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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: UNITED WAMBO OPEN CUT COAL MINE PROJECT

PANEL:

**TONY PEARSON
ROBYN KRUK
DR PETER WILLIAMS**

ASSISTING PANEL:

**DAVID KOPPERS
ALANA JELFS**

LOCATION:

**SINGLETON CIVIC CENTRE
12 QUEEN STREET
SINGLETON, NEW SOUTH WALES**

DATE:

10.03 AM, THURSDAY, 7 FEBRUARY 2019

MR T. PEARSON: Good morning. We might make a start but before we do I just need to run through some basic safety instructions and I have a sheet here I need to read. In case of an emergency, for example, a fire, please evacuate the building via the marked exit doors on the side and at the rear. An instruction to evacuate to a
5 marked area should be followed without delay to assist counsel in ensuring the health and safety of all staff and visitors. The muster areas are on the grassed areas each side of the auditorium. So good morning and welcome. Before we begin I would like to acknowledge the traditional owners of the land on which we meet.

10 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 development application and associated modifications from United Collieries Pty Ltd, the applicant, who is seeking to expand open cut mining operations at the existing Wambo Coal Mine at United Colliery to allow for the extraction of an
15 additional 150 million tons of run of mine coal over a project life of 23 years. My name is Tony Pearson. I am the chair of this Independent Planning Commission panel which has been appointed to determine this development application. Joining me are my fellow commissioners: Robyn Kruk and Dr Peter Williams and Alana Jelfs and David Koppers and Troy Deighton down in the front row here from the
20 Commission Secretariat.

Before I continue I should state that all 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 the determination of this
25 development application. Those present would be aware that on 12 December the Commission postponed the public meeting as a result of a commissioner identifying a perceived conflict of interest and withdrawing from the panel. On 18 December 2018, Robyn Kruk was appointed to the panel and the Commission wishes to acknowledge the inconvenience that the postponement of this public meeting caused.
30 You can find additional information on the way we manage potential conflicts on our website.

In the interests of openness and transparency today's meeting is being recorded and a full transcript will be produced and put up on the Commission's website. The
35 meeting purpose today – this public meeting gives us the opportunity to hear your views on the development application. I would like to give you a little bit of background on the Independent Planning Commission as well. The IPC or the Commission was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment. Importantly and relevantly, the Commission is not involved in the
40 department's assessment of this project, the preparation of its report, or any findings contained within the department's report.

45 So where are we in the process. Today's public meeting is one part of the decision-making process. We have also met with the department, the applicant, and representatives from the Environmental Defenders Office on behalf of the Hunter

Environment Lobby. Each of these meetings were recorded and a full transcript is available on the Commission's website. 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
5 will be published to our website. So what are our next steps and what are today's ground rules. Following today's public meeting we will endeavour to determine the development application as soon as possible.

10 However, I would note there may be delays if we need to – if we find a need for additional information. Before we hear from our first registered speaker I would like to lay some ground rules that we expect everyone taking part in today's meeting to follow. First and foremost today's meeting is not a debate. Our panel will not take questions from the floor and no interjections will be allowed. Our aim is to provide maximum opportunity for people to speak and be heard by the panel. Public
15 speaking can be an ordeal for some people. Though you may not agree with everything you hear today, each speaker has the right to be treated with respect and heard in silence. Today's focus is on public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification.

20 It would be most beneficial if your presentation is focused on issues of concern to you. It is important that everyone registered to speak receives a fair share of time and I will be enforcing timekeeping rules. You may see from the agenda that we have a number of speakers. We do expect to be running this meeting well into the afternoon. As chair I reserve the right to allow additional time, however. A warning
25 bell will sound one minute before the speaker's allotted time is up and again when it runs out. Please I do ask that you respect these time limits. If there are issues that you are unable address in the allocated time we would encourage you to provide a written submission to the Commission and these can be done within seven days of the date of this public meeting.

30 If you would like to project something on to the screen please if you could give it to Alana or David from the Commission's Secretariat. There is a little bit of work that needs to be done to put it up so if you could do so well in advance of your presentation that would be much appreciated. If you also have a copy of your
35 presentation we would appreciate if you could provide a copy to the Secretariat after you speak. Please note that any information you give to us may be made public and the Commission's privacy statement in this regard which governs our approach to your information is on our website.

40 Notes that we make throughout the day on issues raised will be summarised in our determination report. Finally, I would like to ask that everyone present please check their mobile phones and if they're on please turn them to silent or turn them off. I would like to now call our first speaker, Mr Gary Wills from the applicant who has asked for 15 minutes.

45 MR G. WILLS: Good morning, commissioners, ladies and gentlemen. Thank you for the opportunity to speak on behalf of the project today. Before I commence my

presentation I would like to recognise the sad passing of Mr Ron Fenwick. Ron has been a near neighbour of Wambo for many years and I got to know Ron during our consultation program. Our thoughts and feelings go to Ron's family. I would like to start with a brief summary of the project application.

5

MR: can't hear

MR WILLS: Okay. Would you like me to start again, Tony?

10 MR PEARSON: Perhaps yes. Perhaps for the benefit of those that couldn't hear we could start again. Yes.

MR WILLS: I would like to start with a brief summary of the project application. This project consists of two separate open cut areas: a new development in the
15 United open cut – in the United lease area and a depth extension in the approved – existing approved Wambo open cut. Waste from the United open cut or the United box cut will be placed on the existing – over the old overburden dumps at Wambo. We look to utilise the spare capacity in the existing facilities already located at Wambo. That includes the train load out, the coal processing prep plant and we also
20 look to expand the capacity by increasing workshop space and administration areas at the Wambo Mining industrial area.

As part of this project, particularly for United, we look to relocate the high voltage power lines and a two kilometre section of the Golden Highway. This will be done
25 with minimal disruptions during the construction phase. Importantly, bringing these two sides together allows the joint venture to maximise resource recovery by removing constraints associated with lease boundaries that have been present for many years. As you can see, this project area is in – this development is a brownfields development. A large portion of this site has been affected by mining
30 since 1969. Why should this project be approved. This is a brownfields extension providing significant benefits for minimal disturbance.

We recover an additional 150 million tons of run of mine coal which both – which serves both the thermal and the semi coking coal markets. We generate \$820 million
35 in government royalties and, significantly, we increase economic activity in both the region and the State to the tune of \$2.1 billion in regional development and \$3 billion in gross State product. We are doubling the workforce with this project, providing a boost to jobs in this region. We continue the jobs for the 250 existing workers here at Wambo and we create another 250 jobs. In addition to that we add another 120
40 construction jobs during the start-up phase.

Our consultation program has played a very important role in the way we have shaped this operation. We have made changes along the way through listening to feedback from various stakeholders. Our consultation program has been ongoing for
45 over four years and we have consulted with over 700 different stakeholders. Some of those people are in this room today. We have minimised our disturbance footprint, as I said before, by utilising the existing facilities that Wambo have and that has

meant that we haven't had to duplicate those resources in a different area. By combining these two sites we can implement a single contiguous, undulating final land form more in keeping with the natural topography. There will be no flat top type dumps associated with this project.

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Significant economic benefits are delivered by this project whilst limiting the number of final voids to the same number as already approved. If this project does not proceed, two final voids will remain in the landscape. The same applies if this project is approved. And, finally, the Department of Planning has undergone a rigorous environmental assessment for this project and they have recommended this project be approved. As I said before, we have made changes along the way through our consultation process and one of those key changes is the fact we've been able to reduce our disturbance footprint.

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That includes a total of 41 hectares in reduction but, more importantly, we're reducing our disturbance of the critically endangered Hunter Valley eucalypt forest and woodland by 23 hectares. That's nearly 10 per cent of our original disturbance estimate. We've continued to expand the biodiversity offset package for this project as we've gone along in time and I'm pleased to say that we've identified another property in recent weeks. We've had the South Wambo offset added to our portfolio. This provides 264 hectares in total but, more importantly, provides 194 hectares of the critically endangered ecological community.

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And our survey report was received yesterday and I'm pleased to say that's another two and a half thousand credits for that particular plank community type and I will discuss that in more detail later on. Our final land form design has been refined to provide greater detail in our micro-relief which incorporates drainage lines that are more in keeping with the natural topography. We've undertaken a lot of detailed work to assess the economic and environmental cost of filling in the final voids and I will too discuss that later in this presentation.

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And we've made additional commitments in response to the recommendations made by the IPC and these have been incorporated into the planning draft conditions. Turning to our biodiversity offset strategy, as I said earlier, this is a Brownfields expansion generating significant economic benefit for minimal disturbance. As you can see from the image in the top right-hand corner, our disturbance area is this brown area here. That area is made up of three – 673 hectares. 146 hectares of that area has already been disturbed by mining at United. That includes tailings dams, box cuts for the underground portal, buildings, etcetera. That leaves us with 530 hectares of undisturbed area which is 17 per cent of our total project area, which in this case is 3000 hectares.

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We propose to offset our disturbance in three seven-year stages. That means that we cannot proceed from one stage to the next until we have our offsets in place for that next stage, and that's a very important consideration, and I'm pleased to say that we have all of our offsets in place today for stage 1. Our stage 1 offset package consists of five land based offsets, mine rehabilitation, and a minor contribution to the

biodiversity offset fund. Our total offsets amount to just under 2400 hectares. Importantly, that includes 1136 hectares of the Central Hunter Valley eucalypt forest and woodland, and that's offset of a ratio of 4.6 to one just for stage 1.

5 Further to that, our total disturbance during phase 1 is equal to 420 hectares and our total offsets have a ratio of five and a half to one. As I said earlier, our new South Wambo property has been acquired and those offsets were used to offset the CEC for stage 2 and that amounts to 97 per cent of our stage 2 requirements, which is a
10 fantastic result. Looking at the location of our offset sites, we have two sites in the Greater Eastern Ranges Corridor, which is the Highfields and the mangrove sites. Closer to the project area we have four offset sites, which are in this top right-hand corner. We have our Jerrys Plains offset site, we have our Wambo offset site, we have our Brozy offset site, and our newly acquired Wambo South offset site.

15 This is a significant achievement in being able to identify and secure these offset sites. These sites contribute a large amount of the critically endangered ecological community and they have also connection directly to the Wollemi National Park, and that's a significant feature. Looking at the final voids, and as I said earlier, there are
20 two final voids already approved at Wambo. The project is managed to maintain this number whilst generating significant economic benefit. The voids are of a similar size, but in a different location. The voids are designed to act as saline groundwater sinks in a biodiversity offset area. We have undertaken a large body of work looking at both economic and environment cost associated with filling the voids.

25 It will take 150 million cubes of material to fill both voids, and that comes at a cost estimated at \$777 million. This exercise would return just 111 hectares of usable land. That comes at a cost of \$7 million per hectare, or 1400 times the cost of land in our local area. But importantly, by filling these voids, they will no longer act as
30 saline groundwater sinks, and that would mean that the groundwater levels will recharge and ultimately pollute the Wollombi Brook with saline water, increasing that level by up to 12 per cent. This is an unacceptable environmental outcome. Turning to the world energy outlook and how coal fits into this equation. Coal does have a significant role to play in the energy supply mix, alongside renewables, well into the future.

35 According to the international energy agency, under the new policy scenario – which does reflect the pledges made under the Paris Agreement – global energy demands will increase by 25 per cent over the next quarter century. Without improvements in energy efficiency, this number could go as twice as large. Continued demand for
40 coal is strong. The fleet of coal fired power stations in Asia is relatively young at an average age of 15 years. These assets live to around 50 years. And, in addition to that, there is over 81 gigawatts of power being constructed currently in Southeast Asia. Admittedly, coal's share of the energy mix declines in percentage terms. However, in volume terms, it remains the same as it is today. As existing mines
45 retire, Brownfields development, just like this project, are needed to supply coal well into the future.

This project has undergone a rigorous and extensive environmental assessment which started back in 2015, and that's when we received our secretarial environmental assessment requirements. Four years on this project has shown that it has satisfied all relevant policies, standards and guidelines for all aspects of the
5 project. In fact, a number of studies have undergone independent peer review not once, but twice. As you can see, we've met the requirements for all of the different aspects: land and soil, air quality, noise, blasting, biodiversity, water, heritage and economics. This project does have merit and has complied with all the assessment requirements.

10 In closing, I'd like to recap. This is a Brownfields extension providing significant economic benefit for minimal disturbance. It provides 150 million additional tonnes from just 17 per cent additional disturbance on our project area. It doubles the mining workforce, continues the employment for the 250 workers at Wambo, creates
15 250 new jobs, totally 500 during the peak operation. And, on top of that, we create 120 construction jobs in the early years. We've minimised our disturbance footprint as best as possible, particularly by utilising the Wambo infrastructure.

20 We will deliver an improved final landform incorporating an undulating landscape that is sympathetic with the surrounding topography whilst maintaining the number of voids to the same level as already approved. This project is predicted to generate significant economic benefits for the State of New South Wales and, more importantly, for the Hunter Valley region. It produces \$3 billion in gross state
25 product and over \$820 million in government royalties. And, finally, the Department of Planning recommends this project be approved. Thank you.

MR PEARSON: I would like to ask, please, if we could hold the applause. I don't have a microphone, unfortunately. Hopefully we can fix that. I would like to call
30 our next speaker, Jason Linnane, general manager at Singleton Council. Jason, you've requested 10 minutes. Thank you.

MR J. LINNANE: Which microphone? Thank you, Mr Chair, and I appreciate the opportunity, and to you and your fellow commissioners. I would like to
35 acknowledge that this meeting is being held today on the traditional lands of the Wonnarua people. I would also like to pay my respects to elders past and present. Singleton Council has long recognised the importance of mining in this community. Mining has contributed to both the social and economic prosperity of Singleton and remains the single largest employer in the Local Government area. I will start again.
40 Singleton Council has long recognised the importance of mining in this community. Mining has contributed to both the social and economic prosperity of Singleton and remains the single largest employer in the Local Government area.

45 Mining accounts for 25 per cent of local jobs and over 40 per cent of all jobs available in the Local Government area. Mining accounts for nearly 64 per cent of GRP. However, there are known amenity issues. Mining also counts for 35 per cent of available land use, when discounting national parks, offset land, state forests, and the Singleton Local Government area. There is no doubt that mining, including both

its contribution impacts, is significant. The Wambo United project is a significant project for both the applicant and the community. project will leverage existing infrastructure to support its development, it will also result in impacts of greater duration and intensity for a further 20 years. It's on this basis that in late 2017
5 council and the applicants commenced negotiations for a voluntary planning agreement.

At the same time, council resolved to support the mining and energy related councils VPA negotiation position of a cents per tonne with a fall back of one per cent of
10 capital investment value for all VPAs in our local government area. Council also commenced the development of a community and economic development fund. The combination of these two mechanisms will result in security of long-term social, economic and environmental planning to provide a diversified base for the future of our local government area. Council's approach to the fund will be reported to the
15 March 2019 meeting of council. The intend of this fund is to preserve the capital and use investment returns to fund programs that will facilitate the future security, prosperity and wellbeing of our community.

These programs would include undertaking investigations to understand the impact
20 of mining on our community, research and development projects that build resilience and improve liveability of Singleton during and post-mining. Council believes this approach allows the provision of a longer-term view and the use of VPA funds. Council has been open and transparent in both its intent to develop a diversified economy, to buffer our community against the future changes in industry, and the
25 methodology used to establish the basis for this and future VPA amounts. In late October council agreed to enter into a process arbitrated by the Department of Planning to determine the appropriate quantum for the VPA and we are pleased with both the recommendations of the GLN report and the applicant's letter of offer.

30 The details of this were reported and adopted by council at its meeting 17th of December 2018. Final land use has been identified by the community as an issue for which there is significant concern. Council considers it essential that a condition of approval that requires the proponent to work with council on the final land use for the proposal as an appropriate outcome – should the proposal be approved, of course.
35 Council proposed a draft condition which would work to achieve beneficial outcomes. Council considers the development of a final land use strategy ahead of proposed mining is essential in ensuring that the final land use is achievable, planned for and incorporated into the design of the mining operation.

40 Council appreciates that the life of the mine is likely to be on current strategic land use planning timeframes and considers that a review timeframe of every two years would be appropriate to ensure the flexibility needed and allow for adequate consideration of all potential final land use options. I'd like to thank the Independent
45 Planning Commission for the opportunity to present today.

MR PEARSON: Thanks, Jason. I'd like to call Keith Hart from the Nature Conservation Council of New South Wales. Keith, you've asked for 20 minutes.

Mr K. HART: Thank you, Mr Chairman, and thank you, commissioners. The IPC would have a copy of our previous submission from – which was produced before the original hearing in December. Our submission today picks up what we think are the most important issues in that submission and expands on them. NCC maintains our objection to the proposed United Wambo open-cut coal project.

Now, the challenge. I wasn't sure how that was going to project. It's actually from the EIS and shows the degree of land disturbance caused by a number of open-cut coal mines in the Upper Hunter Valley. Of course, those of you who know the geography know there are more to the north and to the west. The point I wanted to make is that the cumulative impacts of these mines on biodiversity means that what is left is becoming rarer and rarer as more coal mines are approved. NCC, I think, and others who were interested in biodiversity were entitled to think – related on the following statement in the EIS:

The biodiversity impacts of the project are being assessed, managed and offset under the framework of the Upper Hunter Strategic Assessment, UHSA. The UHSA is a joint Commonwealth/State Government initiative.

Unfortunately, in spite of numerous references to the UHSA by the proponent and the New South Wales Department of Planning, no such document has appeared in the public domain. I'm not sure how the public is able to assess the impacts of mining of biodiversity without such a document available.

In contrast to this apparent lack of Commonwealth interest in the impact of the United Wambo project on biodiversity matters of national interest, the independent experts scientific committee on coal seam gas and large coal mining development has applied its independent expertise under the EPBC Act water trigger to the United Wambo project, and I will refer to that later, but it's an excellent document which everybody should read if they're interested in what's going on. Their expert report is very critical in some EIS findings and process on water-related matters and it's exactly the sort of thing the public needed to make sense of some of the claims and distortions in the EIS relating to the biodiversity impacts of the project.

NCC has always opposed the delegation of Commonwealth assessment powers to the State under the EPBC Act and the United Wambo project is an excellent example of why this delegation was a bad idea. And I will talk briefly about three issues of national significance which are of particular importance. The first are the swift parrot. This unique parrot is migratory within Australia nesting in the spring and summer in Tasmania and, incredibly, migrating to mainland Eastern Australia, including the Hunter Valley, in the autumn, where it feeds on flowering eucalypts. The parrot is threatened by habitat loss in Eastern Australia through clearing of food trees for open-cut coal mining and agriculture.

Now, I would like the IPC to note particularly that the swift parrot is listed as endangered in New South Wales, but critically endangered on the Commonwealth listing, which I checked a couple of days ago. NCC would like to point out that there

is an inaccurate listing in table E1 of the New South Wales Department of Planning and Environment's final assessment report – the reference will be in our document, Commissioners – showing the listing of the swift parrot and the Regent Honeyeater as endangered rather than critically endangered. They are shown on the
5 Commonwealth Department of Environment's website.

Now, this lack of care, in our view, in relation to assessing matters of national environmental significance is an excellent illustration of the reasons why NCC continues to oppose any delegation of environmental assessments under the EPBC
10 Act to State Governments. The Regent Honeyeater are beautifully marked, as you can see, black and – black, white and yellow honeyeater, which has become a flagship for threatened woodland birds whose conservation will benefit a large suite of other threatened and declining woodland fauna. It's critically endangered in both New South Wales and on the Commonwealth list.

15 Our point in relation to these two birds is that offsets are not appropriate to compensate for the removal of more habitat for species which are critically endangered. There is nowhere else for them to go. Any potentially suitable foraging habitat for either of these birds is precious and should not be cut down. I will leave
20 you with the Regent Honeyeater while I talk about the Central Hunter Valley Eucalypt Forest and Woodland critically endangered ecological community. We're particularly concerned that the project proposes to clear 246.8 hectares of this CEC listed as critically endangered under the EPBC Act with inadequate offsets proposed to ameliorate the impacts of that clearing.

25 Clearing of a CEC should never be permitted by the use of offsets. We would like to refer you to what was the New South Wales Biodiversity Offsets Policy for Major Projects at the time of the release of the EIS, August 2016. It said the following:

30 *The Policy does not allow variation in rules to be applied to critically endangered species and communities or threatened species and ecological communities that are considered nationally significant.*

That is, listed under the Commonwealth EPBC Act.

35 *These must be offset in a like-for-like manner.*

NCC has actually produced a paper on the issue of offsets, and has recommended as policy that the New South Wales Biodiversity Offset Scheme must be rewritten in
40 line with best practice – we're talking world best practice – to require strict like-for-like offsetting, rule out destruction of high conservation value habitats, and exclude supplementary measures such as mine rehabilitation, discounting, and payments in lieu of offsets.

45 The New South Wales Department of Planning has broken most of these rules in relation to the United Wambo project by approving the destruction of an EPBC Act listed high conservation value ecological community, and offsetting 44.5 per cent of

the area to be destroyed with mine rehabilitation. NCC would like to ask the IPC how the Department of Planning can be allowed to get away with such a variation of the 2016 Biodiversity Offsets Policy. We believe this element alone should be grounds for refusal of the United Wambo project.

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I'd like to talk about mine voids and ecologically sustainable development. The NCC has serious concerns with allowing final voids to be approved as part of the final post-mining landscape. Mine voids can have significant long-term impacts on water, due to elevated water acidity, higher salinity, and the possibility of metals accumulation. They fetter the financial options of future generations for centuries. There are also concerns in relation to the cumulative impacts of final voids in the Upper Hunter landscape.

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Scientific uncertainty about the environmental impacts of the two proposed mine voids is introduced by the independent expert IESC report, which I mentioned previously, which certainly has more scientific credibility than the voluminous advocacy of the proponent's EIS and the unquestioning support of the project from the New South Wales Department of Planning. The independent IESC notes that there is a potential for one of the two proposed voids, Wambo Void Lake, to become a source of contamination to surface water and groundwater systems; these are referenced in the document, Commissioners. And a geochemical assessment was not included in the assessment documentation, which limits the ability to evaluate potential water quality impacts. There are more criticisms, but I'm not going to go through the list.

25

NCC is particularly concerned about the final void water balance model, which models water level and salinity over a 500-year timeframe – 500 years – but makes no mention of pH levels, and particularly the concentrations of potentially toxic metals building up in the pit lake. Appendix 11 also documents historical water quality monitoring for metals from previous mining by the proponent, downstream, such as the potentially toxic metals arsenic, cadmium, lead and mercury. The proponent has suggested one of these uses of the pit lakes to be aquaculture.

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I wonder if they had ever heard of Minamata disease, which was a Japanese major problem with poisoning from mercury accumulation from people eating seafood. It would be completely logical for the proponent to model metal levels in the pit lakes, which are intended to be left for generations of Australians to manage over hundreds of years. I do not understand why metals – well, I do understand why metals are not mentioned; but they should be, and the fact that they're not is a serious deficiency.

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So, in spite of claims by the New South Wales Department of Planning – excuse me – and the proponents that the United Wambo project is consistent with the principles of ESD, in fact it meets none of them in relation to the issue of mine voids. My legal training is about to come out. I've based this on the interpretation of the New South Wales Land and Environment Court. The interpretation of environmental legislation is not the job of the New South Wales Department of Planning, but it is the job of the

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judges of the New South Wales Land and Environment Court, and there are two key cases, which I've given you a reference in the document.

5 Okay. So I'll go through the four points, brief – quickly. The precautionary principle: where there are threats of serious or irreversible environmental damage – and the IESC has already referred to that in relation to the Wambo Void Lake – lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation. Where the conditions of the precautionary principle are met, which they are in this case, it is up to the proponent to prove that 10 the serious or irreversible damage will not occur. This is the same proponent that has not even modelled the metal levels in the pit lake.

15 Sorry. Intergenerational equity: the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. Leaving mine voids to accumulate potentially toxic water for future generations to manage over hundreds of years is contrary to the principle of intergenerational equity.

20 Conservation of biological diversity and ecological integrity: it's pretty obvious that what I've already talked about in relation to the proposed destruction of the Central Hunter Valley Eucalypt Forest and Woodland CEC is contrary to this principle. And the fourth, improved valuation, pricing and incentive mechanisms includes the polluter pays principle. The polluter pays principle should mean that those who create potentially toxic mine void lakes will leave a large pile of money in trust to 25 pay for managing those for hundreds of years.

That's what the principle means. Users of goods and services, including the use of natural resources, should pay prices based on the ultimate disposal of any waste. Open-cut coal miners, as we've already heard, complain it is unprofitable to fill in coal mine voids, in spite of being required to do so, interestingly, as the cost of doing 30 business in the USA. New South Wales Government "regulators" refuse to enforce the filling in of mine voids, allowing foreign mining corporations to walk away with their enhanced profits, while the New South Wales community bears the cost of containment, avoidance or abatement of waste into the future for hundreds of years. 35 This is contrary to the fourth principle of ESD.

Finally, I'll talk briefly – very briefly; you could write a book on this – on thermal coal and climate change. And I'll just leave that for the moment, for those who can read graphs – I believe some people can't. But I'll talk to that in a little while. 40 Climate scientists have advised that to have at least a 50 per cent chance of keeping global warming below two degrees C through the 21st Century, a third of all oil reserves, half of gas reserves, and over 80 per cent of current global coal reserves should remain unused. Coal is the largest single source of emissions globally, at 44 per cent; and Australia, as you know, is currently the world's largest exporter of 45 coal.

In our view, Commissioners have a legal obligation to take the public interest into account when evaluating a development application under the Environmental Planning and Assessment Act. There is a significant body of law, from both the New South Wales Land and Environment Court and the New South Wales Court of Appeal, which indicates that the public interest includes the consideration of the principles of ESD which I've mentioned previously. Climate change is the definitive example of the ESD principle of intergenerational equity.

International decision-makers, particularly those in Pacific nations who are battling increasing intensity of storms and sea level rise, are highlighting Australia's apparent lack of concern about the impacts of our activities on climate change, while they are already starting to feel its adverse effects. This will be a continued trend which, we believe, will reflect in international relations in the not too distant future, as far as Australia is concerned.

The raw figures illustrate the point that other people are perfectly capable of doing. Australia has 0.3 per cent of the world population, but generates 1.3 per cent of the planet's emissions; and that doesn't include the emissions from the burning of exported coal overseas, which of course is all of the proposed coal from the United Wambo project.

Now, the graph up there relates to – the line at zero is the 30-year mean from 1961 to 1990, which was the period where the weather was at its most equable, if you like – relatively stable weather conditions. If you have a look at the blue, which is variations to the negative, and the red, variations to the positive, it's pretty obvious for anybody who can read a graph that the climate is warming, dramatically. But wait; there's more.

The impacts of climate change in Australia have been dramatically illustrated by recent weather phenomena, which climate experts say are highly likely to be associated with climate change. January 2019 was the hottest month on record in Australia; and in New South Wales, the figure for the state was two degrees hotter than the average of the state for the previous warmest month. Two degrees. Climate experts say that is just not only unprecedented but unbelievable.

In February 2019, as you would know, Townsville, Queensland, has experienced the heaviest rainfall for a seven-day period on record, exceeding the previous seven-day figure by almost 20 per cent. Scientists say that forests in Tasmania are burning which have not experienced bushfires for the last 1000 years.

My last slide, which was highly topical on 12 December, when we were originally going to talk about this, was the school kids who "wagged school" for a day to protest climate change and the damage their parents' generation and their grandparents' generation have been doing to the planet. They were serious. Some of those posters were very impressive, and so were the kids who spoke. These people will be voters in a very few number of years, and they're not happy.

So, in summary, the approval of the United Wambo project is not in keeping with Australia doing our fair share to meet the Paris Agreement; nor with the New South Wales Government's stated commitment to net zero emissions by 2050, which will require a phasing out of all coal. We've reached the stage, in my view, where the
5 burning of thermal coal has lost or is losing its social licence. This is a historical trend that happens with other industries, if you like. In the 18th century, it was slavery – in the 19th century; sorry. In the 20th century, we had the industries of asbestos – sorry – and tobacco. In the 21st century, it's going to be the burning of coal for power generation. IPC can either approve the United Wambo project and be
10 part of the climate change problem, or refuse it and be part of the solution to climate change. Thank you very much.

MR PEARSON: Sorry. Could I just remind everyone again to hold up on the applause. Thank you very much, Keith. Very much appreciated, thank you. I'd like
15 to call the next speaker, Kevin Taggart, who has asked for 10 minutes.

MR K. TAGGART: I thank you for giving me the time to speak, and - - -

MR PEARSON: Keven, could I just ask if you bring yourself closer to the
20 microphone. If you bring yourself closer to your microphone, so everyone can hear you at the back.

MR TAGGART: All right.

25 MR PEARSON: Thank you. Thanks very much.

MR TAGGART: And I'm a Wonnarua elder of these parts, and I would just like to say when is enough enough. It's like environmental terrorism. They blow things apart and walk away and leave it, and to me, to see that happen to this country is just
30 unbelievable. And our rivers there and that, it's just too much. It's just – how far is this going to go? Like, far as jobs and that, everyone wants a job, and I hope every person in Australia that's capable of working has got a job. But do we have to destroy the country – totally destroy it? And that's what's happening. Just destroy it and walk away and leave it, and they're going to do this, they're going to do that.
35 Nothing happens. Well, they do a bit, but for me and that, it's just too much. It's just – why is it allowed to happen?

Like, the government – it just seems like to me – and I'm pretty sure of that. It's just a big corruption right through the government. The mine – mines control – they
40 control everything: money, greed, and our country just got to bear that – just bear the greed. And I just can't understand why it's just let happen through the government and that. Everyone knows here and the Singleton area, Muswellbrook area and that, it's just a filthy rotten place. That's what it is, what the mine and that's doing to the country. It's just filth what's going on, and it just keeps – and true
45 corruption – and there's no doubt about that. It's a hard word to say or anything and that there, but that's what it is: corruption right through the system. And that corruption right through the whole system.

