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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: RIX'S CREEK SOUTH CONTINUATION OF MINING PROJECT

PANEL: **PROF MARY O'KANE**
ANDREW HUTTON
TONY PEARSON

ASSISTING PANEL: **DENNIS LEE**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **HOWARD REED**

LOCATION: **IPC OFFICES**
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES

DATE: **9.33 AM, TUESDAY, 9 JULY 2019**

PROF M. O’KANE: All right, Howard. Let’s – thank you for coming in - - -

MR H. REED: Yep.

5 PROF O’KANE: - - - and we’ll get going. I’ll just do the opening statement and off we - - -

MR REED: Yes.

10 PROF O’KANE: Off we go. So, in opening, I’d like to acknowledge the Gadigal people of the Eora Nation, ah, and pay my respects to their Elders, past, present and future. And, in this case, the Bloomfield Group is seeking approval for SSD6300 to continue open cut mining of Rix’s Creek South Coal Mine for an additional 21 years. My name is Mary O’Kane. I chair the Commission on this panel. Joining me are my
15 fellow commissioners, Andrew Hutton and Tony Pearson, and the panel is supported by Dennis Lee from the Commission Secretariat.

In the interests of openness and transparency, to ensure full capture of information, today’s meeting is being recorded and a full transcript will be produced and made
20 available on the Commission’s website. This is one part of the Commission’s decision-making process and the information we gather helps with our determination. If there are any questions where you want to clarify them, please do. If asked a question which you’re not in a position to answer at the moment, feel free to take it on notice and provide written material, and could we all say our names when we
25 speak for the first time.

MR REED: Sure.

PROF O’KANE: So thank you. And, um – as you know, um – and thank you for considering it – we’ve sent a letter with a series of questions. We will probably ask
30 other things too, but that’s just a – a start and a basis for – for discussion. So – um, and as we’ve said this is – ah, sort of feels like, you know, Groundhog Day with Rix’s Creek, since we’ve now been here a few times over the last few months on its various, um, determinations. So I guess if you’re happy to start with the questions.
35 Are there any big ones we want to start with for Howard beforehand?

MR T. PEARSON: No, I’m happy to run through chronologically, if that’s - - -

PROF O’KANE: Okay.

40

MR REED: Okay.

PROF O’KANE: So, Howard, since we’ve all got the questions in front of us, where - - -

45

MR REED: Well, perhaps I should just make an opening statement. For the - - -

PROF O’KANE: That would be gorgeous.

MR REED: For the record, my name is Howard Reed. I’m a director of resource assessments in the Department of Planning, Industry and the Environment, and, um,
5 ah, I should say that the department received these questions, um, yesterday
afternoon, and, ah, ah, in my view, it would take a substantial amount of work to
provide, um, ah, thorough, ah, responses to each, ah, that can be relied on, ah,
completely by the Commission. Ah. I – I would anticipate – or I should also say
we’re under quite constrained resource limits in my area of the department at the
10 moment. So my prediction is that it would take two to three weeks to give you a
thorough and reliable answer to the 25 questions.

PROF O’KANE: And – and maybe we – you don’t have to – you know, there’s
some we could discuss and maybe just put aside - - -
15

MR REED: Yep.

PROF O’KANE: - - - so that you don’t have to do – but we’ll note that and thanks.

20 MR REED: Sure.

PROF O’KANE: And that – that – that timing works well with our public meeting
anyway. Um, so great. Thanks, Howard. Um, so I guess, um, we’re interested –
you know, the first one goes – why don’t we just do a canter through and I think, um,
25 comment on – on things – the first one really goes to, ah, extra information requested
of the applicant. Is – is it all there or is there – are there things we should be
particularly paying attention to in the new information post the – us – post our review
- - -

30 MR REED: Well, no.

PROF O’KANE: - - - and in the light of MOD 10?

MR REED: My initial response to this would be that it’s all on our website.
35

PROF O’KANE: Right. Okay.

MR REED: And, ah, otherwise – ah, and the important things to draw your
attention to are in the department’s assessment report.
40

PROF O’KANE: Yep.

MR REED: And, um – ah. And, indeed, in the, um, ah, recommended consent
conditions.
45

PROF O’KANE: Yep, which we’ll cycle back to.

MR REED: Yeah. Yeah.

PROF O'KANE: Yep. Any other comments

5 MR HUTTON: No, that's fine. That's fine.

PROF O'KANE: Fine. Yeah. Um, the one – that's a very particular one about
review three subject to reasonable notice. I guess we're interested to know, um,
is it something – it's an area that has been brought up, um, in general terms by the –
10 the community about mine – mine-owned, but occupied residences. What do you
think is – um, what would be reasonable notice in something - - -

MR REED: Well, we've responded. Ah, in regard to United Wambo, the
Commission has proposed - - -

15 PROF O'KANE: 14 days.

MR REED: - - - 14 days as being reasonable notice.

20 PROF O'KANE: Yes.

MR REED: And, ah, we responded yesterday that that would be appropriate.

PROF O'KANE: Okay. Good. All right. Well, we will note that. Um, so the next
25 one's very much your space. Do you want to - - -

MR A. HUTTON: Yeah, Andrew Hutton. Howard, we're just keep to see whether
we could, um, get some visibility on the – the progressive rehabilitation of the – the
site through the life of mine and whether there'd been any information provided that
30 would show the status of those different mining disturbance categories with
particular interest in the ones at the cessation of mining, so we can understand the
progressive rehab commitments. Are you aware of any information that you could
provide, or is that a question we direct to the applicant?

35 MR REED: Well, ah, I think the best answer will come from the applicant insofar –
if – if – if I can be assured that, um, ah, the information that's already been provided
by the applicant and by the department doesn't satisfy your request, then, clearly, we
will require additional information from the applicant, and my view is that the best
way for the Commission to obtain that is to talk with the applicant directly.

40 MR HUTTON: Yes.

PROF O'KANE: I guess one thing we're interested is advice from the department
on the speed at with – with which they should be rehabilitating as they go and what
45 you think we should be all together trying to achieve in this area.

MR REED: Well, ah, how can I put this? Um, if you drive through the Hunter Valley, ah, Rix's Creek is, ah, fairly, um, apparent and a fairly obvious mine site from, ah, major roads like the New England Highway and, ah, the department considers that, ah, rehabilitation should be, ah, an increased focus of, ah, the
5 company going forward. It's for that reason – that key reason that we've put forward in the conditions that there should be a rehabilitation strategy.

PROF O'KANE: Yep.

10 MR REED: We don't always recommend that for each mine. Ah, the standard condition is a rehabilitation management plan.

