, there's a use it or lose it provision which, essentially, says if you get an approval for a State significant development, you need to commence that development within five years which would be, as I understand it, September 2019, so September of this year.

40 We've been through some of the elements of the project. I think it will be just worthwhile – this is really just a comparison list, so looking at the, I guess, what's approved now versus what's the extension project involves, we're talking about taking something from four and a million tons to 10 million tons, so a significant intensification of the extraction. I think that also means that it's actually going to happen over a somewhat shorter period of time, 25 years compared to 30 years.
45 There are some key pieces of new infrastructure. Obviously, the rail spur, a new coal processing plant essentially to replace the existing one down near Gunnedah, and obviously, a new bore field to extract water for some of the processing and dust

5 suppression operations. The extension of the overburden emplacement area and the open cut does involve over 700 hectares of additional disturbance, although only about 10 per cent of that is woodland with the remaining areas are various native and exotic grasslands. The eastern emplacement area that was approved in 2014 is now being removed and as a result of that, the western emplacement area has been increased in size.

10 In terms of final voids which I know is a big issue for the community and for councils and, indeed, the Commission, the company in terms of its design of this project is going from two final voids which were approved in 2014 to one new final void as part of the final landform. There will be an increase in jobs due to a slightly intense – more intense operations and more equipment, from 250 to 450, so an increase of 200 jobs during operations and some increase capital investment as well. So as we've heard, we've prepared a preliminary issues report which is on our website. I think the key thing thee to understand about that is it's not a full
15 assessment. It really is an issues identification process.

20 We haven't finalised our assessment in any way. We really looked at the submissions, the issues raised by the community. We've got some preliminary advice, not final advice, from agencies and experts. We've considered the predicted impacts against key policies and guidelines and we've also looked at both the incremental impacts of the changes proposed at the Vickery Mine compared to what was approved, but also how those impacts cumulatively, both in terms of combined with the existing approved project and the extension, but also other mines in the area,
25 how those cumulatively impacts would affect both the people and the environment and consider those against policies and guidelines.

30 I think it's also important to say that it's not just myself or people in my team that are looking at this. There's a whole range of experts involved including obviously, the IPC in this case. But also we've got advice from the Independent Expert Scientific Committee which is the committee set up a number of years ago at the Commonwealth level to look at impacts of – on water resources at major mining and coal – gas projects. We've also got advice from a whole range of key New South Wales Government agencies. There's a whole list of them. I won't go through all of
35 them. But also we've engaged a number of independent experts – an expert on ground water, an expert on surface water, flooding and economic impacts. And it's not to say that there's not experts within the agencies because that on the slide that we had earlier that we didn't seem to have an expert on dust and noise and so forth. Well, our expert on dust and noise, etcetera, would be the Environment Protection
40 Authority, for example. So we felt that we didn't need a separate independent expert to provide advice on those matters.

45 So community engagement – we've also done a lot of engagement with the community and affected stakeholders. Obviously, the EIS was put on exhibition for 42 days towards the back half of last year. We've had a community information session down here at the Boggabri Golf Course, which I think there was over 70 people attending that. We've had a range of meetings one on one and group

meetings with land owners and special interest groups over the last year or so. We've set up a community consultant committee for the project which has been running for a number of years. During the exhibition, we received 560 community and interest group submissions. Approximately 62 per cent of those, supported the project and 201 or 36 per cent objected to the project. So you can see there, there's a real mix between those who support and those who objected to the project.

We've also had advice from 12 Government agencies, many of those I've listed on the previous slide, and we had detailed submissions from Gunnedah and Narrabri councils because the project lies within both of those LGAs. Importantly, none of the agencies or councils have objected to the project. They've raised a whole lot of issues which I will get to in a minute, but none of them have objected, and all those are available on our website. And as I said, we will be asking – well, we have asked the company for a detailed response to submissions at this stage.

So I think in the previous presentation, some of the key issues were outlined that we presented in our report, being issues associated with the new infrastructure of the rail spur flooding and amenity impacts associated with that. Obviously, the key issue of concern, particularly at the moment, is impacts on water resources, be that surface water like the Namoi River, be that aquifers or flooding impacts. Amenity impacts are also associated with mining projects, noise and air quality and associated cumulative impacts, biodiversity, clearing of native vegetation and the impacts on threatened species such as koalas and obviously, the adequacy of any offset measures. Final landform, as I've mentioned, final voyage is always an issue and obviously, loss of agricultural land where you're turning currently a grazing area into a mining area obviously, and then the adequacy of rehabilitation, etcetera.

There's concerns about social impacts, both positive and negative, concerns about impacts on social cohesion, concerns about the cumulative impacts on mining – of mining in the area, but also the recognition of the significant community benefits associated with mining including creation of the significant amount of jobs and the flow-on benefits from that. And some other issues – heritage issues, greenhouse gas and obviously, traffic and transport. So that's really just – I'm not saying that those are the only issues, but that's a summary of the key issues at this stage that we've analysed and presented in some detail in our report.

So just quickly on the rail spur, I've broken it down into flooding and noise. The EIS indicates that there's very minor changes to flood levels and flood velocities on private land associated with the proposed rail spur which, I guess, goes down to the design of it to avoid those impacts. However, the independent expert has indicated that the assessment in accordance with the best practice, but has requested a number of clarification points on some of the assumptions in the flood modelling. The independent expert and OEHL have also recommended further detail on the design, particularly, you know, whether it's going to – where there's any, sort of, culverts or whether it's going to be elevated and those flood modelling behaviours associated with the detail design and to ensure that they can confirm compliance with requirements of the draft flood plain management plan, which is obviously a key

Government document and there's various criterion in that plan which need to be addressed or complied with.

5 In terms of rail noise, the rail noise is predicted to comply with the EPA policy for
rail noise infrastructure guideline. However, the EPA has requested some
clarification of comparison of night time rail noise compared to day time and the
distances off the rail line where the impacts may be more significant during the night
time. Just on ground water, I think there was a summary in the previous
10 presentation, essentially, showing very little impact on the alluvium associated with
the Namoi River. Inflows to the pit are very similar to what was approved in 2014 –
1.2 versus 1.42 megalitres a day. Drawdown is predicted to be less than one metre
beyond the mining areas and, therefore, it's predicted that there will be no impact on
– or negligible impact on private bores. The company has licences for the water take
15 under the various water sharing plans and it's predicted to comply with the minimal
impact considerations under the Aquifer Interference Policy which guides what is an
acceptable – potentially acceptable impact on ground water resources.

The independent expert has indicated that generally the assessment is fit for purpose,
but has requested additional sensitivity analysis and qualitative and quantitative
20 assessment. The IEC has also recommended something very similar, some
sensitivity analysis of some of the hydraulic parameters, to confirm predictions. So I
should say that the first half of each of these slides is what the EIS says, not
necessarily what the department says. So it's really just presenting what the
company has said and what our independent experts are saying. In terms of surface
25 water, broadly speaking the EIS indicates that the impact would be very similar to
the approved project. It will be a nil discharge mine. That's from the mine water
system, the dirty water system within the mining footprint. There would be sediment
basins that would capture clean water diversions, etcetera, around the mine. But
from the mine itself, nil discharge.

30 There would be an extraction under dry years of 1.4 or 1465 mega litres a year from
the Namoi River and about 390 mega litres from the bore field. Now, that's under a
90th percentile dry period. And obviously there would be a range, potentially, on the
– depending on the meteorology. The independent expert has indicated that
35 generally the modelling is appropriate for calculating the water balance and the likely
discharges from the mine. However, both our independent expert and the EPA have
recommended additional information and clarification be sought from the company,
regarding some of those discharges, some of the baseline existing water quality,
particularly in the impacts from sediment basins and the final void under worst-case
40 scenarios.

Air emissions and noise emissions: the air emissions are predicted to comply with
the EPA criteria at all residences. There are some potential exceedances of the noise
criteria at five residences to the south-west of the mine. Some of those – two
45 residences are predicted to be moderate and two significant, on a particular property
with a number of dwellings on it. That property has existing acquisition rights under
the existing Vickery project approval. But what this confirms is that those elevated

levels will continue under the new project. And there's some additional residences predicted to experience minor exceedances of one to two DBA. The sleep disturbance rail noise and cumulative emissions are all predicted to comply with the relevant criteria. However, the EPA has indicated on air quality that they want some
5 additional information and clarification to validate emissions and emission factor used in the modelling, and also a noise – similarly, to validate the sound power levels used in the modelling and also to confirm the application of the low-frequency noise penalty in the assessment of impacts.

10 Biodiversity: there's going to be an additional 580 hectares of additional native vegetation clearing. 13 per cent of that is native woodland. There's no EECs or threatened species identified in the area. The company has proposed an offset of essentially an additional thousand hectares of mine rehab, an additional thousand
15 hectares of land-based offsets off site, and combined with the existing obligations under the consent, that would be something like 5000 hectares of offsets within the region, to offset the impacts of both projects. However, OEH has requested additional clarification on some of those credit calculations in the offset areas and also question the area of koala habitat that has been identified on the site. In terms of
20 the final void, as I said, it's going from two to one. The inflows in the catchment are fairly similar to the existing situation. Importantly, the final void would be a brown water sink, as opposed to a through-flow groundwater final void. And overtime it would become saline. I'm just conscious of time. Can I keep going or - - -

MR HANN: Can you wrap it up quickly, if you wouldn't mind, Mike.

25

MR YOUNG: I can wrap it up fairly quickly, yes. Yes.

MR HANN: Thank you.

30 MR YOUNG: Yes. That's fine. So I think we will just skip to the summary, which is, look, the department is very aware that there's significant community interest in the proposed extension, both for and against, as we've seen from the submissions. Those supporting the project obviously focus on the economic and social and
35 community benefits associated with a mine of this scale. Those against obviously are very concerned about impacts on water resources and agriculture and also the amenity impacts associated with dust and noise and blasting.

The preliminary view from our experts has identified that the assessment is generally robust, but has also identified a number of matters requiring further information and
40 clarification. As I've said, the company will be required to respond to the community submissions, the agency advice, the expert reviews and the initial IPC report. And then we will undertake our full assessment in accordance with relevant guidelines and legislation. And I think, importantly, I guess I wanted to say to
45 people here today that we have and will continue to consult closely with both government but also community groups and community stakeholders, particularly those like land owners who are living around the mine. And I know there's a few of them here today. So thank you very much.

MR HANN: Thank you, Mike. Our next speaker is Wayne Griffiths.

MR W. GRIFFITHS: Thanks very much for the opportunity to come have a say, just in relation to the Vickery. But also we have a strong relationship – I'm Wayne
5 Griffiths and I work for the Winanga-Li Aboriginal Child and Family Centre in
Gunnedah. We have an – outreach programs that's assisted through Whitehaven
Coal. And certainly we have an opportunity to have some further discussions in
relation to the Vickery Extension Project. But just to give you a really bit of brief
10 background, there's a couple of areas I want to touch on. And I don't want to go on
too much – too long with that – is that just in relation to what we do is we cover over
a quarter of the state in – regarding services that we provide to vulnerable and
Aboriginal families right across the state, from Brewarrina out to Bourke, right up to
Lighting Ridge, out to Goodooga, up to Tenterfield, up to the Tabulam Mission, all
15 the way out to Walcha and down to the Hunter Region, to Murrurundi.

So we cover an extensive area and we're always talking with people out there in the
communities, as to what we can do better in relation to those families that are
struggling. So if I look at that, initially we have some projects that we run currently
20 in this local area, Pilliga, Wee Waa and Narrabri. And we provide a lot of services
out there to these communities and we have a base – an office base in Narrabri that
provides – facilitates support to a lot of those families. So if you look at the social
aspect – and I know there has been some discussion about scientific evidence. The
evidence that we have is real evidence of people that we provide that support to on a
25 daily basis.

So if we look at how we've been able to provide that is directly attributed to some of
the supports and the positions that have been created within our community. If you
look at some of our local younger people in the community – I worked at Gunnedah
Public School for about seven years and there are a lot of children – well, they're not
30 children, they're grownups – they're no longer driving, I suppose, Valiant utes and
bombadores; they're all driving around in Triton utes and Colorados. So the social
impacts and the changes for them has been fantastic. I know of seven young families
in town – young Aboriginal families that have just purchased new homes. So for that
in itself is directly attributed to where they currently work.

35 It's a huge jump forward from 10 to 20 years ago where there were only three to four
aboriginal families who had their own homes and that for me is a significant shift in
how our community has grown in this short period of time, and with this new
extension project, I'm sure the opportunity will be there for a lot of young other
40 aboriginal families to obtain positions in that, and I can use a classic couple of
examples. One young guy moved from Western Australia. A local young lad came
home to stay with his grandmother. He had to leave the army, because his
grandmother was ill, and she still resides in her own home, which is fantastic for
them, but without the opportunity to get some employment, he couldn't come back,
45 so – and he couldn't take the opportunity to leave the army. So he's home; he has
got a job; he just bought a house; he's looking after his grandmother; he's just
about to move her in so they can take some quality care of her in the later lives.

We had another young chap that came from the top of Queensland with a young family; two young children that were fortunate enough to get places in our child care centre. They're just buying a house; just bought a new car. He's able to give his family the opportunity that is not afforded to a lot of other families in the community and other communities throughout the state. So the change in our lives has been fantastic. I can go on and tell you at least another 10 other stories about that and how things have changed for people across the scope or the shape of our Boggabri community, Narrabri community, Wee Waa, Pilliga, Gunnedah. It has been fantastic for us to be able to observe and work with that. And, even as of today, the Minister for Department of – sorry – of Early Education in Cairns is coming to make this big announcement at our centre, and it's directly attributed to the supports and the facilitative partnership that we've had with Whitehaven Coal.

It's a great step forward for us, a major step forward for our organisation and the supports that we will be able to provide out of that announcement today will be fantastic and have a direct impact both on the Lightning Ridge and communities where we work. We don't run one child care centre in New South Wales, we run three, and a lot of that has been through hard work obviously, but also the partnerships that we've been able to grow and work with, and, certainly, one of those partners has been Whitehaven Coal and, you know, I'm proud to stand here and say that we're a significant partner in that and I'm sure that there will be a lot of families who are going to – in our area that we work with – who are going to have an opportunity – an opportunity – to grow and be proud as either homeowners, people that work in positions and give their little kiddies a chance to grow in that same vein. So thank you very much. You've belted me out again, but you have a nice day.

MR HANN: Thank you very much, Wayne. Our next speaker is Catherine Collyer.

MS C. COLLYER: Thank you for the opportunity to speak today. My name is Catherine Collyer. I have no pecuniary interest of non-pecuniary interest with this project. I have not been asked to speak by anyone else. I'm speaking for myself and about my concerns. Firstly, I would like to speak to the water issue. And in the preliminary issue report, which has been – I think is a great thing – the fact that submissions have been looked at; they have been put together; and, from that, you now can actually move forward and address our issues that have been put to you. So, in that, my issue is the borefield at Boggabri and how that will affect the township of Boggabri's water supply.

This supply has never had a problem in the past. So what I'm looking at is what contingencies are going to be put in place if there is an impact on Boggabri water supply. So further to the preliminary report, the scientists – the independent scientists looking at it, I really believe there also needs to be the area – well, contingencies will need to be put into place. The second item I wish to speak to is Braymont Road. This is – sorry – I'm a bit nervous, so I will take a deep breath. Past history and human nature indicates this road will become the main access road used during the construction stage and through to the mine stage no matter what the

traffic plan has in place, because human nature is that they will take the quickest route and, even when there is a sealed road, they will still go the shortest way.

5 Now, in the past, we've had this experience when Maules Creek was being
constructed, when Boggabri Coal Extension was being constructed. Having the
mining camp on Caloola Road, the access is – and you would've gone out there and
visited – you would see that they will go straight down, straight across Braymont
10 Bridge and straight out. Now, that's a dirt road; that's going to have dust issues.
Increased movements on that road will be excessive. This isn't just for the poor
people who live on that road, which will have massive dust issues, it is for the safety
of the employees. Now, in the past, we actually have had this issue; we've actually
spoken to the mines; and I will say that they have been helpful in addressing that,
and requesting and had toolbox talks for them not to drive on that road, but human
15 nature is that people will still do it.

20 So what I'm looking for from this panel is not for, say, Narrabri Shire to be fighting
to have it in the VPA, but for this item and the sealing of this road to be placed as a
condition of consent. This is for the safety of the workers; this is for the safety of
the community; for the health; for the dust issues. And the EPA know of dust
issues from previous roads that were not tarred initially and what that caused, so it's
really important. Now, one of the main things that I also want to talk about is the
social and economic benefits. Now, in our little community of Boggabri, how do we
go about getting, you know, these benefits? So with such a project, you know, how
do we be heard? How can we receive when everyone is looking to get benefits from
25 it?

30 You have Narrabri Shire, Gunnedah Shire working and having discussions for
planning agreements. Now, I've been involved in those discussions with the Vickery
– when Vickery was going through. I was involved in negotiations as a councillor
and in the panel. They were very robust discussions that took place. It's always a
fight on who's going to get what and who is not going to get what, but when it comes
down to it, poor old Boggabri is left. So what I would like to actually ask this
committee and what I'm really focusing on is actually getting a mining precinct area
for our Boggabri. Now, I have put this in my submission.

35 You will see that Whitehaven own land here in Boggabri that is accessible from the
highway. This could be a to Whitehaven. The benefits that that will bring to our
community would be immense. So, you know, they can develop this land, sell it,
make a profit from it even, you never know, and the fact is that they can bring
40 businesses to our community. You've seen what has happened in Gunnedah. This
could be a massive economic benefit to our township. So, in saying that, there's a lot
of other issues. Yes, I've put down as – there's a lot of issues, as well as with dust. I
am on the regional dust monitoring committee – advisory committee. Sorry.

45 And I would like also to see under consent a monitor here at Boggabri. I think this is
an essential thing that this needs to happen. We need a baseline before Vickery
starts, because the prevailing winds will be coming from the south, south-east and

heading over our township. We need baseline before you start this. Now, this has been a subject I've put forward a number of times. I've put it forward to the advisory committee. I think it is really essential that this panel, as the consent body, takes these on board. They are three of the main things that need to happen,
5 especially the dust monitor for Boggabri. We need to have baseline prior, because, no matter what, it's an extra mine. You've seen how many are here; you can see what the impacts are going to be.

We need to make sure – and this – and I know dust just happens with mines. This is
10 a tool; this is to make sure that they actually – I've lost my train of thought – this is to make sure that they actually work towards reducing their dust and reducing the impacts. So I'm asking you, the panel, today, because you're the ones who are going to be putting everything in there to make sure Boggabri is looked after. You will hear from everyone around, but this little township is small, we don't matter for
15 many votes, but we're a damn good town, so please look after us.

MR HANN: Thank you, Catherine. And our next speaker is Georgina Wood.

MS G. WOODS: Thanks. Hello, panel. Hello everybody. I want to acknowledge
20 that we're meeting today on the land of the Gomerai People and pay my respects to elders past and present and to the First Nation's People here with us at the meeting today – the hearing today. I am here representing Lock the Gate Alliance which is a not for profit network of farmers, conservationists, traditional owners, townspeople around the country concerned about the impacts of coal and unconventional gas
25 mining. Regarding this project we are concerned just at the outset on process about the preliminary issues report and the framework where there's a sort of an early designation of key issues and additional issues.

That's implicitly about a prioritisation and, you know, we strongly think that the
30 assessment framework of the Environmental Planning and Assessment Act requires a comprehensive assessment of all environmental and social impacts. Aboriginal cultural heritage, for example, is an additional impact in the issues report and this can be – can fall out because, you know, many people raise one thing and don't raise another or however it falls out but we're just concerned that that sort of implicit
35 prioritisation of issues might lead the Commission to be making a decision based on incomplete information. We're also concerned that the department is assessing only the impacts that are additional to the existing consent and, you know, this will lead to a downplaying of the impacts.

It risks the decision being made again on incomplete information. In our view the
40 impacts need to be assessed on the existing environment. The department has cited in its report section 4.63 of the Act to support its contention that the full scale of this project doesn't need to be assessed but subsection 3 of that section makes it pretty clear that those provisions only apply if a development to be authorised by the new
45 consent includes continuation of the development authorised by the previous consent.

And, since this project has never been initiated, this is not a continuation – it’s not a continuation; it’s a new project to replace the old one which Whitehaven did not proceed with. And I think this is really important because it is twice the size and yet it’s going to operate for less time so it’s a sort of a hell-for-leather approach and
5 doubling the size of the Vickery Coal Mine more than doubles its environmental and social impacts.

The construction workforce, for example, will be eight times the size of the previous project. Now, I know jobs are often cited as a great benefit for mining projects and that’s obviously true on some scales but when you get a very large project and a very
10 large influx of a construction workforce in a small community like Boggabri that flips into being a social impact that needs more consideration. I also want to talk just briefly about the strategic context which the department has, you know, begun to outline in its issues report but really is an area that I think falls down in our
15 assessment in New South Wales of these sorts of projects.

The preliminary issues report and Mike Young’s presentation this morning summarises the mining history of the area and what’s going on at the moment but what we really need is to understand things like the rail capacity running between
20 Gunnedah and Newcastle and how doubling the scale of coal to be extracted from this mine is going to fit in that strategic context of the constraints of the infrastructure. It doesn’t mention the global agreement that Australia has joined, and New South Wales endorses, to meet global climate change goals of limiting global warming to below two degrees and striving to keep it below 1.5. and it doesn’t
25 mention the New England Northwest Regional Plan which has its first goal a growing and diversified agricultural sector.

I guess the current context for this project is climate change and the current terrible conditions that people are suffering in the Namoi District. The situation facing
30 landholders in – and communities in the Namoi Valley has been described by WaterNSW this month as unchartered territory. This kind of situation, of course, is going to pass but I think it gives us an insight into the constraints that we’re going to be operating under in the future – changes in the way that water is available in this district. The Namoi Valley is experiencing its lowest inflows since 1918. There’s no
35 indication that’s going to change quickly. General security licence holders have had – are at zero allocation in the Lower Namoi and have been since August 2017.

We note that this project is citing general security licences in the Namoi as part of its contribution towards its water supply so that’s a significant risk for this project, as it
40 is for water users throughout the valley. CSIRO estimated 12 years ago that the best estimate of climate change effects on water availability in the Namoi was a five per cent reduction in available surface water by 2030 which is only really 10 years away now. This is an already over-allocated system and the river is already losing something like 19 gegalitres a year to ground water because of ground water
45 extraction so surface water is a serious constraint.

It's important for this project because 60 per cent of the water in the water balance over the life of this mine supplied to this project is going to be coming from captured runoff on the mine site; another 18 and a half per cent from the river itself. Our contention is that the proponent doesn't hold sufficient surface water licences to
5 account for that capture of that runoff and it would be very difficult for them to obtain that. The proponent claims that its exempt from requiring – from having to have a licence to account for that water take, citing their harvestable right under the Water Management Act. But the exemption that they cite is an exemption to the harvestable right calculation, the size of dam calculation.

10 It's not an exemption to section 60I of the Water Management Act which really clearly says if you're taking water in the course of mining you need a water access licence to account for that take. We're going to provide a more fulsome layout of this argument. At the moment it's unresolved. The Natural Resources Access
15 Regulator is investigating the proponent's operation at Maules Creek over the same issue but we really think that this large scale take of surface water outside of the water sharing plan, outside of the allocations of the Namoi is a significant impact that needs to be further addressed. We're also concerned about the final void that's proposed to be left behind and again this goes to why this needs to be considered as a
20 new project rather than a modification of an existing consent because we have this idea about how we're going from two voids to one.

Well, that's only if you consider it in light of there's already a mine there that's going to leave two voids behind but that's not the case. The final void that the
25 proponent is proposing to leave behind would have a catchment of 250 hectares and would be a long term groundwater sink. Now, there's a lot of argument about how to manage voids and potential benefits of groundwater sinks in that they're not sending contaminated water into surrounding groundwater but a long term groundwater sink is just going to be further contributing to the drying out of this district in drawing
30 ground water for centuries to come after the mine is finished operating. Now, this Commission sought from the New South Wales Government a policy on final voids five years ago and we still don't have it. So every time a new mine is proposed we have to go through this argument whether the final void is justified and what its impact is going to be.

35 MR HANN: Excuse me, Georgina.

MS WOODS: Yes.

40 MR HANN: Just one question from Professor Willgoose.

PROF WILLGOOSE: The report that you mentioned about harvestable rights that you said you're working on, do you have an idea of when that will be finished?

45 MR: Can we hear the question, please.

PROF WILLGOOSE: Sorry. I'm asking – a mention was made of a report about harvestable rights in terms of mines and Maules Creek was mentioned.

MS WOODS: Yes.

5

PROF WILLGOOSE: And you said that it's going to be done. Do you have an idea of when that's going to be finished?

MS WOODS: We've already done the work on Maules Creek and it's with the
10 Natural Resources Access Regulator. They're investigating it. What I meant was I'm going to give a submission to the Commission in the next seven days which will be providing further detail including - - -

PROF WILLGOOSE: Okay.

15

MS WOODS: - - - the information about Maules Creek.

MR HANN: Okay. Thank you.

20 PROF WILLGOOSE: Yes. Yes.

MS WOODS: So I think this final void is really posing a hydrological risk that will last for generations a long time after the mine has ceased operating and it's going to sterilise hundreds of hectares of land from future use for agriculture. We don't have
25 a final void policy in New South Wales. In the United States, open cut mines have been required to fully rehabilitate pits for decades now and leave no void behind. It is utterly achievable to do that without causing groundwater contamination. It's simply a matter of how you design the mine and go about it. The proponent will claim it can't afford to do that but really that means they can't afford to take on the costs of their mine and they would rather it be foisted upon the future generations of
30 the Namoi district having to deal with the legacy of being left behind a big saline pit in the middle of an agricultural district.

One of our biggest concerns is social impacts and we really urge the Commission to
35 seek additional information about the social impacts of this project cumulatively with the other mines in the area – this is terrible. Recent experiences of farming communities surrounding Boggabri and the township indicate that large scale coal mining has been disruptive and damaging to the social fabric, and indeed if you read the Environmental Impact Statement it's clear that that is a large amount of the
40 feedback that was given as part of the assessment for this project. People in Boggabri have said they don't think the community can sustain a fifth large mine in close proximity to the town. And, again, I would just say, "This is about scale as much as anything else".

45 The 500 people, mostly men, expected to form the construction workforce – that will be 58 per cent of the population of Boggabri. Two local councils have submitted that Whitehaven should place a higher emphasis on a local workforce. And we would

urge the Commission to look deeply into this because this question of scale is exacerbating social impacts of mines like this. The EIS also showed that Boggabri people have raised their concerns about the loss of farming families in the Boggabri district not being replaced by settled mining families and people are urging the
5 Government and the company to find a way of dealing with this situation – why is this happening? It has affected community participation and involvement and it hasn't been addressed.

10 The Agricultural Impact Statement I think considerably underestimates the impact of the mine on agriculture because it doesn't consider this issue of acquisition. Already 76 family farms have been purchased by Whitehaven in Boggabri's proximity. And I would just say a few things about the acquisition policy because I think the Commission is in a situation where the impacts of this project are actually exacerbated and worsened by government policy. The acquisition policy is
15 inflexible and has a history of depopulating rural communities where numbers of people are crucial to continue community infrastructure and survive. Rural Fire Service brigades, community halls – there needs to be a critical mass of people participating and involving themselves in the community.

