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TRANSCRIPT OF PROCEEDINGS

O/N H-905930

INDEPENDENT PLANNING COMMISSION

MR ALAN COUTTS, Chair

PROF ZADA LIPMAN, Commissioner

DR PETER WILLIAMS, Commissioner

MR JORGE VAN DEN BRANDE, Planning Officer

MR DAVID KOPPERS, Team Leader

RECORD OF PUBLIC MEETING

LOCATION: **UPPER HUNTER CONSERVATORIUM, 80
BRIDGE STREET MUSWELLBROOK**

DATE: **WEDNESDAY, 4 JULY 2018**

TIME: **9.31 AM**

MR A. COUTTS: Good morning, ladies and gentlemen. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to this public meeting on the
5 modification application from MACH Energy Proprietary Limited, the proponent, who is seeking approval of the Mount Pleasant open cut coal project modification number 3, to extend the life of the mine for an additional six years from the 22nd of October 2020 to the 22nd of December – sorry – 22nd of December 2020 to the 22nd of December 2026.

10 The modification also involves the extension of the eastern outer pit emplacement by 67 hectares, and reestablishment of 65 hectares of the northern portion of the southwest outer pit emplacement, removal of the Mount Pleasant rail loops and associated infrastructure, a redesign of final landform that would remain should
15 mining operations cease at the end of 2026, and increase in the peak construction workforce from 250 to 350 people to expedite the construction schedule.

My name is Alan Coutts. I'm chair of this Independent Planning Commission panel, which has been appointed to determine this modification application. Joining me are
20 my fellow Commissioners, Professor Zada Lipman and Dr Peter Williams, and Jorge Van Den Brande and David Koppers from the Commission staff. Before I continue, I should state all appointed Commissioners must make an annual declaration of interest identifying potential conflicts with their appointed role. For the record, we are unaware of any conflicts in relation to our determination of this development
25 application. You can find additional information on the way we manage potential conflicts in our policy paper, which is available on the Commission's website.

In the interest of openness and transparency, today's meeting is being recorded and a full transcript will be produced and made available again on the Commission's
30 website. This public meeting gives us the opportunity to hear your views on the assessment, on the report prepared by the Department of Environment and Planning, before we actually determine the modification application. For information regarding what the Independent Planning Commission of New South Wales is and its role in the determination of this project, I would refer you to the handouts which
35 have been provided for this meeting. This meeting is one part of our decision-making process. We've been briefed by the Department of Environment and Planning, met with the applicant. We did a site visit yesterday and we were accompanied by a number of community representatives. We met with Muswellbrook Shire Council, and then we're having today the public meeting today.

40 After today's meeting we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Records of all meetings will be included in our determination report, which will be published on the Commission's website. Following today's meeting, we will endeavour to determine the
45 modification application as soon as possible. However, there may be delays if we find the need for additional information. We actually have a drop dead date of 20th

of July, so our expectation, unless something comes remarkably out of left field, is we would hope to have the report completed by at the very least that date.

5 Before we hear from our first registered speaker, I would like to lay out some ground rules that we would ask everyone taking part in today's meeting to follow. First, today's meeting is not a debate. Our panel will not take questions from the floor, and no interjections are allowed. Our aim is to provide maximum opportunity for people to speak and be heard by the panel. Public speaking is not necessarily easy for most people, and though you may not agree with everything you hear today, each speaker
10 has the right to be treated with respect and heard in silence. Today's focus is public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification, but this is usually unnecessary. It will be most beneficial if your presentation is focused on issues of concern to you, and also perhaps referencing the department's assessment report.

15 It is important that everyone registered to speak receives a fair share of time. I will enforce time keeping rules of the speaking times that were nominated in this instance by each speaker. As chair, I reserve the right to allow additional time for a provision of further – for further technical materials, but hopefully that won't be required. A
20 warning bell will sound one minute before the speaker's allotted time is up, and again when it runs out. Please respect these time limits so we can keep our meeting running smoothly. Though we will strive to stick to our schedule today, speakers sometimes don't show or decide not to speak, and if you know someone who will not be attending today, can you please advise Jorge or David. In fact, I think one of our
25 speakers, John Shewan, is not coming today. That's one I'm aware of.

If you'd like to project something onto the screen, please give it to Jorge or David before your presentation. If you have a copy of your presentation, it would be appreciated if you would provide a copy to the secretariat after you speak. Please
30 note any information given to us may be made public. The Commission's privacy statement governs our approach to your information. If you'd like a copy of our privacy statement, you can obtain one from the secretariat or from our website. Audio recording of this meeting is not allowed except for the official recording for transcription purposes. Notes made throughout the day on issues raised will be
35 summarised in our determination report.

Finally, I'd ask that everyone present please turn their mobile phones either off or to silent, because it is rather distracting when they go off in the middle of a meeting, and I would now thank you all for coming along to today's meeting. I know it is, in
40 many people's cases, an imposition on your time, so we do appreciate your attendance, and I'd like to call on the first speaker, Jan Davis from the Hunter Environment Lobby. Jan has got 20 minutes, and there's a microphone at the front for our speakers. Thank you.

45 MS J. DAVIS: Thank you. Thank you. I too would like to acknowledge the land on which we speak today is the land of the Indigenous people in this area. I'd like to say that this land was never ceded. I'm a representative of Hunter Environment

Lobby today speaking. So Hunter Environment Lobby, or HEL, is a regional community based environmental organisation that has been active for well over 20 years on the issues of environmental degradation, species and habitat loss, the importance of biodiversity and the challenges of climate change. HEL has particular
5 interest in water management issues in the Hunter region, and has held positions on the Hunter River Management Committee during the development of the water-sharing plan for the Hunter Regulated River Water Source.

HEL has also been selected by agencies to serve on the Hunter and Paterson
10 Environmental Water Advisory Group, as well as having served on the Upper Hunter Air Quality Monitoring Network Advisory Committee. HEL has had a long interest in the environmental health of the Hunter River system, and is of the opinion that water quality is a significant issue for river health in the Hunter region. HEL is concerned that the large proposed greenfield mines and mine expansions to the west
15 of the Hunter River, particularly within the Goulburn River tributary, example Bylong mine, and in the upper sector, example Muswellbrook West, Dartbrook open cut, Mount Pleasant – will place additional pressures on the river system and cause further degradation of river health. HEL is concerned that there has been no rigorous assessment of cumulative impact of mining on the Hunter River system. The Hunter
20 Bioregional Assessment conducted by the federal Independent Expert Scientific Committee was released in early June. It found the cumulative impact of mining on water sources is potentially significant.

The Muswellbrook area has been identified as one of the impacted places in the
25 Hunter with the potential for hydrological change. The advice is that government, industry and the community should focus on the areas that are potentially impacted and apply local scale modelling when making regulatory water management and planning decisions. We call on the commission to closely consider the cumulative impacts of this proposal on the health of the Hunter River. In our submission to the
30 DPE last year, HEL outlined our belief that this application is not a simple extension of the life of an existing mine. Since this project was assessed and approved in 1999, the surrounding area has changed substantially with the opening of the Mangoola mine and the construction and expansion of Bengalla mine and several expansions of Mount Arthur mine.

35 The Mount Pleasant operation is now a new cumulative mining impact and should be re-assessed as a new mining proposal taking into account all the current environmental impacts of the large mining operations surrounding Muswellbrook and the Hunter River. The key concern we are addressing today is the impact of this
40 proposal on water sources. We have considered the DPE environment assessment report, the environmental impact statement main report and the Mount Pleasant Water Management Plan as approved by DPE in March 2018 and various documents associated with the 1999 approval process.

45 We will be covering the following issues in summary in this presentation and provided more detail in our written submission. Firstly, the inadequacy of the DPE assessment of water impacts; secondly, inadequacy of Mount Pleasant Water

Management Plan; thirdly, a lack of information about groundwater impacts and final void; and, fourth, the lack of detail about discharges under the Hunter River Salinity Trading Scheme DPE Assessment Report. The first one: the poor DPE assessment. The report provided to the commission concentrates on the issue of
5 interaction of surface water management with the Bengalla mine operation.

This appears to be fraught with complication and lack of certainty with Bengalla's active operations now directly below Mount Pleasant dams in the dry creek catchment. The approved construction of the Mount Pleasant discharge dam is on
10 the Bengalla mining lease. The mine, water dam and other storage known as ED3 are near the boundary with Bengalla and could overflow, causing operational and pollution problems. The management of this risk is proposed through storages conducted to manage a one-in-100-year flood event. If this fails, it is proposed that water should be pumped into Mount Pleasant active mining pit or around the risk
15 of management identified in the DPE report does not make a lot of sense, particularly if the flood event is more severe than a one-in-100-year average occurrence we have experienced quite a few rain events in the Hunter region that are greater than this and the onset of climate change will only increase rainfall intensity.

DPE has resolved this issue by referring to the commercial agreement between
20 MACH and Bengalla. However, this does not take into account the possible environmental consequences of too much water on both mine sites. We have seen dam collapses in other mines – example, Wambo – that have caused direct pollution events into the Hunter River. The whole issue of onsite water management needs to
25 be redesigned before a determination of this proposal can be made. This issue alone is a strong argument for an entirely new assessment process rather than this very poor attempt to assess a major new mine proposal as a modification of an ancient approval. The DPE assessment report also considers water supply to the mine without a great deal of detail, only to conclude that all necessary licenses must be in
30 place before water can be extracted from the Hunter River.

The water management plan indicates that the mine has an annual water demand of 3940 megalitres per year. Currently held surface water licenses are 3345 megalitres, but only 717 of these are high security. The total storage capacity on site is 2481.5
35 megalitres. While there are vague suggestions that Mount Pleasant could perhaps get water from other nearby mines, there is no certain that water demand will be met. The DPE assessment report also vaguely considers the issue of discharges into the Hunter River. The issue of unauthorised overflow from water storages is again to be
40 solved by pumping water into a mine pit, thus disturbing operations.

We have seen in the past where major rainfall events interrupt mining operations that the EPLs are turned off and uncontrolled discharge into river systems occurs for many months afterwards. This occurred in the Goulburn River in 2010 for a period
45 of six months. River health is sacrificed once the mine approved on incorrect predictions and poor assessment of on-site storage capacity. We are greatly concerned that modelling for the capacity of the fines emplacement area, which is the largest source of on-site water in the water balance and the largest source of potential

pollution, is based on 121 years of historic rainfall data. Nowhere in the assessment are climate change predictions taken into account.

5 The EPA issues with sediment dams, EPLs and discharges into the Hunter River have not been adequately addressed. The water management plan states that the adopted design standard does not provide 100 per cent containment for run-off from disturbed areas. Hence, it is possible and expected that overflows will occur from sediment dams if rainfall exceeds the design standard. The reference to dam construction using blue book raises some concern because of the blow-outs of these structures in severe storm events in other mine sites, such as the Wambo mine in early 2016. DPE concludes that the deed of agreement between the two mines will sort out all of the water management problems.

15 We do not agree and we consider there is a high level of uncertainty with this project about potential pollution incidents into the future. The on-site water management issue has not been adequately addressed. A major issue with the DPE assessment report is that it totally fails to address the issue of groundwater impacts. No consideration or recommendations have been provided to the commission on this important environmental issue. Before addressing the very serious issue of groundwater impacts, I will briefly point on the water management plan approved by DPE earlier this year. We note that notification of the approved document was signed off by Howard Reid on 16 March 2018.

25 It is obvious that not many people have actually read the plan. There are typos – example, on page 3. The plan states that this version was prepared to allow for construction and operation at Mount Pleasant and was approved on 3 August 2018. Table 5 on page 9 showing water access licenses from surface water sources has a repeat of the high security licenses. This incorrect table is used in various places throughout the document. There are various other problems with this document that do not instil confidence that issues left to post-approval management plans will be dealt with effectively. We note the DPE recommend that if the so-called modification is approved, the water management plan would need to be revised.

35 We recommend that the commission look very closely at the current plan as approved before making a final determination on this proposal. The lack of a current groundwater model test the credibility of the site water balance as provided in the plan. We are very concerned that there's very little contemporary information on prediction of groundwater impacts provided in any documents related to this proposal. There is no reference to groundwater at all in the DPE assessment report. 40 The water management plan refers to the development of a contemporary groundwater model. This cannot be developed until the final land form review is complete. This review was apparently still under consideration at the time of completing the water management plan. We currently don't know what the groundwater inflows to the pit will be, what the long-term drawdown of the final void will be, what the actual interaction between the alluvial system and the mine 45 will be, what the predicted impact on private bores will be. In fact, there's very little information about groundwater impact. What we do know from a desktop study in

2016 is that past predictions were an inflow of 400 megalitres per year with an alluvial groundwater take of 60 megalitres per year. Mount Pleasant currently holds 468 shares in alluvial groundwater access licences. However, there's no indication anywhere whether this is to service extraction bores or water supply, or to offset
5 long-term drawdown. There is no discussion of the volume of licence entitlement needing to be retired at the end of mine to achieve this offset.

Mount Pleasant currently holds no water licence – no water access licences from the Sydney Basin – North Coast Groundwater Source, although the water management
10 plan indicates that they are in the process of acquiring licences. Until the new groundwater model is complete, there is no clear indication of the volume of water needed. Some of the issues identified in the water management plan are that high pressure in the deeper hard rock aquifers drives groundwater to the alluvial system and the Hunter River. The drawdown caused by mining will reverse this flow. The
15 issue of what's the base flow or actual increase of Hunter River surface flows into the alluvial and into the mine is being dealt with in the new contemporary modelling.

We're concerned that when the region is in severe drought and general security allocations are nil, as in 2007, low releases from Glenbawn Dam will be impacted
20 throughout the system through drawdown into multiple mining operations. It is evident that Mount Pleasant will be one of the operations causing the loss at the base flows. The cumulative impact of this additional lost has not been identified or assessed. There is minimal information about the impact of the proposed final void or voids on this mine site. The submission presented to the commission of inquiry
25 into the original approval of the Mount Pleasant Project predicted that subsurface seepage from beneath the reject impoundment will flow into voids for more than 80 years. However, there is no long-term regional groundwater drawdown.

HEL strongly objects to the retention of the final voids in the Hunter landscape.
30 There are already too many approved with no assessment of the long-term cumulative toxic legacy that will impact on future land use opportunity. We strongly recommend that no final void be approved for this so-called modification. We have serious concerns about the assessment and risk management proposals relating to groundwater quality. We will be providing more detail on this issue in our written
35 submission. We also consider that the proposal has not been adequately assessed using the requirements of the New South Wales Aquifer Interference Policy.

Finally, on the issue of water source impacts, HEL has serious concerns about the position of this operation in regard to the function of the Hunter Salinity Trading
40 Scheme. Again, the information about water discharge requirements is very limited. The water management plan identifies that Mount Pleasant currently holds 15 credits under the scheme. The site water balance predicts an annual outflow of 173 megalitres attributed to be discharged into the Hunter River. There is no indication of whether this volume will be covered by 15 credits. It is imperative that Mount
45 Pleasant can demonstrate capacity to acquire more credits in a timely manner before this proposal can be determined. The water management plan indicates that additional credits may be needed to allow controlled discharge from sediment dams.

HEL has many concerns about the capacity of the scheme to adequately manage pollution from mine water discharges. The review held into the scheme in 2014 was accompanied by a report developed by the Office of Environment and Heritage. This report identified that there is an adequate sampling and monitoring of groundwater to be able to conclude that salinity has not been rising. This is of particular concern in relation to base flows to the river system. Salinity is an important factor affecting stream macroinvertebrate communities. A relatively high number of samples in the Hunter Regulated Alluvial Zone were found macroinvertebrate health to be in significantly impaired condition.