That corruption it takes a bit of getting out of it, and you will never get it out of it. But us people – there's people here against the mine, and I do really think we're either terrible dedicated or we're raving mad. I don't know which it is, might be both, but how can we – we haven't got a chance in the world what's going on, the
5 corruption and that that's going on. We have not got a chance in the world, but there's one thing I just want to – there's one thing there; we're not going to give up. And, see, the native title is involved and the Taggarts are in the native title, but we don't get informed of nothing. We don't get told anything.

10 All we get told at times are rotten lies, and here today I'm talking on part of the Taggarts' behalf in the – they can say what they want to do and that there, but that's our opinion we do not want this to go ahead through the native title. We've had enough of the bullshit, and what they've told the Federal Court – the affidavits there they put into the Federal Court is just straight out lies. There's 30 – over all the
15 documents and there's 30 – I pick 30 or more just straight-out lies they put into the Federal Court, and us Taggarts, we don't want anything to do – we're trying to get out of the native title. Everyone would want to be in the native title and to see things are done right. The way this is run, the native title, Plains Clan and that, well, it's corrupt too, and certain people go around and say they've – say anything about the
20 native title, “No, we're going to get sued,” and all this.

Well, if they want to sue me, they can sue me, because I'll be only telling the truth and – and how native title ever got into that stage, I don't know. It's just like everything else. They just sign for things, and she's all right. Don't think about the
25 country. Don't think about anything else. And that's all I'm here for: our country. And, as I say there, with people with work – I'm not trying to stop work But – and whether council is going to go to a stage if something falls in the coal and that, how is Singleton Council going to get on? They come over and tell you all this crap and that. How is the Singleton Council going to get on? What are they going to do
30 then? Well, what are we going to do then? There'll be no farms to go on. We'll have no – the water will be bugged. Everything will be – so what are we going to go back to? Nothing.

There'll be nothing left. Well with everything, because it just goes on.
35 Everything's ignored. Ignored, because of greed. Dirty, filthy greed. A couple of times I've been offered money to shut up. And I'm not going to shut up, I'll tell you. And this just keeps going on. I don't want their – I don't want no dirty money to – and any Aboriginal person that don't want to protect their land, protect their country, well, the Aboriginality has certainly gone out of them. Certainly gone out of them.
40 And I say if – and we will cut things short and that. I just say for you lovely people: just say no to it. To hell. Thank you.

MR PEARSON: Thank you. Thank you, Kevin. I appreciate those words. If I
45 could call our next speaker, Georgina Woods, from Lock the Gate Alliance. Georgina, you've asked for 15 minutes.

MS G. WOODS: Hello. Thanks to the Commission for the opportunity to speak. I probably don't need 15 minutes, which I'm sure you'll be very glad about. I also want to pay my respects to the Wonnarua people whose country we're meeting on today and to elders past and present, and Uncle Kevin in particular, and to all First Nations people here at the meeting today. Lock the Gate objects to this proposal and I suppose today I just want to raise a number of things that remain unresolved after the Commission's review of this project last year.

10 The first thing I wanted to talk about is the air quality impact of this project. It's – using – looking at – now that we've been delayed through until February, we had the opportunity to look at the data from last year, and annual air quality average data from several Upper Hunter air quality monitoring stations in close proximity to this project or in proximity to this project actually last year exceeded the annual PM10 national standard. I think there was about six of them that are, you know, in the vicinity of this mine that last year recorded annual average PM10 levels below the national standard.

20 In Jerrys Plains last year, there were 11 days over the 24 hour standard and many more than that in places like Campbell Well and Mount Thorley and Warkworth, and one of the things that strikes us about the assessment of this project is that the air quality assessment is conducted against the baseline year 2014, and if you have a look at the last six years of data, which is as long as the air quality monitoring network has been functioning in the Upper Hunter, all of the last three years in many locations have had worse average air quality than 2014.

25 Certainly last year had much worse air quality than 2014 and it's our contention, really, that the proponent is measuring the impact of this mine on air quality in the Hunter region against a base year that is not the same as the current environment that people are experience. And so I don't think that I can rely on the assessment report or the proponent's material and the conclusions they draw about which properties or towns or schools are going to be subjected to air quality worse than the national standard, given that it's measuring air quality increases caused by this project from a year that had lower average air quality – pollution from particulate pollution than the last three that we've experienced. Now, there's no question in the Hunter that the current dry conditions – not just here, but all over the state – have exacerbated poor air quality and contributed to last year's very bad air quality in the Hunter.

40 But opening and cutting more land and leaving more exposed land is going to significantly contribute to that load and to the health burden being experienced by people in Singleton Shire. So we would urge the panel to have a look at the most recent – the three most recent years of annual average air quality data and ask the proponent to assess the impact of this project against that rather than the 2014 base year. I also wanted to make some remarks about the biodiversity impact of this mine. The speaker from the Nature Conservation Council has already made, you know, quite extensive remarks about this, but, to be honest, it makes me really mad to continue reading Department of Planning assessment reports that have

inaccuracies that speak to a contempt for the impacts that these projects have on the environment in the Hunter.

5 The speaker from NCC already mentioned the mischaracterisation in the assessment
report of the Regent Honeyeater as an endangered species rather than a critically
endangered species. But, more seriously, it also fundamentally misrepresents the
conservation advice for that species. The assessment report says that the offset
strategy is acceptable and in accordance with the conservation advice, but it doesn't
– and it claims that the conservation advice for the Regent Honeyeater identifies the
10 main threat to the species as disease, which is absolutely untrue. The main threat to
the Regent Honeyeater has been and remains clearing of its habitat. Now, maybe the
IPC will decide that this mine is more important than the continued existence of the
Regent Honeyeater, but it's absolutely unacceptable for the Department of Planning
to not be frank about that, and it speaks to a lack of care and consideration from the
15 New South Wales Government about these statutory matters.

In fact, the recovery plan for the Regent Honeyeater lists clearing existing habitat as
among the primary threats to that species and makes the point that current
government policy frameworks in relation to development assessment and offsetting
20 of impacts don't adequately address the key threats of habitat loss, degradation and
fragmentation for this species. So the IPC is having to look at this project in the
context of a government policy that is fundamentally not capable of addressing the
key threat to the Regent Honeyeater. I would also just like to mention the cumulative
impact of this project on Central Hunter Valley eucalypt forests and woodland,
25 which is also listed as critically endangered nationally.

In 2006, it was estimated there was 37,000 hectares of that community left in
existence, and we estimate that, since that time, probably about 8.4 per cent of that
area has been approved for clearing by coal mines in the Hunter Valley. So when
30 you add the clearing for this mine, we're getting up to about 9.1 per cent of the
remaining extent of that community approved for clearing or recommended for
clearing within a 10-year period. We agree with the speaker from the Nature
Conservation Council that use of mine rehabilitation as an offset for a critically
endangered species and communities is not appropriate and, frankly, illogical. The
35 listing advice for Central Hunter Valley eucalypt forests says:

All remaining stand of good condition of that woodland –

of which some is being cleared for this –

40

are critical to its survival.

That is not mentioned in any of the assessment reports prepared by the Department
of Planning about this project, and neither is the listing advice forecast that the
45 community is likely to become extinct within about 45 to 60 years, which is not very
long. We just want the Department of Planning, the IPC, the OEHL and everybody

else to be honest about the impacts that these projects are having rather than cloaking the impact in weasel words that basically mislead the public about the impact.

5 We note that there were several recommendations that the Review Commission made that have not been met in regard to biodiversity. Firstly, that OEH review Glencore's rehabilitation of endangered ecological communities at the Mount Owen mine. Glencore has not published any peer reviewed material about that project and they did not make the data from that project available to OEH to enable them to do the review that the Commission requested. The Commission also requested an update on
10 the current state of discussions with the Commonwealth, because this is – these are Commonwealth-listed entities, and the Commonwealth previously has been very reluctant to allow mine rehabilitation in the future to be used as an offset for crucially endangered entities. There's no information in the assessment report about the Commonwealth's view of that offset package.

15 And, sorry, I missed when the proponent was giving their presentation, so this might have now been dealt with, but the Commission also requested details of the stage 2 and 3 offset package before a decision could be made about it and, you know, we think that's crucially important, because deferring this to later is not going to make
20 more of that bushland available to be used as an offset. I want to also just make some remarks about the cumulative impact on water, and, again, the Department of Planning's failure to give the Commission the information it needs to make a decision about a project like this.

25 The independent expert scientific committee noted that this project is going to cause up to 10 metres draw down in productive alluvium, but the proponent has said that that's not the case, but if you look at the maps in their EIS it's very clear that the 10 metre draw down contour overlaps with the Wollombi Brook and Hunter River alluvium, but the Department of Planning hasn't given the Commission clear
30 information to say how many water supply works are going to be affected by the more than two metre draw down trigger in the aquifer interference policy. They just say that the impacts are acceptable without actually articulating what those impacts are.

35 We note that the Department of Industry Water requested a water plan that includes trigger action response plans for if there is drawdown experienced by bore-holders other than mining companies. Given the experience of landholders in this region with losing water and having to fight for compensatory water to be returned to them as committed, it's absolutely crucial that any trigger response plan like that be based
40 on two years of baseline data. It is virtually impossible afterwards to establish that an impact is due to a mine if there isn't a strong baseline of data against which to measure that impact. Allowing a mine to proceed before that data is collected sets us up for more years of conflict and anguish between landholders and mining companies.

45 I would just make also a few remarks. The proponent in its presentation this morning cited the International Energy Agency's New Policies Scenario as the

context in which this new mining project is sitting in terms of the international coal market. We think it's irresponsible of the proponent to not be clear with everybody here that the International Energy Agency's New Policies Scenario has been understood by analysts to be consistent with catastrophic levels of global warming worldwide. It will breach the two degree warming limit set and agreed to in the Paris Agreement which is Australian Government policy and New South Wales Government policy.

The IEA produces a number of scenarios. The New Policies Scenario is a modelling of future energy markets based on the commitments that countries are already implementing, the promises that they've made for what they're going to do. But the IEA also produces a scenario of global energy markets that would be consistent with meeting Australia's obligations, the world's obligations, to limit global warming below two degrees, in line with the Paris Agreement, and to meet the sustainable development goals of ensuring everybody in the world has access to energy and clean air to breathe. That's called the Sustainable Development Scenario. And that scenario of the IEA anticipates a 55 per cent reduction in global coal consumption in the next two decades, which is a dramatic contraction from our current levels.

I'm not here to say that that is a more likely future than the one presented by the proponent. Chances are Glencore is right and we won't meet the two degree warming goal and we won't follow the sustainable development scenario. I just want from the IPC, the Department of Planning and the proponent frankness about the context in which a project like this sits, because that is the future that all of us are creating when we continue to pretend that this project is not part of causing catastrophic levels of global warming that all of us are going to be having to deal with.

Finally on that subject, Lock the Gate has commissioned research about what would happen to this region if we did follow the sustainable development scenario and coal did contract by 55 per cent globally in the next two decades. And to be frank, yeah, it's a really dire scenario, because this local government area, Singleton particularly, but Muswellbrook as well, have a very large proportion of people in the area currently earning their livelihood in the mining industry. And we think that every single person in that industry is being let down by companies and governments who pretend that we don't have important choices to make about how this region is going to continue to plan for its future beyond coal. We think the IPC has a role, in its assessment of new mining projects, to consider New South Wales Government policy, commitment to the Paris Agreement, in the context of a project like this.

So, in short, I suppose – I don't think it's valuable for us to be subjected to this process of conflict, of standing up and trying to defend the environment and trying to defend jobs. Really, we should be turning our attention to New South Wales Government policy and its failure to provide leadership and context and direction for this region that can ensure everybody has sustainable employment in the long term and we're meeting our global commitments. Thanks.

MS R. KRUK: Thank you.

MR PEARSON: Sorry. Could I just again remain everyone please to hold off on the applause. Georgina, thank you for that, that presentation. Alan – could I call the
5 next speaker, please, Alan Leslie, who’s asked for 10 minutes.

MR A. LESLIE: I have some slides here.

MR PEARSON: Have you given them to the secretariat, Alan?
10

MR LESLIE: Right. Thank you.

MR PEARSON: They’re up? Okay. Great.

15 MR LESLIE: Is it that arrow button there? Is that it? Okay. Thank you.
Commissioners, good morning. Thank you for allowing me to stand up here and deliver my diatribe. My name is Alan Leslie. I live in Bulga, surrounded by open-cut coal mines. Just as a background, I have a background in physics and applied mathematics which has given me, fortunately, the ability to discriminate between
20 scientific fact and illogical stupidity. Right. The verdict is in and the evidence is compelling. As the recent IPCC clearly showed, climate change is an irrefutable scientific fact backed by the evidence of all reputable scientists. It’s not like a religion that you can choose to believe or disbelieve.

25 Anthropogenic climate change is a fact backed by overwhelming evidence. There are no alternative facts. Both the UN Environment report and the IPCC sounded the alarm over the dire climate trajectory we’re on and the huge efforts needed to limit warming to 2 degrees Celsius above pre-industrial levels. In June, research published in Nature pointed to a tripling of the rate of melting of the Antarctic ice
30 sheet over the last five years. New research published in Nature last month has confirmed a similar trend is occurring in the Greenland ice sheet.

Climate change is an existential crisis which our children and grandchildren and future generations will have forced upon them – not just mine, but yours and
35 everyone here. The Lancet Countdown’s 2018 report is the result of 12 months of hard work from over 100 academics from 27 academic institutions and agencies across every continent. It highlights the importance of widespread public understanding of the impacts of climate change on health as well as the urgency for action to be taken, and I quote:

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*Today’s babies by adulthood will live on a planet without an Arctic. Prevalence of heatstroke and extreme weather will have redefined global labour and production beyond recognition. Multiple cities will be uninhabitable and migration patterns will be far beyond those levels already
45 creating pressure worldwide. Although much of the damage already caused to our planet may be irreversible, it’s still within reach to alter the course of the*

next generation's inheritance; using health to humanise the narrative will help realise that goal.

5 It's not enough to claim Australia is such a small player, only emitting about 1 per cent of global emissions, that we cannot make a difference. Scott Morrison and his deputy McCormack both believe that Australia is such a small player, we can safely leave it up to the rest of the world to respond to warnings contained in the IPCC report on the devastating progress of climate change and its likely consequences. Indeed McCormack said, "why should we take notice of some paper or other?" This is the level of intellect that burdens Australian politics, both federally and at state level. Think on this: Australia leads the world in having a colossal fossil fuel export footprint.

15 Despite this, Australia plans to add billions of tons of new fossil fuel production to the mix with expansions to coal mines and new mines constantly being submitted for approval. 80 per cent of Australian coal goes overseas, contributing to climate change globally. The evidence for climate change is overwhelming and cannot be dismissed as just another factor in the assessment of projects such as this one which undoubtedly will contribute to the massive increases in greenhouse gas emissions both here and globally. The 2018 Emissions Gap Report released on November 28 2018 by UN Environment shows that global emissions have hit an historic high and are showing no signs of peaking.

25 Per capita, Australians' emissions are decreasing, alongside many countries in the world – that's what the politicians say – and they like you to hear that. However, despite that apparent comforting fact, the precipitate rise in our population continues to push our overall emissions up. Year-on-year increases are greater than they have ever been. The intense pressure to continue to expand mines and mining activity, particularly in the Hunter Valley, highlights the stupidity and cupidity of the New South Wales Planning Department. Those of us who live near Hunter coal mines know this to our cost and posturing politicians waving bits of coal in Parliament hardly inspire confidence. Coal is not good for humanity.

35 A new study has put paid to the myth that the world's developing nations are keeping the coal-fired generators burning, revealing that emerging economies are not only leading global renewable energy investment and development, but have slashed their new coal plant build by nearly half. The latest Australian Government figures released last month show the country's carbon emissions continue to rise at a rate significantly higher than in recent years. Children all over Australia are marching and protesting at the wanton destruction of their futures and the government's quest for more money and more economic growth, regardless of any human or ecological cost. Such behaviour is obscene selfishness which will lead to some fearsome consequences that can never be undone in the future. The children of Australia know this and they care.

45 Electoral surveys are showing that all over Australia people are saying they want something substantial done to mitigate climate change and they are saying the

destruction of species and the natural environment must be stopped. And when the proverbial hits the fan, people here today will probably be dead, but our grandchildren won't. What price economic growth if the planet we live on becomes unliveable? If the Australian Government and the Planning Department cannot see the economic stupidity of continuing to support thermal coal, those that actually control investment can.

The Global Investor Statement is the single largest intervention from investors on climate change, surpassing even the one issued in Paris. The investor statement includes recommendations for governments on the specific steps investors believe are needed to support a low-carbon transition. We are told by some that the economy of Australia is reliant on coal for jobs, and this is demonstrably untrue. And whilst coal may be one of our biggest exports, it's not ordinary Australian citizens who see the benefit of these export profit dollars, it's the multinational corporations who own 90 per cent of the mines and tax minimisation practices by these companies only exacerbate that fact.

On the other side of the cost-benefit analysis are the uncoded impacts to health and wellbeing of the people who have to live near these projects. The village of Bulga is surrounded by mines, all expanding, courtesy of Department of Planning and various pacts and IPCs. Particulate emissions are rising annually with dust alerts more frequent than they have ever been. We cannot forget the corrupt process that has led to our village being changed forever, and not for the better. You will all know that we challenged the expansion of the Warkworth Coal Mine in the Land and Environment Court, and in a 499-paragraph finding, Preston J found the social impacts far outweighed any benefits. But with the endorsement of New South Wales – thank you “Bottle of Grange” O’Farrell – Rio Tinto was encouraged to appeal in the Supreme Court, but the appeal was overturned.

And not content with due process and an absolute contempt for the rule of law, the same government tweaked the planning process to allow Rio to apply again for exactly the same project. The PAC panel were instructed to ignore all the impacts so clearly identified and spelled out in Preston’s findings and to about turn and be satisfied that the benefits outweighed the impacts. Well, we live with that decision; you don't. If you decide to give this project the green light, no doubt you will go home to comfortable suburbs unaffected by the impacts of coalmining; we don't get that choice, nor will future generations.

With so much land churned and dug for coal and massive heaps of what is politely termed “overburden”, it's obvious there will be more particulate matter released into the air. This is the air we have to breathe, just as we breathe the exhaust fumes of massive diesel dumpsters. It is truly horrific. All our water is collected in a rain tank and must be filtered to be drinkable. This is our drinking water filter after four weeks, a good indicator of the dust that gets into our water tanks from the roofs and the gutters – the same dust we breathe into our lungs every day. If you've ever seen post-mortem dissections of lungs of heavy smokers, that's exactly what they look like.

The financial burden of extra healthcare attributed to PM2.5 and PM10 particulates largely caused by mining and coal power is estimated at \$600 million annually in the Hunter Valley alone. This dollar cost does not include the emotional cost of people seeing their much-loved homes become unsaleable stranded assets, consequently
5 their health deteriorates because nobody cares, including independent commissioners. Such costs are allowed to be externalised and not included in any EIS. However, it is a fact that the dollar costs for healthcare come from the same coffers that receive the royalties. Emotional costs are simply counted as so much collateral damage. We have seen PAC after PAC – now IPC – ignore such costs and
10 simply take the top-line benefits in the EIS documents without question as presented to them by the proponents’ highly paid consultants.

So-called independent commissions have continued to ignore real impacts without questioning the veracity of the so-called “benefits” and certainly ignoring the social
15 impacts and the harm to the environment and health simply to satisfy the ill-founded directives of the New South Wales Planning Department. It’s a fact that political donations and promises to enter the revolving door of future roles in the industry both play their part in politicians and public servants betraying the people they supposedly serve. If coalmining was truly as beneficial to the Hunter as they say,
20 why do we have substandard infrastructure, towns with shops and businesses closed? Where are the streets paved with gold? And after the biggest boom in coal exports ever, the Hunter is not a masterpiece of beneficial planning; where we live it’s a wasteland of huge pits and air that often is not safe to breathe.

25 Australia is truly at an existential crossroad and you are in a position to either sacrifice or to secure the future welfare of today’s children and most importantly the generations to come. This hearing is just one of many mining projects you may be asked to review. It’s time for you to listen to the children and listen to the scientists and not allow yourselves to be persuaded by dubious economics or
30 Planning Department pressure. There is too much at stake, too much to lose for future generations. If you choose to allow this project, you as intelligent people are turning your backs on the powerful fact of anthropogenic climate change.

You cannot claim not to know or not to believe; belief is not a factor. I sincerely
35 hope and trust that you allow your personal intelligence and morality to override the political imperative. In so doing, you will justify your unique position at the forefront of an opportunity to mitigate the effects of both today’s community impacts and the effects of future anthropogenic climate change. Australia must change and change rapidly, leaving 90 per cent of the coal in the ground. No more new coal –
40 none. You must disallow this project. But I get the feeling that you won’t because the Planning Department has told you, you must and you personally don’t really care. Thank you.

MR PEARSON: Thank you, Alan, for those comments – appreciate those and we
45 will take them on board. I would like to call our next speaker, Judith Leslie, who has asked for 10 minutes.

MS J. LESLIE: I live in Bulga surrounded by four ever-expanding coal mines. Just last year coal mines in the Hunter Valley spewed out excessive levels of particle pollution more than 80 times in a single month, yet there were no stop work orders, no broad community alerts, no significant penalties. Air pollution is a hidden killer
5 prematurely ending the lives of 3000 people in Australia every year, nearly three times the national road toll. It leads to asthma, heart disease, lung cancer, emphysema, chronic bronchitis, chronic pulmonary diseases and scores of other health problems. The postcode of 2330 is host to many coal mines, and the super pit expansion proposal for Wambo United is the latest insult in a succession of poorly
10 considered projects impacting on the people who have to live here.

You might be interested in the results of the National Pollutant Inventory where 2330 was rated as high in pollution, pollutants, producing almost 65 million kilos of pollutants. It's right up there with the best. Air pollution is the leading contributor
15 to non-communicable diseases. Health benefits in transitioning from coal far outweigh any cost. So how does it make any sense at all to approve another massive expansion of the Wambo mine site? WHO estimates that more than 90 per cent of the world's population is at risk of air pollution exposure, resulting in seven million deaths annually worldwide. WHO – sorry. The same human activities that are
20 destabilising the earth's climate also contribute directly to poor health. The main driver of climate change is fossil fuel combustion which is also a major contributor to air pollution.

The 2018 IPCC report recommends fossil fuels stay in the ground and a concerted
25 push to renewable energy is made. It seems our politicians are incapable of forward thinking and out of touch with a large majority of Australians who want to see significant action against climate change. 59 per cent of Australians regard climate change as a serious and pressing problem. 84 per cent say the government should focus on renewables even if it requires extra spending. Climate change was rated a
30 critical threat. Germany will spend tens of billions dollars spend, not just take, to end its use of coal power within two decades. There's a plan agreed to by representatives of the power industry, environmental movements, miners and local interest groups. 30 other countries have already set out proposals to cut their carbon emissions by eliminating coal, including Britain, Canada and Sweden.

35 But the scale laid out in Germany, an industrial giant that currently relies on coal for almost a third of its energy needs, is truly transformative. The whole world is watching how Germany, a nation based on industry and engineering, the fourth-largest economy on our planet, is making the decision phasing out coal. This can
40 help to end the age of finger-pointing, the age of too many governments saying, "Why should we act" – familiar, hey – "if others don't?" Germany is acting. If highly industrialised Germany can do it, Australia can do it too. In Australia the fear of impacts on the economy by reducing exports and jobs is seen as a major political problem, whilst the massive irreparable consequences of climate change are ignored.
45 It should be remembered that the main political benefits seen are royalty payments and jobs.

The total number of dollars in royalties from this mine sound pretty large, doesn't it, but royalties received from all sources in New South Wales comprise less than two per cent of total annual revenue. A much larger prize is the export dollars that accrue to the non-Australian companies that have honed tax minimisation to a fine art and, of course, the jobs. Traditionally, wildly overstated in any EIS, it should be recognised that with ever-increasing automation already occurring in mining, these jobs are likely to decrease. In other parts of the world the renewable industry sector is providing more jobs than coal ever did. There are huge numbers of people employed even now in renewable energy jobs, about 10 million around the world. The benefits of renewable energy are obvious. It's giving us cleaner, healthier and more sustainable planet to live on, but cleaner energy is also a massive contributor to economies.

Renewable energy has become a pillar of low carbon economic growth for governments all over the world, a fact reflected by the growing number of jobs created in the sector. The advanced energy industry which encompasses energy sources, technologies and services that are clean, affordable and secure is also growing much faster than the world economy overall. Seven per cent growth versus 3.1 overall, more than double. The Union of Concerned Scientists made a very pertinent point: compared with fossil fuel technologies which are typically more and more mechanised and capital intensive, the renewable energy industry is more labour intensive. Solar panels need humans to install them. Wind farms need technicians to service them. This means that on average more jobs are created for each unit of electricity generated from renewable sources than from fossil fuels.

This is true even when wind and solar power are provided at cheaper prices than the coal or gas. This logic is prevailing all over the world and accelerating the move away from coal, and this will continue. These figures are important because they hope to counter the perception in many countries that shutting fossil fuel power plants necessary to help reduce emissions will lead to a net loss of jobs. By providing policymakers with this level of detail about the composition of renewable energy employment and skills requirements countries can make informed decisions on several important national objectives from education and training to industrial policies and labour market regulations. It is ironic that it was Peabody that coined the self-serving platitude, "Coal is good for humanity", based on the now proven to be false premise that coal-fired electricity would improve the lives of those living in poverty and forced to use animal dung and kerosene for heating and lighting to the detriment of their health.

No government in the world sees an economic benefit in generating coal-fired electricity and carrying it on poles and wires to their poverty stricken citizens, and they never will. Another economic benefit is its scalability. There are over one billion people who don't have access to electricity. Giving them solar power gives them access to something that can improve their lives. Even in the poorest countries solar's flexibility is making it desirable. In Bangladesh more than three and a half million home solar systems have already been installed in rural villages. The Australian Energy Market Operator is creating a new technical division to navigate

the clean energy transition and has appointed former CSIRO energy chief Alex Wonhas to be the division's inaugural chief officer. "The transformation of Australia's energy sector is gathering momentum like an avalanche", he wrote recently.

5

The Australian grid is facing a dramatic and rapid transition. The amount of wind and solar on the grid will have doubled in three years to the end of 2020, taking its total share to 35 per cent. Australia's leading scientific research group and the country's Energy Market Operator have released benchmark study that shows that the cost of new wind and solar is unequivocally lower than the cost of new coal generation. Even when storage with batteries or pumped hydro is added, it still leaves the cost of firm solar and wind cheaper than any fossil fuel alternative. There is no doubt the renewable energy sector will continue to grow and jobs with it. There are service jobs aplenty in a carefully planned transition that stops the savage rape of the Hunter's beauty and prioritises retaining the remaining beauty of the Hunter for tourism. Despoiling the landscape and generating dust and – threatens tourism, driving down job opportunities in that sector. Moreover, tourism jobs are generated by Australian entities, and the profits stay in Australia.

20 Pollution from coal mines is a life-shortening, filthy curse visited upon the communities who are forced to live with it. This commission has a large responsibility for today's increasing pollution in the Hunter generated by approvals for previous mine expansions. It's time to stop. Enough is enough. It is unreasonable to continue to expand this industry, putting citizens' lives at risk and further despoiling this beautiful Hunter, particularly when already transitioning maintaining employment is possible, not to forget that wherever this exported coal is sent it will contribute to global climate change which is the most existential threat that this planet faces. This development must be disallowed. It threatens the citizens of Bulga. It threatens peoples around the world wherever the coal goes. Australia's massive coal exports threaten the entire planet, contributing disproportionately to global climate change with minimal benefit to Australian citizens. It's time to stop. Enough is enough.

35 MR PEARSON: Thank you, Judith. I'd like to call the next speaker, please, Caroline Graham, who's requested 10 minutes.

MS C. GRAHAM: I've written out everything I want to say, and I want to ask the panel if I can hand you my paper at the end of this, and that can be the record, because I won't get through half of it.

40

MR PEARSON: Okay.

MS GRAHAM: And I'd like to start with – well, I have started with acknowledging the Wonnaruan People. And I'd like to say that Kevin Taggart and my family have a connection going back to the 19th century. And I'm really glad that my family weren't among the settlers who massacred the Wonnaruan People; quite the reverse. And I also wanted to pay a tribute to Ron Fenwick, who, of course – deceased. I

think partly his premature death might've been caused by the stress caused by the two court cases he's had to go through and the destruction of his creek and his land, which I've witnessed a couple of times. I've got quite a lot of information here about corruption. Because I was a teacher in political science for years, I've been most
5 interested in the corruption in the whole approvals process. And I've got details about that here. But I'd really like to start – because there are so many employees from Glencore and Peabody here - - -

10 MR PEARSON: Caroline, if I could just ask you to address the Commission.

MS GRAHAM: Is that too loud?

MR PEARSON: No. No. Just the Commission, and not the audience, please.

15 MS GRAHAM: Well, I'm also wanting to address the employees of Peabody and Glencore. I think it's really important for them - - -

20 MR PEARSON: It's not the purpose of today's – Caroline – Carol, please could I ask you to address the Commission. It's the purpose of today's meeting.

MS GRAHAM: Yes. I am also addressing you. But I'm also turning around a wee bit so I can address some people who are here.

25 MR PEARSON: Carol, I won't – Caroline, please. I'd ask you again to address the Commission and not - - -

MS GRAHAM: I am addressing the Commission.

