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## TRANSCRIPT OF PROCEEDINGS

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O/N H-1114334

### INDEPENDENT PLANNING COMMISSION

### GLENDALL COAL MINE MOD 4 – PUBLIC MEETING

**CHAIR:** STEPHEN O’CONNOR

**PANEL:** ZADA LIPMAN  
CHRIS FELL AM

**ASSISTING PANEL:** BRAD JAMES  
KYM STATHAM

**SPEAKERS:** GEOFF KELLY  
BOB VICKERS  
JAN DAVIS  
DEIDRE OLOFSSON  
JUDITH LESLIE

**LOCATION:** LEVEL 3, 201 ELIZABETH STREET  
SYDNEY, NSW, 2003

**DATE:** 9.30 AM, THURSDAY, 6 FEBRUARY 2020

MR S. O'CONNOR: Well, good morning. Before we begin, I would like to acknowledge the traditional owners of the land upon which we meet, the Wonnarua people. 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  
5 meeting. Mt Owen Proprietary Limited, the applicant, is seeking to modify the existing development consent to mine an additional 1.97 million tonnes of run-of-mine coal from within the existing approved mine at the Glendell Open Cut Coat Mine located in the Singleton Local Government Area. My name is Steve O'Connor. I am the chair of this IPC panel. Joining me are my fellow  
10 commissioners, Professor Zada Lipman on my left and Professor Chris Fell on my right. Brad James and Kym Statham from the, ah, Commission Secretariat are also in attendance here today.

Before I continue, I should state that all appointed commissioners must make an  
15 annual declaration of interest identifying potential conflicts and their appointed – ah, in their appointed role. For the record, we are unaware of any conflicts in relation to the determination of this modification application. You can find additional information on the way we manage potential conflicts in our policy paper, which is available on the IPC website. In the interests of openness and transparency, today's  
20 meeting is being recorded, and a full transcript will be made available on the Commission's website.

The public meeting gives us an opportunity to hear your views on the assessment report prepared by the Department of Planning, Industry and Environment before we  
25 determine this modification application. The IPC was established, ah, by the New South Wales Government on the 1<sup>st</sup> of March of 2018 as an independent statutory body operating separately from the Department of Planning, Industry and Environment. The Commission plays an important role in strengthening transparency and independence in decision-making processes for major  
30 developments and other land use decision-making in New South Wales.

The key functions of the Commission include the determination of state significant development applications, conducting public hearings for development applications and other matters, and providing independent expert advice to either the Minister or  
35 the Secretary of the Department when requested. The Commission is an independent consent authority for state significant development applications and provides an additional level of scrutiny where there are either more than 25 public objections, ah, reportable political donations or an objection is lodged by the relevant council. The Commission is not involved in the Department's assessment of the project, the  
40 preparation of their report or in its findings in any way.

This meeting is one part of our decision-making process. We have also been briefed by the Department and have met with the applicant. Transcripts of these meetings are available on our website. After today's meetings, we may convene with relevant  
45 stakeholders if clarification or additional information is required on any matters that

are raised. Records of all our meetings will be included in our determination report, which will be published on our website.

5 A site inspection took place yesterday at the project site. The applicant and  
Commission attended the site inspection. A summary of any questions asked and  
answers given at the site inspection will be available on our website. The  
commissioners have reviewed the written submissions received by the Department of  
Planning, Industry and Environment, which are published on the Department's  
10 website. The Commission will also accept written submissions in relation to this  
project up until 5 pm on the 13<sup>th</sup> of February 2020. Anyone can send written  
submissions in to the Commission before that time. You can do this by sending them  
to our email or to our postal address available on our website. Following today's  
meetings, we will endeavour to determine the application as soon as possible;  
however, there may be some delays if we need to get additional information.

15 Um, before we invite the first registered speaker, um, to address us, I would like to  
lay the ground rules that we expect everyone taking part in today's meeting will  
follow. Ah, this meeting is not a debate. We will not take questions from the floor  
and we will not permit interjections. Our aim is to provide the maximum opportunity  
20 for people to speak and be heard by the Commission. We ask that speakers, ah,  
today refrain from making offensive, threatening or defamatory statements as per our  
guidelines, which is, um – which are available on our website. Many people find  
public speaking very difficult. Um, so we certainly understand, and we will give  
people time if they need to gather their thoughts. Though you may not agree with  
25 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 provide  
comments. We may ask questions or seek clarification, but this is, um, usually, ah,  
30 only infrequently done. It will be most beneficial if your presentation is focused on  
the issues of most concern to you as an individual. It's important that everyone  
registered to speak receives a fair share of time. I will enforce the timekeeping rules  
as the chair, and I reserve the right to allow additional time where I think it's  
appropriate. A warning bell will sound one minute before the speaker's allotted time  
35 is up and again when it runs out. Please respect these time limits.