The effects of differing ionic composition, example higher levels of bicarbonate or other contaminants, example metals or metalloids, that may be in water discharges from mines and power stations are not being measured. The issue of cumulative increase of heavy metals within the catchment system has not been addressed. HEL considers the water quality issues to be extremely important. The cumulative impact of deteriorating water quality through mine water discharge, plus the acknowledged potential for hydrological change in this section of the Hunter River should be ringing alarm bells for decision-makers.

In conclusion, HEL strongly disagrees with the conclusion provided in the main report of the environmental assessment that modification would not result in a material change to the groundwater and surface water impacts of the approved Mount Pleasant operation. There has been no assessment of cumulative impact on surface water, groundwater or water quality in the hunter river. This proposal should not be approved. Thank you, Commissioners.

MR COUTTS: Thank you, Jan. Steve Phillips from Lock the Gate. Steve, you've got 10 minutes.

MR S. PHILLIPS: Thank you, Commissioners. Let me start by acknowledging and paying my respects to the people of the Wonnarua Nation on hose land we stand. I'm from the Lock the Gate Alliance. We're a national network of communities who want to resist inappropriate mining projects. So I'm here today to speak an objection to the Mount Pleasant Project. The development consent for the Mount Pleasant mine is nearly 20 years old. In the two decades since the mine was assessed and approved, the environmental, social and economic context for the project have all changed substantially.

The mine should not have a life extension approved without a full reassessment of the impacts of the project on people, the environment and neighbouring industries, given how much things have changed in the last 20 years. Since this project was approved in 1999, the area has become notably different. Muswellbrook has changed, growing by nearly 3000 people. The Mangoola Open Cut commenced in 2007. Even since the first modification of this project in 2010, there has been significant change in the environmental and economic context for the project. The Mount Arthur mine was approved to expand in 2008 and then 2010, and then again in 2014. Bengalla mine was granted approval to expand in 2015.

The air quality in the local area has deteriorated and the noise from mining operations in the vicinity as grown worse. Many farms and properties have been bought by mining companies, and the thoroughbred breeding industry has expressed their concern about the expansion of further open cut mining operations in the area, and the threat these operations pose to their very existence. If this mine proceeds and the expansions of Bengella and the Dartbrook open cut proceed, then the area immediately to the south and west of Muswellbrook will be a 20-kilometre long string of open cut pit. And then we've got proposing the adjacent open cut pit at West Muswellbrook too.

It will be downright negligent – downright negligent of the government to approve any further mining around Muswellbrook without first undertaking a thorough and robust study into the cumulative impact that all this mining will have on the air quality of this town, which is already unsafe, and already having significant health impacts on local residents. And if you doubt this, just go ahead and ask them. We have – Lock the Gate has been doorknocking thousands of doors of this town and I couldn't tell you the number of times I've had people tell me unprompted how bad the area is and how much they worry about the impact of that on their health and their kids' health. You can't keep giving the go-ahead to new mines right on the edge of town when the population is already suffering.

The impacts of mining on Muswellbrook have increased dramatically in the 20 years since the mine was approved. There's more air pollution. There's more noise. There's more land use conflict, which this project isn't helping, since parts of its mining lease are mapped as critical industry clusters for the equine and viticultural industries, which the State Government did promise to protect from mining but then backflipped, presumably after a few chinwags with the well-connected lads down at the Minerals Council. The modification is being treated as a transition part 3A project, even though it was originally approved six years before part 3A was created and the modification is being considered seven years after part 3A was repealed. This mine was dead and buried for the entire life of the infamous and now repealed part 3A of the Planning Act, but yet the mine's life extension is being approved under that callous and draconian piece of legislation. What a joke. It doesn't inspire confidence in the fairness of this process. There are significant objections and questions about the project from the EPA, from local councils, rural industries and local landholders that have not been satisfactorily addressed by the proponent or the Planning Department.

Upper Hunter Shire Council contends that a satisfactory methodology to assess cumulative impacts have not been established. The village of Aberdeen will be profoundly affected by poor air quality and visual imposition of the department is shielding this mine from comprehensive assessment and consideration and as a result they are placing the people of Muswellbrook and Aberdeen and Kayuga in harm's way, which is a terrible dereliction of duty. The department has said "MACH is not required to update impact studies unless they are relevant to the scope of this modification." The problems raised by the EPA in November last year and earlier have not been resolved.

The EPA said in November that insufficient information had been supplied to enable the EPA to licence any discharge of water from the site and yet the company indicates it will seek a variation of its EPL – it’s environmental protection licence – to permit release of the mine water without assessment of the impact of that
5 discharge. This discharge, according to New South Wales Health, has the potential to affect Muswellbrook’s drinking water supply without assessing the impact. The discussion of the water discharge in the mine assessment didn’t provide any chemical analysis of the water that will be discharged but did a rough estimate of the likely salinity of the water based on the salinity of water at the Bengalla mine. But there’s
10 no information about the toxicity of the water or analysis of the impact this will have on water quality in the Hunter River.

Like the air quality assessment, the discussion of water impacts considers the impact of only three indicative years and gives no indication of what will happen on the site
15 or what the impact of activities will be beyond 2025. This water assessment is unclear but seems to indicate that the proponent does not expect to have sufficient water available to undertake its dust suppression activities at all times. The EPA also contended that consideration should be given to alternative sources of water rather than drawing from the Hunter River, but this, too, has not been done. The failure of
20 the department of planning to properly consider the air quality impacts of this project is gross and really just unacceptable.

The mine will continue – contribute to annual average concentrations of particle pollution greater than the impact assessment criteria of 25 micrograms per cubic
25 metres at nine residences. That’s nine residences they admit will be subjected to unsafe air pollution. The EPA said in November that the Department of Planning should consider the significance – this is a quote – of the predicted air quality impact when determining the proposed modification. This recommendation surely, according to any sensible analysis, has been ignored. New South Wales Health
30 reiterated concern about cumulative annual particle pollutions of this project and other nearby mines which have begun operating or have grown substantially since the mine was approved 20 years ago, but, again, they have been disregarded.

Muswellbrook already has an air pollution problem. This is evident in the
35 proponent’s own environmental assessment where you can see in table 4(1) that the maximum 24 hour average PM10 – that’s your large particle pollution concentration – recorded at the Muswellbrook, North West Muswellbrook and Wybong sites was above the official danger threshold – that’s 50 micrograms per cubic metre – every year from 2012 to 2015. It also shows in table 4(2) the annual average PM2.5 –
40 that’s your small particle pollution concentrations – the annual PM2.5 in Muswellbrook are already well over the official danger threshold. That’s eight micrograms per cubic metres. And the 24 hour average concentrations of the small particle pollution are also in breach of their official danger threshold.

45 In this environment, the commissioners really should ask themselves whether this modification, extending the life of this mining project and adding to the load of particle pollution in Muswellbrook beyond 2020 is appropriate and acceptable, given

the already problematic levels of particle pollution in this town and surrounding areas. And yet the department is proposing to allow the modification to take place subjecting the people of this district to health-damaging air pollution. The department claims MACH is not proposing “any major changes to the approved
5 construction mining methods and any other major dust-generating activities that would materially increase air quality impacts and yet the overburden pile is going to be larger and closer to Aberdeen. Many significant and relevant changes, as I’ve mentioned, have taken place in the environment around the project.

10 The EPA expressed dissatisfaction with the way the proponent measures temperature inversion and its failure to apply a correction factor to measure low frequency noise levels which cause such distress to many people living near coal mines in the Hunter. MACH hasn’t addressed this and, again, the department has let them off the hook. The department’s response, as usual, is highly inadequate. It recommends that the
15 mine’s conditions of consent are updated to require monitoring to account for the possibility of noise-enhancing conditions, eg, noise being deflected over the eastern side boundary due to a wind or temperature inversion, but anyone with a passing acquaintance of the difficulty of fixing noise pollution after the mine is approved and operating will know that this is disingenuous and negligent.

20 I will finish up. The bell is ringing. I haven’t even talked about the urgent crisis of climate change or – which is visible here in our drought-ravaged region or the rapid global shift from fossil fuels to renewable energy that’s underway for anyone who cares to look at it. But I will just close. I submit that the mine extension should not
25 be approved based on 20 year old information, a hopelessly bereft new environmental assessment and the recommendations of a Planning Department that has shown itself to be insensitive to the impacts of mining on local people and indistinguishable in its assessment of mining impacts from the companies it’s supposed to be policing. I urge the commission to reject the application. Thank you.

30 MR COUTTS: Thanks, Steve. Bev Smiles from the Hunter Community Network. Bev, you’ve got 20 minutes. There’s a little clip halfway down there. You can you’re not quite as tall as Steve.

35 MS B. SMILES: thank you very much. Okay. Thank you, Commissioners, for the opportunity to present to you today and for the invitation to attend the site tour yesterday. There were a number of questions I would have liked to have asked yesterday during the tour, and I will refer to some of those during this presentation and perhaps the Commissioners might like to follow them up. Community members
40 are pleased to see that some of the recommendations made to improve this stage of the assessment and approvals process for coal mines have been adopted by the New South Wales Government. We are particularly interested in a clear demonstration of the independence of the commission that will result in a more balanced approach to this particular proposal than that shown by the Department of Planning and
45 Environment, which I will refer to as DPE, in the secretary’s environmental assessment report signed off on 8 June.

The Mount Pleasant mine has hung around undeveloped for 17 years. There has been no interest from successive New South Wales Government in the royalties or jobs associated with this approval until now. Meanwhile, various changes caused the approval to be more closely linked to the Bengalla operations. This was okay until
5 Rio Tinto saw the light and jumped out of thermal coal production in the Hunter and sold the two mines to two separate entities. So in 2016, MACH Energy took the financial risk to purchase an undeveloped coal mine with only four years left on an approval that is based on assessments conducted more than 20 years ago.

10 In early 2017, MACH applied to DPE to modify the approval by changing an internal haul road. This was the time when the planning system should have put the brakes on and caused the entire project to be reassessed. Instead, the community has been presented with a third modification that is actually asking for the approval of a
15 smaller mine until 2026, until a bigger mine is assessed for further approval at a later stage. There is also the complexity of extricating the Mount Pleasant mine from its various relationships with the Bengalla mining lease. DPE makes the justification for this proposal very clear. They say in their assessment report it will allow sufficient time for MACH to make a return on its investment. We do not consider it the role of government planners and decision-makers to be giving priority to private
20 investment decisions.

We believe DPE is placing a much greater emphasis on the financial health of the coal company than on the social and environmental health of surrounding communities and ecosystems. The key argument for all other considerations is that
25 the mine is already approved, so any form of new cumulative social or environmental impact is inconsequential and need not be afforded new assessment. For example, DPE note that MACH did not reconsider the impact on other industries in the Upper Hunter, such as nearby viticulture, equine or tourism industries, because it is not significantly changing the approved use of the site.

30 This approach is ignoring the fact that the mine is now a new operation in the midst of expanded mining impacts in the region since the mine was first approved. This approach by DPE is unacceptable. To ignore the impacts of existing mining operations while assessing the commencement of new operations we believe is
35 irresponsible. We trust that the Commission will take a more balanced approach to the assessment of this proposal. The commencement of mining at Mount Pleasant should be assessed as a new mine in the context of the cumulative growth of mining operations surrounding Muswellbrook and its environs since 1999.

40 The social impacts of Mount Pleasant mine have already been significant, even before the commencement of mining. The acquisition of property over time and the uncertainty hanging over neighbouring landholders and the Township of Muswellbrook with a dormant approval sitting idle for such a long period of time has paid a social toll. I held a position as trustee on the Hunter Catchment Management
45 Trust from 1998 to 2004. We visited many mines and local communities during that time. There was a high level of uncertainty around Mount Pleasant mine, and a common story has been landholders with stranded assets and no certainty for the

future. There is now a requirement in New South Wales to conduct a social impact assessment for State significant development under guidelines adopted in March this year.

5 We consider that the cumulative impact of mining on the surrounding rural
communities and industries with the addition of this proposal must be assessed. The
noise assessment indicates that an additional 12 properties have been acquired since
the first modification was approved in 2011. There is considerable discussion in the
10 DPE report around the identification of neighbours, errors made in the modification 1
assessment, and the need to monitor the noise-enhancing meteorological conditions
to the east of the mine. The impact of noise emissions from this new mine and its
management requirements needs to be independently reviewed.

15 The section in the DPE report on air quality demonstrates that a very large number of
properties in the vicinity of Muswellbrook are already impacted by mining
operations. An additional two properties are identified for acquisition, while there is
a convoluted discussion of management of dust during worst-case weather
conditions. These management activities must be assessed to consider times of
20 prolonged drought with limited water supply dust generation, times of high winds
which are not unusual up through the valley, and times when the regional monitoring
system is recording dust levels above the national standards. This already occurs on
a regular basis. The current levels of mine dust in Muswellbrook and surrounds are
already untenable. The adequacy of the assessment of cumulative impacts of dust
25 from mining directly to the west of Muswellbrook and surrounding areas is highly
questionable and needs to be independently reviewed.

Now, we saw on the site tour yesterday how close to the township this mining
operation will be, particularly the planned extension to the eastern overburden
30 emplacement area. That will rise an additional 60 to 80 metres above the current
landform. The dumping of rocks and soil on this site will increase the dust burden
already experienced across the township. I have to admit I was very surprised by the
huge extent of the land disturbance that we viewed yesterday. The assessment of the
visual amenity is particularly concerning. DPE covers this issue under the topic of
35 other matters, and is unsurprisingly satisfied that the conditions of the existing
approval will suffice. This is in the context that a final landform is still under review
and will be left until a post-approval management plan.

The MACH EIS reports that since the original visual assessment was conducted over
40 20 years ago, there have been a number of significant changes, including the
development of the Bengalla mine, ongoing development of the Mount Arthur mine,
and the growth of Muswellbrook. Because of the high concentration of residents
the approved Mount Pleasant mine site, Muswellbrook is considered to have a high
visual impact and a high viewer sensitivity. The community has only just recovered
45 from looking into the moors of the Bengalla mine, while Mount Arthur continues to
loom on the general horizon.

The social impact of having a direct view into the Mount Pleasant mine has not been adequately assessed in the context of existing visual impacts. The MACH report considers the views from the New England Highway will not affect tourists because they're transitive. However, there's no consideration of the local and regional
5 travellers who use the highway on a regular basis. The visual impact of both Bengalla and Mount Arthur mines from the highway is already significant. Adding a third major mine has not been assessed for cumulative visual impact. The Commissioners saw for themselves yesterday the combined visual impact of both Bengalla and Mount Arthur mines. Many people find this visual impact quite
10 shocking.

The proposed final landforms will not occur until after 2026, and by then there is likely to be the spectre of a larger mine on the horizon. To achieve a balanced
15 assessment of this proposal, a full social impact assessment is required to take into account the cumulative impacts of mining on the rural community neighbouring the mines and on other industries operating in the area. Hunter Communities Network is not only concerned with the cumulative social impacts of mines in the Upper Hunter; we're also very concerned about the cumulative environmental impacts and long-
20 term legacies being left with no adequate assessment of the costs and the damage.

The retention of final voids in the landscape is a key legacy issue that is a blatant shift of costs from the mining industry onto the environment and future generations. We commissioned a report on the cumulative impact of final voids in the Hunter in
25 2016 because the New South Wales Government had not conducted this level of assessment. Our report discloses a high level of inconsistency in the predictive methodology and assessment of final voids with no consideration of the post-mining management in perpetuity. The ongoing approval of final voids is occurring in a vacuum of knowledge.