30 MR PEARSON: Thank you. So if you could - - -

35 MS GRAHAM: Okay. I want to say about – something about “fit and proper person” amendment to the Mining Act 1992, section 380A, which I'm sure the Commission are aware of. It was only put in there as a response to the ICAC revelations about corruption in the granting of mining leases, for which two Ministers are behind bars now, as far as I know, and there should've been another one as well. But these two giant multinationals seeking this joint approval – I want to argue that they're not fit and proper entities to be granted the privilege of a mining licence in Australia. And I'll go through some of the details.

40 They operate ruthlessly as regards the environment and also as regards their workforce, in the interests of mainly foreign shareholders and for personal gain. And I want to put down on record that Peabody's CEO – last I looked, which was 2017 – he was paid over 20 million that year for his salary. And the salary of Glencore's CEO, Ivan Glasenberg – that remains undisclosed. But in 2013 I did find that he
45 paid himself a dividend – not his salary, but just a dividend – of 172 million, in spite of a drop in profits for that year.

Now, looking at the years 2013 to 2016, which were the last I saw on record – neither company has paid any tax whatsoever in Australia for those years. And Michael West, who I think you will have heard is a veteran financial journalist – he puts Glencore at number 1 on his list of what he calls the top 40 tax-dodgers. And Peabody is number 14.

Now, Glencore, which is the world's biggest mining company, was number 1 on a list of the 10 biggest fossil fuel tax avoiders released by the group Market Forces. It's on their website. Peabody is number 7 on this list. And yet in this period, in those three years that I was looking at, Glencore's revenue was 27.9 billion, and Peabody's revenue was 8 billion. Now, their unethical tax schemes are not illegal; but they should be. Peabody has narrowly won an appeal in the Federal Court of Australia against a case brought by our own poor Tax Commissioner, who is doing his best to claw back some profits in the national interest.

I think that case is still going on. I mean, the employees of Peabody might be interested to know that it's – well, they probably do know it's got a bad industrial record in the USA. In Wyoming in 2013, thousands of miners converged in protest against Peabody's efforts to cheat them out of their promised pensions and healthcare. And there in the USA, Peabody's mining operations have destroyed aquifers used by Wyoming's ranches and also by the Navajo Indigenous people.

The Navajo Indians alleged that they've been cheated out of royalties when Peabody made 141 million from Navajo coal but paid only 2.7 million to the tribe in royalties. Much less than they were promised. So they have argued in their own publication that Peabody's actions:

Fall within the legal definition of racketeering and organisational corruption.

And I might add that, I think you probably all know that a fit and proper person has to be of good repute, so that's why all this information is pretty important. Just about more industrial stuff for the employers that are here, I think, yes, they have acted badly up in the McArthur river area of the Northern Territory, and I'm just looking for this in my notes now. Sorry. Wasting valuable time here. Or maybe I'll go on to the fit and proper person in the Act needs to be financially sound. I'll just go onto this bit now.

Peabody is financially rocky – I think people know this – with liabilities of around 2 billion in rehabilitation costs and it's got over \$1 billion in debt. It filed for bankruptcy in April in 2017, and in October a judge ruled that this move was to protect the company from global warming lawsuits brought by Californian communities seeking damages in July 2017 because of Peabody's major role in adding to greenhouse gas emissions.

Now, I won't say anything more about climate change because that's already been covered, but back to Peabody's financial problem, there has been a financial turnaround for the company thanks to rising coal prices, which probably won't last,

but the company says it's now trying to pay out some of its debts. So in October 2017 it reportedly had paid 300 million from its debt of 1.6 billion. So it's got a long way to go in repaying the debt. So for that reason alone it remains unfit to be granted this licence. But I'd argue that Glencore is in another league of unfitness altogether – the partner in this venture. It entered the Australian market in the mid-nineties, and according to an article in the Guardian, it has:

10 *Attracted significant controversy over its tax strategy, degradation of sacred Indigenous lands, and black lung and lead poisoning among its workforce and their families.*

Oh, and here's the bit I was looking for before. The Indigenous issues, as I said, relate to Glencore's McArthur River Mine in the Northern Territory and it took over that mine from Xstrata in 2012 and the Northern Land Council at that stage, it fought 15 a 2005 plan to divert the river in order to mine underneath it, but it won a case in the Federal Court only to have this decision declared invalid in 2006. So that mine has now expanded and local people's concerns over contamination of fish have been validated by Northern Territory Government tests showing elevated lead levels making some of the fish unfit for human consumption that the Indigenous people 20 were depending on. So is that time already? I didn't want to - - -

MR PEARSON: No, you have another minute.

25 MS GRAHAM: Another minute.

MR PEARSON: Another minute.

MS GRAHAM: I did want to say is the reason I'm here is basically because I've got a big connection to this land. My great-great-grandfather farmed here from 30 1840s and he was – it's on record that John Cotroft's farm included 200 acres of Lucerne, 10 acres of fruit trees, cattle and fine horses. But I mean, we know from experience elsewhere that the soil around Bulga will never be that productive ever again, and that's the reason I wanted to come from Sydney today, because there's no time to produce evidence now but I'll just give you one quote that I've got here from 35 a soil expert, a soil scientist from the Uni of Queensland who said unequivocally that open cut mining such as we're looking at here permanently, not just for a few years but permanently destroys good agricultural land, and he said – in 2010 he said:

40 *It is simply not possible to rehabilitate top quality soils.*

So at the very least, these mining companies, these foreign mining companies should be forced to leave off open cut mining and revert to long haul mining. At least that would give some more protection to the village of Bulga, which is now about to be destroyed. Thank you.

45 MR PEARSON: Thank you, Caroline. Appreciate those comments. Thank you very much. There's a change to the order of the speakers. Anthony Lonergan and

Barry Thomas has switched positions and Barry Thomas will now speak in position number 9 and he has requested 15 minutes. At the conclusion of that we might break for a very short break, five or 10 minutes after your presentation. After your presentation we'll have a break. And I'm just confirming, Barry, you've asked for
5 15 minutes? Yes.

MR B. THOMAS: My name is Barry Thomas. I am – I appreciate very much to be able to express my point of view about this very significant proposal to the members of the panel. I speak as a local general practitioner for 34 years in – working at
10 Singleton, and I have been resident in Singleton for that time and I expect to be a resident for the rest of my life and to be buried somewhere in the valley amongst the coal. I have had an ongoing association with Singleton for 64 years, so I have a perspective of the state of the ecology, the rural landscape of this valley, which I love, prior to the expansion of coal mining.

15 When I was young there was coal mining in the valley, to Rix's Creek and other places, and the valley worked with that. It didn't destroy the valley. However, with the recent vast expansion of coal mining and open cut coal mining, we're seeing the – it's rather pertinent that we're going through this destruction of a major basin, river
20 basin in the Murray Darling situation which I think we're all alarmed about, and we can see the effects of a piecemeal death by 1000 cuts process where individual business that don't weld with the valley, that are incongruent with the ecology can cause, ultimately, harm. And this is the situation I think we're talking about here. The straw that breaks the camel's back. We're talking in clichés but how else do you
25 express the concern about it?

There's been accelerating environmental degradation with reduced air and water quality and visual pollution and, not considered often but important, night-time –
30 night light pollution over the last 25, 30 years. There are many studies now showing that mining communities worldwide suffer significant health impacts which are specific to those communities. But of significant concern in Australia is the relative dearth of studies of local health effects in this dense conglomeration of mines in our valley. This is my bread and butter, seeing the local health effects, but these are not collated and, therefore, it makes it difficult to extrapolate or to make specific black
35 and white comments about the effects.

And this is very – it seems as if the powers that be would rather not now the details so that we can't pursue this, and hence we have this opinion – making expressions of
40 opinion which can be dismissed, but they shouldn't be dismissed. It's a deficiency of a duty of care to our citizens which is, I think, also pertinent within the last week to the losing of faith in watchdogs that were supposed to confine the harm caused by, in the case of banks, economic damage to customers and the populous and – in the banking industry. And in the Murray Darling Basin, we're becoming aware that watchdogs had let the environment down and had – and had promised false hopes
45 and given promises they shouldn't have given, and – and the – the train wreck is occurring.

Known health effects in – of mining can be physical, with increases of respiratory diseases, a variety of cancers, which are – are well-categorised, related to fossil dust, which is from the fossil – fossils we’re digging up, and larger particulate matter, which irritates airways, mainly upper airways, and this can – this – this is of more
5 than nuisance value. However, but more dangerous are these smaller particles, these so-called DM 2.5 or smaller, which get into our very substance, in – they get into the lower airways and in – into our – into the bloodstream and into our tissues and cause mischief such as cancer and cardiovascular disease.

10 In my own experience, I have a number of coalminers and – and railway workers with leukaemia and other blood disorders, which could be attributed to carcinogen exposure from diesel exhaust products which are discharged from – in great amounts in excavation and hauling in open cut mining. So with – with a – with a major
15 increase in scale of open cut mining, the – again, the harm from the – the digging process, not just the – not the coal itself and the transport of the coal, but the digging process and the – and the exhaust of the busiest coal haul railway in the world, which goes a few kilometres to my – to my right, and passing through – through many towns and close to schools. These are things that can’t be dismissed and trivialised.

20 Further toxins, such as nitrogen dioxide and nitric oxide are produced from blasting, another component of digging deep holes, of course, and from mining vehicles, which are scurrying around in the holes, together create the yellow-brown haze which we’ve become accustomed to in Singleton. I’ve had patients who have moved
25 – as Mr Taggart said earlier, the air is filthy and – and often not – not closely monitored or exactly monitored. These people moved to the coast and – and on returning, their comment is how filthy the air is here and how dirty the air they lived in was.

30 So environmental health is axiomatically connection with human health. We live in an environment and we change that environment, it affects our health, both our physical health and our mental health. This local area is one of the oldest farming areas of Australia and it suffers impacts of noise, light, pollution, dust deposition over homes and into tank water supplies in the rural areas, 24 hours a day, from
35 mining operation and from transport.

Late last year, a mine blast covered – sorry; it wasn’t late last year. It was in January – January 2018, there was a blast that covered Jerrys Plains in blast residues. A whole town was covered. In – just prior to the proposed last meeting, we – that we
40 were to have, of the Commission, there were high winds and it created a dust storm which was – it was highly concentrated airborne particles. Singleton, in fact, had the highest recorded dust pollution in the state and it would be very hard to say that open mines in dry conditions are – weren’t a component of causing this extreme condition.

45 So they’re just a couple of examples of how difficult it is to control and localise the effects of large scale mining, so that they don’t spread their – into surrounding communities. So we might be able to cover the load of a truck but you can’t cover

the load in a – an open cut coal mine. It's – it's subject to the vagaries of powers greater than human powers.

5 Finally, social factors impact on physical and mental health. Uncertainty about one's home's continued existence, decreasing property values when you abut mine sites, reductions of alternative home options, loss of communities, which we've seen over many – over the many recent years, at Bulga and Jerrys Plains and social deterioration produce anxiety, depression and grieving for the better days lost in the past. And these affect particularly the elderly, who have not as many options as the mobile young, and our indigenous population, as we heard earlier on.

10 Significantly, also, that a lot of the people who are very hardworking miners in the area choose not to live here. So our roads are busy and congested because of workers who – they know where the air is better, so they – they – they prefer to drive in and drive out. Communities without adequate buffer zones are subjected to thousands of annoyances and feel powerless and irrelevant.

15 Late last year, Bates Hill, an agreed buffer between the historic town of Bulga and mining operation was destroyed by explosives to expand the mine. And while it might have been a spectacular demonstration of the effect of explosives, it also ripped down a curtain that was supposed to protect local – local people. What better demonstration do we have of the imbalance between the – the economic power of mines and the industrial power of mines and the – and the residents, the – the private lives that live near the mines?

20
25 Now we come to the United Wambo expansion, which is huge. The proposal is huge, with massive long-term consequences which will also be equally huge. The abovementioned health issues, dust, noise, toxins, micro particles, light, impacts on wildlife and vegetation, which are necessary for healthy human minds – I mean, trees are – again, they're part of our very – our genes – will be proportionately huge and all is occurring near large human populations, rural and urban.

30
35 Because the planned expansion is meant to be large – that's the whole point of it, it's enormous – it's logical to conclude that the effects of this proposal will be enormous, as well. And as I've said before, these monsters are hard to control. It's a basis of medical therapy, both curative and preventative, to first do no harm. The proposed expansion, on many grounds, has very high risks for health and harmony in our valley, in the immediate and long-term future.

40 Now, the – I'm a member of the AMA, which is not exactly known for its radicalism and – and simplicity, and it and many worldwide learned medical colleagues regard climate change as the greatest global health threat of the 21st century. So theoretically, I think, there should be all the local doctors here, proposing that we do make some change – some limit on what is stated openly as a major health risk by dignified colleges of medicine. As a doctor, it's my duty to raise awareness of the harm of global warming, opposing local and worldwide effects, when connected to local developments such as where is proposed here.

We are getting weather unpredictability, both warm and cold, and high – high strength winds. We are having consequent dust and other examples of the effects of increasing greenhouse gas emissions. So I believe that this largescale development, if approved, will have a – be a significant contributor to catastrophic harm to human health, and that – I – and I don't like talking in hyperbole, but if the scientific evidence and – which is being increasingly accepted even by the doubters, comes to be, we're – our children and grandchildren are going to have a – an unhappy future. I'd like to say something here that might put some obstacle into them having such an unhappy future.

10 This isn't about me. I've seen good days. I've seen the happy days in the Valley and, as I said, the – I – the Hunter Valley, I think is in the process of repeating the problems and the outcomes of the Murray-Darling basin. That's the death of a whole ecosystem, including the towns and the population and the animals and the trees and all those things that are precious to us. Thank you very much.

MR PEARSON: Thank you, Barry. What I might do now is just call a short break. The time is exactly 12 o'clock, actually. So we'll come back at 10 past 12 and recommence at – at that time. Thank you.

20

RECORDING SUSPENDED **[11.59 am]**

25 **RECORDING RESUMED** **[12.19 pm]**

MR PEARSON: All right. We might press on. We will probably go for about another hour before we then break for lunch – a short lunch break of about 25 to 30 minutes. I would like to call our next speaker, Bob Vickers, Doctors for the Environment Australia, who has requested 20 minutes.

30

MR B. VICKERS: I do have some slides as well.

35 MR PEARSON: Yes, well, just wait, Bob. We might shut the doors or - - -

MR VICKERS: Yes.

MR PEARSON: - - - if Alana is around – Bob, are you happy to proceed with some stragglers coming in or would you prefer to wait?

40

MR VICKERS: I'm happy, yes.

MR PEARSON: Happy to proceed? Okay. All right. Well, let's start.

45

MR VICKERS: Good afternoon to the IPC Chair, distinguished panel members and members of the public here today. Thank you for the opportunity to just speak about

the United Wambo Open Cut Coal Mine Project. I would first like to acknowledge the traditional owners of the land and water that we speak on today, the Wonnarua people. I would like to pay my respects to the elders past and present. My name is Bob Vickers. I was born and raised in Singleton, and I'm now working as a GP here in Singleton. I also today represent the Doctors for the Environment Australia, a national non-profit organisation of Australian doctors and medical students.

My aim today is to speak on the health risks of the United Wambo Project to both the local and the global population. Most of my talk today will be focused on the health implications of climate change and air quality which are the two more relevant issues for this project. That's not to say there isn't other health risks associated with the project. Other people have spoken to that, and I will elaborate on this as I go on. The threat of climate change is going to increase the risk of heat stress, extreme weather events and, in some areas, increases in infectious diseases, food insecurity and mental illness. Temperature increase significantly affects vulnerable populations. These are our older and younger populations, those with chronic diseases like diabetes, heart disease and kidney disease and others at risk of dehydration.

We already seeing a rise in global temperatures. I would hope everyone here is now aware of this very famous visual representation of global temperatures from the National Centre for Atmospheric Science in the UK. It's called the warming stripe. As you can see, this visual representation of global temperature shows a clear annual progressive increase. The International Panel on Climate Change has already accepted that we are likely to have a rising global temperature from the pre-industrial age of 1.5 degrees Celsius. This projected rise in global temperatures is already going to lead to an increased number of temperature related deaths compared to 1990 levels. If climate change continues to worsen, without dramatic action to reduce global CO₂ emissions, we will see a significant increase in the number of temperature related deaths.

This – from my old presentation – and we now have new data – is the temperature data for Australia for November 2018. As you can see, this data shows the fourth highest mean temperature for the month of November in Queensland at the same time they were battling catastrophic bushfires. Since this meeting was postponed, we now have data that shows that January 2019 was the hottest Australian January since records began. Tasmania are currently struggling to contain catastrophic bushfires in these conditions. We know that climate change will lead to an increase in extreme weather events such as bushfires, heatwaves and drought.

Bushfires can cause direct harm from burns and deaths. I've heard personally children screaming in pain from severe burns, and it will stay with me for the rest of my life. I cannot begin to imagine the distress that people who lose family members or homes as a result of bushfires suffer. There is no doubt that bushfires can lead to significant harm in both physical and mental health. After the Ash Wednesday fires in 1983, the local population were studied and found 42 per cent met criteria for potential psychiatric illness. Bushfires can also cause significant further air

population and PM10 particulate production and lead to increased pressure on access to basic healthcare and food security.

5 New South Wales last year suffered through a prolonged and devastating drought, and many parts of the country have still not broken the drought. Climate change is making drought conditions in south west and south east Australia far worse. The health risks of sustained drought include high rates of mental illness and suicidality; loss of income for producers of local agriculture; loss of food security, and access to fresh, healthy food.

10 The impact of drought on adverse mental health was again shown with a study in the Medical Journal of Australia last year, directly on New South Wales farmers. Loss of food security hits vulnerable populations harder, as the price of remaining, low-yield produce is forced higher. This has long-term health implications of increased rates of diabetes, heart disease, cardiovascular disease, for those who can't afford the healthier food.

20 This graph shows how Australia is tracking with regards to meeting its climate change emissions reductions obligations. The dark blue line is the emissions reductions target that fall under the most recent Paris Agreement. However, the light blue line is the Climate Change Authority's recommendations for science-based targets for emissions reductions. If Australia continues along its current emissions, which is the brown line, we will be moving further away from both targets. I cannot express the urgency with which we need to reduce emissions to have any hope of meeting both Paris and the science-based emissions reductions.

30 The Department of Planning and Environment has a Hunter Regional Plan – so this is from the Department of Planning and Environment – which makes mention of managing the risks of climate change. I make specific note of point 16.3:

Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban developments.

35 The new knowledge from the IPCC's recent report, and multiple previous studies, is that we must be reducing our energy usage from coal as a percentage of total energy generation if we have any hope of reduction of the cumulative impacts of global warming. To meet the Hunter Regional Plan, the department must not approve any more coal mining in the Hunter Valley. The top line here is the most important and relevant line from the IPCC report:

40 *To achieve a reduction in emissions that would limit the temperature rise to 1.5 degrees or less, the use of coal be reduced to zero per cent for global electricity by 2050.*

45 This mine proposes to mine 150 million tonnes of coal over the next 23 years, and it even states on its Environmental Impact Statement that it will contribute to global emissions. Therefore, to reduce the health risks associated with climate change and

temperature rise, the department should not approve this project. It will not help us to meet the modelling set out by the IPCC report.

5 The United project claims to only contribute .053 per cent of national greenhouse gas emissions. They acknowledge that this is only three per cent of emissions associated with the project, as the largest percentage of emissions come from downstream
Scope 3 emissions. There are an estimated 210,000 premature deaths associated with
10 combustion of coal annually. If the lifetime of this project is planning to mine 150 million tonnes of coal, we can estimate from that that it would lead to 4200 premature deaths due to its cumulative effects on climate change.

Air pollution has been associated with multiple dangers to human health. Most
15 people now are aware that poor air quality contributes to upper airway disease, lower airway disease and heart disease. PM10 and PM2.5 particulates enter the lungs and the bloodstream, and can cause heart disease, lung cancer, asthma, and acute lower
respiratory tract infections. When combustion of coal is added to the consideration,
we also need to look at increased levels of sulphur and nitrogen dioxide particles.
20 These chemicals are known to cause airway irritation, shortness of breath, headache, asthma exacerbations; and actually, in very high-level exposure to nitrogen dioxide, for example after a concentrated exposure to a blast plume, dangerous levels of lung
inflammation can directly cause death.

A recent study by Ben Ewald, a GP and public health expert from the University of
25 Newcastle, showed that combustion of coal in New South Wales can also lead to – will likely lead to 233 low-birthweight babies and 369 people developing type 2 diabetes annually that would not have otherwise developed it. My personal concern is that his data is primarily based off the emissions from five key power plants, two of which are in close proximity to our region, Liddell and Bayswater. So of those
30 numbers, a large percentage will be seen locally.

Now, I'd like to talk about the air quality in the Hunter Valley. Personally, I grew up
locally, out along Dearing Road – out that direction. We experienced noise pollution
from explosions at Ravensworth Mine and surrounding mines. I've personally seen
35 blast plumes in the region happen unpredictably and without warning. I have asthma, and I was frequently set up with a Ventolin nebuliser at home. I had multiple exacerbations of asthma as a child, and I was hospitalised.

As a GP, personally, I see multiple local patients with diseases that are known to be
40 exacerbated by poor air quality, including upper airway diseases, like otitis media, sinusitis; lower airway diseases, like asthma and emphysema. These patient populations suffer exacerbations in clusters, which I can attribute to spikes in air pollution. Shown here are two examples of blast plumes which have caused concerns to the local communities.

45 There have, over the last 12 months, been fines for breaches of air quality standards for local mines. Frustratingly, though, the numerical value of these fines pales in comparison to the profits made from these projects. What assurances do we have

from the proponent that residents won't be affected by blast plumes and poor air quality, when these weren't planned for?

5 The primary concern with blast plumes is that they are unpredictable. This makes them dangerous. When a local population, with vulnerable members of the community, are given no warning as to when a possible plume might carry over an urban centre, the risk is severe airway illness in high numbers. Our local health system is not designed to cope with a health crisis like we saw, for example, with the recent thunderstorm asthma event in Sydney and Melbourne. If a blast plume was to carry over Singleton or Muswellbrook with little warning, I have no doubt that there would be critically ill patients who may not be access the required treatment in time, and we could potentially see deaths as a result.

15 This table is air quality alert data from the Upper Hunter Air Quality Monitoring Network for winter last year; and, as was mentioned before, we have more recent data. As you can see, using the benchmark of 50 micrograms per cubic metre, there were 29 days over the PM10 benchmarks for the local region. If the more appropriate World Health Organization targets are used, a benchmark of 20 micrograms per cubic metre, this number is significantly higher. Note that the sites – and I've pointed this out – the sites recording the highest number of days were in closest proximity to existing mine sites. We have data from many multiple studies that proximity to coal mining equates to worse health indicators, which matches with this data.

25 This more recent data is the average concentration for both PM2.5 and PM10 particles for 2018. Despite raising our concerns about air quality earlier last year, there've been a steady increase in the number of monitoring stations recording particle levels above the regarded annual average. Another mine project in the local area poses a health risk to local regions due to the cumulative effect of increasing air pollution, and we would expect this to lead to high rates of the previously mentioned illnesses.

35 We already have data that actually confirms this. This is – we knew this a long time ago. This is sobering to read, knowing that I grew up here in that time. As you can see from the graph, the rate per 100,000 of children between the age of zero to 14 and respiratory presentations to our emergency department in Singleton and Muswelbrook to other areas of New South Wales is considerably different. In that red box there is the rate. So this isn't a total number; we have a small population. This is a rate per 100,000. It is more than double. The earliest data that we have from the Upper Hunter Air Quality Monitoring Network is from the 2012 annual report. Camberwell Monitoring Station had 20 days above 50 micrograms for that entire year, and that indicates that the air quality has worsened over time.

45 My practice supervisor, GP Tua Nao, did measurements of peak flow, a marker used to diagnose asthma, of high school students a few years ago. He found that Singleton High School students had higher rates of obstructive airway disease than the national average. This correlates with my personal practice. I speak to patients who tell me

that their children, who suffer poorly controlled asthma in Singleton despite best medical management, when they leave town to go away on holidays, they don't touch their puffers. The air quality is considerably better on the coast. And some families have decided to move away because of those concerns.

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Shown here is the indirect action that new mining development can have on health due to social, financial and housing stresses. Singleton is currently facing an affordable housing shortage. The average wait time for affordable public housing, according to the Department of Family and Community Services, is two to five years for a one-bedroom flat, and five to 10 years for a house suitable for a family with children. New mining development is likely to exacerbate this, in the absence of any planned new property development. I see many patients with mental illness whose primary perpetuating factor and barrier to improving is financial stress directly related to the cost of housing in Singleton.

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At a recent community meeting, as part of a government inquiry, attended by Nationals MP Barnaby Joyce and David Gillespie, we heard that 9000 workers drive into the region daily. Drive-in drive-out workers create extra stress on our local population. Drive-in drive-out and fly-in fly-out workforces cause an increase in demand for a community's health and emergency services. A recent report into ED presentations of all causes found that whilst Maitland and John Hunter, nearby health services, had a reduction in the number of their presentations, presentations to Singleton Hospital had increased by almost 30 per cent. Our population had not increased by that amount.

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The increased pressure on our health service forces local families to travel longer distances for vital medical and allied health services. The increased traffic congestion through town at the time of shift changeover for the mines contributes to high levels of air pollution. This also creates mental stress for people who work in Singleton. It's not uncommon for someone to take 30 minutes to drive from central Singleton to the Heights during peak traffic times. This also means that the majority of drive-in drive-out workers' wages go to home communities, not to our economy: not to Singleton and not to Muswellbrook.

30

We're also seeing a skill drain on our population, due to the drive-in drive-out nature of employment. Many school leavers are electing to forego skills training and further education, and instead choosing to work in roles in the mining industry, with skills that have limited transferable options to other industries. This further exacerbates health inequality due to financial stress.

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We also heard at this community meeting that there has been an increase in the casualization of the mining workforce. Casuals are paid less than permanent staff; it further exacerbates financial stress. In these situations, these people are unable to afford psychologists, medications, and are forced to wait on public hospital waiting lists, as they can't afford private health cover. We've even had a local GP leaving town due to his concerns about the risk of air pollution to his family. This created

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direct reduction in access to primary care. This project should not be approved, due to its likely negative impact on the social determinants of health.

5 Water quality and quantity have important health implications. The World Health Organization estimates that eight litres of fresh water are required to dilute every litre of polluted water in order to prevent harmful contamination. The cumulative drawdown for the Hunter River and Wollombi Brook will risk compromising this ration – this ratio, leading to increasing incidences of excessive pollution and infectious diseases. During heatwaves, for example, we see high rates of Giardia and waterborne bacterial illnesses; these are exacerbated with these effects. For this additional reason, the Doctors for the Environment oppose the United Wambo project, due to the risk of harm to human health and water security.

15 I will briefly discuss environmental risk today, as there are others scheduled to speak, and who have already spoken, who are far more qualified than I am. But Doctors for the Environment do oppose this project on its biodiversity risk to the regent honeyeater, the swift parrot and the spotted-tail quoll.

20 DEA also opposes this project based on the two large voids that are planned to be left at the completion. Personally – I speak for DEA and myself personally – it's frustrating that the reason given for this plan is that backfilling the voids would make the project financially unsustainable. It shows an incredible lack of respect for our regional environment.

25 In summary, the Doctors for the Environment oppose the United Wambo Open Cut Coal Project due to concerns over risk to human health, directly and indirectly, from climate change, air pollution, social impacts, water impacts, and environmental risks. I have multiple personal objections as both a health provider for the local population and as a Singleton resident. I directly suffered health consequences as a result of open-cut coal mining, and I worry about the risk to my daughter. It is my personal and professional opinion that this project should not be approved. Thank you.

35 MR PEARSON: Thank you, Bob. We appreciate that presentation. I'll call our next speaker, Denis Maizey, who's asked for five minutes.

40 MR D. MAIZEY: I'd just like to start by saying that I have lived at Wambo Road, Bulga, for 37 years, and I've also worked in the mining industry for over 40, until retirement. In the time that we've been there, it's only been probably the last 20 years that we've had a problem. I stated this at the last Commission hearing here about the problems – even though it was with MTV, it was still relevant to the Wambo expansion, because the associated impacts are in the consent for both of those applications, one being consented. Now, I stated then that that was all smoke and mirrors, as far as I was concerned, as far as the residents being protected.

45 Now, I said that I presumed that in the next 12 months for us as a family things were going to get worse. Now, when I spoke to the Commission, we had had, I think, something like eight hotline phone calls about noise to MTW. I think there was

something of 20 in the blasting, which is our main problem. Now, in saying that, all those calls apparently fell within guidelines criteria that they were allowed to operate at. So what did it mean? Absolutely nothing. We just complained. In the last 12 months, the blasting has gone over 30 complaints and the noise over 20. In July we had a blast from MTW that caused damage – but, as we were told, sorry, cosmetic damage, your house isn't going to fall down – to my wife's pride and joy, brand new kitchen, 12 months old.

10 I got in touch with the mine. Had a meeting. Same old story, you know. You can ask for an inspection, blah, blah. I've said, "I've been down that path with you people before. No, thank you. I don't want to get up and put pencil marks on my ceiling and told, it might have been this, it might have been that." So I went away. Thought, well, we'll just have to, as before – which was in mid-2000s – fix it again. But then it got the better of me and I got in touch with the EPA and I said, "Look, 15 I'm just trying to inquire, have I any rights, you know, to really – you know? Get compensation, you know? Prove that this is" – and the lass was very nice and told me to go to the DP&E. And I said, "Well, you know, I've been there and they said set the conditions." And she said, "No, please, go and talk to them."