PROF O'KANE: Yep.

15 MR REED: But where there's a lot of rehabilitation to be undertaken, ah, and, ah, ah, you want to be assured that there is a clear life-of-mine strategy towards rehabilitation, ah, and, ah, that, ah, there are proper targets for progressive rehabilitation and, ah – and, ah, a straightforward way to – to measure that, then a
20 rehabilitation strategy is a – ah, is – is our weapon of choice, if I can put it that way.

PROF O'KANE: Yeah.

MR REED: Ah, the rehabilitation management plan is entirely, ah, within the oversight of the Resources Regulator, whereas the way the conditions are drafted, ah,
25 there is, ah, an oversight of the rehab strategy by the – ah, by the secretary of the department.

PROF O'KANE: Right.

30 MR REED: Ah, and it's our way of, ah, ensuring adequate focus on rehabilitation going forward.

PROF O'KANE: So that's really useful. That's - - -

35 MR HUTTON: It is.

PROF O'KANE: That's really good.

MR HUTTON: Yeah.

40 PROF O'KANE: So we might signal we'll come back over that conversation - - -

MR REED: Yep.

45 PROF O'KANE: - - - because that is very helpful.

MR HUTTON: Yes.

PROF O'KANE: So, in practice, does the department – like, the secretary watch through the strategy and you have the Resource Regulator watch the more day-to-day aspects of it for you.

5 MR REED: In – in simple terms, yes, that's exactly right.

PROF O'KANE: What in slightly more in complex terms, because I've got a good – good understanding of what happens?

10 MR REED: Um, I'm not quite sure how you record a laugh, but - - -

PROF O'KANE: Yeah.

MR REED: Ah, um, I think that, um – ah, well, the rehab strategy is meant to be,
15 ah, a rolling document that's, ah, reviewed. Ah, ah, we would - - -

PROF O'KANE: And that's done as part of the every-three-year review?

MR REED: Yes. Yes. I believe it's every three years. We would always involve
20 the Resources Regulator in that.

PROF O'KANE: Yeah.

MR REED: It's a matter of coordination and cooperation. Ah, they have a much
25 larger, um, suite of – of statutory powers under the - - -

PROF O'KANE: Yeah.

MR REED: The Mining Act, ah, and they're well – and they also hold the, um,
30 security deposit under the mining lease. So they're very well placed, ah, for that day-to-day management. That's not to say that, um, ah, the department's compliance branch doesn't get involved in rehabilitation, but, ah, we certainly try not to tread on each other's toes. That's a cooperative relationship.

35 PROF O'KANE: Good.

MR HUTTON: The ICMM recently released a mine closure guideline that sets out, I guess, industry best practice standards for mine closure planning.

40 MR REED: Yes.

MR HUTTON: One of the key elements in there is the issue of sudden closure - - -

MR REED: Yep.
45

MR HUTTON: - - - and ensuring that planning not only looks at the life of mine, but also gives regard to the – the – the prospect of sudden closure - - -

MR REED: Sure.

MR HUTTON: - - - and that – and that the mine is suitably positioned to respond to that should it occur for whatever reason. There’s a whole range of reasons. Would
5 sudden closure be something that you would see a key element of the strategy – the department strategy document, or is your view more about the life-of-mine planning rehab?

PROF O’KANE: Or both?
10

MR HUTTON: Or both, yeah.

MR REED: Well, I’m at a little bit of a disadvantage, Andrew - - -

15 MR HUTTON: Yep.

MR REED: - - - in that I haven’t seen that document.

MR HUTTON: Sure.
20

MR REED: But I’ve seen previous ICMM documents.

MR HUTTON: Yep. Yeah.

25 MR REED: - - - and my expectation would be that it was – would be a high-level international instrument that could be applied in a variety – variety of circumstances.

MR HUTTON: Yep.

30 MR REED: And – ah, and my first response would be that, ah, in New South Wales, ah, the pros – ah, the possibility of sudden mine closure, ah, was first addressed, um, ah, well over 40 years ago through the Mining Act 1973 and – and its requirements for security deposits.

35 MR HUTTON: Yeah.

MR REED: So, ah, we could have, ah, a discussion about the historical, um, ah, ah, adequacy of security deposits, but over the last 10 or 15 years, um, the agency that is now the Resources Regulator – it has paid increased and increasing and – ah, and
40 focused attention on ensuring that security deposits are, ah, at the right scale to close the mine, um, or to rehabilitate the mine following closure in practically any circumstance. So that’s the – ah, that’s the fail-safe mechanism, ah, that – ah, that, ah, the state has employed for many, many years in order to – to address those circumstances.

45 Beyond that, um, ah, I think it’s a good thing for, ah, mines to always be looking forward, and, and I think you would all know that some mine managers find it all too

easy to focus on the day-to-day operations and, ah, the annual bottom line, ah, rather than paying sufficient attention to, um, how best to do things, ah, perhaps when another mine manager will be in their shoes in five years time, and so in order to only move dirt once, if that cost needs to be brought forward, well, will a mine
5 manager always do it? So in that – for reasons like that, it’s a very good thing to have this three-year planning cycle in regard to the rehab management plan and the rehabilitation strategy to always stay on top of changing circumstances, whether they’re changing seam extraction or changing economic circumstances, or changing, um, weather - - -

10 PROF O’KANE: Yeah.

MR REED: - - - circumstances, um, ah, and the various things that can interfere with, um, a schedule that, um - - -

15 PROF O’KANE: Was - - -

MR REED: - - - ah, an environment officer - - -

20 PROF O’KANE:

MR REED: - - - puts forward for rehabilitation over the coming 12 months.

25 PROF O’KANE: I think that gives us quite a good framework. So we’ll probably, at a second meeting – subsequent meeting - - -

MR REED: Yep.

30 PROF O’KANE: - - - or certainly the conditions meeting, cycle back through there, but that, I think, helps point the way forward well here.

MR REED: Okay. I could - - -

35 PROF O’KANE: Yeah.

MR REED: I – I think it’s worthwhile pointing out that, um, there are some uncertainties about, ah, the – the mine closure timeframe and strategy for – for Rix’s Creek. So as you know, there are two voids that are proposed, ah, two pits, two voids, the North Pit and the West Pit, and most – I think that extraction will take
40 place in the North Pit, ah, and, ah, ah, before finalising extraction in the West Pit, ah, and – ah, but rehabilitation of the North Pit won’t be completed, nor will mining in the North Pit be completed until much later in – in the life of mine.