The information provided in the DPE assessment report about the final void or voids on Mount Pleasant mine lease is very confusing, but equally demonstrates that this
30 proposal is merely a stopgap for greater impacts. The updated groundwater modelling has not yet been completed; therefore the volume of groundwater inflows into a proposed final void over an unknown period of time of regional drawdown is a
35 critical and outstanding assessment issue. The MACH main reports states that:

*Over the period of mining that is subject of this medication, only the south pit would be developed; that is, the north pit is not planned to be developed by
40 MACH Energy until post-2026. Once mining operations cease, groundwater inflows to the final void would no longer be collected and pumped out. As a result, the final void will gradually fill with water. Inflows into the final void would comprise incident rainfall, runoff within the final void catchment area and groundwater. The design of the final void would be refined as required to
45 ensure that the final void would not spill to the environment and would provide a groundwater sink.*

This type of unqualified trust us statement causes particular nervousness in the community. We expect the Commission to take a more scientific approach to the assessment of the proposed final landform, including the requirement to backfill all mining pits and major water storages on-site. The lack of an updated groundwater
5 model means the Commission does not have the necessary data to properly assess this proposal, particularly in terms of the impact of the final void.

We're also concerned about the impact of this mine on the health of the Hunter River. The relationship with the alluvial groundwater system and impacts on base
10 flows is currently unknown until the new groundwater model is available. The requirements for discharge into the Hunter River under the Salinity Trading Scheme appear to need further assessment. I would have liked to have asked the question about the discharge point into the Hunter River yesterday, and I trust the Commission will follow up on this important issue.

15 The position of the Mount Pleasant mine in the river system above all other mines except the Dartbrook mine is significant in regard to the operation of the Salinity Trading Scheme. The poor management of mine discharge from the three large mines at the top of the Goulburn River is causing a rise in salinity entering the
20 Hunter River at Denman. It is not clear whether Mount Pleasant holds the required number of discharge credits needed to fully manage water inflows and storage capacity on the site. The level and volume of discharge needs to be better understood in the context of other impacts in this section of the Hunter River.

25 It is also necessary to fully consider the requirements of federal legislation in regard to mining on water sources. The MACH EIS notes that an approval was granted under federal environment legislation in 2012. However, this was for impacts on threatened species. The water trigger for mining and gas projects was brought into the Federal Act in 2013. MACH considered that impact on water sources will not be
30 significant, therefore the modification does not need to be referred to the Federal Environment Department. We beg to differ, particularly in the context of the bioregional assessment released in early June that recommends the Muswellbrook area be subject to more localised assessment to consider the potential of hydrological change caused by mining impacts.

35 It is imperative that the Independent Expert Scientific Committee considers the impacts of the Mount Pleasant mine in the context of surrounding mining impacts on hydrology in the local area. This proposal must be referred to comply with federal environmental law. In conclusion, Hunter Communities Network considers that
40 operations being conducted at Mount Pleasant are a new mine. The assessment of the proposal to extend the life of this new mine until 2026 should be conducted with all relevant consideration of the cumulative impacts on the environment and community in the context of the surrounding mining operation. The many complex associations with the Bengalla mine need to be resolved before this proposal can be
45 determined.

The MACH report identifies that a conceptual final landform diagram for the year 2038 has been developed if mining activities were to be continued beyond the modification operational period. This is a clear indication that the long-term plan is a much larger operation for another 20 years. The community would prefer to wait
5 and see a full contemporary assessment of the entire mine proposal rather than this poor attempt to have a smaller mine approved under the existing conditions that are 20 years old. We do not consider that the Commission has been provided with adequate information to make a determination on the proposal before you, and therefore it should be rejected. Thank you.

10

MR COUTTS: Thanks, Bev. As I mentioned earlier, our next speaker, John Shewan, is an apology. So I'd ask Wendy Wales to come forward, and Wendy has 15 minutes.

15 MS W. WALES: Thank you. I'm here today to represent DAMS HEG and we lodge our objection to the Mount Pleasant. I'd like to acknowledge and pay my respects to the traditional owners of the land, the Wonnarua People, and thank you for providing me the opportunity to speak on behalf of Denman Aberdeen
20 Muswellbrook Scone Healthy Environment Group, DAMS HEG. DAMS HEG is a group of people across the Upper Hunter, the people who stand up and speak in this David and Goliath conflict. None of us have been the conflict and none of us can escape the moral compunction to speak out against the ongoing destruction of our environment.

25 My name is Wendy Wales and I've served two terms on the Upper Hunter Air Quality Monitoring Network. I'm a retiring science teacher and have been teaching at Muswellbrook High School for more than 20 years. In that time, I've seen Muswellbrook change from a town being nestled in a rural setting as portrayed in the millennium community design and created tapestry displayed at Muswellbrook Shire
30 Council, to a town transitioning to be nestled in a pit. At school, I'm proud of my science teaching duties and took on environmental education as an add-on across the school, as I sincerely believe that we would not knowingly destroy our unique heritage, let alone climate system and that education is the key.

35 Frustration with institutional inertia led me to study a Master's of Environmental Education. At the same time it seemed like Australia might change direction, with Kevin Rudd the new Prime Minister and Malcolm Turnbull saying he would not lead a party that is not as committed to effective action on climate change as he was, well, we got to see the power of the mining lobby and their multi-million dollar
40 advertising campaign during the resource rent tax debacle that effectively took out the Prime Minister and destabilised the Australian Government for a decade. Now we know how a human civilisation will cut down its last remaining forest, ecotypes and trees, allow the Great Barrier Reef to become lifeless, koalas to become stranded in smaller and smaller island populations.

45

We're going about business as we do in a very methodic and pleasant circumstance while our civilisation is going through its we are seven billion. We cannot

continue to consume energy so wastefully, nor can we continue to mine sequestered carbon. We must stop pretty much in our tracks and implement a solution.

Proceeding with the mine at Mount Pleasant as if nothing much has changed in the last 20 years either to the mine plan or our circumstances is proceeding with the
5 lemmings over the cliff. We know so much more about climate change, of which I will say more later, the impact of pollution on health and the impact of noise on sleep, the importance of wildlife and wildlife corridors. Denying that the cumulative
10 impact of a new mine upwind of a population of 10,000 is already past a reasonable threshold is denying natural justice to us, and flying in the face of the world's climate scientists who warn us by any means at their disposal that catastrophic climate
15 change cannot be controlled by that the best way to sequester carbon is to leave it in the ground. Professor Howard Bridgman, designer of the Upper Hunter Air Quality Monitoring Network observed at the in February this year said Upper Hunter air quality was to the point that there could be no more incremental increases
in the pollution. The monitors revealed that we are already experiencing significant air pollution. Muswellbrook has not had the same degree of particulate matter 10, PM10, exceedances as Singleton or Camberwell or Mount Thorley until recently.

This would most likely be because none of the mines around Muswellbrook are
20 upwind of the prevailing nor'westerlies or sou'easterlies, until now with Mount Pleasant. It is not right that Mount Pleasant can be build upwind of town. Many people have relocated to Muswellbrook after the mining downturn because investment housing has been sold off and is now affordable housing. People who
25 have relocated here for lower rent would not necessarily have support systems, their own transport or good health. Air pollution reduces life expectancy for everyone but people with cardio and respiratory problems would certainly be suffering the most.

If you travel on the New England Highway at and you get a good – you will get a
30 good sense of how many people work in the Upper Hunter that do not live here. I believe air quality would be a major factor in those workers' decision-making. They would rather risk another couple of hours on the road after long shifts than risk their families' health here. Even though the PM10 exceedances are recent, the visible pollution from the power stations would be enough to inform them. I have included
35 two tables I have included two tables and two pollution column graphs to provide a very simple comparison between the monitoring sites at Camberwell, Singleton and Muswellbrook. Muswellbrook's PM10 exceedances I will wait for the – I will just help with the – yes. Okay. So if we can move on to the next slide. Thanks.

Okay. So this is just a table and a graph showing the number of exceedances of
40 PM10 in Camberwell, Singleton, Muswellbrook since 2012. So we see on the far right column that Muswellbrook had one, three, one, two, zero, one and then six. So six is this year. They're the exceedances of PM10 and they're the particles that – you know, the larger dust particles. We look across at Camberwell and the – those figures are really high. And Singleton, higher in Muswellbrook. And that has been a
45 consistent pattern. Now we have a mine northwest of town and there we are, we're getting results coming through. The graph shows an individual representation of that

as well for each year. So you can see the green section for Muswellbrook is just shooting into existence there.

5 And the next line, okay. These are the highest readings. So in 2016, Muswellbrook didn't have any PM10 exceedances. But you can see the green, when there have been exceedances, the number – the value is quite comparable with the other monitoring stations, being a little bit lower and now we see, by halfway through this year, we're already as high as we've ever been heard that before. Thank you. I hope that was worth it. The Minerals Council had the audacity to say increasing pollution levels are a consequence of the hot, dry weather. We know when it is dry and hot, it will be dustier. We can expect the weather will stay dry and get hotter because of climate change. If this mine is overhead, we can expect more health alerts, medical emergencies and premature death due to poor air quality.

15 This simple dataset was done in comparison to how much air quality is deteriorating and what we can expect when we encircle a town with coalmines. MACH Energy bought Mount Pleasant knowing the lease had nearly expired. And eight years after Muswellbrook Shire Council and others had already argued that the provisions of consent were antiquated and that applying for a modification under s75W was denying the completely changed circumstances since Mount Pleasant was first approved. Their onsite improvements are not going to help with this there is already a very high impact on air quality from existing coalmines and power stations. The visual desecration and its impact on community mental health will be something for the researchers. At different times in my life, I have visited
20
25 Kalgoorlie, Broken Hill, Mount Isa, Mount Morgan, all more than 10 years ago. I always felt completely confident that these environmental disasters should not happen in Australia today. It was the last thing I ever would have imagined, to see this devastation progressing every time I come into town.

30 I will now draw the Commissioner's attention to the global reality of climate change. At the Paris Conference in 2015, the Abbott Government committed Australia to a goal of limiting a global temperature increase to two degrees C. The only way to achieve this target, of course, is to reduce the amount of greenhouse gases going into the atmosphere. That means reducing the production of fossil fuels and, most
35 certainly, coal. The consequences of global warming are real and with us now. Recent research has shown the millennium drought to be larger in area and longer than any other drought in southern Australia in the past 400 years. As a result of record low rainfall in the past 18 months and record high temperatures, the current drought in New South Wales is even more intense. The duration has not yet been
40 seen.

The Great Barrier Reef, a Wonder of the Natural World and cause of employment for tens of thousands of Australians was devastated by coral bleaching in 2016/17 as a direct result of global warming. These bleaching events were unknown before 1998
45 and they are occurring recently. The reef's future is bleak. In 2015, Hurricane Patricia crossed the Mexican coast and sustained wind speeds of 325 kilometres an hour, the highest ever recorded. In 2013, Cyclone Haiyan killed 6300 people in the

Philippines alone. Cyclones Anne in 2015 and Winston in 2016 are amongst the largest ever to occur in the South Pacific and devastated many of our island neighbours. Wildfires are at record levels across the globe, devastating ecosystems, people's homes and livelihoods. Drought is causing millions of climate refugees
5 from their homes across sub-Saharan Africa as snowfall and rainfall declines in many of the world's most unstable and densely populated regions.

Recent research has shown that the rate of sea level rise has tripled in the last five years. Many experts are not ruling out sea level rises of up to two metres by the end
10 of the century. Many major cities face inundation in this or early in the next century. And, of course, many millions of people live in river deltas across the world, especially in our region. A hotter world will inevitably result in food shortages, civil unrest and the mass migration of refugees. The US Pentagon has noted this and is making preparations. Scientists tell us that going beyond two degrees is unthinkable
15 and three degrees would - may well be incompatible with human civilisation. We have to leave most of the coal in the ground. The 10 million tonnes of coal produced by this mine annually will result in around 30 million tonnes CO2 being released into the atmosphere. That's every year. It makes no difference where it is burnt or against whose score card it is tallied. Most of the world's coal is produced in small
20 mines like this one.

It makes a significant difference. We are a rich country by any standard. We have the highest per capita emissions in the developed world. The climate change performance index ranks for effort the 58 countries that produce 90 per cent of the
25 greenhouse gases. We come in at 57. We beat Saudi Arabia out of 58. We have to do better for the planet. We have to do better for our children. We have to get off coal. Someone has to show some courage and stop this madness. Thank you.

MR COUTTS: Thanks, Wendy. David Sorensen from the Muswellbrook Men's
30 Shed. 10 minutes, Dave.

MR D. SORENSEN: Good morning, Commissioners. Before I commence, I would like to thank the Independent Planning Commission for allowing me the opportunity to speak today on behalf of the members of the Muswellbrook Men's Shed and the
35 benefits to the Men's Shed in supporting MACH Energy Mount Pleasant operation MOD 3 application for an extension of mine life. My name is David Sorensen. I'm an active member of the Muswellbrook Men's Shed and hold the position of management consultant on the executive committee. I'm a retired long-serving New South Wales police officer and legal advisor in private enterprise in criminal, civil
40 and corporate law.

I've been a longstanding member of the Muswellbrook community, stemming for over 35 years. During my career, I've served in a number of mining communities in New South Wales from the Hunter Valley, the far south coast, and the far west of
45 Broken Hill. During this time, I've had a close relationship with literally thousands of community members and hundreds of businesses and industries. I've always committed myself to community affairs and supported hundreds of community

organisations. There's clear documented evidence that during my service here as a police officer in Muswellbrook, I was and still am – now as a civilian and retired – devoted to the local community, its affairs and welfare.

5 This evidence, along with my background, is more than sufficient qualification to speak on behalf of a very important and vital community organisation such as the Muswellbrook Men's Shed. I would just like to expand a little bit further on our online submission of support that the Muswellbrook – about the Muswellbrook Men's Shed movement and the importance of our organisation in our local
10 community. Most men's sheds in Australia are located in rural and regional areas such as ours here in Muswellbrook. The Muswellbrook Men's Shed started out in 2012 and was incorporated with the New South Wales Department of Fair Trading and registered as a charity and not for profit organisation with the Australian Charities Commission in 2013.

15 Our governing body is the Australian Federal Government's Department of Health through the Australian Men's Shed Association. And our patron is His Excellency Sir Peter Cosgrove, the Governor-General of Australia. There are now over 1000 men's sheds in Australia and over 1000 men's sheds around the world, including
20 Ireland, the UK, Scandinavia, Canada, New Zealand, and the newly formed European Union Men's Shed Association. This uniquely Australian concept of men's sheds has now been adopted in these countries globally and is growing continually each day. Out of interest, it is a documented fact that there are now more men's sheds in Australia than there are McDonald's family restaurants.

25 Our primary activity is the provision of a safe, friendly and inclusive environment where we're able to gather together and work on meaningful projects at our own pace in our own time in the company of other men. The primary objective of the Muswellbrook Men's Shed is to advance the health and wellbeing of our male
30 members and other men within our local community. The Muswellbrook Men's Shed is a vital community investment delivering programs, initiatives and activities that foster community spirit, connect communities and contribute to building a more inclusive local area. Our members see themselves as having a strong sense of belonging and ownership of the shed, shared fellowship, camaraderie and devote
35 most of our time to worthwhile community projects.