20 So I rang in Singleton and I spoke to the compliance officer. He said, "Look, you probably" – no. I said, "I know the deal, thank you. But" – you know, blah, blah. He came out to our home. He took some photos. He explained that there was really nothing that he could do, but he certainly would show the photos – which I'd already shown – to the mine and let them know that they certainly were causing a problem. 25 What I got back from the mine, same story, an email saying this is what your rights are. Now, sometime after I went into Singleton to thank the compliance officer for at least showing, you know, that he was concerned.

30 And while in there his boss was there, and we started to talk, and she said, "I don't know what I can do." And I said, "Well, you can't do anything. I understand that while ever they're within the criteria I just have to put up with it." She said, "Well, look, the only thing I could suggest" – she said, "We can approach them and ask them for acquisition rights," she said, "because you're certainly being impacted."

35 And I said, "Do I look stupid to you?" And she sort of said, "Why would" – I said, "It's all smoke and mirrors." I said, "Read the condition about acquisition." I said, "Yes, you have to speak to people. You have to come to an agreement if you want to sell your home." I said, "But, at the end of the day, the secretary – the parliamentary secretary – will tell you what your home is worth after 37 years. If you don't like it 40 within six months, just go back and put up with what you've got." I said, "I've no problem with continuing negotiations," but I said, "I don't think it's fair whatsoever to be told, no, you've lost your rights."

45 I said, "The process should go on." She said, "Yes, but it can. It says that the parliamentary secretary at his discretion or her" – I said, "So it's still leaving up to someone else to tell you, yeah, you might have rights, you might not." And I said, "Look, you know, we're just going to argue to the end of the day, sort of thing." So

the meet was over. Now, I have no issue with either of the people. They were good to deal with and I'd deal with them tomorrow.

5 But it comes back to what I've always said: the conditions – people out there in the street believe that they're adequate. But if you put them in the home that we live in, it might change their mind. Things went on, anyway, and we just put up with what was happening, and we went away on holidays – it'd be September in the school holidays – we grabbed our two grandsons - - -

10 MR PEARSON: Denis, I just ask to be mindful of the time limit.

MR MAIZEY: Beg yours?

15 MR PEARSON: I just ask you please to be mindful of the time limit. So the second bell went for five minutes. So if you could just start to wrap up your presentation - - -

MR MAIZEY: Okay. Thank you.

20 MR PEARSON: - - - that would be much appreciated.

MR MAIZEY: Yeah. So when we came back from holidays we had a doctor's appointment. My wife said, "Doctor" and he said, "Well, that's good. It just goes to show that, you know, when you're out of the area – you might have to move." And then we just said – we said – and he said, "You've got to be joking." We said, "No, that's not correct." Then, when we got home, probably only two weeks later, we've never really had a problem with Wambo. We had a blast that shook the house. So I rang them up and I said, "Look, you know, the first one in 37 years. It's strange."

30 On the meeting that, you know, we had over there, it was found that that blast was 10 kilometres away. So we both agreed that was warning – a big warning to both of us. But I wanted to bring something to the table today that was different. So I looked and I thought you people had said three kilometres instead of two. But I thought, well, all that does is enable you to put your hand up and say, "I need help." It doesn't change any of the conditions. And I thought I would go through some of the data available on the planning site and I found the Commission's review. And I was absolutely astounded. It's got inspection of locality:

40 *The Commission received a number of requests from surrounding landowners to meet privately on their properties to discuss the project and to its impacts. Due to its logistical and timing constraints, the Commission declined those invitations.*

45 These landowners had an opportunity to discuss the project's impacts at the public hearing on 5 and 6 February 2018. The Commission inspected a number of locations in the surrounding locality, including Bulga, Jerrys Plains, Warkworth, to further its

understanding of the locality. These inspections were conducted by the Commissioner without a representative of the applicant or the department.

5 Well, to me, I don't know what basket you put that in, whether it's corruption, whether it's just we don't care, or where it sits. But I truly believe that if that would have happened, especially in our case, maybe the Commission would have got a better idea of exactly what's happened in the community and we wouldn't be here arguing with you all the time.

10 MR PEARSON: Thank you. Denis, I appreciate - - -

MR MAIZEY: Okay.

15 MR PEARSON: - - - you're making a very important point, but – you know?

MR MAIZEY: Right. Thanks very much anyway.

20 MR PEARSON: Thank you. Thanks very much. I would like to call the next speaker, Beverley Smiles from the Hunter Communities Network. Bev has asked for 20 minutes.

25 MS B. SMILES: Thank you, commissioners. The Hunter Communities Network is an alliance of community-based groups and individuals impacted by the current coal industry with concerns about the ongoing expansion of coal exploration and mining in the region. I wish to acknowledge the traditional owners of the land on which we meet, the Wonnarua people. I also wish to acknowledge the dedication of one of our very active members, Ron Fenwick, whom we lost in December last year.

30 Ron and his family have had ongoing battle with Wambo Mine and the lack of compliance with conditions of approval and court orders and various broken promises and commitments. The experience of the Fenwicks over more than 20 years as near neighbours to this large mining operation has caused a great deal of mistrust in the community in regard to the regulation of large mines in the Hunter and the ability of conditions to protect the environment or to be complied with.

35 The network continues to strongly object to the proposed United Wambo project now before you for final determination. Our key issues of concern have not been addressed in the department's final assessment report. The underlying purpose of this proposal is to shift the cost burden of mining from the industry onto the
40 community and environment.

45 We do not support the department's conclusion that this mine has benefits that outweigh its costs. We also do not support the opinion that the recommended conditions of approval will provide a higher level of protection for the local environment and the amenity of the local community. Firstly, there are a number of unresolved issues that must be finalised before the commission is able to make a determination based on the merit of the proposal.

These include resolution of all biodiversity offset credits, all credits under the Hunter River Salinity Trading Scheme, the protocol for regulating noise emissions across a number of premises and EPLs, the availability of tier 4 standard diesel machines and the blast fume trial. There are many outstanding issues raised in the commission's review report that have not been adequately addressed.

This presentation will concentrate on the matters of noise and air pollution, the final landform and rehabilitation and justification for the proposal. However, we also have serious concerns about the permanent impact of this super pit proposal on biodiversity, including matters of national environmental significance and on associated surface and groundwater sources.

This largescale proposal is in an area of the Upper Hunter already oversaturated with accumulative impacts of open-cut mining. The current combined impacts from the highly intensive existing operations are already too great and have not been adequately assessed or considered. The additionality of the proposed impact is significant and cannot be managed or mitigated.

The New South Wales planning system fails to assess cumulative impact and has no guidelines to properly undertake the significant assessment process for a key issue in the Hunter Region. The main purpose of this proposal is to turn a four seam open-cut mine overlying a four seam underground mine into an eight seam open-cut mine. This is a major change to current approved land use. The United underground mine had approval to operate until 2012.

Glencore decided in 2010 to stop producing coal and place the mine on care and maintenance. The approved operation ceased to provide the public benefits of jobs, royalties and taxes. This does not meet the object of the EP&A Act to promote orderly and economic use and development of land. We suspect that the underlying justification for this proposal is that Glencore decided that underground mining was not profitable enough and to open cut the same coal seam would be cheaper.

This is interesting in the context that the rejected Dayton South open-cut project is now assessing the feasibility of an underground mine, while the Bylong mine proposal is based on an underground mine. The proposed alteration to current approvals for the Wambo and United Mines results in greater impacts on community health through increased noise and dust pollution. Neither of these increased impacts have been adequately assessed or mitigated.

Firstly, the noise impacts. The commission review made 12 recommendations on noise, vibration and blasting. The issue of assessing and regulating additional noise pollution from this complex proposal is very fraught and provides no confidence that there will be any protection for the community. The department cherry picks part of different noise policies in its assessment process. This is particularly the case for low frequency noise which is a major health issue.

The project's specific noise limits as per recommendation 2 were altered after additional assessment was conducted by the proponent, not through an independent review. The resulting PSNLs in draft condition B1, table 1 are far too high, placing an unacceptable impost on the surrounding community. This additional noise impact is a very strong argument for not approving the mine proposal. These new higher PSNLs remove five properties from any voluntary acquisition or mitigation rights and another two properties are downgraded to mitigation rights only. Even so, the revised PSNLs will be exceeded at 36 properties in the vicinity of the mine. This on top of existing mine noise that causes a great deal of annoyance and sleep disturbance is unacceptable and is a strong reason to reject the project.

In regard to recommendations 4 and 5, the key issue is that road and rail noise is not monitored, so the additional impacts on the community are unknown and unmanaged. The complexity of noise management and regulation across a number of consents and environmental pollution licences is a key concern and has been raised as an issue by the EPA. It is of grave concern that a noise protocol is being developed by Global Acoustics, a company that works for the mining industry, across the Hunter and Western Coalfields. The assessment and management of noise must be conducted by independent experts and finalised prior to any determination.

The issue of managing three blasts per day with a weekly average of 15 over a larger area of disturbed land in regard to noise, vibration and fume emissions has not been adequately addressed. The draft conditions for managing blasting across a large number of adjacent open cut mines do not mitigate the major disturbance to humans, livestock, buildings, infrastructure and health. There is no description of the number of blasts per day already approved across the nearby very large open cut operations at Hunter Valley Operations South and North, Warkworth Mount Thorley, Bulga and Rix's Creek Mines.

The cumulative load of nitrogen dioxide being released into the airshed on a daily basis has not been clearly assessed. This is a major failing of the air quality assessment. What tonnage of explosives are detonated on a daily, weekly and annual basis across this highly intensive mining area? This information has not been made available in any of the department's assessment reports and should be included in a rigorous cumulative impact assessment.

And carrying on with the air quality issue, the Commission review made nine recommendations on air quality impacts. We consider the department's approach to protecting human health from dangerous levels of air pollution is highly irresponsible. The number of air quality exceedance alerts from the Jerrys Plains regional monitor have increased significantly since the approved Wambo Mine Open Cut has extended to the west. The NEPM standards are already being regularly exceeded at all the surrounding regional monitors. This is an indication that the airshed is already saturated with mine dust and any more is far too much.

It is very difficult to accept the finding for this proposal that the new air quality assessment using the updated NEPM standards has not materially changed the level

of air quality impacts. This finding is contradicted in the department's response to the review recommendation 20 that identifies that the new assessment has raised the number of impacted mine owned properties from 22 to 41. This is a substantial increase in the number of air quality exceedances and demonstrates a clear increase in cumulative impacts when the new standards are applied. Under these circumstances, it's very difficult to believe that the cumulative impact of this new large open cut mine will not increase air pollution in the region.

It will also increase the impact on neighbouring private residences. While the mining workforce regularly have their lung function tested, the community is not offered the same level of protection. Neighbours do not get to drive out of the pollution every day as the majority of mineworkers do. Blast and diesel fumes are a major source of air pollution in the Hunter caused directly through open cut mining operations. This proposal will increase both for a longer period of time.

We note that a blast fume monitoring trial is being conducted at another Glencore mine to measure nitrogen dioxide concentrations and dispersal offsite. This monitoring is long overdue. The results need to be available before the cumulative impact of this proposal can be understood. The proposed management of diesel fumes, a known carcinogen, is highly unsatisfactory. It is imperative that all current mining operations use the best available diesel emissions controls before you could even consider any additional emissions being added to the airshed.

In regard to greenhouse gas emissions, the Commission Review recommended that all forms of emissions need to be reduced. The department's final report and the proponent's response to Commission recommendations claimed to manage fugitive emissions; however, table 3.7 in the response report makes no mention of fugitive emissions or any clear plans to manage these. The coal seams at Wambo Mine have high levels of methane that are vented from the underground operations. This source of greenhouse gas is released into the atmosphere as fugitive emissions during open cut mining. This is a scope 1 emission that increases New South Wales' total greenhouse gas emissions. This problem has not been adequately assessed or mitigated.

The final landform and rehabilitation. The Commission made six recommendations on this issue. Recommendations 31 and 32 relate to backfilling final voids. The department once again relies entirely on information provided by the proponent, who obviously wants to retain final voids, because it's a cheaper form of mining. The rationale for maintaining two larger final voids in the landscape are spurious and not based on good science. It is not surprising that the department has blithely taken on board all the industry arguments about the need to retain final voids because of the inherent bias in their decision-making.

The argument that final voids are needed to drain activated salts and keep them from migrating into the surrounding landscape is a very strong argument for not approving that disturbance in the first place. It is interesting that Peabody Energy has not been able to leave final voids in the landscape in America since 1978. There are also

open-cut mine projects in the Hunter region, such as the Bylong mine, the proposed to backfill all pits.

5 There is no consistency in the planning process for this issue. The network strongly disagrees with the department that the two voids option is acceptable. The cumulative impact of large hypersaline water bodies remaining in the Hunter landscape in perpetuity is a legacy that fails to meet the precautionary principle and the principle of intergenerational equity. This is a failure to meet ESD objectives and is an unfair cost-shifting exercise.

10 Now, the proponent this morning claimed that the backfilling of the voids was \$777 million, but I believe in one of the documents actually identified with an economic review of that analysis that the cost to backfill voids would be \$129 million. Now, to claim that this would make the project unviable is a nonsense and should not be
15 accepted by the Commission. The proposal is to mine 150 million tonnes over 23 years.

20 At a conservative price of \$100 per tonne, expert value through the Port of Newcastle, this is \$15 billion worth of coal. \$129 million backfill costs would hardly render the project unviable. What we have here is two coal companies who want to squeeze the most profit possible out of this resource and a government prepared to give them anything they ask for.

25 This proposal increases the size of existing approved final voids by a substantial amount. The network objected to those original final voids in the first place. The department supports an adaptive management approach to final land use and recognises that it's difficult to predict future land use demands and community needs beyond 20 years. What we do know is that during that period of time extreme weather events will have increased due to climate change.

30 The last thing the community will need is more, larger hypersaline pit lakes to manage in the Hunter. In regard to the reestablishment of CECs on rehab as an offset, we find it completely disingenuous that the department is prepared to rely on a study undertaken by the New South Wales Minerals Council to consider the
35 possibility of reinstating an endangered woodland population under the offset credit scheme.

40 We note that OEH is unable to form a view on the ability of the proponent to create this critically endangered ecosystem on mine rehabilitation. There are many scientific papers in peer reviewed literature that clearly show the improbability of successfully recreating natural ecosystems on former mine lands. The department's final report and the proponent's response failed to meet the Commission's recommendations in regard to offsetting a significant loss of biodiversity on rehabilitated mine land. Project justification. The network does not support the
45 justification for this super pit proposal. We definitely do not agree with the department's opinion that the public benefit outweighs the considerable additional

costs to current and future generations, including the permanent damage to water sources and biodiversity.

5 The conclusion that the cumulative additional impact of this large increase in new open-cut mining is small compared to the existing mining impacts is a nonsense. This approach only serves to confirm the community view that there is already too much mining in this part of the Hunter and any additional impacts will be intolerable. The proposal is to extend the life of Wambo Mine and allow the unfinished United Underground Mine to be open cut. This is at the expense of community health,
10 social fabric, biodiversity and the integrity of the Hunter River system over time. The key purpose of this proposal is to increase the profit margin of two multi-national mining companies at the expense of community health and wellbeing and the environment.

15 The proposal will extract \$15 billion worth of coal and pay the people of New South Wales \$369 million at current value in royalties for the privilege. The promise to extend the life of 250 jobs and create another 250 cannot be held to account. Mining companies are currently in the process of putting all employees on contracts rather than providing permanent employment. This proposal will prolong the much-needed
20 commencement of a just transition in the Hunter to a more diverse economy. We need cleaner industries that don't cause the extensive permanent cumulative damage that this proposal plans to inflict on the local community and its surrounds. The cost of the additional release of greenhouse gas emissions to the local, state, national and world economies has not been taken into account.

25 In conclusion, the assessment process for this proposal has been very weak. This proposal really is the last straw for the Hunter. It has too many long-term uncertainties, too many significant cumulative impacts and no guarantees that the perceived public benefit will outweigh the significant number of costs. The
30 Commission needs to undertake its own independent cumulative impact assessments of noise and air quality impacts, biodiversity impacts and proposed offsets and water impacts. We have been denied our rights to a merits appeal of this project, and trust the Commission will seek all the information needed to make a balanced decision. Hunter Communities Network maintains that United Wambo proposal cannot be
35 justified and should be rejected outright. Thank you.

MR PEARSON: Thank you, Bev. I appreciate those comments. I would like to call the next speaker, please: Wendy Wales from the Denman Aberdeen Muswellbrook Healthy Environment Group. Wendy has requested 10 minutes.

40 MS S. ABBOTT: My name is Sue Abbott and I'm actually here today speaking for Wendy Wells, who is here in an individual capacity as well as this organisational one, but is not well enough to do both. It is an honour to briefly step into her shoes for this moment. I would like to acknowledge the Wonnarua people, who are the
45 traditional custodians of this land. I would also like to pay my respects to their elders past and present and those to come, and I extend that respect to other Indigenous people who are present. Like Wendy, I too live in the Upper Hunter and, like

Wendy, I am a mother and grandmother. For the last 20 years – 20 plus years – Wendy has worked in the Upper Hunter as a biology teacher and has raised her family.

5 For the past 30 years, I too have worked and raised my family in the Upper Hunter and I am now a councillor in the Upper Hunter Shire Council, and I note that in the Upper Hunter Shire we have a policy that there is no mining. But today I am in her place and I am speaking on behalf of DAMSHEG, that is, Denman Aberdeen Muswellbrook Scone Healthy Environment Group. We are a group of professionals
10 who feel compelled to make our voices heard on issues of public health and the environment. While our group has different areas of expertise not specific to this project, our concerns are around life on Earth and the local health of human and other species.

15 So, underground becomes open cut. The proposed joint project between Glencore and Peabody of open-cutting the Glencore underground mine is another travesty against our environment. Initially the mine was approved based on an EIS for an underground mine. Now a modification is sought which assumes the approval from that EIS, but adds significant additional impacts that were not seem as issues in the
20 first approval. This is death by 1000 cuts, or incremental degradation of the environment. We in the Upper Hunter are experiencing the consequences of these increments in our daily lives. Most obvious to anyone is with air quality and visual amenity.

25 Even when Wendy came to the Upper Hunter more than 20 years ago, and myself more than 30 years ago, there was this complicit assumption that we could draw a circle around the Hunter, declare it already sufficiently ravaged as to be going ahead neatly ravaging the rest. This loss of surface habitat, impact on ground water and exacerbation of existing dust are not acceptable increments. Monitoring of the Upper
30 Hunter air quality has demonstrated quite clearly that we are living at the benchmark and that any approval of these modifications directly negatively impacts our life and – lifestyle and our health. The ideal dust levels are zero. If you increase dust and air pollution, and you increase health effects and pick off the more vulnerable first – that is what happens.

35 The recent revelation of the Australian Conservation Foundation in The Dirty Truth: Australia's Most Polluted Postcodes, highlighted the Hunter's position at the third most polluted region in Australia from coal mining and electricity generation, and juxtaposes this land use against the Hunter's valuable wine industry and as a tourist
40 destination. Warkworth, Singleton, Camberwell and north-west Muswellbrook are registering PM10 levels that take them below the very good category.

Clearly, air quality in the Upper Hunter cannot improve by putting in yet another coal mine – an open cut coal mine. We are saturated. Camberwell experienced 13
45 PM10 exceedances in July last year. Does Jerry Plains have to look forward to this as their future? Further afield, the dust becomes incremental for the already saturated background.

Biodiversity, connectivity and global insect decline. People with any understanding of the significance of climate change, habitat loss, invasive species, mass extinctions, are amazed that government supports initiatives to promote the Great Eastern Ranges initiative, described as the best opportunity to protect and restore a landscape that
5 provides by far the most important refuge for threatened native species, the most important source of fresh water and the most carbon rich forests on the continent, yet repeatedly continues to approve disruptions to this wildlife corridor. In this case, destroying remnant vegetation which links the Wollombi Brook corridor and the Wollemi National Park.

10 Climate change makes weather more unpredictable and we are experiencing this now. Extreme heat and dry winds make rehabilitation planning and implementation very difficult. Does anybody seriously believe the rehabilitation of 670 hectares to achieve 527 hectares of woodland and grassland and 247 hectares critically
15 endangered ecosystem is going to happen? Or that offsetting is valid?

Two large final voids are also a legacy of this mine. People on the street are repeatedly surprised to find that the reason final voids are left is because the mines say it is uneconomic to fill them. How is that acceptable? This is obviously a costs
20 and a problem brazenly forward to the tax payer. In the time that we have lived in the Upper Hunter, we have been able to do quite a bit of bushwalking – this is Wendy and her family and me and my family – and we have really enjoyed our landscape with other naturalists, adventurers and explorers, which has sharpened our eyes to the diversity in our region.

25 We are so lucky in Australia to have wild places and remnant bush and we should avoid further destruction of our landscape and, instead, devote ourselves to conservation and sustainable living. This will be difficult enough, even if we had unity of purpose in Australia and the world. Unfortunately, our capacity to destroy
30 our natural heritage is accelerating with increased mechanical capacity and an appalling ignorance. Far from conserving what we have, the Wambo modifications take out another 670 hectares, including 247 hectares of the critically endangered ecological community Central Hunter Valley eucalypt forest.

35 We wonder that anyone is allowed to touch critically endangered communities. We wonder how many people are turning a blind eye or downplaying this status. We wonder when will we wake up and start to work together and enjoy and protect our collective heritage, instead of miserably trashing it. Once this coal mine coal is mined, then it becomes part of a global environmental problem. No longer
40 sequestered, carbon will be burnt and become carbon dioxide that needs recapturing.

Thirty years ago, we had not been expecting to feel so much climate change in our lifetimes. We thought it was something we could educate about and then turn things
45 around. We thought we could spare our grandchildren having to deal with this. It was incumbent on us to steer change. Such is the power of the fossil fuel industry and the misinformation by the popular press, that we have seen successive prime ministers fall whenever they have attempted to tackle lowering our emissions. The

floods and multiple bushfires across Australia we are currently witnessing are all part of the same extreme weather pattern that is predicted to become more frequent as a consequence of global warming, that is far from more energy in the system.

5 It feels modifications and new pits such as Wambo come in like – prices are up, we’ll
get this out before anyone notices. Let’s tidy this up and get a bit more coal out here
while we can, before there’s real action because of unfolding climate change
catastrophes. North Queensland had record high temperatures late November last
10 year, with multiple devastating bushfires. While much of the Hunter Valley is now
pockmarked with coal mines and the encouraged perception that Hunter Valley is
already done over, we ache for the loss of our landscape. We miss what was once
ours and we realise that it will get worse while people fail to realise our time in
15 history. Our efforts should be squarely focussed on moving cooperatively into the
future, tackling the multitude of environmental and social issues, with a fair system
of economics. Final voids are too expensive.

Rural communities. One of the real pleasures from living in the Upper Hunter is the
knowledge of community that we gain. We know belonging to a community is a
20 pretty good shield against loneliness. One of the key underpinnings of depression is
loneliness. As our region has more and larger coal mines inflicted on it, less families
decide to live here and others have decided to move away, which for many is an
alienating and lonely experience and leaves many of the smaller villages and towns
with transient population.

25 Climate change, floods and fires – they are a thing and they are here across Australia.
Our country has never been hotter. Many parts of our home are on fire, whilst other
bits are under water. We are experiencing catastrophic climate change that has
catapulted us to catastrophic climate emergency. There is no denying it. The IPCC
has given us 12 years to get our planetary home in order and to keep temperature rise
30 below 1.5 degrees Celsius. Here in Australia, we are not on track. Our government
needs to be properly funded for research into the most strategic ways of drawing
down the greenhouse gasses and how to properly inform the public on the unhappy
degree of environmental degradation that has taken place.

35 I’m nearly finished. Two paragraphs. The Department of Planning needs to be
provided pathways towards a sustainable future for people and the environment. It
needs to be identifying the roles of government, industry and the community to work
together with the international community and steer away from climate change
inducing industries. Coal is sequestered carbon. It needs to stay in the ground. The
40 change and adaptation that took place over a million years in Australia has yielded a
unique continent of diverse plants and animals, much of which is still unidentified.
And after 200 years, we are still lucky to have it at our doorstep.

I’ll just skip to the last paragraph. Wendy has been to many PACs and a few IPC
45 public meetings and has been told that the Commissioners make a determination
somehow based on submissions. We still cannot understand what criteria are ever
applied, given the weight of social and environmental evidence presented to the

Commissioners. The social environmental costs must be built into economic calculations. For example, if the cost of filling a void renders the project unviable, surely the project is economically unviable full stop.

5 Why should our kids have to find the solution to this, while there are problems in the depths of dealing with other environmental problems? In fact, our children across the world, ably-led right now by the 16 year old Swedish Greta Thunberg, have taken to the streets to express their dismay at the way we adults are running affairs, and these children are knowingly disrupting their education because they can't envisage a
10 future if life carries on as business as usual. We owe it to our children, and to their children, to stop coal mining and coal mining expansion. The evidence is in. Coal mining needs to be out. Thank you.

MR PEARSON: Thank you very much. I'll call our next speak, and it's probably
15 our final speaker before our lunch break, Anthony Lonergan, who has requested five minutes. And that will bring us close to 1.30. And then we might regroup at 2 o'clock to proceed with the afternoon's submissions.

MR T. LONERGAN: Thank you, commissioners. My objection to this process is
20 centred on the greenhouse gas emissions associated with the project and, therefore, the direct impact on future climate. We have a climate emergency. The latest IPCC report details the difference between 1.5 degrees warming and two degrees warming. Just to give a couple of – or one example of that, if we limit global warming to 1.5 degrees, we will still lose 70 to 90 per cent of all coral reefs. If we go to two
25 degrees, we lose 99 per cent of all coral reefs. So I suggest to you that the Great Barrier Reef, or the future of it, hangs in the balance. So let's not kid ourselves that this project or any project that will increase carbon dioxide and methane in the atmosphere is a net job creator. It is not. This project, according to the proponents, will result in 260 million tonnes of CO2 equivalent being added to the atmosphere.

30 I don't have sufficient data regarding coal composition to assess this number, but it does seem low. However, they point out that 97.5 per cent of the emissions will occur after the coal has left the mine site. This is completely irrelevant to any argument about the greenhouse impacts of this mine. There's only one atmosphere
35 on the planet. The proponent strives to claim for efficiencies to minimise scope 1 and scope 2 emissions. However, no attempt is made to limit the fugitive emissions even from the more gaseous seams of the United open-cut area which are estimated – how accurately, we don't know – to be 66 kilograms for every tonne of run of mined coal. Fugitive emissions are said to be 5,800,000 tonnes. This is more than double
40 the emissions from the diesel burned on the site.

It's completely out of the question that methane which has 23 times more warming of the atmosphere be released unchecked. The commissioners need to be aware that fugitive emissions from coal and gas fields is the fastest growing contributor to the
45 total national greenhouse emissions. The IPCC says that all greenhouse emissions would have to cease by 2050, and significant amount of carbon dioxide will need to be drawn down from the atmosphere by that time if warming is to be restricted to 1.5

degrees this century. This project is proposed to continue into the 2040s. More coal is incompatible with any possibility of maintaining a liveable climate. The impacts of climate change are already being felt across the globe, mainly by poorer people. In 2014 6000 people in the Philippines died as Cyclone Haiyan passed over their country.

This was the largest cyclone ever measured in the south pacific. Since then two larger cyclones have devastated Fiji and Vanuatu. The intensity is due to warmer oceans. Ongoing and perhaps permanent drought is affecting Sub-Sahara Africa, the Middle East and Central Asia. 1.5 degrees of warming will see Himalayan glaciers lose one third of their volume, threatening water supply to hundreds of millions of people. Sea level is inevitably going to inundate river deltas around the world with their large populations, resulting in millions of climate refugees. Here in Australia we've had a record hot summer. We've got unprecedented fires in Tasmania threatening ancient Gondwana Forests, and if they burn, they don't come back. These thousand year old trees are not eucalypts.

They do. We've had record and unprecedented flooding in North Queensland. We've got a Darling River full of dead fish. Here we have a severe drought with no end in sight. This is with one degree of global warming. We're currently on track to between four and five degrees. If every country meets its Paris targets – and only a couple of very small countries are. Australia is certainly not one – we will exceed three degrees. This is incompatible with human civilisation. That's the scale of this problem. I have great fears for the future of my grandchildren and the world they will grow up in, and so should everybody in this room. Future generations will be asking where we stood on this issue, and it won't be in the distant future. Thank you.

MR PEARSON: Thank you. What I might do is just pause there and have a 30 minute lunch break. So the time now is just coming on to 1.30. So we will reconvene here at 2 o'clock and then start the rest of the submissions this afternoon at 2 o'clock. Thank you.

RECORDING SUSPENDED [1.26 pm]

RECORDING RESUMED [2.08 pm]

MR PEARSON: Good afternoon, everyone. We might start this afternoon's session, and I would like to ask Deirdre Obfsson. Is Deirdre – there you are. Deirdre, you've asked for 20 minutes, if that's correct. Great. All right. I think we will kick off. Just ask for silence. And, Deirdre, over to you.

MS D. OBFSSON: Right. Thank you. United Wambo open-cut coal mine project. My objection to the project remains after the commission and the Department of Planning responses in the final assessment report. The statement by the Department

of Planning that benefits would outweigh the cost and the, secondly, the department's PAR did identify several matters that require further clarification to strengthen the assessment of rehabilitation and biodiversity offsets.

5 The other component, the air quality modelling network, is not available for
comment as the locations are not final. So, therefore, the department's statement of
benefits outweighs costs when there is a failure to provide adequate information to
make comment can be taken in the context that the department could be determined
as biased towards the international corporations over the community which would be
10 impacts. 2.1.5 Noise and exceedance mitigation and acquisition.