45 Now, my understanding – the basic reason for that is that, ah, the company is looking to, ah, ah, preserve its options for underground mining access from the high wall of the North Pit. So that area of the – the – the pit needs to be, um, left accessible, but that is some time down the track. This is set out in – in, um, the, ah, original, um, ah,

EIS, and – ah, and it's discussed, I think, um, ah, briefly in – in the – the preliminary assessment report. That – that decision is, ah, unlikely to be taken for economic planning reasons for quite a number of years, ah, and, ah, it's – it's beyond the normal mine planning cycle. I can't remember the exact date - - -

5

PROF O'KANE: No, you're right. It's - - -

MR REED: - - - but I think it's – I think it's 2038 or beyond, and, um, ah – and then there's, I think, something up to seven years of – of underground mining that's a potential possibility. So that means – and this is not unusual for, ah, large, um, coal mines or, for that matter, any large mine that's accessing a – a stratiform resource, ah, that, ah, extends beyond, ah, a defined pit shell. Um, it's not unusual for, ah, a current mine plan to – to only um, ah, address a proportion of the available resources, and, indeed, the available resources might change with economics or technology and that regularly happens as well. So I would daresay that Rix's Creek is like dozens of other mines, whether they're, um, mineral, sand or – or coal or, um, ah - - -

15

PROF O'KANE: Iron ore, or whatever you like.

MR REED: Ah, um, iron ore quarry resources that – in the state that, um, ah, haven't reached the end of their identified resource and, ah, ah – and partly because of limits placed by the department, that is, we are uncomfortable with mine plans or quarry plans beyond a generation, so 25 to 30 years. We're uncomfortable – uncomfortable about proposing approval for, ah, um – in the open-ended fashion which was more the – it was common with approvals in the 60s and the 70s and – and before. Ah, we would – we think they ought to be limited for the benefit – for reasons of, ah, intergenerational equity. So um, ah, I'm ju – just wrapping that up, ah, the situation at Rix's Creek does require to be thought about, but it's not unusual. It's far from unique. There are dozens of other mines in the state - - -

25

30

PROF O'KANE: Of course.

MR REED: - - - that are in the same situation.

PROF O'KANE: No. That's very handy, yeah, context to all that. Been – a lot of our – we're asking a lot of these questions to contextualise that because of uncertainties around the whole issue of – of coal and climate change too, and, you know, if there's resilience to deal with uncertainty, then, you know, that helps deal with some of that, and that's why the strategy idea is so attractive.

40

MR REED: Well, I think there's two elements to that. One is the policy uncertainty and – and that direction that the policy agenda may take, whether it's internationally or nationally or – or in the state, and the – the other side of – of – of that coin is the economic forecasts, and the economic forecasts, rightly or wrongly, appear to be universally robust.

45

PROF O'KANE: The other side, again connected to the economic thing, is technology, the move of technology, what it can do, including emissions capture and storage.

5 MR REED: Yes. Yes. Yes. Yes. Yes. Yes.

PROF O'KANE: So, you know, it – but it – it's just the uncertainty is what causes a lot of the angst in this. That's great. Let's keep going. Maybe you should run for the most bit, till we hit some of the economic questions, I think.

10

MR HUTTON: Yeah. Sure.

PROF O'KANE: Yeah. Just to – yeah – keep it moving.

15 MR HUTTON: Well, we were just keen to hear a little bit more about the – your, I guess, assessment of the applicant's review of options 1 and 2.

PROF O'KANE: Yeah. Very keen on this.

20 MR REED: Well, there are elements of this that I'm going to have to take on notice. The – the department accepted the company's assessment that option 2 was the preferable option, ah, that it obtained most of the benefits that, ah, had been, ah, thought possible by the commission's expert, ah, at, ah, a low and acceptable cost, ah, and the, ah, the alternative, ah, ah, offered limited additional benefit, ah, at a
25 substantially increased cost. Ah, that's not to say that, ah, either option wasn't, um, ah, able to be pursued. They – they aren't to be pursued – both options, but, ah, the department considered that the company's assessment was reasonable and, ah, didn't – didn't require to be, ah – didn't require a lot of pushback.

30 MR HUTTON: Because the option 1, no other placement would have meant – would potentially mean retention of EEC habitat for a squirrel glider and those aspects. So they – they've all been considered in the mix of assessment.

MR REED: Yes.

35

MR HUTTON: Yes.

MR REED: But it's also an extra, um, I think, ah, extra 14 metres in height.

40 MR HUTTON: Yes.

MR REED: I think it's an extra 40 feet in height or so.

MR HUTTON: Yes.

45

MR REED: And that increase in height is permanent legacy in respect of visual, um, ah, ah, presence. I won't say necessarily impact, but a visual presence. And, ah,

and because the dump is higher and farther away, the haulage cost, um, ah, are a significant – significantly increased. I think it's a factor of four or five, um, ah, increase so that the option 2 – and I don't bel – I'm not sure whether it has been assessed that that – that, ah, ah, increased haulage cost comes with increased, ah, 5 diesel emissions – particular emissions and – and greenhouse gas emissions, so I'm not sure whether they were taken into account, but, um, ah, they, ah, they would be relevant.

10 MR HUTTON: Mmm. Mmm.

MR PEARSON: Could I – on those, um, costs, provided a table on page 28 which has biodiversity credits, 2.7 million. This is 1.9. Rehabilitation of 0.2. This is 0.5. How are those characterised? Are they NPV costs or are they just a summation of the annual costs?

15 MR REED: Tony, I'm going to have to get back to you on that.

MR PEARSON: Okay. Thanks.

20 PROF O'KANE: I suppose we're onto the best practice. We just wanted the reference for that. This is - - -

MR REED: Um, well, when the department says in its assessment reports that, ah, ah, these conditions represented best practice for the management of coal mining 25 open cut coal mining in New South Wales, perhaps the phrase isn't as transparent as it could be.

PROF O'KANE: Yes.

30 MR REED: But what it really, ah, means is that, um, ah, the department's assessment practices, um, and knowledge doesn't remain static, that it continues to develop. Ah, so each coal mining assessment, um, um, adds a little bit more to the knowledge fabric and, ah, the assessment framework. So, um, we would say that if you lined up 10 coal mining assessment reports over the last 10 years that you could 35 see the, you know, a continual development between them, so, ah, in terms of assessment practice, ah, the current practice is best practice.

MR HUTTON: Right.