The Muswellbrook Men's Shed not only plays an important role in the overall improvement of health and wellbeing of our members but also positively engages within our local community for the benefit of the Muswellbrook community. It's
40 common knowledge that most men have learnt from our culture that they don't talk freely about their emotions and many don't talk or take an interest in their own health and wellbeing. Unlike women, most men are reluctant to talk about their emotions, and that means they usually don't ask for help. Probably because of this, many men are less healthy than women, drink more, take more risks and suffer more isolation,
45 loneliness and depression.

Good health is based on many factors, including feeling good about yourself, being productive, contributing to the community, connecting with friends and maintaining an active body and mind. The members of our shed come from all walks of life. The bond that unites us is that we are men with time on our hands and would like
5 something meaningful to do with that time. The men's shed movement has now become one of the most powerful tools in addressing health and wellbeing and helping men once again become valued, productive members of our community. The Muswellbrook Men's Shed recognises and values the diversity of reasons why we come together as men to share activities and common interests in the context of
10 the shed.

The Muswellbrook Men's Shed recognises that it should be open to all men who do not discriminate against its members on the basis of race, creed, sexual preference, disability or age. The shed is committed to the health, safety and duty of care of its
15 members and the community. There's also the opportunity to promote the mentoring of younger men and men suffering disabilities, rural and personal isolation, particularly in these hard times of natural drought. Loneliness and depression, relationship breakdowns, retrenchment or early retirement from a job, physical or mental illness or chronic disease from heart conditions right up to terminally ill
20 cancer sufferers, such as myself.

These are just some of the problems that we find, as men, difficult to deal with on our own. On behalf of the Muswellbrook Men's Shed, I've had the opportunity to read through and brief myself on all the documentation relating to MACH Energy's
25 MOD 3 application, including the submissions made in support of or in objection to the application. It's of interest to our organisation that the New South Wales Department of Planning and Environment received 85 submissions from the general public in support of the MOD 3 proposal. Approximately 65 per cent of these submissions identified employment opportunities that Mount Pleasant would provide
30 and that the extension of the mine's operating life would prolong these employment opportunities.

Other submissions expressed general support for the benefits for the local economy and the support that the mine provides the local community. In regards to the
35 socioeconomic impacts and benefits of the MOD 3, we understand the primary component of this modification is to extend the life of the Mount Pleasant consent period of six years, facilitate mining which were first approved for extraction in 1999. Without an extension of the current date of expiry, approval to extract coal being in December 2020, the Mount Pleasant coal mine is unlikely to commercially
40 be viable. The additional six years would allow sufficient time for MACH Energy to make a return on its investment and consider and apply for a new state significant development application.

MACH estimates that the extended six year period would account for coal royalties
45 over this extended six year period exceeding \$350 million. The additional six years would also provide continued employment of approximately 380 operational workers and temporary employment of up to 350 construction workers in which in turn

generally – sorry – greatly assist and increase the economic viability and business opportunities for a waning Muswellbrook community. It is evident that the New South Wales Department of Planning is satisfied that the proposal application would provide significant socioeconomic benefits to Muswellbrook and the local region and the wider community of the state through the continued employment of staff and generation of coal royalties over the extended six year period.

The New South Wales Department of Planning also considers that the proposed modification is unlikely to significantly impact on surrounding industries above and beyond what has already been approved. Muswellbrook Men’s Shed strongly believes that Muswellbrook has experienced a major and significant sociodemographic and economic downturn in recent times, resulting in the district to become somewhat isolated and without certain key business stakeholders and infrastructure to maintain an economic balance due to the declining uncertainty of new mining and agricultural industries. The men’s shed in Muswellbrook is the only male-specific organisation that local and district men can attend to and be part of the camaraderieship, learning and sharing, companionship, as well as personal development referrals and skill-based training. I’m about to quote an extract of an article, published by Fairfax Media, on 11 March this year.

The Newcastle University lead economist, Dr Anthea Bill, recently reported that the mining-reliant rural town of Muswellbrook faces the most disadvantaged in the Hunter region, and sits at the bottom 30 per cent of all local government areas in Australia. Dr Bell reported that data received from the index of relative socioeconomic disadvantage shows Muswellbrook on a steady decline in local government area ranking. Census data released by the Hunter Research Foundation Centre clearly shows a notable increase in the relative disadvantage over the past five years, in Muswellbrook. Dr Bell continued to report that the of the mining industry boom in 2013 losses, redundancies and forced retirements in manufacturing are among the factors, which clearly shows that disadvantage impacts on someone’s health and wellbeing.

We are aware of the remaining objections against the proposed that MOD 3 extension of life for MACH Energy – that it exceeds the threshold of 25, in accordance with the sections of the Act and the policy, and that they obviously must consider the objections, as well as the supporting submissions in accordance with the Act and changes in March, when Bengalla and MACH Energy resolved and settled their objections. There’s a number of objectives of the Act, which we would like to clarify, and I will tender that in my final submission. We strongly agree that the matters raised in support of MACH Energy’s MOD 3, of being employment opportunities. In conclusion, as I have previously stated, we support the application, as the sponsorship from the mining community, towards our organisation, is vital and important to maintain our viability as a charitable organisation within the Muswellbrook community. Muswellbrook Men’s Shed now trusts that the New South Wales Independent Planning Commission give favourable and general consideration to our supporting submission, in its capacity as the final authority in

allowing this MOD 3 application to proceed. Thank you, commissioners, and I will hand our final submissions to you the page.

MR COUTTS: Thanks, David. Kevin Taggart.

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MR T. MILLER: Kevin is not here. Am I able to speak on his behalf? I'm one of the the Taggart line.

MR COUTTS: Sorry?

10

MR MILLER: I am a Taggart family member of the Wonnarua - - -

MR COUTTS: Is Kevin not coming?

15 MR MILLER: Kevin is my no. He's not. He's caught up.

MR COUTTS: Yes.

20 MR MILLER: But – no. I have nothing prepared, but what – I do ask that there's – listening to what people have been talking about, the water pollution that can come from the mine – in 2015 and 2016 we suffered two major storms in the Hunter Valley and it caused a lot of flooding, so your study on the one in 100 plan of – the flood plan should be downgraded to maybe one in 50 or a one in 25 a year, instead of one in 100, to allow for the flood planning to mitigate the water that can come from the mines and go into the river. It is one of the I also – it's hard for me because, as a businessperson myself, that the community needs the extension of the mine to make sure that the community can be viable with sustaining employment and – sorry.

30 I don't have who is in the community to make sure there's employment to keep the community living there and prosper, but I also ask that the mine – it's not owned by a local person. It's owned by a foreign entity that doesn't live in Muswellbrook, and the concerns of the people here, in Muswellbrook, for their health and the cultural heritage of the Aboriginal people – we would like to try and protect and conserve it – is that the mine will go ahead, probably, no matter what is said here, but I ask for, on behalf of the Aboriginal people of the Wonnarua Nation area, that the mine does show respect to the Aboriginal people and the community of the Muswellbrook area, and just to – yes. Show respect, because I believe there's, probably, a lot of promises but not a lot of respect to the community that is here. And my

40

MR COUTTS: Okay. For the record, can you give us your name?

MR MILLER: Sorry. Tim Miller is my name.

45 MR COUTTS: Tim Miller?

MR MILLER: Tim Miller. Yes.

MR COUTTS: Okay. Thanks, Tim.

MR MILLER: Okay.

5 MR COUTTS: Okay. Bev Atkinson? Or can you

MS B. ATKINSON: Is that clear? Thank you. Thank you, commissioners, for this opportunity. I'm Beverley Atkinson, from Scone, which is 29 k north. I ask that any extension be refused. Things have changed from 20 years back. The impacts from
10 new mines have stacked up, forcing better regulations these days. No mining should be continued under the old regulations, let alone extended. In Scone, we smell the mines now. Sulphur, on the morning air. We see coal dust sticking to our paintwork, as things are. Our sunsets are still clearer than Muswellbrook's are, but we don't want its high dust levels. We know about its health problems. Air
15 monitoring is now needed beyond Scone and up to the Hunter Valley looks devastated now. It horrifies visitors.

As I understand, a later extension of this mine would eventually crash through, into the Upper Valley, across Castle Rock Bridge, to be clearly seen from Scone and
20 beyond. This application looks, to me, like an opener, angling for just that. Muswellbrook's ugly new scar is seen from the road, the vale, and at the Big W carpark. Have you been there? It's appalling. We hate it for taking the natural hillside, which no rehabilitation will replace. Stop it right there. It's shocking to all who see it. There is a beautiful, world-class viewing point on Castle Rock Road.
25 But for this mine, tourists and locals might enjoy its beauty, discover the mysterious Castle Rock and nourish tourism venture and healthy employment into a sustainable future for here. Mine rehabilitation makes big claims but misses the point. I saw one site recently, not large, but well-located to hide a horrific from the railway and it had a smoke plume erupting from it.

30 Too much natural and built heritage lies behind mine holding the stories of local society over millennia. Digging it out is cultural murder, the crushing of human meaning. For what? A 2014 heritage report, I have here, had items for retention, but they have been demolished. So how can the applicant destroying it ask for more
35 permission? I ask permission as to investigate all heritage processes to date. Coal miners have driven financial dependence in Hunter Valley towns. Emptied districts set up a two-tier economy. They take the tradies, dominate career training. They disrupt family life with unholy shift hours in they make our roads unsafe and workers sick. We want them out. The top jobs are overseas – truck design,
40 manufacturing etcetera. Back here, in it takes large salaries to induce variously skilled people to drive machines, destroying the peace, land, history and livelihoods of their fellow countrymen. This is shameful and demoralising.

45 For all our children, long-term, we need the Upper Valley to stay intact, and Mount Pleasant to remain natural and beautiful. Starting to dig here was a mistake. Continuing would be disastrous for us here, and for the planet. Definitely no, to any extension of the mining. Thank you.

MR COUTTS: Thanks, Bev. Michael Kelly, for the Muswellbrook Chamber of Commerce and Industry. You've got 10 minutes, Michael.

5 MR M. KELLY: Good morning, Commissioners. I would like to acknowledge the traditional owners of the land that we meet on today, particularly the Kamilaroi and Wanaruah people, and pay my respects to their elders past, present and future. On behalf of our members and the Muswellbrook business community, I thank you for the opportunity to address this meeting. In July last year, the chamber made a submission to the Department of Planning and Environment supporting the Mount Pleasant Mod 3 application and our position has not changed. We note the Commission's request for today's presentations to be more than a restatement of earlier submissions and we're happy to comply.

15 Since July last year, we have had the benefit of witnessing the substantial progress made with the construction of infrastructure at the Mount Pleasant site and the commencement of mining operations. We have also had the opportunity to experience the social and economic impacts and benefits flowing from the project to our local economy. Today, I would like to touch on some of those impacts. Several years ago, in the aftermath of the mining downturn, Muswellbrook had almost 300 empty houses, depressed property values and slow economic activity.

25 Since the return of coal prices to sustainable levels and the commencement of works at Mount Pleasant, we have seen a substantial uplift in the local economy. Today, stock of property for sale is back to normal levels with increased values, hotels and motels are experiencing high occupancy rates, and it is very difficult to find a rental property in Muswellbrook. There are a number of factors influencing the market but the Mount Pleasant project has had a considerable contribution. With MACH Energy Australia investing almost \$600 million, there has got to be a substantial spinoff for the local region.

30 Employment on site of over 250 people now and the prospect of an ongoing workforce of 380 operational workers, plus up to 350 part-time construction workers, is only the tip of the iceberg. When one looks at a multiplier of two to one, or perhaps three to one, we expect the employment impact is in excess of 1000 jobs. In addition to the jobs created, MACH Energy has contributed and continued the tradition of community contributions established by the previous owners, Coal and Allied.

40 In 2018, MACH has reported that they have made contributions to 20 community-based organisations in Muswellbrook, Aberdeen and Denman. These include education, sporting and not-for-profit organisations and the total contribution so far is \$300,000. MACH have advised that this figure will increase to more than \$400,000 in the 2019/2020 financial year. The chamber welcomes this commitment and encourages MACH Energy to formalise sponsorship agreements with community groups to ensure certainty for the life of this modification period and the ultimate life of the mine.

The chamber notes that MACH Energy has been making and will continue to make substantial contributions to Muswellbrook Shire Council under voluntary planning agreements for roads, environmental management and community services. To date, these contributions total over \$1.3 million. The chamber agrees with the DPEs
5 recommendations for acceptance of the existing conditions of consent, as well as some of the additional conditions to address current circumstances. In particular, we support the recommendation that MACH make contributions to the upgrade and maintenance of Thomas Mitchell Drive as referenced in the DPE assessment, section 5.6, table 2. This condition would be similar in terms to conditions in the sense
10 that require proportionate contributions from other mines.

MACH Energy has established close contact with the local businesses through the chamber and through other networks. The chamber has hosted several functions where local businesses are informed of the project details with opportunities to
15 supply goods and services to MACH and its contractors and subcontractors. Business benefits have flowed to local suppliers of concrete, signage, water cartage, steel and hardware, fuel, crane equipment hire, printing, catering, uniforms, surveying, plumbing and drainage, promotional materials, web development, IT support and others. These are some of the direct benefits to local businesses.
20

In addition, of course, there are the indirect benefits that flow to the retail, professional services, hospitality and tourism sectors that see the positive impacts of the increased workforce and resident population. The chamber welcomes these economic inputs and is confident that MACH Energy and its contractors will
25 continue to utilise local labour and local suppliers wherever possible through the entire life of the mine. The DPE assessment states that:

*The Department is satisfied that the proposed modification would provide significant socioeconomic benefits for the local region and the wider
30 community of New South Wales through the continued employment of staff and generation of coal royalties over the extended six-year period. The Department considers that the proposed modification is unlikely to significantly impact on surrounding industries above and beyond what is already approved. However, it also acknowledges that the extending of the life of the consent would prolong
35 the period of approved impacts.*

The chamber agrees with this and would add that the extended six-year period would also give MACH Energy and all interested parties the opportunity to monitor the performance of the operation as it goes into full production. It also allows time for
40 the development of a proposal or the full recovery of the resource with conditions consistent with current approval requirements. The chamber is hopeful that all stakeholders in this process will grasp the opportunity to work gladly there is ample evidence of our very diverse region becoming even more diverse, with much work being done on alternative productive uses of rehabilitated land, new energy
45 industries, intensive agriculture and expansion of education institutions and their capability.

There is also ample evidence over decades of diverse industries co-existing and, in recent times, working together for the common good. In the Upper Hunter, the mining industry has encouraged other industries and gone beyond regulatory requirements to support diversity in our region. This process will take decades to
5 establish and develop alternative industries that will sustain the population that the mining industry has fostered. MACH Energy is part of this process and has continued to indicate its intentions to continue to participate.

10 In conclusion, I would add that the chamber is not only interested in dollar and cents. Our members – and there are 140 of them currently – are part of the community and are mindful of the need to have sustainable employment for ourselves and our children. Local families are largely reliant on mining to sustain their way of life, either directly or indirectly. The Mount Pleasant project has become part of the local community and we support its continuation. Thank you.

15 MR COUTTS: Thanks, Michael.

MR KELLY: I have copies.

20 MR COUTTS: Just give them Patricia Hansson. Is Patricia here? No. Shane Davey.

MR S. DAVEY: Good morning.

25 MR COUTTS: Thanks for that.

MR DAVEY: I would like to begin by acknowledging the traditional owners of the land on which we meet today. I would also like to pay my respects to elders past and present. My name is Shane Davey. I'm a local resident in support of this proposal.
30 To the panel, I thank you for the opportunity to present today and provide my submission, and today opportunity is what I wish to discuss. So often it is the generalised argument of those either opposed to mining or those pro that the foresight for additional opportunities that exist are overlooked. We are here today not to discuss and submit generalised mining submissions either for or against, but
35 have this case assessed individually on its merit. There are many generalised things that could, that have, and that will be discussed, though we must be focused primarily on this as an individual case – on the individual case that it is, the MACH Energy Mount Pleasant extension.

