

4.11.14

This is my submission to the Senate Committee

Re Terms of Reference

(9) any other matter the Committee considers relevant.

Cornelby Downs a property at Colamboola, between miles and Chinchilla, the property size is 5,000 acres.

In 2003 Cornelby Downs was for sale & eventually sold to Mountfield Properties, a company looking for coal deposits.

Mountfield Properties fiddled around with a few test holes with the property on the market for sale, to a larger company.

Syntech purchased Cornelby Downs, approx. 2006 (June)

Before this Mountfield Properties were taken to environment court for building a large dam on Cornelby Downs, which stopped the overland flow of water into Avon Downs, they were fined \$9000 & the dam was to be decommissioned. This was approx. 2004.

This dam is now completed & meets all environmental requirements - its an old dam which has been enlarged.

Syntech were not good neighbours they threatened all land owners, approx. 68 with "we're coming in to drill test holes on your property & you can't stop us." No access agreement was required they had authority to enter our freehold land under their exploration licence, or so they told us.

At this stage we the farmers knew nothing about gas or coal & these companies took ~~adv~~ advantage of this & ruled over the farmer who didn't know & didn't have the money to fight through lawyers.

On our property

is divided by

Cornelby Downs the new coal mine in their terms of reference the coal mine said that they owned was used to graze sheep & cattle the only infrastructure on this land was stock yards windmills dams & water troughs - nothing about the 68 houses that families lived in.

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On they drilled 49 chip holes + 29 core holes, after telling me a few test holes, is ex farmed country with few trees but Syntech had to quid my land with a deger from one test hole to another 23 1/2 Km but no compensation money. They were forced to pay \$100 per site, after farmers rebelled.

The drillers, 3 or 4 up at a time and a number of vehicles in support driving from one end of the property to the other, gates were left open on numerous occasions the boundary fence was cut & pulled open.

When told all they would say is "SORRY"

I had Wagyu cows on adjustment on and I would AI. these cows when needed to get pregnant

During the drilling programme 2 cows with small calves died, also 2 steers died, what from, I had never lost cattle on before now.

When the drill holes were sunk the water/mud & whatever comes out of the ground was let run on top of the ground sometimes an oval of approx 20mtrs long 10mtrs across this was left there until the team to rehab come around to rehab.

The rehab was cover the mud & fill the hole in so nothing could be seen. What was in the water? what could have killed the cattle. No compensation again for I couldnt prove the more (drillers) activities killed the cattle.

Some of these test holes have caused in Genelex photos. I then wrote to Syntech & said that they had to sign my access agreement before coming back into. They refused.

A few days later they emailed home saying they were coming into to drill 2 twin core holes, I went home to try & stop them there were about 15 men I was told by that if I refused their entry he would access his legal rights & I would have to pay all the men until they access, he also said they complied with some of my access requirements

I let them in for 4 days then told them to get out the 4 holes are still not rehabbed.

Syntek started mining they didn't need an E.I.S. for this was only a small output of coal & could run on E.A.

With no "buffer" area for noise & dust, the mine is in the North East corner of Camelby Downs with a haul road through the centre down to the wash plant & loading facility on Avon Downs approx 8Km away, the noise from the open cut mine can be heard 10/12k away depending on wind direction mining was 24/7 now with staff cuts & low coal prices the mine doesn't work on Sundays or between 3am & 6am so we can get sleep.

After the mine was operating a few months acting Sergeant [redacted] arrived at our home in police car & full uniform, told my wife & daughter that the mines people were in his office making complaints about us being a threat to the mine, & they would do something about it if we didn't stop. This was a Thursday afternoon.

I tried to phone [redacted] on Friday with no success on the Monday morning I found [redacted] would be in the Police office so we went in to see him.

[redacted] wouldn't tell me who the men were that he saw, only Syntek & Macmahon's, who had the contract to mine the coal for Syntek.

He couldn't remember when they were in his office & how we were threatening the mine.

When I asked was his wife working at this mine he looked at me & said "I believe so" she was learning to drive dump trucks.

Government departments will do nothing for the farmer or grazier against these Coal & gas companies.

Cov. Departs will not investigate our complaints re noise/dust/water, we have complained to DEARM ISHP with excuses & we think they are working within their licence then no more is done.