40 PROF O'KANE: Okay.

MR REED: But beyond that, ah, we would also say that, ah, ah, our conditioning, ah, of, ah, of – of coal mines, whether it's in – going to the rehab strategy that I mentioned before or the precision with which different requirements are – are 45 framed, ah, or, ah, the development of operating conditions or increased precision in air quality conditions, we would say that there is, ah, been a continual improvement, perhaps even greater than in the assessment reports over the last 10 or 15 years. So,

basically, we're saying this assessment report and these conditions are, um, the best that we can do and, ah, ah – and we're confident that there has been a trajectory in improvement over a significant period of time. So that's what we mean when we say it's best practice.

5

PROF O'KANE: Thank you. I mean, it hooks back to the earlier conversation, like, the strategy conversation. We were just trying to work out where all that aligned with a – a way forward which we're just all thinking through, but – look, don't – you don't need to write any more on that.

10

MR REED: Okay.

PROF O'KANE: I think we've covered that, thank you. And any of the others where you think we've adequately covered it, don't spend time - - -

15

MR REED: I would – I would appreciate it if the commission could - - -

PROF O'KANE: If we mark out - - -

20

MR REED: - - - confirm to which questions we need to address further.

PROF O'KANE: Yep, that's a good idea.

MR REED: And it doesn't have to be today.

25

PROF O'KANE: No.

MR REED: But, ah, if – if you can agree and then come back to those, that would be great.

30

PROF O'KANE: Yes. I would happily do that.

MR REED: Yes.

35

MR HUTTON: Good. Tony.

MR PEARSON: So this question 7 on the list.

MR REED: Yes.

40

MR PEARSON: So that the CBA, um, ah – it's Tony Pearson here, sorry, for the transcript. I'm keen to understand, um, if we could unpack the CBA methodology a little bit to understand what – what goes into it and what doesn't go into it. So - - -

45

MR REED: Yes.

MR PEARSON: - - - obvious sort of things that come off the top of my head are things like scope 3, the reliance on achievable noise criteria as opposed to the – the
- - -

5 MR REED: Yes.

MR PEARSON: - - - the sort of first pass regime that would ordinarily apply to mines. So I guess what I'm seeking is an understanding of what's in and what's out of that whole modelling process.

10

MR REED: Ah, and it's a very good question. Ah, I will need to get back to you, Tony.

PROF O'KANE: Okay. Thank you.

15

MR REED: I wouldn't to, ah, ah – to mislead you.

PROF O'KANE: Then the one about how draft conditions were mod – if consent were modifying in responding to agencies' concerns. We're particularly – and that links, I think, we get the same time, cover 17, over the letter from New South Wales Health from, I think, yes, 21 December.

20

MR REED: Mmm.

25 PROF O'KANE: So over to you, I think. Did they come back again?

MR REED: No, they didn't.

MR HUTTON: They didn't. They left it there.

30

MR REED: They didn't. Yes. Yes. The – ah, the department – it's hard to know where to start on this.

PROF O'KANE: Yes.

35

MR REED: We have a difficult job in that, ah, we have to undertake a multifactorial analysis. If – if one agency says, "I like oranges," and, ah – and, ah, there are six oranges here and another agency says, "Well, I like apples," and, ah, there are four apples here - - -

40

PROF O'KANE: Yes

MR REED: - - - then we have to basically, ah, add up what's in the fruit basket - - -

45 PROF O'KANE: Mmm.

MR REED: - - - and work it all out. It's not an easy thing to do and the planning legislation gives us that responsibly - - -

MR HUTTON: Yes.

5

MR REED: - - - and the objects of the Act and, ah, the matters, ah, to be taken into account under, ah, section 4.15 - - -

PROF O'KANE: Yes

10

MR REED: - - - really call for a balancing Act, ah, to look at all, um, values and all impacts or benefits or costs, whereas, ah, other agencies, ah, many other agencies, ah, come from, ah, a single-issue perspective. That's their legislation. And, ah, and they, ah, to varying degrees advocate for, um, ah, the, ah, values that underpin their legislation, so not every officer within an agency would take the same view, same stronger advocates. Others, um, ah, perhaps are a bit more accepting of – of – of what happens in other parts of government.

15

PROF O'KANE: Mmm.

20

MR REED: And so the long and the short of it is that, ah, we have advice from agencies, ah, following exhibition that reflects their – ah, their focus and that's what it should, um, ah, reflect.

25

PROF O'KANE: Sure.

MR REED: But we have to take it all into account and, ah, ah, and add it up. So turning to health, um, health's interest is in human health.

30

PROF O'KANE: Mmm.

MR REED: And it's – in that respect it's – um, ah, pays great, ah, significance and attention to, um, ah, an epidemiological study or the like that would suggest that, um, ah, there is no, um, ah, threshold limit, ah, for human health impacts from particulate matter.

35

PROF O'KANE: Yes.

MR REED: So from health's perspective, and, ah – development application that they're asked to comment on, ah, that, ah, is associated with, for example, particulate matter, or it could be, ah, noise or other things, but, in particular, particulate matter, they will take a, ah, ah, strong and straightforward view - - -

40

PROF O'KANE: Yes.

45

MR REED: - - - which they should, but, ah, the department also has to pay attention to, ah, the, ah, particulate matter, um, ah, limits that are expressed in, ah, the air

quality methods and EPA policy, ah, and the overall framework for regulating and managing, ah, air quality impacts across the state. So, ah, it may be that, ah, some agencies will not be entirely satisfied whether we address their concerns or – or not. They will not be entirely satisfied by the outcome of a multifactorial analysis. That's
5 the – the world that, um, the department are planning and, indeed, the IPC - - -

PROF O'KANE: Operate in. Yeah.

10 MR REED: Yes. Yeah.

PROF O'KANE: I – go on.

MR HUTTON: I was going to say, accepting that – um, it would assist us if we were able to get a – um, a marked-up version of the conditions, because – to step
15 back, in the assessment report, you – you nominate that the department has incorporated this advice into a recommended condition. That occurs a number of times through the report. It'd be good to see, in the draft conditions, where you've given regard to that agency's matter and brought that in as a condition and just sort of highlight that for us would be useful.

20

MR REED: The – the – I – I – we're happy to do that. It'll probably take a substantial amount of work.

25 MR HUTTON: Right.

MR REED: Um, ah, the – the, ah – there are two sides to that coin as well. So the department is constant – constantly striving for, um, ah, standard conditions - - -

30 PROF O'KANE: Yep - - -

MR REED: - - - template conditions - - -

PROF O'KANE: - - - and which we support.

