

From: [Pat Murphy](#)
To: [IPCN Enquiries Mailbox](#)
Cc: [Mary O'Kane](#)
Subject: Fwd: Objection to Greenfield Vickery Mega mine.
Date: Thursday, 9 July 2020 8:05:09 PM

Gday IPC Commissioners,

Please see below my formal objection to the Vickery Proposal. As well as a series of reasonable and feasible requests.

Could you please send me a acknowledgment upon receiving this objection.

Kind regards ,
Pat Murphy.

Subject: Objection to Greenfield Vickery Mega mine.

Objection to Greenfield Vickery Mega mine.

Gday Commissioners,

I am writing to voice my strong objection to this proposal and believe that under the current modeling the project cannot proceed and should be rejected in order to protect our community from further water loss, agricultural land loss, and the loss of further good honest hardworking locals from our community. Mr. Paul Flynn - WHC CEO's- admission at this late stage of assessment that WHC doesn't have enough water for the project and will need to rely on finding and extracting even more groundwater than everyone has been led to believe is disturbing to our residents. What other impacts have not been modeled properly? It appears that this EIS isn't a true reflection of the predicted impacts but a tick-the-box EIS designed to fit the goalposts. This approach has been used before so I suppose why should WHC change its business plan when it's left up to the community and the Narrabri Shire to do the heavy lifting in investigating the shortcomings of their consent.

To put it as simply as I can, we have reached a saturation level - at present- for the impacts that go hand in hand with large scale mining. Our community and our landholders cannot afford to carry any more of Whitehaven Coal's costs and risks. WHC is a multinational private company pursuing its own private wealth in digging up OUR resources. We are not pack horses. The second stanza of this proud country's National Anthem explains,
...." For those who come across the seas, there's boundless plains to SHARE".

Considering WHC's disgustingly poor social and environmental record it seems WHC and their major foreign-owned JVC partners don't recognize nor agree with this sentiment. Instead, it appears they seem to expect the Narrabri Shire community to somehow absorb their externalities and are quite happy to continue seeing good honest people being placed on the bureaucratic merry-go-round because of ambiguous and unenforceable consent conditions. When you consider that the Chairman of WHC, Mr. Mark Vaile, is a former Deputy Prime Minister of Australia and Federal Leader of the National Party then WHC disregard is amplified 10,000 times. The very people that by voting for him that gave Mr. Vaile the exposure needed to be considered as the Chair of WHC are the same people his company now treats as pawns in a game of chess.

The DPIE's, Mr. David Kitto, has explained to our community on a number of occasions that under NSW Planning laws, "*planning has to be consistent, so as to give businesses confidence*". **What the DPIE doesn't seem to understand is the landholders and shop keepers are businesses too and they deserve confidence, just as much as a multinational company!!!** The only thing we see that is consistent when WHC or the DPIE are involved is the inconsistencies!!!!

I object to the way the DPIE simplifies the way in which they apply the Net Social and Economic Benefit Justification Test by not breaking impacts and benefits up separately. Our community calls this the "mixing the potato with the peas" approach to assessing the pros and cons of a proposal and allows the DPIE a sleight of hand way of justifying the outcome. Previously the NSW EPA has adopted a more holistic approach to advising the DPIE on assessing State Significant Development (SSD). They have explained in relation that despite the DPIE passing the net social and economic benefits, the EPA said that "***there is no social and economic benefit in allowing noise limits to be made higher than the prescribed Project Specific Noise Levels(PSNL)***" effectively WHC cannot expect to just do what they want, co-opting the use of the neighbors land and livelihood into their business without their consent. I believe this is consistent with the NSW Voluntary Land Acquisition and Mitigation Policy. (VLAMP) where it gives in-depth reasoning of the importance of negotiating in good faith agreements which can be tailor-made to give confidence to the landholder that their basic rights are protected.

REQUEST:

I respectfully request that the IPC adopt this holistic approach in

assessing the individual impacts and benefits of this proposal in reaching a conclusion. It is quite simple, even ol' bushies like me can understand how, and allows for more transparent common-sense explanations for WHC and the community.

For Instance:

1/ Is there a net social and economic benefit in using outdated coal prices instead of current prices? No, there isn't any common sense reason that passes the pub test.

(a) Even adopting a *"market will decide approach"* if whether the mine will be built could possibly see the situation whereby properties in close proximity to the mine (whether built or not) will see a deterioration in their property price increase. This is totally unfair on the landholder who relies on an increasing equity base to grow and survive in the modern farming world.

(b) It has the potential of sterilizing other expansions at existing mines that will have to factor in the cumulative impacts of the proposal (whether built or not) under the NSW Aquifer Interference Policy (AIP).

2/ Is there a net social and economic benefit by WHC not negotiating a fair VPA with the Narrabri Shire that encapsulates the true impacts and helps to mitigate them? No there is not. WHC has had years to work with the council. Best practice would see WHC thinking laterally on ways to mitigate the impacts to the council's wishes so as the residents of the shire don't have to carry them.

(b) WHC has not exhausted all attempts to negotiate a VPA, it appears they feel a tokenistic approach is all that is needed. That cannot be best practice. The DPIE has used Jane Needham SC before as an independent mediator to resolve disputes. Why hasn't WHC tried this? This would help to show good faith negotiations.

c) WHC has now supplied erroneous and misleading information to the IPC in regards to their negotiations with the NSC. The community is aware via the exhaustive community consultations with the Narrabri Council that the first VPA offer by WHC was over three million dollars. Their second offer somehow reverted to 2.7m. Yet WHC is now telling the IPC the 2.7m was the starting offer. It is disgusting that WHC seemingly thinks it is ok to put forward what appears to us, to be what they think the IPC wants to hear. That is that they have tried to act in good faith when the true facts clearly don't support. Is it an offense under the assessment rules to supply misleading documentation?

