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My name is Helen Quade. I am a member of the Fifield Community. I live at [redacted] which currently includes the land identified in the planning documents as part of the Fifield Bypass. I am a member of the Clean TeQ Sunrise Community Consultative Committee and an erstwhile spokesperson for the near neighbours to the proposed mine site at Fifield.

I would like to begin by emphasising what you have heard, and will hear again from the near neighbours to this proposed mine development: **we are not opposed to this project**. We are fully cognisant of the economic benefits the mine may bring to our community. Many of our neighbours and friends will benefit from employment at or relating to this mine. We welcome that. What we near neighbours are reasonably seeking, are robust and transparent consent conditions that will safeguard our environment and protect us from adverse impacts. Then we will have a solid platform from which we can champion this project, and confidently support it. But we need to be assured that if this project goes ahead, it will not be at our expense.

In early 2017, the Department of Planning approved Clean TeQ's "Modification 3". In the main, that application sought to create an alternative smaller scale scandium production process to precede the larger scale nickel/cobalt operation. But in the course of determining that application, the Department of Planning did much more than merely approve the staged development process sought. With the proponent's blessing, but without any community consultation, at a time when there was no Community Consultative Committee in operation and no public awareness that this project was being resurrected, the Dept of Planning unilaterally rewrote the entire Development Consent for this project, and in-so-doing removed a number of conditions altogether. The Development Consent was reduced from 67 pages to 39. 9 Management Plans were removed. The demanding strict liability wording in the original consent was replaced with clauses whereby exceedances and breaches were anticipated and required to be managed. The requirement to use the "Mine Site Haulage Route", which included the heavy traffic bypass around Fifield was removed.

Why did the DPE rewrite the consent in this way? They say "to contemporise it". To bring it into line with modern formatting. The facts of the matter here are that a variation of this project was approved 20 years ago but the environment that existed at that time is not the environment of today. Yet for the Sunrise project, we are now seeing it appear from a time-warp and expect to be constructed and operated with the same impacts that were predicted 20 years ago. The DPE did not contemporise the consent conditions to acknowledge the change to the existing environment over the 20 years whilst the project sat in mothballs. They changed it to make it suit current administrative procedures. In resurrecting this project, the DPE cannot cherry pick, on behalf of the proponent only those conditions they deem to be "modern", or, as one DPE officer suggested to me "our standard wording". The development consent conditions inserted into the DA when it was granted back in 2001 took into account the concerns of the local community, at a time when a CCC was properly constituted and operational and may not now be unilaterally reduced, especially when the proponent intends to use that consent as the basis from which to increase the intensity of its planned operations on all fronts!

Of greatest concern to the near neighbours to this project site, was the removal of the voluntary acquisition condition – condition 11 of the original consent which provided landholders with the security of knowing that if the miner didn't comply with the consent conditions, then despite other penalties that might be imposed on the Miner by government bodies including fines, they may also be required to purchase the affected landholders property at a fair price, allowing that landholder the option to exit the neighbourhood, rather than being forced to remain, whilst the value of their property implodes, and daily wellbeing is compromised.

Clean TeQ's modification 4 application proposes more intensive and focused mining activity targeting the more concentrated mineral deposits at the site. Processing this higher grade raw material will require more inputs to the extraction process; and more inputs means more outputs; and potentially greater risk of pollution. More sulphuric acid will be required to be produced for the HPAL process and therefore more sulphur dioxide will be expelled from the stack. More limestone and other reagents will need to be trucked to the site and so there will be more, or heavier vehicles on our roads. Accessing surface water from the Lachlan will place more pressure on an already scarce resource. Modification 4 introduces blasting to the extraction process at the mine site. The proponent acknowledges that there will be exceedances of the tolerable limits of noise pollution at some residences.