Points of concern: (1) the use of the term "predicted modelling" is far from factual,
as per the dictionary; (2) the failure to identify health impacts related to noise at an
individual level on every individual who may have a different tolerance but, more
15 importantly, the concerns of mitigation causes entrapment, the removal of the right to
make free decision within the residence in relation to opening a door or a window or
the right to have a full length sleep without disturbance; (3) the failure to state that
noise monitoring by the proponent is management monitoring only, the fact that
compliance monitoring depending on the conditions of consent could be one day per
20 month, one day per quarter of the year – a consultant hired by the proponent which is
classified as independent; (4) the failure to identify fatigue management,
occupational health and safety of the residents to perform duties in their employment
and the cost of an employer's business due to related personal leave or accident rate,
impacts on public road.

25 The fact this could impact the mental health of the employee who of no fault of their
own has been forced into a situation of no escape due to noise and the failure of the
ability of their right to be acquired on request. The failure to identify the employee
in the home and the children to be exposed to prolonged noise associated impacts
30 and assessments of their mental state. (6) A failure to assess each individual
residence for noise impacts from a cumulative level using the Australian standard.
2.1 Blast management. Where the department makes comment related to negotiated
agreement between the landholder and proponent is important prerequisite for hazard
management is concerned that a hazard is not able to be controlled or eliminated that
35 last line of defence is nothing but agreement between a landholder and a proponent
to allow a proponent to produce a hazard that would potentially cause harm to the
occupant.

40 The fact a complaint was lodged with the New South Wales Ombudsman's office
related to agreements to conduct in relation to mining operations in the Hunter. 2.25
Mine own residents. The department states the proponent provides the tenants Mine
Dust and You factsheet from the New South Wales Health Department. (1) Does the
proponent provide adequate instructions to the tenant of the impacts related to a
particular matter and the fact World Health Organisation has stated there is no safe
45 levels? Does the mine explain the difference of air quality reporting related to
cumulative and the consent conditions of a mine contribution? On a recent incident
in the village of Campbell related to air quality a comment in the annual review – a

response from the Department of Planning compliance acting director in the use of the factsheet Mine Dust and You.

5 Section 6.3.3 of the annual review provides monitoring results indicating the mine
met relevant criteria in schedule 3 of the approval, especially air quality and noise
criteria. With no exceedance during 2017 reporting period given there was no
recorded exceedance Ashton was not obliged to send to affected landholders and
existing tenants New South Wales Health factsheet entitled Mine Dust and You. The
10 fact the Upper Hunter Air Quality Monitor in Camberwell recorded the NEPM for
the year 2017 annual average of 27.4 which is an exceedance related to the
cumulative air quality was not taken account, and the EPA reported this in the Clean
Air Report.

15 The other factor not being portrayed was a number of alerts received in the village
from 2011 to 2017 – was 267 of exceedance of national air quality standard. So,
therefore, the perceived perception these tenants and landholders could be possibly
being deceived on the real exposure of what has experienced in this village due to the
failure of conditions of consent to adequately address the real time conditions the
20 population has been impacted by. Air quality: the failure of the department to
provide modelling network for comment is appalling.

The concern of air quality monitoring data is validated in relation to the proponent's
network case set below. One, in relation to an air quality monitoring an issue
25 rose related to data and discrepancy in results between the Department of Planning,
the mine-operated air quality network, and the EPA issued alert of an exceedance of
national standard in the village of Campbell Well in 2018. On request the Minister
on the concerns related to the Upper Hunter air quality network parameters related to
calibrations and meeting national standards due to New South Wales Department of
30 Planning stating no exceedance had occurred at the time of the alert. The response
from the EPA acting executive of the sites division:

*The New South Wales Government Upper Hunter Air Quality Monitor monitors
key pollutants. The data is validated and used to report air quality according
to national environmental protection ambient air quality measure, air NEPM.*

35 Two, due to the alert system used by the Upper Hunter Air Quality Network and the
incident mentioned above, the EPA acting executive of science division and
response, the Upper Hunter Air Quality Network is separately linked to a system
that sends alerts whenever certain air quality criteria are exceeded.

40 However, the criteria for alerts are not exactly the same, as at the NEPM reporting,
alerts are issued when rolling averages exceed levels specified in the air NEPM and
exceedance on the NEPM related to a calendar date. Therefore, the proponent –
therefore, the Department of Planning and the proponent's comments related to
45 acquisition rights – I forgot – human health – he also states human health impacts
and economic costs and benefits are calculated from human exposure to ambient air

concentrations of the pollutant in question, not just exposure above the national standard.

5 Therefore, the department of Planning and the proponent's comments related to acquisition rights and exposure to pollutants – pollutants need to be addressed, that ambient air quality is the issue, not the contribution of a said mine and the action of smart pollutants with markers to identify who owns the pollutant, but the cumulative impact of exposure.

10 The attitude of the used term of our conditions to the and the mitigation action, the pollutant does not leave the premise is like using a barrier tape, stating that asbestos will not come across an invisible barrier, or an action thinking a red and white barrier tape has magical powers to protect you from harm, or to think that there is a special force field that stops pollutants leaving a mine site.

15 Final voids. The fact that the proponent has done a cost analysis of filling two voids at \$777 million, but nowhere the cost analysis of the remediation due to continual erosion, protection of health and safety of the site classified as unstable, polluting, monitoring of the pollutants in the water network and the cost to the
20 taxpayer if the proponent decides not to pay rates, then the council would inherit this mess.

If they tried to sell it – the said land – are they held accountable for making sure that all information is provided at the sale of the liabilities which will be inherited. Also
25 the fact the Upper Hunter area will have 32 final voids and the cumulative impact associated with these voids has not been properly assessed. The comment from the Department of Planning related to ground sink – ground water sink is to have two final voids is absolutely disgusting.

30 To leave a polluting mess in someone's backyard and thinking it's acceptable behaviour. What impact does final voids have on climate? Heat island effect in industrial cluster, briefing TERI, The Energy and Resources Institute, September two thousand and for the Indian Government. The sum of the key methodologies followed in this study were (a) identification of thermal hotspots using satellite
35 remote sensing, (b) estimation on net heat from coal mining and industrial activities using IR camera imaging. Found. It was found that there would be – there has been a steady build-up of heat in the study area over years, resulting in higher night time temperatures which can be attributed to an increase in the industrial activities, coal mining, urban growth, deforestation and increase in open non-vegetated land.

40 Heat released in open-cut coal mines was the highest. Coal mining – higher thermal sources and vegetated areas and water bodies are thermal sinks. Also, heat island effect industrialisation. International Journal of Energy and Technology Advanced Engineering, Volume 4. Their analytic results show that development in industrial
45 parks is the one main causes of heat island effect. The peak intensity of heat island were that of industries inside temperature areas, electronics, metal fabrication, machinery manufacturing, chemical produce storage and intensity of heat. In

fact, treeless urban areas average 12.8 degrees C higher than vegetated non-urban areas.

5 Concerns. So mining would be considered treeless urban areas. The fact there will be 30 plus mining voids in the Upper Hunter and some have been classified as hypersaline and unusable landform, but the area is so substantial that the shape of the void might be considered unvegetated. So, from the information above, a heat source. The fact that United Wambo was removing a large cooling canopy will have significant impact related to the canopy acting as a thermal sink. The concern related to climate change related to heat island effect is major. Health impacts. NUS study finds that severe air pollution affects the productivity of workers. Economists from the National University of Singapore have completed an extensive study which reveals that exposure to air pollution over several weeks is not just unhealthy. It can also reduce employee productivity.

15 World Health Organisation. Nine out of the 10 people breathe polluted air every day. In 2019 air pollution is considered by WHO as the greatest environmental risk to health. Microscopic pollutants in the air can penetrate respiratory, circulatory systems, damage the lungs and the brain, killing seven million people prematurely every year from disease such as cancer, stroke, heart and lung disease. Around 90 per cent of these deaths are in low and middle income countries which have high volumes emissions from transport, agriculture, as well as dirty cooktops and fuels in the home. Concerns. The Department of Planning and the proponent have not assessed the impacts of increase of temperature, the cost of energy, the increase of pollution and the heat island effect will have on the health of the population.

30 Fact. Campbell Well air quality alerts, 2017. Air quality alerts received in the village of Campbell Well exceeded PM10 of the national standard was 56. In 2018, air quality alerts received in the village of Campbell Well of exceedance of PM10 of the national standard was 68. So, therefore, the Dust Stop Program on the above information has not achieved a reduction in the health impacts related to air pollution in the village of Campbell Well. Climatic conditions in the future might be more extreme heat conditions. That records are continually broken related to temperature, which the environment will become largely impacted by heat stress.

40 So, therefore, who is accountable when the reports by the consultants and the proponents and the Department of Planning approval body don't meet the outcomes stated? So, therefore, the department needs to explain why they believe it's important to entrap individuals in areas that is polluted, are none healthy, and rather than provide anyone the right to acquisition, especially knowing that there is no safe levels of particulate matter as stated by WHO. That's it.

45 MR PEARSON: Great. Thank you, Deidre. I'll call the next speaker, Robert McLaughlin. He has asked for 10 minutes.

MR R. McLAUGHLIN: Thank you, commissioners. Firstly, I'd like to pay my respects to the Wonnarua people, their elders past and present, and my respects to Kevin Taggart, a Wonnarua elder here today. In the past, mines in the Hunter Valley, particularly in the Singleton LGA, have always been approved because of the threat of loss of mining jobs. The approval of the United Wambo would be delaying the inevitable, with great cost to nearby towns, the environment and the regional economy. More than 5000 jobs and 705 million in wages – dollars, that is – million in wages, will be lost from the Hunter without investment in new employment and industries over the next two decades. We need to transform the Hunter's economy away from reliance on coal.

A report by Neil Perry from the University of Western Sydney, a senior research lecturer, on corporate and social responsibility and sustainability – that report is called “Weathering the Storm: The Case for Transformation in the Hunter Valley” – models the effect on the Hunter's economy of a 55 per cent contraction of the coal industry by 2040. This report argues the Hunter's economic future is “intimately bound up with global efforts to prevent dangerous climate change.”

Coal mining contributes 58 per cent of the economic output of the Singleton and Muswellbrook Shires, but economic output is just that – output to areas outside Muswellbrook and Singleton. You only have to see the vacant businesses and homes in both these towns to realise that money earned in the mines here is spent elsewhere. Most people who work in the mines live and spend their money in either Maitland or Newcastle. What has decades of mining done to enhance and develop both Singleton and/or Muswellbrook?

It has, however, meant the demise of a number of small towns in these areas, and my village of Bulga is amongst them. The threat of job losses in mining is not dependent on whether a mine is approved or not. Singleton is vulnerable to changes in coal demand and markets. Whilst surges in the thermal coal price can produce the equivalent of an economic sugar hit to the regional economy, the effects of a slight downturn are also felt far more acutely within the local economy than at a state or national level.

Economists are now concerned about the ongoing effect that the mining industry's infamous boom/bust cycle is having on regional economic sustainability. A House of Representatives committee hearing recently held here in Singleton was told the Hunter's exposure to the coal industry produced a marked difference in economic trends in the Hunter, compared to New South Wales.

Hunter Research Foundation lead economist Anthea Bill told the hearing that a decline in global coal prices to about \$56 US a ton saw a 15 per cent decline in employment in the Hunter region between September 2013 and March 2015. This decline compared to a 1.1 per cent increase in employment across the state. The bust phase was followed by a recovery phase. From March 2015 to July 2018 there was a 20 per cent growth in employment in the Hunter balance, versus 10 per cent in the state overall. The hearing was held a week before 388 workers at Muswellbrook's

Mount Pleasant mine were sacked on December 21. That would have been a nice Christmas present. Nothing was said in the media, though, because mining companies use jobs as a reason to gain approval for mines.

5 We need our politicians to be upfront with the public and to provide support to start diversifying the economy now and for governments to provide substantial financial support to affected communities such as ours. We must not approve another mine. We must diversify our economy. If we fail to do so, it will be at our peril. We need
10 a plan to diversify the Hunter and prepare for coal's decline, not approve any more mines. This is the only path that can protect the Hunter, its workers and communities.

We need to ensure mine site rehabilitation takes place and there is a review of all
15 exploration and mining titles and the cancellation of titles that deter investment in sustainable rural industries. Proactive transition process would result in the creation of 595 more jobs than would be lost from coal mining in the same period. At the same time, local wages and salaries would increase by \$315 million in 2040. This scenario would require significant diversification through building on the region's existing strengths in the agriculture, wine tourism and manufacturing industries. It
20 would also capitalise on the strong skill base of machinery operators and drivers, technicians and trade workers.

In order to achieve this best case scenario, an independent transition process to
25 ensure resources are invested in the public interest to aid transition in both the electricity and mining sectors, support and subsidies for renewable energy growth industries, support for the development of an environmentally responsible container terminal, collaboration between the state government and mining companies to ensure investment in renewable energy and to ensure mine site rehabilitation takes place. A review of all exploration and mining titles and the cancellation of titles that,
30 I said before, deter investment in sustainable rural industries.

Hunter Research Foundation director Will Rifkin said attempts to predict future boom and bust cycles had resulted in over and under investment in key infrastructure projects. It was also noted that the Singleton and Muswellbrook areas, you see in
35 youth unemployment, a much more volatile rate of unemployment. Youth unemployment goes up and down much more dramatically. The prospect of lucrative mining industry jobs was a contributing factor to areas like the Hunter having fewer people in the 25 to 34 year old age bracket with university degrees or specialised training in other fields. This scenario has long-term implications for the
40 transition of people from the mining sector to other types of business when the mining industry goes into decline. There are also definite economic effects of land use and conflicts between mining, equine and viticulture industries.

In conclusion, our community has been calling for a plan to diversify the Hunter and
45 prepare for coal's decline for years now. We can protect the Hunter, its workers and communities, if we are given the chance. We can't do this, however, if mines such

as United Wambo gain approval. I strongly object to the United Wambo project.
Thank you.

5 MR PEARSON: Thank you, Robert. Appreciate very much those comments. The
next speaker is Wendy Wales, who has asked for five minutes. Wendy, are you here
with us at the moment? You're here? Okay. Great. And are you – you're okay to
present?

10 MS W. WALES: Yep.

MR PEARSON: Okay. Well, let us know if we can make you more comfortable or
- - -

15 MS WALES: Thank you. So I would like to acknowledge the Wonnarua people,
who are the traditional custodians of this land. I'd also like to pay my respects to
their elders, past and present, and extend that respect to other indigenous people who
are present.

20 So my name is Wendy Wales. I registered to speak in December on behalf of myself
and, separately, on behalf of the Denman Aberdeen Muswellbrook Scone Healthy
Environment Group. I felt so naive when the last IPC meeting was postponed due to
Commissioners conflicts of interest. It seemed more than a coincidence that there
was Department of Planning whistleblowers drawing attention to such conflicts
within the Department of Planning.

25 Since then, I have tried to become familiar with the criteria Commissioners
independently use to determine that it is okay to allow a new coal mine or mine
expansion. I expected to find a clause stating a public meeting was necessary for we
victims' mental health, like a victim impact statement: a cathartic opportunity for us
30 to express our grievances. I didn't find that, but I did find this clause, 12AB, non-
discretionary development standards for mining.

35 The object of this clause is to identify development standards on particular matters
relating to mining, that if complied with prevents the consent authority from
requiring more onerous standards for such matters. But this is the killer. But that
does not prevent the consent authority granting consent, even though any such
standard is not complied with. So if you feel like you've put a lot of time into these
meetings over the years and been mystified by the results, there's the catch.

40 So – all right. Sorry. I seem to be missing my number systems. The old adage
about the best way to learn is to teach I have found to be true. While no expert,
every year I've taught evolution and devolution of Australian biota to HSC students
and I've gained a deeper and clearer understanding of the significance of what we
have in Australia as our birthright. All that change and adaptation taking place over
45 millions of years to yield such a unique continent of diverse plants and animals,
much of which is still to be identified. And after 200 years, we are lucky enough to
still have some of it at our doorstep.

I recently had the opportunity to fly from west Canada across to New York and later on the same trip from north Germany to Rome. We had window seats and daylight and were able to see the scale of human agricultural impact on the landscape for both flights. It made me realise that we were so lucky in Australia to have wild places and
5 remnant bush,. But we should avoid further destruction of our landscape and devote ourselves to conservation and sustainable living. This would be difficult enough even if we had unity of purpose in Australia and the world.

Far from conserving what we have, the Wambo modifications take out another 670
10 hectares including 247 hectares of critically endangered ecological community. I wonder that anyone is allowed to touch critically endangered communities. Well, such is the power of the fossil fuel industry and the misinformation of the popular press that we have seen successive prime ministers fall whenever they tackled lowering emissions. In December I wrote:

15 *The floods in Sydney last week and the multiple bushfires in Queensland were all part of the same extreme weather event predicted to become more frequent as a consequence of global warming.*

20 I will just cut to a quote from Richard Flanagan to finish off. So Richard said:

*Australian summers, once a time of innocent pleasure, now are to be feared, to be anticipated not with joy but with dread, a time of discomfort, distress, and for some, fear that lasts not a day or a night but weeks and months. Power
25 grids collapse. Dying rivers vomit huge fish kills, while in the north in Townsville, there are unprecedented floods, and in the south, heat so extreme it pushes at the very edge of liveability has become everyday.*

My last sentence, then, from Richard Flanagan:

30 *Where summer is no longer a time of joy but a period of smog-drenched dread that goes on week after week and it seems inevitable month after month.*

MR PEARSON: Wendy, thank you very much. I notice that there's a lot more
35 writing on those pages. If you would like to leave that with our secretariat, then we can read the rest of the material that you weren't able to cover in the presentation today.

MS WALES: I will tidy it up for you. Yes. Okay. Sorry?

40 MR PEARSON: If you would like to leave the rest of the presentation, then we can – the three commissioners – we can read it - - -

MS WALES: Yes. Okay. I will tidy it up for you. I can send it

45 MR PEARSON: Okay. Great.

MS WALES: Yes. Thank you.

MR PEARSON: I think you've dropped your pen too on the floor.

5 MS WALES: Thank you.

MR PEARSON: Thanks, Wendy, appreciate that very much. I call the next speaker, Robert McLaughlin, who on this occasion is speaking for the Bulga Milbrodale Progress Association. And I think you've asked for 15 minutes this time.

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MR McLAUGHLIN: I have. That's right, Commissioner, yes. Thank you. Yes. I'm representing the Bulga Milbrodale Progress Association here today. For eight years, we've been fighting the expansion of the Warkworth Mount Thorley open cut mine to save the village of Bulga – the historic village of Bulga. The Land and Environment Court and the Supreme Court said the Warkworth Mine must not be approved because of the impacts on the people of Bulga and the environment. Two years after the court said that the mine must not proceed, the government through this very same process – the IPC procedure – approved the exact same mine the courts rejected. You will understand then our anger that the government has said this particular mine, the Wambo project, is approvable.

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It's right on our north-western doorstep. We don't live in an industrial area; we actually live in the country and that's why we moved there – for the rural lifestyle. This is a farming, grape-growing, winemaking and a tourism area, believe it or not. It is unacceptable to approve an open cut mine expanding into the environment which should be protected, not destroyed. The mine cannot mitigate the impacts on people living in this area, nor on the environment. This mine application must not be approved. Technical issues – in the past we have commented on the technical issues in an EIS, believing the community's experts on the technical issues raised in the EISs would bear some weight and sway your decision-making process. History has shown that they have not.

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The planning – the Department of Planning is compromised because many of their officers are ex-mining executives and in addition take instructions from the State Government to get mines approved. And the DPE are the ones that you people turn to for technical advice. No need to remind you of the recent publicity on corruption in the Department of Planning, but given the history of the DPE and its relationship with the mining industry, you will understand the mistrust the community has in reports prepared by the DPE and which you refer to in your assessment of this application. The State Government has altered policies and regulations to reduce the standards of protection for communities to get mines such as this approved.

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The cumulative impacts of dust and diesel in the Hunter Valley are felt every day. The prevailing winter north-westerly winds blow the pollution from the top end of the valley down through Muswellbrook into Singleton and beyond. The summer south-easterlies blow the dust from the mines in the south all the way up to Muswellbrook and beyond. If you approve this mine, then you are adding to the

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pollution in the Hunter. The EPA in 2013 advised that 87.6 per cent of PM10s and 66 per cent of PM2.5s is produced by coalmining. The recent EPA autumn report of annual air quality trends in the Upper Hunter states that 11 out of the 14 reporting centres show an increase in PM10s for the last three years.

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You must not add another polluting open cut mine to impact on our health. And I would just like to comment on the person from the Singleton Council, Mr Linnane, saying that he was concerned about the welfare of his people here in the Singleton area and he's talking up this mine that will increase the pollution in this area that is already greatly impacted. I just can't believe that – that the council is actually putting up their hand for another coal mine. It's all about money, I guess, but don't worry about the people's health. The recent 12 months of increases in dust pollution in this valley is attributed to the drought.

15 I have no doubt the drought plays a very major role, but the point is that we have open cut mines that are producing dust without abatement during this period and yet nothing seems to be done about it. In the five-year review of pollution in the Hunter Valley, the EPA report states that this valley has the worst polluted air in the state for PM10s and yet the State Government is recommending another source of pollution be approved – them and the local council, it seems, adding to increased health
20 problems for the people of the Upper Hunter. A recent article on the ABC placed the Upper Hunter amongst the five most polluted areas in Australia. This is scandalous.

25 And what is the government doing about this? They are saying, “you go ahead and approve another open cut coal expansion.” Do not assist the rampage of destruction that the State Government has set on us in the Hunter Valley. The pollution of our air is not just an issue of complying with some rules, this is an issue of health for our children. If you approve this mine, you are contributing to shortening the life of the residents of the Upper Hunter Valley. Reports from the government's own health
30 department and research papers such as Ruth Colagiuri's paper at the University of Sydney and many others refer to this. She says there is no safe level of dust.

35 Keep in mind that this is all about health. The World Health Organization and the Department of Health New South Wales also agree that there is no safe level of dust; anything above zero is a compromise. Dust causes major problems for our health, and in particular the health of our children. Because of air pollution, there are many families in our area who are desperate to leave because of the health impacts on both adults and children.

40 Four years ago, a local GP did research, and found that the kids in the Upper – in the Hunter Valley were susceptible to asthma or similar respiratory illnesses: in fact, one in six suffered these illnesses, whereas the average for Australia was one in 24. So we have four times the level here in Singleton. But the local council is saying, “Let's have more,” and the government. “When you live near an open-cut mine, and
45 are in the area or zone of influence, you elect to stay. You have no protection whatsoever for you or your children from open-cut mine pollution.” Since that research, the air quality in the Upper Hunter, as predicted, has become worse.

Blasting. Blasting is another issue which, of course, is a regular occurrence in open-cut mines. The approval states that the blast fumes must not leave the site. But it is clear to us that the blast fumes, or the results of blasting, definitely leave the site; I've seen so myself on numerous occasions. My town of Bulga is in the line of fire from Wambo's blast fumes.

Decision-making process. Commissioners, the community has little faith in your decision-making, and that's not being unkind to you personally, but it is a view of our community that if government pays the piper, then the government calls the tune. The government is pressuring you and others to approve coal mines not only to the detriment of the local area, and the prime agricultural land, but also, more importantly, to the health of the people of the Hunter Valley, and the planet as a whole.

Justice Preston, Chief Judge of the Land and Environment Court, noted in the Financial Review recently that:

Constitutions or statutes may provide for certain rights, such as the right to life or right to a clean and healthy environment. Such rights may provide the basis for climate change litigation.

Of course, you will be aware, the government has removed the merit-based appeals rights, to prevent courts from hearing our arguments; and that was something that was because of the people of Bulga – drove that one – and from hearing our arguments. I think that, in the future, affected communities, communities that have been placed at risk, such as ours and all these communities here in the Hunter Valley, will increasingly look to the courts to adjudicate on these matters. Perhaps the courts should be the ones that decide the future of some of these issues, and take action to protect us from local impacts and global climate change.

Commissioners, as I mentioned before, the community has no faith in you coming up with the right decision, because the government will be pressuring you to approve this application. And I say that with all due respect. Nothing we do appears to stop this ridiculous trashing of our environment and our health. All this is for the sake of some financial gain for a greedy State Government, and stop-at-nothing coal industry and coal companies that pay no tax. We are being denied the basic human rights of clean air and a healthy environment.

In conclusion, with the continuing deterioration of our planet and our health, actions will soon be taken to hold to account those organisations and people who, through their actions or inaction, continue to ignore the warning of scientists. Justice Preston provides this warning not only to businesses but to governments. Commissioners, you have the opportunity, here today, to slow the continuing destruction of this valley and start to reduce the continuing cumulative pollution of the air that we breathe.

Please, visit Bulga – come and see us in Bulga, and talk to the people who are left – as I said, people are trying to leave every day, but most of us are stuck on stranded assets, and can't go – and you will understand the impact of open-cut mines on our village. You must not approve this open-cut mine expansion. Thank you.

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MR PEARSON: Thank you, Robert. I'll call our next speaker, AnneMaree McLaughlin. AnneMaree, you've asked for 10 minutes, I believe.

10 MS A. McLAUGHLIN: I'm a resident of Bulga, the historical town right near this proposed project. I want to express my great concern that the impacts on people and the environment have not been adequately considered, and also my concerns about the mine approval and assessment process. I believe the New South Wales Government and its Department of Planning are confused on the true meaning of "public interest".

15

As it stands – as it still stands – the people who are impacted the most by open-cut coal mines such as the proposed United Wambo gain nothing, and are suffering loss of health and wellbeing, quality of life, and financial instability. The United Wambo project will result in increased hazardous levels of dust and air pollution that nearby residents are forced to endure in what is an already overburdened coal-mining area.

20

In the report, there are references to perceived benefits of mining. I see nothing that benefits Bulga. All is good for the decision-makers, the approval-givers, and the many workers who live away from the mine site, or those who willingly chose to rent a mine-owned house in this polluted environment. The majority of Bulga residents, however, don't have the luxury of that choice.

25

Residents who are exposed unwillingly to industrial operations from mines day and night deserve to be funded to move. The mine, after all, is responsible for their suffering and health repercussions. But moving isn't a solution for many people in towns like Bulga. Their towns hold their heritage, their family's history, or it has irreplaceable ties of friendship and community, that's gradually – well, changing dramatically. Bulga was once historically known as the gateway to the Hunter Valley, but now it's the gateway to the hellholes of open-cut mining in the Hunter Valley, with four super-pits at its door.

30

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With this approval, the cumulative health and social impacts, and loss of privately-owned land and farming operations, will further devastate local residents. This has not been addressed properly. Community members don't have any faith in the legitimacy of these meetings and the approval process. Historically, approvals are given by commissioners, but always with strict conditions, that predictably require the applicant to develop plans, list objectives and possible solutions to problems in their path to approval.

40

45 In conditions put forward for United Wambo, the applicant is given broad parameters, in a seemingly endless list of conditions, and they have to satisfy the requirements of the Secretary of Planning, Carolyn McNally; however, some

wording appears very regularly: terms and conditions such as “The applicant must take all reasonable steps”, “carried out to the required standard”, “as far as is reasonable and feasible”, “as far as practical”, “to the satisfaction of the Planning Secretary”, “in timeframes that are agreed by the Planning Secretary”.

5

The Secretary may waive some of the requirements if they are “unnecessary” or “unwarranted” for particular management plans. “Prepared a suitably qualified and experienced person, whose appointment has been endorsed by the Planning Secretary”. I could go on and on with these terms that are quoted in this final submission. And they’re just a few examples, but you can deduce from those few examples that there’s plenty of scope for flexibility for the applicant to meet requirements or conditions.

10

You could also deduce that the Planning Secretary must be an extremely powerful and busy person who holds most of the approval cards in the deck. Here lies the problem, because the Planning Secretary works for the Department of Planning who strongly advise recommendations in favour of the mining industry and who also prepares reports on which the commissioners – you – refer to in your assessment of the application.

15

There have been significant problems since the Department of Planning took on responsibility for the division of resources and geosciences in 2017, and with it, responsibility for the administration of mining in New South Wales. The New South Wales Government has even resorted to reducing the standard of protection for communities like ours in order to get mines such as this approved. On Monday 10 December 2018, a fourth whistleblower came forward in Newcastle Herald; this time a specialist who emailed the secretary of the department, Carolyn McNally, to allege that senior staff had given her incorrect information about a database overhaul of mining title conditions that left the department regulating blindly.

20

It was stated that, in short, they don’t have a system of recording all conditions on the State’s 5000 mining and exploration titles. It also went on to say that people of principle do not stay quiet when they suspect something might be wrong, and the unfortunate recent State history of corruption in coal mining means the community is right to be on the alert. All mining approvals underway like this Wambo project should be halted while allegations made against New South Wales Planning are investigated.

25

Also, we’ve got the issue of final voids which hasn’t been addressed properly. How can you place a value on land or predict its possible use post-mining when you don’t know what to do with the final void? How can Hunter Valley voids be managed in the future when no one really knows the extent of the long-term negative impacts on the environment or how it will impact brown water supplies. To allow mining companies to merely take all reasonable measures to rehabilitate the area and minimise damage doesn’t mean it’s going to happen. The cumulative impacts of final voids is massive.

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The 30 voids in the Hunter Valley have created a barren lunar landscape. Assessments must include the hefty long-term costs of management plus financial and environment responsibility. We cannot be assured of any meaningful rehabilitation or solutions to this enormous problem when there is no detailed
5 government policy regarding final voids. For this reason alone, consent for approval for United Wambo should not be even considered.

Finally, climate change is perhaps the most important and distressing impact on people and the environment that has not been adequately addressed and considered in
10 the final assessment for this project. To the deniers, there is no climate change, so coal is clean, coal is good, coal is cheap and it's our duty to export it to the poor of the world to give them electricity. The denier's mind carries this absolution of coal beyond greenhouse emissions to disregard any negative impacts. Unfortunately, the government does more than promote climate deniers; they are climate deniers
15 themselves.