If you'd like to project something onto the screen, please give it to Brad James at the  
rear of the building, um, before your presentation. If you have a copy of your  
presentation, it would be appreciated if you could provide that to Brad as well. Um,  
40 please note any information given to us may be made publicly available. The  
Commission's privacy statement governs our approach to your information. If you'd  
like a copy of our privacy statement, you can obtain it, um, from the Secretariat's  
office or the website.

45 Ah, finally, I'd like to ask everyone present to turn off their mobile phones to silent,  
um, and before I call our first speaker, I will just give some quick, um, housekeeping  
information to you. In case of an emergency, for example, a fire, please evacuate the

building via the marked exit doors. In order to evacuate, um – if you're required to evacuate, there may be an alarm or an announcement. Um, as instructed, you are to evacuate to the marked areas, um, which, um, the Council staff, the fire wardens will guide us to. These muster areas are on the grassed area outside of the auditorium.

5 Any questions before we begin? Okay. If not, our first speaker is Geoff Kelly. Thank you, Geoff. If you can use the lectern.

MR G. KELLY: Just getting the presentation back on the screen. Thank you. Well, thank you, Mr Chairman, for the opportunity to address the Commission here this morning. I'd like to present a brief overview of modification 4, ah, outlining its scope, its impacts and its benefits.

15 So just the first slide there I have is, ah, a high-level aerial view which shows Glendell in relation to the surrounding operations. So the Glendell area is outlined in blue, and that's the, ah, project boundary. So Glendell works in, ah, conjunction with Ravensworth East to the north, ah, Glendell being the – what is known locally as the Barrett Pit and, ah, Ravensworth East as the Bayswater Pit. So Ravensworth East works under a separate, ah, approval of Mt Owen, and coal from – from Glendell and Ravensworth East is washed out the Mt Owen washery, which operates under the same approval. Ah, for region, as you can see, Glendell there being in the centre of the frame; to the west, it's bounded by Ravensworth and Hunter Valley Operations; to the north, Liddell; to the northeast, Mt Owen; and towards the southeast, the Rix's Creek operations.

25 So the current operation of Glendell operates under, ah, a consent, ah, grant – has been operating since 2008 under consent da 80/952, which was originally granted in 1983 by the Minister for Planning and Environment. The original approval was a project on a much bigger scale, which envisaged its own coal preparation plant and, ah, rail loop and also, ah, substantial, ah, surface facilities. That was trimmed back in scope, as well as, ah, extensive external dumps and water storage to – in two modifications to the existing modification, and a third modification was sought, ah, relocating powerlines. So the current operation is under mod 3 of that consent.

35 So going forward to modification 4 in more detail. So I'd like to point out that modification 4 is a minor modification to the existing consent and entails, ah, as you outlined in your overview, ah, mining an extra 1.97 million tonnes of coal and – excuse me – just go backwards – and a change in mine design to improve operational efficiency. So just to give more detail to that point of being a minor modification, this proposed modification, ah, proposes no change to the current approved mine life. Mine life will not extend beyond July – sorry – June 2024, as per the current approval. This modification stays within the currently approved project area, so no change there.

45 There is no change to current mining methods, so there's no change to the current mine fleet, how they're operated and the methods used within the mine. There is no change to production rates and caps on production from the current consent, no change to the washing rates through the Mt Owen, ah, CHPP and no change to

operating hours and no change to workforce numbers. Perhaps not surprisingly, because there is, ah, no change to our operating methods, fleet, etcetera, under this proposed modification, there is no change to the existing criteria for air quality or for noise at our receivers. As we'll talk more – in more detail in the following slide, the,  
5 ah, proposed extension, ah, and additional mining block is towards the north, so the operations are continuing to mine north and away from our receivers at Camberwell in the south.