20 The acquisition policy selects people who have the right to sell out or not and leaves some people trapped behind suffering the mining impacts and puts other people in a terrible situation where they have to choose between their family's health and leaving the community that they love, which – I think this policy is fundamentally causing damage in mining-affected communities and I urge the panel to consider
25 those impacts as part of its consideration of this project. The property identified newly for acquisition in this EIS is a highly productive farm, high capital investment, owned by a family with intergenerational ties to the area who want to stay there. So this is, in our view, a – sort of, a Wendy Bowman situation. Why should this family and this farm be displaced by the mine being allowed to proceed and then they have
30 to make the terrible choice – do I stay in the farm we love, in the community we love, in this productive area or do we leave for the sake of our children's health?

The practice of giving the mine consent and allowing the mine to proceed puts all of the burden of that decision on the landholder. I will just close by noting that the
35 proponent in their presentation this morning cited the International Energy Agency's projection of 500 million more tonnes of consumption of coal expected in Asia by 2040 but neglected to mention that there's analysis very clearly showing that that scenario of future coal growth is not consistent with keeping global warming below two degrees. So what the proponent is saying is that, "We will not meet the Paris
40 Agreement goals and we expect there to be catastrophic levels of global warming" and they're placing this project in that context. We think it's incumbent on the IPC to examine the future scenarios of coal in light of Australia and New South Wales' commitment to the Paris Agreement and evaluate this mine in that context. Thanks very much.

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MR HANN: Thank you. Our next speaker is Jack Campbell.

MR J. CAMPBELL: Good morning, panel chair and panel members. First of all, I would like to thank the IPC for holding this hearing to democratically assess the local community's and stakeholders' views on the Vickery Extension Project. My name is Jack Campbell and my family has been local to the Narrabri Shire for
5 generations. I work together with my father to run our family business – Namoi WasteCORP, which he started in Narrabri 17 years ago. My father, Ron Campbell, has been in business in the region for 28 years, so we have a very good understanding of the challenges business face in country communities. Thanks to the strong agricultural industry and, in particular, the mining industry in the area, we've
10 seen growth and found opportunities that would be unthinkable for small businesses in most small country communities.

And there is a reality here. It is a well-known fact that it is very difficult for country communities to retain their youth. Mining has enabled that to happen within our
15 community and it is a unique thing. As a young professional, I would not be here today working in my family business, living in the country town where I grew up if it wasn't for the opportunities that the mining industry brings. Namoi WasteCORP has provided waste collection and recycling services to all industries in the Narrabri Shire since its inception but now, thanks to recent contracts awarded to us from
20 mining companies, we provide services across Narrabri, Gunnedah and Liverpool Plains Shires. Namoi WasteCORP had serviced a few mines prior to the request for tender for a recent contract and when a tender came up for waste across multiple mines, we were given the opportunity to go for it.

25 We were up against a number of multinational companies all vying for the work but through hard work and strategic planning, we were able to secure the contract and keep those jobs local. We currently provide 17 full-time positions within our organisation and supply a substantial amount of work to sub-contractors local to the region. Our situation is not unique. We work with a broad spectrum of industries in
30 the region and there are numerous local businesses that get a considerable portion of their income directly and indirectly from the mining industry that surrounds us.

Mining and agriculture have worked side by side in the region for as long as living
35 memory. I think that this alone is the reason why Narrabri and Gunnedah remain thriving communities. Over the years, farming has provided less and less direct employment. As a result, the community benefits from farming now reside in local suppliers that facilitate goods and services required by agriculture. More often than not, these suppliers can diversify to offer goods and services to the mining industry, as well. Considering the drought that is currently hitting the region hard, farmers are
40 not the only ones feeling the pinch. A lot of these suppliers I've spoken about would not be able to keep their doors open if they were solely relying on farming production to provide them with work.

Major agricultural distributions and research facilities are now downsizing and
45 shutting down, resulting in significant unemployment locally. Vickery is an existing mine and the Extension Project is a proposition to re-establish production as other mines are reaching the end of their viable life span. It is surrounded by other coal

mines, such as Boggabri Coal, Maules Creek coal and Rocglen, to name a few. This seems like the ideal scenario for further coal production, minimising invasiveness on the community and the environment.

5 Vickery would, effectively, be a replacement for the loss of production in those
mines, which will be undergoing rehabilitation. Agriculture will always be the
backbone of our community, but let's not forget the key to survival of country
communities is employment. As farming practices become more streamlined, young
10 people are met with less opportunity regionally and need the professional job
prospects that the mining industry can provide.

From the prospective of a local businessperson, the Vickery Extension Project is an
opportunity that we cannot knock back. In an era where small country communities
are dying off, locals want to attract business to town and encourage growth.
15 Business does not just come to town without a catalyst. Growth does not just happen
without opportunity. And small towns do not just survive by saying no when
opportunities like this come knocking. Thank you.

MR HANN: Thank you, Jack. Our next speaker is Janet Watt.

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MS J. WATT: My name is Janet Watt. I'm the mother of three beautiful children.
My husband and I operate a farming business just four kilometres from the proposed
mine site and we live there and love it. We both grew up on family farms, did
agricultural science degrees and had a dream to be farmers. We couldn't stay on our
25 family farm, so 11 years ago we found our farm – our beautiful, highly-productive
farm. It is extremely difficult for young people to get into farming and we feel proud
that we have been able to do so. It has not been easy raising three children and
running a farm. I could handle the floods and the droughts because it was out of my
control and other people's too. But this has tipped me over the edge.

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The mental anguish that this has caused me and my fellow neighbours and friends
has been ongoing for a couple of years now and it's a terrible rollercoaster ride of
ups and downs, where one week you think you're going to be okay, "I can deal with
this", to absolutely giving up. I want you to know the huge strain that this causes
35 people and even their children. The mental anguish is real and it is happening to
people before mines come into areas, and it continues every day that they are here.
The EIS is written – sorry. The EIS is written by paid Whitehaven Coal consultants,
who have disclaimers that are so heavily worded that they are not worth the paper
they are written on. This is then peer-reviewed by – but no new research conducted.
40 This makes us very wary of the accuracy of the EIS.

If data is wrong, models will be inaccurate. We have seen Whitehaven already get
modelling wrong at its Maules Creek mine, with many more families being affected
than the models predicted. There are substantially more people living near this
45 project than the Maules Creek mine and we are on a sensitive river and flood plain.
And yet they have predicted a smaller zone of affectation. And then, when they do
get it wrong and they adversely affect our water, land and families, it is up to us to

prove it, instead of the mining company proving that they haven't affected us. We have gone into detail about our concerns in our written submission, but I will briefly outline our major fears today.

5 Greater impact of flooding largely due to the proposed rail line over the flood plain. How can this accurately be modelled without a rail design? And, also, the
10 predictions of worst-case flood scenarios are inadequate, as reviewed by the independent scientific committee. We will see an increased damage to the river ecosystem, crops, livestock, earthworks, infrastructure and homes, and even, God
15 forbid, human lives lost. With more extreme climatic events, devastating floods are happening and we will not be immune. River and groundwater interference are stated in the EIS, with increased river leakage, bore drawdown and allowable run-off of contaminated mine water near the river. If Whitehaven Coal already say there are risks to water, and we have concern over the model accuracy, then who knows how bad it really could be?

The groundwater and river are why these areas were settled and prospered. Any effect to the groundwater and river will be devastating and far-reaching. The Namoi
20 flows for another 250 kilometres west, past Boggabri, Narrabri, Wee Waa and my home town, Walgett. At present, Walgett is battling to get enough river water for its residents to drink. How do you think they will feel when they know that their drinking water could be contaminated from mine run-off, including chemicals such as arsenic? Being classed as a mine-affected land – being classed as mine-affected land by land valuers. This is the case for properties at Maules Creek, a similar
25 distance to the mine, as ours will be.

Majority of people don't want to live near a coal mine. The effects of this for farmers is compounded, as our farm is our job, our home, often our only asset, superannuation plan, legacy and inheritance for our children. Property values affect
30 farmers' ability to borrow in times of drought and expand their businesses. This reduces the income potential of the farm. Just as the effect of dust and noise from coal mines are considered and mitigated under VLAMP, so too should land devaluation. Policy must be developed prior to any development consent, to ensure landholders are duly compensated for reduction in land values, on what is to be
35 regarded as mine-affected land.

And then there's my family's health suffering due to mining dust, noise, blast fumes. Why should my family, and others like us, subsidise our health and financial
40 wellbeing for the economic gain of Whitehaven Coal? Our farming families are so supportive of rural communities. We could be still farming these lands in a thousand plus years from now, if it is not wrecked by the 20 to 30 years that mining is here. Our community is depending on you, the IPC. You will decide the future health of our land, water and families. You have been put in a position that will drastically change the future of our amazing, productive area, and it will be written in history. If
45 not for the people here now, please, for the sake of our children and future children, reject this mine

MR HANN: Thank you, Janet. Our next speaker is David Paull.

DR D. PAULL: Thank you. So thank you for listening to me today. I really wanted to talk about biodiversity. So not as importance, perhaps, as the previous speaker, but I have serious concerns. So just in case you don't know who I am, I
5 spent most of my life working as an environmental consultant, for mining companies, in particular. And then spent quite a while working for the Department of Environment, regulating the people that I previously worked for. Neither job was very – ended up being very good, in the long run, but what I – my main message for
10 everyone here today is that, based on my own experience, there are no good environmental outcomes, right, from this mine. And that's for two main problems.

And that is the assessment system itself that the department has set up, mainly through their offset policy, will not guarantee that there will be – that the existing –
15 they talk in terms of net loss or net gain, okay? So under the offset policy, they cannot guarantee that there's going to be maintain or improve. And I can talk about that in a second. And the other key reason is that Whitehaven just simply hasn't met its requirements as outlined in the offset policy. Now, main problem with our assessment system, our offset policy, is that it's run by a black box. And I have to
20 tell you that the science behind that is not solid. It might be convenient to generate data and throw in one end and then out the other end, essentially, all you get is numbers about how many credits that you have to retire. And the way that the system is geared is these things can be retired through offsets. And these are generally land-based offsets, although the way the current offset policy is now, they
25 can also offset these things by throwing money at a fund. Okay? This will eliminate their liability.

But there's a few things a black box doesn't consider: indirect impact. Now, we heard about dust and how important that is for people, but dust is also important for
30 biodiversity. We also have noise and light pollution. And none of these things are taken into account in the methodology. Same with cumulative impact. It's not in there. The cumulative impact on biodiversity, this – currently, the state planning department does not have a clear and concise way that cumulative impact is actually
35 assessed.

Now, this always brings about problems. And one of those perhaps – and if I could just give an example of that, in the way that this was ineffectively dealt with – and the koalas have been mentioned and they did not take into account, for example, the
40 existing mining approval area and the koala habitat in that area, which was 50 hectares. And as koala habitat being cleared in this proposal is 30 hectares and they did not take into account the other 180 hectares of scattered tree landscapes. Of course, koalas and cows can live together, but unfortunately the scattered trees are important for koalas and their dispersal. Now, another thing that the black box doesn't look at is groundwater ecosystems. And Whitehaven have a pretty bad
45 record as far as this goes.

You only have to look at how they mischaracterised the groundwater ecosystems at Maules Creek. One – we have one of the few permanently discharging groundwater systems in New South Wales, was not even identified as such. And in this case we have four hectares of a wetland, which was not identified as a groundwater
5 ecosystem, and for which they didn't even bother to provide an offset for. Rehabilitation: now, the key problem with their offsets is 50 per cent of their credits are going to be met through rehabilitation. That's a pretty high proportion. And you only have to look at how they've proceeded with their rehabilitation so far at the Maules Creek mine, there's very little result. Where is the evidence to back up the
10 claim that this something they can actually do. It's just not there. Okay. Well, I will wind up now. That took a lot quicker than what I thought. Thank you.

MR HANN: Thank you, David. Our next speaker is Anthony Pickard.

15 MR A. PICKARD: Commissioners, my allotted time of five minutes is nowhere near long enough for me to present my full submission, so I've prepared a short list of some of the points raised in that. I have provided my full submission, including attachments, to your representative, and I trust the Commissioner will take the time to look over the submissions and attachments. A short dot-point list of the summary
20 of matters raised in the submission to this Vickery Mine expansion is as follows: (1) an almost complete lack of good quality, recent and long-term studies into the overall effects that this mine expansion will have on the water resources of the Namoi Valley, Gunnedah-Oxley Basin groundwater, Namoi River and the alluvial floodplain and the Great Artesian Basin, via the cumulative effects of all and
25 expanded mining extraction developments.

(2) concern that the EIS does not take a cumulative-effects approach when dealing with environmental issues and the other well-established agricultural industries. All this EIS does is look at the effects of the proposal in isolation. Instead, this EIS
30 should be looking into cumulative impacts into this expansion is likely to add to the already known cumulative impacts on the Namoi River, Gunnedah-Oxley Basin and the Great Artesian Basin recharge area that mining and industries in the area already have. The final void – that's number (3) – the final void and the effects it will have on the groundwater quality, flow rates and flow directions. Salts carry over
35 onto adjacent land due to heat and wind. And that's well known in the CSG field over there at (4) the poor quality in the CIS of the geology of the area and the currentness and the detail of the information.

Comparison example given in my submission is a geology report in 2008 by DOI
40 land and water well completion report on the Plumb Road bore, as they put down, they have a very detailed description of the geology under the groundwater monitoring bore and the Great Artesian Basin, which has put paid to the notion that the so-called Pilliga sandstone of this area is all solid. It is not. There's a number of un-cemented areas of rock, which means it's unconsolidated. Concern about how
45 was the flow rate and the directions of the groundwater determined and at what depths was this done, along with the coefficient – along with whose coefficient was used was that the and that was being one. And to the value of that coefficient,

taking into account the permanently retained water within the rock or strata, the effect that surface water might – surface weight, sorry, such as trains, ridges, pylons, water storage ponds, over-burdened piles and much more surface infrastructure associated with an open-cut mine can have on the movement of groundwater.

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I must also mention that the open-cut hole will have an effect on groundwater flows, due to the pressure release on unconsolidated and consolidated aquifers below and adjacent to it. I note that one – at least one New South Wales Government Department has also raised a similar concern. In my opinion, this could be a breach of the aquifer interference policy. Then again, it's a policy, not a regulation. A suggestion that the New South Wales chief scientist carry out a full investigation, similar to the CSG study into the effects of the open-cut mining in this area, upon the whole of the Namoi Valley catchment, including the whole of the Gunnedah-Oxley Basin, the Great Artesian Basin and the southern recharge areas and make recommendations before this expansion is approved. Groundwater ecosystems and bacteria and their importance with regard to groundwater, as well as being an early warning on the water quality change.

Generated dust, distant observations – I could see the dust from the Maules Creek mine when I would take off from Narrabri Airport – I don't have to, sort of, have bearings – and the effects of. As a brief statement on my long-held opinion on mining, there is a more detailed description in the submission. I want to make this point perfectly clear: I am not against mining. However, I do have some qualifications for this support, that there is respect for all aspects of the environment, that there is respect for all people in the area where you operate, including being fully transparent in all your dealings and your answers to questions. And that there is a total respect and abeyance of the laws of the land, the local laws and regulations, and for those who make and enforce them. If a company cannot comply with all the above, then they do not have my support. And so far none have been able to. Thank you for your time.

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MR HANN: Thank you, Anthony. Our next speaker is Errol Darley.

MR E. DARLEY: Good morning, panel and residents. My name is Errol Darley and I live with my wife on our property adjacent to the proposed rail spur, which is 450 metres, another resident 700 metres, and a 250 metre proposed dwelling from the railway line. I've lived on the floodplain for 35 years, occupied property on both sides of the Werris Creek Mungindi Railway line, lived on the river and now midway on the floodplain. I strongly object to this proposal. I have experienced major flooding in the Namoi River in January '98, 1984 and also November 2000 and also 14 minor floods in-between time. This experience of flooding of the Namoi and tributaries gives me knowledge and experience to never build a structure across the floodplain.

In addition to the details in my earlier submission, I present the extreme rainfall in the Rangari Creek catchment during the 1971 flood. A wet catchment received 78 millimetres over nine days, then there was an additional 155 millimetres of rain at the

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end of January. And then on the last day of January there was 93 millimetres of rain on the 31st. No wonder the Rangari Creek was 12 kilometres wide. But this is the tributary the modellers assume won't peak at the same time as the Namoi. And, amazingly, this was agreed to when it was peer reviewed. So what is the standard and value of this White Haven funded reports, produced with the intent to provide the information to get this extension approved. Will the proponent pay to get a model to show no effect and if approved by the experts and those that decide on this application, will be long gone by the next flood event, which us locals will have to deal with.

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The independent expert on flooding and independent scientific committee on and large coal mining developments has requested more information on the construction of the railway line, but has this been approved? I have requested the same information since September, only to be told that there is no map. No map for \$150 million project? On 6 December a White Haven representative said, "Elevate the section of the rail spur to the west of the Namoi River all on piers." Also the same day, the modeller is still talking about embankments with 100 per cent blockages through here, then acknowledges that White Haven have committed to removing the embankment sections.

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Then whilst talking with Gunnedah Shire, 13 days later, they are still talking about pylons built in certain location and comments of, "Just for clarity, if we don't know exactly how the rail spur are going to be built, what is the situation? What is the plan?" The transcript shows that the commissioners are looking at some kind of a map. Does it show pylons, culverts, embankments? Why aren't we shown it? If so, they can change it – it's so they can change it if approval is granted.

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The proponent needs to produce the details. Will details change as there are staff changes at Whitehaven? Can we believe what is said if that person no longer works with Whitehaven? A sensitive area is where the spur joins the main line. These are comments that – with Whitehaven comments and the planning department:

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To the embankment section on the rail – the northern – north-western rail which would connect into. This, according to the indicative map, is where the rail spur meets the northern line. Any construction here, as the train has to do a 120-degree turn, will have an extreme effect on the water passing through the Collagri Creek flooding the five properties to the west. These landholders were not even originally notified of the proposed development. This is where 200 metres of the railway line was washed away in the 1974 flood. We are concerned about possible contamination of groundwater due to pile driving off pylons used in the rail spur construction.

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Will any chemicals be used? Will the pylons be steel or coated, contaminating the groundwater? Details need to be provided. Who is responsible if contamination occurs? And our major concern is the continuation of the reliability of the aquafer for domestic and irrigation purposes. Will the mine construction reduce recharge and will groundwater flow to the lowest point, as has happened at the Werris Creek

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Mine? There are farmers along Taylors Lane near Werris Creek that have no water and the mine has excess water where they have even now installed a centre-pivot irrigator just to get rid of the excess. Scientists tell us to expect more frequent and more extreme rainfall events. This is what is happening in North Queensland as we speak.

Other extreme examples of flooding which come to mind is Toowoomba and downstream Grantham, Dungog and the Brisbane flood. If you wish to see these events, you just get onto YouTube and it's all there for you. If this proposal goes ahead and the model is proven to be wrong by reality, who is responsible? What if the mine has new owners, or they have changed the name to limit the compensation? Talks on 6 December only briefly mentioned the noise impacts on our property and you commissioners were told within the regulatory guidelines. This is a blatant lie, as I've recorded the sound levels 450 metres away from the main line on 22 September and the readings of 68, 69, 70 decibels are evident on the device. This is much higher than the sleep disturbance level of 52 decibels. How the proponent reduce the levels do not affect us.

Then on 3 December at we recorded levels of 40, 41, 42 decibels at our house, which is five kilometres away from the main line. This is a level the proponent has modelled for the proposed rail spur just a mere 700 metres away from our existing residence. Once again, who is responsible? So what is the real value of the EIS when so little of the relevant essential data is omitted? For example, the promised noise management plan has been – has it been presented for review? It seems to be a trend with developers; you just leave out the information, like the Gunnedah Solar Farm, water impacts on the Bylong Valley, flight paths over the Blue Mountains from the Badgery Airport and the water study for the Shenhua Mine. This is an obvious tactic so details can be made up after the approval is granted.

Another classic example is the road transportation of coal by Whitehaven from Tarrawonga and Rocglen Mine to the Gunnedah CHPP. 3.5 million tonnes is a prelude, but they apply for a modification of four million tonnes. This is approved by the planning department despite the requirement that Whitehaven has to build an overpass if three and a half million tonnes is exceeded. Whitehaven continually tell us how great the Vickery Extension Project is, as it gets trucks off the road. They don't seem to mind putting more trucks on the road when it suits. Who is actually in control of this mine? If they are so concerned about trucks on the road, why don't all the supplies to their current mines come on the rail, particularly fuel? They have a number of trains a day arriving from Newcastle direct to the mine. Whitehaven just says one thing and does the other. And when the commissioners, talking to the Gunnedah Shire, are told of the approval of the three and a half million tonnes, the transcript says:

You wouldn't want to see it exceed it.

Correct. No mention, 49 days after the notification was advertised, that the rules had been changed. Whilst it may not be Gunnedah Shire Council's responsibility to

inform commissioners of Whitehaven's road tonnage limits, they do have an agreement with Whitehaven for road maintenance, and the increase in tonnage should have been discussed and this is the second year in a row that this has happened. The mine's influence on groundwater is of grave concern. The base
5 levels have not been established and will the observation boards be situated where they won't be conveniently destroyed as the mine expands? Now, if this nightmare happens, I question the ability of the EPA to monitor the environmental impacts of the mine. I have no trouble with the staff, but to try and service all of the north-west of the state from Armidale is impossible. So I offer to cooperate with the EPA and
10 build a facility on my property, which already has a building entitlement 250 metres from the railway line close to the CHPP so the mine can be monitored, then they will understand how the mine will impact people's lives.

So we come to a stalemate. The modellers will always come up with a model to suit
15 and I believe I know about the possible flooding effects, but the one thing most people know is that the proposed site for the rail spur is in terrible place and shouldn't even be considered, as there is an alternative to the north. And just as of this morning, consider what has happened in Townsville overnight, with more rain forecast for today. Last night they got another 180 millimetres in Townsville, with
20 more over the Ross River Dam. Townsville has had a year's rainfall in only one week and the dam is now fully open with unprecedented flooding to the city. Do Whitehaven modellers consider this? A cyclone down the east coast and an upper atmosphere trough can result in excessive rainfall like this. This could happen in this valley. Thank you.

25 MR HANN: We might take a 10-minute break now, and then we will start again with the next speaker, which is Errol Chad.

30 **RECORDING SUSPENDED** [10.59 am]

RECORDING RESUMED [11.16 am]

35 MR HANN: Thank you. Is Chris Chad ready to go?

MR C. CHAD: Okay. Thank you to the chair and panel for my opportunity to speak today. My name is Chris Chad. I'm speaking today on behalf of the Chad
40 family. We own the property known as Dorothea on the Kamilaroi Highway, a small block of land. And that property is within the zone of influence of the Vickery Project. We've owned this property for just over a year now, purchased this land with full knowledge of the historical mining activities there, as well as the currently approved development and the proposed extension. We do not live on the property.
45 Instead, we live in Gunnedah. We have no residential building entitlement on the land and we have no current plans to build on it now or in the future. And I think it's highly unlikely that planning rules would allow it anyway. And, as such, I would

like to just recognise that our situation is somewhat different to the neighbours that we have, being that we've gone into this with our eyes fully open.

We run a small grazing enterprise there, the intent to do limited associated cropping.
5 The purpose of owning the land is agricultural, the commercial intent – although it is a smaller block of land, so of course the quiet enjoyment of owning the land and the opportunity to teach my children the skills I learnt growing up on a farm myself is an added and tangible benefit of that. I have considered the Vickery Extension Project and I do not consider there to be any anticipated impacts that would have a likely
10 impact on the use of the land that I intend to use it for and my family. However, I'm an engineer and not a hydrologist or a social expert or any of those things, so I'm happy to leave those things up to others. But from what I've seen, I certainly think that the risk associated with my operating the land as an agricultural enterprise is limited and as long as those activities are lawful, as I would expect of my neighbours
15 and my family as well.

Full disclosure, I'm currently employed by White Haven at Maules Creek as the mining engineer. I've also worked at the nearby Boggabri mine. My family derives most of the family income from my salary there. I would like to just draw upon my
20 own experiences. I was born and bred in Coonabarabran, about an hour down the road from Gunnedah, brought up on a farm. My family are now living in Gunnedah and we've committed to live there locally. The mining job is what has allowed that to be – make this possible. I didn't go on to take over the family farm, and the family farm has since been sold. I did very well academically at school. Growing up
25 on a farm, my family and my community were very keen and almost anxious, with the constant things of weeds and droughts and all those things that go with farming, to see me move on and further my education in a way to have, I guess, what you could term better prospects.

30 I was lucky to secure a scholarship in mining engineering. And that helped to pay my way through university. With a modest family farm and income, that was important for us. I was very grateful that the mining industry provided those opportunities to me. Circumstances then meant that I worked away from where I grew up. But with the development of the mines in this region, my wife and I were
35 able to move our young family to Gunnedah, with some confidence that we would be able to make this our home for the long term. And that's what we intend. It means that I'm able to live near my family, the place of my birth. And what I hope is that that will be able to continue on into the future.

40 I believe projects such as the Vickery Project are essential in regional areas, to ensure that people like me with skilled professions can settle into regional areas. I think that provides regional areas with a stronger and more diverse workforce, a stronger community and more opportunity for kids. I see the Vickery Project as another opportunity, albeit not the only one, for my children. It means that as they grow up,
45 they can choose from a more diverse range of professions, whether they want to go into the mining industry, agricultural industry, the many support industries that service both of those industries. I feel that their options will be greater. I feel it's

important that regional areas should be entitled to develop without being held to inflated conditions set by those in the city.

5 I think it should be possible for a child that grows up in the regions to be able to
work and live without having to migrate to the major centres. In general, I was very
lucky that the people in my hometown were very supportive of my education and my
– were very keen to see me get away. And of the things that I noted when I was
growing up was a very – a concern within the community that we would stay as
10 children, that we would hang around. And that was not us fulfilling our full
potential. And I feel that that’s something that shouldn’t be the case. I think within a
regional community we should all have the opportunity to be able to stay around our
families. We shouldn’t have to move to a city to get a job, such as an engineering
job in my case or – amongst the many science jobs and professional jobs, accounting
and things throughout the business. There was, I remember, before I left for
15 university, quite a bit of anxiety amongst people within the town.

Having achieved a very good score, people were worried that I wasn’t going. My
university went back a week later than everybody else and I remember very clearly
20 people being worried and offering me jobs and saying, “Well, you better make sure
that you’re taking full advantage of this talent.” And the intrinsic implication there is
that regional communities aren’t good enough. And I don’t believe that’s true. And
I believe that opportunities like this prevent that sort of mindset and give that
opportunity. And I think if you look at Whitehaven and the other companies
working in this, they’re very proactive in providing opportunities for our young
25 people, certainly through my experience, through vocation or scholarships and
traineeships for professional jobs, such as mining and engineering. And we very
much do encourage those young men and women to come back to their local area
and also to try and attract new young people to our area as well, so that they can
strengthen. Thank you very much.

30 MR HANN: Thank you, Chris. Lachlan May is our next speaker.

MR L. MAY: Thank you very much. Good morning, panel. Good morning,
everybody. Thank you for giving me this opportunity to speak. I’m not going to
35 harp on about any of the impacts and any issues that have been noted so far. I just
thought I would introduce myself and my story and, I guess, reiterate the sentiments
Chris just touched on then. My background, I’ve recently moved to the region 12
months ago next week, actually. I brought my wife and my two young boys up here
– well, it was only one young boy and then we had one three weeks after we moved
40 up here. I’m currently a geologist employed by White Haven. And I always knew I
wanted to be a geologist. Having worked in and around the Maules Creek Basin
since 2009, I always knew I wanted to work up here.