Syntech want to mine between 2016 & 2024

I received letters saying they wished to meet with us regarding our concerns & their purchase of

I couldn't see time available for me to waste the time with them in the first half of the year for Dshew cattle. We then received a letter from their Lawyers saying they had done a desk top valuation & offered us valuation plus 10% & if we didn't accept or negotiate within 28 days they would start proceedings through Land Court.

We have been to mediation which Land Court advise that was in April 2014.

We are still at log a heads.

Why are these companies allowed to

Try & Bullie & Bluff.

Rob the farmers of their freehold country

I have lost my 1280 acres, I did fight & received money but to fight & loose our home & land at our age & have to start again in a new area is a very big ask,

No wonder there are deaths within the farming community "The Black Dog" is bighting at a lot of our heels most have been able to keep the "Black Dog" tied up but the chain is becoming very thin, what happens when it breaks?

David McCallu

Coal & Gas Companies may be the most regulated & have conditions to follow BUT

They are NOT Policed or ENFORCED

as said by DERM "We can't stop them, only minimise their damage"

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Summary

Land owners don't have the finances to fight these big coal miners or gas companies.

All Government Departs. make excuses for all miners & CSG companies, the EHP stated we can't stop them, we can only try & minimise the damage.

Lawyers & Solicitors all cost money that has to be paid by the landowner, then were told to take the compensation, you can't stop them.

Where are our constitutional rights?
What does free hold fee simple land mean?
These companies are coming in & trying to run a business over, or on top of the land owners business.

The time landowners have to spend reading the pages & pages sent out by these coal & gas companies also the time spent meeting or on the phone to these companies without any payment for lost time. Landowners are not sitting around waiting doing nothing most landowners are working from early to late & don't need the pressure from coal & gas companies, giving a certain number of days to reply either with mediation will be started, or with payment of lost time to the landowner.

These companies are still not doing wash down of vehicles entering land, what seeds & weeds are they carrying?

What chemicals, oils do they use when drilling & what happens with a spill? What happens?

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when stock cattle or sheep, goats come in contact with this spill? The meat industry of Australia would be wrecked & finished overnight. The land owner signs a vendor declaration saying he/she knows all oils/chemicals their stock have been in contact with & there is NO contamination of the stock being sold, how does the land owner know? I not being told by these companies who they use. How what comes out of the ground

The underground water, how long will this water last?

The water level will be lowered by 150 meters that is what we have been told, so this figure will probably double.

The flowing bore/bow drains were capped 30 years ago in the west to save the waste of underground water - now look at the water these gas companies are allowed to let settle in holding dams & evaporate.

These gas companies are offering money to land owners who have access to underground water, money to let them cap or close the underground supply off, because they know they will bugger the water supply & won't be able to "make good" if the land owner will not take the offer & let them (the gas company) close the bore the gas company then proceeds to purchase the land, so they will not have to enter into a "make good" agreement.

Town & properties in the west depend on underground water without underground

(3)

OK 1/11/14

Western Queensland and most of central Australia will become a desert.

The pressure these companies put on the land owner & their families is tremendous, both financial, ~~to~~ health & business are affected also the family life.

Stress, Depression, Sickness

Are part of our lives now, never known before on such a wide scale, but no one in power wants to know about these farmer problems, what has to happen to make the wider community realise, not to believe these glossy pretty ads put out by coal mine & gas companies these are all proper gander not true & unhealthy.

Yes they may throw money into the towns but most of the towns are not effected its the small businesses & the rural landowner whose land loses value.

How long can landowners keep the "Black Dog" tied up & under control?

Wake up Australia "This is our Castle"

This is our land

Do we have to fight for our land? YES

Our forefathers fought for a free country they would turn over in their graves if they could see what is happening now.

David McCarty



3 chip & core holes drilled by
Systech & rehabbed, around
2006/2007.

PVC pipe can still be seen
also at one site coal chips can
seen where drilling mud & water
was drained into Columbus Creek.

H. McCabe.

3 September 2012

Mr DE McCabe

Dear Mr McCabe,

**Mountfield Properties Pty Ltd
Proposed Purchase of Lot**

We refer to our recent discussions with David and our previous correspondence to you.

We have been instructed by our client that all future communications between you, our client and us must be in writing. On this basis, we ask that you refrain from contacting us (and our client's representatives) by telephone and instead address any queries or concerns that you may have relating to our client in writing (including by email) to us or our client.

We note that we are yet to receive a response from you in relation to our letter to you dated 13 August 2012.