10 So after going into detail of what doesn't change, so what does change in this modification, so the additional 1.97 million tonnes I've spoken about, so it lies within the current project boundary. It's outlined in pink at the top of the screen. So this aerial photograph is a survey which was taken at the middle of last year, as of July last year. So the mine continues to progress towards the north. So as was seen by the Commission members yesterday on the tour, we've started clearing up to our  
15 current limit there at the moment, mining operation is continuing here and towards the north. This is a continuation and another block towards the north there, and a layback clearing area is access into that final block.

20 Additionally, we spoke about changes to the mine design, allowing flexibility in the mine design to increase efficiency. So what's also envisaged in the modification is to be able to establish a haul road on the western highwall, on top of this wall here, and that will increase our efficiency to have a straight run from the mining areas along the top of the highwall and into the high levels of backfill here rather than going – dropping down and being a longer route towards the east. The benefit that  
25 gives us is reduced truck hours, which leads to reduced emissions, and also it, ah, allows us to further improve our dust management, being a shorter road.

30 Now, putting together those two areas from the previous slide, so the pink and the orange, and looking at the area that's disturbed, so they're outlined there in yellow, as you can see. So that's the haul road, and that's the mining area up towards the north. So in total, there would be 12 hectares cleared, but that is partially offset by 7.7 in the original – sorry – current approval towards the southeast that wouldn't be disturbed for a net figure of 4.3. But the, ah, native vegetation that will be disturbed is 7.3 hectares, ah, which is sparsely wooded, ah, at present. It's regenerated, ah,  
35 Bull Oak woodland and derived native, ah, grasslands. So as part of, ah, the consent and our, um – excuse me – our draft conditions that have been put forward – so this area would need to be offset, ah, in consultation with the Biodiversity Conservation Trust, and proposals that we put forth in the draft consent were, ah, securing required credits through the open credit market, payments to the Biodiversity Conservation  
40 Fund or fund a biodiversity conservation project.

I'd just like to give an update, too, on acquisition rights for natives in Camberwell. Ah, it follows from the really no change to current operations that this consent on its own doesn't trigger additional acquisition rights in Camberwell. But since this  
45 modification was first submitted and went on public exhibition, the Mt Owen modification to, ah, approval – or modification was granted, and the result of that is that, ah, an additional 10 properties, being five in – in Camberwell and five in

surrounds – sorry – 12, six in each, in – six in Camberwell and six in surrounds, have been granted approval – sorry – granted acquisition rights. So the result of that is with Mt Owen, ah, combined with, ah, Ashton South East Open Cut and Rix’s Creek, ah, south and north means that all, ah, properties within Camberwell now have acquisition rights.

So just speaking on the scope and going forward to the benefits. So the benefit of this continued operation would be continued, ah, employment of more than 300 people. And what does that mean? And the figures I’ve put up here are from 2018, the most recent figures we have to hand, on an annualised basis. So that employment results in more than \$34 million paid in wages and salaries. I stress, once again, these are on an annualised basis. Ah, more than \$157 million in goods and services into the company, of which more than 87 million is spent in the Hunter Local Government Area.

So just to wrap up, again, this is a very minor modification which seeks, really, no change. It’s a modification that is – ah, represents an existing eight months of life to the existing Glendell operation. It represents no change to our currently approved operating parameters, mining methods, and hence our, um – the parameters of, ah, noise and dust and will provide further employment and economic benefit to the local community. That concludes my presentation. Thank you.

MR O’CONNOR: Thank you. Thank you, Geoff, and thanks for sticking to the timeframes. Um, I just have one question. Could you go back to that first slide? Um, yeah. That one there. Sorry.

MR KELLY: Sorry.

MR O’CONNOR: The one that shows the, um - - -

MR KELLY: That slide.

MR O’CONNOR: - - - additional area you’re seeking approval for. Can you just point out – I understand the haul road, um, that you’re seeking approval for is to take overburden to be placed in – in the pit. Um, can you just point out the route that the – the coal that’s run from that site, what – what route it will take to get to the prep plant?

MR KELLY: Ah - - -

MR O’CONNOR: Maybe you need to refer to a previous - - -

MR KELLY: It would be a previous slide. It would be – mostly be to the – the north of the current operation over to the, ah, stockpiles here at the Mt Own washery on this boundary. Sorry. To the north. So – yeah. The, ah, coal takes a different route - - -

MR O'CONNOR: Yeah.

