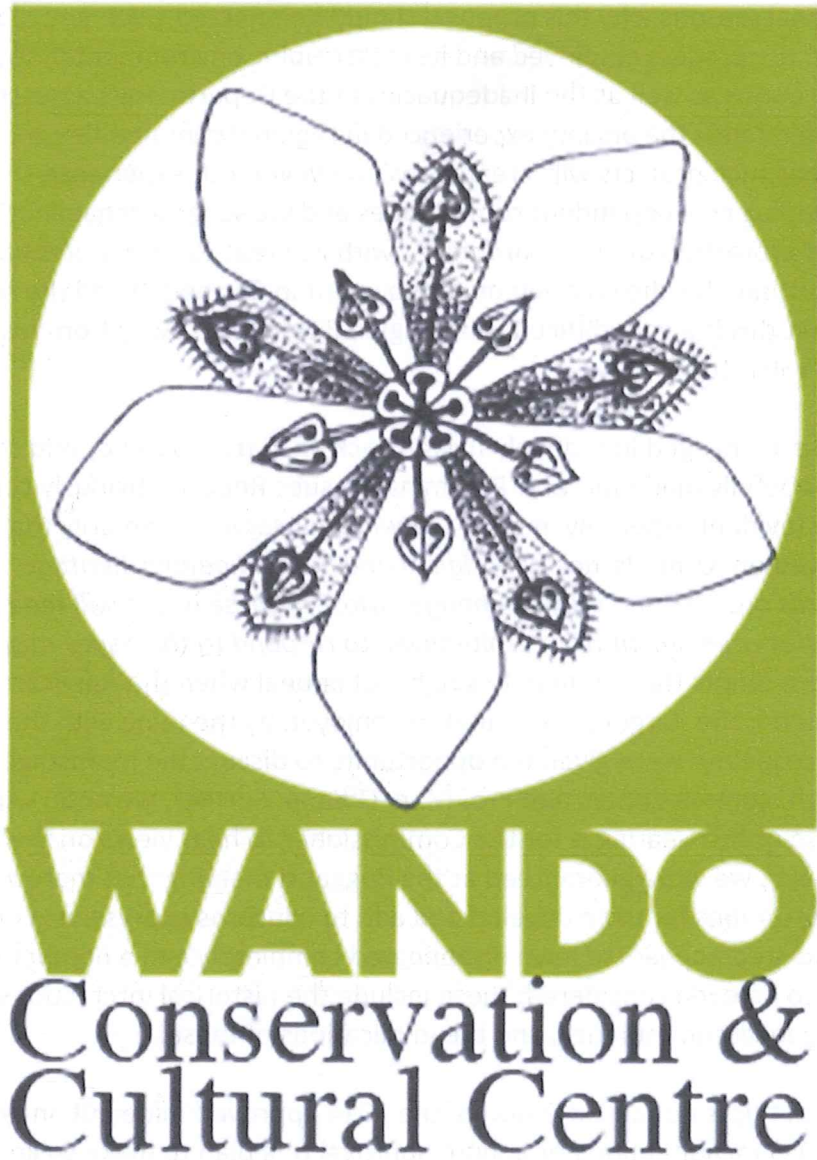


Wando CCC Inc to Vickery Extension Project Hearing,
Gunnedah, 5 February 2019



My name is Elizabeth O'Hara; I am the secretary of the Wando Conservation and Cultural Centre Incorporated, Maules Creek. I would like to respectfully acknowledge the elders past, present and emerging of the Gomeroi, the traditional custodians of this land.

Wando Conservation and Cultural Centre is an environmental centre which conducts tours, and educational activities; it engages in policy development and environmental monitoring. This statement should be considered together with our previous 40 page submission and explores additional reasons why this proposal should be rejected given any reasonable consideration of the process employed and its catastrophic environmental, social and economic implications as well as the inadequacies of the Department's assessment report. Wando CCC understands the anxiety experienced in regional communities and the allure of the argument that such projects will 'create jobs'; however, our experience shows the danger of developing coal dependent communities and we suggest rehabilitation of existing mining sites and protection of our environment with its great tourism potential provide a significant opportunity for the creation of employment in Gunnedah and the region. We acknowledge that this is a very difficult time of global transition away from fossil fuels- an issue to which I will return.

The process we are engaged in is deeply flawed, lacking in transparency and compromised: an EIS which is woefully inadequate; a 'Preliminary Issues Report' obviously completed in unseemly haste (evident especially in point 6.7 which observes summarily that submissions were also received on 'Other Issues' *'Aboriginal and non-indigenous heritage, traffic and transport, hazards and risk and climate change. Most of these issues will require further information and/or assessment from Whitehaven to respond to the issues raised'*); this hearing which pre-empts the community's rights of appeal when the Applicant is finally required to respond; the 'targeted consultation' enjoyed by the mine with the IPC where, apparently, those invited were given the opportunity to discuss the multistage hearing process with staff, commissioners and Prof Mary O'Kane. Further, we note, with concern, that 'the purpose of this hearing is for the Commissioner to hear views on the Department's assessment report'; we were guaranteed at the Boggabri meeting that there would be a number of opportunities for us to develop and add to concerns expressed in our initial submissions- this step appears to have disappeared completely and a number of important issues have yet to be even considered: these include the historical interactions between Whitehaven and local communities, and the implications of these.

By any reckoning, this is not an Extension of the 2014 approved mine but an entirely new project (from a 4 ½ million tonne per annum approval to a plan to make Vickery a "central hub to receive coal from other Whitehaven mines", with a coal handling and processing plant producing 11 ½ million tonnes per annum of coal) and should be treated as such.

What experiences with Whitehaven have taught us

As part of the local community, Wando CCC has first-hand experience of Whitehaven's mining projects; these experiences serve as a warning to other communities. Wando CCC is

speaking on behalf of a community suffering from drought, battle fatigue and disenfranchisement.

Wando CCC can speak with authority about the culture that exists between the Department of Planning and Whitehaven because of our experiences with Whitehaven's mines at Maules Creek, Tarrawonga and Sunnyside. Sunnyside should be rehabilitated by now- it is still in care and maintenance mode and we understand the company will be allowed to walk away having trashed biodiversity, leaving a void and impacting on water. There needs to be an understanding that the 'best practice' level of operation employed by the company is, in fact, 'bottom-line' practice; it is not the leading practice we have a right to expect. Governments of all levels are complicit in the mine's destructive and threatening behaviors: the burden of monitoring compliance falls on the long-suffering community. For example when the Maules Creek community demonstrated that the mine's 'sound power levels' were false readings, the mine withdrew Approval Modification 5 and the Government changed the Noise policy rather than insist on compliance.

In July 2017 the Department of Planning and Environment had to step in to stop Whitehaven's Maules Creek Mine from clearing a section of the TSR adjacent to Leard State Forest in the winter months- the designated clearing window is between 15 February and 30 April to prevent vulnerable fauna being harmed or killed while hibernating, nesting or raising young. Sadly the TSR, part of the Biodiversity Corridor about which others are speaking, exists no more.

In July 2017 the EPA of NSW, which is responsible for issuing the licence EPL 20221 for the Maules Creek mine, escalated the risk level of that mine from level 2 to level 3 (the highest risk level classification). At its AGM Paul Flynn, CEO of Whitehaven Coal, claimed that the reasons for this were 'administrative,' 'not actually risk in terms of environmental outcomes' and based on complaints from one 'serial complainant'; Mr Flynn's claims which were incorrect. The fact is that a number of noise and dust impacts, i.e. environmental, factors were responsible for the change in the EPA's Risk rating level. Of 49 coal mines in NSW only 2 others share this serious risk classification. Attached is a copy of a Memorandum prepared on this matter.