45 Coal geology has taken me all around the world. And I’ve always had a passion for
coal geology. The one place I worked that I always wanted to move back to and
raise a young family was this region. I lived in the Boggabri region and the
Gunnedah area when I was working up here. And Gunnedah definitely had the

values that I saw that I wanted to bring up my family. I was working in Sydney when I had the opportunity to work in this area, when it came up approximately 14 months ago. And it took less than two hours for us to make a decision, when we looked at each other and said “let’s go”. And we definitely jumped at that
5 opportunity. And especially moving from the northern beaches of Sydney, you can understand, if anyone has been to a beach, living 400 metres from the sand at – of a world-class beach, it’s hard to make that decision to get out and come up here. But having worked up here, we definitely knew we wanted to come up.

10 From a social side of things, we integrated into the town quite quickly. I was more than happy to move up here, because I had seen the infrastructure. I had seen the schools and potential childcare for my boys. And I knew that all the existing infrastructure was there ready for us to be involved in. These drawcards definitely made our decision easier. And I know White Haven is especially supportive of these
15 facilities. And that gives me hope in the future for my boys, growing up in this country town. And we’re involved in plenty of activities and swimming and sports class and cricket on the weekend, so we definitely try and make ourselves involved. And we always feel involved with – I’ve seen some faces around this room this morning of people that wave to us as we’re walking around town, or, unfortunately,
20 if we’re trying to walk up Mount Porcupine every Saturday, Sunday morning, people do wave at us and we definitely feel involved in the community.

Working in mining has afforded us great opportunities and a lifestyle for bringing up our family and I’m fortunate that Gunnedah has been able to involve us in that and
25 also once a time living in Boggabri. My wife has been quickly accepted into the community. We solely rely on my salary, so she’s at home with the two boys and she has never felt out of place or unwelcomed or, you know, isolated from coming from the big city up to Gunnedah. She’s also a qualified geologist, so I know that in the future when she’s ready to work in the workforce – or back in the workforce
30 when it’s convenient – that there will be opportunities and that with the Vickery expansion that, you know, there is more opportunities for that.

The fact that the family is at home every day in town adding to the economy, that gives me great joy and I get to see the benefits of that when I come home and spend
35 Saturday/Sunday at home with the family. I see the Vickery Project as an added bonus for the region and State and providing more great opportunities and careers for young people and residents and my wife and the like. Attracting more people to the region will see immediate benefits to recreational educational activities that I hope myself and my boys can be a part of in the future. So thank you very much.

40

MR HANN: And Lochie Leitch.

MR L. LEITCH: Dave, you will play that video on the yes. Thank you. My name is Lochie Leitch. Thank you for the opportunity to speak – I think. The reason
45 I say I think is because the Vickery EIS and the lead up to this hearing has not given me the confidence to be able to speak more specifically due to the lack of details throughout this Vickery EIS process. I believe I’m not the only one as the EPA has

also written in their submission, the inadequate information provided and that was that it is unable to recommend project approval conditions for the proposal due to the inadequate information provided in the EIS.

5 The Department of Planning has also said that the Vickery Extension EIS is a draft form, but as late as Friday, 14 December 2018, the EPA states it does not make comment on draft form especially our draft EIS. I am also informed that the EPA has written to the IPC to say they are not attending the IPC hearing due to the inadequate Vickery EIS. My presentation today is taking into account, the lack of
10 the detail in this Vickery EIS and its attempts at using neighbouring Whitehaven Mine in this area for some of the Vickery EIS modelling. The Vickery EIS noise and dust moulding for the 10 million ton mine and the 13 million ton CHPP shows a less affectation area compared to the already approved four and a half million ton.

15 This has led to the proponent stating a willing to commit a noise management plan to include noise level triggers. I'm curious, in this noise level triggers, as this method is used at the Maules Creek Coal Mine Project that has resulted in further properties being purchased due to the commitment made by the proponent, Whitehaven, and that was to establish negotiated grants with each landholder prior to the worse case
20 noise level predictions. Attended and unattended noise modelling has measured noise levels at privately owned residence up to seven DBA above the worst case modelling predictions from the Maules Creek Coal Mine Project.

One family in particular, the Compton family, just a short distance from our
25 property, resulted in the EPA writing to the Whitehaven/Maules Creek Coal Mine on a number of times stating:

The EPA considers that the above exceedance contravened condition L3.1 of the EPL licence.

30 This property is now owned by Whitehaven Coal under a negotiation agreement resulting in an earlier retirement for the Compton family from farming. Whitehaven/Maules Creek Coal Mine has chosen to seek purchase agreements with affected residents rather than spend additional moneys for minimal acoustic
35 improvements. This has led to the expansion of the original affectation area being acquired by Whitehaven, not only for the noise mitigation, but for the actual footprint of the Maules Creek Coal Mine Project.

40 The Maules Creek Coal Mine footprint has extended approximately 10 kilometres to the north, over 10 kilometres to the east and the approval notes in the air quality for the property of McGregor's, that is approximately 10 kilometres to the south in the opposite prevailing wind direction. In other words, up wind to the Maules Creek Coal Mine's predominant wind direction.

45 My family, the Leitch family, is approximately three kilometres in the north-west direction from the Maules Creek Coal Mine Project. The impacts to date led to the Department of Planning writing to us in November 2018 assigning an independent

mediator to mediate the purchase of the Leitch family's property by Whitehaven/Maules Creek Coal Mine. I would also like to share the danger of being assigned, a voluntary acquisition through this process. I have seen firsthand, the destruction of good family slowly being grinded down by this process and this was
5 the Murphy family who were my neighbours.

Late 2010, the proponent of Maules Creek Coal Mine, the proposed Maules Creek Coal Mine, made an offer to purchase the Murphy family property, such to an approval. The offer was conditional. The proponent would hold the registered
10 mortgage. The proponent had the right for the property purchase, but not held to the obligation. The proponent was not based – sorry. The proponent offer was not based on a property valuation. This offer was not accepted for good reason.

And then in mid-2011, Pat received, Mr Murphy, a phone call from the proponent to
15 say that he was a stakeholder of the Maules Creek Coal Mine Project. This was enough for the proponent to demonstrate apparently to the department to be assigned the voluntary acquisition to the Murphy family's property as being noted for noise and air. Sadly, the department did not enforce the recommendations made by the experts, and this is what is important – the experts for the proponent to exhaust or
20 negotiations to an approval for the voluntary – prior to the approval, voluntary acquisitions and process took away any enforceable limits being assigned to the Murphy family's property. Voluntary acquisition takes away the ability to appeal that acquisition in a court of law once triggered.

My suggestion to the panel – prior to any approval being granted to the proponent
25 that a negotiated grant be in place for all landholders and residents within a 10 kilometre buffer zone surrounding the project boundary. Depending on the topography, this buffer may need to be extended greater than 10 kilometres and we're just currently seeing a video played in the background that you guys actually
30 didn't – my understanding, you didn't go down and see – we're already up to the sixth minute, are we, Dave? Okay. I appreciate it. So this shows the area where the CHPP and the railway line is. And this is just I will keep talking.

I cannot understate the importance for the IPC panel to day to recognise the
35 commitments that will be made by the proponent in gaining approval. The last five years, the commitments made which are part of the consent conditions have not been enforced by the Department of Planning or implemented by the Whitehaven/Maules Creek Coal Mine Project. For just one example, I give a result as showing the commitment made by Maules Creek Coal Mine has not been enforced that has
40 resulted in the noise being allowed to be intrusive level at our family's residence and to neighbouring community. I would like to table, and I will table this if I may, a summary of results that show the following that the proponent, Whitehaven, has been in breach or schedule recondition 12 in the attenuation of a plan.

Thank you for your time and I ask the panel to take considerable notice to the
45 Vickery Mine infrastructure being just 400 metres off the Namoi River, and that's what the video is, sort of, explaining. And we would also be grateful for the meeting

– for a meeting with the panel to be able to present more documentation that does arguably illustrate the failing of Whitehaven Coal not implementing their commitments in their approval to my family and to this community. And I think just to add to that commitment, this might sum it up the best from the Deputy Premier, John Barilaro, and this letter was obtained by result and John has written to the Manager/Director of Whitehaven Coal, Mr Paul Flynn:

I refer to your meeting on 7 September where I raised, amongst other things, reputational issues relating to Whitehaven. In particular, those concerning Mr Pat Murphy and Mr Lachlan Leitch. Whilst I understand and appreciate that this is a private matter between Whitehaven and the two gentlemen in question and that my office cannot require your company to act differently, I would like to make the following observations. As a leader of the New South Wales Nationals and the Minister for Regional, New South Wales, my job is also to require – requires me to present the people I feel are not getting a fair treatment, whether from the Government or from the private sector.

I also have a responsibility to ensure our farmers and agricultural sector are represented and have a sustainable future. Whilst I am and will continue to be a strong advocate of a state coal industry, my role is to find an equitable coexistence between the two. Whilst there’s no one questioning Whitehaven’s official licence to operate, I strongly believe a social licence which applies equally to the agriculture sector. In this particular case, my opinion is that these gentlemen and their families have been treated unfairly by your company and that this affected their quality of life in life in the negative for a considerable period of time. I respectfully request that you reassess your current acquisition negotiations with Mr Murphy with a view to reaching an agreement and also engage with Mr Leitch to acquire his property. I encourage you to appoint an independent mediator to place a key role and facilitate the outcome in both cases. I look forward to receiving a reply – Mr John Barilaro.

Now, that has gone ahead. We’re currently – the department, like I said, has instructed an independent mediator and I believe this month will be the mediation. Thank you.

MR HANN: Thank you, Lochie. If I can ask Mr Greg Grosser, please. Sir.

MR G. GROSSER: Thank you very much. I would like to speak against this Vickery Extension Project. I’m a farmer. And I’ve lived out in the Willala area, west of Boggabri, here since 1950. And I’m concerned about what an impact of another mine in the Boggabri/Gunnedah area will have. I would hate to see this Namoi Valley become another place like the Hunter Valley is. It has become a land of dust, noise, gaping holes and ugly piles of rubble – and I don’t think anyone can really deny when you fly over the Hunter Valley and see that and what that has become.

I'm concerned about the following – the effect that the development of this mine will have on the Namoi River, being a mine so close to the river itself and also the aquifers in the area. The area around is a rich, food-producing area and any interference to the water aquifers will have a detrimental effect on the whole area.

5 I'm also concerned about the use of really good farming ground which the railway line has been proposed to put across. This is some of the best land in the world. And people could dispute that, but if you look at the facts of what country around the world is to be found and what can be produced off it, this certainly is some of the best. So I'm concerned about that.

10

I'm also concerned about the railway line on the floodplain. And I know that we've heard that there has been studies done into that. But are these studies correct? And the history of Australia doesn't go back far enough to tell us what sort of rainfall we can actually get, what sort of flood can this actual Namoi Valley – what sort of water can come down the Namoi Valley. We don't know that. So I think that that's a real consideration to be taken seriously. Also, when the coal runs out, when the coal has finished, what about all the rehabilitation? We've talked – been mentioned about the hole that's there. But what about the rehabilitation of where the railway line goes along, as well? The construction of this mine seems to be all short term. We're talking 25-odd years whereas farming will be here for a long, long time past that.

20

I'm also really concerned about the acquisition of one of the properties – and all the properties, for that matter, but particularly about the Barlow property. James Barlow himself will never be able to replace that property with any other similar property in Australia. It's quite unique, that place. It has river frontage, prime farming land and irrigation. You can't put a price on that and is this fair? So once again – I said before the construction of this mine is all short term whereas farming the land is for the long term and the benefit of all Australians into the future. We are told that the mine is good for Boggabri and the community and yet we can't see a lot of evidence of that in this town. School numbers are dropping because farms have been purchased by the mines and people have left the district and town as a result. We've lost a club in the town, we've lost a pub in the town since the mines have been here and also an open until late takeaway shop has also gone. It's hardly what I would call progress. So thank you for listening and considering these points.

30

35

MR HANN: Sally Hunter.

MS S. HUNTER: Do I just give you a nod, David, from time to time? Yes.

40

MR:

MS HUNTER: Thank you. Good morning, everyone. And I would just like to say thank you for coming to Boggabri. We really appreciate this added meeting to have here in Boggabri. I had better introduce my family. This is my fabulous family.

45

And we're – this is on our place on the Harparary Road. So, as you can see, within 35 kilometres of our place, we're the red dot in the centre and those mines are within 35 kilometres, including the Vickery Mine that's currently proposed. We've lived

here for about eight years. Four years before that, we were on the other side of Baan Baa. And my husband is third generation in this region. My kids have done all their primary schooling in Boggabri and they now go to Gunnedah for high school. We do all our shopping and our business expenses between Boggabri and Narrabri.

5 We're part of this community and the sporting groups here.

We love this community and we're passionate about its future. We produce enough beef on the land that we lease and own to produce about 134,000 steaks every year and enough garlic for all the cream sauce to go on top. We take being a global
10 citizen very seriously. We believe that we all have a responsibility to do what is within our powers to make the world a better place. To do this, we try to produce much of our own food, we recycle as much as we can, use managed grazing practices to capture carbon in the soil and we use solar power as many other steps, as well. Almost every decision that we make, we take into consideration the impacts that it
15 will have on our natural resource base – the soil and the water – as these is what our lives rely on. We're aware that even doing this, we may well have minimal overall impact on the global climate situation but we still do it because we can and we should. Everyone can do their bit, including those in the room today.

20 Thanks for the opportunity to speak about Vickery. I feel a bit disappointed that we have to spend our time responding to a substandard EIS that has a lot of details missing around the rail overpass, the borefield and the water impacts. I understand that we're not required to talk about our submissions that we've already made but I would like to point out one aspect of my submission that hasn't been picked up in the
25 Department's Key Issues document and that is the way that Whitehaven is playing games with its name. So despite the claims that this project is just an extension on an already approved mine, I get the distinct impression that that claim is only made when it suits the proponent. For example, the proponent name has changed since the original EIS.

30 If this new proponent, Vickery Coal, wants to apply for this new project approval, should it not have to be the proponent for the original project, as well, or is it picking and choosing which parts of the project are an extension to the original? In March of last year, the SEARs was issued and Whitehaven Coal was noted as the proponent
35 and there was no requirement for the environment record. The supplementary SEARs by the Commonwealth went on to request that environmental record but – no date was given but it's some time between the March and the July SEARs. So in July when the revised SEARs came out, we see the Vickery Coal is the proponent. It's the first time we've seen Vickery Coal. So a little ASIC search shows that it was
40 only created about six weeks before that date.

So why would Whitehaven not want to have to document its environmental record? Well, possibly because there is such a long list of non-compliances, breaches and fines for their current operations here in the Namoi Valley. Whilst they haven't had
45 time to compile all of their non-compliances, I've found references to 11 different penalty notes and fines by the EPA. I could scout around the three yearly independent environmental audits that each of the Whitehaven mines are required to

do – shows more than 1000 non-compliances. On average, every time one of their mines undergoes an independent environmental audit, they get an average of 53 non-compliances, nine of which are administrative, on average.

5 That sounded pretty bad to me, but what do I know, especially seeing as this is a self-reporting process and so we could assume that there might be some others that don't make the list. When I made a comparison with the Hunter Valley operations, which is the largest coal mine in the Hunter Valley, their last independent environmental audit had 14 non-compliances, so I get the feeling that an average of 53 is above
10 what the industry would normally expect and is well worth noting, especially when it's specifically requested by the Commonwealth, plus we also know that Whitehaven has spent considerable time on the worst environmental level – level 3 – last year, and possibly they will again in the future.

15 I think these things are all well worth noting in that EIS. There was a time when our community would have accepted the promises of gilded streets and joyful work for all given by the proponent, but now we're in a fortunate position of real knowledge. We were given these promises, as well as others, five years ago before the coal – Maules Creek coal mine started. So history speaks for itself and we no longer
20 believe these promises. Whilst the proponent likes to promote the fact that they have recorded an increase in the level of acceptance in mining – of mining in Boggabri over the last three years, I thought it pertinent to give these statistics that the company collects a little bit of context. The proponent's context, and I quote Mr Paul Flynn, is to – that middle group that we saw there this morning:

25 *It's designed to convert people who perhaps weren't potentially aligned with what we do or indifferent to it to put them in the neutral basket –*

30 as I believe he told the IPC recently. However, my context to this changing attitude to mining in Boggabri is part of a bigger story for our town, about the changing nature of the entire community.

35 These insightful results do show an increasing acceptance of mining – do not show an increasing acceptance of mining, it shows clearly a community where prior residents are moved out and new residents who work in the mines or have family members in the mines move in. Many of these people are my friends, and I do not begrudge them for working in the industry, and, of course, it is fantastic that they make their life here in Boggabri with their families and contribute to the community rather than being FIFO workers, but these people are now fully employed. Anyone
40 who wants to work in the mines around here now have a job. So why do we need more jobs in the same period of lifespan from yet another mine for Boggabri?

45 It seems to me that, in the EIS, Boggabri kind of slips through the cracks when we look at a bigger picture of the social impacts and we don't quite see the scaling down of that for Boggabri and what the actual impacts will be here in our community. We've heard a lot of positive stuff about the impacts to Gunnedah in terms of employees moving to town and some fabulous stories there. I'm just worried that

Boggabri does not fit that bill. So our community is tired of broken promises and exaggerated benefits. We're tired of the erosion of our values and the hollowing out of our community. You know from your own drive-around the project area, the vast area that's now owned by Whitehaven, more than 70 family farms have been bought out and more will go with Vickery.

These are kids out of our school, teammates out of our sporting clubs, volunteers out of our groups and the changing community. Vickery is the tipping point for Boggabri. This is one too many mines in the Namoi Valley with more negatives than positives. We seek a balanced community not dominated by one industry who externalises the full and proper costs of their industry onto neighbours, onto our natural resources and onto our community to ally their financial viability to look good on paper. We believe there are few key areas that this project fails to fully account for its true costs of doing business. First of all, leaving the final void. I quote the EIS that:

The final void is predicted to have continued inflow of up to 180 megs a year for 300 years. It will be a permanent groundwater sink and gradually increase in salinity.

The Narrabri Shire Council extractive industry policies requires no voids to be left, because they know that we are the ones that will be left to clean up the mess when the company has gone. Despite this, there is only a recommendation in the EIS for two years of monitoring post mining. This is obviously completely inadequate. Secondly, air quality. Boggabri currently has a air quality in New South Wales, which is new work that has been released since the submissions went in, and once we add the cumulative impacts of Vickery as well, we can expect worsened air quality in Boggabri, especially given that the direct impacts of air quality was not put into the EIS model for Boggabri.

Will we be like the Hunter Valley and not let our kids out to play when the alarm – when the air quality alarm goes off? No. We won't, because we don't have any monitoring here for Boggabri and there are no plans to install any in the future. And thirdly is the results that also came out since the submissions went in, which are the tax results for 2016 and '17. We see in that year that Whitehaven, and obviously its subsidiary we now know about called Vickery Coal, whilst making an income of nearly \$2.4 billion, made a taxable income of little over \$5000 and therefore paid no tax. I'm sure that you, the IPC, have been told about the wonderful economic returns that this project will deliver, but did they mention tax paid? I believe this is included in the economic justification calculations in the EIS, but I question whether we will see this in reality.

Finally, I believe that the proponent does not fully account for the true cost of carbon emissions from the project. The planet is off kilter due to atmospheric carbon levels, and responding with increased voracity and regulatory of natural disasters and a range of other consequences. There is no doubt, despite the spin, that this mine will further contribute to this problem. The continued drought and spikes in temperatures

we are now experiencing is a reminder that we need to keep our warming below 1.5 degrees. This project will create 15 million tonnes annually every year for 25 years of scope 3 greenhouse gas emissions. The world experts, the International Energy Agency, has predicted that if we want to keep it below two degrees warming, our
5 global thermal coal must decline by more than 50 per cent over the next two decades. The entire basis of this project has been based on an increasing demand for coal, which I believe is a fallacy and I also believe will directly contradict our Paris commitments.

10 This is my children's future and my children's children's future. We are the ones that will be left with the burden of these impacts. At the very least, the proponent of these projects must be fully responsible for the full and true costs of undertaking this project and it should not be left to those in the community when the company has gone. I urge everyone here today to take hold of the opportunity that they have to
15 change this outcome, to have the strength, and to stand up to the pressures and to start to change what our children's future will look like. This decision today is part of that change. It is one step towards improving the future for our kids. But I won't beg you today, because the transition is coming anyway, but you have a choice today to make that more orderly. Thank you.

20

MR HANN: Thank you. All right. Stuart Murray.

MR S. MURRAY: I'm Stuart Murray, a retired agronomist and now cattle farmer in the Narrabri Shire. Approximately one-third of my property is affected by the
25 Whitehaven underground mine, stage 3 extension, the remainder by the Santos PEL 238. In 2007, as a result of dealings with Whitehaven, where they failed to honour their access agreement with me, I had learnt not to trust them. This commenced my continued opposition to resource companies involved in coal and gas. Recently, in December 2018, I was told by Whitehaven that the current plan for the stage 3
30 extension will not mine coal from beneath my property and therefore will not need to acquire my property at this stage.

New neighbours to coal mines find themselves in so-called limbo land, owning
35 properties that will be difficult to sell or, if sold, will be at prices below what could be expected if the coal mine were not their neighbour. So I'm retired and that was part of my superannuation. I'm also a member of a community group called People for the Plains who tendered a nine-page submission to the Vickery Extension, EIS, where we objected to the Vickery expansion on 19 grounds. I note that we are not to discuss our objections raised in our submissions at today's presentation, however,
40 after attending the Boggabri Gold Club/Department of Planning information meeting and witnessing the considerable community concern, I felt it was important to come today and support those who do not want the proposed Vickery extension approved.

45 My property is about 26 kilometres from the open-cut mines at Maules Creek, on the opposite side of the Namoi River. And I occasionally see the yellow-orange blast fumes, which contain toxic gases. Although they are unlikely to affect me, it is disturbing just to see them. This would be one of the many reasons the neighbours

for these mines and the proposed Vickery extension would object to – why they would object to the approval of this extensions, and I’m sure if the members of the panel would also, if they were my neighbours.

5 For this reason, the concerns of those objecting to the extension should be considered
as if in fact members of the IPC were also neighbours of the mine. With this
approach, I would like to think that adverse social impacts on the community could
be eliminated. This brought up a point: I would like to know what dust suppression
10 measures are in place at the existing mines and if blast fumes, gases are permitted to
escape. If not, then what measures will be implemented to guarantee these fumes do
not escape from the Vickery extension, if approved. People for the Plains have
already expressed some of our concerns to the secretary of the Department of
Planning and Environment, for example, pointing out that multiple community
15 requests for an extension on the closing date for the public submissions were
rejected, and yet it seems the process has been sped up. White Haven had five years
to consider this proposal.

We also pointed out that we are displeased with the Department of Planning
accepting an EIS from White Haven Coal that is of such poor quality. Quite a few
20 people have mentioned that today. In support of our submission and others that have
opposed the Vickery Extension, I raise the following three points: (1) resource
companies have a habit of exaggerating the benefits and downplaying the impacts of
their development proposals and White Haven Coal are no exception. They like
describing their proposals as sustainable – and I heard a gentleman here use that
25 word twice this morning – a word with many definitions. I chose the following
definition, as I thought it appropriate for the Vickery extension proposal. The
Brundtland Commission defines sustainable development as development that meets
the needs of the present, without compromising the ability of future generations to
meet their own needs.

30
*The Brundtland Commission was formerly known as the World Commission on
Environment and Development. At the time in 1983, the United Nations
General Assembly realised that there was a heavy deterioration of human
environment and natural resources, so established the Brundtland Commission
35 to rally companies to work and pursue sustainable development together.*

I pinched that paragraph from a copy of Wikipedia. Now more than ever,
governments need to take notice of this definition, as we instead continue to enjoy
the benefits of trashing the planet, therefore compromising the ability of future
40 generations to meet their own needs. Point 2: the New South Wales Government
policy states:

45
*The New South Wales Government endorses the Paris Agreement and will take
action that is consistent with the level of effort to achieve Australia’s
commitments to the Paris Agreement.*

If the proposed Vickery extension is approved, the above statement will be yet another example of rhetoric, something the electorate is tired of. Even the Australian Government's own projections show that Australia is not on track to reach our national emissions reduction targets. I refer to the Australian Government
5 Department of the Environment and Energy report, Australia's emissions projections 2018. Attached is a copy of figure 4 in mine – which I will give you in a moment – from this report, showing projections compared to the trajectory needed to achieve the reduction targets. Point 3: I also note on page 4 of the executive summary contained in the Vickery Extension Project preliminary issues report, the comment
10 that:

The department will also undertake an assessment of the project's impacts on matters of national environmental significance.

15 Two of the main considerations in this assessment should be the contribution that the proposed Vickery extension will make to Greenhouse gas emissions and therefore global warming, and the need to protect our water resources. Before we came along, the Murray-Darling Basin environment took 100 per cent of the water and during droughts it stood right up. Part of the argument now is how much worse the problem
20 has become since some of this water resource has been allocated to our needs. The fact that our government has spent \$8 billion so far trying to restore environmental flows and so far there is little to show for this expenditure, suggests there is a serious problem.

25 There are still competing demands for an increased share of this water resource, for example from coal mines, and this combined with the expected added stress of climate change indicates the suggestion is likely to get worse rather than improve. Indeed, the Federal Government's own state of the environment report 2016 gives a poor assessment on inland water flows in the basin. It reports long-term downward
30 trends in flow since 2011 and widespread loss of ecosystem function. The Murray-Darling Basin water resource has suffered a death by a thousand government decisions. \$8 billion has so far been spent trying to fix it. The message is do not make it 1001 bad decisions by approving the Vickery extension.

35 If the consent authorities take these points seriously – and you maybe only need one of them – but these three points seriously, then this should be enough reason for the Vickery extension proposal to be rejected, as the urgency needed to tackle these problems escalates. There would be few people who are not disenchanted with our current Federal and New South Wales Governments, particularly because of their
40 attitude to global warming and the support for fossil fuel businesses. The governments are well out of step with the general public on these issues. We are also losing faith in some government agencies, these feelings being supported by some recent adverse publicity. Finally, attached to the presentation is an article by well-known economist, economics editor to the Sydney Morning Herald, Ross Gittins.
45 The title is "Mining's economic contribution not as big as you might think." Thank you.

MR HANN: The next speaker, Alistair Donaldson.

MR A. DONALDSON: Alistair Donaldson, a farmer to the west of town. Much of most of the justification for this project to proceed is based on the potential job
5 opportunities heralded by the proponent, Whitehaven. 950 jobs, they say, and mostly locally employed people. The sad reality is that local businesses will suffer again, as the skills that they invested in their all-important employees walks out the door to join the bottomless Whitehaven employment pit. Whitehaven's employment strategy is best described by their own propaganda literature. And I present their skilled
10 versus unskilled article in the Extraction industry magazine, entitled Energy 2010:

Sourcing these very people requires a particular type of manpower, so the recruitment drive to snatch –

15 that's snatch:

...these workers is in full swing.

20 Well, nothing has changed in the eight years since. I doubt if there was a business through our region that has not been affected by the haemorrhaging of skilled employees. Those particularly at risk are the non-mining sector, for example agriculture, agricultural contracting, supply and support, tourism, local manufacturing, retail, local government, health and education also. Employment in this sector is often seen really as a stepping stone to a job at Whitehaven. I will give
25 some typical examples: a timber trucking business with a solid investment in new driver training; the business was sold after the exasperated owners realised that they were inadvertently training drivers for Whitehaven at their own expense.