40 I take into account what has been said, of course, that on an individual case, Mount Pleasant is a greenfield site that is making every effort to ensure best practice is adhered to during construction and operation, everything from engaging with stakeholders right through to advancements in rehabilitation, they've not only focused on returning the mined land to natural landscape, but engaging community
45 stakeholders in the opportunities that exist alongside and beyond the life of the mine.

Please do not take that as a cliché we're going to return the land to how it was only statement. I speak as a community member who has had the benefit of being engaged continually with MACH Energy about the endless opportunity that such a mine could have post and parallel to mining, and the economical benefits that this mine could possess beyond mining. I see this mine, as previously many decades ago, mining regulation was not as strict as it is in this current time. In times past, there were many loopholes and the rehabilitated land was not given as much emphasis as it is today. Mount Pleasant is striving to develop this mine to the best possible current practice, and that is a great opportunity.

Today the IPC has the unique opportunity to engage with MACH Energy and take mining into a new era. Now, of course, there will be hurdles and without doubt barriers that need to be addressed, but that's what we have regulatory powers for, to oversee these, to enforce these. On a case-by-case scenario, MACH Energy has demonstrated that they've already progressed with rehabilitation, site management, and the willingness to be flexible and open to community needs. The economical advantages to the local area far extend those of the employees themselves, and the BPA money that council receives. It extends to all the not-for-profit organisations that have been assisted by MACH. Local businesses are supported both indirectly and directly.

When it comes to air quality, yes, we should be taking necessary steps to implement best possible air quality figures, but does this entail punishing the new kids on the block? In the construction of a mine, the need to be more vigilant in monitoring noise and dust is imperative, hence why on dry, high wind days, MACH Energy enforces a stop work. As I am informed, stakeholders are notified of this. Maybe this process might need to be widely communicated. Maybe that is something that could be improved. As we all know, there is always room for improvement.

Let's judge this on a case-by-case basis and look for the best possible outcome as it should be, not as an opportunity – the opportunity to be on one side of the fence or the other. The opportunities that this new innovative mine has and will provide for so many from diverse backgrounds are considerable. I speak in support of all industry owners and workers and ask that the opportunities can continue and that this mod 3 application be judged on its merit, and not that of a holistic mining attack, and we move forward with new methods of approval and the new opportunities that are in front of us. Thank you.

MR COUTTS: Thanks, Shane. Henry Field? We'll have – after Henry we'll have – we'll take a break, so – Henry, you've got 10 minutes.

MR B. SLADE: It's actually Bruce Slade.

MR COUTTS: Bruce? You're speaking on behalf - - -

MR SLADE: Speaking on behalf of - - -

MR COUTTS: Bruce Lane, was it?

MR SLADE: Bruce Slade.

5 MR COUTTS: Slade. Thank you, Bruce.

MR SLADE: Good morning. First of all, I appreciate the opportunity to address the Commission on the Mount Pleasant modification project. My name is Bruce Slade. I'm general manager of the Newgate Group and I'm here today representing the
10 Newgate owners and our managing director Henry Field, who could not be here today. Henry founded Newgate in 2010 when he leased Wakefield Stud, a 250-acre property to start a brood mare agistment business. Newgate got its first stallion Foxwedge at Wakefield in 2012. By way of background, Henry Field is from a family steeped in thoroughbred tradition, and he has had the benefit of learning from
15 some of the very best in the industry, including Gaye Waterhouse and Coolmore's John Magnier. Henry participated in the Darley's inaugural Flying Start course, which can only be described as the best thoroughbred MBA in the world.

The two-year Flying Start course had the best education and training Henry could
20 have received in our industry. Following the Flying Start course, Henry worked at the Camas Park Stud in Tipperary and headed over to Coolmore's Ashford Stud in Kentucky before returning to Australia to take a position with Coolmore Australia at their base as bloodstock and nominations manager, and then as yearling manager. I mention this background because this experience and exposure gave Henry
25 exposure to the industry here and abroad, and an intimate knowledge of what it takes to establish a respected and successful stallion farm. In 2013, Newgate purchased one of the finest properties in the Hunter Valley, the historic Brooklyn Lodge Stud, which had already produced Golden Slipper winners, classic winners and cup
30 winners.

Today, the Newgate operation encompasses 19,050 acres of prime Hunter Valley land and is based on a sound foundation of quality bloodstock and people. We employ around 45 people on a full-time basis, and this increases to close to 60 during the breeding season. Newgate stands 13 stallions who've covered over 17,000 mares
35 last season. These stallions have an estimated value in excess of \$70 million. The extraordinary growth of the Newgate business in the last eight years is based on the willingness of the owners to invest in the Hunter Valley and the confidence that the stallion and brood mare owners have in both Newgate and the Hunter Valley.

40 I can tell you that this confidence has been eroded every time a new mine is approved, and the mines move closer and closer to our operation. The thousands of brood mare owners do not want and will not accept having their valuable bloodstock exposed to the outcomes that come with coal mining, such as dust, visual degradation, water, etcetera. If this mine and others like it go ahead this close to the
45 Upper Hunter Horse Stud, there is a huge risk the owners will take their horses elsewhere. The flow-on effect of this would be catastrophic for this area and to all horse operations and support businesses.

The experience obtained by Henry and our team, many of whom have worked in this industry for a significant period of time, tells us that mining and thoroughbred breeding cannot coexist in close proximity. They are the antithesis of each other in all respects. Tipperary, Kentucky, Newmarket and the other major thoroughbred breeding areas in the world prize and protect their thoroughbred breeding industry. It confounds me why the industry in the Hunter Valley which is considered as one of the best in the world is continually put at risk by coal mining and it's not protected. The Mount Pleasant modification is another example of this.

10 We object to the Mount Pleasant modification and request that the Commission reject the proposal as it does not reflect today's environmental standards, government policies and community expectation. It does not reflect the real world as we see and experience it here in the Upper Hunter, and it could have a significant impact on our business. No mining has taken place on the Mount Pleasant site since the DA was granted in 1999, some 19 years ago. It is clear that the environmental impacts and obligations that were assessed at that time will have changed significantly in the intervening period. Since 1999, new mines have opened or expanded in the area, such as Mangoola, Bengalla and Mount Arthur. The cumulative impacts of all these changes have never been adequately assessed, and the Hunter is now at a tipping point.

We are a product of previous bad decisions that did not respect or protect the community's right and wellbeing, not to mention our environment, land and water. If this mine proceeds, the operations would result in both noise and air quality exceedances. Our water security would also be put at risk, and the destruction to the area's visual amenity will turn off future investors and tourists. We need certainty so we can invest and grow our business with confidence. Our industry is responsible for the employment of nearly 6000 people in this region, and over half a billion dollars in value is added to the regional economy every year.

30 We are seriously concerned with the negative effects mining is having on our ability to attract and secure further investment in the region. It is common knowledge in our region that the uncertainty associated with these mining applications is driving investment away. Over 20 years of inaction – sorry. After 20 years of inaction, it is just wrong to think that this mine could now proceed. The government needs to end the land use conflict in the Hunter by protecting our land, water and agricultural industries. We implore you to reject this modification. Thank you.

40 MR COUTTS: Thanks, Bruce. We might take a 10-minute break, and we'll resume at 11.30. Thank you.

ADJOURNED [11.20 am]

45 **RESUMED** [11.33 am]

MR COUTTS: Ladies and gentlemen, we might get started, so if you can kindly take your seats, please, and we might get underway. Can I ask Councillor Kiwa Fisher. Yes. Thanks, Kiwa. You've got 15 minutes.

5 CR K. FISHER: Great. Thank you. Well, good morning. Thank you for the opportunity to comment on the proposal by MACH Energy for the Mount Pleasant modification 3. The Upper Hunter Shire Council acknowledges that the Mount Pleasant mining area lease is located wholly within the boundary of the adjoining Muswellbrook Shire. However, we feel compelled to highlight again the cumulative
10 impacts of coal mining which extend at a regional scale beyond the boundary of this and other mining operations within the Muswellbrook Shire. Further, as the project butts right up to the boundary fence, residents of our shire, particularly in the neighbouring township of Aberdeen located on a western-facing slope will see it, hear it, breathe it and be impacted by it.

15 Council have three main areas of concern in relation to this application: that the cumulative impacts of coal mining are not being considered, particularly in relation to projects being developed around Aberdeen; that this project's development consent is from a bygone and far laxer era which does not reflect the considerable
20 evolution of the environmental planning assessment process that has taken place since consent was granted; and, thirdly, that the proposed changes sought under section 75W of the Environmental Planning and Assessment Act amount to much more than a modification and warrant careful consideration as to whether section 75W is the appropriate avenue for assessing this application.

25 So cumulative impacts. Mount Pleasant is one of three open cut coal mining projects being actively pursued by the proponents. Projects which neighbour one another and which are all in close proximity to Aberdeen. The others being Idemitsu misnomer West Muswellbrook project, a 15 megatonne per annum two-pit operation that has
30 been granted a conditional gateway certificate and Australian Pacific Coal's Dartbrook project which has recently lodged an application to recommence underground mining while simultaneously progressing an open cut application. Despite numerous promises by State Government of all stripes and political persuasions, there is still no cumulative impact assessment methodology. Quite
35 simply, it has been placed in the too-hard basket.

For many residents of the Upper Hunter, that is profoundly worrying and represents an abrogation of duty by our state peers. Because the result is that mining applications are to this day still being assessed in an ad hoc manner on a case-by-case
40 basis, even while the Upper Hunter Air Quality Network shows that the annual PM2.5 benchmark has been exceeded every single year in this town, Muswellbrook. Council can give a small amount of credit to Australian Pacific Coal and their advisors, who are sitting behind me, who have in their air quality assessment for the Dartbrook underground modification, a document that was put on public exhibition
45 just last week, they've actually looked and modelled the cumulative impact of their own proposed underground operation together with this Mount Pleasant proposal.

They found that the lowest predicted annual microgram per cubic metre of any of the 85 listed sensitive receptors will be 7.7 against a limit of eight. The lowest was 7.7 against a permitted maximum level of eight. So why does council give only a small amount of credit to Australian Pacific for doing this modelling? Well, quite simply, because they have not included any modelling at all for their other neighbour, the West Muswellbrook project. The people developing the two-pit open cut mining – open cut mine producing 15 megatonnes of coal per year operating 24/7 363 days a year. So what additional impacts will that mine have?

5
10 Council notes that 77 other submissions as well as our own raise the issue of cumulative impacts. And the department's environment assessment report states:

Cumulative impacts are considered in the relevant subsections of section 5.

15 In the relevant section titled Updated Air Quality Predictions, the department's evaluation concentrates solely on specific receivers, recommends that three receivers be granted acquisition rights and completely ignores the wider community that is already suffering PM2.5 exceedances. Cumulative impacts are simply not being assessed.

20
Aging consent. The consent relied upon by the proponent was granted in December 1999, many years ago. Personally, I had just arrived from the States where Bill Clinton was still the president. Since those days, the assessment of mining projects has evolved considerably and numerous changes have been made both to the EP&A Act and the mining even since the first modification was granted to this proposal in 2011, further changes have been made. Those changes were not purely concerned with environmental and associated health issues, either. They also cover and update the economic assessment of projects, as well. It has been well noted that the application being considered includes no assessment of its economic impacts.

30
How can the panel adequately assess the economic impacts of the application under section 79C and determine whether the proposal is to the benefit of the public and in their interests. A cost benefit analysis simply cannot be done. We note that the Department of Planning's 2015 guidelines for the economic assessment of mining and coal seam gas proposals states that the economic assessment is just one part of the broader EIS. However, it is a widely-used tool for deciding between alternative development options. It is intended to allow decision makers to consider trade-offs and decide whether the community is better or worse off as a result of the proposal. It should be based on rigorous, transparent and accountable evidence that is open to scrutiny. Well, in this case, it isn't. The proposal has avoided it entirely.

45
In addition to the regulatory and assessment framework, the area surrounding the mine has also changed dramatically since the original approval in 1999. With over 60 million tonnes of coal now approved to be mined annually by the three other large scale open cut mines that are in close proximity to the Mount Pleasant project: Mangoola, Mount Arthur and Bengalla. Mangoola wasn't even on the drawing board, Mount Arthur was further south at Bayswater 3, I think, and Bengalla was just

getting into stride. All three are now in full production. It is a very different landscape.

5 Council has formed a view, therefore, that the aging consent is particularly problematic and respectfully submit that proponents should, for their own benefit and for that of the community, be made to progress the proposal via a new development consent under the terms of the EP&A Act as it currently stands with a full and thorough environmental impact statement, together with a full economic assessment. Now, the third area concerned was modification or radical transformation. The
10 validity of the application being considered under section 75W has been widely questioned. And council is concerned that this may, indeed, be inappropriate and that the consideration of the application remains open to legal challenge. These concerns fall under three main headings: the timescale of mining, the amount of coal to be mined and the physical differences between the two projects in mining method,
15 mining area and final landform.

In timescale, the original consent for mining – was for mining to cease in 2020. This application seeks a further six years of mining. This is a fundamental change to the mine’s lifespan, particularly as mining operations never actually commenced. The
20 consent granted to modification 1 in 2011 contained no such extension. Although, an extension was considered, apparently, during the assessment, it did not survive through the approval process. Further, modification 2 granted just last year sought no extension. The time limit has remained constant and can, therefore, be considered to be intrinsic to and an underlying and essential part of the original approval.

25 The amount of coal to be mined. Obviously, the significantly reduced lifespan of the mine significantly curtails the amount of product coal can be recovered from it and might have a radical impact on any cost-benefit analysis, had one been done. The original consent allowed the extraction of nearly 200 million tonnes. The current
30 proposal would recover less than a third of that amount of coal, with a maximum of around 63 million tonnes of product coal to be produced.

There are a multitude of other physical differences. Whilst the deletion of the north grid will reduce the mine’s visual impact on the township and residents of Aberdeen,
35 this does mark a radical difference to the project. And, furthermore, the respite for Aberdeen is likely to be only temporary with the proponent already foreshadowing a State Significant Development application within the next two years. The final landform, which may or may not be the actual final landform, depending on that SSD development application, is also radically different, as is the removal of a drag –
40 draglines, etcetera, etcetera. And further to that there are, of course, more radical changes being considered in modification 4, which is now being considered.

So, in conclusion, council remains highly concerned that the cumulative impacts of mining are not being considered. Indeed, they are being ignored. We have ongoing
45 concerns for the outdated and effectively obsolete original consent and yet more concerns as to whether this application constitutes a modification at all, or whether it could be better described as a radical transformation. We feel that for the good of the

project in its entirety, for the good of the community and for the benefit of wider
faith in the assessment process, this project should seek a new development consent
and be subjected to a full, proper and rigorous environmental planning assessment
process. Finally, council also calls, yet again, for the oft promised but never
5 delivered cumulative impact assessment methodology. New South Wales needs it
and Aberdeen is really going to need it.

MR COUTTS: Thanks, Kiwa. Alastair Pulford. 10 minutes, Alastair.