State, Local – and Local Governments and the coal industry will be held accountable for harms caused by their deliberate disregard for science, the health of the people and the life systems we rely on. Government departments should be proactive in
20 protecting us. If the approval is given to the United Wambo project, it will result in further destruction and negative impacts to people, the environment and to our precious resource, water. Just remember, the approvals you permit now create damage that cannot be fixed in the future. It's time for you and the New South Wales Government and the departments to choose our health, our environment, our
25 towns, our future above coal and this proposed project. Thank you.

MR PEARSON: Thank you, AnneMaree. I'd like to call our next speaker, Beverley Atkinson, who has asked for five minutes.

30 MS B. ATKINSON: Thank you to the commissioners. Can you hear me okay?

MS: No, not really.

MS ATKINSON: Is that better?
35

MS: Slightly.

MS ATKINSON: Hello?

40 MS: Good.

MS ATKINSON: Thank you to the commissioners, and I give my respect to the Wonnarua people. I am speaking for myself and, in summary, I oppose this extension on the basis of cumulative impacts. Combined impact of added mines is
45 now acknowledged but not enough, and continuing approvals happen in the face of solid warnings. Our children are the ones to be left with the foul air, the dregs of the

water and the final voids. They will be left fighting to survive our wreckage of the earth.

5 To start with, SEAR chooses what impacts to assess. It is a secretary entity with an unclear mandate. It wants to look at only physical measurable impacts, such as air pollution not only from coal dust, rock dust, but also from chemicals like the sulphur that we smell up in Scone; impacts such as noise and vibration from blast and mining machines, plus light spill at night; visible devastation of the ancient landscapes; loss of habitat and biodiversity; questions of rehabilitation allowing that best scientific can be set aside, and also water drawdown and water pollution.

15 Wambo United brings its own special impacts affecting a major heritage complex and wasting kilometres of our major highway and power lines. No regular develop could pull that one, and even if the mine paid the whole cost, there's still great disruption, risk and public loss. But there are many other impacts less measurable which tend to fall off the table. Destruction of communities, ancient and modern, with their social history and heritage; loss of farms, agricultural jobs, produce and income of asset value and inheritance; well-known health problems for mine workers and for surrounding residents; traffic build-up escalating road damage and road accidents; mental and social health issues in the disrupted lives and families of shift workers; a two-level economy and the resulting inequality; loss to the mines of our good local labour and trades, so that good quick work is now rare to begot; a waste of training. After skilled people leave jobs to drive trucks, it takes guts to return.

25 Education imbalance. There's now too much for mines and little left for sustainable work. Build-up of foreign ownership which knows little and cares less, we are afraid, about our delicate country. Unpleasantness of pro-mine pressure through grants, salaries, gifts, media influence, etcetera. Tourism slump; the Valley is so obviously spoilt that pride is turning to embarrassment. International contempt for our slowness to switch to sustainable energy and healthy jobs. Sorrow at seeing our local land, water and biodiversity destroyed forever and us with it. Widening credibility gaps.

35 We see clear, strong evidence against a proposal being followed by an approval time after time. The cumulative impact of that is moral collapse. The people we pay to protect the remaining life on earth are instead protecting policies which end it. So the IPCs best investment now is to let no more new black holes ravage this countryside. Prioritise the public interest reliably and visibly. So this IPC can rescue a living sustainable economy here in the Hunter and help extend the life of our sacred and beautiful world. Thank you.

45 MR PEARSON: Thank you. Thank you, Beverley. Appreciate those comments. I'd like to call Travis Zolnikov. But could I just clarify, Gary, if you're still in the audience, were you speaking on behalf of Glencore as a shareholder and the applicant or on behalf of the applicant this morning?

MR WILLS: I was speaking on behalf of the applicant.

MR PEARSON: The applicant. Okay.

5 MR WILLS:

MR PEARSON: Okay. Thank you for the clarification. Travis, I think you've asked for 15 minutes. So - - -

10 MR T. ZOLNIKOV: Yes.

MR PEARSON: Right.

15 MR ZOLNIKOV: Right. Good afternoon. My name's Travis Zolnikov. I'm the area manager at the United Wambo Joint Venture Project. Some of my experience, my background, is I started up in North Queensland about eight or nine years ago, did a couple of years up there, and then I moved down to the Hunter Valley with my wife. We've been here in the Valley for about seven, almost eight years. I've worked at two mine sites in the Valley and have just moved on to the United Wambo
20 in the last six months.

Today I just want to talk about the positive aspects of this project, and as an employee, as a member of the local community and as a mining engineer. You know, my background is – I grew up – grandma and grandpa had a farm. When I
25 was a little boy, I was able to range around out on that farm. My parents owned five acres backed up onto national forest. So I was able to hop the fence, grab my BB gun, my dog and just range around, hike and explore and do all those things as a young boy. So that – growing up that way has made it so important for me to try and give that kind of experience to my children. So – I've got two little girls. They're
30 three and four. And my wife and I – we've been able to buy a little house, a little property outside of Muswellbrook. And we'll be able to give that kind of experience to our children.

This house – I live about five miles – sorry. Miles. Sorry. Kilometres from Mount
35 Arthur Coal. On the top of the hill, I can literally see down to Muswellbrook Coals Open Cut. So I am a member of this community who is affected by mining. And the mining in the Valley has afforded me the opportunity to realise a dream of mine. It has given me a good job and a good future for my family. That future depends on this project going forward. If United Wambo doesn't go forward, then I will have to
40 – well, I'll be out a job.

You know, there's a lot of people who are in a similar position to myself. On
Australia Day I was at the pool in Muswellbrook, which is sponsored by Mount
Arthur Coal and BHP, along with a lot of other fields and buildings in
45 Muswellbrook. I was talking to a man who moved from Sydney with his wife so they could afford to buy a house and start a family in Muswellbrook. So he's got two little girls the same age as mine. So we were just talking about that.

So there's a lot of people who move to Muswellbrook and move in to the community because they can afford the housing, with hopes of getting a good, high-paying job so they can start a family and live a good life. You know, I guess really I feel today that I'm representing the silent majority of people here in this room who rely on
5 mining to provide that kind of a livelihood, to provide that kind of a good environment for their children to grow up in. You know? So there's a lot of people here.

10 This mine site is going to provide, you know, 500 jobs, direct employment for people. So there's going to be people from, like, Wambo who will continue their employment. There's going to be 250 people who gain employment. So they're going to be people who're going to be able to come in and get that same kind of opportunity that I've been afforded through this mining – through mining. You know, not to mention – there's all the subcontractors, cleaners, fitters; you know, the
15 local delis that bring in sandwiches when we have meetings sometimes. You know, like, the list is endless of people who are positively affected by mining in this community. I think we've – you know.

20 You know, the other thing is, there's a lot of operators at these mine sites who are excellent at their jobs. You know, what they can do with the equipment, you know, is something I couldn't do, in a way. But the fact of the matter is most of them do not have degrees. Okay? And there are no white-collar jobs waiting for them in Sydney or Melbourne or wherever else. This is – you know, this is what they've started at a young age. They've grown up – that's just how it is.

25 As a member of the local community in Muswellbrook for nearly eight years, you know, I've seen the ups and downs of mining. And it's like everything; it's – everything's cyclical. You know? I come from an agricultural background. You'd see the price of wheat go up; wheat goes down. Christmas trees. My uncle grew
30 Christmas trees. Popular. Now everyone wants to sell them. Price goes down.

Drayton – when Drayton got knocked back and – you know, in Muswellbrook, it crushed – it crushed that town. You know, we see a lot of buildings, a lot of businesses close up, you know? And that always – it breaks my heart to know –
35 think that that person, that individual, you know, gave it a go, and now they've got – they've lost – they've lost it and who knows what else. And only recently in the last year or so we've really seen – I've seen a real pick up in Muswellbrook, from Mount Pleasant kicking off, and obviously with the Bayswater pit, Thiess, and I'm seeing – we've seen the real estate prices go up, we've seen people come back into town –
40 you know, I've seen just a real uptick. It's more – it's more positive, you know? So I think, you know, obviously Muswellbrook gets a bit of a bad rep, but, for the most part, it's – there's – you know, it's a good town, it's a nice community. You know, there's nothing really wrong with it.

45 You know, I guess the other thing, too, is, you know, the positive from the mine sites is all the local events that are sponsored by mine sites. You know, we've got – you know, they have, like – like the rodeo. I mean, I've never seen any companies from

Sydney, I've never seen any businesses, any organisations outside of the local area ever help to sponsor these kind of activities, you know? There's no help. If it wasn't for these mine sites providing these things, we wouldn't get these kind of opportunities to have these activities, like the fair and – you know, they have, like, the rodeo and race days and all that stuff, you know? I guess, you know, some of the things that – another thing we've done at the mine sites – one of the mine sites I worked at was we really tried to give back to the community – not the mine site itself, but the actual people who worked in the mine site. Just, you know, the people in the office, the operators.

10 We had – you know, we did a Buy a Bale. So raised a whole bunch of money through different things so that we could help support the local farmers in the area and, you know, support them with hay and all that stuff. One of the things we did was they did toy runs every Christmas to go support local communities way out west – you know, the ones who are really doing it hard. So I think last year we supplied over 2000 toys. So they'd take, like, several trailers of toys out to these – I think it was Yooralla maybe? Just way out west. But anyway – so, I mean, and then we also had the community days. The amount of money we pumped into the Singleton Council – Council, it's like 20 – 20 plus thousand dollars a year, you know, through all these little fundraisers throughout the mine site.

25 So, I mean, there's a lot of positives to everything. You know, as an engineer, you know, I've done a lot of drill and blast. At the last mine site I was at I was one of the senior engineers, so I was in charge of short term planning, drill and blast, and all the other little miscellaneous things. I had the opportunity to do a lot of long-term dump designs and really be involved with the GeoFluv, which I'm sure you guys are well aware of. And, you know, like, that GeoFluv was challenging – it was challenging to design, because you had different angles, different funny shapes – it wasn't just real standard dump, you know? So it was technically challenging and it was even – I reckon, even more challenging to construct, but we would have these – we put the operators on that – on those – on these channels and boy they loved it, hey?

35 And they took so much pride in that work and – I tell you what, I'm extremely proud of the work I've done designing those dumps and doing the long-term designs. Like, when I drive past those – when we drive past those mine sites with my girls and I look and say, "Look, daddy helped build that dump," – you know? And I just think that – I just – I can't even describe – I'm just damn proud of what I've done out there. The drill and blast has always been a real challenging one, too. You know, we live and die with every blast, you know? We try to – you know, always making sure that we fall within our consent Okay. Within our consent limits – you know, the vibration, the overpressure, dust, fume – you know, it's so dynamic, it's so challenging, you know, but it's always been my favourite thing, and we work hard. We go through a process to make sure and ensure that we always fall within consents, and there have been times, much to my chagrin – we – we've cancelled
45 blasts.

We've pulled them up minutes before they're about to go off, on days – even when we were within our consent limits, we – we'd pull up, just because the risk was not acceptable with those shots, and we'd have to untie them, wait till the next day, and when we had another window we'd fire them up. Regardless of what it had done to
5 the scheduling – and that was part of my role, was to oversee the scheduling for all the equipment. You know, we would just sit there and we would take a step back, react, move forward. You know, we also had a lot of the things we would do with – with the planning for the weather.

10 You know, we were always looking at the weather, and if we knew that we were going to have – if – depending on the conditions, we would respond in a way to ensure that we could mitigate any issues that could potentially happen, you know? So we were always taking a very practical approach. So we took – we take these consent conditions – we took these consent conditions incredibly seriously. You
15 know, just a couple of other points, and we kind of just want to talk about offset property. We live next to a Ravensworth offset land and, I tell you what: it's fantastic, because they go out there, they sort out the ferals, they bait, they get rid of dogs – we used to have wild dogs running through our place, foxes – all that stuff. I haven't seen a wild dog for a long time since they've started actually being
20 stewardship – proper stewardship – of that land.

Prior to that used to – I don't know what people would do out there. The other thing that – you know, just another quick point I wanted to make is, you know, we talk about disturbance, and, you know, I think – just – just a little – I love history, and
25 there's just a little historical titbit. There's a picture we've seen out at United that basically has most of the area that's going to be impacted by the disturbance had no trees on it. So prior to us purchasing that land, it was just all paddocks – open paddocks – with the exception, I think, of a few trees along the creek. So in the last 30 or 40 years – I think the picture was from the seventies or the eighties. So in the
30 last 30 or 40 years all these trees have moved in to that area.

The other thing is I guess we talk about disturbance. How many hectares did the Hunter Expressway disturb? Was it 100 kilometres by 100 metres? What about the Huntley Housing division? That's going to be – I think by my calcs – close to 500
35 hectares by the time – if they go through all the phases. So I guess, you know, I think – I look at everything and it's all about – you know, it's striking that balance between doing the right thing for everybody, you know, in a way that's mutually beneficial, for all, you know? And just the other thing about – I just had, sorry, another quick note. Air pollution in Sydney the other week. They had warnings for
40 ozone, because the pollution levels, the heat, were that high. So the Upper Hunter isn't the only place that has got issues with air pollution.

And my final note is that I know that I myself contribute plenty of taxes to the New South Wales Government, so I just want to put that out there, too. So it's not just
45 me, but it's everyone else who had these jobs who are also contributing. And I think – do you have that presentation? Got it real quick. So, like, once again, I just want to thank you guys for – I appreciate this opportunity, and – to just speak. And – so

this is – this is my family, and this is us fishing up at Glenbawn. So these are the children of the future right now, having a fish – and we actually caught one, amazingly – and future engineers, and – helping me out. So anyways, I just want to thank you guys again for this opportunity, and – that’s it. Thanks.

5

MS KRUK: Thank you.

DR P. WILLIAMS: Great.

10 MR PEARSON: Thank you, Travis. Appreciate your contribution. I’d like to call our next speaker, Bryan Chapman, who’s requested 10 minutes. He’s an apology, is he? Okay. Then the speaker after that is Ian Moore, who’s requested 10 minutes.

15 MR I. MOORE: Yes, thank you, Commissioners. I’m a Jerrys Plains local. I’m a farmer, and I’ve lived at my present address for the last 60-odd years.

MS KRUK: Closer to the mic.

20 MR MOORE: I’ve watched the - - -

MR PEARSON: Sorry; just bear with us for a moment while we fix that rattling.

25 MR MOORE: I’m a Jerrys Plains Local. I’m a farmer, and I’ve lived at my present address for the past 30-odd years – 60-odd years, I mean; sorry. I’ve watched the development of mining in the Jerrys Plains area back from about 1970, which appeared to have minimal effect, and minimal concern to most people. There would have been some had concerns, but most people didn’t have any concerns, as, on today’s standards, they were tiny, tiny operations – very tiny. And over the years – I suppose it’s 48 years – they’ve developed into super-pits, with major impact on rural villages. Some rural villages have been just destroyed – gone. Looks as though Jerrys Plains is next in line. The impact on Jerrys Plains, at the present, and surrounding area: the dust is unbelievable, and the noise, and the mine blasts.

35 If this venture was approved, it would be absolutely impossible to control the dust. Our prevailing winds there lately are east-south-east, and that totally covers Jerrys Plains. A perfect example yesterday afternoon: it was that bad – we own a property – my wife and I own a property right in the middle of Jerrys property – we don’t live there; we own it. I could see the dust, and I’m visually impaired. You could smell the dust. You could actually feel it hitting you on the face. To me, that’s pretty ordinary. You can’t sleep at night with your windows open. We try to, but you smell the dust, and the house gets full of dust, because we – where we actually live is in a valley, not far from the mines. And if this is approved, it’ll be – probably destroy Jerrys Plains.

45 And it is impossible, in my opinion, to control the dust. If anyone stands up and says the dust can be handled, all that can be handled, they are actually fiddling with the truth. It is impossible to control the dust with the size of operation, because the

mining gear is that big – and they have it big for economic reasons, naturally; some of the machines are lifting 100 tonne out at a time, of dry overburden; dumping into trucks, which cart up to 300 tonne; drive along the haul roads, which sometimes are watered, and sometimes not – at night-time, generally not – climb up these man-
5 made mountains, tip her over the side, up goes the dust, the wind catches off the spoil heaps, and covers Jerrys Plains again, or Bulga.

And all you ever hear about, when you ask questions, “Don’t you want electricity?” or, “Don’t you want the workers to work?” We most definitely want electricity; we
10 most definitely want people to work. But this is not about electricity, because this coal is going down the port and overseas, to make overseas companies wealthier.

And as far as workers go, yes, I want them to work, but no one ever gives any consideration whatsoever to the dozens and dozens of men and women on the land
15 that have been removed off their properties between Jerrys Plains and Singleton – and it would be dozens – which spend all their money in Singleton. Half the mine workers or more don’t spend one cent in Singleton. As I said, I’m in agriculture. There used to be four agricultural tractor dealers in Singleton; now there’s none. There haven’t been any for years. There’s – last count I was told there was at least
20 20 businesses in Singleton vacant in the main business area. So mining is not really booming Singleton, in my opinion.

And then we got the – they do all their studies on the critically endangered species and that, and all the boxes are ticked. But they forget one major pretty endangered
25 species, that’s always missed: the men and women on the land, in my opinion, are the most critically endangered species. Without the men and women on the land, I don’t think we got a great future.

And without water, we got less of a future. I’m a licensed water user, and been using
30 underground water for many years. On a property in Jerrys Plains, we used to irrigate our wells. And, Commissioners, most of you people wouldn’t understand, but – be unaware – most river flats properties had wells, because years ago, the Hunter River used to run dry, and they used to irrigate out of wells. Before the Glenbawn Dam was built, the Hunter River used to run dry – which I’ve seen – dry,
35 and they irrigated out of wells.

Those wells now, including my own, is virtually dry. Battling to water stock out of it. And a lot of wells have gone dry. In my opinion, that’s because of the massing
40 mining area. They’re digging that deep, pumping out that much water, that our wells are going dry. Yes, we have got the Hunter River, admittedly. But they waste that much water – they often shoot cannons up in the air just to evaporate – where farmers are battling for water. And I think it’s pretty common that this country’s pretty dry – at the present, very dry, and, it appears, going to get dryer. I think, as
45 water is our most precious resource, I think we should protect our water very, very much.

And I believe, if this mine gets approved, it shows no regard for the historic village of Jerrys Plains, no regard at all, and no regard for the men and women on the land. When John Howe discovered the Hunter Valley – the Upper Hunter – in 1819, and discovered Jerrys Plains, he stated in his journals:

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This is the finest agricultural land I've seen since leaving England.

But for some reason or other, we're hell-bent to destroy it. I would like to recommend this mine does not go ahead, for the sake of our future. Thank you.

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MS KRUK: Thank you.

MR PEARSON: Thanks very much, Ian. I call our next speaker. Wayne Riley. Wayne has requested 10 minutes.

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MR W. RILEY: I'd just like to thank you people for coming to Singleton to listen to our concerns. I'm a bit of a visual person, so I've asked to present my presentation by video. And I'm hoping that pretty much 99 per cent of it falls into the scope of talking to you people personally. There's one reference to asking people to look at ringing their local members or their local mayor, and I would just like you to ignore that if it's outside the scope of the IPC meeting. I believe the rest of it is there. I've tried to present something that is very real in what we experience here in the Hunter every other day.

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I have been a coalminer nearly all my life and so have my family. I've been an underground miner and also I worked at Wambo Washing Plant, as it turns out. I worked for Peabody. I believe – the history of that is that I was, well, basically put off from the coalmine, I felt, inappropriately through a very slight injury. I believe I had a lot more to contribute to the industry. My family has been personally very financially affected by the Wambo Extension, but I try to focus mostly on this particular extension and how it impacts Bulga. Thank you.

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MR PEARSON: Thank you.

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VIDEO SHOWN

MR PEARSON: Thank you, Wayne. Thank you, Wayne. Did you have any closing comments, or - - -

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MR RILEY: Look, I'm sort of in the middle of the fence, as far as people that want to see no mining, and others want to see open cuts continue. I believe there is a viable alternative. I've worked in the industry for 10 or 12 years, in the Burrageen Valley; you saw how gorgeous it is. You know, I – as far as the mine saying that they want to get jobs, or supply jobs, and put money into the community, I – I don't believe that they're fully integral with that. I believe, again, if they introduced

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rosters that were more family-friendly – eight-hour rosters – you’d get 20 per cent more people employed in the industry. And the mining industry doesn’t want that, because they’ve got to employ more people.

5 This comment that they’re there for us and our community is, I think, a little imbalanced, if you look at the reality of things, and what I’ve experienced as a coal miner, and what I’ve tried to fight for in the past. I don’t believe this extension should go ahead. The cumulative effect is substantially obvious, and there is another way of making good money out of coal. If coal is going to stay, there’s another way
10 of making viable, good money for the communities, for the mining companies, and for Australia, without destroying further the air quality, which is just ridiculous in the Hunter Valley at this present stage.

MR PEARSON: Thank you, Wayne.

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MR RILEY: Thank you.

MR PEARSON: Appreciate those comments. Thank you very much. And for the video, too. I’ll call our next speaker, Debbie Pevy, who’s asked for five minutes.
20 And then Susan Morley, for the Climate Action Newcastle Group, after that; she’s asked for 10 minutes. And then we might have a short break for afternoon tea and coffee.

MS D PEVY: Good afternoon, Officers of the Commission, ladies and gentlemen,
25 mining representatives. My name is Debbie Pevy. My husband, Gary, and my daughter, Temika, reside at 355 Redmonvale Road, Jerrys Plains. We are the closest and largest property to the perimeters Wambo mine site. In fact, 606 metres from our home to our back boundary that is Montrose Wambo pit.

30 I request a fair review to be conducted in relation to the ever increasing noise and dust pollution affecting our health, family residence, lifestyle and livestock. Please refer to my previous submissions, 15 September 2016 and March 2018.

The factual information in Glencore’s EIS regarding the noise impact assessment,
35 figure 6.9, stating that our property, including our house, is inside the 40-decibel contour line, but not included for acquisition, due to figures being rounded down. It is unacceptable that a government approved a new policy where figures can be rounded down when noise pollution level is exceeded.

40 On 22 June 2018, we applied to the EPA for an independent noise assessment to be conducted for our property, but for whatever reason, this has not yet happened, and again we are left suffering by a government department that should be responsible for the health and safety of residents affected by pollution issues. We have prompted Michael Frankum, from the EPA, on several occasions, that this needs to happen, but
45 for whatever reason, there is continuous stalling.

The current pollution of noise and dust from the Wambo mine, with Peabody at the helm, would be greater than the figures provided in Glencore's EIS, as Peabody's machinery is not attenuated. The fact, also, that Wambo mine site has not had an updated noise assessment for 14 years is an absolute disgrace on behalf of the EPA and DPI, with mine expansion now significantly closer to our home.

Glencore has provided information in the review of upgrades for Jerrys Plains village. This is wonderful news for the village and residents and the little township. Our property is outside of the township, and on the perimeters of Wambo mine site; none of this would be a benefit to us.

We are not against the joint venture for the Wambo mine site and Glencore. The proposed venture will generate 370 million in royalties, and much more in income profit. We accept the progression of mining, but the cost to Glencore or Peabody giving my family our health and peaceful lifestyle back is nothing compared to the generated royalties and profit income.

We have been mine-friendly neighbours, not venturing onto any anti-mining committees, nor protest groups. Unfortunately, Troy, the environmental officer at Wambo mine, in 2010, gave us the incorrect information prior to purchasing our property. We would not have purchased the property had we have known of the impacts. Officers of the Commission, why do we have to suffer the noise and dust pollution, the disruption and adverse effects to our health, sleep, having our lifestyle taken from us, along with the health of our livestock?

In closing, we request that the Planning Assessment Commission investigate why our request for an independent noise assessment has not happened. It is eight months. Also, why a reassessment is not conducted that our property would be included within the acquisition zone; the current acquisition line is only 606 metres from our house. Officers of the Commission, I stress the importance that you read our previous submissions, and fully understand our increasingly impacted situation. Thank you for listening to my submission. We look forward to your response that hopefully has a fair outcome, to grant my family a return to our peaceful and healthy lifestyle, with our horses, and allowing the Wambo Glencore joint venture to move forward without causing our family any further disruption. Thank you.

MR PEARSON: Thank you, Debbie. Appreciate that. Our final speaker before we break for a morning – afternoon tea is Susan Morley, from the Climate Action Newcastle group, and she's requested 10 minutes.

MS S. MORLEY: Thank you. I acknowledge that I'm here today on the land of the Wonnarua Nation. I respect their elders past, present and future, and that sovereignty was never ceded.

I'm from Climate Action Newcastle, a volunteer community group concerned about the threats of climate change. Why is someone from a volunteer group in Newcastle up here in Singleton talking about this mine proposal? Because the United Wambo

Coal Project proposes to extract 150 megatonnes of additional coal until 2041, which will be combusted and contribute to global greenhouse gas emissions. Because it's not consistent with the urgent and drastic reduction in greenhouse gas emissions required to maintain a safe climate, in line with the international Paris Agreement
5 targets of less than two degrees' increase, of which Australia is a signatory. Because everyone on Earth has a shared atmosphere, and greenhouse gas pollution doesn't adhere to local government boundaries or even national boundaries.

Climate Action Newcastle believes that the economic benefits that this mine
10 proposes are too limited, and for too short a time, to compensate for the climate impacts of this mine, which will be shared by every person and creature on earth for many generations to come. The extraction and subsequent combustion of 150 megatonnes of additional coal from the United Wambo proposal does not meet the intergenerational equity requirements of ecologically sustainable development
15 because it will lead to an increase in greenhouse gas emissions and worsening climate change. We are running out of time to keep the climate safe. The message from climate science is that we need to leave all remaining coal in the ground and drastically reduce our carbon emissions today.

20 Projections by the CSIRO and the Bureau of Meteorology have very high confidence that temperatures will rise across Australia throughout this century with the average annual temperature set to be 1.3 degrees warmer in 2030. That's only 10 years away. Temperature projections for the end of the century depend on how deeply
25 greenhouse gas emissions are cut now, and the world is currently tracking at the higher emission scenarios, meaning that temperature increases of between 2.8 and 5.1 degrees by 2090 are possible in Australia. The business as usual approach to mining and burning fossil fuels is set to permanently heat Australia and the rest of the world which will average – sorry. The transition to a low carbon economy
30 should be actively planned for by every level of government and every planning entity and should be at the scale of the Apollo Project or Snowy's Hydro Scheme to be commensurate with the level of urgency and threat that climate change proposes.

There is not enough justification for one sector, such as coal mining, to be placing all
35 other enterprises and the safety of people at so much risk, especially when other enterprises are losing out. Here in the Hunter all agricultural enterprises, including the wine industry, horse, tourism, are at risk from drought, flooding, erratic and unpredictable growing seasons, as well as increased fires. Oyster farming. Ocean acidification is a threat to the shell growth of oysters. Freight and public transport links are prone to disruption from flooding across rail lines and roads and increased
40 wildfire events. The threats are way beyond this mine. The threats go to species and species extinctions and the survival of life on earth. All species are more vulnerable as climate change worsens. We're already seeing specific extinctions from increased temperatures and altered climate. The Wambo mine threatens a very specific community, the critically endangered ecological community of Central Hunter
45 Valley eucalypt forest and woodland.

The mine will diminish this veg community in two ways: it will clear and destroy 250 hectares of the remaining remnants of this irreplaceable EEC. It will also increase the climate risk of all remaining vegetation in that EEC, from fire, reduced rainfall and other ecological changes, such as disrupted pollination. So it's a double
5 effect. And the global readings are sober. As of today, according to NASAs Vital Signs of the Planet report, earth has already seen .8 degrees in warming. The past five years are collectively the warmest years in modern record. Ice sheets are losing more than 413 gigatonnes a year. Sea level has already risen 3.2 millimetres a year. There is now 410 parts per million carbon equivalent in the atmosphere. That's from
10 a pre-pollution starting point of 350. We're well over 400.

The time to decarbonise is running out, and if it hasn't already run out before tipping points such as the release of methane in the melting arctic tundra are kicking in or the death spiral of ice loss in the polar ice caps. In choosing this mine proposal and
15 every new mine proposal we're making an active choice between creating a planet that is simply not fit for life on earth or choosing the transition to a jobs rich, low carbon economy by retraining and transitioning the workforce now before it's too late. Time is of the essence because we're already so clearly seeing the dramatic effects of warming. Just in the news this week Tasmania is on fire. We've got
20 ancient forests with 1000 year old trees that have never seen fire. They've been burning down. That's our national heritage, and it will never recover. We're also at the same time seeing floods in Queensland at the same time that a report is released outlining that climate change could make it harder to get insurance in Australia, so that will leave many people high and dry for floods, fire, all of the disasters that are
25 increasing.

We've seen a second wave mass fish kill in the Menindee Lakes which is exacerbated by dramatically reduced rainfall attributed to climate change. And, even more frighteningly, announced this week NASA has found a giant underground
30 cavern in Antarctica almost the size of Manhattan. The cavern sits where nearly 14 billion tonnes of ice used to be, all of which has melted in the last couple of years. These are not random events. They are all part of a trend. These are the sorts of events that have been warned by scientists for decades now, and it seems unbelievable to members of Climate Action Newcastle that we're even here today
35 considering adding fuel to an already overheated planet with more coal mining and combustion through new mine places such as the United Wambo mine.

Also in the news this week was the Australian Institute report indicating that as nations deliver on the Paris Agreement, of which Australia is a signatory, there will
40 be a 55 per cent reduction in coal use worldwide by 2040 which will be devastating for the Hunter workforce. We don't reduce this risk to local workers in the Hunter community by denying climate change, pretending science doesn't exist and steaming ahead with business as usual and approving more coal mines. We reduce this risk by making the transition at the soonest possible time by fostering large
45 investment into low carbon industries and helping workers to retrain and reskill. I sincerely wish that climate change wasn't happening, and I have much better things

to do than hang out all day in Singleton to talk to these things, but climate change is happening, and we don't have any time left.