30 A Whitehaven workshop manager honestly advising a potential apprentice that a local motor shop would be a better option to achieve an apprenticeship, to be employed by Whitehaven thereafter. He admitted that the trade achieved at the dealership would give the employee fee better skills, but all to be paid for by the dealership. The local dealership now employs Filipino mechanics, presumably on a special visa, after losing too many mechanics to the mines. A local contractor to
35 Whitehaven lost most of his employees to Whitehaven, actively head-hunted by Whitehaven, whilst working on their mine site. He now works in the agricultural sector on a vastly reduced scale, vowing never to return to the mining industry. Despite the strategy to headhunt the very best employees the region has to offer, Whitehaven struggles to retain staff.

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Management has admitted they cannot retain quality staff in the Maules Creek mine. Of the original 450 workers that started when the mine opened, it is believed that less than five remain. Most of their mining engineers resigned in early December last year. This is indicative of very poor management and a symptom of a very toxic
45 work environment. After nearly a decade of discussions with miners, it has redefined anyone that is happy in their employment. So the question has to be asked, in the event that this mine is approved, how is it remotely possible that an extra 950

permanently employed locals can be sourced locally, without scuttling other sectors of the local economy. In the event of the Shenhua Mine, this situation can only get worse. We now have Hunter Valley mines actively seeking experienced minors from this area.

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Invariably, this will contribute to the high turnover of Whitehaven staff and putting further pressure on local businesses. During the assessment process, we must take a proponent's estimation of the net economic – sorry. During the assessment process, must we make the proponent's estimation of the net economic benefit? Businesses have closed or have been significant downsized because of Whitehaven's predatory behaviour. Shouldn't we be assessing the economic effects of the industry crowd-out? Shouldn't we put an economic value on the notion that non-mining ventures are not likely to develop in our area due to the mining industry crowd-out?

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15 Should we put a value on elevated rental prices, costs of living, costs of doing business that are symptomatic of mining communities? Should we put a value on the loss of agricultural output from nearly half a million acres of land now owned by coal mining companies in the Narrabri/Gunnedah/Liverpool Plains local government areas? And, finally, will it ever be possible to put a value on the economic loss of the carbon emissions that this mine would inflict on employment? As a farmer and land manager and volunteer firefighter, am I painfully aware that something is rapidly going wrong with our climate. Thank you.

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MR HANN: Thank you, Alistair. Peter Muscat.

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MR P. MUSCAT: Peter. Thank you. Thank you to the chair and panel for giving me the time today to speak. My name is Peter Muscat. I'm the commercial manager at Maules Creek. I've been there for two years now or just coming up to two years. And I'm in favour of the project. A little bit of a background about me. I was born and raised in Sydney, spent pretty much my entire life in Sydney. I did my education in Sydney. I've come out here from the northern beaches. One of the things I worked in the best part of my career is in heavy infrastructure, particularly in the ports and stevedoring space. So for me, one of the challenges to move away from Sydney or the water was always going to be finding something that had a heavy infrastructure. My wife of 10 – 11 years – she is born and raised in Nyngan, Australia, so New South Wales – country west New South Wales. I've been heading out there for over 15 years and experiencing the country life.

30

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So another aspect for us was obviously trying to find something to move to the country to be closer to our family. Effectively, two year ago, this opportunity arose for me to go to Maules Creek and that was a huge opportunity, not just for me, but for my family and my wife's family, as well. Since then we have bought a property in Gunnedah – six acres. We have effectively had – well, we've had a baby. We chose to have that baby in Gunnedah. So we were originally going to go back to Sydney simply for the fact that we thought the infrastructure would be better for us. We looked at the infrastructure in Gunnedah – and this is obviously the health infrastructure – and we decided it's actually if not better than Sydney. So we

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decided to have the baby here. We effectively off the back of that have had groups within that – in that community that the local doctors and the nurses support to bring people into that community, particularly around the mothers clubs.

5 So for my wife, someone that has come from Sydney out to Gunnedah, I'm working full-time. She's not. So she needs to embed herself in this community. She is from country New South Wales but not from Gunnedah. So for her to find new people in the area, this has helped us, as well. So one of the things, I suppose, that has been positive for me is the fact that we see the infrastructure in this area growing. I
10 thought for myself coming from Sydney this is going to be a very, very challenging exercise to be in a country or rural town. The infrastructure is there. The cafés and the restaurants are there. There are shopping centres – the rural country town that I thought was going to be a small country town is not, in fact, a small country town in my mind any more. It has all the infrastructure and the supporting services there to
15 allow people to come to the town and a lot of that is off the back of the investment from the mining industry.

12 months on, our baby is now one year old and she has now been – basically starting child care at the Winanga-Li centre and then, again, another area – or another
20 support – area of support from the Whitehaven group. So for us it has been a very positive experience. We are now looking to – obviously, the schools in the area and that – where we're positive – we're happy about what we've seen so far. So, for us, it's not just a short term move into the area. It's actually a long term move that we can see happening and that's largely because of the investment that has been placed
25 into this town largely backed by the mining – off the mining industry. So just to recap, I suppose, for me, the employment opportunities that this project creates, the local infrastructure support that this project will bring and the education in the area and support in that space are three areas that are really – for me have been a really positive thing and I think will continue with the Vickery project. Thank you.

30 MR HANN: Thank you, Peter. Kirsten Gollogly.

MS K. GOLLOGLY: Thank you, chair. My name is Kirsten Gollogly. I just wanted to introduce myself beforehand. Like much of my family, I'm an
35 engineer by training. And, like several generations of my family, my career has been based in the mining industry. I have 19 years experience managing health, safety, environment and community matters across a number of commodities and jurisdictions, both locally and overseas. I'm now a resident of Gunnedah. I moved to this region four years ago to take up this role with Whitehaven Coal and, in that
40 time, I've seen quite a bit of renewal in the businesses in the main street. Within Whitehaven, I am the general manager, with oversight, health, safety, environment and community relations across the entire portfolio.

I believe that the Vickery Extension Project presents a compelling case. It is a
45 productive reuse of a historic mining area, with improved outcomes. It will take the five final voids that currently exist on this property down to one. The project presents several strong opportunities for a range of professional disciplines and

gender diverse roles. Personally, over the course of my career, I've lived in a range of mining communities. I've lived in the truly remote locations, I've done drive in, drive out, I've lived in on-site accommodation camps. And it has been my experience that workforces that are able to integrate themselves within vibrant,
5 economically diverse communities are the strongest.

Residential workforces, as will be the case with Vickery, tend to show greater stability and less prevalent family dysfunction and mental health challenges. Modern mining companies, as many know, work across a range of social impact areas and we
10 regularly engage with and support our workforces, their families, local stakeholders, neighbours and government across the towns of Boggabri, Gunnedah, Narrabri and the associated regions. I strongly support this project.

MR HANN: Thank you, Kirsten. Josh Daley.
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MR J. DALEY: Good afternoon. My name is Josh Daley. I live in Manilla and commute every day to Gunnedah to fulfil my duties as manager for Stripes Asset Services. I have been in this role for the last six years and we supply industrial
20 supplies to pretty much everyone in the area, from nuts and bolts to welding gear, safety boots and high-vis clothing. The mining sector has been instrumental in our growth in the last five years. It has enabled us to double our workforce due to the increasing sales and demand. This growth has been really good for us to branch out to produce our own brand of high-vis safety clothes, which we supply to Whitehaven Coal and other companies in the area. It has also meant that we could expand our
25 capabilities and purchase equipment to in-house instead of sending away to the likes of Tamworth. The contracts we have in place is job security to our employees and pretty much, you know, peace of mind that they don't have to go looking elsewhere for work. It offers significant benefits for our community, our workforce, our towns and our communities – yes. That's all. Thanks.

30 MR HANN: Thank you, Josh. Our next speaker is Patrick Murphy. Thank you.

MR P. MURPHY: G'day and welcome. On behalf of the Boggabri Business and Community Progress Association, I would like to extend a warm welcome to the IPC
35 Commissioners. Boggabri is a beautiful town. Its motto, "The little town with a big heart" is a very apt description of Boggi and the people who call it their local town. Like most rural towns in New South Wales at the moment, the ongoing drought, the lack of water, the cost of living increases are crippling us, however this is just our lot in life to be managed as best as possible, but, on top of this, we have been burdened
40 with having our time wasted consistently in arguing for a fair go from the same proponent and the Department of Planning and Environment that are involved in this current proposal.

While we fully understand that this did not occur under your watch, it appears history
45 is repeating itself, so please forgive that our community is somewhat cynical towards the process. Once bitten twice shy. We also have had the experience to know that, now, once the IPC has ridden off into the sunset, we will be left at the mercy of a

Department of Planning that suffers from a definite structural conflict, an ethical and emotional distance and that they won't enforce the commitments in the EA stage even though they acknowledge these commitments.

5 These commitments, or solemn promises, were given in order to mitigate the impacts the project was going to make, and to convince the community and the government that the costs and risks, which are an inherent part of a large-scale mining project, would be internalised. What hope have we got on the mitigation of unknown
10 impacts if the known ones aren't addressed? This is allowing an externalisation of costs and risks onto to the community and is contrary to the polluters pay principle of the New South Wales Government's ecological and sustainable development policy. We are already dizzy from being placed on the bureaucratic merry-go-round and we can't handle any more. The New South Wales EPA submission, second
15 paragraph, they have determined that:

It is unable to recommend project approval conditions for the proposal due to inadequate information provided in the EIS.

20 Why are we here? The IPC, on reading this, should have handed it back and explained the importance of adequate information so as not to waste the taxpayers' and community's time and money in reviewing an inadequate document that has the potential of being a state-significant stuff-up if not done properly.

25 Community members brought this up with Kevin Anderson MP and he has explained to the community that, at a meeting with the Minister for Planning in late 2018, he himself brought up the inadequate EIS on our behalf. The department representative explained at the meeting that it is a draft EIS. When we brought this up with the EPA, they said, no, it can't be. The EPA has a policy of not commenting on draft policies – on draft EISs – sorry.

30 Request. We request that the IPC seeks clarification on the Department of Planning's draft EIS description, as it appears the relevant Minister, a Government MP and the EPA could have been potentially misled by the government's own department. This is fair. Surely, for business and community confidence, it is not
35 too much to expect the whole-of-government approach for planning and decision-making. I would just like to share you with a letter from Kevin Humphries MP to the Minister for Planning dated 13 April 2017:

40 *Dear Minister –*

and it's in your attachments –

45 *I am writing to you formally to express my concern on a number of fronts regarding the proposed Whitehaven Vickery Coal Mine Extension located within the Gunnedah Basin in the Barwon electorate. As you know, I have been a supporter of Whitehaven and the expanded coal sector in the Gunnedah Basin at times during difficult community circumstances. The community has*

benefited from the growth in jobs and the regional economy, as has the state through royalty income. Coal mining in the Namoi Valley can continue to be successful providing a number of key issues are satisfied. Early work by our government through the strategic lands policy highlighted the risks associated with extractive industries interfacing with the flood plain. This was the main factor contributing to the Caroon licence buyback.

Additional factors such as community impact, social amenity and change of land use were also contributing factors to decision-making. In other words, as is the same for all industry, there are places where certain industries can and can't go with consideration to size and impact. The Gunnedah Basin and the Namoi Valley generally should not be viewed as an extension of the Hunter Valley. Agricultural land use and water resources are far more complex in nature than other valleys which dictates where and under what circumstances extractive industries such as coal mining should be allowed. Whitehaven has the largest presence by far in the Gunnedah Basin and, whilst the Vickery Mine has an existing approval to extract 4.5 million tonne, my concern is in relation to the extension for 10 million tonnes.

The problems I see are as follows:

- (1) A 10-million tonne coal mine operating adjacent to the Namoi River is not acceptable by any standards. Whilst technically not a floodplain, typographically, the area proposed is directly placed within the floodplain and will have an impact.
- (2) Additional infrastructure to be relocated from Gunnedah will see a large industrial landscape that needs to be facilitated within the impact zone.
- (3) Whitehaven is by far the largest landholder in the area through buyouts and set-asides, which has resulted in fewer families living in the area. These people have not been replaced, which has an impact on places such as Boggabri.
- (4) The proposed extension indicates an extensive overhead rail viaduct and river crossing to the west linking the mine with Narrabri-Gunnedah railway line. Given there is a potential northern option to the existing Maules Creek-Berrinba line, this additional infrastructure is not supported. There are a number of environmental, amenity and social impact reasons to back this up.

My comments are supported by the fact that there are more appropriate sites for coal extraction that are far less contentious and riskier than the proposed Vickery Extension. For example, in the Maules Creek area. Personally, I would not like to see this development application process dragged out with the

angst and stress that previous experience elsewhere in similar sensitive areas would suggest will, indeed, occur.

5 *As you know, my experience in the valley goes beyond Whitehaven's time, and I have the initial support of the local community on this matter and I don't raise my concerns lightly. I am seeking your support in acknowledging the existing mining approval for Whitehaven Vickery Mine, which is further back from the river, but not the extension or any additional significant infrastructure across the floodplain. The existing approval of four million tonnes a year is enough.*
10 *If Whitehaven says it isn't viable, then that is a commercial decision for them. I look forward to discussing this more in detail. Regards, Kevin Humphries.*

15 What else is there to say? This internal correspondence of the New South Wales Government sums it up. We have reached saturation level for the impacts, ie, dust, water loss of community. What we are asking for is a common-sense sustainable approach to mine planning in our area. At a future date, as other mines in the Leard State Forest mining precinct mature, we could possibly revisit this proposal then. The staggering of these projects would ensure long-term jobs for generations to come instead of the short-term boom, bust, hit. It would also help in the management of
20 our precious water resource, lessen the cumulative effects on air quality and infrastructure.

25 Other points of interest. The proponent owns approximately 150,000 acres in this area, yet the current proposal is right on the south-western corner of their holdings and will have a detrimental effect to neighbours' amenity, current and future growth of their businesses. We have seen this in other areas within the Leard State Forest mining precinct where independent property valuers registered with the Australian Property Institute have classed properties that weren't expected to be impacted as mine affected in their valuations. This would not occur if the mine proposed was
30 located in the middle of the 150,000 acres instead on the edge.

35 There are already community members – and this is really, really – I believe this is really important – there are already community members living on private property in the Leard State Forest mining precinct classed as – on their own private property classed as adversely affected by State Significant Developments. The cumulative impacts caused by this further expansion is not going to improve their environment, it's going to make it worse. In 2019, it is ridiculous to expect honest, hardworking Australians to have to sacrifice their physical and mental health and financial wellbeing by subsidising a multinational company pursuing their own private wealth.
40

The proponent's lack of social and the seemingly don't-care attitude. Even as late as September 2018, at the Boggabri Business and Community Progress Association meeting held in Boggabri, the proponent's project manager explained to the community members there that, "We don't need your acceptance for the Vickery approval. In fact, we don't care." I find this gobsmacking. A coal mine is no
45 different to a bank, it's no different to any business. Banks aren't in the money business; they're in the people business.

It's the same with a coal mine. If you haven't got the public on side, you've got nothing, and it just – we've argued – it is so hard for communities to continually go backwards and forwards trying to get a fair go when – anyway, we request the IPC, while truly considering the precautionary principle, the IPC consider the proponent's
5 history at their other similar projects in New South Wales, including past, present and expected future environmental risk licence levels imposed by the EPA and any legal proceedings before the courts of New South Wales relating to their operations, past and current investigations by the resource regulator in work, health and safety at all operations, past and present investigations by the relevant government agencies
10 into water licenses, past and present resolving of disputes performance between their operations, neighbours, communities and councils they operate in.

The only way for – possible for a net social and economic benefit justification decision to be reached is for the true impacts to be considered on a worst-case basis,
15 and the only way we have a chance of predicting the future is to look at what has happened in the past and what is happening at present. In finishing, again, we want to make it very clear: we object to having our time wasted by having to study and respond to a draft document that according to the New South Wales Government's number 1 experts is not worth the paper it's written on. It's inadequate. We have
20 consistently acknowledged the approved 4.5 million tonne Vickery mine.

We have consistently objected to this expansion and object again. The impacts to our community members and their environment and the risk to the river is just too great, and the cost of when something goes wrong – and make no bones about it, it
25 will – will be carried by our community and other downstreams communities all the way to Walgett. I'm not going to take up any more of your time, but just in finishing, there is – this has been going on for a long, long time. There is attachment there from the Boggabri Business to Secretary of Planning in regards to commitments and the importance – we cannot overstate the importance of these
30 commitments that are made at the EI stage.

These are specific commitments made to address and mitigate specific impacts that have arisen or going to rise from the project. If they're not addressed, that means the impact is being carried by someone else. It's being externalised onto the community.
35 We believe at this point in time that the government – the IPC – the government should be explaining to the proponent the very basis of a social license is that, is trust, is respect. The best way to get trust and respect is to fulfil what you said you were going to do, the solemn promises. We believe that before any more approvals are granted, the proponents should be made to fulfil all the commitments that have
40 made in order to gain approval for various other projects that it's got operating in.

This way, you know, it makes you feel like we're anti-mining. The Boggabri Business and Community Progress Association is not anti-mining. We have got terrific relationship with Boggabri Coal. Yes, they're not angels, but we've got a
45 working relationship which allows us to move forward together. That's what we want. We want to be at the table with them. We don't want to be sitting on the wood heap eating scraps, and that's what's happening because we've become the

pack horses for the rest of New South Wales. Narrabri Shire, Boggabri, Narrabri Shire – sorry. I’ll finish up. Boggabri, Narrabri Shire - - -

MR HANN: You’ve got a minute. It’s okay.

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MR MURPHY: There has been a benefit. There’s no doubt about there’s a benefit. Everyone in Boggabri would know someone – friends, family relations – who works at the mine, and I take my hat off to them. Anyone who wants to go to the mine and put in 12-hour shifts – you know, you got to take your hat off to them, but the rest of the community shouldn’t have to subsidise them – shouldn’t have to subsidise the proponent in order for them to gain a benefit. Like, we shouldn’t have to wear their cost. We’ve got enough in costs of our own and risks of our own to internalise. Anyway, I’ll leave it at that. Thanks very much.

15 MR HANN: Thank you, Patrick. John Shaw.

MR J. SHAW: My name is John Shaw and I’m the chair of Boggabri Business and Community Progress Association. As such, we try to represent fairly and equally the interests of roughly a thousand people in that community and district. A lot of those people are not earning a living, certainly don’t work in mines, and just want to live their life. My wife, Wardette, and I carry on a business, Hassab’s Fashions, in main street at Boggabri. My wife’s family, the Hassabs, have conducted a business in Merton Street, Boggabri since 1941. I’m nearly considered a local, living here for 50 years.

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As Pat said, we are a pro-mining town and have been for over 50 years. Boggabri is supplied by one water bore which supplies about a thousand people. And Boggabri has never had water restrictions apart from mechanical failure. We are concerned because Whitehaven propose a number of bores close enough to our town bore to cause great concern to our people. Water supplied to a town is a precious commodity. Whitehaven experts say it will never happen, but it was never going to happen at Maules Creek where bores ran dry or at Holder’s property near the other mines where the owners of the property now have no water.

35 Do we really want to find out if the experts are right or are we going to play roulette with a thousand people’s drinking water supply? We have never had water problems even in the worst droughts, like now, so I think we put Whitehaven on notice. Whitehaven were always going to have a presence in Boggabri. We supported their building the Maules Creeks mines because of the raft of promised benefits to Boggabri and community. That support was sorely tested during times of protest, delays, etcetera, over a three-year period. However, at Whitehaven’s first opportunity they broke those promises. The closing of the Whitehaven office in Boggabri has had a marked effect on the Boggabri community.

45 I think it’s fair to say that Whitehaven has little social licence within the Boggabri community and would have to work very hard to regain trust. Surely dialogue and demonstrated respects for the other’s point of view is the only way to build that trust.

If Vickery Extension is so good for all, why do the Whitehaven executive not have anyone living in Boggabri and interacting with our community? They have not built the housing in Boggabri they were supposed to, so how can that be fair? Our air quality is under threat. We have not been included in the dust monitoring especially
5 before any extension were to happen. How can there be measure of air quality in Boggabri if we don't know what the present standard is? Families who want to locate and settle in Boggabri and use the lifestyle there and use our two primary schools will have second thoughts if the air quality is not guaranteed.

10 Why should our present citizens have to put up with uncertain air quality? We want to ensure the air quality for our community and have a system in place that guarantees Boggabri's air quality for future generations. Whitehaven, despite repeated requests for support with dust reporting, dismisses it as irrelevant and unnecessary. Why is there a dust monitor in Gunnedah? Why is there a dust monitor
15 in Narrabri when Whitehaven's mine have a lot more potential for impact on Boggabri? We have two other Whitehaven mines and the Boggabri coal mine around Boggabri so why are we excluded from dust monitoring? How can that be fair? Thank you.

20 MR HANN: Thank you, John. Our next speaker is Anna Christie.

MS A. CHRISTIE: Thank you. Excuse me. Thank you very much to the panel for giving the Leard Forest Research Node an opportunity to present further to this hearing. We're a citizens science group based in Maules Creek since 2015 and
25 we've conducted research on noise and dust pollution since then, biodiversity, including bird and koala species surveys. And I am a member of the Australian Citizen Science Association.

The Leard Forest Research Node has presented our work on dust deposition and
30 particulate emissions in Maules Creek and Boggabri at the Australian Citizen Science Conference and this was the subject of university medal award-winning research. But I now have the benefit of reading the Preliminary Issues Report. We've already lodged a submission but now with the benefit of the – I will call the PIR, the Preliminary Issues Report, I believe that its coverage of the noise issues
35 doesn't faithfully represent the issues and it is deficient and misleading to the panel. And our group calls on the noise issues to be addressed in the response to submissions, ensuring that the matters which I will now raise are addressed.

40 Can I please start by pointing out that we're really mainly concerned with night-time noise levels. These are the levels that are responsible for sleep disturbance and high levels of community annoyance when the background noise levels drop. And I just wish to point out that the term community annoyance – it doesn't just mean I'm annoyed. Community annoyance is actually a very specific terminology used in noise regulation. Now, in the PIR, the Department recognises that the EPA and some
45 other submitters questioned some of the inputs into the modelling, including the sound power levels used in the noise assessment and some public submitters also

questioned why predicted noise and dust levels are lower than the approved project despite the project's increased size and additional infrastructure.

5 Now, indeed, when we compared this Environmental Impact Statement with the approved project from the 2013 EIS, we found that the predicted noise levels at the receivers west, south and south-east were, on average, predicted to be 15 per cent lower under the new, much expanded project. And, just to remind everyone, the new EIS contains an increase in mine size from four and a half million tonnes per annum up to 12 million tonnes per annum of coal, includes a rail spur, a loader, conveyer
10 belts and a coal handling plant which will be processing three to four million tonnes per annum from other mines, all of which were not present in 2013.

Now, I just was showing there earlier the contours, but due to the time pressure, I'm just going to quickly move into the next point, which is the Department has attributed
15 the vast reduction in noise of the bigger project to three key mitigation measures and it points to the absence of the Blue Vale Pit, the shielding that would be provided by the modified emplacement area or overburden dump and the adoption of new generation noise attenuated equipment. And I would like to address these purported measures one by one, starting with the Department's claim that one of the reasons the
20 2018 noise modelling is less than 2013 is, and I quote:

...the removal of the Blue Vale Open Cut from the project ... this pit was located in the south-west area of the project mining area near off-site sensitive receivers and was initially proposed to form part of the project –

25 well, this is incorrect. This is actually incorrect. And I'm going to just show you here with the – this is – this little skinny thing here – that is the supposed Blue Vale Pit, in fact, under the approved project, the Blue Vale Pit was to be used as a water process storage area to offset some of the reduction in baseflow to the Namoi River.
30 There was no Blue Vale Open Cut in the 2014 approved project. Now, it's a real concern that such a very simple error can be made and can be actually delivered up to you, that – in the Preliminary Issues Report. And it really concerns me that if something like this can be mistaken – I dread to think what would happen where – you know, really major flood issues or hydrogeology issues are at stake. So, now,
35 let's look at the DPEs claim in the PIR that the modified overburden will, I quote:

...shield communities from noise –

40 well, it is clear that the western emplacement area is actually almost identical to the one – now, if – I'm just going to use this to show you, with the red light. Now, this is outlined in yellow and that's the western emplacement area. Here we have it – it's shaded in a beige colour. Now, really, you can actually see that – look at that. It's pretty much the same. So the statement that there is some kind of substantial change to it is incorrect. And we have a high number of – a high concentration of receivers
45 to the west of the rail loop and the CHPP. It's obvious that they are not going to be shielded from the coal handling plant. They may be receiving some shielding from the pit – from the western pit, but you want to go and have a talk to some of the

families who live near Maules Creek mine and you might gain an appreciation of how effective that might be.

5 But if we look at the properties, for – hang on. Okay. So if we look at these properties here – so we’ve got Mirrabinda just here. We’ve got the McElvines just nearby there. They are not going to be protected from the coal handling plant. And then if we look over to Mr – the Darley family, over to here – they also – if the coal handling plant is going to be there, they’re not going to be shielded. Looking to the south-east, we’ve got the Commissioner of – the Land and Water Commissioner
10 owns the land there, Brolga – well, that is not going to be shielded either. So without going into any more detail, it’s clear that when you actually look at the diagrams, there’s not much shielding going on.

15 So now let’s look at key measure number 3 to which the Department attributes this magical reduction in noise in the – you know, in the latest enlarged project. So the noise treatment of – it’s attributed to the noise treatment of a selection of plant and infrastructure to reduce noise emissions, which includes new generation noise attenuated equipment and a low noise fleet. And, yes, some equipment is a few decibels less, but the number of vehicles is sometimes up to 70 per cent higher as is
20 shown by the following table, which is a little bit distorted, unfortunately.

But what we’ve attempted to do here is to show here – I’ve done it again – David, can you help me, please. Well, while David is doing that, just to say that, yes, there has been a reduction in perceived noise – and I will be very careful not to do it. So
25 this is perceived noise. It’s different from the actual reduction in decibels, you know, for example, just a mere three reduction in decibels can result in a 19 per cent perceived change.

30 But what you can’t see is the final column, which I will include in writing to the panel, is the very large increase in the number of the fleet. So it’s well-known in scientific modelling that incorrect or poor quality inputs will produce faulty output and the failure of modelling at the mines in this region has produced numerous examples where the modelling of noise and water, for example, proved wildly inaccurate very soon after project commencement.

35 Now, we’ve identified absent sound power sources in this noise assessment, such as the diesel powered lighting towers which were originally included in the noise impacts of the approved mine. But they’ve been dropped from the noise impact assessment of the larger project. In the 2013 EIS, the table of equipment sound
40 power levels includes up to 15 light plans at 104 decibels each. But we now notice in the 2018 equipment power levels, there’s no mention of any lighting at all.

45 And as an aside, where does that leave the light pollution assessment for this project. Did it also accidentally omit to include the mobile lighting infrastructure and why have they been removed? Also, why hasn’t an array of pumps been omitted from the modelling? Has the department exercised a discretion exclude some sound sources from the modelling? So we call on the panel to seek details from the department

about this please. Has the Department of Planning endorsed the removal of mobile and/or fixed plant noise from the modelling? If so, we need to know what has been excised and why.