10 MR A. PULFORD: Good morning. Well, good afternoon, Commissioners. No.
Good morning, Commissioners. My name is Alastair Pulford. I'm the head of sales
for Darley, which is the stallion division of Godolphin in Australia. I've been
involved in the thoroughbred industry in Australia for 31 years and a further seven
prior to that in Southern Africa. I have lived in the Hunter Valley for 15 years,
15 having moved here to join Godolphin in 2003. As you may know, Godolphin is one
of the two largest thoroughbred breeding and racing companies in the world. We
have studs in England, Ireland, America, Japan and here in Australia. And our
Australian division is the largest within the company. We are very important, not
only to our principal, Sheikh Mohammed, but also the entire racing industry in
20 Australia.

We stand the largest number of commercial stallions in Australia and, indeed, in the
world. Our market share is such that our stallions cover approximately 12 per cent of
the entire Australian thoroughbred herd. Kelvinside is our original property. Its
25 primary reason for being is to house our elite stallions. It is just outside Aberdeen,
about four kilometres to the east. We have the facility there to stand 18 stallions. On
average, we stand 15 stallions a year. This year, we will stand 13. The property was
developed from 2003 when we bought it into a world-class stallion facility. As well
as housing our stallions, we use the property for racehorse training, spelling,
30 rehabilitation and educating yearlings.

Other studs have followed our lead. So now within a small triangle with sides
measuring, from Kelvinside, seven kilometres east on Rouchel Road to Segenhoe
Stud, 10 kilometres north to Arrowfield, that's as the crow flies, and 13 kilometres
35 back. A small triangle and you've four of the six major stallion farms in Australia:
ourselves, Newgate who were represented before, Vinery Stud and Arrowfield Stud.
It is an amazing concentration of elite horse property. Our stallions at Aberdeen are
visited by 1500 mares each season, approximately. These mares are located at
various boarding farms within the local area, generally, within a 45 minute drive or
40 less.

Kelvinside is one of a kind in New South Wales in that it is the only major stallion
facility in the state that does not also house any broodmares. Our business models
have always been that mares walk on from specialist broodmare farms. Many of the
45 local broodmare farms started up or expanded after our inception in 2003. It is not
farfetched to say they exist because of us. Even our own mares travel to and from
our Woodlands Farm near Denman. Kelvinside is our shopfront, our client interface.

It is where we showcase our operation and our stallions. In any one year, we host thousands of clients, visitors, racing fans and tourists. We keep it in pristine order because we are always on show.

5 At any day, at any racecourse in Australia and overseas, many winning racehorses will be the progeny of Darley stallions. Similarly, at any auction house in Australia, the majority of premier bloodstock commanding the highest prices will be bred, borne or raised in the Hunter Valley. Again, a significant proportion of those, above 10 per cent, will be the progeny of Darley stallions. The world's best racehorse, 10 Winx, was conceived at Kelvinside and raised in this area. Her mother now lives just down the road at Segenhoe Stud. As a pivotal player in the Hunter's acclaimed and internationally recognised thoroughbred breeding industry, we are very concerned about the proximity and absolute incompatibility of the Mount Pleasant proposed open coal cut mine to our operations, and the risks to our reputation, our business 15 model, our future, and that of the communities and families that live and raise their children on and around their farm.

Our industry is based on the strength and performance of our stallions. They attract brood mare investors at brood mare farms and a network of equine support industry. 20 Our industry is based on a clean, green, serene image. Open cut mining portrays the exact opposite of every person's mental picture of a horse breeding area. We are extremely vulnerable to the threats posed by mining in close proximity, particularly where there are real or threats of impacts of dust, noise, depletion of water resources or quality, diminution of our landscape and visual amenity. As a member 25 of the Hunter community for 15 years, the prospect of an open cut coal mine at the Mount Pleasant site was considered a negligible possibility. I've driven past the site countless times in my work.

For some 17 years, I believe, post the original development consent, no substantial 30 work and no mining had occurred on the site. No meaningful investment was made by the holder of the consent. No jobs were created. No coal was produced or transported to market. No economic benefits flowed back to the state, the community or to the region. Any reasonable person would have assumed that given the substantial passage of time, the then-owner's disinclination to develop the mine 35 as well as the substantial changes in that 17 years, changes such as the development of our own industry in the Hunter, of other mines, of changes to government policy, of environmental standards and of community expectations, you'd expect an open cut coal mine on this site so close to the towns of Aberdeen and Muswellbrook and the heart of the thoroughbred industry would not proceed.

40 But here we are, arguing the merits of the modification proposal that differs so radically from the original proposal that it should be recognised as a new proposal and be assessed from scratch in accordance with contemporary environmental and community standards and government policy. These issues will be expanded upon 45 and developed in the written submission. Others more qualified than I have and will speak to you on the merits of this proposal. From Godolphin's perspective, it is not acceptable to have an open cut coal mine so close to the towns of Aberdeen and

Muswellbrook on which a proper assessment – which on a proper assessment will also hold significant risk to our industry.

5 It is not acceptable to place the future and reputation of the Hunter’s thoroughbred breeding in jeopardy once again. It is not acceptable to be perpetually confronting uncertainty and land use conflict from the increasing encroachment of coal mining. It is not acceptable to place at risk the community’s welfare and wellbeing and diminish our air quality and water sources or destroy our cultural landscape. It is not acceptable to consider any application for what is in effect a new mine without any
10 semblance of a cost-benefit analysis, assessment of the contemporary environment and consideration of the principles of ecologically sustainable development as required by the Act.

15 All previous Planning Assessment Commissions in the Drayton South Open Cut application have (1) recognised the importance and economic significance of the Hunter’s thoroughbred breeding industry, and the pivotal role that Godolphin plays in it; (2) acknowledge the risk to the fragmentation of the industry should the industry’s key players be forced out; (3) recognise the importance of the economic diversity to the Hunter region; and (4) called for the protection of the industry
20 through buffers, zones or preservation measures. We strongly submit the Commission in its consideration should consider and protect the legitimate rights of the residents and the agricultural industries of the Upper Hunter and reject this modification, given the inadequacies of the material before it. Thank you.

25 MR COUTTS: Thanks, Alastair. Max Strachan?

MR M. STRACHAN: Good morning. I’d just like to take the opportunity to say thank you for having me here to speak on behalf of Pumps and Pipeline Services. We are involved in the mining industry directly with MACH Energy and the Mount
30 Pleasant Project. We’re here to support the mod 3. Brief company overview. We’re full-time employers of 27 staff members, 23 of which are local rate-paying people living in Muswellbrook. This equates to over \$2 million worth of wages and salaries being paid back into the local economy, and the flow-on effect of that to local vendors and service providers is extremely lucrative to local businesses and
35 individuals. Throughout the construction phase of the Mount Pleasant operation, we’ve been able to make purchase of an additional \$300,000 worth of equipment, requirements of additional staff, more vehicles, and the flow-on effects once again to other service providers and local businesses has been huge.

40 I will keep this relatively short. Moving forward, though, the construction allows for our business to experience a level of accelerated growth which we hadn’t seen before, and whilst ongoing requirements for operations of mining and coal pricing gives the PPS team long-term sustainability for that growth. So we plan to be here in the next 20 years. It’s been operational now for six months, so we need to move
45 forward with that. We do appreciate what that does for the community. We also put as much back into the community as we can. We sponsor 14 local sports teams, multiple men’s health, various things like that, and I think we’ve got a hundred per

cent support from all of my colleagues within our operation for the mod 3. So thanks for your time.

MR COUTTS: Thanks, Max. Michael White.

5

MR M. WHITE: Thank you, Mr Chairman. First up, my presentation is going to be 12 slides which will be on the screen here, and I'll be talking to those slides, so if anybody wanted to get in a position where they can see that better, please do so. And going to as we go Good morning, Commissioners. My name is Michael
10 White. I'm a local landowner. My farm is located approximately 10 kilometres west of this project and we've lived there for 16 years. I am also a mining engineer with more than 25 years experience in technical and operational roles both here in Australia and internationally for major mining companies. I have 14 years
15 experience in the open cut coal industry in Queensland and New South Wales, and for eight of these years I was responsible for the running of Mount Arthur Coal, a very large open cut mine here, using the same type of mining equipment as described at this project. I have provided consulting advice to HPPA on this project, and I do run a consulting business as well. Slide, please.

20 I have identified two key issues in my review of this assessment. Number 1, there is an underestimation in the amount of mining equipment required to meet the mine production schedule. The additional equipment required will produce more noise and more dust, and is not included in the current monitoring. Issue number 2,
25 changing the operating strategy for the deposition of the coal fines reject will result in poor environmental and visual amenity outcomes, and in my opinion is inconsistent with the current approval. Next slide.

Noise and dust modelling has been conducted by MACH in the environmental assessment for three years selected from the Mount Pleasant production schedule
30 meant to represent worst-case scenarios for the generation of noise and dust. These are years 2018, 2021 and 2025. The annual waste rock volumes here are shown to be shifted and the excavator's schedule to shift that material are also shown. This information is drawn from the environmental assessment document itself. New slide,
35 please.

35

The new – let's look in detail at 2021. 31.28 million bank cubic metres, or BCMs as we call them, are scheduled to be moved by two 996 excavators and one smaller Hitachi EX3600. In my experience, the 996 excavator will produce eight to 10 million BCMs per year. Two of these excavators will produce 16 to 20 million
40 BCMs per year. The smaller EX3600, four to five million BCMs per year. All together, these three excavators in my view will produce 20 to 25 million BCMs. That is an estimated shortfall in 2021 of between six and 11 million bank cubic metres. This deficit of 19 to 35 per cent is a very significant amount, and I will describe the consequences for you. Firstly, let's talk about factors which determine
45 an excavator's annual output and why Mount Pleasant excavators will not achieve global benchmark production levels. When we're looking at the typical output for an excavator, we start with the number of calendar hours a year, 8760. We remove

5 unscheduled time, which in the Valley is typically Christmas Day and Boxing Day. We remove hours for maintenance, both planned and breakdown; and then we remove hours for production delays and those delays could be rain, fog a myriad of delays. The remaining operating hours are then multiplied by the average production rate to arrive at a planned annual production capacity. New slide, please.

10 Let's now look at specific Mount Pleasant factors that negatively affect the annual production capacity for an excavator. All of the equipment, we're told, at Mount Pleasant will be noise attenuated. Noise attenuation components fitted to mining equipment slow maintenance access and increase maintenance time; in my experience, up to about a two per cent reduction in availability. Noise attenuation also restricts airflow and will increase overheating delays, particularly on trucks in hot weather.

15 Production downtime challenges at Mount Pleasant. Delays due to wet weather. This type of material here – the overburden and material has high clay content. When it's wet, trucks start slipping and haulage tends to stop. Fog – this is a bad area for fog. Delays for dust suppression. We've got a sensitive site here. Dust is a big issue and there will be delays at times, waiting to improve the dust suppression.
20 Delays will be caused by regional high winds and unfavourable wind directions, and delays will be caused by forced relocation of equipment in response to bad environmental conditions. Note that a number of these delays are actually already mandated in the site's noise and air quality management plans, and there will be delays that will also impact the production rate, although we're calling that
25 "producing time" and that will be around wet weather. It will be around slower truck sites at times due to fog. There will be waiting on truck delays when truck numbers unexpectedly fall off and there are times where, on excavator setups, it is far from ideal because of either bench height or angle, dip – localised. So these are the key reasons why it won't be best-in-class output at Mount Pleasant. New slide, thank
30 you.

35 What are the consequences of this shortfall? The 2021 shortfall of six to 11 million bank cubic metres of waste rot has to be recovered by using additional equipment. When additional excavators are used to make up the quantity shortfall, additional truck hours and additional operating hours operating hours will also be required. This additional equipment creates additional dust and additional noise. These additional impacts have not been modelled or assessed.

40 Key issue number 2: significant and negative changes to the fines rejects and placement operational strategy. Here, we're looking at a comparison of both the currently approved and the Mod 3 proposed operating strategies and works for the Mount Pleasant fines rejects and placement area. MACH Energy appear to hold the view that changing the operating strategy and the significant works required to implement it is somehow still generally in accordance with the current approval. I
45 disagree with that view and I will tell you why now.

In the currently approved operating strategy, the fines rejects are designed to be pumped into a series of stepped emplacements. There are nine in total. As each emplacement fills, another one is built immediately downstream. The filled emplacement will be allowed to dry out before being covered by a layer of rock, top
5 soil and then revegetated. Water from the rehabilitated areas in the top of the catchment will be diverted around the central dam in order to maximise downstream flows of natural runoff. Progressive development of storages will minimise the extent of catchment disturbed at any one time and a series of emplacement terraces will be constructed and shaped to blend into the surrounding topography.

10 The proposed strategy is construction of one large dam – or emplacement area, if you like – for all fines rejects during the life of the project and a dam wall or embankment constructed at the downstream end of the fines emplacement area. The fines is pumped in at the top and that embankment is progressively built and raised
15 higher over the life of the mine. Next slide, please.

I apologise for the quality here. This was the best I could get but this gives you an idea of – in the 1997 EIS, here at year 10 is what the fines emplacement area would look like. You have rehabilitated area with clean water runoff, you have an area here
20 which is drying out, and you have an active emplacement area here. In that same bifurcated valley, here you can see we've got one large dam wall and you have one very large footprint that – and this is the proposed MACH 3 strategy for emplacing the tables. As you can see, there can be no progressive rehabilitation in that scenario and no reduction in footprint over the time the mine is operated. Next one, please.

25 This so-called contemporary strategy is a retrograde step and at odds with the current approval. It does not maximise natural runoff downstream. It does not minimise the disturbed footprint of the emplacement area. It does not have a multiple cell arrangement. It does not allow for early and progressive rehabilitation and it does
30 not allow for any rehabilitation to occur until several years after the fine would close and, presumably, by that stage, there has been some drying. Next slide, please.

There have been no technical reasons provided as to why the currently approved operating strategy cannot be executed. The reasons for this proposed change seem to
35 be solely financial. The approved strategy will require more equipment and ongoing management effort than the Mod 3 strategy. It should not be viewed as valid justification to approve this significantly different and significantly poorer environmental approach and I am just going to quote to you from the 1997 EIS – this wording about the tailings emplacement area:

40 *In recognition of the advantages of progressive rehabilitation, eg, improved public perception and risk minimisation from the reduction of total catchment contamination yield, etcetera, it is proposed that the natural gully profiles be utilised in constructing the separate fine reject storage areas to facilitate early
45 and progressive rehabilitation.*

My last slide, please. So to recap, the noise and dust modelling inputs for mining equipment numbers are understated. This makes the current noise and dust modelling inaccurate and the impacts understated. The Independent Planning Commission cannot rely upon the current noise and dust modelling results and, for the fines emplacement area, there is no justification of it to support approval of a significantly different and significantly poorer environmental approach to the operating strategy. Thank you, Commissioner.

MR COUTTS: Thanks, Michael. Will Rogers.

MR W. ROGERS: Good afternoon, members of the Independent Planning Commission. My name is William Rogers. I'm a commercial business manager from Rosebrook Sand and Gravel, a contractor who has worked with MACH Energy over the past 12 months. I am here today at my first Independent Planning Commission hearing to speak in favour of the Mount Pleasant operation. Rosebrook Sand and Gravel is a family-owned business located in the Hunter Valley. We operate three quarries with 38 people. Many of our employees live in Denman and work directly with the Mount Pleasant operation. All Rosebrook employees play a key role in delivering products required by MACH Energy for various tasks in and around the mine.