35 MR REED: - - - that can be applied, ah, to, um, any development of – of – of a – of a like type. Um, it's not necessarily the case that other agencies, um, ah, are even aware of our existing template conditions. So, um, the – it's – it's not, um, unlikely that a similar thought from, um, ah, an agency – a particular line agency, um, ah, over three or four projects would be expressed in different terms. And so the – and,
40 for that matter, ah, sometimes, ah, requests for conditions are not expressed in legally robust terms. They're – they're – they're – you under – you can understand what the intention is. Ah, they're clear – the – they are intentional, but as to whether they are either legally robust or in the framework that we normally use is a different question. So, um, a lot of the time, um, ah, agency, ah, proposals need to be, um, ah, put
45 through, um – well, they need to be massaged - - -

PROF O'KANE: Yeah.

MR REED: - - - if you like, ah, or formed into, ah, the terms that we normally use, ah, and – and we – we do pay, um, ah, some, ah, attention to the department's desire for template conditions for, um, different types of development. So it's not – it's not a straightforward, um, ah, matter.

5

MR HUTTON: Yep. Perhaps, then, it's a case of just identifying what standard condition, um, addresses that concern from the agency. That would be useful.

MR REED: I think that would – that would be of a lot of assistance, Andrew.

10

MR HUTTON: Yep.

MR REED: I think that would be a lot of assistance to – um, ah, because, ah, we are looking to, um, ah, reflect agency concerns as far as is reasonable, and to do so in a standard way. So, um, a lot of the standard conditions have developed over time, ah, as a result of, um, um – well, issues commonly that have been identified by agencies. So – yep.

15

MR HUTTON: On – on the same thought process, I was quite keen to see where the review, um, comments were addressed as conditions.

20

MR REED: Yep.

MR HUTTON: So the same sort of process of identifying - - -

25

MR REED: Yes.

MR HUTTON: - - - a table or a – a document that can highlight those for us, if that's something that's not too difficult to provide.

30

MR REED: Yes.

PROF O'KANE: Okay. That sounds good.

35

MR HUTTON: Yep.

PROF O'KANE: Just further on the health issue, because this comes up ev – you know, every mine - - -

40

MR REED: Yes.

PROF O'KANE: - - - every tunnel, everything. Um, we've been wondering, and we haven't settled on it yet, but this is sort of early notice that we might get you to organise a meeting for us with Health to talk this out, because they always say, every time I've been involved in a – in a case, that – that there's no safe level of a particular matter, and yet – you know, as we know, even in the Hunter, it's not Beijing. It's still – air quality is but it probably means some sort of standard

45

condition is needed in the notification to people, the sort of education side of things. So I wond – this is where we’re sort of wondering as to whether we all sit down with Health in condition story, with a – maybe with a view to a new standard condition coming on about how people are left – you know left so just signalling

5 - - -

MR REED: Yep.

PROF O’KANE: - - - not sure where we’re landing on that.

10

MR REED: Okay.

PROF O’KANE: I don’t know if you – if that would be helpful to the department as well as to us.

15

MR REED: It’s – um, it’s a – a vexed area.

PROF O’KANE: Yep.

20 MR REED: I know that in the Hunter Valley, a significant proportion of the, um, particulate matter in the air derives from sea salt.

PROF O’KANE: Absolutely. We’ve talked about that here.

25 MR REED: Which – which, um, um, ah, I haven’t heard anyone mention for the last five or six years, but - - -

PROF O’KANE: Oh, it came up - - -

30 MR REED: - - - that was the studies that - - -

PROF O’KANE: We had it in the, um - - -

MR REED: - - - were done some time ago.

35

PROF O’KANE: In the review period.

MR REED: Yep.

40 PROF O’KANE: Yeah, we talked about it in there, yes.

MR REED: Ah, and, um, ah – and, of course, a significant proportion of – of particulate matter derives from other non-mining sources.

45 PROF O’KANE: And, of course, it’s not always the chemical side of it.

MR REED: No.

PROF O'KANE: It's the shape.

MR REED: Well, um, when – when we're talking agriculture, when we're talking,
5 um, ah, dust left off from agricultural surfaces, drought, bushfire, um, wood smoke
from, um, ah - - -

PROF O'KANE: Burning.

MR REED: From communities, ah, nobody seems to express any great concern
10 about those sources of – of – of dust.

PROF O'KANE: Oh, wood

MR REED: Well, in the measurement sense, they do - - -
15

PROF O'KANE: Yeah.

MR REED: - - - but in the regulation sense, they don't. So, um, ah, I guess, um,
20 um, my concern there is – is one of equity.

PROF O'KANE: Oh, I think – but that's exactly the point, I – I think, that that's the
conversation that needs to be had with Health about how it's done for all particles
from all sources. It's not, you know, making it clear that it's a – you know, it's not a
25 single source that – that does it and clarifying it in public education terms, or
something like that.

MR REED: And I think there could be some considerable - - -

PROF O'KANE: Considerable.
30

MR REED: Considerable value in that.

PROF O'KANE: Yeah. So we can talk further about that, both in the particular of
this case and in the general links between the Commission and department. Yeah.
35 Okay. Well, we'll – we'll land on that and come back to you. Um, so I think we've
- - -

MR HUTTON: I ignored a couple, yeah.

PROF O'KANE: - - - covered that – that one. The statement of commitments.
40

MR REED: Yeah, we're happy to provide that.

PROF O'KANE: All right. Good. We'll – we'll wait for it to come. Um, and,
45 yeah, we're interested in understanding – and just partly, we're cycling back again to
the first set of questions – over why some strategies, you know, will be deferred, and
you explained issues like, you know, when they are sort of protecting a piece of

resource, um, and we can understand some of it, but we just wondered if there's further comments on that, or do you think we covered that enough in earlier - - -

5 MR REED: No, no, I think – I think, um, the discussion here relates to granularity, um, so – but before I – I talk about that, I – I will just talk about different types of development.

PROF O'KANE: Yeah.

10 MR REED: So if we look at the skyscrapers around us, essentially, they're construction projects – short-term construction projects. Um, two, three, four years - - -

PROF O'KANE: Sure.

15 MR REED: - - - it's built, walk away from it. After that, um, ah, the development consent really only applies to the use of that facility. So, um, ah, it's a fairly focused and defined, um, ah project that can be, if you like, engineered and – and designed and well run. Um, ah, a mine is – is a different kind of development. I could talk
20 about others as well - - -

PROF O'KANE: Yeah.

MR REED: - - - but let's just jump to mines. Um, ah, I said before that a coal mine
25 has a stratiform resource, um, ah, and knowledge of that resource through surface drilling is incomplete. Ah, it's a 30 or, in some cases, 50 or 70 year, ah, life of mine. Broken Hill has been running for a hundred and - - -

30 PROF O'KANE: That's right. Something - - -

MR REED: - - - thirty years.