Yours faithfully

HEMMING+HART

Partner

Liability limited by a scheme approved under Professional Standards Legislation

26 September 2012

Mr DE McCabe

Express Post

Dear Mr McCabe,

**Mountfield Properties Pty Ltd
Proposed Purchase of Lot**

We refer to our letter to you dated 13 August 2012. As you are aware, we act for Mountfield Properties Pty Ltd and Syntech Resources Pty Ltd (**Syntech**).

In the absence of receiving a written response to our letter, we assume you are satisfied as to the accuracy of the chronology of events referred to in our letter.

comprises part of the surface area of Syntech's Mining Lease Application No. **50260 Mining Lease Application**). Based on its Mine Plan, Syntech anticipates conducting open pit mining over the majority of during the period 2016 to 2023. The balance areas of are proposed to be used for the storing of out of pit spoil.

Syntech will require the whole of as part of its proposed open pit mining operations.

In our letter to you dated 13 August 2012 we set out particulars of numerous attempts that our clients' representatives have made to contact you to discuss not only concerns raised by you with our client (and various government agencies), but also with respect to our client acquiring as part of its proposed mine expansion.

In our letter, we invited you to supply the details of a nominated valuer to attend in order to provide a valuation report based on a physical inspection of the property. The purpose of this valuation was to assist our client in putting forward an offer to you to purchase . To date you have failed to respond to this invitation.

To progress its Mining Lease Application our client is required to agree compensation with you for:

1. Deprivation of possession of the surface of the land;
2. Diminution of the value of the land or any improvements on it;
3. Diminution of the use made or which may be made of the land by you or any improvements on the land;
4. Severance of any part of the land or another part of the land, or from **other land** owned by you;

5. Any surface rights of access; and
6. Any loss or expense that arises;

as a consequence of the grant of the mining lease the subject of the Mining Lease Application (**Heads of Compensation**).

Regrettably, by your conduct to date, it has become apparent to our clients that you do not wish to progress negotiations in a reasonable manner and having regard to the requirements under the *Mineral Resources Act 1989*.

As you would be aware, the *Mineral Resources Act 1989* gives a person the right to apply in writing to the Mining Registrar to have the Land Court determine the amount of compensation and the terms, conditions and times of payment of compensation.

Our client has previously engaged certified valuers Opteon (Central and Southern Qld) Pty Ltd (**Opteon**) to conduct a 'desktop valuation' of [redacted]. A copy of that valuation is **attached** for your reference.

While our client acknowledges a desktop valuation may not accurately reflect the true value of [redacted] given the valuer has not had the benefit of a physical inspection of the property, the desktop valuation is the best that our client could achieve given your unwillingness to allow representatives of our client or a valuer onto [redacted] for the purposes of inspecting the property. You will see that Opteon has valued [redacted] in the range of [redacted] (including land and improvements).

In full and final satisfaction of Syntech's obligation to compensate you in accordance with section 279(1)(a) of the *Mineral Resources Act 1989*, Syntech is prepared to offer you compensation in the amount of [redacted] in consideration for the transfer of ownership in [redacted] to our client. Our client is of the view that this amount **adequately** compensates you for each of the Heads of Compensation (including the value of [redacted]). For clarity, our client expects that upon payment of the proposed compensation amount and completion of title transfers etc, ownership of [redacted] will transfer to Syntech.

We are instructed that unless we receive written correspondence from you by 11 October 2012 that indicates a genuine willingness on your part to negotiate with our client regarding compensation (in good faith, and having regard to the Heads of Compensation prescribed under the *Mineral Resources Act*), our client will be left with no other choice but to apply in writing to the Mining Registrar to have the Land Court determine the amount of compensation payable to you in accordance with section 281 of the *Mineral Resources Act 1989*.

Yours faithfully
HEMMING+HART

Partner

Writer:
Direct Line:
Direct Email:
File No:



Hon Andrew Powell MP
Minister for Environment and Heritage Protection

Ref CTS 01259/13

11 FEB 2013

Level 13
400 George Street Brisbane 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3239 0844
Facsimile +61 7 3224 2496
Email environment@ministerial.qld.g

Mr David McCabe

Dear Mr McCabe

I refer to your email of 21 October 2012 to the Honourable Campbell Newman MP, Premier of Queensland concerning the expansion of Cameby Coal Mine and the planning process relating to mines and coal seam gas developments. Your correspondence has been referred to the Minister for Environment and Heritage Protection who has asked me to respond on his behalf.