- 5 Note 4 of the sound power level table states that the assessment has considered mine operated routines which dictate that at least 50 per cent of the pit dozers are expected to be stationary during the typical 15 minute period. And our question is does the model include idling noise from the fleet? Because we're concerned that it may not. And they – as anyone knows, an idling truck, three storey high truck, will have
10 considerable noise sound power levels. Now, the bangs from rocks as large as three tons being dropped into an unlined truck tray can be heard for kilometres. Usually, the first one is loudest, followed successively by the second and third which may be quieter because the receiving vessel is no longer empty. Rubber trays and silent
15 horns are typically cited examples of mobile fleet noise attenuation, although the promised rubberised trays at Maules Creek never happened. This time, we would like to see Whitehaven commit to suspended rubber trays in the back of its haul trucks which reduce the high impact noise that regularly occurs when rock is dropped onto the metal, and not just talk about it for several years and never deliver.
- 20 But now what I would like to do is turn to the real problem because the mobile fleet is really missing the point. The private hearings that were given to the previously appointed panel also missed the point. And the real problem which is not actually the mobile fleet because eventually, within a few years, they will disappear down into the pit. What the real problem is the coal handling plant and the coal loader
25 facility and they will remain in that spot. They are unshielded and for some reason, no one is talking about them. And I'm not sure if the Commissioners are aware of a mandatory noise audit that was imposed on the Maules Creek Mine in 2016 and it found that the coal handling plant was one of the worst drivers of noise exceedances.
- 30 The mandatory noise audit, in fact, found that the two items most in excess of EA levels were the rail loader transfer station and the coal processing plant and since then, there have been some minor modifications. But the real recommendation that was made by the auditor, which was to undertake some more advanced – a more sophisticated engineering approach to mitigating the low frequency noise hasn't been
35 done, which is to do – anyway, I'm not going to go into that detail, but I will provide you with more in writing.

For some reason, Whitehaven has not taken this more advanced engineering approach and look, this could be connected with their desire to – their aspiration to
40 be the lowest cost coal producer in the country. But being the lowest cost coal producer does not equate with being the most environmentally responsible coal producer. And I would like to really – I would like you to probe why the proponent and the DPE being silent on the coal handling and processing plant. Is it because it's not reasonably feasible to mitigate the noise? Now, this term "reasonably feasible",
45 it was used by Mr Wasserman of Wilkinson Murray in the hearing. He said:

The main objectives of the noise assessment were to identify reasonably feasible mitigation, so that these could be adopted in the noise model.

5 We know what feasible is, but what is reasonable? Because actually, your predecessor, the Planning Assessment Commission, was not satisfied with feasible and reasonable and actually imposed on Maules Creek, a minor condition that the proponent shall ensure all equipment and noise control measures deliver sound power levels equal to or better than the sound power levels identified in the EA, and this is the really important part, and correspond to best practice or the application of
10 best available technology economically achievable

And we do not want to see reasonably feasible. Like your predecessor, the PAC, and the overwhelming public opinion who objected to the removal of the condition, we want best available technology economically achievable, which is an objectively
15 measurable standard and we have a case study comparing the coal handling plants at the eight million ton per annum, Boggabri Coal, and the 13 million ton per annum, Maules Creek Mine, which there's insufficient time to discuss here, but in which we propose to include a more detailed supplementary submission which shows how under-spending on the coal handling plant has resulted in increased noise pollution and a world of pain for people in the affectation area, which by the way, we don't
20 think is a mere four kilometres. We would say the affectation zone reaches up 20 kilometres, and I say that from many nights of personal experience. So I would like to make also some observations on Mr Wasserman's testimony to the hearing and unfortunately, my time is up, but - - -

25 MR HANN: Can you sum up, if you like, in the next - - -

MS CHRISTIE: Well, yes. It relates to - - -

30 MR HANN: - - - minute or so, Anna.

MS CHRISTIE: Well, it does relate to his comments about the Gunnedah Coal Handling Plant because he is actually saying that – he actually said that the cessation of noise from the Whitehaven Coal Prep Plant in Gunnedah is one of the reasons for
35 – it's actually a mitigating factor which actually is telling us something very interesting which is that the Gunnedah Coal Handling Plant which is about 20 kilometres from the Vickery site – I mean, it's very interesting that he regards this as having a cumulative noise impact on Vickery residents when people in Maules Creek have struggled to have any noise impact beyond four kilometres even recognised. So
40 out of respect for the process, I won't go on, but just to say that we will be lodging a supplementary submission with more detail about these matters.

MR HANN: No. Thank you very much.

45 MS CHRISTIE: Thank you.

MR HANN: Thank you very much. We're going to take a 45 minute lunch break now, so if you could please reconvene in 45 minutes, that would be greatly appreciated. Thank you. Thank you.

5

RECORDING SUSPENDED

[12.55 pm]

RECORDING RESUMED

[1.47 pm]

10

MR HANN: We might start off again. And our first speaker for the afternoon session is Julia Heiler.

15

MS J. HEILER: Thank you. Thank you for letting me sit. For the last week I've had vertigo. But you could say this proposal is making my head spin. Hello, welcome to Boggabri. And thank you for the opportunity to voice my concerns over the proposed Whitehaven Vickery Expansion Project, and for including our community in the process. My name is Julie Heiler and I have elected to speak today because of my deep concern over the future of our valley and this community. I come freely with no conflict or pecuniary interests. And I am independent of any political or environmental party and truly believe the opinions I express. We, my family, strongly object to the approval of the Vickery Extension Project, and strongly urge that after proper, genuine and realistic consideration is given, this project will be rejected.

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I am a partner in the family farming enterprise 10 kilometres northeast of Boggabri, on the Namoi River. Our district has lost over 70 families and mixed farms and we are one of the two or three remaining on our side of the river. My husband is third generation; our boys are fourth generation. And we are no longer in the position to be able to stay at our farm. We are, as the crow flies, 4.5 ks from Tarrawonga, 4.5 kilometres from Boggabri Coal and 7.8 from the Maules Creek, and in the zone of affectation within Boggabri Coal. We are within 1.2 kilometres direct site of the rail line. And I can tell Errol Darley and his family that the proximity to the rail line, you will not be able to stay there or enjoy what you have now today. We have trains every 30, 45 minutes. During that time – it takes 20 – the noise escalates and then dies back. And it's worse in winter, because of the thermals.

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We were offered to have our windows double glazed, but we don't live inside. And I've been in homes that have been double glazed and it's like a vacuum. So we live with the noise. And up until then, it has been bearable. I also would like to say, we are not the Gunnedah Basin. A basin to me is an empty vessel that unless there's eggs and flour put in it, it will not produce. We live in the Namoi Valley, a living, productive land, blessed with water underground and the amazing Namoi River.

45

And it deserves to be respected and protected. I am a community rep on the Tarrawonga CC since 2012, and have always made the effort to leave my personal issues at the door and deal with community concerns as required. I do not consider

myself anti-mining, but will not deny if I woke tomorrow and it was as pre-mining, I would be more than happy. But the reality is mining is now part of our life.

5 We need to acknowledge the benefits of their contribution and some of the amazing people they have brought to our life. But also to try and find middle ground, that will only be possible if all parties are open to compromise, cooperation, respect and accountability. My experience with Boggabri Coal and Tarrawonga, which is 100 per cent owned by Whitehaven but still stands alone in my eyes, has demonstrated this is achievable. But I find Whitehaven Maules Creek to lack any attempt or show
10 any interest in having a mutual, respectful or productive working experience. We are no longer as naïve and as gullible as individuals or as a community. It is now obvious that it is easier for a mining company to gain approval for a mine with a small footprint and social impact.

15 Once approved and the infrastructure is in place and a workforce is employed, then it is highly likely that any modification or extension will be approved. My fear is that the Vickery Project has been approved, 4.5. Now, the Vickery Expansion Approval is pending. We're going to 11, 7.5 average. Once established, will they proceed with another extension to the same project, back on the banks of the river, the Namoi,
20 400 metres. There needs to be a written guarantee by both Whitehaven and the DPI, this will never be a possibility or even a consideration before the present sought approval is granted. I believe you need to understand a little history: Whitehaven was once a local, home-grown company, of which we were proud. The principals, Keith Ross and Chris Burgess, believed and practised community consultation and
25 interaction. Their handshake meant something and they dealt with the issues.

Canyon was a small mine run by an experienced and respected pit manager, with the local Boggabri and Gunnedah workforce earning a good environmental and safety record. It was an accepted part of our landscape and our community. The general
30 acceptance and community support for Boggabri Coal and Tarrawonga developments was due to our experience with Canyon and the trust we had in Whitehaven, that they acted in good faith with open and transparent processes. And for the next few years agriculture, the community and mining co-existed, dealing with the issues as they arose. Then, around 10 years ago, the Whitehaven we knew changed hands. It was
35 floated on the stock market and was becoming apparent that the profit and production was a higher priority than the community consultation and respect.

The approval of the Maules Creek mine and the subsequent development, in addition to the modifications and extensions of the original mines, changed the whole
40 dynamics of our valley and we began to experience the cumulative effects of the BTM complex, which is Boggabri Coal, Tarrawonga and Maules, many of which are not acceptable or conducive to good health and mental wellbeing. The modelling of the individual mines did not and does not reflect the extent of the negative impacts of noise, dust, blasting and changes to our flood patterns and water resources, as
45 neighbouring landholder or on the social impacts at a community level. No consideration has been given to the effects of continual dust on our crops, which I assume would interfere with photosynthesis process, leading to lower yields. And

I'm not big on assumptions or modelling, but there you go, I assume. Cotton crops that do not maintain their brightness are downgraded and the grower pays a penalty.

5 The effect of dust on our community's health and the increased cost to our healthcare have not been addressed. The resistance of the government to install a real-time dust monitor in Boggabri, as part of the Namoi regional air monitoring network, is very hard to understand, as Boggabri is in the closest proximity to the mining complex. And it was commonsense to have one installed prior to Maules Creek going in, as a baseline. Sorry. Although a little late, it should be mandatory, if the Vickery
10 extension is granted approval. The government reaps the financial rewards and royalties from our region, but cannot fund this equipment. One would think they would have a duty care to all, not just all those in a higher-populated area. The increased incidents of pneumonia, sinus, eye irritations and asthma are the responsibility of the government to investigate, not the community to prove.
15 Individual projects can no longer, I believe, be assessed in isolation. That ship has sailed.

The impacts are cumulative when mines are developed in such close proximity. Currently, there are no – that I am aware of – cumulative impact guidelines in New
20 South Wales. This seems strange, due to the number of mines in New South Wales and their close proximity to each other and their impacted communities. This has been evident for how many years and why has it not been addressed before. Modelling: what company is ever going to use modelling that does not positively support their development. As the mines expand their footprint, the lines on the
25 maps of affection never seem to change. We have two properties basically next door to each other: one is affected for dust and noise by modelling, but the reality is they are both equally affected. The modelling for the bore fields of the Boggabri Coal predicted a two metre drawdown on Roma, which has lost water, but it was Brighton, not identified, that went from two and a half metres to two and a half inches and now
30 to nothing at the house bore. And that started at the end of March last year.

Last month, our irrigation cycle of eight days took 18 days for our production. The siphons have been cut back from 40 to now 22, and the pumps are cut back from
35 1800 revs to 1250 because they were cavitating or sucking air. This is a direct result of the high-production bore on Victoria Park pumping 24/7 since January 2018 and the Cooberbindi since February 2018, but, thankfully, it has had many breakdowns. Yes, the drought has contributed, but the house bore has a history of 85 years and never lost water, and there has been many droughts in that period. We should not be expected to subsidise the mine's production. They have a blind relief – they have a
40 blind belief that our underground water has infinite reserves, and they have – and it's theirs for the taking, but the BTM water strategy plan states:

Maules Creek has an assured supply of high-security 3000 megs from the Namoi and is unlikely to find a short form.

45 Well, the reality is there's no longer water in the Namoi, and the empty river is no longer supported by a dam which is .5 per cent. We are not the Hunter Valley. Yes,

our reserves are rich, but our climate, soils and landforms are those of an inland river system, and the Hunter carries a higher volume of water and is more drought-resistant and flows to the sea. Our Namoi River provides water for domestic and stock, agriculture and now mining on its long journey to the Walgett to join the
5 Barwon system: water that is essential for life. The Namoi has been part of Australia's landscape for thousands of years, and, obviously, its path would have changed and it would have been apparent. It is of spiritual and cultural significance to the Indigenous people and it is the flow of life, for all our communities and individuals rely on it.

10 We don't own the river. We are the caretakers. Many downstream from us do not have the luxury of groundwater, and the Namoi is their only water source. What right does Whitehaven or the government have to jeopardise the life of this river for short-term gain? 25 years. This river is state-significant, and its damage and loss
15 would have longer-lasting and reaching effects for future generations and the economy, and this far outweighs the short-term benefit of what Whitehaven's offering. We need to plan for long-term sustainability and survival of our river systems and the communities they sustain and put them at risk. I don't believe our valley can sustain another major coal development or expansion without
20 compromising what is already existing. I would like – the changes to our floodplain – we now have water – can I keep talking?

MR HANN: Yeah.

25 MS HEILER: I will – I'll be really quick.

MR HANN: That's okay. If you could wrap it up - - -

MS HEILER: Yep.

30 MR HANN: - - - with the key points you want to make, that's fine, but - - -

MS HEILER: I really want people - - -

35 MR HANN: But don't rush.

MS HEILER: - - - to understand - - -

MR HANN: Just – yep.

40 MS HEILER: - - - which is not addressed in modelling.

MR HANN: That's okay.

45 MS HEILER: A few years ago, we were actually impacted by a major rain event, and we had paddocks going underwater – we lost contour banks and fences – which traditionally is not happening. We had months of meetings with the mines. We

bought – people previously owned those properties with historical background, and Tarrawonga actually changed things, but what it did prove to us, which is not addressed in the modelling – our – the Wattledale Ranges is behind Tarrawonga, and what – bringing the spoils and the hills and the landforms of a mining complex is
5 brought forward onto our floodplain.

Therefore, the – our traditional way of the water spreads out, soaks into our ephemeral creeks and into the – and goes back to our aquifers. This no longer happens. The water comes down with a velocity, and it follows channels. So there is
10 no guarantee that after this drought breaks – and it will break – that our aquifers will recharge as normally.

Boggabri Coal has admitted they've – the same with the flood – the scrub. The water flowed out in a sheet, soaked back down into the aquifers on its journey back to the river. Now it is channelled. The Cooberbindi crossing, which is down from us, it cuts the road before the iron bridge, and usually it's 12 hours later. So there's
15 nothing we can say that is, "Yes, it's set in concrete." It's not. We don't know. The river pertains – the shallow aquifers connected to the river. If our aquifers aren't filling and our river remains dry, there is – it can impact on the aquifers – the long-
20 term of the aquifers.

Is it worth it? We talk about – and I've heard how many people say to me intergenerational equity, sustainability. Well, let it mean something, those words. Don't we have a responsibility to those people? The social – Whitehaven does not
25 have the social licence to operate in this area, and I can say Paul Flynn's comments at the stakeholders meeting last year, where he referred to a complaint as a landholder trying to capitalise on his investment and that – and his inference that the EPA was part of it did not – it demoralised the EPA. We lost faith in it. As a member of the CC committees, why do we bother; if that is the general opinion of
30 mining, why are we trying to find middle ground.

MR HANN: Okay, Julie.

MS HEILER: Thank you. Sorry.
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MR HANN: No. That's okay. Thank you very much. Lyndell Crosby. Actually – I'm sorry – it's Lyndell Crowley. My apologies.

MS L. CROWLEY: Thank you. Thank you. My name is Lyndell Crowley. I
40 would like to thank you for the opportunity to address this hearing. I wish at the outset to make clear that I come to this hearing with no competing interest. Neither my husband, myself or our family own or operate a business within the area. We have no connection to Whitehaven or to any of the contractors engaged by the proponent. I do, however, address you as someone who has lived in this community
45 my whole life.

I was born here. My father and uncle farmed and have made a great life for us here. I married, worked and raised children in this town. My family have been a part of this community for 90 years and I leave the science to those who are more informed than I am. But I would like to speak to the health-related impacts and the social implications of the Vickery expansion.

I understand that this project is state significant. I would like to argue strongly, however, that the people that live in this area are also state significant. If this drought, the present state of Keepit Dam, the Namoi River and the debacle and the tragedy that has been visited on communities all along the Murray-Darling Basin has not yet shown the bureaucrats on the eastern side of the Great Dividing Range how precious our water supply is, then I'm at a loss.

Our town relies on two bores in zone 4, the same area that the proponent is seeking permission to drill a further 10 bores into. A blast event from Maules Creek site late last year resulted in a significant number of people reporting burning eyes and throat and a metallic taste. The blast drifted in the direction of the school and two older people needed medical attention for breathing difficulties. The family reported that there was no material safety data sheet or information available to the staff treating their family.

This made it difficult to provide treatment without being aware of exactly what they had been exposed to. The New South Wales health information sheet – mine blast fumes are new – advises that if you experience these symptoms, seek medical advice and inform the doctor of the risk of exposure to nitrogen dioxide. A possible side effect of exposure – and these were elderly people – is the risk of pulmonary oedema. That's a condition that can develop over days of exposure and can be life-threatening. Yet when they approached the proponent, they were advised that their exposure could be equated to standing on a road while two cars passed.

Residents close to Whitehaven's Maules Creek mine were given the same assurances as we've been, regarding water quality, air quality, blast fumes, noise management, as those contained with this EIS, all of which, with the benefit of hindsight, have proven to be false or flawed. Words like "management" and "mitigation" are of little consolation to us after the fact. Boggabri is approximately 10 kilometres as the crow flies from Vickery and in direct line with the prevailing winds from the south east.

Yet despite numerous requests over several years, dust monitors have been installed at Gunnedah, Tamworth and Narrabri, but no monitor in Boggabri. We don't live in a third-world country, but the local community are being treated as second-class citizens. Surely in 2019 we have a right to clean air and a reliable water supply. The damage already done to the social makeup of the Boggabri district is probably the saddest.

My parents sold our farm – the farm we grew up on – in 1991. Our property was on Therribri Road, 16 kilometres from Boggabri. There are 13 families who have since left. A few retired to town, the majority left the area. The numbers are similar

towards Dripping Rock, Wean and Braymon. In small communities, these numbers are significant. These are the people who support local businesses, whose children keep our schools open, who join service clubs, sporting clubs and have each other's back.

5

These proposed jobs are not going to come from the local community. They may be local in so much as they have a local address, but the increase in mining in our district has not translated in viable businesses, sporting clubs bursting at the seams with memberships, increases in health services or large numbers in our school.

10 Instead, the opposite is true. A handful of businesses do well, while shops empty and others struggle.

Fly-in or drive-in workers don't spend their money local; it goes out of the area. They don't place golf or join the local service clubs. The proponent has no social licence within this town. It's simply not enough to donate a chair to the hospital or pinch a tent at spring fair or erecting a sign at the showground proclaiming yourself the heart of the community. Living near a facility operated by the proponent, as experienced by the residents of Maules Creek, is one of being treated with contempt and disregard.

20

The town and district of Boggabri is already surrounded by four mines. This is the tipping point. Modelling completed with previous approvals has been proved faulty. The proponent has yet to fulfil the requirements associated with approval of Maules Creek mine. Therefore, the community has little faith that they will fulfil the obligations necessary with the Vickery Expansion. I would like to thank you all for your time and attention and implore you to support our request and not to allow this development to proceed.

25

MR HANN: Thank you, Lyndell. Our next speaker is Greg Lamont.

30

MR G. LAMONT: Thank you. I had written down here good morning commissioners, but it's now afternoon, and staff of the IPC. Thank you for the opportunity to address you here today. My name is Greg Lamont, as announced. By way of background, I'm a new member of the Boggabri Business and Community Progress Association and the Narrabri District Chamber of Commerce and have business interests in Gunnedah and Narrabri Shire Councils.

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Employment-wise, I'm the executive officer for the association of mining and energy related councils in New South Wales, and have a consultancy practice involved in work, health and safety, human resource management, governance and auditing. I previously occupied senior roles in local government – and have obviously had no experience with a microphone – and had experience in negotiating voluntary planning agreements whilst a general manager for a local government council.

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I'm here today presenting my own views, which are not those representing any of the aforementioned entities that I am or have been associated with. And I am not a member of any political party. Having read the myriads of documentation from the

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proponent and their consultants, the council, the DPE, the submissions from those in support and those against, etcetera, I shudder at the thought of how those farmers and individuals that are affected in a major way by this development in the immediate vicinity of the project, as you've heard this morning, how they can marshal sufficient capacity, resources and emotional strength to match the might of the wealthy and prosperous proponent, in order to protect their business interests and families, albeit that's democracy.

Given the number of people present today, the speakers and submissions and those that you're going to hear tomorrow, clearly based on the inactions of the past by miners and regulations in the local areas around Boggabri, add the concern for water and the environment and how is it currently being dealt with, no wonder there is so much trust in the planning and consultation processes and an attitude of a lack of social and economic benefit with the EIS and how the proponent is going to deal with them. Mayor Redding and the general manager, Todd, and manager of planning and development services from Narrabri Shire Council –by the way, panel, Boggabri comes under Narrabri Shire Council, so Gunnedah Shire Council does not have any jurisdiction over the people of Boggabri and in the shire.

Some of the people that are here today live in Gunnedah Shire, but they're affected by the mines. But the critical point is that Narrabri Shire Council is the legal entity that administers the constituents of Boggabri. So I got to their transmissions, where they have meetings for you on 19 December, and they state that there will be little or no benefit to the community of Boggabri from this extension. Rather, we will have a serious overload of our infrastructure and ongoing issues that are not being addressed.

These distrust concerns are common throughout the submissions from those in the project based on their doubts that the proponent will do what they propose or be enforced to do what they propose by the DPE. This probably causes the distrust and the angst that you see here today. Vickery South extension is one of the closest to Boggabri, being only six kilometres from the town. Nearby, we have Tarrawonga, Rocglen, Maules Creek and, up the road, Turrawan, with Narrabri Coal and Boggabri Coal – you know that by now. So as a result of that, Boggabri suffers a cumulative effect. And so I went to the EIS and focused on appendix R.

And my talk today is about the social and economic perceived benefits and the impacts of this mine. And there's opportunities there which – I believe that should be considered going forward. The proponent has outlined in the EIS in appendix R what needs to be done by then, but this risk assessment approach which needs to be tested by the locals and was based on Queensland rules – and I query the how, who, what and when. How is this going to be implemented? There's no plan. And it's based on modelling and superficial facts that – from a risk management point of view, if anyone has been involved in that, it's foreseeable. It's not actual. And the locals need to be involved in the testing of that. So that's something for the panel to consider, I believe.

The current situation in Boggabri – is this town – it’s a town that has benefitted from mining over the past years or so or not? If you have a look around, you would argue not. So why is that so? A lot of the speakers have been talking about the lack of information coming forward. So I ask these questions for the panel. Is the social
5 fabric of the community still the same as what it was before mining came? Has it declined or improved? How many of the mining workers and contractors have moved into the town to live and bring their families? We’ve heard some of the Whitehaven employees talk about that today, but I’m gathering they live in
10 Gunnedah. How many, if any, of the mining workers have been involved in the community, join the service clubs, etcetera? Lyndell spoke about that.

Have the current mining companies performed their obligations as proposed in the consent conditions? Have the current VPAs for Boggabri Coal and Whitehaven been implemented as promised? What is the status? Have the environmental conditions
15 of consent been implemented by the mine as enforced by the regulatory bodies? What is the status? How much money is actually spent in Boggabri by the mining workers? Can this be determined by survey of interviews or what? How many new businesses have moved to town to set up? How many have closed down? Can any more related businesses be attracted to set up in Boggabri? Have the community
20 consultative committees met the stakeholders’ expectations and followed the guidelines? What is the level of complaints made and the percentage followed up and complaints satisfied through the miners?

These are the reasons why there’s distrust because those questions haven’t been
25 answered. There’s a lot of misinformation and people don’t know. The consultation process – we rely on the ABS stats of 2011 and 2016 and the council statistics. The EIS is based on modelling which – speakers today have pointed out several flaws in them. These need to be tested locally. If the information is in existence, it hasn’t
30 been relayed to the community so they know what the promises made are and the issues raised are achieved and dealt with by the miners, council, government regulators, CCTs, etcetera. This creates mistrust and needs to be addressed. I can confirm this attitude comes from me attending those other meetings that I spoke about. So there’s an opportunity here to set up an implementation plan and to have
35 through the VPA process if the mine extension or existing mine approval does go ahead or, if not, something needs to be done for Boggabri.

And I’m suggesting – and the Boggabri Progress Association put that forward – I’m trying to rush here, Mr Chair – that we have a community development officer
40 funded and to work closely with the proponents and the members of the community to make a difference because what has happened in the past hasn’t worked, and the reasons for that are many and there’s different opinions regarding that. But I believe there’s a lot of businesses out there that haven’t been spoken to. The good farming community that have spoken today are – the consultation process goes at too high a
45 level.

It should be down at a lower, more participatory level. The proponent is relying on the experts giving all the modelling and things of that nature and the DPE is relying

on consultation at too high a level. They're not sitting down with the people that really matter, and that came through very clear here today. And I think if that could happen in your consideration of this, well, then I think all the parties will be much more pleased with the way going forward. And I suggest you have a look at the
5 report from the Federal Government House of Representatives' inquiry into the impacts on regional business on mining in December last year chaired by the local, Barnaby Joyce – God love him. Okay. Thank you. Thank you.

10 MR HANN: Our next speaker is Paul Beu; is that right?

MR P. BELL: No.

MR HANN: Paul Beu?

15 MR BELL: No, Bell.

MR HANN: Bell? I'm sorry. Yes.

20 MR BELL: That's all right.

MR HANN: My apologies.

MR BELL: That's all right

25 MR HANN: Okay. All right.

MR BELL: Hi. I'm Paul Bell. Me and my wife own the local Boggabri Hardware & Rural store and we just want to put across a couple of our thoughts. Small business in rural towns such as Boggabri are faced with many challenges. Not only
30 do we struggle against isolation, we compete against the digital economy. Small business in rural towns are vital for economic stability and the social wellbeing of their communities. Most business owners in Boggabri are locals and are in tune with its needs. We continue to diversify our business models to stay economically viable. Unfortunately, given the current economic trends, businesses in Boggabri, like those
35 in many small towns, are faced with the real likelihood of closing their doors. We have struggled to keep our business open due to the lack of off-street trade. And we have around a 35 per cent decrease in patronage in our store. So we have to diverse.

40 One of our major factors in keeping our doors open has been the business we have received from the local mines and their associated businesses. I understand that environmental stability is vital for our community to survive now and into the future. It is critical that we, as a community, hold Whitehaven to account to ensure the world's best environment practices are applied in their project model, however, we also need to acknowledge that Boggabri is on the brink of financial collapse and we
45 have an opportunity to work in partnership with Whitehaven to have an active voice in setting goals for our town. Thank you.

MR HANN: Thank you, Paul. Our next speaker is Greg Griffiths.

MR G. GRIFFITHS: I will just sit too.

5 MR: Do you want to take a seat?

MR GRIFFITHS: That's all right.