PROF O'KANE: Yeah, something like that.

35 MR REED: Over 130. Um, um, but, ah, with coal mines in the Hunter, I know that some of them still have a 50 year mine life. So knowledge is imperfect. Technology changes. Economics change, policy changes, ah, and so the development consent process really isn't about having perfect knowledge of everything that's going to happen.
40

PROF O'KANE: We accept that completely.

MR REED: - - - but, rather, having, sufficient knowledge to have a clear
45 understanding of the project and how it's going to be carried out, particularly the limits, ah, limits on – on production and – and, ah, limits on emissions and so on, ah, and, ah, from there, you really have, um, ah, if I can use this term, an organic beast that needs to be managed over – over a long life.

PROF O'KANE: Yeah.

MR REED: Circumstances change. Um, knowledge changes. Um, the knowledge
of – and, indeed, the community expectations regarding rehabilitation change. So
5 from the department's perspective, there are good practical limits as well as policy
reasons why you wouldn't want to freeze, um, ah, everything to do with the next 30
years of mining, or 10 or 15, ah, freeze it in time - - -

10 PROF O'KANE: Yep. Agree.

MR HUTTON: Yep.

MR REED: - - - at the – a thousand lines of code within a development consent.

15 PROF O'KANE: And we don't – it's more where – it's understanding when, um –
what – what is the sort of trigger stage, um, and I think – I think we did cover a fair
bit of it.

MR HUTTON: Yeah, it – it's also to not lose opportunities. Um, if we take, you
20 know, mine closure, post-mine - - -

MR REED: Yes.

MR HUTTON: - - - land use options, there's – as the mine progresses, there – there
25 may be missed opportunities if we aren't thinking about aspects at earlier stages as
an example, or it might be to do with water treatment of the – the – the void water.
Um - - -

MR REED: Yep.

30 PROF O'KANE: That's a good example.

MR HUTTON: Um, so it's not just about the post-mine land use. So it's about – I
agree that there – there are a lot of changes and things will change going forward, but
35 it's about making sure that the – the applicants have given good regard to
opportunities, um, at – at the start of their – their journey rather than - - -

MR REED: I – I - - -

40 MR HUTTON: - - - leaving it all to the end.

MR REED: I agree with you.

MR HUTTON: Yep.

45 MR REED: Um, I – I think, really, um, ah, it's – it's a matter of finding that safe
middle ground.

MR HUTTON: Yeah.

MR REED: So too much focus upfront, ah, and, ah, there are – there are a – a series of downside risks.

5

PROF O’KANE: Yep.

MR REED: In adequate focus, um, ah, until, um, ah, you get to the end of mine, ah, um, or you get some surprise before the expected end of mining, ah, there are clear
10 downside risks, and the – ah, the safest and best place must be somewhere in the middle. Now, my view is that, um – I probably wouldn’t have said this 10 or 15 years ago, but my view, ah, ah, is that, um, ah, the mix of consent conditions now is pretty good. So, particularly where you’ve got a rehabilitation strategy that proposes – um, ah, you’ve got to have a plan. You’ve got to have a plan for the life of mine.
15 You need to know what you’re going to do and how you’re going to do it. Um, ah, that needs to be reviewed, and it needs to be approved. And then it needs to be regularly looked at again and – and revised.

Rehabilitation Management Plan, this is what you’re going to do over the next three
20 years, this is your forward schedule, ah, this is how you’re going to achieve it, ah, ah, it gives good, um, ah, opportunity for, ah, regular oversight by, um, ah, by the resources regulator and the department. Requirement to progressively rehabilitate, well, the schedule for that reflected in the Rehab Management Plan. So there was a time when the department’s condition requiring progressive rehabilitation was not
25 integrated with the Rehab Management Plan. It just sat there, um, um, and important that it was there, but, ah, it needed to be more clearly linked into the Rehab Management Plan so there was something to actually manage in respect of that progressive rehab condition.

30 Turning to final voids and mine closure, I guess my view is, ah, you could develop a fairly slim document, um, ah, post-consent, ah, but – in order to satisfy a requirement to have a document, but, um, ah, a thoughtful well-developed, ah, mine closure plan or final void management plan, ah, in my view, needs to be – is – is best developed, um, at a planned time before that expected date. So the timeframe that the
35 department’s traditionally used has been five years. Um, ah, if, ah – perhaps what we don’t have is a triggered clause - - -

PROF O’KANE: I was just going to

40 MR REED: - - - in terms of mine closure of mine closure or final void planning. Ah, if – if – if, for example, there was, um, another GFC - - -

PROF O’KANE: Yep.

45 MR REED: - - - ah, and, ah, which – which threatened the life of a number of coal mining companies, ah, and coal mining operations. If there was that unexpected interference in, um, ah, or – or impact on the market and – and, ah, business as usual,

ah, then I'm not quite sure that, um, we have a trigger to pull at that time to bring forward, ah, those closure planning requirements.

5 PROF O'KANE: That's a good point. Are you comfortable with that?

MR HUTTON: Yep, I – I am, yeah.

PROF O'KANE: Yeah.

10 MR HUTTON: Yep.

PROF O'KANE: We might again cycle back with that - - -

MR REED: Sure.

15 PROF O'KANE: - - - because I think that provides - - -

MR REED: Yep.

20 PROF O'KANE: - - - a good hook to some of this. Um, next one's you the EPBC - - -

MR HUTTON: Oh, yeah. Just the – the species or community that was listed post the, ah, original referral under the EPBC. I'm just interested in, um, getting your or
25 the department's view around the – the need to re-refer or to identify whether that species needs consideration given it's now been listed.

MR REED: Well, we – ah, I had a look at the preliminary assessment report and, ah, the – the circumstances at – at the time were – were well addressed there. So, ah,
30 the company, ah, referred itself to the Commonwealth, um, um, some years ago, and the Commonwealth decided that this was not a controlled action. Um, ah, its plans, um, ah, changed after that, and there was an increased number of hectares, ah, ah, of, um, ah – there's, ah – it's – it's a hard acronym, isn't it – of the, um, ah, CHVEFW.

35 PROF O'KANE: Yes.

MR REED: Um, ah, in fact, it's not an acronym at all.

PROF O'KANE: No.

40 MR REED: I think an acronym has to be - - -

PROF O'KANE:

45 MR REED: - - - pronounceable, but, um, it – it – it, ah – we suggested in our preliminary assessment report that, ah, um, ah – that the company re-refer itself to – to the Commonwealth. Um, ah, I don't believe that happened.

