

From: [REDACTED]
To: [IPCN Enquiries Mailbox](#); [Mary O'Kane](#)
Cc: [REDACTED]
Subject: IPC Deliberations on the Proposed Vickery Coal Project
Date: Wednesday, 17 April 2019 2:03:16 PM
Importance: High

Dear Professor O'Kane,

I write in relation to the letter from Whitehaven Coal Limited ('Whitehaven') dated 26 March 2019 addressed to the Independent Planning Commission (IPC) regarding the abovementioned matter.

By way of background, I act for landholders Mr & Mrs Barlow at 'Mirrabinda' & Mr & Mrs McIlveen at 'Clinton' ('Clients'). Both are located on the west bank of the Namoi River, opposite the proposed mine site on the east bank. They will suffer adverse impacts from the project if it is permitted to proceed.

We note the Whitehaven letter conveys the view that the time extensions granted to the IPC to conduct its work are 'delays' that are 'disappointing' and goes on to say it trusts 'any further delays to the evaluation and assessment process are avoided'.

My Clients encourage you and your team to take whatever time the IPC deems necessary to rigorously, professionally and independently assess and evaluate all relevant matters.

Across the broad community in the Gunnedah/Narrabri region there are many people who have little or no voice on Major Projects such as this and are relying heavily on the IPC to listen to - and more importantly to act upon - their messages, not just those of the proponent.

Given Whitehaven has provided additional material for the attention of the IPC, we take this opportunity to do likewise.

Social impact assessment

The social changes (positive and/or negative) that an organisation, in this case a mining company, creates through its actions, effects the social fabric of the community and well-being of individuals and families.

My Clients wish to see more rigorous assessment of the likely impacts of the proposal on culture and customs; including intangibles such as the sense of place/'way of life' (ie the natural and built landscapes that affect individual's sense of identity and place, and the level of satisfaction with their surrounds), the community's physical, mental and spiritual wellbeing; social/community cohesion, shared norms of behaviour, customs and values and cultural heritage.

Noise, Dust and Water Impacts on People

My Clients contend that defensive expenditure to meet government standards for environmental variables like air, noise and water is not an adequate measure of the cost, in and of itself. It cannot be assumed that just because certain government standards are met there are no significant adverse residual effects. Standards are often not met at all times and all places and so environmental losses are not fully offset. Also, households have different responses to air, noise and visual pollution.

We acknowledge that some environmental impacts relating to biodiversity, noise, dust, blasting and water, etc can be technically and scientifically measured, judged against prescribed limits and mitigated to some degree by policy and law. However, communities frame such impacts through a **social prism, the lived experience; through people’s intimate relationship with place, not a technical one.**

Communities judge from the perspective of impacts on their families’ health, lifestyle and relationships. In Gloucester Resources Limited v Minister for Planning by Preston CJ on 8 February 2019 (‘Rocky Hill Judgement’) the Land & Environment Court acknowledged that noise, dust, water, etc impacts are **dependent on the environment in which they are experienced and tie themselves in with people’s experiences and expectations of place.**

The Social Cost of Carbon

There is ever mounting scientific and legal representation that fossil fuels are costing society more than what they are worth. For decades, the coal industry has positioned itself as a source of jobs and economic prosperity. While the social and environmental damages of burning coal have long been known, it has been difficult to incorporate such factors into the dominant decision-making framework, which disproportionately focuses on monetary value – ie jobs, royalties and profit taking by corporations.

In the Rocky Hill Judgement Chief Judge Brian Preston dismissed the appeal by Gloucester Resources, which was seeking to overturn the state government’s rejection of the Rocky Hill mine. The Judge found **distributional inequity between members of the present generation (ie different impacts on different socio-economic and vulnerable groups) and also between present and future generations (ie intergenerational equity), with the current generation receiving economic benefits but future generations experiencing environmental costs. His Honour also found that, in part, the Project would cause distributive inequity, both within the current generation and between current and future generations.**

In delivering his judgment, Justice Preston said that an open-cut coal mine in the Gloucester Valley “would be in the wrong place at the wrong time”.

“Wrong place because an open cut coal mine in this scenic and cultural landscape, proximate to many people’s homes and farms, will cause significant planning, amenity, visual and social impacts,”.

“Wrong time because the GHG emissions of the coal mine and its coal product will increase global total concentrations of GHGs at a time when what is now urgently needed, in order to meet generally agreed climate targets, is a rapid and deep decrease in GHG emissions.

“These dire consequences should be avoided. The project should be refused.”

The Court accepted the scientific evidence and the concept of a global carbon budget. The global carbon budget is the limit on the amount of fossil fuels that can be burnt if humanity is to meet the Paris Agreement targets and avoid dangerous climate change.

The Court accepted that because there is only one atmosphere, one climate system, one planet, society needs to assess the net effect of wherever fossil fuels are burnt and a particular project’s contribution to cumulative climate change impacts and whether such impacts are equitable for current and future generations.

In his judgement, Justice Preston ruled that “The Project’s cumulative greenhouse gas emissions will contribute to the global total of GHG concentrations in the atmosphere. The global total of GHG concentrations will affect the climate system and cause climate change impacts. The Project’s cumulative GHG emissions are therefore likely to contribute to the future changes to

the climate system and the impacts of climate change.’

My Clients would appreciate the IPC carefully deliberating on all of the above.

Kind regards,

Warwick

Warwick Giblin

Fellow, Environment Institute of Aust & NZ

Managing Director

OzEnvironmental Pty Ltd

*Delivering **true** progress*



<http://www.ozenvironmental.com.au/>

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