As I mentioned, we employ residents living in the Muswellbrook Shire. Their wives and families would be directly impacted if the Mod 3 application was denied for MACH Energy. These local employees play a key role in Rosebrook's ability to service the needs of MACH Energy's operation. Over the past 12 months, MACH Energy has contributed to approximately 28 per cent of our business – a considerable contribution for a small family-run business – and we're all very proud of our relationship with the team at Mount Pleasant. We have been involved in numerous projects with MACH Energy, both inside the mining operation and outside, our most recent being the Bengalla Road realignment. This was a very successful project and the completion brings many benefits for the local business and community and residents who will use the road on a daily basis.

Our business depends on the future of MACH Energy. As I've said, we support the application and a continued mine life will have a flow-on positive effect within the local community, thus ensuring Rosebrook can not only keep our quarries productive, but also keep our operations shire, keeping local people employed and utilising the services of local businesses. Personally, and on behalf of the Jackson family who own and operate the Rosebrook company, I can honestly say that I hope you vote in favour of the extension of not only for the employees at Mount Pleasant, but for the future of so many local people and businesses. I do feel extremely proud to be able to stand before everybody today and talk briefly about the positive effects that Mount Pleasant has had on every member of Rosebrook Sand and Gravel and our suppliers. Thank you.

MR COUTTS: Thanks, Will. Robert McLaughlin.

MR R. McLAUGHLIN: Good afternoon, Commissioners. My name is Robert McLaughlin. I'm a ratepayer here in Muswellbrook. Firstly, I would just like to raise a point that was raised by the gentleman from the Muswellbrook Men's Shed, Mr Sorensen, when he referred to the Fairfax article that said that Muswellbrook has a low socioeconomic position. Clearly, the long history of coal mining has not really had a beneficial effect on – overall on Muswellbrook and would the addition of one more open-cut mine be a game-changer for Muswellbrook? I don't think it would. There are big problems with the assessment and with the – with – and with Mount Pleasant going ahead all these years after the initial approval in 1999.

Since it was approved in 1999, the environmental, social and economic context of the project has changed substantially. This means its impact has changed substantially, even if the mine itself is almost the same. Since it was approved in 1999, Muswellbrook has grown by nearly 3000 people. Mangoola open-cut mine has begun operating, Mount Arthur mine has expanded three times and Bengalla is expanding as well. This mine, together with Mount Arthur, will mean Muswellbrook south and west are flanked by 20 kilometres of open-cuts. When the northwest wind blows, Muswellbrook will cop a load of dust pollution from the new mine. Both the EPA and New South Wales Health have raised concerns about the cumulative air quality impacts of modifying this mine so that it coincides with other mines surrounding it and the potential harm to Muswellbrook's water supply if the mine discharged into the Hunter River.

The EPA asked for an assessment of any environmental impact of such discharge and that has not been done, yet, surprise, surprise, the Department of Planning is recommending the modification go ahead. No doubt the Department of Planning and MACH Energy think of this modification as a minor administrative matter, changing the date when the mine has to stop operating, but it is no minor matter for those that will live with its noise, dust and amenity impacts. The EPA was also dissatisfied with a noise assessment. This too has not been addressed. Instead of making MACH Energy comply with the EPA's requirements on measuring low-frequency noise and accounting for temperature inversion, the Department of Planning has even suggested the conditions of consent are updated to require that monitoring account for the possibility of noise-enhancing conditions. That is, noise being deflected over the eastern side boundary due to wind or temperature inversions.

Fixing my noise post-approval is painful, complex and costly for the community. It is a disingenuous and negligent approach taken by the department and this commission should call into account for it by asking them to appear this meeting. In a recent article in the Newcastle Herald, shire councillor and longtime resident Graham McNeill is quoted as saying:

The dust is killing us slowly. It's driving good people out of town and it's all people are talking about, the health of their kids.

Mr McNeill went on to say he knew of other people who worked in the Muswellbrook mines, but whose families lived outside the area because of air

pollution concerns. Muswellbrook Council has used data from Muswellbrook and Wybong air quality monitors to conclude there was a significant increase in coarse particle pollution at Muswellbrook when compared with nearby Wybong, which is further west, which experiences similar prevailing winds. Us locals are worried, and
5 rightly so. The people of Muswellbrook are sick, and I mean sick. We are over being collateral damage for the benefit of the coal industry. We are forced to live with decisions made to expand the coal industry, despite overwhelming contrary evidence. Will this be yet another polluting coal mine, weighed through to further endanger our family, friends and the Hunter Valley? Enough is enough. This
10 modification should definitely not be approved. Thank you.

MR COUTTS: Thanks, Robert. Peter Hodges.

MR P. HODGES: Thank you, Commissioner, for the opportunity to talk. I would
15 like to point out that my family has the greatest of respect for the Aboriginal people. My father left a violent situation to work as a young man with a mob on station and the elder is buried with the family owner on the station. Dear commissioners, thank you for the opportunity to speak. Considering this was approved in 1999, how can it be possible for it to continue on an extended timeframe without going
20 back to the drawing board? I remember when this mine was first touted in the 1990s. There was even talk that coal would be piped as slurry to Newcastle.

Later, in around the mid-90s, there was an article in the Sydney Morning Herald stating 10.5 million tonnes of unmined coal per year to be produced at the Mount
25 Pleasant operation was equivalent to two-thirds of the UK's total of 16.5 million tonnes produced by 132 open-cast coal mines in 1995. Also, as a side note, when Margaret Thatcher moved on the English coal industry in 1985, there were 170 underground mines. By 1995, there were only 19 left in operation. The English brassed off. It's a bit of an insight into the impact of these closures on the mining
30 community. Since was awarded its approval in 1999, there hasn't been a dramatic increase in the extent and size of open-cut mines and also production in terms of money, whilst the opening of close to 160 million tonnes of coal went through the port of Newcastle last year, well up on what it was when Mount Pleasant was first approved.

35 We also have to remember the bankrupt bogan billionaire, Nathan Tinkler, ex-chairman of Australian Pacific Coal, is behind the bidding to reopen the Dartbrook mine, which is code for opening up another massive open-cut mine west of Kayuga. This mine would be directly north and totally alongside the Mount Pleasant
40 operation. My understanding is Tinkler still owes half a billion dollars to creditors and the reason they haven't moved on him is that they hope this clown could pull another rabbit out of a hat and clear his debt. Just imagine the interest the Indonesian
..... group who own MACH Energy would show if Tinkler's mob decided to sell the Kayuga approval. A mine alongside their Mount Pleasant operation, which has an
45 alternate access to the Hunter River with an existing washer, interconnected to the northern coal mine mainline railway via a loading loop, direct railway access to Port

Newcastle. Another reason why we need to be careful of mine approvals is the jailing of and Ian McDonald. Both are ex-MPs. Need I say more?

5 The second issue I wish to highlight is dust. Correlating with the increase in open-cut mines and production, there is an increase in airborne dust. Back in the 1970s, those that lived on the land had an idea if a southerly front was heading up our way. The other, upper atmosphere would be clear and blue with heavy dark stormclouds being pushed under it. Now, we know when a southerly is coming because the dirt comes first. Highly visible, and if it comes up before nightfall, down overnight, the dirt is still hanging around the upper Hunter Valley mountains. Lovely, clear, clean days are becoming a rarity. A local pilot has told me when he comes from the north in his plane and drops over the range into the Hunter Valley, there is a dramatic increase in airborne dust. Why worry about the dust? Well, there is a real possibility, at times, this dust will contain, amongst other things, crystalline silica. 15 Silicosis is a lung disease caused by breathing in tiny bits of silica, a mineral that's part of sand, rock and minerals such as quartz. It mostly affects workers exposed to silica dust in operations such as mining, glass manufacturing and foundry work. It has been revealed in the media of late people who have been working cutting modern stone-based kitchen tops have been succumbing to this disease.

20 Considering the Mount Pleasant mine and the possible Kayuga mine are predominantly located to the northwest of Muswellbrook, the impact of the usual hot westerly summer wind is going to blow all this mine dust over the town. Is the dust a product of one's imagination? I don't think so. After a calm night, one has only got to drive down from Wingen or observe from Wallington Road the individual multi layers of dust hanging over the mining areas south of Muswellbrook and west of Muswellbrook. It hangs there until the breeze gets up and moves it on. I think that would be a real problem if the powers to be keep ignoring this legitimate warning. My very thanks, Commissioners.

30 MR COUTTS: Thanks, Peter. Maxwell Jones.

MR M. JONES: First off, good afternoon. First, I would like to thank you for the opportunity today to be able to speak on behalf of Mount Pleasant operation. For 35 those who don't know me, I'm Max Jones, the owner of Upper Hunter Computers. We're a small local business and have grown locally in Muswellbrook. We see not only the mining downturns that have impacted our community, but the amazing community support they have brought to us as well. When we first – when we were first approached by Mount Pleasant, we were a new local business with a small 40 customer base. We thought this was not only a golden opportunity, but for how lucky we were to be given this opportunity. It was our first big break. It gave us the opportunity for progression with our business being able to expand and grow within the community.

45 As it can be with big mining companies, we thought it might be a tough road ahead, but our first impression, it was different, not only on the phone, but when we went out on-site, as they were just a new company like us. The impression they gave us

was a different way of thinking. Their focus on local business, buying locally and hiring locally, not just the bigger businesses with high turnover, but the little guys as well. The people we first met out on Mount Pleasant on-site were like you and me. We didn't get treated any different from the bigger businesses. We chatted with
5 them about the jobs and had a few laughs as well. This first opportunity was the first of many.

We later on got asked to develop a website for them. This helped us with our own expansion not only as a business, but locally as well, giving us the opportunity to be
10 able to hire locally as well as being able to also support locally through donations and advice to other businesses through our own progression and experiences. Mount Pleasant have maintained their relationship with us and other great local businesses in the area. They will continue to employ local and engage local businesses. They have helped small businesses like mine grow to what they are today, and I know they
15 will continue to support us into the future. They've continued to give us the opportunity to come to them with our ideas, as well as talking to us about upcoming and future projects, and continuing to work at Mount Pleasant. Thank you.

MR COUTTS: Thanks, Max. Andrew Beatty.
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MR A. BEATTY: Good afternoon, Commissioners. The Hunter Thoroughbred Breeders Association has asked me to address brief remarks to you in your consideration of an application for a modification of an old planning consent. The HTBA has already made written submissions to the Commission through its
25 president, Dr Cameron Collins, who's presently overseas. The enterprises which the association represents operate across most of this valley and have done so virtually since the start of European settlement. The industry is a significant local employer, directly and indirectly, that's recognised as a State and national significance by various levels of government.
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I've got seven main points I'd like to make to you about this application before I briefly summarise some expert reports put to you by the association. The first point is that this application is a misnomer. Commissioners will immediately appreciate that the proponent's description of the application is not for an extension of mine life,
35 it is an application for a new mine. No coal mining has yet been undertaken at Mount Pleasant, despite nearly a 20-year hiatus since its approval to do so.

The consent which MACH says it now seeks to modify will, if approved, bear no real resemblance to the legal, physical or social environment in which the original
40 consent was granted nearly 20 years ago, or the land use which that old consent authorised, which was never acted upon, save only technically to save that consent on its lapse. If this application is approved, the Commission will be permitting the establishment in 2018 of a major new greenfields open cut mine, the first new such mine since Mangoola, otherwise known as Anvil Hill, over 10 years ago.
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Second proposition is this. The Commission has, in our submission, two tasks. The first task is ask yourself is the application before you one which is legally

competent? Is this actually a modification, which section 75W might allow to proceed to a merit assessment, or is it a new DA in disguise? Secondly, even if the applicant is considered legally competent, is the material adduced by MACH in support reliably current, complete and accurate? We contend that this application fails both of those tests.

Third point, this is not a section 75W modification. I repeat, this is not a section 75W modification. The association adopts and endorses the proposition succinctly articulated by Bengalla in its submissions to the Department of Planning by reference to the decision of Justice Robson in the they are reproduced by MACH in MACHs response to submissions, and a copy of that will be provided in our written notes to you. We note the same very serious legal complaint was made by Muswellbrook Council in its to the department almost a year ago.

What's now sought to be approved is manifestly different from the 1999 approval in important ways. For example, deletion of the north pit, changes to water management, described in more detail by thirdly, the complete rearrangement of the fines emplacement area as already described by Mr White, and, of course, the substantial reduction in run of mine coal from nearly 200 million tonnes to something – a fraction of that with consequent reductions of any potential economic benefits to the state or local community. MACH can't rely on 75W to avoid the burden of preparing a fresh DA if it wants to mine coal at this site.

The fourth proposition is that the Commission should be very conscious of what salami development. The application now before you may be no more than a slice of salami. You can't yet see the whole picture. Apart from MACHs own response to submissions concerning the work it envisages after 2026 and going out to 2038, it seems probable that more applications to extend the life of this mine must follow in future, because, for example, mining which is fully completed, including rehabilitation, within the short extension period now sought could not possibly justify the capital investment made so recently.

And secondly, there will be no means of lawfully transporting coal from the site after 2021, in the absence of a further approved modification of the 1997 consent. Again, that's not before you. To illustrate this, I draw the Commissioner's attention to Mr White's presentation, and in particular his conclusion that MACHs production targets for the extended life of the mine can't be achieved with the equipment identified. Either more equipment will be required, reducing profit and increasing noise and dust, or the length of the extension sought now is too short, and a consent authority will be based on another extension application before this extension expires.

The fifth proposition, Commissioners, is this, that private agreements are no substitute for proper public environmental assessment. The department says that a recent deed of agreement which MACH and Bengalla have entered into has resolved all of Bengalla's financial concerns. It's impossible for you or us or anybody in this room to test that conclusion, because as we were told by the department last night, that deed must remain confidential to its parties. Regardless of any financial

settlement that may have been agreed between those two competitors, the physical and environmental facts remain largely unaltered. As Bengalla itself said before reaching an agreement with MACH, the IPC cannot in determining its application rely upon “private agreements” which are susceptible to change or non-performance.

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The sixth position of this, Commissioners, that this application fails its own merits tests, assuming that you accept that we are now in merit land rather than in we have no power to act land. The authors of the 1997 EIS and the pending consent in 1999 concluded that the project is justified because the social and economic benefits exceed the environmental costs. In undertaking its own balancing exercise, the Commission must assess the economic and social costs and benefits of the form of mine currently proposed by MACH and not one that might exist in the future in reliance upon further as yet unapproved and, in fact, even unmade modification applications. You must take this application as you find it. Advances a modification, MACH relies heavily on the work done in 1997. Apart from the legal factual and physical staleness of that work, there's no analysis of the key costs and benefits in those old assessments. They consist merely of assertions about royalties and employment.

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Tellingly, there was no consideration then or now of the other obvious social and economic factors created by a new mine, especially one in proximity to so many others and so very close to Muswellbrook itself. The reviews undertaken at the request of HTBA by which I will come to, highlight the deficiencies in the work relied upon by MACH in asserting any overarching socioeconomic benefit. They instead throw up a series of questions about whether this mine will generate any of the benefits claimed by its new owners. The socioeconomic case for the mine is dubious even before it's required to be balanced against a wide range of adverse impacts which will inevitably be suffered by the surrounding environment.

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Taken together, the expert reviews in respect of water and air quality, heritage and noise describe inadequacies, errors, overstatements and omissions which riddle the work on which MACH and the department both rely. The commission would have little or no confidence in that work. Whilst there may be a common form – this may be a common form of criticism levelled by objectors on unpopular or controversial projects, in this case, however, the commission is also invited to consider how the reviews were cured by my client identifying in broad outline how this new mine will adversely affect the local and regional environment and the non-mining economy it still sustains.