Traffic and transport

Traffic signs that designate the no-go zones for mine traffic have disappeared from roads designated, under statements of commitments, to be not accessible to mine's vehicles, for example, The Leard Forest road before turning onto Harparary Road. This once quiet country road now has a security presence that has been established by the EPA to override the Statement of Commitments that work in tandem with the Project Approval Conditions. The community members now find themselves followed by mines 'security' down these roads or being monitored by security as they go about their daily business. Traffic approvals are been subjected to 'approval creep', a process by which the Mine simply ignores conditions in Approvals until such time as the Government concedes the changed conditions. This means the Kamilaroi Highway now sees a mining related vehicle turning off or entering every 45 seconds at peak traffic times, based on the company's own data; under the current plans this road traffic would be compounded until such time as the rail spur is

constructed - possibly for 12 years. Yet (as previously noted) transport and traffic are relegated to Point 6.7 'Other Issues' in the Responses. Submitted to the Panel is the Briefing Paper 'Whitehaven Coal transport developments' prepared by the Leard Forest Research Node, the research arm of Wando CCC Inc. We urge your close consideration of this serious problem.

All of this for a company which pays very little tax; in the case of last year, tax was paid on just \$5,000. Instead, this multinational company strategically delivers grants which act as advertising to local organisations, or subsidises school children going on school trips or buys up land which was formerly productively farmed by families who contributed to the local community.

Global warming

The single most pressing issue of our time is cursorily dismissed as an 'Other Issue' under 6.7 of the Preliminary Issues Report. Should there be, in fact, no requirement to consider this matter '*in accordance with the requirements of the EP&A Act and applicable government policies and guidelines*', this would constitute a damning indictment of the planning process and be sufficient reason to call a halt to the entire process until the Government institutes a planning regime appropriate to the twenty-first century. It is simply not adequate to accept as the Preliminary Issues Report appears to do in 6.3 that *gas emissions would be comparable to other coal mining projects, and would contribute a small proportion to Australian and global emissions*: assessment of emissions must include those produced, not only during the mining, but during transportation and burning of these fossil fuels.

The first clause of the Boe Declaration, which Australia signed in Nauru last September, acknowledges that 'climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific and our commitment to progress the implementation of the Paris Agreement' ; last December the Pacific Island states, many of which are extremely vulnerable to global warming, urged Australia to abandon coal power generation within 12 years and to prohibit new coal plants or the expansion of existing plants.

The IPCC Report of October 2018 explains that we must limit temperature increase to 1.5 degrees Celsius to avoid 'challenging impacts' on ecosystems, human health, livelihoods, food security, water supply, human security and economic growth'. To do this we must limit fossil fuel emissions by 45 percent; 80 percent of current coal reserves should remain unburnt and this includes most of Australia's reserves. On these grounds alone the Application should be rejected.

Final void:

Wando CCC Inc. notes (p. 33 of 'Preliminary issues Report') that 'a number of government authorities raised issues regarding the final void/final landform and the associated long-term groundwater impacts, including DRG, EPA, and Gunnedah and Narrabri Shire Councils. The authorities recommend that further work should be done to investigate alternatives to the final void...'

The fact that Whitehaven did not even model the groundwater implications of alternate final void scenarios suggests the company fails to realize that the practice of mining companies walking away from final voids is no longer acceptable to the wider Australian community. Whitehaven's position (that the cost of partially or completely filling the void (440 million or \$600m)) *renders the action not reasonable or feasible* (p.38) is irrelevant to considerations of conservation or planning; the cost of filling the void should be considered an expense incurred in production - it is part of the real cost of coal production. Wando CCC Inc. urges that the Mine be required to complete the filling of any final void should this Project proceed.

In conclusion:

Wando CCC Inc. urges the Department to heed the Precautionary Principle and considerations of intergenerational equity; to acknowledge that this Proposal is so much more than an Extension to the already approved mine and that approval, even with the imposition of stringent conditions, would be unconscionable in the twenty-first century.

