

Philippa Vale

From: IPCN Enquiries Mailbox
Sent: Friday, 22 March 2019 10:02 AM
To: Diana Mitchell
Subject: FW: Attn: pls pass on to Mr John Hann and provide confirmation of receipt of this email ASAP

Follow Up Flag: Follow up
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Hi Diana,

Wasn't sure if you were looking after this since David Way is not here. If not please pass on to the relevant planner.

Thanks!

Aaron

From: Sally Hunter [REDACTED]
Sent: Thursday, 21 March 2019 1:58 PM
To: IPCN Enquiries Mailbox <ipcn@ipcn.nsw.gov.au>
Subject: Attn: pls pass on to Mr John Hann and provide confirmation of receipt of this email ASAP

Mr John Hann

Chair, IPC, Vickery Project

20th March 2019

Dear Mr Hann,

I would like to bring to your attention the latest news from the EPA^[1]. This week Whitehaven Coal received a conviction and fine for blasting offences where Whitehaven admitted they breached their own blasting procedures. Whitehaven were ordered to publish the results of the case on their website, in national, state and local newspapers.

I raise this with you to reinforce the point that a number of submitters to the IPC made, in regards to the Vickery Project about the lack of Environmental Record of the proponent in the EIS.

Section 15 of the Federal SEARs of this project (dated around March 2018) states:

“Environmental Record of person proposing to take the action.

“The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the person proposing to take the action; and for an action for which a person has applied for a permit, the person making the application.””

The EIS for the Vickery Extension Project does not meet this requirement.

Section 6.1.2 of the Vickery EIS (see below) says that it addresses Section 15 of the Federal SEARS . It goes on to state “no proceedings.....have been taken against the proponent”.

It also goes on to state the proponent is Vickery Coal, a newly formed subsidiary of Whitehaven.

Once again we request that this SEAR be fulfilled by the proponent, including this new conviction of yet another breach.

We draw your attention to four other penalty notices issued to Whitehaven Coal in 2012 as well^[ii]. There are no doubt many other instances.

This company is running rough shod over the community and at the very least we ask that the Federal Government's own requirements not be ignored by this company. At the very least we deserve a full and transparent list of the environmental breaches by this company to be documented as part of the EIS process and this raft of breaches to be taken into consideration in the decision about granting further mining licences to this company.

We note that Whitehaven have provided further information to the IPC and in fact have had two further opportunities to provide "expert" advice to the IPC. And yet, the community has been offered no such special treatment. The Environmental Defenders Office (EDO) acting on behalf of the community has on multiple occasions asked for our experts to have the same opportunity of closed-door sessions with the IPC (as have other organisations) and have not been granted this equal right.

I sincerely hope that you can see just how perverse these two inequities are and act immediately to rectify them and offer at least some semblance of fairness to the community.

Regards
Sally Hunter

^[i] Court findings <https://www.caselaw.nsw.gov.au/decision/5c8eead2e4b0196eea4053ed>

^[ii] <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>