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The department's environment assessment report simply parrots the proponent's assertions and sweeps aside concerns about unacknowledged cumulative impacts with the usual balm of strict conditions. That report has no analysis and no meaningful assessment for your benefit. I will take you briefly through the findings of those expert reviews after summarising the legal position now. We submit that the commission needs to find five things. This is, in truth, an application for a new greenfields open-cut coal mine disguised as a modification of an approval issued a generation ago to avoid any real assessment. What remains today is an approval kept

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in legal formaldehyde for a generation while our laws and our social views evolved. How, one might ask, would approval of this satisfy the requirements that have been generated in equity.

5 You've been offered no meaningful assessment of the impacts of this new mine because MACH ask you to simply accept the reports prepared by Coal and Allied 20 years ago. Second, the mine which approval of this application will permit will bear little resemblance to the approval received in 1999. A consent authority, in our submission, has no power to allow a modification which will produce something so
10 significantly and materially different. Thirdly, on this threshold legal point, the public interest in the objects of the planning laws are best served by requiring this proponent to lodge a full new DA without relying on the last rays of light of the sunset of part 3A.

15 Any new DA would properly oblige the proponent and the department to assess the socioeconomic benefits of a new mine against contemporary laws and contemporary views about exploiting fossil fuels. This is, after all, Commissioners, a business now publicly abandoned around the world by the parent of the original beneficiary of the 1999 consent. Fourthly, even if the Commission were to decide this application is
20 somehow legally competent, any reasonable analysis of the material on which MACH relies or the department unequivocally endorses would lead you to conclude that that material is unreliable.

25 You must have a very high degree of confidence, in our submission, in that material if you are to undertake a properly calibrated balancing exercise where it's undeniable that this new mine will cause long-term harm to the local and regional environment and the sustainable non-mining businesses currently supported by it. Fifthly and finally, any reasonable assessment of the adverse impacts which this new mine will visit on water resources, human health, heritage and the sustainable rural economy in
30 this region would lead you to reject this application. Commissioners, what I will now do very briefly is summarise the work procured by the Association from a number of experts.

35 Firstly, economics. And I have five to get through, so I will do it as quickly as I can. Marsden Jacob Associates, one of Australia's largest independent economic and financial advisory firms, undertook a review of the economic analysis of the proposed modification. Their assessment is this. No cost benefit analysis was undertaken with the original approval. No economic cost benefit analysis has been undertaken for the proposed modification. Based on MACH and Bengalla's press
40 release, it would appear that Bengalla's private commercial concerns about the proposed modification have been dealt with but on terms that are not available to you or to us to assess.

45 However, while these financial might have been resolved, it doesn't mean that the economic cost benefit consequences of the development have been carefully, properly, transparently considered, avoided or mitigated. In short, the Association would say off the back of that economic assessment the Commission can't rely on

either the proponent's or the department's conclusion that the proposed modification would provide significant socioeconomic benefits to the local region or the wider community of the state as it doesn't have before it a detailed and thorough economic cost benefit analysis to inform any consent considerations. All the Commission is told by the department is that without an extension to the current date of expiry, the mine is unlikely to be commercially viable.

Equally - you've heard all about this already this morning. Stephenson Environmental has reviewed what MACH put forward, and they have reached these conclusions. The proposed project will result in exceedances of PM10. The plots of data presented by MACH in their environmental assessment show regular PM10 exceedances for most of the year. MACH's environmental assessment also acknowledges local air quality at times will exceed the maximum 24 hour average PM2.5 concentration and annual criteria. Put very simply, read the Newcastle Herald article of two days ago, which has already been cited this morning.

That's what many local people already or both MACH and the department have conceded that air quality exceedances irrespective of the proposed modification. To put this plainly, the background already exceed the criteria for all potentially affected receptors. Fifth, despite this, neither MACH nor the department attempted to address the cumulative impacts of this mine on the Upper Hunter's air quality. Last, MACH acknowledges that compliance criteria will be exceeded – blames other mines and wood fires and takes no responsibility and intends to use “reactive dust mitigation strategies” to manage the situation. MACH – the Association makes two submissions. This is a clearly unacceptable situation that can't be conditioned.

And the community is at a tipping point. And I think you've heard that phrase already this morning. The Commission can't rely upon the department's recommendations to update air quality criteria in the conditions of consent and grant further acquisition rights as these actions do not or will not address the underlying and cumulative negative air quality impacts of this project in this region. We turn to water. OD Hydrology reviewed the water impacts, and they made four key findings. There are significant gaps, omissions and oversights in what the department has considered. There is a lack of understanding of the real risks of unauthorised discharges to Sandy Creek and other watercourses.

There are material changes – material changes to Mount Pleasant operations surface water system. Key components of the water system now have fundamentally different functions and therefore design and assessment requirements to those under the approved 1997 plan. For example BU2 no longer performs the function of environmental dam. The original function of the environmental dam would now need to be provided by the fines emplacement embankment. You've already heard about that. Third, in the 1997 EIS, environmental dams were described as being impermeable to prevent off-site discharge as well as specific components of dam design which were minimisation, interception and collection of any seepage.

However, the walls now to be constructed were using course rejects. They won't be impermeable. And the fourth point that's made by OD Hydrology is that there are material changes to effects on groundwater. And, again, you've heard some of that this morning. There has been on comprehensive updated groundwater assessment
5 since the 1997 EIS. All issues regarding water management assessment previously raised by the Hunter Thoroughbred Breeders Association in July 2017 remain relevant and valid. The changes proposed by this modification and their impacts on groundwater are materially different than those proposed in the 1997 EIS, including mining, from four pits over a 21 year period to a single pit that's now
10 proposed; timing of extraction from proposed mod 3 is different to the 1997 approved pit progression and we're using different technology. We're using trucks and shuttles rather than draglines.

Accordingly, the expert concludes the changes proposed to the mine plan will change
15 the predicted impacts to groundwater resources. So the Association draws these conclusions and makes these submissions. MACH hasn't complied with any of the accepted criteria for assessing acceptable levels of impact on groundwater systems as required by the Act or policy. Nor does the project comply with the national Australian Groundwater Modelling Guidelines. We further note that these project-
20 specific issues are in addition to the recent federal work undertaken by Heron Brothers regarding the cumulative regional impacts of mining on the Hunter's water systems due to potentially large changes in flow regimes and water availability in the regulated river system.

25 Lastly, the Association submits the Commission would recognise the significant and material differences between the proposed modification and the original approval, take into consideration the deleterious effect of this project on the Hunter's water security and supply reliability and give little or no weight to the department's recommendation that MACH merely revise its water management plan if the
30 modification is approved as, by then, it will be too late.

On heritage, Gordon Mackay Logan was engaged to review the impact assessment model 3. On non-Aboriginal heritage, Ms Veale concluded that apparently an
35 ignorance of a fundamental precedent of the Burra Charter, there has been no assessment in 1997 or now of the historic cultural landscape or heritage curtilages around those few items which have been identified. On Aboriginal heritage, Dr Tim Owen concluded that, first, there has been no consideration in tangible or social values of cultural heritage landscapes in satisfaction of the Burra Charter, merely an acknowledgment of harm, large numbers of identified objects.
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Second, there has been no assessment of cumulative impacts to Aboriginal heritage. Third, there has been no assessment of how the proposed final landform will affect Aboriginal heritage values across this land, especially as the site will then have no
45 objects left and no remaining sites or places of significance. And, lastly, MACH and the Department appear to have proceeded on the basis that this part of the Hunter Valley contains no Aboriginal cultural landscape or any intangible values. It's simply not assessed or looked at.

On visual impact, this was carried out by Mr Michael Wright, a registered landscape architect for over 20 years. In his report, he concludes that open cut mining is the largest impact of any land use in a rural setting. By contrast, thoroughbred breeding studs have the highest standards of landscape visual amenity and presentation that
5 relates directly to their reputation and their image. Specifically, the expert concludes, open cut mining in close proximity to thoroughbred breeding areas is, evidently, one of the most incompatible neighbouring land uses for these studs. The presence of such intrusive and damaging land use adjacent to and in the vicinity of a thoroughbred breeding stud is contrary to recognised best practices that have been
10 established over the last two centuries.

This is also the case for the towns of the Hunter Valley region that rely heavily on the tourism industry. He further opines, there's no recognition in the environmental assessment of the importance of the Hunter Valley landscape to the towns of
15 Muswellbrook and Aberdeen and the surrounding locality in terms of city quality, visual amenity, the identity of the region. That same assessment doesn't consider the proximity of the modification to the towns of Muswellbrook and Aberdeen, or the surrounding high value agricultural industries including thoroughbred studs. There's a lack of a buffer between the mine, and the town, and the studs. There are sensitive
20 receptors within the town to the agricultural areas which include equine and viticultural districts as well as locals and tourists requiring a level of consideration which hasn't been afforded them and an analysis of the potential impacts.

He further concludes that an understanding has not been developed of the full range of receivers located within the area, nor their sensitivity to this intrusive land use, particularly the range of impacts in Muswellbrook, Aberdeen and the surrounding
25 locality. As recognised by PACs, the studs would require the highest level of landscape visual quality and presentation, as well as a clean physical visual environment. The direct, indirect and dynamic visual impacts that the modification
30 would have on these receivers has simply not been considered. As a consequence, there has been no mitigation measure proposed, other than to contour the final landform and undertake rehab on the batters of the waste and placement.

Given the degree of visual exposure to towns, roads and rural properties and their close proximity to this mine, this sort of mitigation is insufficient to satisfy the to
35 mitigate visual impacts. Mr Wright also concludes that visual impact – the visual impact assessment 2017 is incomplete and deficient in information acquired for an acceptable visual impact assessment because the final landform lacks detail, the stages of rehab lacks detail, the new locations for waste is more exposed. The
40 visual assessment relies on a 20 year old assessment and the extensive visual catchment is not acknowledged or assessed. The viewpoints are not representative of the affected areas.

Given the location, Commissioners, of this proposed open cut mine, its proximity to the Hunter's thoroughbred breeding industry, main towns and tourist streets and the significant deficiencies of MACH's visual impact analysis, the Association respectfully disagrees with the Department's conclusion and submits to the
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Commission that you should place no reliance upon the Department's assessment. All of these experts, Commissioners, will be made available to you should you require more information from them. Thank you for your time.

5 MR COUTTS: Thanks, Andrew. Steve Fordham.

MR S. FORDHAM: Good morning. Before I start, I want to acknowledge the traditional lands we stand on today of the Wonnarua and the Kamilaroi People and pay my respects to elders past, present and future. I thank the Commission for giving me the time to speak and everyone who spoke today with a diverse range of
10 opinions, which is fantastic. So a little bit about myself. I'm the owner of Blackrock Industries. I started my business in 2016 with a bit of hope, faith, \$20,000 and a tipper, and I kicked my first operation – first project off with MACH Energy Mount Pleasant. Not only am I the first person that was inducted to the mine site, in the
15 whole process of engaging with Blackrock, they've been very diverse to provide opportunities for Indigenous people to succeed and go to the best of our abilities.

So Blackrock Industries, we met with the ACF Committee, which is a program which MACH Energy actually put a lot of funding into programs for Aboriginal
20 community development, everything from the prison system to provide education and to give that next step. So one thing that really touches base with us, we got a phone call one day off MACH and they said, look, we've sponsored this program. There's a great candidate that's come out of it. He's a guy that's come from the prison. We'd love to see there's an opportunity for him to progress, and is there any
25 way you'd like to give him an interview and a bit of a shot. So we employed this young fellow and we gave him a shot.

He sort of came through to our books, and it was about six weeks later, I was driving down the main street, I pulled up beside him. I seen him, he was walking up there
30 with his blue jeans on, his orange work shirt, had his gloves hanging off the side. I pulled up and had a bit of a discussion with him. I said so how's everything going? You enjoying the job? He said, yeah, no, look, I'm loving it. It's fantastic. It's given me – I'm enjoying it. It's good. I said why are you wearing your orange work shirt on a Sunday? He said to me – he said when I wear this work shirt, he said I'm
35 he said I've got a purpose in live. He said I'm not just a black man walking down the street. He said I – when I go into a shop, I don't have people following me around. He said I've got something that gives me the benefit to improve myself.

After that, with the support of MACH Energy, we've now been able to pull 17
40 inmates out of St Heliers Correctional Facility and provide opportunities for sustainability and increasement in development into our community and operation. I've been in this area the majority of my life, and we talked about earlier about the issue that 3000 more people live in this community now, and that's going to affect operations and things. 3000 more people live in this town because there is
45 opportunity, there's jobs, there's sustainability in the way in which we move this community.

We're heavily reliant on the mining industry, and it is an industry that provides all those necessary steps for – not only for education, not only for opportunities. We've got more apprentices in the area. We've got more trades qualified people because these opportunities are here. MACH Energy out of – one thing I've noticed today,
5 everyone is sort of trying to tar MACH with the same brush and say the mining industry is terrible, so let's throw it onto everyone, but not all pits are the same. There's opportunity here. They're taking their way to advance their mine into a new level. They're putting more social economics within the community to provide jobs, sustainability, and everything that makes this town great.

10 Some of the big key factors I'd like to point out to that, at the moment on the project, 80 per cent of the people live locally. 20 per cent of the people live just out of the footprint. 22 per cent of the project in the mine at the moment are female employees, and that's massive. In any industry, it's very hard to get that diverse to give
15 opportunity for all genders, all races and all colours. 42 per cent of the management on-site are female positioned. That's massive. That's great. And one of the big things at the moment the project is trying to grow is a 10 per cent Indigenous employment rate, and I think they're going to smash it. I think that's one thing that's gone around the industry for a long time, people trying to progress that number,
20 provide opportunities for Indigenous people.

These guys are doing it. They're going above and beyond. I think the main necessity that we've got to take out of today, we talked about horses, we talked about all the disadvantages. The one thing we've got to focus on is the people. Do you
25 boys want to stand up? These are two guys that have an opportunity. They've actually progressed out of our inmate program. They've had a shot in life and a second chance to do something so much more and not only provide for themselves but provide for their families. Not only do they educate themselves, not only do they take themselves to a next level in life, it's because they've got this opportunity.

30 Not every company, not every industry is going to be able to give that change. This pit is. And I say MACH Energy. It's not mining, it's MACH Energy. These guys have given everyone the full ability to be able to do what they can do and to go much further. So I know you guys have got an amazing task ahead of you guys. As I said,
35 there's so many comments that you've got to take here today, but you've also got to remember this is jobs. We learned what happened with Drayton. We learned what happened with the jobs that lost. I've been in this area since I was in preschool. How many kids that I went to school with that had to leave the area because the jobs aren't there.

40 We talk about getting rid of mining and going to rural. There's no job sustainability in rural end any more. The new technology of basic tractors – my grandfather started out in a dairy. There was 30 people working there. Now, robotic dairies, there's two people working there. The suicide rate in rural areas is massive because they haven't
45 got the chance to progress. This is what this mine does. Muswellbrook is mining, and everyone can say there's rural, there's everything. Before it was our land. Then it went to rural. Now it is mining. They say that Australia was found on a sheep's

back. Now it's found in the back of the haul truck, in the back of a train truck, on shop going overseas, because this is what we are. This is what keeps the lights on. It keeps the power and keeps us moving. So I know I've been going a bit, but yeah, as I said, it's a big chance for you guys to make a great opportunity to try and progress
5 this down and give opportunities, so thank you.

MR COUTTS: Thanks, Steve. Thanks, guys. All right, ladies and gentlemen. That's the end of our meeting today, so I do appreciate everyone coming along, and particularly those that have made presentations. The presentations have been very
10 high quality, so thank you for your attendance.

MATTER ADJOURNED at 12.50 pm ACCORDINGLY