PROF O'KANE: Yeah.

MR REED: And, ah, ah – but we have undertaken an assessment, if you like, in accordance with, ah, everything that, um, ah, the state is required to do. So, um, ah,
5 that – that woodland has, um, ah, listed New South Wales equivalents, and they've been taken into account in the biodiversity assessment fully. So even if the company, ah, ah, had referred itself to the Commonwealth 18 months ago or if it did so tomorrow, none of those things could be taken or should be taken into account in the department's assessment reports. They could be noted, but they don't become
10 matters for consideration.

The department undertakes an assessment for the Commonwealth in certain defined circumstances and, ah, under the bilateral agreement between the two governments, and, ah, ah, one of those defined circumstances is, ah, if the Commonwealth process
15 starts early enough. So if the – if – if the Commonwealth, um, ah, decided today that, um, ah, this was a controlled action, then, ah, their, ah, ah assessments under the EPBC Act couldn't be cobbled into the state process. It would have to take place separately.

20 MR HUTTON: Separately, yep.

MR REED: So as – as far as I'm concerned, both for reasons of timing and because of the Commonwealth decision that this was not a controlled action, ah, that turns the page on the Commonwealth, um, ah, requirements in terms of the state's assessment.
25 Ah, anything that happens, ah, ah, is now essentially a matter between Bloomfield Collieries and, ah – and the Commonwealth. So if the Commonwealth - - -

PROF O'KANE:

30 MR HUTTON: Yep.

MR REED: Yep.

MR PEARSON: Could I ask – so, I mean, is there a risk that the Commonwealth
35 may – may – may form a different view on the basis of this additional community that has been identified, and if that view was formed, how would the consent process and the approval process here address that – the outcome of that risk?

MR REED: Ah, well, I can't answer for the Commonwealth. I can say that, um, my
40 understanding is that they – they're not particularly keen to – ah, to turn a – a non-controlled action into a controlled action. They – that's not their practice. Ah, but, ah, in regard to these individual circumstances I really can't say. I don't know. But in terms of what it would mean for this process, um, ah, I would say, as I said before, it really means nothing. That is a matter between Bloomfield and the
45 Commonwealth. So - - -

MR PEARSON: The – the – the – yes.

MR REED: We have taken into account all the state factors.

MR PEARSON: Yes.

5 MR REED: And that's all this is, a state assessment.

MR PEARSON: Yes. The way – the way – the way, ah, a controlled action can be offset, though, is different under the Commonwealth regime to the – the available mechanisms are smaller, more limited if you like, under the Commonwealth.

10 MR REED: They're a bit more limited, yes. Yes.

MR PEARSON: Yes.

15 MR REED: Yes.

MR PEARSON: Than under the state regime. So, I think, in particular, the ability to pay into an accredited fund.

20 MR REED: In fact, that's the current situation.

MR PEARSON: So it places more of an emphasis on – yes.

MR REED: It might not remain the situation.

25 MR PEARSON: Right. Yes.

MR REED: But at the moment it is.

30 MR PEARSON: Okay. So I guess the difference might be that – that the – the requirement to offset has to be done – the requirement to offset would – that particular community would need to be, um, something other than - - -

MR REED: Like for like.

35 MR PEARSON: Like for like, that's right.

MR REED: Mmm.

40 MR PEARSON: It would need to be something other than payment into an accredited fund which - - -

MR REED: I – I do believe that discussions are ongoing between, ah, New South Wales and the Commonwealth on those - - -

45 MR PEARSON: Okay.

MR REED: - - - matters, but, um, ah, in any case, that would be – or the outcomes there would be post a Commonwealth assessment and, um, ah, I dare say, you know, 18 months from today, something like that.

5 MR PEARSON: Okay.

PROF O’KANE: All right. The scope questions are really just all a – technical issues around how MOD 10 is factored in and – and the timing question, is the 21 years from, um - - -

10

MR REED: No, these are fair enough questions. I – I have to, um, ah, confess that, um, ah, the final assessment report could have paid, ah, better attention to the approval of MOD 10. I think there was a period of six days between, ah, the commission’s - - -

15

PROF O’KANE: Yes.

MR REED: - - - approval of MOD 10 and, ah – and, um, ah - - -

20 PROF O’KANE: That’s right.

MR REED: - - - ah, the submission of – of this report. Ah, and – and we should have reflected that.

25 PROF O’KANE: And I guess it’s just anything we need to pick up is what’s the important thing. Are there any technicalities - - -

MR REED: Well, the critical question there is – is your question, ah, is it 15? The last one?

30

PROF O’KANE: Yes.

MR REED: And we will – we will get back to you on that.

35 PROF O’KANE: Okay.

MR REED: My assumption is that everything - - -

PROF O’KANE: Starts.

40

MR REED: Everything in the clock started from, um, ah, June 2019.

PROF O’KANE: Right.

45 MR REED: Um, but I will, um, ah, check that with Bloomfield.

PROF O'KANE: Thanks. Great. All right. That sounds – that's fine. Um, then, the 16, we're just keen to understand the employment process. Now, maybe this should be directed to the applicant.

5 MR REED: I think it's probably best.

PROF O'KANE: Okay.

10 MR REED: I think it – if I'm correct, it seeks a level of detail beyond what was in the PAR and the FAR.

PROF O'KANE: It does.

15 MR REED: Yes, then I think it's best to be addressed to the - - -

PROF O'KANE: It's understanding, you know, what - - -

MR REED: Year by year.

20 PROF O'KANE: Yes.

MR REED: Yes.

25 PROF O'KANE: And we will ask them.

MR REED: Yes.

30 PROF O'KANE: As we've really covered 17 and I think that – can see a way forward there.

MR PEARSON: I think we've dealt with 18.

PROF O'KANE: Yeah, we have dealt with 18, I think.

35 MR PEARSON: It – it – the only comment I would make there is – is, again, just trying to separate the economic impact from the other nonfinancial impacts - - -

MR REED: Yes.

40 MR PEARSON: - - - so that we can then try to weigh – weigh that.

PROF O'KANE: Well - - -

45 MR PEARSON: The other impacts being equality and biodiversity

PROF O'KANE: And we will also be asking the applicant about that, too. Tony, on 19?

MR PEARSON: 19 was – I’m sure it’s somewhere. I – I – but really after some information in terms of the – the volume and financial impact of the scope 3 emissions.

5 MR REED: Well, I think – I think there is a broad figure of, I think it’s 71 million tonnes in – in the PAR, I believe, and, um, ah, it was scope 3, and that – that detail would certainly be, ah, in the EIS. And the other place I would look for, ah, the dollars, is in the March 2018 economic impact assessment.