REQUEST:

1(a) The IPC insists a VPA is negotiated with the Narrabri Shire before any approval is contemplated.

(b) The IPC explains to WHC the importance of a good working relationship with the local council.

c) The IPC insists on WHC to back up their jobs claims by obtaining on behalf of the council the employee numbers, permanent and contractors at WHC other sites in the Narrabri Shire. This entirely reasonable request would help in fulfilling procedural fairness to our Shire.

3/ Is there a net social and economic benefit in not considering WHC's poor track records at their other coal mines in the area?

No there can't be, the only hope any of us has in predicting the future is to look at what has happened in the past. If we aren't prepared to consider this in forming consent conditions then the risk of recurrence is amplified.

REQUEST:

The IPC in their deliberations on this greenfield proposal asked all of the other state and federal regulatory agencies what investigations and or prosecutions that are currently underway as well as over the last 8 years. Including the NSW resource regulator who is investigating WHC under the fit and proper person test to hold a mining license/lease under NSW law.

4/ Is there a net social and economic benefit in using currently unachievable sound power levels in worst-case noise modeling?

No, the EPA has explained their concern on the underestimated SWL in correspondence to the DPIE. WHC response is simply not good enough. They have explained that the SWL they used is what they "expect" to be able to achieve when the time comes. This is laughable, one can expect the cows to come home but does not mean that they will. The underestimating of the SWL will have a negative effect on landholders if WHC does not achieve this. Boggabri Coal recently informed the Boggabri Business and Community Progress Assoc that they have had no good results with sound attenuated trucks. "... gearboxes catching alight... but the biggest drawback is less carrying capacity. By 8t per truck. This reduced payload would mean more trucks, millions of more litres of diesel, more emissions, and defeat the WHC argument that the trucks taken off the road would result in a better outcome for the climate. It is smokescreen and mirrors.

REQUEST:

1(a) before any decisions are made, that new worst-case modeling is undertaken using today's achievable SWL, as well, the meteorological station needs to be reflective of where the washery and load-out facility is located. As well all worst-case

modeling needs the low-frequency noise penalty applied. LFN is one of the major noises that cause anger within a quiet rural greenfield community. The DPIE is aware of this and knows the anxiety and anger it has caused at other sites in the area and indeed across NSW.

5/ Is there a net social and economic benefit in negotiated agreements with impacted landholders not being in place before approval? NO!

Again WHC has had 6 years to build a relationship with neighbors and negotiate agreements that can be tailored to allow both parties to coexist. It is not the landholder's fault that WHC hasn't prioritized this. The concern of the underestimating of noise, the concern of a changing landscape through the building of a greenfield mine, water use/availability, the concern over the damage this project will do to the value of their assets, the health concerns towards dust and blasting all have exacerbated the stress and anxiety and is now funneled by anger towards WHC and the planning people in Sydney. WHC and the DPIE are both suffering from what the community calls the **Lord Farquod Syndrome...** “ ***Some of you may die, but that is a risk we are willing to accept!***” Well, I am sorry, this is our swamp, if a multi-national company wants to operate here, then we should be able to expect our basic rights are protected and WHC seeks our agreeance before they impact us. This is common-sense. How can anyone think that the current dictating towards the landholders by WHC is appropriate or acceptable?

The VLAMP explains the importance of early good faith negotiations, 2 minutes to midnight is not what we consider early, nor is it good faith. It is arrogant. It's like checking to see if your parachute is packed after you jump out of the plane.

REQUEST:

1(a) That in the advent that this project is going to be approved, then negotiated agreements with all the landholders within the 10 km environmental buffer surrounding the mine are in place prior to any approval being granted.

1(b) That real-time noise monitors be placed on-site that the public can log into, 24/7 when mine noise is interfering unreasonably with them.

1(c) The IPC explains to WHC the importance in Australia of the Good Neighbor Approach, as is defined in Australian law by Lord Atkin.

1(d) The IPC places the onus of responsibility on the proponents

to seek agreements with landholders. VLAMP explains this is an important stage in a project assessment. It cannot be “best practice” if landholders are co-opted into a greenfield mine without their consent.

6/ Is there a net social and economic benefit for not placing a real-time dust monitor in Boggabri? No. Any baseline modeling has to start somewhere, again it feels WHC suffering of the Lord Farquod syndrome is having a detrimental impact on our beautiful town.

In finishing, I would like for the IPC to know that my family has been unfortunate to have gone through a similar process to this where the assessment was rushed and lead to the community being placed in limbo. I respectfully request that in your deliberations over the pros and cons you place a lot of weight on the Narrabri Shire Council’s correspondence and submissions, and on the Boggabri Farmers Group submission as local experts in their chosen fields. As well as all the other independent expert submissions, including but not only Dr. Allister Davies, Gemma Viney’s report on the social impacts of mining, Barrister Robert White, Sue Higginson, and the landholders who have explained that no good faith negotiation attempts have been undertaken so far. The fact that none of these impacted families have reached an agreement reiterates this. I implore you to reject this project.

Kind regards,

Pat Murphy.

“Arlington”, Boggabri.

Chair of the Boggabri Branch of the NSW Nationals,

Vice President of the Fairfax Public School,

Vice President of the Boggabri Business and Community Progress

Association,