10 MR: I can move the table round there if you like?

MR GRIFFITHS: No, it's all right, mate. Yes. My name is Greg Griffiths. I'm probably not as articulated as my brother Wayne, but I've got some notes here that I want to talk to. First, who I am. Greg Griffiths. I'm a descendent of the Wirriwirri Murri who was recorded at Station back in the early 1800s on and at that time spent all of his mining tenements back in that day. And I'm a descendent of that man who was heavily recorded in early journals, anthropologist, explorers and the local paper and recording him as the king of the Gunn-e-darr people. So that's your Wirriwirri Murri

20 I'm the son of George Griffiths. My father and my brother were both – Wayne were both state lands council representatives elected by their people. I call myself a son of land rights. I have two uncles were commissioners for ATSIC elected by the people at – that is at the national level, and the state lands council is at the state level. That's representing this northern region. So I'm definitely a son of land rights, and if you
25 my family's years of commitment in the Aboriginal movement, it, you know, tallies into the thousands of years that we've all worked for our people. I chaired the lands council for over 10 years. I'm currently a board member of Winanga-Li – the Winanga-Li Family Child Care Centre.

30 I'm a claimant and a previous applicant of the Gomerai Nation elected by the Gomerai People Gomerai People, and under native title there is triggers on proponent sites, and that affords you the right to negotiate under the native title legislation. With the right to negotiate led to the employment strategy that Paul spoke about, the 11 per cent on the mine site, but for me it's all – it's about Gomerai
35 people getting benefit out of resources in our country. And then if you look at it again at an incremental money financial benefit, it can come into the tens of millions of dollars over life of mine, and if we did it at – you know, I'm not sure if there's a trigger on Vickery mine site, but if there is it will trigger a right to negotiate and benefits for Aboriginal people.

40
And not all Aboriginal people support mining, but some do because of the benefits that are attached to it, and I count myself as one of those. Also with the employment strategy at Maules Creek that could be transferred to Vickery, there's also, I believe, contracts that are attached to the negotiation to the agreement. There's a group out
45 on – working on the offset sites now doing the rehabilitation, fencing, demolishing. Just all the things that are attached to the management offset. Tree planting and watering. And the tree planting also – if you look at Vickery mine site now, the

rehabilitation that exists on the old Vickery site was done by the Red Chief Lands Council which I was a part of.

5 And I also have a little cliché that – to do with – that was quick – to do with, you know, us rehabilitating our country – mine sites – that economically, socially, spiritually and culturally, we have a responsibility to put our hands back in the dirt and rehabilitate our country. So that’s just another strategy we can enter into for employment for a benefit for Aboriginal people. I want to get straight to Aboriginal culture and heritage and the process of the legislation. You know, it’s a very defined process Aboriginal parties, consultation, field assessments, management planning. You know, archaeologists with Aboriginal people, then execute the management plan.

15 Everyone is afforded an opportunity to participate. It’s advertised. It’s promoted and everyone has an opportunity to participate. And the archaeologist, you know, that we – I will talk about it a that we executed the management plan. They went above and beyond some of the processes that are attached to the management plan and we were very – just an example, we did hundred, hundreds of on the mine site. And I want to talk about the artefacts. The artefacts that are in the area that’s going to be impacted. They’re collected. Any artefacts that are outside the impact area are left. Left there for – you know, forever. The ones that are collected are collected for by any Aboriginal organisation.

25 I believe the Red Chief Lands Council have been paid a good financial benefit at the moment to care and collect those artefacts from Maules Creek which could be afforded to Vickery as well, but also with a legacy to return them back to the country, you know, when the mine is finished, that they get returned. I also – I wanted to talk about the workers, too, because it’s Gomeroi Nation workers. Gunnedah, Toomanah, Walgut, Morey, Wee Waa, Narrabri, Coonabarabran, Narrabri, Tamworth, Ingrel that’s over now, there’s – I know the lads out there that are working out there and they’re from a lot of these towns, and it’s – you talk about breaking the cycle of poverty, closing the gap, quality of life, and tens of millions of dollars in components going onto families’ – directly onto families’ tables because of the benefits they get from working on a mine site.

35 The last – I will finish on – the last thing I will say is – I talked to a bloke in town few – about a week ago at a business house that I went into, an auto pro shop, and he was telling me in 1983 he walked in the Imperial Hotel having a beer and and he said they just found 700 million tonne of high quality coal the other side of Boggabri in 1983. So we know that it has been here a long time. So it was just a matter of time before, you know, a couple of trains going through the range and away we go. And benefit for Aboriginal people. Thank you.

45 MR HANN: Thank you, Greg. I think our next speaker is David Watt.

MR D. WATT: Good afternoon, commissioners. You heard from my wife this morning who talked about – on a more personal level about our concerns. We have a

farm which is adjacent to the – well, it's a few ks up the road from the mine. A lot of what I was going to talk about today has been touched on, but I think it's crucial that the IPC fully understands Whitehaven's legislative requirements which have not been fulfilled. We simply cannot rely on the economic argument in assessing this project. It must be assessed in consideration of the triple bottom line. It is clear that this company does not have a social licence nor does this project have a net social benefit to this community and, likewise, it doesn't have an environmental licence.

On 14 April 2016 the then Commonwealth Department of the Environment determined that the Vickery Extension Project was a controlled action because it would impact upon threatened species and communities and a water resource. Therefore, the SEARs, or Secretary's Environmental Assessment Requirements, were amended to include the requirement that the environmental record of the proponent is included in the IIS so as to satisfy the EPBC Act of 1999. However, on 17 July last year after this amendment was included, Whitehaven decided to change the proponent from Whitehaven Coal Proprietary Limited to Vickery Coal Proprietary Limited.

Why would they do this? Because Whitehaven Coal has a rap sheet as long as your arm. In August 2017 Environmental Justice Australia obtained Whitehaven's annual compliance reports for its Namoi mines covering the previous six years. This was through freedom of information requests that took nine months because Whitehaven tried to block them at every turn. The documents revealed more than 50 breaches of environmental licence conditions, including fines at Tarrawonga and Narrabri for polluting waterways with contaminated water, and fines for falsifying a green group on the CCC for the Maules Creek mine.

Of the 20 annual reports, only two were found to be compliant. In July 2017 Maules Creek mine was elevated to the EPA's highest environmental risk category, level 3. This ruling positioned Whitehaven's mine as only one of three mines in New South Wales to carry this highest category risk. In contrast, Vickery Coal has a clean slate. It has had no fines or breaches as the company was only registered on 17 May last year. Whitehaven declared in their EIS that the application for the project is Vickery Coal Proprietary Limited, a subsidiary of Whitehaven, and that no proceedings under a Commonwealth, state or territory law for the protection of the environment or the conservation and sustainable use of natural resources have been taken against Vickery Coal.

It is important to note that under section 136, chapter (4), of the EPBC Act, that it clearly states that:

In deciding whether or not to approve the taking of an action by a person and what conditions to attach to an approval, the Minister may consider whether the person is a suitable person to be granted an approval, having regard to the person's history in relation to environmental matters, and, if the person is a body corporate, the history of its executive officers in relation to environmental

matters, and, if the person is a body corporate that is a subsidiary of another body or company –

in brackets –

5

the parent body, the history in relation to environmental matters of the parent body and its executive officers.

Therefore, Whitehaven Coal Proprietary Limited's history should have been declared
10 as part of the EPBC referral. However, legislation requires that since Vickery Coal
Proprietary Limited is wholly owned subsidiary of Whitehaven Coal, their
environmental history is still captured by this amended application and must be
detailed and considered. This is blatant intentional deception in their application for
15 this project. Delving a little further into this, the policy statement relevant to this
section of the EPBC Act states that information relevant to the person's history is
that which indicates whether a person is likely to comply with the conditions of
approval.

Likely to comply with the conditions of approval. As one of the great modern-day
20 philosophers, Dr Phil, says, the best predictor of future behaviour is past behaviour.
Given the proponent's history of noncompliance, if there is any question about the
science behind this mining project – and there obviously is – then, to use a cricket
analogy, the benefit of the doubt must lie with the environment.

25 And when I'm talking about the environment, I'm not just talking about the
environment in a green context. I mean it the way the word was intentioned: the
surrounds, the environs. In this situation, this covers the river, the groundwater, the
animals, the farmland and the families that live there. Allowing this company to
progress with this development in this area is environmental mismanagement in the
30 most extreme and would be gross negligence on behalf of the State Government.
The government must consider the environmental record of Whitehaven Coal,
including all of its subsidiaries. While many have focused on the potential economic
benefits it could provide in the short term, we're ignoring the intergenerational debt
it will create from this gross environmental mismanagement. Thank you.

35

MR HANN: Thanks, David. Peter Wills.

MR P. WILLS: Good afternoon. Sorry I haven't been here all day. Got here just
after lunch. So I'm not sure of the full procedure, but I see some people are making
40 some disclosures as they start. I used to be a member of a political party; I am no
longer any more. And I used to be a Whitehaven shareholder for altruistic purposes,
but I am no longer a Whitehaven shareholder. I'm also a Quirindi farmer. We have
a couple of properties down that way, and I actually live in the village of Breeza,
which is in the shadow of Shenhua Coal Mine. So I'll just – I've got some notes
45 here.

My family have a cattle property alongside Whitehaven Werris Creek Coal Mine site, and I wish to highlight from the start that to this point in time today, I don't have any noted loss of water on our property, and I am a member of a local broader community that is desperately seeking answers from both Whitehaven and the
5 government regarding landholders' recorded loss of water bore reliability, both stock and domestic, and irrigation bores across the Quapeli Basin aquifer. I am in great fear of my farm's future with the noted depletion of water resources in the basin.

10 Over the last few years, there have been anecdotal evidence of excess water being reported in the Werris Creek Mine site, with extra and previously unplanned evaporation methods brought into action over many years to get rid of an abundance of pit water. Whitehaven have been fortunate enough to have such an abundance of water that they were recently able to expand into the agricultural business, with a large pivot irrigator now alongside the mine site spinning round and around irrigating
15 crops for haymaking whilst most neighbours alongside have long abandoned the irrigation cropping businesses.

Our family attempted to sell our property about four years ago, and the interest from the marketplace was high, but potential buyers' concern was all about water
20 reliability, with the then-developing news of excess water in the mine pit and neighbours' now variable reliability of water bores. Today, there are half a dozen properties openly for sale and stagnant on the market, with many more looking to bring their properties on the market for sale. The water licences attached with this small irrigation zone are now, on paper, virtually worthless. The pressure this
25 situation puts onto families and their – individuals and their families is incalculable.

Many farmers have had to destock properties at a moment's notice once bores no longer deliver water reliably, and many have had excess cost burden thrust upon them from having to drill deeper and deeper looking for new sources of water in
30 different locations. Many of these individuals have had to become experts overnight in non-chosen subjects of study. These people are working pro bono in areas the government and the proponent's companies choose to ignore. I personally know of dozens of local farmers, individuals, who have spent countless thousands of hours, unpaid, working to learn and understand what these developments might possibly
35 mean to their most valuable tangible asset, being their farms and homes.

It's the learning and pushback of the local farmers and communities – again, all pro bono work – that are actually shaping and influencing these conditions that these developments are established by. If these farmers today – and, for example, those of
40 the Shenhua Coal development – had not pushed back on many of the aspects of these developments, would approved mines have the condition they do today? There isn't much, if any, faith left in the community and the independence of planning consent or that of the Planning Department. I myself have personally intervened in my local Community Consultative Community attached to the Werris Creek Mine as
45 a neighbour but outside observer. I have spent more than year now back and forth – in back-and-forth communication with the Department of Planning about the CCC

and the proper guidelines and standards that should be used for running this committee.

5 I, as an individual, have pushed the department's own rules into their view and seen
changes in the running of that CCC from the outside. Why should I have had to do
that? How many countless hours of free work has been done by communities around
the northwest and New South Wales by disaffected communities of these mega
developments? How does this extra burden randomly placed on people's lives affect
10 their lives and wellbeing? From the initial stages of the pre-planning developments
to living alongside these sites, how are the neighbours' lives enhanced? The amount
of stress, anxiety and the mental health of individuals associated with these pitched
battles is my greatest concern with these developments. How is our mental health
even part of the consideration of these developments? Is it even an aspect of
concern?

15 The social impact assessment acknowledges that the anxiety – that anxiety is a
widespread mental health concern in Australia, but this should not be allowed to be a
smokescreen for the – to conceal the additional very severe burden imposed on
communities by the financial risk, pollution concerns, loss of water and the constant
20 need to respond to approval modifications, which occur regularly throughout the life
of these mines. This is especially due to the lack of access to what they call
management information.

25 The reversing of burden of proof thrusts my neighbours into a situation where they
have to prove breaches of conditions such as blast violations, noise exceedances,
without the evidence they need. Indeed, the Department of Planning and the EPA
are also known to have difficulty obtaining information. Reviewing the complaints
register associated with these mega mines or the issues raised in the Community
30 Consultative Committees just shows some of the many aspects the community are
having to put up with in their lives living alongside these working mines. I would
like to see a genuine respect for the acknowledgement of community's broader
health, wellbeing and mental health being taken into account and the highest
consideration and priority, at best, potential

35 MR HANN: Thanks, Peter. Our next speaker is Roselin Druce.

MS R. DRUCE: Thank you, committee, for allowing me to speak today. I would
also like to acknowledge the Gomeroi traditional owners of this land and pay my
respects to their elders past and present, who have endured many difficult
40 consultations and denials to enter their country to perform ceremony, prior to
destruction of many of their significant and sacred sites in and around the Leard State
Forest at the hands of Whitehaven Maules Creek Coal Company, which is part of the
company that now seeks approval for an extension of the Vickery Coal Mine near
Boggabri. I'm a local resident that has serious concerns regarding many social,
45 mental, emotional, cultural and environmental issues that will affect the immediate
surrounding residents and the town of Boggabri, if the Vickery extension is
approved.

The cumulative effects of dust, noise and light already impacts this district surrounding the open-cut coal complex that operates in the Leard State Forest. Another large open-cut coal mine extension ramping up to 10 million tonnes per annum and a new bore field will certainly have an even greater impact on our precious element, water. Lack of consultation, refusal to answer questions at CCC meetings by Whitehaven Coal all leave this community in the dark. This company needs to be much more transparent and respectful to the local community, if they are to operate and get approval for the Vickery extension.

5
10 As a community representative at both Boggabri Coal and Maules Creek Coal, a recorded transcript would go a long way to providing an accurate record of all discussions, and provide the wider community with an accurate understanding of what transpires in these meetings. I would suggest the recording of CCC meetings be implemented for all of Whitehaven Coal's CCCs. It is unfortunate that the
15 company has a long history of not answering questions that are put to them at these CCC meetings, or answering the questions posed to them by the community representatives long after the changes to management plans or other important information should have been provided to the community. These meetings are at best our only real opportunity to communicate with this company and gain
20 understanding of how they are operating in our backyard.

The most difficult part of living and surviving in this local vicinity of a large, open-cut coal mine such as the proposed Vickery extension is the impact that it will have on the local community, and that the responsibility of burden of proof always rests
25 on the locals to prove to the authorities that the impacts that have affected their lives and the environment – example, loss of water, decline in health, impact on native vegetation and livestock and native fauna – that has been inflicted by the mining companies. This burden of proof should be the responsibility of the mining
30 company, to prove that they have done no harm. Self-reporting and communication to the department simply stating that they have met all the conditions of consent in their annual reviews are unreliable.

Meeting consent conditions doesn't always mean no harm has been done to the environment or people. An example of this burden of proof relating to the
35 environment is the dead and dying melaleuca bracteata, which forms part of the riparian community along Back Creek, which is very close to the northern side of the Maules Creek mine. Although we have recently experienced and are still experiencing dry weather, these melaleucas are mature trees that have survived many
40 droughts in past decades.

I firmly believe that the interception and collection of surface water by the Maules Creek coal mine has resulted in this riparian community to suffer, due to the lack of natural runoff that they would have received in late 2016 and other rainfall events. Surface water runoff is collected by the mines and diverted for mining use. Under
45 regulations this is allowable, but, in my view, detrimental to the environment. Dams, contours, overburdens and other stockpiles have significantly reduced and changed the previous natural flow of water that Back Creek would have received.

These trees have only a root system at approximately three or four metres depth and are a very good, reliable indicator of the underground water table. Any adverse effects to these riparian communities should trigger an investigation, when community members raise these concerns. I personally wrote to Ms McNally with this concern; there was no investigation. I'm extremely concerned that this will also happen near the riparian community along the Namoi River.

This can and will continue to happen around mining complexes where surface water is intercepted and captured by the mining company, to the detriment of the surrounding native flora and dry land property. Noise impacts: the impacts from continual noise is a major concern on the physical and mental health of residents that are situated near this proposed project. I can personally attest to the noise that will emanate from the mining complex. Sorry about that.

MR HANN: No problem.

MS DRUCE: Personally attest to the noise, as I have to endure sleep nights because of the Maules Creek project. Daytime noise and blasting events are also extreme at times. Due to the placing of noise monitors and recent changes to the allowable industrial noise limits, the mines will most likely be able to verify that they are within the allowable noise range, and the new neighbours will not be able to contest this. They will have to endure the noise. Many properties outside the acquisition zones will still be affected by the constant noise and have no mitigation measures applied to their residence. Modelling and allowable limits does not mitigate the constant noise that will be experienced. At other Whitehaven mine sites, they have not managed to mitigate the CHPP or the train noise.

It would be expected that the Vickery extension can in any way reduce the impact of the rail spur noise that will impact their near neighbours at all hours of the day and night. I would question the modelling for this extension and how the low-noise contours are predicted for this extension. Blasting vibration and dust: along with the noise, there will also be impacts from the blasting and heavy equipment during the initial construction phase. This blasting was felt by many at Maules Creek when construction and blasting was carried out for the rail line. My residence is approximately seven kilometres from the blast site; the over blast pressure shook my house. This is one of many experiences that continue while much of the infrastructure construction was being built. And a blasting continues during operational mining.

Any buildings nearby can expect such of these and it is a concern that the Dorothea Mackellar house and outbuildings may be irreparably damaged by the construction and mining blasting. Dust from a Whitehaven coal blast event has been photographed at a distance from approximately 35 kilometres at Emerald Hill, so blasting will ultimately produce dust that cannot be suppressed by water. So the residents will be showered by the fall-out from lots of coal dust that will settle on everything, including their house rooves, rainwater tanks, gardens, outdoor furniture, crops and pastures. My experience was dead geraniums that just could not survive

from layers of dust settling on their leaves after fallout from blasting, which was not due to the long dry periods without rain. Most gardeners would know it's hard to kill geraniums, even with neglect. Offsets and rehabilitation: offset forms part of the Vickery approval. And although the tree planting has been underway, only time will tell if this is successful during this season of prolonged drought.

There is extensive erosion in places of this offset captured on aerial photos, so this offset could not be considered to be like for like as a replacement for the woodland that will be mined by this company at the Vickery extension site. Whitehaven have already had two extensions to procure this and other offsets in perpetuity, and to my knowledge these have not been finalised long past their consent condition dates. If Whitehaven are to use mine site rehabilitation to make up the total offset area for the Vickery extension, then I would hope that rehabilitation on Rocglen mine site is not representative of what can be expected. It is certainly not a standard that would go anywhere near replacing the clear trees of the footprint of this Vickery mine extension, although at a recent combined CCC meeting we were informed that a survival rate of just one tree per hectare would meet consent conditions.

Flood plains: there needs to be a comprehensive flood monitoring mitigation management plan before the consideration of approval for the Vickery Extension. At the last combined CCC meeting, there were questions posed regarding planting of trees on offset properties and the floodplains. This question and the comment was directed to the representative from Planning and Approval that attended the meeting. The question and comment was, "Have you done flood monitoring? If not, you should." The department representative answer was, "No requirement to do flood monitoring."

Although this question was in regards to the planting of trees in the flood plain, the same question should be asked what will happen when the next big flood spills from the banks of the Namoi now that there are roads and rail overpasses that will most likely impact and redirect the usual flow of floodwater from the Namoi River upstream and downstream and near the Kamilaroi Highway. If the Vickery Extension is approved, there will be another rail spur and more infrastructure near the Namoi River that could alter the direction of flow of floodwater on the floodplains. This redirection of floodwaters could cause catastrophic damage to farming lands, residences, infrastructure and the roads further downstream. Minor changes to floodplains can easily divert floodwater. So the next major flood will be a disaster waiting to happen and very costly to the community and the local shire. Concern over – I've only just got two paragraphs.

MR HANN: That's okay. That's all right, Roselin.

MS DRUCE: Concern over ever-changing management plans. It is a given that sometimes plans need to be altered, but over the past eight years of dealing with the mining companies in our district, it has become very clear to myself and to many community members that the altering of management plans are used to completely change the way they operate. And these changes are word changes in these plans

that then allow loopholes for the company to cut costs and alter how they operate and yet somehow stay within their consent conditions. For example, in the initial management plans, Whitehaven said they would not bury waste such as tyres. Now they have changed their management plan wording by leaving just one paragraph out
5 which now allows them to bury their tyres.

I truly hope this hearing – that this hearing committee listens and hears the concerns of these local people who will be impacted by this Vickery extension if it is approved. If this hearing is to be an independent hearing, I would ask, with respect,
10 that the commissioners take into consideration all the impacts that this open cut coal mine will have on the local residents as well as the cumulative environmental impacts to this rural district, especially the use of water for this new extension that would literally suck the underground water resources dry and impact the surface water and leave this community without the ability to survive as a productive rural
15 community. Thank you.

MR HANN: Thank you, Roselin. Our next speaker is Pat Schultz.

MR D. WAY: I'm just going to say we've been told that if we cannot press on the
20 switch while speaking, the feedback on to the microphone should die down a little bit.

MS P. SCHULTZ: Hi. I would like to thank you for the opportunity to speak on before of the Armidale Tamworth Greens on the subject of climate change. Climate
25 change is real. Climate change is here. January was Australia's hottest month since records began, and the Bureau of Meteorology says that climate change contributed to soaring temperatures. We have recorded extreme temperatures – is that – okay. We have recorded extreme temperatures and drought here in Boggabri and across Australia in recent weeks. Ancient rainforests are burning in Tasmania. This is
30 climate change. Climate change is not adequately addressed in the Vickery EIS or the IPCN preliminary issues report. There's one sentence with two words referring to climate change in the report. The report states:

As summarised in appendix C, a large range of other issues –
35 *is that working?*

MR HANN: Yes. Yes.

40 MS SCHULTZ:

*...a large range of other issues were raised in submissions on the project including Aboriginal and non-indigenous heritage, traffic and transport, hazards and risks and climate change. Most of these issues will require further
45 information and/or assessment from Whitehaven to respond to the issues.*

This is the only comment made on climate change by either Whitehaven or the IPC that I was able to find. Climate change due to carbon emissions are the most significant issues in any coalmine extension, and they have been ignored. The Vickery Extension EIS states that the end of – end use of product coal, burning the coal, will produce up to 21.5 million tonnes of CO₂ each year, yet Australia is a signatory to the Paris Agreement to address climate change. The Paris Agreement aims to limit the increase in the global average temperatures well below two degrees relative to pre-industrial levels to pursue further efforts to limit temperatures to below 1.5 degrees.

To keep temperatures below two degrees, we must globally limit emissions to less than 1100 gigatonnes of CO₂. For 1.5 degree centigrade increase, we must limit emissions to 750 gigatonnes of CO₂. Limiting temperatures to 1.5 degree C will require rapid and far-reaching transition, a 45 reduction in world emissions – a 45 per cent reduction in world emissions. By 2017, the temperature had already increased by one degree. To limit temperatures to 1.5 would require 80 per cent of the world's coal reserves to remain unburnt including 80 per cent of Australian coal reserves.

The Intergovernmental Panel on Climate Change report states that we must limit temperatures – temperature increases to 1.5 to avoid the most challenging impacts of climate change. Limiting temperature increases to 1.5 rather than two degrees will result in fewer high temperature and extreme weather events, limit the risks of heavy precipitation events, limit risks of drought, limit the risk to natural ecosystems, limit the risks to human systems, sea level increase of 0.1 metre or less by the end of the century, limit loss of sea ice, limit ocean acidification, limit local species slaughters and limit risks including food shortages, loss of crops, loss of fisheries, loss of pacific island and storms.

Ocean acidification is caused by climate change. Carbon dioxide emissions from burning fossil fuels are making the world's oceans more acidic. In the water, CO₂ reacts to form carbonic acid, and over the years, the ocean's acidity has already increased by 30 per cent because so much of the excess man-made CO₂ is being drawn into the water. This disruption will affect the – all life in the oceans including the barrier reef and fisheries. Some fish species will not survive. The poor and vulnerable are most affected by climate change. Heatwaves kill babies, the elderly and the sick. The homeless and the poor cannot escape the heat while fires affect us all, as do storms.

The Guardian Newspaper January 19 reports that pacific nations under threat from climate change urge Australia to phase out coal-powdered electricity generation asking that Australia prohibit new coalmines and coalmine extensions. From where we are sitting, we cannot imagine how the interest of any single industry, the coal industry, can be placed above the welfare of pacific peoples and vulnerable peoples in the world over, Fiji's Prime Minister Frank Bainimarama told Scott Morrison. The Guardian Newspaper December 18 reports that Australia is not meeting our Paris Agreement obligations.

Climate scientists and the Chief Executive of Climate Analytics Bill Hare said use of carryover would effectively mean that the target Australia was aiming for was more like 12 to 14 per cent on 205 levels by 2030. They're as far away as ever from meeting the 2030 target, he said. The underlining projections show a substantial
5 deterioration because the key sectors including direct combustion of fuel, transport and industry have larger increases than last year, and the power sector begins increasing again from 2030 – 2023 significantly. The Greens ask the IPC to give serious consideration to the devastating effects of burning coal and climate change and abandon expansion plans. Thank you very much.

10

MR HANN: Thank you, Pat. We will have one more speaker – David Quince, I think it is – and then we will take a break after that.

MR D. QUINCE: Yes. Thank you for letting me speak to this IPAC commissioner meeting. First of all, I'd like to acknowledge the traditional owners, the Gomeri.
15 I'm a farmer and a grazier, an ex-councillor of Gunnedah Shire Council. I went on to Gunnedah Shire Council to try and make a difference with regarding to mining in this area. One thing I'd like to point out – it's been talked about this morning – historically, Gunnedah is a mining area. This is totally incorrect. Gunnedah,
20 historically, did have small mines that were supplying local – locally, not large-scale open-cut mines providing millions and millions of tonnes to the export market. This is misleading – very much misleading – and is just part of the mining spin.

I'd have to say we, as a community, have no trust or confidence in the process of the
25 Department of Planning or the IPC, as they have been articulated in the media, without a proper inquiry into both the whistleblowers and the musical chairs being played out with the appointed members of the IPC and their conflicts of interest, and, more importantly, that there is no agricultural experts on this commission, which I think's a big failing, considering most of this mining is on agricultural land and is going to impact on it, and I think that's a great oversight. The other thing that I'm
30 concerned about is the release of the Namoi subregion bioregional assessment. It leaves little or no time to have it peer-reviewed by independent experts, and this is another grave oversight.

The other thing that I think this project needs to have implemented on it is the past
35 Namoi Catchment Management Authority had fortunately put together a world-first computer modelling program that enables all projects in the area that would show the community impacts that all these projects would cause, and I have a copy of that here. I don't know if you're aware of it. The – unfortunately, the current LLS that
40 the Namoi Catchment Authority was merged into has effectively archived this world-first and very important tool in monitoring these projects, and the Namoi region needs to be modelled under this particular thing to show clarity and transparency.