10 MR PEARSON: Thank you.

PROF O’KANE: If necessary, come back on that, and then do you want to ask the next couple.

15 MR PEARSON: Ah, so there’s a couple here. So one of which I – I’m not sure that the applicant has fully addressed one of our report recommendations which was a recommendation 22 to compare the existing coal price forecast that we use, so the Macquarie, World Bank and IMF price forecast with other available price forecasts, so other broker reports or other independent price forecasters like CRU or Wood
20 Mackenzie or the like. Um, so I’m not sure if that information can be obtained or whether that – you feel that has an impact on the way that the recommendation has been addressed by the applicant.

MR REED: Um, ah, this is one that I can’t, um, answer, ah, straightforwardly. I – I
25 think if I might make a suggestion it would be to talk to the applicant. The department is happy to deal with the matter, but I think in the end we would be talking with the applicant about the matter and, um, but other than that, I’m not quite sure I can – I can add, ah, anything today.

30 MR PEARSON: And then the other – the other thing that came up when I was reviewing the KPMG report was this, um, the environmental externalities that have been costed - - -

MR REED: Yes.

35

MR PEARSON: - - - of \$5.9 million.

MR REED: Yes.

40 MR PEARSON: And it would be great to be able to unpack that a little bit more in terms of what - - -

MR REED: Into - - -

45 MR PEARSON: And it comes back to that other question about what’s in, and in terms of how what’s in, how are these things calculated in – in a little bit more detail to help understand how that \$5.9 million number has been arrived.

MR REED: Okay. Um, well, how would the commission like to proceed on this? Do you want – do you want to go directly to the applicant on these matters or – or – or what?

5 PROF O’KANE: Why don’t we speak to the applicant the next meeting.

MR PEARSON: Yes. Okay.

MR REED: Yes.

10

PROF O’KANE: And then when we come back to you about which we will tell you - - -

MR PEARSON: Yes. Yes.

15

MR REED: Yes.

PROF O’KANE: - - - if we need more of your help, I think is the best way to do that.

20

MR REED: Okay. Okay. No, that’s great.

PROF O’KANE: Are you happy with that?

25 MR PEARSON: Yes, that’s fine. Yes, that’s great.

PROF O’KANE: The conditions questions coming up are really – most of them are probably for the later condition discussion, although I was going to say to you, we might have that reasonably early in the process - - -

30

MR REED: Yes.

PROF O’KANE: - - - because you’re very advanced on the conditions.

35 MR REED: Yes.

PROF O’KANE: We seem from this discussion to see a few things where we could be working together further and I think we could probably be looking forward - - -

40 MR REED: Yes.

PROF O’KANE: - - - at a relatively early time to the – to our discussion and then the discussion of the applicant, I think.

45 MR REED: Sure.

PROF O’KANE: Um, you know if we are moving towards determining in their favour – so do you think we – should we leave those or - - -

MR HUTTON: Yea.

5

PROF O’KANE: I think we’re probably – generally we might just park those

MR REED: Okay. That’s fine. I would say that some of the same questions have been addressed in respect of, ah, United Wambo.

10

PROF O’KANE: Yes, exactly. Yes.

MR PEARSON: Yes. Yes.

15

MR REED: So – yes, so, um, ah, this list might filter down after - - -

MR PEARSON: Yes.

PROF O’KANE: Yes.

20

MR REED: - - - the

PROF O’KANE: We might just need to formally transfer from one case to the other.

25

MR PEARSON: Yes.

MR REED: Yes. Yes.

30

PROF O’KANE: So we might need you to send us - - -

MR REED: Yes.

PROF O’KANE: Say, “This is what we did on United Wambo.”

35

MR REED: Yes. Well, we did send - - -

PROF O’KANE: It’s probably easier for you to talk to yourselves than – than us to talk to ourselves.

40

MR REED: We did send over revised conditions for United Wambo yesterday.

PROF O’KANE: Wambo. Great. Yes. I knew they were and thank you for that. Um, and then we’re just clarifying, ah, ah, subjunctive there from “we said”.
Now, other questions? Andrew? Anything else?

45

MR HUTTON: No, I think that has covered most of mine.

PROF O'KANE: Tony?

MR PEARSON: No, I'm good, thank you. That has been very useful.

5 PROF O'KANE: Dennis, is there anything we talked about yesterday that we've forgotten to raise?

MR D. LEE: No.

10 PROF O'KANE: Right. And I had been – going to say, have you got time to continue, but I think we're there. Is there anything we should have covered, we didn't?

MR REED: No, don't think so. To – I mentioned before my – my – that area about
15 the proposed underground mining and what it means for life-of-mine planning. And I guess my view on that is that there's not much else that can be done this time other than to recognise those facts and to ensure that they are adequately addressed in the rehab strategy and – and so on going forward. What the company has proposed is not an unreasonable approach but it does have a number of, if you like, uncertainties,
20 particularly regarding the future of underground mining that – at that site that, um, deserve, um, ah, exploration. And so I would think it would be quite a reasonable question to put to the company. Ah – ah, "What do you propose to do about rehabilitation of the North Pit void if you decide not to pursue underground mining, and when do you think that you would be in a position to take a final, um, ah – or
25 decision on whether to proceed with a DA for underground mining at the site or not?"

PROF O'KANE: All right. Well, thank you very much.

30 MR REED: Okay. Thank you.

PROF O'KANE: That's great. We will follow up with various other conversations down the track but - - -

35 MR REED: Okay.

MR HUTTON: I would also like just to acknowledge the way the report was made out was very helpful - - -

40 PROF O'KANE: Yes.

MR HUTTON: - - - in terms of addressing each of the recommendations from the review report and - - -

45 MR REED: Yes.

MR HUTTON: - - - articulating each argument, I guess, so thanks for that.

PROF O'KANE: Yes.

MR REED: Thank you, Andrew. Yes.

5 PROF O'KANE: And I would like to echo that. I mean, we found the material. It has been good so we're hoping to move quite quickly through this one.

MR REED: Unfortunately, we've lost the officer that – that was the prime author of that report.

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PROF O'KANE: We know. Yes.

MR REED: It's a great loss to the department, so, yes. Yes.

15 MR PEARSON: She does great work.

MR REED: Yes, she does. Yes. Yes. Yes. She will continue to do so.

MR PEARSON: Yes.

20

MR REED: Yes. Yes.

PROF O'KANE: All right. Thank you.

25 MR REED: Well, thank you.

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[10.32 am]