In relation to your concern regarding the assessment process for mining and coal seam gas approvals, all such projects are subject to a very rigorous environmental impact assessment process. Assessment of the most significant projects is managed by the state Coordinator-General.

The *Environmental Protection Act 1994* (EP Act), administered by the Department of Environment and Heritage Protection, sets out in detail the requirements for the environmental impact statement (EIS) process used to assess and enable public consultation on larger-scale mining and petroleum projects in Queensland. The EIS process is the most rigorous and complete environmental assessment process that can be applied to a resource project.

The EP Act requires each affected person (including each landholder) to be notified and given the opportunity to provide comments:

- for at least six weeks at the start of the EIS process, when terms of reference setting out what the EIS must contain are developed
- for at least six weeks when the EIS is released for public comment.

The EP Act does not allow the EIS to proceed to the public consultation stage if it does not adequately address the issues set out in the terms of reference.

Less significant projects may not require an EIS but must still undergo assessment by qualified and experienced assessment staff prior to granting of an Environmental Authority (EA) to operate and are subject to public notification processes.

Those people, whose land would include any part of a proposal, such as a mining lease for example, are informed directly of the proposal and of their opportunity to make a submission. Other members of the public, including those living in the vicinity, are informed by public notices placed in newspapers circulating in the area and by a notice placed on the affected land.

X The responsibilities for decision-making in relation to an EIS and granting EAs under the EP Act are formally delegated under a statutory Instrument of Delegation to those departmental staff having the necessary seniority, experience and expertise to make those decisions.

Reports
How far?

Conditions contained within an EA for coal seam gas and mining activities may include limits for dust, noise and vibration in relation to sensitive places such as residences. The limits are based on levels of noise or dust likely to be received, rather than on distances from the source to receiver (that is, buffer zones) as varying atmospheric conditions will impact on the effectiveness of buffer zones, while the mandated limits are required to be met irrespective of weather variations.

In relation to the concerns you raise about the existing Cameby Downs Coal Mine, I understand that you have previously lodged a complaint with the department in relation to the level of noise from the mine. In response to this complaint, the department reviewed results of noise monitoring conducted in 2011 on behalf of Syntech Resources Pty Ltd, the mine operator, near your residence.

Putting noise flat

The noise monitoring included recording noise levels from the mine at night over a period when weather conditions were most likely to cause a worst case scenario for noise from the mine. Based on the conclusions of the noise monitoring it was determined that the noise levels emanating from mining activities at your residence were within the noise criteria set in the EA and therefore, the department considered the complaint investigated and closed.

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I am advised that the company has implemented a noise mitigation strategy that includes a system for monitoring noise at various locations surrounding the mine that sends remote alerts to mine management when noise from operations is likely to exceed the limits prescribed in the EA. The remote monitoring system has now been installed on a permanent basis.

no talk

Representatives of Cambey Downs Coal Mine have advised the department that in the event that you have concerns with any aspect of the mine operations, they can be contacted by you directly so that they can seek to address and rectify any issue.

The department's Pollution Hotline, (telephone 1300 130 372) enables the community to directly lodge complaints about the environmental performance of regulated industries. Every complaint logged that is within the department's jurisdiction is investigated. I encourage you to make use of this facility and particularly the complaint forms provided by the department, should you continue to have concerns around the environmental impact of the mine or any other mine or coal seam gas facility.

In relation to your concerns around the compliance inspections undertaken by the department, compliance priorities for the year are planned and are publically available through the published Annual Compliance Plan, available on the department's website at <www.ehp.qld.gov.au>.

As you are aware, the department conducts regular compliance inspections at the Cameby Downs Mine to ensure compliance with conditions of the EA and relevant environmental legislation. The department will continue to conduct these inspections in 2013 at the Cameby Downs Mine and at other coal seam gas facilities. Where non-compliances are identified the response is guided by the department's Enforcement Guidelines.

The Minister hopes this information is of assistance to you. Should you have any further enquiries, please contact _____, Principal Environmental Officer, Southern Region of the department on telephone _____.

Yours sincerely

Chief of Staff

-  Area fenced + Rehabbed
-  ROAD EASEMENT
-  FENCELINE
-  WATTLE

DATE: _____ HER NO:
 CREATED BY: _____ REV NO:
 CHECKED BY: _____ HER TYPE:
 PLAN REF: _____

DATA SOURCE:

