

----- Original message -----

From: [REDACTED]
Date: 9/2/20 4:08 pm (GMT+10:00)
To: Samantha McLean <[REDACTED]>, Peter Duncan <[REDACTED]>
Cc: Mary O'Kane <[REDACTED]>, [REDACTED], Grant & Tracy McIlveen <[REDACTED]>
Subject: FW: Draft Notes from Proposed Vickery Project Landholder Meeting 11 Dec 2019: FOR REVIEW

Dear Sam and Peter,

Please see doc attached for consideration and noting by the Vickery Coal Project Panel.

The background is I act for local landholders, including two adjoining the site on the western side of the Namoi River.

In December we met with various officials from DPIE and EPA to discuss matters of interest. Here is my summary plus the NSW Govt's responses.

We urge the IPC to note the matters at hand.

Kind Regards,

Warwick

Warwick Giblin

Adjunct Professor, School of Law, University of New England
Fellow, Environment Institute of Australia & New Zealand

Managing Director

OzEnvironmental Pty Ltd

Delivering true progress

Ph [REDACTED]

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From: Steve O'Donoghue <[REDACTED]>
Sent: Thursday, 6 February 2020 6:30 PM
To: [REDACTED]
Cc: Lindsay Fulloon <[REDACTED]>; Philip Nevill <[REDACTED]>; Kane Winwood <[REDACTED]>
Subject: RE: Draft Notes from Proposed Vickery Project Landholder Meeting 11 Dec 2019: FOR REVIEW

Warwick,

Thanks for your email and sorry for the delay in responding.

The Department and EPA representatives and experts, appreciated the opportunity to meet with the landowners and their representatives last December.

Thank you for your notes from the meeting. These will be carefully considered in the Department's assessment of the project, along with the additional rainfall data provided by Professor Acworth.

The Department and the EPA have provided response/ clarification on some of the points from the meeting (see red dot points in the attached response).

Happy to discuss further.

Regards

Steve

Stephen O'Donoghue
Director Resource Assessments
Energy & Resources | Planning and Assessment | Department of Planning, Industry and Environment

T [REDACTED] | E [REDACTED]
12 Darcy St | Locked Bag 5022 | PARRAMATTA NSW 2124
www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Sent: Wednesday, 8 January 2020 3:06 PM

To: 'Steve O'Donoghue' <[REDACTED]>; 'Lindsay Fulloon'

<[REDACTED]>

Cc: [REDACTED]; [REDACTED]; Grant & Tracy McIlveen

[REDACTED] <[REDACTED]>; David Watt ([REDACTED])

<[REDACTED]>; 'Errol & Jennifer Darley' <[REDACTED]>; Ian Acworth

[REDACTED] <[REDACTED]>; Sue Higginson ([REDACTED])

<[REDACTED]>; 'Philip Nevill' <[REDACTED]>

Subject: Draft Notes from Proposed Vickery Project Landholder Meeting 11 Dec 2019: FOR REVIEW

Importance: High

Dear Steve & Lindsay,

Best wishes for a rewarding 2020 and I do hope you had a pleasant break.

Attached is a draft of the salient points arising from our recent meeting.

Could you and your teams please review and track any changes re errors or omissions. Then it would be appreciated if matters agreed to be addressed could be followed up.

Only too happy to discuss.

Kind regards,

Warwick

Warwick Giblin

Adjunct Professor, School of Law, University of New England
Fellow, Environment Institute of Australia & New Zealand

Managing Director

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----- Original message -----

From: [REDACTED]
Date: 9/2/20 3:09 pm (GMT+10:00)
To: Samantha McLean <[REDACTED]>, [REDACTED]
Cc: Mary O'Kane <[REDACTED]>
Subject: FW: Suggestions for Improving Mining Consent Conditions to Better Safeguard Local Landholders

Dear Sam and Peter,

I refer to my correspondence sent to Professor Mary O'Kane on 2nd February 2020 which I see has been forwarded to you.

I would welcome the opportunity to meet with you to discuss the matter. For ease, I attach a copy of the document.

The document arose after discussions with Professor O'Kane last year, given my work is on SSD's in the rural sector.

Please feel free to call any time on [REDACTED].

Kind Regards,
Warwick

Warwick Giblin

Adjunct Professor, School of Law, University of New England
Fellow, Environment Institute of Australia & New Zealand

Managing Director

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From: Mary O'Kane <[REDACTED]>
Sent: Sunday, 2 February 2020 5:50 PM
To: [REDACTED]
Cc: Peter Duncan <[REDACTED]>; Samantha McLean <[REDACTED]>
Subject: Re: Suggestions for Improving Mining Consent Conditions to Better Safeguard Local Landholders

Dear Mr Giblin

Thank you for these suggestions. I have forwarded them to the the Acting Chair of the Commission and to the Executive Director.

Kind regards

Mary O'Kane

Sent from my iPhone

On 2 Feb 2020, at 5:42 pm, "[REDACTED]" <[REDACTED]> wrote:

Dear Professor O’Kane,

As previously discussed, I table for your consideration suggested alterations to typical mine consent conditions (used Bylong Mine Project draft conditions as the base) which aim to provide fairer, more just, safeguards to local landholders who may find themselves adjacent to a new, major mining project.

Suggested changes are coloured red. Various other sections in the Bylong consent not modified are deleted.

The salient points underpinning the changes are:

1. More transparent definitions of ‘feasible’ and ‘reasonable’;
2. Requiring live, real time monitoring data readily available for all;
3. Assessing noise/dust/water/blast fume impacts not just on technical standards but on the real, lived (social) experiences. The lived experiences have such an impact on wellbeing and are typically overlooked in the impact assessment process;
4. Providing more authority to the EPA and the various water authorities re approving plans, actions, etc. Currently the EPA is often omitted from final decisions when in fact, given its statutory responsibilities, it should be the key decision-maker. Same applies for various water authorities;
5. Reversing the burden of proof, especially re noise/water/dust impacts;
6. Requiring prevention/mitigation of GHG emissions;
7. If people’s health is adversely impacted (renters and owners) then morally and ethically it is not appropriate for them to remain living on that site;
8. Noise/dust limits should be as for any ordinary citizen living anywhere, not skewed to favour an industrial development; especially greenfield mines, as they are often located in places with very low background noise (other than the sounds of Nature...); and
9. Having public consultation on management plans: eg water, air, noise, biodiversity, social impact and cultural heritage.

I would be pleased to discuss the contents herein with any of your team.

Thank you for the opportunity to make this contribution.

Kind regards,

Warwick

Warwick Giblin

Adjunct Professor, School of Law, University of New England
Fellow, Environment Institute of Australia & New Zealand

Managing Director

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