MR KELLY: - - - from the, ah – the haul road, which is – is waste.

5 MR O'CONNOR: Yes. I just wanted to make sure that was - - -

MR KELLY: Yeah. It's a - - -

10 MR O'CONNOR: - - - clear to everybody.

MR KELLY: It's a separate route.

MR O'CONNOR: Yeah.

15 MR KELLY: But, um, the ratio of waste to coal is far greater approximately, so five to one or something like that. So of all material moved on-site, a far greater proportion of waste to coal, so - - -

20 MR O'CONNOR: Goes to – to the - - -

MR KELLY: That gives us, ah, that benefit.

MR O'CONNOR: Yeah. Okay. Thank you.

25 MR KELLY: Okay.

MR O'CONNOR: Um, Zada, do you have any questions? No? Thanks very much for your time.

30 MR KELLY: Okay. Thank you.

MR O'CONNOR: Our second speaker is Bob Vickers from the Doctors for the Environment.

35 MR B. VICKERS: I don't have any slides, so that can come down. I don't have anything needed up there. Ah, good morning to the IPC chair, IPC panel members. Um, I'd like to first acknowledge, ah, that we're speaking on Wonnarua land today, um, and pay my respects to their elders past, present and emerging. Ah, just a few  
40 brief but very important points that I wanted to go through. These are fairly consistent points that I've raised in previous presentations. Um, firstly, air pollution. Children in Singleton are breathing the equivalent currently of two and a half  
45 cigarettes a week of fine particulate air pollution. Um, this is worse if they live in Singleton Heights, Mason Dew or Camberwell. We have one of the highest rates of national childhood asthma. Our rate is at 18 per cent of our children compares to the national rate of 13 per cent.

The air pollutions that continue to come up in the EISs continue to tell us that no single mine is going to cause exceedances at the private residences in town or in, ah, private residences that don't have acquisition rights, yet we're now above the NEPM for PM10 particulate in Singleton, Mason Dew, Camberwell. Prior to the bushfires  
5 last year, Singleton's annual running average for PM2.5 was above 25 – sorry – was – for PM10 was above 25 micrograms per cubic metre. We are breaching the NEPM already.

So I find it surprising that despite being told that none of these mines are going to  
10 push us over the exceedance criteria, we had over 1000 daily exceedances of PM10 last year alone. We're allowed none under the NEPM. So the EIS modelling around the mines I'm sure when they do their detection at their sensitive receivers meets their criteria, but the cumulative impact is doing a disservice to the town. A minimal cumulative impact for the mines might mean the difference between a few extra  
15 children being hospitalised with breathing difficulties or a few extra diagnoses of lifelong asthma. "Minimal" does not mean insignificant. They know this. Um, it's time that they started to care about it.

On climate change, bushfire devastation is climate change. Lives have been lost.  
20 Homes have been lost. These fires are unprecedented, and they've fundamentally changed the national discourse on climate change. Following these fires, ah, I think we now need a new biodiversity assessment done for all pending state significant projects, given that we've lost one billion native animals and millions of hectares of habitat. The potential habitat in all of these biodiversity assessments is not the same  
25 as it was 12 months ago.

Minimal cumulative environmental impact. We keep seeing these – these phrases, "minimal cumulative". It's insulting. Greenhouse gases need to be rapidly  
30 decreasing, not incrementally increasing. To stay under our carbon budget allowed for up to 1.5 degrees of warming, global average greenhouse gas emissions need to decrease by over seven per cent per year. Even ignoring the disastrous effect that Scope 3 emissions are going to have – and I know there is surrounding controversy around that at the moment. Even today, there are people talking to this effect in  
35 Sydney about the territorial bill and considerations of Scope 3 emissions for the IPC.

This is important. Even ignoring Scope 3, to be even considering a project that increases Scope 1 and Scope 2 emissions, however minimal, is a form of  
intergenerational inequality and, to put it bluntly, is ecocide. This project is not just a simple modification. It's quite clearly setting up the Glendell Mine for an  
40 expedited transition to their planned 20 year extension currently up for consideration at the Department of Planning. To approve this modification is essentially a nod to Glencore that they have a social licence to continue for this proposition and to continue mining for 20 years in thermal coal.