We near neighbours acknowledge that the modelling provided by Clean TeQ identifies only minor breaches of the regulated acceptable levels of noise emanating from the site. However, all of the atmospheric data used by the proponent in its modelling is sourced from the weather station at Condobolin, more than 45 km away from the site, where the geography and weather are different. The air quality specialist who prepared the air quality assessment for the MOD 4 EIS told us that he selected Condobolin wind data from 2015 to predict dispersions because he deemed that to be "representative" of wind conditions. Clean TeQ is yet to install a weather station at the proposed mine site to enable it to start to record the data needed to properly inform it's modelling. Because of these factors the near neighbours do not have confidence in the modelling as to the extent to which noise, dust and emissions will affect us near neighbours and nor, in our submission, should anyone else.

The answer is so simple. If Clean TeQ, and the Department of Planning honestly believe that the modelling relating to noise, dust and emissions from the site is accurate, then there should be no hesitation is reinstating the voluntary acquisition condition. Indeed, if they are right, we will never need to refer to it again. We near neighbours are not looking for a golden ticket away from the lives we currently enjoy. We love where we live. We all hope that we will be able to continue to love it for many years to come. None of us wants to sell and move! We all accept that there may be impacts from this project which negatively impact on our amenity, which do not constitute breaches of the acceptable limits of noise and dust and emissions. We will have to live with those. But what is not fair to expose us to consequences we shouldn't have to suffer and can't escape.

It is important to note that the reinstatement of the voluntary acquisition condition is supported by Lachlan Shire Council and Forbes Shire Council. Those councils are representing the concerns of their constituents, and the security we seek for our futures. The DPE appears to have completely disregarded this support.

In its report to your Commission the DPE recommends not reinstating the voluntary acquisition condition and in their draft consent conditions they have not done so. The reasons it has given for adopting this position, despite its confidence based on the proponent's modelling that no offsite impacts will occur; despite the repeated requests from near neighbours for what we see as a necessary and reasonable "safety net" that should never have been taken away; and despite the unequivocal support for our position from the two local authorities where the physical works will be situated are in my submission, inadequate. In its report at paragraph 5.5 on page 28 it states that there are a number of important reasons behind its decision and goes on to list three, which I would like to examine.

The first is that apart from *very minor* exceedances of the noise limits at a *relatively small* number of receivers, the development as modified is predicted to comply with applicable noise, blasting and air quality criteria.

If we remove the attributive adjectives from that sentence it reads as follows:

Apart from exceedances of the noise limits at a number of receivers, the development as modified is predicted to comply with applicable noise, blasting and air quality criteria.

Put another way: The development is predicted to exceed applicable noise criteria.

Moving on to the second point: In accordance with the VLAMP, contemporary approvals for mining projects only include land acquisition provisions where a project is predicted to exceed the applicable acquisition criteria. The 2017 VLAMP, which is still in draft form, has not yet been gazetted and the DPE is not bound by it. In my submission, the terms of VLAMP are grossly inadequate and unfair and require further debate. *Any* landowner subjected to noise and/or air quality levels above the acquisition criteria should have voluntary acquisition rights, regardless of whether these are predicted before operations commence or not. Otherwise where is the incentive for a proponent to get its modelling right? The terms of Condition 11 of the original DA specified that the noise and/or air quality criteria must exceed the acquisition criteria before the rights set out in that clause could be invoked by a landowner. Until operations commence, we cannot know for sure the degree to which they may actually exceed the criteria, or not. We near neighbours should not be denied the rights the inclusion of the voluntary acquisition condition will give us if the modelling turns out to be inaccurate.

The third point the DPE raises to justify its refusal to reinstate the voluntary acquisition condition is that it is legally constrained in its assessment of the modification and must insure that any additional conditions of consent are relevant to the scale and nature of the proposed modification. I'd love to know why the DPE didn't feel legally constrained to limit its meddling with the conditions of consent when it assessed modification 3? The voluntary acquisition condition should not now be viewed as an additional condition of consent. It was already a condition of the consent! It was removed by the Department of Planning abusing its powers under section 75W(4) of the EP and A Act and should, in fairness to the community, in the interests of natural justice, and in appreciation of the new and untested

nature of the technology proposed to be employed in the processing of materials by this new miner, be reinstated in its original terms.