My experience on council to try and make a difference was that I feel that
45 Whitehaven has and still carries undue and improper influence over the Gunnedah Council. Firstly, when I came to council, Gunnedah Shire Council had failed to extract any effective VPAs, voluntary planning agreements, with Whitehaven's

Maules Creek mine, which sources 60 per cent of its workforce from the town of Gunnedah. This was a – the gross maladministration by the council. [REDACTED]

5

I experienced this with the fact that – this was a closed committee meeting. The mayor at the time was away, so the deputy mayor chaired this [REDACTED]

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Now, subsequently, they did provide an amount. It was agreed upon on council. It cost Gunnedah Shire ratepayers the tune of nearly a quarter of a million dollars over 10 years, which they've now then subsequently put up a rate rise of thirty-eight and a half per cent that the – and I think that's just dreadful, especially when we see times like this with drought. I reported this incident to ICAC, and I got a report back

35 saying that although it was corrupt, it was not corrupt enough for them, and to go to the Department of Local Government, which I did. I sent my complaint to them. Now, they articulated to me that if they were to discipline that said councillor, they would have to release my name. Well, I didn't feel that was appropriate, considering my position in – at Gunnedah Shire Council at the time was very frosty, to say the

40 least, and – you know, to the extent that you nearly had to wear a parka in there. It was like walking into a coolroom.

MR HANN: David, I just should remind you that this is a recorded transcript.

45

MR QUINCE: Yes, I realise that.

MR HANN: And if you've got particular complaints about any aspect of process
- - -

MR QUINCE: Well, I have – I - - -

5

MR HANN: - - - you need to put it in writing to the correct authorities.

MR QUINCE: I have done that, and I - - -

10 MR HANN: Okay.

MR QUINCE: I then – that was the response I got from the Department of Local
Government. I then got Sue Higginson from the EDO, who fine-tuned the complaint
and took it to the ombudsman, and I still didn't get any – now, that whole complaint
15 was looked over by Martin Rush, who's a barrister and the mayor of Muswellbrook,
as you might realise, and he said to me all the councillors involved should have been
disciplined and actually shot off council. I was able to then, with that knowledge,
wedge Gunnedah Shire Council to finally employ an independent expert to negotiate
the VPAs for Shenhua and the Vickery expansion. Now, I now hear that his service
20 is no longer required and that the for the Victory expansion was not signed off on
and it could be in danger of being compromised.

Another factor is that – and I feel that, you know, Whitehaven is not a fit or proper
company to be applying for approval of this project. On a finishing note, I'm not
25 sure if you're – I would hope you would – well, you can't be aware of this document:
Effects of Land Use on Coal Resources. It's easily found on the internet, and it quite
clearly articulates that there can be no coexistence between agriculture and coal
mining, and it was put together by – commissioned by Ian Causley, a National Party
both, federal and state, member, who I believe was one of the few that was called
30 before ICAC, and, although he wasn't convicted under the accusations, they came to
a finding that he conducted an environment that was conclusive to corruption, but
this study clearly articulates that the greatest threat to our magnificent mining or coal
resources is agriculture and national parks – in other words, food and environment –
and, God help me, if anybody can sit there as a panel and find that coal mining is
35 more important than food and environment, I'm sorry, the whole place is morally
bankrupt. On that note, I'll finish.

MR HANN: Thank you, David. We'll take a short break. 15 minutes, David. Is
that right? Yeah. 15 minutes, and then we'll have the last session for the afternoon.
40

RECORDING SUSPENDED [3.10 pm]

45 **RECORDING RESUMED** [3.25 pm]

MR HANN: And so our next speaker is Marty Brennan if you're ready to go. Thank you. You can take that off if you want. It's just – if you speak too closely to it, it gives you feedback a couple of minutes or maybe one minute and then we will get going. Are you ready, Chris? Are you ready now?

5

MR: Yes.

MR HANN: Yes. Okay. All right.

10 MR:

MR HANN: Marty, we might get going.

15 MR M. BRENNAN: Okay. Thank you for the opportunity to speak here this evening. I'm a local resident, a farmer at Maules Creek and here to speak in support of Whitehaven. I'm a very active community member, having spent numerous years on the Maules Creek Recreation Reserve Trust and a founding member of our local Campdraft committee which is now in its ninth year. My family come to Maules
20 Creek in 1980, to the property Oakleigh where we still reside today. In 2014, we sold our property to Whitehaven. We were then able to lease back the majority of the place and continue to use it as productive farm today. Since mining and Whitehaven have been in the district, I've seen a lot of major funding initiatives for community infrastructure be completed.

25 For us, this has seen – excuse me – the Maules Creek Campdraft facility that is admired by many. Importantly, Whitehaven's investment has seen the Campdraft go from strength to strength. Our committee has grown to nearly 40 members. Last year, we also incorporated a junior rodeo into our program, which is very successful. The of the Campdraft has been very important in the community as it has huge
30 flow-on effects, with the local P&C and the football club running the canteen and bar facilities. The event attracts people from far and wide and brings outside money to the community. I've seen mining create a lot of employment opportunities in the district, which in turn bring new faces to our community. This is important as they often become members of our community groups, sporting clubs etcetera. It's great
35 to see a lot of young people involved in the mining industry become valued members of our community. Thank you.

40 MR HANN: On your schedule, you will see Greg Haire down next, but he has got some commitments and so he will come in towards the end of our speaker list. So I think it's Andrew Hope.

45 MR A. HOPE: Thank you. Thank you. I, too, would like to recognise the traditional owners of the land, the Gomerioi people, their elders past and present and those who reside with us here today. Liverpool Plains Shire Council welcomes the opportunity to provide a submission in relation to the abovementioned project. I wish to declare this submission is made as Mayor of LPSC and not in my role as managing director of Country Mile Signs.

As context, the Liverpool Plains Local Government Area LGA is located in the north-west of New South Wales approximately 45 minutes from the regional city of Tamworth and directly adjoins the Gunnedah Shire Council Local Government Area. It's also to be noted the project is not within the LGA of Liverpool Plains Shire Council. Council has an adopted position towards mining activities within our shire. This position is council supports all industry within the shire, providing the environment and, in particular, the rich plains and the underground water is protected. This approach has been in response to significant ongoing tensions in respect of mining and agricultural interests.

Notwithstanding this overarching policy position, the Liverpool Plains Shire is physically located between the Hunter region, Australia's largest regional economy, and the rapidly emerging and swiftly growing economy in the Gunnedah coalfields. The mining sector therefore has direct relevance and importance to the local business community of whom council advocates for. Likely impacts on the Liverpool Plains community in relation to this project lie within two primary categories – social and economic. Economic is based on local procurement, should be clearly defined and applied within an appropriate and reasonable geographic context in any local procurement strategy noted that the project is predicted to require a construction workforce of up to 500 personnel and operational workforce of 450 personnel.

A local recruitment hierarchy should be developed, with preference provided to locally based candidates. It is noted from the social impact assessment that no significant impact is predicted on the Liverpool Plains LGA, however, appropriate engagement should continue to be undertaken with local government to ensure that the pressure is not created on council's abilities to upskill personnel and achieve desired staff retention rates. Council, in its local experience with directly engaging with the mining sector, has found the operational outcomes to be generally positive.

Whitehaven in its operation of the Werris Creek coal mine within the Liverpool Plains Local Government Area has supported a broad variety of initiatives and events ranging from community-led environmental activities to the installation of community infrastructure, such as playgrounds and educational training facilities. Local community organisations, including service clubs and charities, have also been supported. In all major community projects, council has been actively engaged and partner within the process. This collaborative approach has also been underpinned by the contents of council's adopted Community Strategic Plan and a philosophy of buying local. This approach has also ensured that businesses are supported in any local investment opportunities to the highest degree possible.

Increased support and commitment is always sought from the mining sector to buying locally. The benefits to communities and the ability for them to share in prosperity and wealth generated by mining activities cannot be understated. Should the project be approved, the social impact management strategy should own local procurement policies and support to the highest degree practicable for communities that they reside in and directly impinge upon. Examples of local business and service providers in the Liverpool Plains that benefit from this sector include but are

not limited to real estate agents, steel fabrication industries, vehicle and equipment sales and repairs, professional consultancy services, financial professionals, hospitality and food industries, fuel distribution outlets and the like.

5 The mining industry, State and Federal Governments have an obligation to support regional economies by ensuring appropriate digital, air, rail and road connectivity and appropriately funding these critical infrastructure needs. From a cumulative impact perspective, should the project be approved, it is likely that increased pressure will be placed on the regional freight pinch points within Liverpool Plains Local
10 Government Area. These include a gap road Werris Creek and the Werris Creek road railway crossing. The Department's attention is drawn in this regard to the contents of the Namoi Regional Road Freight Strategy Consulting 2018.

We believe this can be done through fairer distribution of royalties for regions,
15 money collected by the State Government with a commitment to fund all affected shires with the infrastructure required. When I say "All affected shires", I mean from the start of the coal to the port. Every shire is affected and there's infrastructure required. The project is generally supported by council on the basis that it meets all the regulatory guidelines and environmental criteria. An appropriate balance must
20 always be achieved. The corresponding economic benefits to the regional community are likely to be very positive and the project has the capability to increase economic diversity across the region. Thank you very much. I've also provided a copy of this.

25 MR HANN: Thank you.

MR HOPE: Thank you.

30 MR HANN: Mitchum Neave.

MR M. NEAVE: Good afternoon, people. I would like to pay my respects to the elders past and present for the land we stand on today is actually Red Chief Land Council. It makes up a part of the Gomeroi Nation. It's not Gomeroi Nation. It's Red Chief. So I will start. I'm a bit nervous. I'm Mitchum Neave, chairperson of
35 the Red Chief Land Council. That statute role of the Land Council is to protect Aboriginal culture and heritage. I declare that this statement is true and correct to the best of my knowledge. Firstly, I would like to start with the reason one selected has withdrawn because of a conflict of interest. I hope today that everyone involved with the Whitehaven Coal Vickery Extension has declared their pecuniary interests
40 as well as their conflict of interest in Whitehaven Mining. As I heard, payment are being made for the speakers. I too declare a conflict of interest, as my daughter has recently started working with Whitehaven Coal. I make this statement today without payment from Whitehaven.

45 I begin with a Newcastle Herald Paper article dating November to – sorry – November/December 2018 that people were wanting an investigation into the Department of Planning. You can read these on their websites of the newspaper back

in them dates. Also catch it on the ABC sometime in October, title Coal Products stating:

War on New South Wales. Coal exports are under threat.

5

Approximately six and seven years ago I walked on the Vickery with resident Aboriginal parties and we found stone arrangements, scarred trees, knapping sites, stone tools in a dried creek bed. When I asked Whitehaven at the end of 2018 about these sites, their response to me, “No records were – no records found from
10 Whitehaven”. So six and seven years ago, Whitehaven Mining hired an archaeological team under the leadership of Lance – forgive me for the surname – Steins when, in fact, he was not qualified as, at all to my memory, Whitehaven removed him. Now, he wasn’t qualified as an archy – sorry; there’s a bit of typo there. He was removed then hired – hired another team, and also removed. Why?
15 Because my understanding is because their reports did not favour Whitehaven.

So where is Lance Steins? Where his report? He worked for – and I can’t pronounce it – Kendall’s Archaeological Service. I think they were actually in at Newcastle. Also, Brian Cole stated at the beginning of the rail spur corridor has been surveyed.
20 After a lengthy discussion, Brian admitted that, in fact, this has not been surveyed, and I’m talking about walked on by Aboriginal people for artefacts. We shouldn’t be here today because it’s incompleated. With this information, it’s a clear picture that their reports are not correct. How can a Department of Planning Environmental
25 Minister approve a project where the Aboriginal culture and heritage assessment has never been done.

As the First – First Nation’s people, I’m sick of the government departments and industries pushing their agenda without meeting their protocols for their approval such as doing the Aboriginal culture and heritage radial assessments involving
30 engaging the whole Aboriginal communities. Instead, they bring outsiders in to tick the boxes, also so they only select the handful of local Aboriginals. This should not be approved because they have failed the Aboriginal culture and heritage value assessment. It is in the Department of Planning’s key issue before any approval is met. For everyone’s information, there is a TSR travelling stock route within their
35 lease area but not TSR corridors leading to and from. So where are they?

Why haven’t they engaged an organisation to do a social impact on Gunnedah? People living within the community are struggling with prices of rent, food and fuel, just to name a few. Whitehaven reports show that everything is fine, which it’s
40 really not, looking at the bigger picture. Brian Cole stated that there is going to be an influx of four to six hundred people. Gunnedah does not have enough water resource. The sewerage works able to hold up to the high impact of more people in the community. Is Keepit Dam going to handle an extra mine? It’s already at, at this stage when I wrote the report, .3 per cent. Keepit Dam was built for irrigation for
45 farmers and recreation use for communities. Whitehaven is misleading with their reports. I’ve got a lot of dot points there. I won’t go through them because I’m running out of time and - - -

MR HANN: Just sum them up if you can, Mitchum. Just give us a quick sum-up of the key ones you wanted to make.

MR NEAVE: Social impact is incorrect. Do they own all the land? No, they don't.
5 When asked about the water – the water – when asked about the water drain-off at the washery, they stated probably have dams. I asked the question on the bus because I've seen the black stuff flung towards the river, and Brian stated they've probably got dams there that keeps it out. No, they haven't. But this was just to name a couple, but there's a lot more of them there.

10 Whitehaven stated they are trying to keep the workforce local; example, out of 400 jobs for local people, their prediction, there are only a handful of workers from the local areas. And I haven't wrote it in, you heard this morning, everyone come from Sydney, not here. It is our role to protect the culture and heritage for all Aboriginal
15 people within New South Wales, to give the best outcome for the protection where we can. I am begging you, as a descendent from the First People, hold the mining industries accountable, and let the reconciliation begin with me and you here today. Say no. Help me stand up for my ancestors, which is also a part of our history, culture as well. Thank you.

20 MR HANN: Thank you, Mitchum. Michael Clancy.

MR M. CLANCY: Thank you for the opportunity to present ARTCs submission at this Independent Planning Commission hearing in the wider Gunnedah and Boggabri
25 community here today. I represent the Australian Rail Track Corporation as the manager of business development and property, where my primary role is to investigate, encourage and support new freight opportunities onto the Hunter Valley rail network that we operate. We are presenting in support of the proposed extension of the approved Vickery Coal Mine.

30 As part of this submission, ARTC would like to take the opportunity to outline how developments such as the proposed extension are beneficial to wider users of the rail network, as well as local communities and workers that depend on business and operations like ours. There are three primary areas I will address: the context and
35 nature of the multi-user rail network that ARTC operates in the Hunter Valley, how investment in mining supports other users of the rail network and creates mutual benefit for other customers and industries, and thirdly, the broader benefit associated with the rail network supported by coal volumes.

40 For those of you who don't know, the Australian Rail Track Corporation is a government owned business enterprise that operates, manages and maintains approximately eight and a-half thousand kilometres of track right across Australia. The Hunter Valley network is a large component of that business, involving a busy predominantly coal focused network in the Hunter right through to Narrabri and the
45 UN, but we also cover areas as far south as Parkes right up through to Boggabri on the Queensland border.

While coal services are our primary customers given the actual size of volumes, they are actually not the main number of trains that run through our network. On a daily basis, we have over 250 trains running through our network within the Hunter Valley. Less than half of those are coal trains. We operate a mixed use open access
5 rail network which also supports grain, general freight and other bulk freight services, in addition to passenger services.

As a government-owned enterprise, ARTC has a commercial charter and operates underneath the Corporations Act. In terms of how investment in the rail network is
10 conducted and funding of an ongoing operational maintenance and improvements, we charge our customers a fee to operate on our network under a pricing regime known as the Hunter Valley Access Undertaking. This is an independently overseen framework by the Australian Competition and Consumer Commission to ensure fair pricing regimes and access arrangements to all users.

15 To this end, we gain revenue from our customers, and we reinvest it into the network to fund capital projects and operational maintenance requirements. The Hunter Valley network is commercially sustainable and supports ARTC's performance as a profitable company, and over the last two years, ARTC has made dividends back to
20 the Federal Government in the order of \$148 million. Our coal customers have also been significant in terms of the capital investment made into the rail network, which, over the last 10 years, has equated to over \$1.7 billion in capital upgrades right across the Hunter Valley corridor right through to Narrabri. This is separate to any investment that the above rail operators have made into their own facilities.

25 Additionally, the coal industry and our other customers help fund around \$220 million in operational expenditure each year. Things like ongoing maintenance, track renewals and upgrades, which supports the direct employment of 466 full-time employees within ARTC alone, nearly 100 per cent of whom are based in the Hunter
30 and the communities like Narrabri and Gunnedah where we operate. In the Gunnedah and Narrabri regions alone, there are over 30 full-time employees based at our provisioning centres there alone.

A significant component of the operational expenditure on the rail network relates to
35 major maintenance works, mostly delivered, as you probably are aware, of track closures or shutdowns that we have every – approximately every six weeks. During these periods, ARTC invests between 20 to 30 million dollars in a three to five day period every six weeks. This sees the deployment of an additional 1000 plus contractors right throughout the Hunter Valley. The local economic impact of these
40 periods are substantial.

For example, in February in approximately two weeks when we go into another three-day shutdown, this region alone will see over \$4 million delivered in
45 operational maintenance activities in three days. That is from – everything from gravel, ballast, concrete, fuel, accommodation, food to actually support that workforce. I only mention the scale of the investment into the Hunter Valley Rail Network as it helps provides some context as to the benefit that the coal industry

provides to complementary industries like the rail and broader supply chains, and how it is critical that ongoing investment in new opportunities, such as the Vickery Extension, support the industries around them.

5 Rail is naturally suited to supporting the resources industry and will continue to do so
for many years to come. It is also an area where Australian operators have been
world leaders, particularly in the heavy-haul bulk rail sector, operating some of the
longest and heaviest freight trains around the globe. This increase in scale has flow-
on benefits to other industries that benefit the other users of the network, and this
10 interaction between coal rail services and other customers on our network is often
misunderstood, but they are highly complementary from an ARTC and a wider
supply chain perspective.

15 Many of you in this room and within the wider community understand the
importance of a competitive supply chain when it comes to produce you grow and
transport both domestically and internationally. There is much talk to build on
Australia's comparative advantages in food production, and any success in this will,
along with the development of corresponding infrastructure, will be to rail's benefit
as the haulage mode of choice for grains, raw products and materials.

20 Obviously, the future requires our rail network to be able to cater for larger, more
efficient trains, and have these trains capable of traversing this state and nation on a
network designed and constructed and maintained for a future in which the global
competition will be fierce for Australian products entering existing and new markets.
25 The North American model for rail transport is often cited as an exemplar for
Australian supply chains, and the Hunter network is the closest network, or the
closest example of this type of network operating in place, where investment to
support heavy haulage, predominantly resource operations, has created a transport
supply chain for other industries to leverage off. For example, the investment
30 program over the last decade in the Hunter Valley has seen the average coal train size
increase to over 1300 metres with payloads in excess of 8000 tonne.

Building on that foundation provided by the coal industry's investment in the
network, recently, ARTC has been able to work with the grains industry to increase
35 the average train size operating through the Hunter Valley and delivering bulk grain
into the Port of Newcastle. Prior to 2015, the average train size delivering into the
Port of Newcastle had a payload of less than 2000 tonne. Today, the average
payload delivered into the Newcastle Agri Terminal is over three and a-half thousand
tonne, a 75 per cent increase in efficiency.

40 This, in turn, has reduced freight rates, increased throughput through the Newcastle
ports in particular, and, ultimately, drives better farm gate prices. Noting the
advantages this predominantly coal network – coal base rail network offers other
industries, there are also direct benefits to ARTC's business, with new resource
45 developments. We are supportive of developments such as the Vickery Extension,
because it ensures continuity of tonnages to support the commercial operation of a
national and state significant infrastructure, the underwriting of ongoing

modernisation, renewal and investment in the rail network, continuity of ARTC employment in the Gunnedah and Narrabri regions, directly and indirectly, and the opportunity for other non-coal freight sectors to leverage off this investment. Thank you.

5

MR HANN: Thank you, Michael. Peter Thompson is our next – the next speaker. Peter, it might be better if you hold it - - -

MR THOMPSON: This way.

10

MR HANN: - - - and speak into it that way. It's just the feedback.

MR THOMPSON:

15

MR HANN: Yes. Yes. If you don't want to, I'll just make – get it a bit closer to you, if you like.

MR THOMPSON: Yeah, we'll try that.

20

MR HANN: It's just the feedback's a bit grim.

MR THOMPSON: It seems to be working sometimes.

MR HANN: See how that goes.

25

MR THOMPSON: Okay. Thanks, Commissioners, and hello fellow citizens. I'm the chair of Coonabarabran Landcare, which, like a lot of land care group is a small group of volunteers who do a reasonable amount of projects, a fair – a lot of projects for a very little cost. As our objects, as an incorporated association, we have the principle to think globally and act locally, and as some of our aims, one is to work for a better, more sustainable environment, and another – there are several of them, but I'll just quote two – is to support the change to renewable energy, the elimination of greenhouse gas emissions to combat climate change.

30

35

I want to talk today about ecologically sustainable development, although I know an early speaker did touch on it. So there's a definition, which I think Stuart quoted earlier, which is, "Using, conserving and enhancing the community's resources so that ecological processes on which life depends are maintained, and the total quality of life now and in the future can be increased". So there's a very big commitment to future generations as part of that definition.

40

45

In 1992, which is now a generation ago, all Australian governments committed to a national strategy for ecologically sustainable development, and they did this at the time because it was obvious that there was serious environmental damage from bad decisions in the past. So I guess that sets us up when we're making decisions today and when the IPC's making decisions – are we going to leave a legacy for the future of environmental damage because we've made bad decisions, or are we going to

embrace the concept of ecologically sustainable development and make good decisions that will leave the coming generations in a better situation.

5 So another reason why the – our national governments and state governments agreed to that strategy was that there had been a series of divisive and damaging confrontations about bad decisions, and I think considering the possibility that a –
10 that more and more coal mines could be opened up is – shows that we haven't got very far because these are still very divisive and damaging and quite confrontational considerations that are going on. Perhaps they should be in the past. And associated with that, the idea of developing new, environmentally friendly products, and we have that.

15 We have renewable energy as a product which is now – can meet all the needs of our energy for the future, so to be going back and considering coal or other fossil fuel is now quite an outdated strategy. So in terms of the ecologically sustainable development strategy, it's – the goal was to – development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. So that's very similar to the definition.

20 But life depends – human life and plant and animal life depends on the climate, and we know that other speakers have spoken about climate change, and so we're now threatening the climate on which life depends. And as part of the principles of ecologically sustainable development is what's called the precautionary principle. Where we're not certain about the science, where there's some doubt, then we should
25 err on the side of caution and precaution and not take a chance that she'll be all right.

The national strategy for ecologically sustainable development talked about the different sectors of society and the economy, and they did refer to mining as well and that mining should aim to be developed in a way that's consistent with the principles
30 of ecologically sustainable development. They made one specific objective that's relevant to us today in this discussion, and that is that mine sites are rehabilitated to a sound and environmentally – sorry – to sound environmental and safety standards, and to a level at least consistent with the condition of surrounding land.

35 We've heard in the EIS and in the issues report that we will be nowhere near restoring the land to at least the condition of the surrounding land. There'll be a big hole in the ground. There's a certain urgency about action on climate change now, and that means halting our greenhouse gasses emissions within the next 10 years, and that's much less than the proposed life of this mine. So the Environmental Planning and Assessment Act in its objects adopts the idea to facilitate ecologically
40 sustainable development. So in all the approvals process, we should be keeping these principles in mind as the Independent Planning Commission makes its decisions.

45 So just in terms of how does this project, as we understand it, with all the faults in the EIS and the remaining issues to be resolved – how does it measure up against the principles of ESD, ecologically sustainable development? On the issues of surface

water, various public submissions, departmental submissions and expert peer reviews have said there's lots of doubts. There's more to be decided. There's more information needed before we can make a decision and be confident that this project will not interfere with the sustainability of surface water and flooding as part of that.

5 And in particular, in surface water in the Namoi – the cumulative impacts, which are very important for ecologically sustainable development, the same with ground – so failure – I think we can put a cross beside how this project measured up on ESD principles. It's failed on surface water and flooding.

10 How does it measure up against groundwater? Again, some of the independent experts and some of the public submissions and some of the departmental submissions raise doubts about whether this project is a goer in terms of sustainability of groundwater, so another cross, another failure. How about dust and noise and air pollution and lighting and the cumulative impacts of those? I think
15 there's more dust, there's more questions. Some of the expert – the peer reviewers, some of the public submissions say that we need more information on which to make a decision. Another failure.

20 On biodiversity, koala habitat, vegetation, I think there's more questions being asked about that. Another failure. On the final void, a big hole in the ground and a big failure with lots of questions being asked about how that's going to impact on water, and on social and economic issues. I think there's so many uncertainties and so many downsides for all the proposed upsides. So another failure. I haven't ticked a success yet. I'm sorry about that. And if we measure it up against the precautionary
25 principle and all these interrelated and cumulative factors, we can't pass this on ecologically sustainable development practices.

30 So I don't know how this project could ever be approved. It would be a form of corruption – not legally defined corruption, but moral corruption, and surely there's a way to meet the needs of our citizens, our least disadvantaged – most disadvantaged people included without ruining the climate which is going to make life uninhabitable. Lastly, I'd like to acknowledge the Gomeri People, whose land we're on, and as you travel around the district, just think of all the rich heritage of place names. Boggabri means place of river. I don't want that to turn into
35 Boggidalibar, a place destitute of rivers. Thank you.

MR HANN: Thank you, Peter. Phil Laird?

40 MR P. LAIRD: Good afternoon, Commissioners. Thanks very much for this opportunity to speak to you on behalf of the Maules Creek Community Council with regard to the Vickery Coal Mine. Maules Creek Community Council oppose the Vickery Mine, saying in our written submission that this is exactly the sort of coal mine that shouldn't be approved. The fact that the company sought a four million tonne per annum licence and are now seeking an expansion of 10 million tonnes per
45 annum without turning indicates to us that even the company thought a 10 million tonne plus coal mine next to the Namoi River wouldn't fly, that it would

have unpalatable impacts and be unacceptable to the community. I say to you that that is the case.

5 The thought process of the proponents seem to be better to do a two-step planning process under a different company name to somehow muddy the waters of a new big coal mine right next to the Namoi River. The fact that the community is forced to read, make submissions and appear at this hearing in response to a deficient EIS, which is missing key pieces of information in relation to groundwater borefields and railway track alignment and construction, shows the contempt the Department of
10 Planning and the proponent has for the community's time.

Next slide. It's the same process as the Santos EIS, which was missing the crucial location of the well locations. The government is using the community to determine if the EIS is adequate, rather than as a function of the Department of Planning and
15 it's already becoming very tedious. We would recommend that, in the future, to discourage inefficient, time-wasting multi-stage EISs, the Department show some intestinal fortitude, perhaps with the Commission's assistance, and help the proponent when it provides inadequate EIS or inevitably returns for extensions, expansions and other modifications. The IPC could rectify previous oversights or
20 improve outcomes for the community by adding obligatory new conditions to fill in voids, reverse the burden of proof and ramp up mine rehabilitation, to return the land back to its pre-existing land values.

Would you mind doing the next one? Sorry, I can't do two at once. We think that
25 the approval conditions and the structure of approvals are flawed. Modern approvals are more of an approval system than a single document. Planning approvals consist of approval conditions which result from submissions processes and hearings, such as we have here today, but the day-to-day interpretation of the approval conditions, known as environmental management plans and strategies, are developed in
30 collaboration with the Department of Planning, far away from the public eye.