5 Tough and responsible decisions to increase jobs in renewables and low carbon industries need to be made. Mine by mine, community by community we believe – Climate Action Newcastle believes that the benefits of this mine do not exceed the negative effect. Commissioners need to realise that allowing a brand new coal mine in a pristine and productive valley does not contribute to a functioning transition. We would like to see the United Wambo proposal rejected. Thank you.

10 MR PEARSON: Thank you, Susan. We appreciate that, for making the trip out from Newcastle. What we might do now is just pause for a short break. The time is just coming on 4 o'clock, so we might regroup here in 10 minutes to 10 past 4 and work our way through the final submissions for this afternoon. Thank you.

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RECORDING SUSPENDED [3.57 pm]

20 **RECORDING RESUMED** [4.15 pm]

MR PEARSON: All right, we'll make a start. I'd like to call our next speaker, Alexander Fenwick. Alexander has requested 15 minutes. Alexander, if I could, I'd also like to offer the panel's deepest condolences for the passing of your father. He was always an active and insightful participant in these proceedings, and his thoughtful contributions will be missed by the panel. But I would like to extend our deepest condolences of all to you and your family.

30 MR A. FENWICK: Thank you for that. Panel chair, panel members, members of the public, my name is Alexander Fenwick, and I speak against the proposed development. I'm the eldest son of Ron and Janet Fenwick. My parents both intended to speak at this Commission, but, unfortunately, that was not to be.

35 I am not going to speak to you today about the impacts to the environment, community, visual amenity, land use, and the cumulative impacts of coal mining past, present and future; others have done that already. These impacts all exist to varying extents; no doubt about it. The success or failure of this project, from a planning and regulatory perspective, all comes down to what level of impact the Commission considers to be acceptable, the proposed mitigation measures, 40 conditions of consent, compliance with the conditions of consent, and, should the need arise, enforcement of the conditions of consent: which leads nicely to the next point that I'd like to speak to you about today.

45 My family has had extensive previous experience with one of the joint venture proponents, Wambo Coal. For well over 20 years, our farm has been directly impacted by the activities of Wambo Coal. During this time, they have treated

certain conditions of consent with contempt and disdain. In the majority of cases, attempts to restore damage caused by their operation to pre-mining condition could be described as at best hopeless, and at worst disingenuous or even devious.

5 Wambo Coal, or any entity for that matter, should not be granted approval for any future development until such time as all damage caused by previous operations has been satisfactorily rectified and all conditions of consent satisfied. To allow somebody to borrow more money when they have demonstrated unequivocally that they are unable or unwilling to service their existing loans is irresponsible. The few
10 interactions that we've had with Glencore thus far have been positive. Hopefully for all impacted by this proposal, they turn out to be a better corporate citizen than Wambo Coal, but only time will tell.

I'm a realist; I understand that this project will be approved. That said, I'd really
15 like to see the proposal refused on the grounds of past failures of one of the proponents to comply with conditions of consent, and to repair the damage that they have caused previously. Perhaps a refusal on these grounds may encourage Wambo Coal to properly rectify some of their past failures. Alternatively, perhaps their joint venture partner may strongly encourage Wambo Coal to fulfil their obligations and
20 duties. At the very least, hopefully they may demonstrate, by way of example, how to conduct themselves in a responsible manner.

I would like to comment briefly on the statement that to require voids to be
25 backfilled would render the project economically unfeasible. If the department relies on this justification to not require the voids to be backfilled, then the department is providing tacit approval and endorsement for all development in New South Wales, much of which is undertaken for the financial gain of individuals unaffected by the impacts of the development, to be undertaken in an irresponsible and unsustainable manner. If it is not economically viable to clean up the mess made during extraction,
30 then, simply and frankly, it is not economically viable to proceed with the project. For these reasons, I ask that you refuse this development application. Thank you.

MR PEARSON: Thank you. Thank you, Alexander. I'll call our next speaker,
35 Christopher Sharpe, who has requested five minutes.

MR C. SHARPE: I would like to show my respect and acknowledge the Traditional Owners of the land, of elders past and present, on which these meetings take place. Good afternoon, my name is Chris Sharpe, and I have come here today to speak on behalf of the current Wambo workforce, our families, and the communities in which
40 we live. Urge you to – urge you to strongly consider the positives the Wambo United joint venture has to offer the Hunter Valley, and how failure to approve sensible brownfields project expansions such as this would be devastating for surrounding communities.

45 The Wambo complex has been in operation for close to 50 years, and has always been an important part of the Hunter Valley. Last year alone, the Wambo business spent \$68.5 million with local businesses that operate within 100 kilometres of the

mine, and provide employment within our region. We are not a fly-in fly-out workforce. Every one of the current 390 Wambo employees live between Muswellbrook and Newcastle, injecting \$52 million per year into our community through our wages alone. Our children attend local schools, play local sports, and use local facilities, and will also require employment locally in the future.

10 Mining has always been the backbone of the Hunter Valley, and although some people here today would not like to admit it, it will continue to be prominent for many years to come. However, without future approvals, our family, our children, and our communities will face an uncertain future.

15 Of the 390 men and women currently employed at the Wambo complex, 250 of these are directly employed in the open-cut, with 22 per cent of our workforce being female. Should this venture – joint venture be approved, all of these 250 young men and women will transfer seamlessly from Peabody to Glencore employees, and enjoy an additional 23 years of permanent employment, without the need for redundancies or significant job losses.

20 As well as continual employment for the current 250 open cut employees, the Wambo United project will provide opportunity for another 250 people to gain permanent employment, as well as to provide an extra 120 jobs during the construction phase. Many of the current Peabody Wambo open-cut workforce were not born into mining. Most of had sex – successful careers in our previous life. Most of them have stories just like mine.

25 I was born and raised in Cessnock, and still reside in the same community today. I attended a local school, and after completing my HSC in 1993, I began working in hospitality, then moved into winemaking, until, in 2010, I was presented with the opportunity to start a traineeship as an operator at the Wambo complex with Downer EDI. I was retained by Peabody Energy when they took back control of the mine in 30 2013. I'm married, with a nine year old daughter and a seven year old son, both of which attend a local public school.

35 The introduction of mining came at a time when the Hunter Valley wine industry was going through some bad times, and I had been made redundant from two separate companies within a two-year period, through no fault of my own. My wife and I were faced with the fact that we would both have to return to the workforce full-time to keep up with our financial commitments, pay our mortgage, bills, and live comfortably. With a nine month old baby at home, this is not what we wanted 40 for our family.

45 Thankfully, the opportunity arose to enter the mining industry in a two-year surface extraction operation traineeship at the Wambo open cut. This meant we could now afford for my wife to be the primary care provider, and stay at home with our small children much longer than we had previously expected. Tell you what, this time was extremely special for my family, and I am truly grateful the mining industry gave us that opportunity we otherwise would not have experienced.

Growing up in a mining community, I witnessed first-hand what the mining industry has to offer regional towns, and the greater impact it can have on towns like Cessnock, Kurri Kurri, Maitland and Singleton. We have seen the good times, but we've also experienced the bad times. We have seen mines close, and we have seen
5 mines prosper. But mining has always played a major role in the economy within Hunter Valley by providing direct employment and supporting local business. Mine lives are short in the whole scheme of things, and we need sensible approvals for businesses to have the certainty to make investments. The future of our region depends on it.

10 As a workforce we're also 100 per cent committed to the health and safety of our colleagues, our families, our communities in general. We also care about our environment and do everything within our power to minimise our impact, especially where air quality is concerned. We take pride in our rehabilitation and are not afraid
15 to pressure the companies we work for to live up to the expectation. If we want to live in a healthy, vibrant community, and not a ghost town, we must not be reckless with sensible projects like this one. I strongly urge you to consider the facts and approve this project because without it the future of our families and communities are at stake.

20 MR PEARSON: Thank you, Christopher. I would like to call our next speaker, James Sherbon, who has requested 10 minutes.

25 MR J. SHERBON: I would like to thank the commissioners for allowing me to speak here today and voice my views on the United Wambo joint venture. I would like to show my respect and acknowledge the traditional custodians of the land, elders of the past and present on which this meeting is taking place. My name is James Sherbon. I'm an open cut production operator at Wambo Coal. I've been in open-cut mining for the past 10 years, and I've been employed at Wambo for just
30 under a year.

I would like to open by saying that I fully support the United Wambo joint venture project. I've got three areas that I would like to touch on during my presentation today, the first being environment. As you drive through the Wambo mine you can
35 see just how successful the rehabilitation has been. Animals are plentiful within the rehabilitation areas.

40 There are kangaroos grazing on the hills, birds flying around the trees, the occasional sighting of a wombat at night, and just the other week I saw a huge wedge-tailed eagle perched up on timber that has been placed across some of the rehab. If these animals are happy to live in areas that have been rehabilitated, is that not a good indicator that Wambo is on the path to success with its environmental obligations?

45 As Glencore is set to take over the Wambo operations, and given Glencore's exceptional record of great environmental management, it's safe to say that the existing high environmental standards that Peabody have developed and executed at Wambo will be continued throughout the life of the United Wambo project as well.

In addition, the United Wambo joint venture is a brownfields mine, meaning that it is a previously developed operation. The existing Wambo mine has been in operation for 50 years. It has a proven and good environmental track record. Most infrastructure and development has already been set up.

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Only 17.5 per cent of additional disturbance of vegetation is required in order to gain an extraordinary economic benefit. I would now like to talk about the economic benefit to the Hunter Valley, the state and to tourism. If that 17.5 per cent of additional disturbance is approved by the commission, there will be an enormous economical benefit that will flow on. In 2018 Wambo paid \$68.5 million to 194 local businesses, \$141.9 million to 242 other New South Wales businesses \$39.9 million in royalties to the State of New South Wales and \$52.7 million in wages and salaries.

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That's a total of \$303 million that wouldn't exist if Wambo was to cease operations. Employees also contribute to the local businesses and the tourism industry, and I can give you a few firsthand examples. Last year my crew had a Christmas in July party at the Albion Hotel in Singleton, and while we were there everyone there had a lunch each, they had a few drinks. We're talking thousands of dollars worth of revenue for that particular business.

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In March my crew will be going on a wine tour in the Hunter Valley. While we're there, we will get lunch, a few drinks. We will have bus hire, and probably along the way people will try some of the wines. They will enjoy those so much they will end up buying a six pack here and there, and they will probably even tell their friends and family about their experience. So, as you can see, the wages earned by employees are spent in regional businesses and in tourism. They are kept here. I would now like to touch on some of the questions I had about the joint venture and the responses I received from Gary Wills, United Wambo operations manager. Will United Wambo under Glencore be providing funding to Singleton Council for things such as road upgrades and park maintenance? Gary's response:

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The project has offered a VPA –

So a voluntary planning agreement –

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Of 2.6 million to Singleton Council. Half of this money will be allocated to locally affected area, such as Jerrys Plains and Warkworth, and half to the wider local council area.

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Will United Wambo be holding a community day like some of the other pits around the valley:

United Wambo would consider holding such a day.

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Will United Wambo be involved in charity events such as Relay for Life, Australia's Biggest Morning Tea, also support things like prostate cancer, breast cancer

organisations by having a purchase of blue and pink high-vis shirts or hardhats and painting trucks blue in order to raise money for these organisations? And the response was:

5 *United will have annual community engagement budget that will be available for supporting local community groups and charities. The workforce at United Wambo will be able to nominate to specific groups what charities to support.*

10 I would now like to talk on employment and careers. As I mentioned earlier, I've been employed at Wambo for just under a year. I have made many friendships with the people I work with, and I actually enjoy going to work. I enjoyed it so much, in fact, that I convinced my brother to get a job at Wambo. He has been working alongside me now for around three months, and he agrees it's one of the best places he has worked at as well.

15 I live in Newcastle, and some of my family lives in the Hunter Valley, and that's another point for this project. This isn't a fly-in, fly-out mines like many of the mines in WA. We all live here. This region is our home. The money generated at United Wambo will stay here, unlike the towns surrounding the mines in WA. This job is also responsible for keeping a roof over my head and food on the table. If this project doesn't go ahead, the future for jobs like mine is uncertain.

20 If this project is approved, however, it will provide ongoing employment for my family, my friends and me for another 23 years. However, this project approval goes far beyond me. Currently, Wambo employs 390 people of which 115 are locals that live in Singleton and 275 in surrounding areas, such as Muswellbrook, Maitland, Cessnock and Newcastle. That's 390 people with families that rely on their employment at Wambo to take care of themselves and people they love.

25 If this project doesn't get approved, 390 people will be facing unemployment and economic uncertainty. Some may even have to sell their family home and move away from the area. This is not what anyone wants. We want Singleton and the Hunter Valley to thrive and grow and provide opportunities for those that live here, also for those that want to move here and call this great part of the country home.

30 The United Wambo project will provide the economic certainty and existing – existing employees so desperately want.

35 The project will also offer an additional 250 jobs and 120 construction jobs at peak production which is fantastic news for Singleton and the Hunter Valley. The following are a few questions in relation to employment that I had about the joint venture and the responses I received from Gary Wills United Wambo operations manager. Will you United Wambo under Glencore be committed to employing locals first when taking on new employees in the future? And the response was:

40 *The United Wambo recruitment strategy will incorporate opportunities to maximise local employment.*

Will United Wambo under Glencore be employing trainees and apprentices:

United Wambo through Glencore will look to provide opportunities for trainees and apprentices.

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Another point I would like to touch on is women in mining. Historically, mining has been a heavily male-dominated industry. However, within the last 20 years more and more women have been gaining employment in the sector. This is great for big businesses that are seeking to achieve workplace diversity. At Wambo women make up 22 per cent of the workforce, and that number is continuing to grow. Last year alone 40 per cent of all new hires at Wambo were women.

Not only is this amazing for the workplace diversity, but it is also fantastic for closing the gender pay gap with mining being one of the higher paid industries. I would now like to conclude my presentation and highlight some of the key elements. With the approval of only an additional 17.5 per cent of disturbance to vegetation the commission has the power to provide stable and reliable employment for existing employees, provide jobs for an additional 250 people during peak production, provide 120 construction jobs during peak construction, provide 23 years of economical benefits to the local and state economy, which include \$817 million that will be paid in royalties to the State of New South Wales.

Sorry. I think I've messed up a little bit here. Anyway, I will continue on – the State of New South Wales. Help companies like Glencore and Peabody create a more diverse workforce with the increase employment of women in the mining industry. Help close the gender pay gap. Help local businesses and local tourism industry thrive, and to provide companies like Glencore and Peabody the opportunity to continue to prove that you can mine coal and be environmentally friendly at the same time. The approval of this project is sensible. It's responsible and it's vital. I call on the panel to approve this project. Thank you for listening.

MR PEARSON: Thank you. Thank you, James. I call on our next speaker, Marg Mclean, who has asked for five minutes.

MS M. MCLEAN: Hello. Yes, I'm Marg Mclean, and I only asked for five minutes because I registered – originally decided to register because I was concerned that the Department of Planning could have been misleading you in that final assessment report. There were 47 recommendations made in your report, particularly because of the new constituted panel, was what I thought, that I needed to just make sure. There were 47 – and, as you see, I've not – looking – I should put my glasses on, sorry. Because I'm largely just confining my comment to recommendation 30, which is the recommendation you, as the consent authority, you very wisely requested that the Department of Planning and the Office of Environment and Heritage review a document. You were seeking to know the relevance of that document to your assessment of the proposed project. Your job.

This document is titled Assessment of Mine Rehabilitation against Central Hunter Valley Eucalypt Forest and Woodland Critically Endangered Ecological Community. It was prepared by Umwelt, commissioned by the New South Wales Minerals Council, and I will call this the Umwelt report, because I'm concerned that in that
5 final assessment report, the November report of last year, with the way your recommendation was dealt with and the response that was presented. You did not get an informed response, but you could well have been forgiven for thinking that you did. I would actually like to ask you now if you are familiar with this request made by you as the panel in the March, and if you do believe if you have had an
10 informed response.

Are you aware that OEH, although they apparently reviewed the Umwelt report, has not actually provided you with any comments on recommendation 30, nor have they been able to provide a view on the ability of the applicant to recreate the critically
15 endangered community on mine spoil and overburden. OEH requested the data used for the assessment of the mine rehabilitation work, but did not get it. So, as is only proper, they were unable as scientists to provide a view. So do the hearing – excuse me, Tony Pearson. Do the hearing protocols allow me – allow you to actually answer me now? Because if you people are aware that that recommendation has
20 promoted an unfounded confidence in mine rehabilitation, then I probably don't need to go on for much longer; I should have - - -

MR PEARSON: The format of these - - -

25 MS MCLEAN: - - - pushed my clock.

MR PEARSON: - - - meetings really is for the public to make submissions to the Commission, and then the Commission takes those submissions on board, and looks at what further information it may require at that point.
30

MS MCLEAN: Right. Because – and that's the thing. That was how I was seeing it. And then I did have the opportunity to read – I was thinking I needed to ask you the question. But then I saw the transcript of your meeting yesterday, with Department of Planning, and so it became even more important to me to actually go
35 on, because in that, as I've referred to it on - - -

MR PEARSON: I think, wo - - -

MS MCLEAN: So your transcript yesterday – the transcript of yesterday morning's
40 meeting - - -

MR PEARSON: Yes

MS MCLEAN: - - - with Department of Planning - - -
45

MR PEARSON: I think what I would say is, if the matter is important to you, you should make a submission and continue to talk – to discuss the matter, and present to

us today, and make whatever further submissions you feel you need to, to make sure we understand the matter as you see it. So I would encourage you to continue to speak to the matter, and - - -

5 MS MCLEAN: Yes.

MR PEARSON: - - - also make further submissions if necessary.

10 MS MCLEAN: All right, very good. Because that is the case; I really did – because yesterday, in the transcript, where you were talking with Ms Jelfs and Ms Dawson, and you were asking – because you were asking about rehabilitation, because that’s the essential thing that I’m concerned about, that there’s a critically endangered ecological community, that – despite it being called a brownfields, this project – despite it being called that – my use of the term “greenfield” is when you
15 are having to destroy vegetation for some other purpose: for, in this case, the mine.

Which – to me, there’s an irony that this critically endangered ecological community, which was the subject of the Umwelt report, which is the subject of – why I chose five minutes; I’m going to be running out – which means my paper will be useful,
20 which I will give you. Because that critical thing, with critically endangered – the conservation advice, which is what the Umwelt report used – because by me reading – sorry.

The Umwelt report used the conservation advice in order to create, effectively, a
25 tick-the-box, that if you pretend, you make this assumption, you pull the data here, you distort it this way, you can do this, and “Hey, we won’t even try, and look! We’ve done some really good rehabilitation here. We’ve got some CECs. Trending!” Now, the “trending” is of grave concern to me.

30 There is no way, in my opinion, that you can offset the destruction of 250 hectares of critically endangered forest, the Central Hunter Valley eucalypt forest and woodland, which I hope we will see tomorrow, by planting, seeding, on the overburden and mine spoil. An endangered community – it’s an ecological community; it has
35 complex interactions, from microflora and fauna to the overstorey. It isn’t something that just happens easily. And the concern that that Umwelt report – it’s still running; it was running yesterday – to me, that Umwelt report should have been put somewhere else. It had a life of its own; it was like Topsy.

The applicant, when they produced it, it said, “In time, perhaps, rehabilitation will be
40 seen to be able to be useful for biodiversity in the Hunter.” That rehabilitation because we need it. We have got so much country that needs rehabilitation from mining. We need the best practices, the best – we need to learn. We need to be ongoing learning, like Glencore is doing. But in this precise moment, there is no way – which is what is happening – that there’s an offsetting of destroying critically
45 endangered ecological community by allegedly being able to – within who knows how much time - - -

MR PEARSON: Margaret, I appreciate - - -

MS MCLEAN: - - - you know, grow some trees.

5 MR PEARSON: - - - I've probably taken up a little bit of your time, but if I could just ask you to perhaps make some concluding remarks, that would be helpful.

MS MCLEAN: Yes. I think that it would be instructive if you're able to stick up for the Office of Environment and Heritage – and they requested the data. What
10 your original – I would say that if you went back to your original recommendation 30 – I would – I say – suggest that you have not been – “respected” is perhaps even the word, as the panel. That the Department of Planning – when you – you could have been forgiven for misreading it. It – you get the inference, the appearance, that OEH did input. It does say that they didn't, on page 37; but on page 36, it's where:

15

OEH and Department of Planning have reviewed the report.

The fact that you didn't get the benefit of objective scientific – because they needed the data, and not just their data. If Planning – if IPC could actually get the Office of
20 Environment and Heritage to be compiling and working on rehabilitation in the Hunter, then there might be some positive spinoffs for the future as well.

MR PEARSON: Thank you, Margaret. We'll take your submission and reflect on it some more. So thank you very much. I do appreciate it very much.

25

MS MCLEAN: Thank you.

MR PEARSON: Thank you. If you wanted to make some further written submissions, Marg – Marg, sorry – if you wanted to make some further written
30 submissions, I'm happy for you to leave those with the Secretariat, or you can email them in or get them to us some other way. Thank you. I'd like to call Michael Wood, our next speaker, who has requested five minutes.

MR M. WOOD: I would like to take the time to show my respects and acknowledge
35 the traditional owners and the custodians past and present on which this meeting takes place and where the Wambo complex is situated. To the commissioners for the determination of the Wambo open cut project, thank you for taking the time to allow me the opportunity to present to you my support for this joint venture mining project.

40 I am an employee of Peabody Energy Australia and have previously worked as an employee of Glencore Coal Assets Australia. Therefore, I'm able to speak on both companies' environmental stewardship and good corporate citizenship of both mining companies. I've witness both Glencore Australia and Peabody Energy Australia demonstrate a genuine regard for the communities in which they operate,
45 and both companies are the financial supporters of many local level grassroots community and local sporting organisations.

The Wambo open cut and underground projects have had a longstanding relationship with the Hunter Valley community and have been in operation for 50 years as of 2019. The economic benefit to the New South Wales State Government and the local Hunter Valley community are evident during the 2018 financial reporting period. The Wambo complex invested 39.9 million in direct royalty payments to the New South Wales State Government.

This money would have allowed the state to pay for vital frontline infrastructure and services, such as emergency services, schools, hospitals and infrastructure networks throughout the region and the State of New South Wales. 68.5 million was invested in 194 local Hunter Valley businesses through the procurement of goods and services. This money allowed local Hunter Valley businesses to create local jobs and support local families. 141.9 million was spent on procurement of goods and services from other New South Wales businesses.

52.7 million on employees' wages and salaries. This money is reinvested back into the local communities of Singleton, Cessnock, Maitland and Newcastle, the primary residence of the 390 current employees of the Wambo complex. It is to this fact that I want to emphasise today the people that work at the Wambo complex, like myself – we aren't a transient workforce. We live locally, spend locally and are community focused.

We raise our families in the Hunter Valley, and we have a deep admiration for the local area and its beautiful environment. We have an invested interest to protect the local area we live in and work in and want to see our community prosper. As an example, I am studying a double Bachelor of Science degree with majors in viticulture and wine science because I am passionate about the area and the local wine industry.

Please also understand that coal mining in many cases is more than simply a job to us. To many families mining is a multigenerational legacy and as much a part of a way of life for many of us as it is a way of earning a living. The United Wambo joint venture upon approval being granted will, in addition to the jobs currently occupied, add a further 250 local long-term roles, as well as many construction roles to build the infrastructure required to accommodate the scope of this project.

The forward estimates of the financial for the brownfields extension are as follows: an additional 150 million ROM tonnes over the life of the project generating an additional 370 million, 817 million in total, to the New South Wales State Government in royalty payments, 413 million in net economic benefit to the wider New South Wales community, increase the gross regional product by approximately 2.1 billion over the life of the project and increase the New South Wales gross regional product which includes the Hunter Region by approximately three billion over the life of the project.

Flow on effects for the local community from investment of workers' salaries and local businesses that the project will procure goods and services from throughout the

life of the project also. The main environmental aspects for the United Wambo project simply outlined are – the final void count number stands at two and will remain unchanged at two. Both sites have been subjected to mining activities previously.

5

Approval for this project is based on a brownfields mining project. Should the project not gain approval, both sites will rehabilitate their respective leases individually as per their environmental responsibilities. The result will be two rehabilitated landforms as opposed to a more aesthetically pleasing and functional single rehabilitated landform as a result of combining both leases.

10

The joint venture team have been investing money purchasing quality parcels of Central Hunter eucalypt forest for conservation and protection to offset the proposed minimal mining disturbance of the project. Peabody Energy also already works tirelessly to ensure site generated dust and noise levels are at a minimal, in keeping with respect for the environment and the local communities. This will only get better as new technologies emerge during the life of the project.

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In conclusion, I sincerely hope that this board will seek to expedite the approval of this quality project for consideration. There are clear economic benefits for the local area, local businesses and wealth generation for the state economy. The joint venture team have worked tirelessly to ensure all environmental aspects of the project are not only met but, in many cases, exceeded. It is important to ensure the environmental claims made from both sides are grounded in good science, that is repeatable and proven, to ensure validity.

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The project will be a great endorsement by the state government into the local Hunter Valley mining communities, after some tough times during the last few years and the downturn in mining. The industry is yet again showing its resilience and the Hunter Valley coal mining sector is once again proving that it is the engine room of the New South Wales state's prosperity. My family, and that of many of my friends, derive our primary sources of income from the Wambo mining complex presently, and we look forward to, with the approval of this project, being able to reinvest money back into the local Hunter Valley communities. Thank you, again, to the board for allowing me this opportunity to speak in support of the United Wambo joint venture project.

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MR PEARSON: Thank you, Michael. Appreciate your comments very much.

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MR WOOD: Thank you.

MR PEARSON: Could I call the next speaker, Judith Mitchell from the Singleton Neighbourhood Centre, who has requested five minutes.

45

MS J. MITCHELL: Thank you for the opportunity to speak. Singleton Neighbourhood Centre is a not for profit organisation that provides information referral and support to the residents of the Singleton LGA. SNC, which we're called,

has operated in Singleton since 1974. For the first 34 years of our existence, SNC operated from rental premises throughout the Singleton urban area, often in council-owned premises. As council required the premises, we would have to move, often on short notice and often to premises that were less than adequate for our needs. This
5 constant change impact on our ability to provide a constant and reliable service to our clients, as well as increase and expand the services available.

We are managed by a committee of interested residents and relevant community service providers, with 1.4 equivalent fulltime staff and 20 volunteers. The centre
10 operates Monday to Thursday, from 8.30 am to 4.30 pm. Singleton Neighbourhood Centre receives some funding from the New South Wales Department of Family and Community Services, and the Commonwealth Department of Social Services.

In 2008, Xstrata, now Glencore, purchased a building at 21 Mary Street, for the use
15 by the neighbourhood centre. The purchase changed and enhanced the ability of our centre to meet the increasing needs of our community. With a base to work from, service expanded and spare office space was rented to visiting services. This rental income allowed us to pay a support worker three days a week to assist with client interviews and assistance, as well as a bookkeeper. This one shop stop for many of
20 our clients, a site that didn't change as a rental property was sold, and the ability of the neighbourhood centre to rent out excess office space to those visiting services.

In 2017 to 2018 financial year, the centre had over 40,000 occasions of service. This
25 includes interacting with all our visiting services. All services provided at the neighbourhood centre are free for anybody to attend. We have women's health nurse. We have Legal Aid. We have financial counselling. We have addiction counselling. We have mediation, Compassionate Friends, Alcoholics Anonymous, probation and parole, Upper Hunter Homeless Service and a one-off service that use
30 our premises.

Gradually, the range of services provided has increased, so that we now provide
clothing and food support, assistance with energy and Telstra accounts, work
development orders, no interest loan scheme, advocacy and budgeting and a free
35 counselling service. Having a secure location has enabled us to access Coles SecondBite program, that supplies bread, fruit and vegies, we distribute to our clients for free. The centre also runs life skill courses, information day for community, including Bring a Bills day, and seniors information centre.

In 2011, the committee identified the need to assist homeless and disadvantage in
40 community in a more tangible manner. A subcommittee was formed, and with the assistance from Glencore, and working with the University of Newcastle, a business was developed – a business plan was developed – for the conversion of an industrial shed to the Open Door at SNC.

In 2004, a focus was made to raise the fund necessary, costing at 250,000, to
45 complete the project. The building was funded by the Singleton community, the largest donor, followed by Glencore Corporate, the State and Federal Governments,

throughout grants and range of community organisations, to ensure the completions of the project. The facility was made possible by the belief of Glencore in our ability to deliver the project, based on our past experience.

5 The facility opened in May 2018, and opens living facilities for disadvantage in the Singleton community. Showers, clothes washing and breakfast is provided four mornings per week. Train – training courses have been made available to other non-profit organisations, therefore increasing the overall skill level of the community, as we’re fostering productive networks within the community.

10 Glencore Ravensworth, as part as their community involvement work with the constructing extension of the rear of the existing building to allow the surface to be made – laid. This was part of the workforce general contribution to the community, and staff from Ravensworth oversaw this part of the construction.

15 Singleton Neighbourhood received a grant from Glencore Bulga in 2018 to assist with victims of domestic violence. Workers raised money through a raffle to donate to three organisations in the local area helping victims of domestic violence. The money received by Neighbourhood Centre has immediate financial and other
20 assistance, such as fuel cards, vouchers and clothing.

Glencore, through their community grants, all subsidized the breakfast program at three state primary schools in Singleton. The program aims to improve learning outcomes and social skills in children. Throughout the time, Glencore has also
25 assisted through involvement on our management committee and by acting as a sounding board in supporting decision-making, making the – helping with service development. This assistance has enabled the centre to increasingly meet the needs of the community in timely, cost-effected manner.