The DPE in its letter to the Commission highlights its intensive consultation with community representatives in assessing this modification. But from my perspective, to a large extent this has been a journey of a thousand brick walls. Those countless meetings, emails and telephone conversations, not to mention the hundreds of hours of time reading technical reports and trying to decipher the impact and relevance of each late into the night have resulted in absolutely no shift in the DPE's original position regarding the voluntary acquisition condition. I do not wonder why public trust in Australia's government, as shown by the latest Edelman Trust Barometer has slipped, yet again. The little concerns of the little voices of those of us surrounding this proposed project have been given no weight. Looking back, I cannot fathom what more we could have done to avoid the situation in which we now find ourselves, everything hinging on one last roll of the dice, with you. This DPE "consultation" process has been exhausting, expensive, and one cannot escape the feeling, fruitless.

This project has the potential to do so many good things for our community. Please hear our concerns. Please reinstate the voluntary acquisition condition to provide the local community with the opportunity to enjoy those good things, without living in fear that they might be at our expense.

Requests for amendments to proposed Consent Conditions submitted on behalf of Fifield Near Neighbours (FNN) to the mine site

Schedule 3 – Environmental performance Conditions

Condition 3: Operations Noise

FNN request that the noise level in the last column of Tables 2, 3 and 4 (L_{A1} (1 minute)) be reduced to 40 which still provides the proponent with a buffer for their predicted noise generation, but also provides FNN, and the near neighbours to the limestone quarry and rail siding with comfort that their sleep will not be interrupted and brings the DA back in line with the noise acquisition criteria set out in the original development consent

Condition 21: Air Quality

FNN submit the phrase "all reasonable and feasible" is too vague and subjective and open to wide ranging interpretation and legal argument. This wording is skewed in favour of the proponent and should be changed to provide wording that is balanced for all parties and helps protect neighbours in the event of adverse impacts occurring. These words should be deleted.

Condition 23: Air Quality Management Plan

FNN Submit:

- that the words "the NSW EPA and" be inserted before the words "the Secretary" at the end of the first sentence; and
- Condition 23 (a) should be amended to read "be prepared in consultation with and to the satisfaction of the NSW EPA".

Condition 28: Compensatory Water Supply

FNN believe that the process outlined would be hugely time consuming (lucky to be resolved within 18 months) and provides no natural justice to farmers who would have to battle with the company and government agencies.

FNN asks that the wording of this condition be significantly revamped to provide protection to farmers and their rights incorporating the appropriate provisions from clause 4.1.1. (k), (l), (p) and (q).

Condition 29 - Water Management Performance Measures

FNN request that this condition be amended to provide for Lachlan Shire Council to have the opportunity to review and comment on watercourse diversion and tailing storage design before the Secretary's satisfaction is sought. This will enable Lachlan Shire Council to consider any potential downstream impacts on ratepayers.

Condition 30 - Water Management Plan

FNN submit that the baseline data referred to in conditions 30 (b) and 30 (c) should be a maximum of 2 years old given the development of the surrounding area since the DA was initially granted.

Schedule 4: Additional Procedures – Independent Review

FNN request that the wording be expanded to include:

- what the Secretary must be satisfied of in order to require the Applicant to commission an independent review (i.e. what information the landowner needs to provide; which information must be (made) readily available to the landowner at minimum expense);
- how the terms of reference for a review are established, ensuring that landholders requesting an independent review have a genuine say;
- an independent review must be commissioned within 28 days not two months. Two months is far too long in the event of water, noise or air quality impacts.
- provide in the process an open and transparent dialogue with any affected parties, and genuine engagement, understanding and empathy with any landholder's position.
- Insert new clause 2 which incorporates, in formal terms the wording set out as "*Note: Where the independent review…" etc* **AND**
- **Reinsert,** as clause 3, the voluntary acquisition condition (clause 11 from the original consent) in its original terms.

Schedule 5 – Environmental Management, Reporting and Auditing

Condition 5: Annual Review

FNN request that point (g) be added stating "detail, with reference to the consultation undertaken, the perception, views and attitudes of the various communities to the performance of the project over the past 12 months" and, if necessary, what steps the Applicant is taking to address any issues raised by those communities.