45 Glencore claim that the net present value, ah – sorry – the net positive value in the 300 jobs are worth the environmental and health costs of this project. The royalties which go to New South Wales come nowhere near close enough to compensate for

the damage we're seeing from climate change. It's also worth noting that Glencore had a three year aggregate profit from 2014 to 2016 of \$28 billion. For this period, they claimed zero taxable income and paid zero tax in Australia. They then fell off the tax avoidance radar which had been picked up in recent years by paying a measly  
5 \$1000 tax in 2017. They have a long history of dodgy accounting that converts high profit to low revenue and, as such, pay an unfairly low amount of tax. So this needs to be taken into consideration when we talk about the economic benefits of thermal coal mining in Australia.

10 What this modification is doing economically is blocking effective transition plans. Successful transitions have historically happened over 10 years. They don't happen quickly. When employees are promised full-time jobs in thermal coal whilst we're trying to attempt a transition, these employees aren't supported in seeking alternative employment or training where it's required. BlackRock, JPMorgan, ANZ, Anglo  
15 American, all of these companies in the last few months sounded the warning that the economics of thermal coal are not going to withstand effective action on climate change. They joined hundreds of companies who are refusing to invest or be associated in new thermal coal projects. The negative economic impacts of not planning for a rapid transition for the Hunter Valley thermal coal workforce will be  
20 in the millions to billions of dollars. The tunnel vision approach to economic assessment of this modification is doing a disservice not just to current employees, but to future generations.

On the heritage point of view, there has been a lazy and rushed approach to  
25 Aboriginal heritage assessment in this EIS. Issues have since been raised by native title holders about the Ravensworth Homestead and the heritage assessment that was completed by the proponent for the continued operations project that's currently, um, under consideration by the Department of Planning. So given the serious discrepancies raised in submissions to the Department of Planning on their  
30 subsequent project, ah, serious attention needs to be placed on this issue. Even in this Department's EIS, they noticed there were discrepancies and there were submissions from the public that native title holders were not given ample opportunity to provide information on the heritage nature and even just this modification. I believe the IPC has not been given sufficient information by the  
35 Department to make a fair assessment on Aboriginal heritage for this modification.

What will be the legacy that we leave our children not just in Singleton, but the wider Australian and international community? You have the opportunity here to be on the right side of history. You have the opportunity to tell Glencore that now is the time  
40 for transition and rehabilitation, not modification, not continued operations, not extensions. Australia is currently a climate change pariah for the developed world. The world notices that we're stifling progress at international talks and that we're advocating for accounting tricks to meet emissions reductions targets. The world is watching us. What are you going to do? Thank you.

45 MR O'CONNOR: Thank you very much, Bob, for you presentation. Um, I don't have any questions. Let me just check with Zada.

PROF C. FELL: I'm just wondering, in your experience, is there any time of year when the air quality situation is worse?

5 MR VICKERS: Seasonally, it is less of a concern now. Historically, that has been the case, ah, where we've seen different particulate makeup from a year to year or – sorry – from a season to season basis, so in summer, we tend to see more dust, um, from topsoil and from coal dust. In winter, there's obviously a different mix in terms of wood smoke. The previous studies that have been done on particular characterisation in the Hunter are very outdated, and there's a lot of peer review, ah,  
10 of those studies that are saying that they're inadequate.

So, for example, there was one done that is often quoted by the Department of Planning of Singleton back in 2016 that found that eight per cent of Singleton's PM2.5 was sea salt, and everyone jumped at that and said, "Oh, it's not coal mining.  
15 It's sea salt that's the problem." Um, that same study also showed that a higher percentage than that was what we call polluted sea salt, so it was sea salt that had actually reacted with the sulphur dioxide and nitrogen dioxide that is produced by fossil fuel combustions, which is far more harmful to human health. So there's a lot of cherrypicking of data of when is pollution bad, what is the pollution.  
20

Um, there is no known safe level of human exposure to air pollution, both PM10 and PM2.5. The bulk of the burden we see in Singleton is PM10. Um, it affects children more so than adults. It increases our rate of asthma – childhood asthma in the town. So rather than it seeing a seasonal variation in air pollution, currently, what we see is  
25 a day-to-day variation. Um, when we have a week of rain, ah, it essentially negates the need for water carts at a lot of the open cart pits, so the air pollution for a day or two might improve. And then they get back to their normal activity, they start blasting again, they get the trucks back on the dry roads, and the dust picks up again. So we tend to see more of a day-to-day variation in town than a seasonal variation,  
30 but there are small seasonal variances.