30 The assistance of Glencore has been fundamental in allowing the Singleton Neighbourhoods to deliver the aid to the people to Singleton. Demands for our service has increased by 10 per cent in each of the last five years. The range of services all available also increased. The assistance provided by Glencore has enabled both the centre to become a better equipped and delivering much needed
35 service to the community, enable us to support our clients’ capacity to address and proactively improve the situation, and so increase their ability to move from disadvantage. The - - -

40 MR PEARSON: Judith, if I could just invite you to perhaps provide a few concluding remarks - - -

MS MITCHELL: All right, well, I’m just saying that - - -

45 MR PEARSON: - - - that would - - -

MS MITCHELL: - - - what we’ve had with Glencore – how they’ve assisted us in our – our service, is – we wouldn’t be where we are today without that service.

MR PEARSON: Yes, we've certainly heard that message. So thank you very much.

MS MITCHELL: All right. Thank you.

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MR PEARSON: Appreciate your time and the presentation. I'd like to invite our second-last speaker, Matt Floro, for the Hunter Environment Lobby. Matt has requested 15 minutes.

10 MR M. FLORO: Commissioners, I'd like to begin by acknowledging the Traditional Owners of the land on which we meet, the Wonnarua people, and pay my respects to their elders past, present and emerging. I'm a lawyer at EDO New South Wales, and I'm instructed to make this submission on behalf of HEL, the Hunter Environment Lobby.

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HEL objects to the project in toto, and considers that consent should be rejected. HEL will make its own submissions to that effect, and has engaged expert advice supporting its position, which has been presented to the IPC. My submission focuses on the role of the IPC in assessing and evaluating the recommended conditions of consent from a legal perspective, and outlines HEL's concerns in this regard. I'll deal with three specific matters, and in light of the time I've got available, I won't deal with all of HEL's concerns about the conditions, but highlight the key concerns.

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MR PEARSON: I would be very happy for you to provide a further submission if you wanted to that extended on those matters that you're not able to touch on today in your oral submission.

25

MR FLORO: We will provide that.

30 MR PEARSON: So I will leave that with you, but we would be very pleased to receive a further written submission.

MR FLORO: Yes. We will provide that, Commissioner. So, firstly, the context of recommended conditions. The recommended conditions of consent are an important part of the matrix of relevant considerations and the weighing of the scales in relation to the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality. Further conditions are the main protector in reducing and mitigating those impacts. So in light of the independent expert evidence that HEL has commissioned in terms of air quality, biodiversity, ecology, climate change, economics, noise, water, the draft conditions have a very high bar to clear.

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Now, we acknowledge that the DPE final assessment report says on page 5 that the department is satisfied that recommended conditions provide a comprehensive contemporary and precautionary approach to the regulation and management of the project. However, it's the role of the commission to examine and interrogate that statement. If the conditions are inadequate to address the concerns of the IPC and

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those inadequacies cannot be resolved by way of amendments to the draft conditions – and that’s our submission – the project should be refused.

5 One of the key considerations is whether the conditions completely resolve the relevant issues in a sensible and reasonable way, or, on the other hand, whether the conditions postpone consideration of how to resolve the issues until after consent is granted, for example, in the form of a management plan, thereby creating a situation where the issues may not be satisfactorily resolved.

10 In our client’s submission, if it is the latter case, the project should be refused. So just some general comments on the recommended conditions of consent. At law one can’t condition away certain matters, for example, the principle of ESD, or ecologically sustainable development. In particular, the precautionary principle is an objective of the EP&A Act, or the Environmental Planning and Assessment Act, and
15 a necessary component of consideration of the public interest.

So one can’t condition out scientific uncertainty. That also applies to groundwater. Conditions will not prevent impacts to surface L groundwater. One include a requirement for compensatory water, but one can’t reinstate the substratum of the
20 land to how it once was, as HELs groundwater expert Dr Currell demonstrates.

Same for the emission of carbon dioxide. One can’t condition away the release of phase 1, 2 and 3 emissions to prevent the emission of carbon into the atmosphere, as
25 HELs climate change expert Professor Will Steffen demonstrates, and that also applies to social impacts, impacts such as division within and among communities, the decline of agriculture and other flow-on effects. The use of the terms “reasonable and feasible” in, for example, the obligation to minimise harm to the environment under condition A1 and the use of the words “generally in accordance with” in
30 conditions A2C and D will not ensure that the project conditions effectively limit the impacts to those considered to be acceptable.

These terms are vague and unenforceable, as shown in the case law, and render those conditions ineffective and inadequate to protect the matters they address. They’re simply too vague. The words “unless otherwise agreed by the planning secretary” in,
35 for example, condition B4(f) and clause 3 in appendix 4 provide no certainty to the community in relation to the level of harm being authorised by any consent for the project. Particularly the use of the words “to the satisfaction of the planning secretary” in, for example, conditions B5, B21, B29, B40, B46, B59, B70, B87, B95, C10 and E1 provide an extremely broad discretion to the secretary and, effectively,
40 defer decision-making on significant matters.

And I would like to draw the Commission’s attention to the recent New South Wales Land and Environment court case, Muswellbrook Shire Council v Hunter Valley Energy Coal Proprietary Limited (No. 3) 2018 New South Wales Land and
45 Environment Court 193 in which Robson J said the following concerning the construction of a condition requiring the preparation of a rehabilitation strategy to the

satisfaction of the Secretary. The judge said, in relation to those conditions that said that the strategy was to be prepared to the Secretary's satisfaction, he said:

5 *Whether the matters have been adequately addressed is a question properly left to the Secretary.*

Thus, the fact that the matters in the relevant conditions are generally expressed, somewhat indistinct, and in the nature of merits considerations, which one would expect to be undertaken by a consent authority, weighs in favour of the conclusion that they are not intended to be objective facts, but rather matters about which the Secretary was to be satisfied.

Now, that's the case law as it stands in New South Wales. So if the Commission uses the same wording, it will effectively leave consideration of those important matters to a later stage, to the Secretary's broad discretion. And in our submission, that's unacceptable. It's an extremely broad discretion; it's subjective; and the court will not have the power to review the merits of the Secretary's decision on such conditions.

Such conditions are vague and unenforceable, and provide the community, and the Commission, and the proponent, with no certainty that relevant impacts will be addressed. So that wording, at the moment, in the recommended conditions, applies to 16 management plans that are required to be prepared by the proponent. And it is our submission on behalf of HEL that the IPC needs to fully consider the impacts prior to making its decision, and can't simply rely on such a deferral to disavow itself of the requirement to consider impacts.

We also note that the management plans, as they're currently worded, or envisaged by the recommended conditions, can be inveigled to amend the project in the future, and over time, such that environmental assessment documentation becomes less important over time. And it is HELs submission that specific limits and boundaries be placed around all uses of those terms such as "unless otherwise agreed by the Planning Secretary" and "to the satisfaction of the Planning Secretary".

In particular, it is HELs submission that consideration be given to stipulating that requirements in conditions are objective facts – also called jurisdictional facts in legal parlance – that need to objectively exist before the Secretary can exercise his or her discretion to reach a stage of satisfaction, in line with the case law. And this would ensure that there is certainty and enforceability of the conditions, rather than a deferral to a completely subjective opinion of the Secretary in the future. We also note that the development consents run with the land, and not with the owner. So it's important that the IPC sets conditions that are certain and enforceable.

With the time remaining, just a few points about some of the recommended conditions of consent. So the current definitions of "feasible", "reasonable" and "rehabilitation" are uncertain, and are vague, as will be submitted in our written submissions. The condition A1, for example, says "and, if prevention is not

reasonable and feasible, minimise”. But it should be noted that the definition of “minimise” is circular, in that “minimise” is defined as:

5 *Implement all reasonable and feasible mitigation measures to reduce the impacts of the development.*

So it’s a useless definition, in other words. There is a need for clear, unambiguous terms in the recommended conditions, and that is currently not the case in the conditions as they stand.

10 Condition A22, for example, relates to staging, combining and updating strategies, plans or programs; and there’s a very broad discretion given to the proponent to do that, to prepare, update or combine plans or programs, but there’s no requirement about whom to consult about those updated plans. And, in our client’s view, that
15 could lead to a form of creep, in terms of the changing of the plans incrementally over time. It’s a broad condition. It is HELs submission that any such change should only be a minor change, and “minor change” should be defined.

20 In terms of blasting frequency, condition B11, it currently provides for an averaging of blasting over a calendar year, but it is HELs submission that such averaging of blasts per week over a calendar year provides no certainty to the community as to what actually happens in a given week, which may increase the physical and mental effects on the community. Such averaging should not be stipulated. Condition B27,
25 in terms of mine-owned land – the term “reasonable notice” is undefined and could create significant risk. One month’s notice, for example, should suffice. It’s also unclear how regularly the tenant will be informed, so that they can make informed decisions on health risks before it’s too late. And this should be clarified.

30 Conditions B90 to B92, regarding the preparation of a rehabilitation plan – it’s HELs submission that these submissions should be expanded to require that the proponent must not commence mining operations until the rehabilitation strategy is approved by the planning secretary and the proponent has lodged a rehabilitation bond that will cover the full life of the mine rehabilitation strategy with the department. And that’s
35 to ensure that the strategy may be implemented in accordance with those conditions. And that, we submit, secures a high level of risk management.

In terms of mine closure, there’ve been submissions today about leaving a final void. And I’d add to that by drawing the Commission’s attention to research conducted by Energy & Resources Insights or ERI in 2016 that identified that in New South Wales,
40 there are at least 45 voids, with a total of 6050 hectares of voids either planned or approved. So these voids will sterilise significant areas, particularly in the Hunter Valley, and take hundreds if not thousands of years to reach a dynamic equilibrium with the surrounding environment. There’ve been submissions today about salinity. And some pit lakes will involve permanent water take. Some will risk overtopping
45 and spills into adjacent waterways. These are just some of the risks involved. Communities, scientific bodies and decision-makers have all expressed concern about the legacy of voids.

There's legislation overseas, for example, in the United States, the Surface Mining Control and Reclamation Act 1977, that prohibits the creation of new final voids. And although there's no direct comparison in New South Wales for a comparable piece of legislation, it is our submission that taking into account the principles of
5 ESD and the "polluter pays" principle, there should be an approach requiring the mines to be stricter about repairing and filling up those voids.

So, in conclusion, our analysis on behalf of HEL suggests that the department's recommendation for approval is unfounded, as there is significant uncertainty;
10 there's significant ambiguity and unenforceability regarding the conditions as they stand now. Far more work is needed before the Commission can be satisfied that the risks and impacts of the project can be effectively mitigated by any conditions of consent such that it is or is not in the public interest. HEL calls on the Commission to reject this project.

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MR PEARSON: Thank you.

MS KRUK: Thank you.

20 MR PEARSON: Thank you, Matt. I appreciate that. Matt, will you be providing that text as a written submission as well?

MR FLORO: Yes.

25 MR PEARSON: Great. Thank you. I'd like to call our final speaker for the afternoon, and that's Jan Davis, also from the Hunter Environment Lobby. And she's requested 20 minutes.

30 MS J. DAVIS: Yes. Thank you very much, Commissioners. I'd just like to acknowledge the land that we're on, the land of the Wonnarua people. I'd like to acknowledge their custodianship. And this land was never ceded. I'd also like to acknowledge our brave colleague Ron Fenwick. The stress of these sorts of events wouldn't have helped his health as well. Thank you, Commissioners.

35 So you've heard from Hunter Environment Lobby over the last few days on many occasions. And I'd like to read our closing statement and also present one as well before I go. So as you know, Hunter Environment Lobby is a regional, community-based environmental organisation. We've been active for well over 25 years on the issues of environmental degradation, species and habitat loss and climate change.

40 We have a history with fighting this particular mine. I won't go into that, in the interests of time, except to say that at the 2018 PAC review, HEL subsequently commissioned three further expert reviews of the biodiversity water and air quality assessment.

45 One of those consultants, Dr Pells, warned that there is an extremely complex groundwater environment here in this proposal, and to assess the groundwater models adequately, one has to take into account 34 different levels of coal and

interseam materials, which expel or attract water at different rates. We fully outline our issues with the groundwater further on. An important issue, we feel, that is not addressed adequately is that of the Department's cursory look at the impacts of final voids on the post-mining environment. In the preliminary assessment report, which
5 says the benefits outweigh the costs, but did not elaborate on the long-term costs of final voids for a transparent view.

Other issues for clarification that the Department asked for were around the biodiversity offset proposals and the rehabilitation program. There is still an
10 outstanding lack of information in regard to the replacement of a critically endangered ecosystem on used mine land. In the final assessment report, managing greenhouse gasses and diesel emissions, the report states that all reasonable measures to reduce emissions have been addressed. We support the EPA's objectives and ask how will the proponent reduce these emissions? This is not made clear in the report.

15 We note that a number of key technical reviews have been provided by our consultants in a separate meeting. These reports cover a critique of the air quality and noise assessments, ecology and biodiversity offsets, groundwater and economic assessment. We trust that the Commission will take note of this additional advice
20 and conduct your own independent assessment of these key impacts, particularly in the context of cumulative impact from the existing large operations in close proximity.

As pointed out by ecologists, there is no evidence that a complex natural system can
25 be recreated on rehabilitated mine land. The proponent says that in the first zero to seven years of operation, 483 hectares of rehabilitated mine land will be turned into a complex woodland. HEL finds this claim to have no merit by any standards. This claim is made in their final assessment report, 2.3.3. What guarantees does the proponent have to make these claims? What peer review literature can we view?
30 For today's presentation, we'll concentrate on the proposed impacts on water sources, groundwater dependent ecosystems, as well as looking at the bi-regional assessment report.

Impact on water sources. United Wambo open cut proposal is a significantly large
35 disturbance to the environment of the Hunter region. HEL is particularly concerned about the inadequacy of the assessment of cumulative impact on water sources. We consider that the predicted cumulative impact of this proposal is vastly understated. We – this presentation is a summary of the key points made in our more detailed written submission that I also table. The DPE final assessment report and the
40 proponent's response to the issues raised through the PAC review do not address the key underlying problems with the assessment of this large new disturbance in any area already saturated by mining impacts. We consider it essential that a thorough independent review of the assumptions used in the water models is conducted before this proposal can be determined on its merit.

45 The response to the PAC review argues that the keys findings of the groundwater assessment demonstrate that the cumulative impacts from the proposal are small, in

comparison to the cumulative impact from regional mining. This argument is more a testament to the extent of mining impacts that already exist. The question needs to be asked by Commissioners, how far and how long can such an argument be sustained? The acceptance of this argument offers no absolute reference point for protection of environmental values. Cumulative impact is additionality to, not proportionality of, existing impacts.

HEL considers that the DPE response to the seven recommendations on water source impacts is highly inadequate, and a number of the information requests are not met. The reliance on the regulation of the Hunter system and on the water management plan in the draft conditions ignores many of the issues relation to water sharing rule exemptions for the mining industry and the extent of existing cumulative impacts. The argument that the proponent holds enough water licenses under various water sharing plans is irrelevant in regard to ongoing loss of water from the system.

For recommendation 37 regarding impacts predicted with any net catchment loss, DPE accepts the proponent's assessment of impacts with no further analysis. There is no analysis of the total loss of catchment area to Wollombi Brook from existing mine operations or total loss surface flows over time. There is no reference to water licence requirements or exemptions to the mining industry in regard to harvestable rights.

For recommendation 38 regarding Hunter salinity training scheme credits, we know that there is a shortfall of 63 credits for this proposal. It is imperative that these credits are obtained before the proposal can be determined. There are no assurances that credits held for other projects will be available at the time when mine water needs to be discharged.

For recommendation 39, re additional information and assessment regarding the extent of any cumulative impact, we believe there has been a total failure by both DPE and the proponent to provide the additional information requested in this recommendation. DPE relies on information provided in the preliminary assessment report and the fact that the proponent holds sufficient water licenses to cover any water loss. However, there is no discussion of the fact that mining is exempt from the cease to pump rule in alluvial water sharing plans. So while the proponent may hold adequate entitlements, ground water will continue to be drawn down, regardless of the environmental condition of the aquifer system and any protections within water sharing rules.

The proponent's response report at table 3.19 outlines that approved cumulative impacts from existing and future mining reduce the net base flow of ground water entering Wollombi Brook from 1450 megalitres a year to 1000 megalitres per year. The loss of 450 megalitres per year base flow is a loss of nearly one-third of the flow. This is a substantial loss. Any additional loss is too much. It is not insignificant.

The Great Hunter Regional Water Strategy 2018 acknowledges that reductions in base flow of rivers have occurred and will continue to occur as mining intercepts surface runoff and lowers ground water levels near rivers. This drawdown will continue while all other water users are on high-level restrictions due to drought contingency measures. The long-term security of water supply is being threatened by the cumulative impact of mining on water sources. This critical issue must be considered when assessing the merit of the United Wambo super pit proposal.

For recommendations 40 to 42 regarding ground water monitoring, it is very concerning that of 77 monitoring bores, only 31 are being used because the other 46 have either failed, been mined through or were dry when first established. The failure of current mining impacts to be adequately monitored under conditions of approval leaves no faith that the draft conditions of approval for this large new mining impact will result in adequate monitoring or response.

We consider the performance measures for water management provided in condition B44 table 4 are inadequate. It is also not good enough to leave planning for response to any exceedances of performance measures or performance criteria for surface water or ground water impacts until after approval. HEL considers it imperative that plans to repair mitigate and/or offset any adverse impacts on surface water or ground water be described prior to the determination of the proposal. It is highly negligent and very poor planning to leave the development of these important response mechanisms until after the impacts have been approved. This is particularly notable for the monitoring of impacts of stygofauna. These animals provide important ecosystem services for ground water services and need to be protected.

For recommendation 43 regarding the Independent Expert Scientific Committee requirements, we note that the DPE final assessment report quotes verbatim a statement made by the proponent in relation to the IESC role in the planning process. HEL would like to emphasise that the IESC has an important role under the water trigger requirements within the Federal Environmental Legislation in the assessment of the cumulative impact of mining on water sources.

DPE refer to information provided in the preliminary assessment report, and rely entirely on additional information provided by the proponent. There has been no independent assessment of the cumulative impacts on water sources. The repeat of the proponent's assertion that there will be no significant impacts on water sources beyond those already approved ignores the significant cumulative impacts already occurring in the Hunter region, as identified in the bioregional assessment report, which I'll mention in a minute.

Groundwater-dependent ecosystems. HEL is greatly concerned by the proposal to leave further study of impacted GDEs for 12 months after commencement of development as recommended in draft condition B45. GDE1, on Redbank Creek, comprises the endangered ecological community, Central Hunter Oak Forest EEC. The alluvial aquifers beneath this GDE are predicted to be largely desaturated by existing approvals. Any additional drawdown would be too much. Both GDE1 and

GDE2, on Wollombi Brook, contain individuals of the endangered population of the Hunter River red gum.

5 The DPE report states that it is unknown over what extent and timeframe drought-tolerant GDEs can withstand prolonged dewatering, and whether the incremental drawdown effects of the proposal would augment cumulative drawdown sufficiently to affect their viability or composition. These GDEs contain threatened vegetation. They should not be subject to any further drawdown than already occurring through current approvals.

10 We are now seeing droughts becoming more severe in the Hunter thanks to climate change, while at the same time allowing water sources to be severely impacted by coal mining operations. This is not ecologically sustainable, and should not continue. The required further study of GDE1 and GDE2 must occur prior to the
15 determination of the proposal. It is unacceptable for endangered ecological communities and endangered populations of GDEs in the Hunter to be subjected to greater impact without knowing the consequences.

20 Bioregional assessment report. The bioregional assessment report for the Hunter region, released last year, has estimated that the cumulative impact of mining will cause changes in water availability to the Hunter regulated river at Greta, and are very likely – greater than 95 per cent chance, that is – to exceed five gigalitres, or five billion litres, per year over the period 2013 to 2042. Five GL is equivalent to an estimated use of basic right access in the Hunter regulated system, or half the town
25 water licences, or over twice the stock and domestic licences. This is a substantive volume of water to be lost from the system. This loss is borne by other water users and the river environment. Using a conservative value of \$1000 per megalitre for water trading purposes, this loss of flow to the river system is worth \$5 million every year. This significant impact must be considered as part of the merit assessment for
30 this project.

The bioregional assessment also states that surface water hydrological change was possible around expansion of the Wambo mine. This is prior to the impacts from the United Wambo super-pit proposal. The Commission must take a cautionary
35 approach to assessing the merit of this very large mine expansion in regard to existing impacts of mining on major productive water sources in the Hunter.

In conclusion, we trust that the Commission will take note of the more detailed information provided in our full written submission and by our experts. We also
40 urge you to seek your own independent expert assessment of the cumulative impacts of this project on the environment and surrounding communities. Hunter Environment Lobby firmly remains of the opinion the application should be rejected, and I thank you for your time.

45 DR WILLIAMS: Thank you, Jan.

MR PEARSON: Thanks, Jan. I appreciate that very much. If you're also able to put the written comments through, that would be great. There were a lot of references to conditions in there, so – I'd just like to thank everyone for coming along today. I know it's been a long day, but I know the Commission finds these sessions very useful, and we'll, obviously, take – take them all on board as part of our overall consideration of the project. And with that, I'd like to draw to a close today's public meeting, and thank you all for attending.

10 **RECORDING SUSPENDED** [5.29 pm]

RECORDING RESUMED [5.39 pm]

15 MR PEARSON: So, obviously, you know Peter, Robyn.

MS J. FENWICK: Yes.

20 MR PEARSON: And I'm, obviously, Tony Pearson. So - - -

MS FENWICK: Yes. Well, thank you for the opportunity of letting me speak. I'm really concerned about this mine. Two main things. One is the water. We're – our property has lost water from mining, over – happened a long time ago. And we've been offered water to replace it, but the water we've been offered is water that's coming from underground, that is probably not really usable. And the suggestion is that we can dilute that water with good water, to make up for the water we're missing, but where are we going to put with it?

30 DR WILLIAMS: To dilute it.

MS FENWICK: To – and that – I know it doesn't directly relate to this, but it's been an issue that's been ongoing since 2004, that we're to have the creek repaired – well, we're still waiting for that – and we're to have compensatory water. But – I'm sorry to have to say this, but the intent doesn't really seem to be there. It just keeps being – keeps being pushed back, and we don't seem to get any progress. The offer that was made to us some time during last year was made through the Department of Planning, but nobody from the mine has ever contacted us to speak to us about this.

40 And I think it really needs a discussion, a direct discussion between people that have understanding of where this water's coming from, and how it could possibly be used. I mean, we've been farming there – well, my family has been farming there for over a century. And now there's a dry creek, or two dry creeks, and – you know, the grandkids don't know what it used to be like. I would have liked to have had a picture of them there with their fishing rods, too, and water there, but – they like their fishing – but not there. So that's a big issue. The other issue is the repairs. And it's

not – our property has huge holes in it, in different places, that we've been waiting for two years - - -

5 MS KRUK: So this is to your property, or it's to the land – the subsidence on your property?

MS FENWICK: The land.

10 MS KRUK: I'm sorry; to the land.

MS FENWICK: The house is another story that's being - - -

MS KRUK: Okay.

15 MS FENWICK: - - - dealt with. And then I - - -

MR PEARSON: So the background here is that this relates to longwalls that were previously mined by Wambo.

20 MS KRUK: I think I understand, yes.

MS FENWICK: The whole property – virtually the whole property was underground mining, from about 1991 through to 2002, I think. And they still haven't fixed these holes. And last January, the resource regulator put orders on
25 Wambo to fix it. And Anthony Kea, who I was supposed – we were having a meeting today, that had to be cancelled, with the resource regulator, down the other end of town; I'm not sure if you were aware of that.

30 DR WILLIAMS: No. Sorry.

MS FENWICK: He assured us that, you know, the orders were being placed on them; they will make them fix it. You know, "We'll write a report. We'll have a look at the property. We'll get things done. And hopefully by September, we'll be there fixing things." Well, here we are, February – so that's well over 12 months
35 ago. We spent a lot of time in meetings with these people; we spent a lot of time inspecting the property. We had four whole days, from about 8 till 4 – which, incidentally, Ron found fairly hard, in the middle of winter, not being in real good health. Reports were written, reviewed, and so on. The report still hasn't been finalised. And here we are, still waiting. And I just don't know if anything is ever
40 going to be done, and how well it's going to be done, and where we can expect to go from here.

And that's not just our property. The creek downstream from us is in an appalling condition. And if you – if you went for a walk down there, you would wonder, how
45 could this creek ever run again? How – just the way that it's been eroded, and the damage done. And then the properties – every property around us has now been bought. The – our neighbours to the west of us – they were bought just - - -

MR PEARSON: That's right.

MS FENWICK: - - - over 12 months ago – that was Brozy's. And so - - -

5 MR PEARSON: As part of the offset package that - - -

MS FENWICK: Yes.

MR PEARSON: Yes.

10

MS FENWICK: So we are now surrounded by mines and a little bit of national park. So the – there's a few problems that come from that. Number 1, when we have had rain, we're the only farm – people around that farms, so this – that's where the 'roos go to get good feed and, I mean, they still come in, even though we've got
15 not – not much feed now. So there's that issue, that we're isolated and it's difficult to carry on as you did before when everything else has changed, the – the whole environment around you is changed. But the properties that the mine has bought have not been maintained. There are holes there. There are – as I said, the creek downstream from us is in dreadful state. Upstream, they actually didn't mine very
20 much at that property at all, maybe underground mining.

But in – they haven't maintained the fences and I know they're a mining company, they don't have to maintain the fences, but at least, if they're not going to, they need to pull the fences out, so that there's – they're not a danger. That property is grazed,
25 the property that was Harris' and the property that was Pikes', leased by a family that run cattle there. On occasions, our cattle have got in there and it is really a bit of a scary business if I have to go in there and get them because it is just so dangerous, with the holes that are there, the broken fences, the iron posts that have snapped off and – and it's just a real shame to see valuable, viable agricultural land that has just
30 gone to rack and ruin. And the other thing I don't understand and no one has ever been able to explain it to me, is the way that offsets really work. Yeah, I can't get my head around that.

MS KRUK: We've had a number of submissions that have raised questions
35 about the offsets, so I think that's come up quite a few times.

MS FENWICK: And to – to buy land and say, we're not going to mine this, I don't really see how that can be an offset, because they're not doing – they're just buying it and not doing anything with it. How can that offset that damage that they are doing
40 somewhere else – destruction somewhere else?

MS KRUK: That's another uncertainty, then. Okay.

MR PEARSON: Yep.
45

MS FENWICK: Yeah. I think that's probably about all I've got to say.

MR PEARSON: Okay. No, we appreciate that very much. So thank you for - - -

MS FENWICK: That's okay.

5 MR PEARSON: Thank you for providing those views.

MS KRUK: Thank you both. You've been here all day - - -

MR PEARSON: Yes, yes.

10

MS KRUK: - - - and my apologies. We hadn't realised that you had another meeting scheduled with the regulator.

15 MS FENWICK: Well, yes, the resource regulator, we were to be at a meeting from 2 till 4; that was scheduled before this meeting was scheduled, and they decided to go ahead with it, but then they realised - - -

MR PEARSON: So they've rescheduled it, have they?

20 MS FENWICK: They will reschedule it.

MR PEARSON: They will, okay. That's good.

25 MS FENWICK: Yes. They realised that there were only going to be a couple of people turning up, and there were going to be three executives from Maitland, I think, coming - - -

MR PEARSON: Okay.

30 MS FENWICK: - - - to talk about it. So that will be interesting to see, because, I mean, this project has - I think, the resource - someone was asking for a plan of - a rehabilitation plan that had to be written into it, weren't they, before it can be approved? Or before mining - if it's approved, before mining - - -

35 MR PEARSON: There's a - yes.

MS FENWICK: - - - can start, there has to be - - -

40 MR PEARSON: There's a rehabilitation plan that will need to be prepared and approved by the Secretary before mining can commence.

MS FENWICK: Yes, before the mining can happen, yes.

MR PEARSON: Yes.

45

MS KRUK: Thank you for that, and thank you for - - -

MR PEARSON: Yes, appreciate - - -

MS KRUK: comments earlier, as well – and you’ve been here all day as well.

5 MR FENWICK: That’s all right. No trouble at all.

MR PEARSON: I guess, before we part for the evening, our condolences to you and Alexander - - -

10 MS FENWICK: Thank you.

MR PEARSON: - - - and, obviously, to your family, brothers and sisters - - -

15 MS KRUK: He was obviously a very respected member of the community; that came across in every discussion.

MS FENWICK: Yes. Yes, he’s missed by a lot of people.

20 MR PEARSON: Yes. Well, he was always an active contributor, so – I know his insight was always very much appreciated by the Commission.

MS FENWICK: Yes, and he would often come up - - -

25 MR PEARSON: So his participation will be missed.

MS FENWICK: Yes – he would often come up with ideas that other people wouldn’t. Being a left-hander.

30 MS KRUK: Are you as well?

MR FENWICK: No. God, no.

35 MS FENWICK: I’ve got a little left-handed granddaughter. Yes, she thinks like that, too.

MS KRUK: Thank you again.

MS FENWICK: Yes, appreciate that.

40 MS FENWICK: Thank you for your time.

MR PEARSON: Yes. Thank you very much.

45 MS FENWICK: I appreciate not having to stand up and - - -

MR PEARSON: Yes. No - - -

MS KRUK: No, I fully understand that.

MR PEARSON: Thank you very much.

5 MS FENWICK: And I hope you have a successful day tomorrow, looking around.

DR WILLIAMS: Thanks a lot.

10 MR PEARSON: Thanks, Alexander. Appreciate it.

MR FENWICK: Thank you.

RECORDING CONCLUDED

[5.50 pm]