These plans are developed in a non-transparent manner, can be changed year to year and are unlikely to ever be challenged or appealed legally. Even further from view are the compliance measures into environmental breaches by the company, which are
35 instigated by the Planning Department, usually after a complaint from the community. The investigation is carried out in a secretive manner and rarely comes to anything other than a small fine or an application for a mine modification.

40 All three elements of the approval system must work together to protect the community and the environment from the impacts of large, potentially damaging developments, such as Vickery or the Maules Creek Coal Mine. Otherwise, the system falls down, leaving the way open for the company to game the system. We believe we're seeing this at Maules Creek.

45 Next slide, please. The problem for mining-affected communities is that the Planning Department, which has oversight of the approval system, is not playing its part. Our experience at Maules Creek is that the Department has allowed the

company to modify or ignore approval conditions that the company wouldn't comply with. We've seen this with Mod 1, to do with traffic, and the aborted Mod 4, to do with noise.

- 5 Next slide, please. The environmental management plans are developed in a non-transparent way, without community input, or even to ensure that the plans are in line with the original conditions. These reports can be years out of date. For example, at Maules Creek, where groundwater is a huge issue, the last available groundwater management plan is dated 2014, despite having to be reviewed every two years, as stated in the original conditions. The management plan has no mechanism to stop groundwater extraction by the mine if the groundwater levels at Maules Creek collapse, which the community believe they are.

15 The supposed check and balance, the environmental audit that reports operational performance to the management plans, are delivered months late, after extensive consultation with the Department. For example, the 2017 audit, due in early 2018, was made available in September, when it's too late for the community to make a timely response to environmental issues. Then compliance appears to be weak and ineffectual.

20 When the compliance division conducted an investigation into the significant drops in groundwater at Maules Creek, it was unable to establish or report key data. Something as basic as the mine's groundwater take, which the community regards as critical towards the enforcement of the approval conditions. In fact, the company took glee in the media that the community had no data. Even today, the company is attempting to block FOI requests to get the departmental investigation.

The MCCC would recommend that, in future determinations, the IPC provide conditions that provide:

- 30 (1) clear timelines that require the production and publication of all environmental management plans prior to mine construction;
- (2) clear guidelines as to how environmental management plans must tie to the conditions and a system of public exhibition and consultation of these plans prior to the plans being adopted;
- 35 (3) clear guidelines that state that if a final audit report or management plan revisions are not available, the current draft must be made available at the date the reports are due; fines should be levied for every day the deliverable is late;
- (4) clear measure be in place to ensure transparent measurement and real-time reporting of groundwater take.

40 The use of groundwater meters with real-time telemetry is essential. This should be extended to company dust and noise meters. Can't stress that most strongly enough.

Clear guidelines as to the publication of investigations into mine breaches, including the timing of preliminary findings.

5 Next, thanks. Do another one. We think the approval conditions are unenforceable. Furthermore, we would recommend that the IPC revisit the model approval conditions. Many of these conditions are unenforceable by the community and, given the recent evidence in November to December last year from whistle-blowers, concerning the resources section of the Department of Planning, we are concerned that this is deliberately so.

10 For example, the Maules Creek Coal, Boggabri Coal and Turrawan approval conditions re compensation for groundwater loss puts the burden of proof on landholders, where there be a loss of groundwater. However, the approval conditions do not force the company to transparently, in real-time, provide its water take from bores or the inflow into its pits. Baseline data can be vague, missing or incomplete. 15 As a result, the landholder has no way of meeting this burden of proof to enforce the conditions.

20 Like compensatory water loss conditions, adaptive management conditions are unlikely ever to be triggered because of the difficulty obtaining relevant baselines and the lack of environmental data. Adaptive management conditions are basically a fig leaf to smooth over the community when ongoing damage occurs. Lack of transparency creates an incentive for the mine operator to delay reporting, not report or misreport breaches in its environmental management, knowing there can never be 25 any scrutiny of its claims or third party enforcement.

We recommend that: (1) initially, the IPC engage legal professionals outside the Department of Planning to review all the model conditions, to ensure that potential breaches of conditions are actionable and legally enforceable; (2) prior to any future 30 determinations, the IPC ensure that proposed conditions are also practically actionable and legally enforceable by the affected parties; and (3) that approval conditions ensure full transparency of all environmental data in real-time. That's the third time I've said that.

35 Final voids. We've got another final void at Vickery. The Vickery Extension EIS says it plans to leave two final voids, one to a depth of 200 – can I go with the next – one to a depth of 235 metres. In previous planning instances, Whitehaven has said that it does not wish to fill in its pit due to the cost. If this is still the case, then it's completely unacceptable. Filling in final voids in the 21st century is part of the cost 40 of doing business for coal mines. Whitehaven is shifting the cost of final voids to the environment and the surrounding community.

In thousands of years, these voids will still be evaporating the district's groundwater to the atmosphere and concentrating toxic salts and heavy metals. The MCCC 45 support the Department's surface water report, BMT's concerns re the concentration of salts in the void, and strongly recommend that it should be filled in. The State has a responsibility for ensuring appropriate environmental planning outcomes for all

generations under the EP&A Act, not just this one. The Act has no provision to minimise cost to the proponent for land remediation activity at the expense of the environment. Thanks, Commissioners, for your attention.

5 MR HANN: Thank you, Phil. Jennifer Darley.

MS J. DARLEY: Good afternoon and thank you for the opportunity of speaking today. I'm Jennifer Darley, teacher and farmer. My family live on the property Merrigal, which will be approximately four to five kilometres from the proposed mine extension, and now three adjoining properties consisting of two-bedroom
10 houses, a cottage and a DA for a house, and these properties are only 250, 450 and 650 metres from the proposed rail line crossing the floodplain and will be positioned on our boundary – right on our boundary fences.

15 Errol and I have three children. Our oldest, Kate, is married and agist cattle on our property and bails crops with her feed on their cattle farm. Our son Andrew just has completed his degree in ag science at Gatton University and has chosen to return to the farm and help maintain and improve our property. Our youngest daughter Stephanie has just completed a degree in agri business last year.

20 So you can see we are a family who love the land and wants to stay on the land, and now this is in jeopardy for us. I want to state that I am not against mining and, as I've seen from several talkers today, they have done really well from the mining, and unfortunately most of those miners that spoke this morning all settled in Gunnedah.
25 Boggabri has been left out again. But I am against the bullying and the tactics used to get a development through. For the life of me, I cannot believe we are at this stage. How could a development be put for a consideration when there are so many admissions and absolutely no details of construction, and I'm talking about the rail spur here.

30 Today is the first time I've actually seen a picture of the railway going across the road. Published last year in our Namoi Independent, Tuesday, November the 6th, Minister Canavan visited the Vickery Extension with the director of Whitehaven and has been quoted:

35 *I am always keen to see more opportunities get delivered for this country. I think the developments at Maules Creek have been great for this region –*

and goes on to say:

40 *If we could replicate that with the proposed Vickery project, that would be great.*

45 This comment completely concerns me, as Whitehaven at Maules Creek has had many breaches against this. Or will this be wiped off, as this project is now under Vickery Coal Limited. Again, the government did not consult anyone who will be

affected by this expansion. So, again, sweeping agreement statements are publicised without consulting the people who would be greatly affected by this expansion.

5 Why is a federal minister here pushing forward a development when this is a state project? Probably why everything is going ahead at full speed, as in Matt Canavan's press release in September in 2018, he is quoted saying?

We need to reduce unnecessary approval delays.

10 I have read through many of the submission and I found that those submissions in agreement are mainly businesses and present and past employees. Really? Businesses will not be affected, as mining is not going to stop. They're still here. It's going to be here. And their businesses will continue. Employees have a job
15 now, unless they are all dismissed and have to reapply to fill the proposed new 450 new jobs. Most who oppose were families and people who will be greatly impacted by this development, socially, mentally and economically. The social impact is huge and has already had an effect and the expansion hasn't even been approved yet.

20 I was a teacher in the local Boggabri school for 10 years and still do casual work today. The schools are struggling due to the loss of families in the area, as they have been bought out by the mine and have moved on. At the beginning of just this year, 2019, our local schools have lost 39 pupils and two teachers. Unfortunately, a lot of miners and employees are here for the work, but they don't bring their families. On a personal level, just in the Emerald Hill community, unfortunately there is division.
25 Those who have different opinions of the mine and those who have benefited from the mine feel uncomfortable with the reactions they may experience if they attend social gatherings. As a result, our local book club has ceased after eight years. People have left organisations like the Progress Society, CWA and our fitness group. This should not happen.

30 Back in the 80s our community had to battle to stop the rail being placed over the floodplain, and now 30 years later we are back doing it all over again. I don't want my family fighting a mine development for the next 30 years. It's unfair, mentally exhausting and harmful. I thought we lived in a democratic country, but it is obvious
35 we have no rights. This is not a game. We have read multiple transcripts of meetings and proposed stakeholder and different groups to find information, and, of course, the famous 4000 page EIS with no success. It's like Where's Wally. Why isn't the information clearly visible for us to digest?

40 The proposed rail line on the floodplain is really For an example my husband Errol had been on bus trips with various stakeholders and the rail is not ever mentioned unless Errol has asked a question or even stopped to investigate. Not enough time, apparently. It seems this is already a foregone conclusion. The existing bores on our property are approximately 33 meters deep, and I want to know
45 what damage to our water table a railway crossing on the floodplain will have. Everyone has a right to extract water if they have a water licence, but I really find it difficult to understand if the companies would have to pump good water to wet road

to keep the dust down, instead of being used to produce valuable commodities. I know the purchase of these licences have skyrocketed due to the mine influence, making it unattainable for many farmers to even compete, even when and if a licence becomes available. Agriculture is being ignored.

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We are a small irrigation property and our family will not survive without water. You need thousands of acres of dry land to be at all viable. We have just experienced five consecutive dry years and our water table is fine. If this changes due to the expansion and development of the floodplain, I want to know who is responsible. Is it Whitehaven Coal? Vickery Coal Limited? Is it the State Government? Is it State Water? Is it the experts who say everything is right? Who will compensate us for the income now or in the future, as I know no one will want to buy our place with 16 coal trains going to and fro 24 hours a day on our boundary.

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We are working tirelessly on our farms during one of the worst droughts ever, and having to familiarise ourselves with the relevant data to stop this expansion, our quality of life, especially over the last six months, has been greatly compromised. Also these past months have put pressure on our small community, high emotions, conflict, in numerous meetings with members of – politicians and, at the same time, trying to continue with family life, working our farms, and also maintaining a job. At this time, I would like to thank our small community of supporters who are always there in our difficult times. Thank you.

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MR HANN: Thank you, Jennifer. Grant Batty.

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MR G. BATTY: This speech will be like me: short. Afternoon. My name is Grant Batty. I'm the – I'm here in my capacity as a Liverpool Plains Business Chamber president. I'm also a committee member on the Liverpool Plains Shire Council Business Advisory Group. As a business chambers representative, I'm speaking primarily from a commercial perspective, as a chamber's role is to promote commercial stability and growth for our Liverpool Plains Businesses and our regional chamber colleagues. The current benefit that Whitehaven's Werris Creek mine brings to Liverpool Shire community is significant. The 140 employees, plus family members, they rent homes, they buy cars, they spend on food and beverages, they attend community events, they join rugby, athletics and swimming clubs, their children may join the school choir or debating team. In essence, a really important cog in our small business and our small local communities.

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Surely, 400 new workers at Vickery will have a positive commercial effect on the region. Our region is primarily agricultural focused, but modernisation of the farming industry have led to a reduction in employment opportunities on the land. So where farming used to provide many job opportunities, it is now mining that provides those opportunities. Our regional viewers at our local smaller communities will be significantly negatively impacted on if it wasn't for the likes of Whitehaven growing their business. Pia, my granddaughter, started year 1 today. If we don't provide work opportunities like Whitehaven does, Pia and her friends will be unlikely to live and work on the plains as adults.

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Our chamber has no environmental scientists on it. We don't progress to know if the Vickery mine expansion will have a negative impact on the environment. We will rely on the various government regulatory authorities and suitably qualified professionals to determine that. We assume and expect the environment will be protected. And we also assume that Whitehaven will be a responsible regional citizen and will behave according to the law of the land, and to act in the spirit of that law. If the experts say the mine is okay and Whitehaven behaves as an excellent corporate citizen should, then the Liverpool Plains Chamber of Commerce is in favour of the mine expansion. Thank you.

MR HANN: Thank you, Grant. Simon Rock.

MR S. ROCK: Thank you very much. My name is Simon Rock. Good afternoon to the commissioners and all the people that have been here. It has been a long day. I'm here as the business development manager for mining for WesTrac New South Wales. I have over 30 years experience in the coal industry, through New South Wales and Queensland. WesTrac New South Wales supports the proposal and acknowledges the financial, community and environmental benefits that this proposal will bring to the local, state and federal areas. WesTrac New South Wales has over 1300 employees. Of those, 1100 are rurally based. This covers the clerical, admin, sales, tradesman and the apprentices that will become our tradespeople of the future. And a lot of those will be locally based and sourced, as we have been doing for many years.

Like Whitehaven, we employ local people and we encourage our new employees to be locally based. This way, they become members of the community, they're local, they're in with everybody, they're not fly-in, fly-out or drive-in, drive-out people. We've been doing this for many years. It's successful. It works well for our employees. It also works well with our community commitments that we have. All our branches – we have 16 branches around the state – all support the local sporting clubs, cultural groups, schools.

And we see this as part of being – an important part of being a corporate citizen. As people have mentioned, low carbon emissions, with more than 200 coal power stations currently under construction in our region, we need to transition to a low carbon emission energy future. And the coal from Vickery will help this by displacing high emission rubbish coal and getting out of other markets.

This will result in less carbon coming into our environment. Caterpillar and WesTrac are committed to reducing our machines' environmental footprints, with ongoing research and development reducing our equipment's exhaust emissions and noise levels. As a previous speaker pointed out – thank you very much – that the noise levels have dropped in the latest submission. And this is partly due to our reduced noise emissions from our equipment.

Currently, between Caterpillar and some of our third-party providers, we're getting up to a six decibel reduction in some of our machines. And as most people

remember from high school maths, noise is logarithmic, so three decibels is halving the noise power. So it's a huge reduction in our noise levels. I would also like just to speak to some of the other benefits that a lot of people aren't aware of that mining does bring.

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I was involved with a volunteer after school maths tutoring program in Singleton. This was a program where high school students could come and get support for subjects that they weren't doing very well in. A lot of this was because they was no one at home to help them do this sort of work, so they would come along and we would give them a hand. When the call went out for support for the program, it was the mining industry that fronted up. There was no agriculture, viticulture, equine industries that had a huge pool of professional people that could come and help.

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We ended up with 20 or 30 students coming each week for assistance. And when you look – I look back at that now and run into some of those students, who were doing very poorly at school, who went on to uni, and there's nothing like them coming and saying, "Gee, Mr Rock, thank you. Without you, I would probably be doing some shit job somewhere." So there's a lot of things that mining bring that they don't put their hands up and tell people about. I think we need to be aware of some of those as well. Thank you.

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MR HANN: Thank you, Simon. Our next speaker is Bob Sutherland.

MR B. SUTHERLAND: Thank you very much. Firstly, I would like to acknowledge the Gomeri people and the land that we stand on here today. I want to acknowledge my elders past and present. I'm a Gomeri man. I'm very proud of that. Good afternoon, chairperson and panel. Thank you for the opportunity to speak to you today. As mentioned, my name is Bob Sutherland. I work as the Aboriginal community relations officer for Whitehaven Coal. And I'm here today to speak in support of Whitehaven's Vickery Extension Project. I previously worked for 14 years in the Office of Environment and Heritage, as part of the Aboriginal Cultural Heritage Regulation Team, and also cultural heritage project management teams. I've been on numerous government and community committees and was a recipient of Warrumbungle Shire Council's citizen of the year in 2011, for my community work with the Coonabarabran and local Aboriginal land council.

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Additionally, my work with Aboriginal management committees with the New South Wales Office for Environment and Heritage, was also acknowledged. In particular, the concept design and development of Sculptures in the Scrub project on the border of Dandy Gorge Aboriginal area and Pilliga National Park, which now attracts approximately 30,000 visitors per year. My cultural ties and extended Gomeri family originate from the Coonabarabran, Baradine and Narrabri region. My apical ancestors are Emma Jane Dingwell, William Billy King, also known as King Billy, and Marianne Hall. All of these are listed on the current Gomeri native title claim. My paternal grandmother was born in Boggabri and raised her 10 children at Baradine. Her father was Henry Williams and was a trapper who worked as part of the royal protection board. And his trapping area was between Baradine, Narrabri

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and Boggabri. He knew the region extremely well and passed on his knowledge to his sons, nephews and grandchildren.

5 Most of my grandmother's seven sons, including my father, worked in local sawmills, sleeper cutting and labouring on properties. For myself, I came to Gunnedah over four and a half years ago now to commence work as the Aboriginal community relations officer. And after my work ceased as part of a restructure at the Office of Environment and Heritage, it was a difficult time for myself and my family and my three daughters and my foster son, who was settled in school and community groups and sporting teams and did not want to move to a larger regional centre, or indeed to centre, leaving family and friends behind. But, financially, it was really the only option my wife and I had, until I was lucky enough to win my current position with Whitehaven.

15 In my opinion, there have been quite a few Aboriginal people in the region that have had a similar dilemma to the one that I faced with my family, that is, in most instances, Aboriginal families want to stay and work in the region that they've grown up in and have a cultural affiliation with. We want to have stable long-term employment to sustain our families. My time with Whitehaven continues to be extremely rewarding and, in my opinion, I can see Aboriginal people's lives being changed by employment opportunities that are being presented through mining.

25 Just a few statistics in relation to Aboriginal employment in our company, keeping in mind that, in 2016, the ABS statistics for Aboriginal employment in Narrabri and Gunnedah shires indicated for the first time in a decade that the number had dropped below 20 per cent – 20 per cent people – 20 per cent unemployment rate – over and above. So our company now sits at 11 per cent indigenous employment across the whole sector.

30 We are a leader in the mining industry when it comes to Aboriginal employment with over 90 indigenous employees over at Maules Creek. Four indigenous apprentices. In 2016, our indigenous employment program was named best in class by the New South Wales Minerals Council. In 2017, our indigenous employment strategy was one of only two employment case studies presented in the Prime Minister and Cabinet's "Closing the Gap" report, which I found – you know, extremely rewarding.

40 A selection of the Gomeri families that are being represented out on our Maules Creek site over the past five years include but is not limited to Allan, Border, Baker, Barker, Barton, Binge, Boney, Blacklock, Briggs, Caine, Cook, Davis, Denison, Duson, Donnelly, Draper, De Rowe, Field, Fernando, Foley, Green, Griffiths, Griffin, Hall, Hammond, Harvey, Hildeson, Hunt, Gerard, Johnson, Kennedy, Knox, Lamb, Lawlor, Lattice, Long, McGrady, Mills, Moody, Murphy, Munro, Neade, Neave, Nichols, Patterson, Porter, Priestley, Rutley, Sampson, Sand, Smith, Suey, 45 Swan, Talbot, Turmey, Trindle, Walker, Winters, Wardley and

Education, as you're aware, is a fairly important part of the community and certainly is an important part of our engagement with the community as a whole. Indeed, our three programs that we assist Winanga-Li with in terms of transition-to-school programs, sport and play groups and early links are second to none. The secondary
5 school programs such as the Gunnedah Girls Academy, which is recording attendance and academic improvements, and our Contar Foundation commitment up at Narrabri High School this year has certainly been a pleasure to see over the last couple of years. They're making improvements. Aboriginal people – as you well know, my people die earlier, have higher numbers of chronic illnesses and larger
10 numbers of school dropout rates right across the spectrum, and if you give a person a job, all those social indicators start to change.

Aboriginal people in the region are now actively employed in mining and supporting industries. Our young people are seeing positive role models in their families going
15 off to work every day, earning good money for a hard day's work. Houses are being bought, food is being put in the cupboards, cars are being purchased and holidays are taken. This is a positive generational change. It is the most rewarding part of the job that I have to date. In conclusion, in my opinion, I will expect Vickery Extension Project to continue to provide similar benefits, including employment and
20 educational outcomes, and opportunities to the Aboriginal community and the wider community. Thank you for your time.

MR HANN: Thank you, Bob. On your schedule, Patrick Cassegrain is not able to attend today. So, Peter Brien, if you could – thanks, Peter. I wasn't sure whether
25 you were aware there was a change in the - - -

MR P. BRIEN: No. I wasn't but - - -

MR: Do you want me to put this here or do you want to hang on to it?
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MR BRIEN: It has only been a couple of minutes.

MR: That's all right.

MR BRIEN: Good afternoon, everybody. My name is Peter Brien. I do contract to Whitehaven Coal. I also take into account the feelings of the people who have spoken up to now, both for and against the project. I've been a Boggabri local rural landholder since 1991. I commenced work as a plumber at a business that was outside Boggabri Township. During the late nineties and early 2000s, there were
40 periods that there was no work within my trade in the Boggabri area. During this time, I either worked in the agricultural industry, mainly as a labourer, or had to travel outside of Boggabri area to work in my trade.

In 2006, I commenced a retail and plumbing service business from the main street in
45 Boggabri with my partner. With the mining industry setting up in the Boggabri area, demand for our services increased and, as a result, my business has expanded. We now provide employment for 15 people. My staff live within the Narrabri,

Gunnedah and Tamworth regions and, as such, we support all three regions or all three communities. Due to the growth in our business, we've also employed some females to perform the administration tasks which was virtually important as there was very limited work for women in Boggabri in the past.

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One of my current staff members was forced to leave the area 20 years ago due to lack of employment opportunities. He has recently been able to return. He's currently working in our business in his area of expertise and is, as well, successfully running his personal farm. Prior to the mining industry arrival, employment was often on a casual and seasonal basis. At the moment, there is now work out there which has enabled more people to be employed on a full-time and more permanent arrangement. I support the last speaker on this part with the Aboriginals.

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This stability has given me, as an employer, the confidence to engage in career advancement training for my employees. I have also trained over 10 local apprentices and have two current apprentices at this time. We still provide services to the residential, commercial and agricultural customers in our area. I feel that Boggabri is a great community and I support local organisations like the football club, Wean Races and several charities. I feel the mining industry provides employment for a large number of people in a wide variety of areas of expertise on a regular basis, which adds to the diversity of our region. I support the Whitehaven Vickery Expansion as long as they abide by the conditions put on them by the regulator and other bodies. Thank you.

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25 MR HANN: Thank you, Peter. Stephanie Darley?

MS S. DARLEY: I've lived on Merrigal my entire life and I see myself in the future developing my own home on the property, putting my university degree to good use. However, this proposed railway, this dream home looks more like a nightmare. I know neighbours have previously fought similar battles about trying to put a railway on prime agricultural land and a flood plain, which was denied, so why are we here today? Our flood plain, land and water systems have not changed over time. They have only become more valuable and scarce, so why destroy this? The only thing which has changed is the rules and regulations to allow big companies with big money, such as Whitehaven, to find loopholes in the system to bring money into the Australian economy; a clear example as to how government has failed to protect my family, neighbours, and the Boggabri community.

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This bizarre proposal needs to end now and not reoccur in the future, creating more health for the community and, in particular, the people directly affected, like my family. It concerns me that Whitehaven can blankly say the whole project will have no notable effect on the flood plain, the Namoi River and our underground water system. The models that they provide are only as good as the information they put into them, which answers to how the models to comply with standards, and not to mention the averages and assumptions used to make the data favourable for Whitehaven. Whitehaven could not tell us exactly how far the railway will be from

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our boundary, although they can state we will not be impacted by the proposed railway. How could this be?

5 November last year, I travelled to Asia, attending many business meetings, with a major focus on Australia and Asia's trade relations. All meetings focused on reducing emissions and increasing renewable energy use up to 80 per cent through solar, wind and nuclear. Agriculture is here for the long time. Coal is here for the short term. How big is too big for a short-term project? Boggabri needs to see a balance between coal and agriculture. Whitehaven destroys communities. They lie and bully people in the public who obstruct their path. Coal is a short-term product. 10 Why destroy another farming community when there is a perfectly good railway on the northern side of the proposed mine? Thank you.

15 MR HANN: Thank you, Stephanie. Our last speaker is Greg Haire, who we – you were scheduled a little earlier, but we announced that you were – had some commitments. Thank you, Greg.

20 MR G. HAIRE: Good afternoon to the chair and panel. Thank you for this opportunity to speak at today's IPC public hearing. My name is Greg Haire. I have been a Boggabri local since 1963. I attended the Boggabri Public School before spending four years at boarding school in Sydney. I spent 46 years on the land, firstly with my parents, and then with my wife and children. In 2005, my wife and I ventured into the bus industry and have grown in that time to now operating three bus runs in Boggabri. This services the local primary schools and the Gunnedah 25 High School. In my spare time, I'm currently the president of the Boggabri and District Rugby League Football Club and have been for the last five years.

30 When I finished school in 1972, Boggabri was predominantly an agricultural town with many farmhands and casual employees in the town. The advancement in technology and machinery meant that casual employees and many farmhands are now no longer required, which left a big hole in employment in Boggabri. Many of these very capable people are now working in the mining industry and are able to continue to live in our town. My class in Boggabri Public School had about 25 35 students in 1968, and after finishing school, most of them left town to find work or careers that were not available in Boggabri. Only about five of us remain in the town.

40 Having driven the high school bus in Gunnedah for the last 12 years, I've noticed that a large percentage of our local children have remained in our town, and many have purchased their own houses in the town. This has been occurring since 2006 when the town took off when the mining industry commenced in our area. House prices boomed, as did the rents, and many houses were renovated to accommodate these renters. I feel the next 15 years or so will show the benefits of our local children staying in our town, through their adulthood and remaining members of our 45 community.

The Boggabri Lions Club hold a drovers campfire in the last weekend of April every year and hire our busses for tours of the local district, including tours to the Boggabri coal mine. I have been driving these tours for many years, with visitors finding them very informative and interesting. I'm very impressed with the rehabilitation of the
5 land, with the landscape going from a pile of white overburden in the early years to now a thriving young forest. The tours normally attract – the mine tours normally attract over 100 visitors every year, and overwhelming comments on the bus during and after these tours is very positive. Most visitors come away with a different point of view about the mining industry.

10 As president of the local football team, I have no doubt whatsoever that we would not be able to fill any teams if there was not employment in the mining industry. While some of our players might not be able to play every week, at least they are there to participate. Our players have a wonderful supporter base on Boggabri and
15 the teams provide entertainment to all age groups, as well as building character, sportsmanship and mateship within the playing groups. I'm immensely proud of our playing group committee and supporters, who have raised approximately \$40,000 over the last five years for people in medical need. In 2019, the Boggabri Rugby League Football Club is looking at filling four teams in the group 4 competition,
20 which will be the first time since our club formed in 1916 for that. I'm here to state that I support the Vickery Extension with the insurances that the Namoi River, underground aquifers and neighbours remain unaffected. Thank you.

25 MR HANN: Well, thank you, Gregg, and we wish to thank you all for what has been an extensive day, and we greatly appreciate everyone that's attended, and particularly those that have had to speak today. I know it's difficult, and we learn a lot at each one of these. So this is the close of the hearing today, and we commence again in Gunnedah tomorrow at 9 am for those of you that would be interested in
30 attending. So thank you again.

RECORDING CONCLUDED

[4.48 pm]