PROF FELL: Thank you.

35 MR O'CONNOR: Thank you, Bob. Thanks for your time.

MR VICKERS: You're welcome.

40 MR O'CONNOR: Our next speaker is Jan Davis from the Hunter Environment Lobby.

MS J. DAVIS: Thank you, commissioners. I, too, would like to acknowledge that we're on the land of the Wonnarua. I'd like to say that we acknowledge their ongoing culture. This land has always been Aboriginal land. Thank you. So I probably won't take quite as long as I originally thought, commissioners. We'll see  
45 how we go. So as you know, Hunter Environment Lobby, or HEL, Inc is a regional community-based environmental organisation that has been active for well over 25 years on the issues of environmental degradation, species and habitat loss and

climate change. HEL has lodged submissions on all the major developments in this particular area in all their iterations and is, once again, making a submission against this development on the grounds of health in the local community, health of the surrounding environment and greenhouse issues causing climate change.

5

We noted in our submission on the 5<sup>th</sup> of December 2018 that the air quality assessment failed to apply the new NEPM standards, as, um, Bob was talking about, as well as failing to apply the EPA 2017 guidelines of assessing air quality. HEL noted that this will impact on the health of Hunter people, who already suffer severe impacts of mining and coal-fired power generation. We note that the air quality assessment failed to identify cumulative ambient air quality at Camberwell and surrounding districts. For over the last five years, the area has had critical levels of air pollution impacting on human health it measured – if measured under the new national standards.

10

15

To make matters far worse now, the climate emergency era we are now entering is impacting on the natural environments and human health in the form of more frequent and devastating fires in bushland as well as grazing and village lands. Coal burning around the world is the culprit of this climate emergency according to the bulk of the world's expert – expert climate scientists. When we add the smoke particles here in the valley to the already high load of particulates we live under regularly because of open cut mining, we find an even bigger impost on us and the natural environment around us here in the Hunter.

20

25

According to Dr Michael Sheen of the Doctors for the Environment Australia, the climate emergency has arrived, with the first – he says, with the first degree of predicted four degrees of warming by 2100. In the last three weeks, the 11,000 kilometre fire front stretched our capacity to respond, while weeks of smoke have replaced the clean air that forests usually provide us for free. Positive change means facing at least two major issues. HEL knows that this mod 4 is a small addition to the overall plan for this mine, but that does not take away from the fact that it is smoothing the way for the huge Glendell continuation plan for which HEL has already lodged, um, a submission.

30

35

While we are quoting this excellent source on the emerging issue of the climate emergency we find ourselves in, I'm sure those of you on the panel of the IPC have not been immune to the situation we see emerging, that is, more frequent, more ferocious and widespread bushfires. It has been a tense and frightening five months since last August of 2019 for many of us, with fires in seven out of eight states and territories in Australia. The statistics are hard to grasp for many of us and I'm sure for you, commissioners. To see the figures of over a billion native animals killed by burning to death, not to mention the toll of human life, homes and properties and businesses, has been an unacceptable overload to our senses.

40

45

Many people are still reeling mentally and trying to come to terms with the devastation. Some of you, commissioners, like us, have relatives, friends and work colleagues who have been gravely impacted on by the fire, smoke, evacuations and

5 more. I cannot put it more simply by saying that my son and his family and my two  
grandsons live a mere 25 kilometres from the Sydney GPO. During December, they  
were told to get ready to evacuate their home in the leafy northern suburbs of  
Sydney, Australia's biggest city, because of danger from an intense and uncontrolled  
fire.

10 We are gratified that at long last a connection has been made by Swiss people in  
Switzerland between the Swiss owner of Glencore and coal and climate change and  
bushfires and the destruction of thousands of our iconic koalas long with many other  
endangered animals, reptiles, insects and habitat. We are gratified – yeah. Sorry.  
15 On the 13<sup>th</sup> of January last, there was a protest outside the Glencore main office in  
Zug – I believe that's how you pronounce it – which received worldwide media and  
started the conversation in Europe between responsibility of coal owners, their coal  
mines, the emissions that they cause and, ultimately, how the Swiss people feel about  
those facts. I've given you a link to that, um, media in my submission.

20 On a practical note, HEL has been protesting to this Department for over 10 years  
about the allowance of final voids in the coal industry. This project leaves a final  
void and lowers the class of agricultural land in the final landform from class 4 to 5  
down to class 8. This lowers the land value and productivity for future users. It has  
always been our policy to push for no final voids. We have always said if the project  
cannot afford to backfill them, it is not a viable project.

25 There is a systemic failure to administer the new NEPM standards to acquisition  
rights, especially in relation to cumulative income – impacts. This leads the  
impacted residents and farms in a no-win situation. They have ended up with  
stranded assets. A gross failure to identify water concerns for the residents on tank  
water with less rainfall and climatic changes in weather patterns is a negligent  
oversight that the Department needs to rectify. HEL believes that these issues plus  
30 the extra greenhouse emissions escaping this latest modification make for a  
mandatory stop on any extra modifications for this mine. Thank you,  
commissioners.

35 MR O'CONNOR: Thank you. Yes. Thank you very much, Jan. I've just got a  
question in relation to one of the last points you raised about the water tanks. Would  
you just like to expand on your concerns there, please.

40 MS DAVIS: Probably one of the residents – I think Deidre next – would be able to  
expand on that.

MR O'CONNOR: Okay. That's fine.

MS DAVIS: Yeah. Okay.

45 MR O'CONNOR: Yeah.

MS DAVIS: Thanks very much.

MR O'CONNOR: No. Hold on. Zada, do you have any - - -

PROF Z. LIPMAN: No. No.

5 MR O'CONNOR: No. That's all. Thank you.

MS DAVIS: Thanks, commissioners.

10 MR O'CONNOR: So we now call on Deidre Olofsson. Um, if she could please come forward.

MS D. OLOFSSON: Do I start?

15 MR O'CONNOR: Yes. By all means.

MS OLOFSSON: Dear commissioners, thank you for the opportunity to provide this presentation today in relation to the modification of the existing consent conditions of Glendell Mine and inform the commissioners that my objection to the application has not changed after being provided the Department of Planning's assessment report. Your assessment report dated the 29<sup>th</sup> of November 2019 stated that the development was assessed as a state development – state significant development modification, and there is no public notice or amendment to the report by the Department of Planning that the report should be read as part 4 consent, not state significant development. The letter, 21.1.20 to the IPCN from the Department of Planning – the letter makes significant comment related to the public exhibition process of this application. I am reading this. Why would a department make such stance to justify they elected to exhibit the application in 2018 when clearly they could just assess it and prove it in a very short timeframe?

30 Public engagement and exhibition. The Department of Planning assessment report 4.1, public exhibition of the application. To note that there has been no amendment note on the paragraph 27. Community consultation committee, section 5.3. Referring to paragraph 49, the applicant reports that it notified the CCC about the modification on the 11<sup>th</sup> of October 2019, and yet 50 per cent of the submitters considered the applicant misled the CCC. Referring to the paragraph 50, the Department is not required to publicly exhibit section 4.55 modification application; however, it decided to do so.

40 Due to the above statements, there needs to be clarification of the events related to the CCC and the exhibition. (a) On the 11<sup>th</sup> of October 2018, a presentation by Glencore on the approved mine operations versus the proposed modification advised by DPE that the mod would not be placed on exhibition due to minor – to being minor. I raised concerns with the modification not being advertised and was informed this was a matter of the Department. (b) On the 19<sup>th</sup> of October 2018, I sent a letter, correspondence to Carolyn McNally to this effect:

45

*Please explain why the Department of Planning has stated this proposal has been approved not to go on public exhibition and the public will not be provided the opportunity to make a submission.*

5 On the 24<sup>th</sup> of October 2018, the response from the Department of Planning is:

*It appears the proponent misspoke at the CCC.*

10 On the 24<sup>th</sup> of October 2018, draft minutes of the meeting on the 11<sup>th</sup> of October 2018 referred to referring to 8.12 on the Glendell mod, note – footnote. Following the meeting, Glencore has been advised that whether applications put on public exhibition will be decided by the Department at the time of the submission. Final minutes were issued on the 1<sup>st</sup> of November. Information collected after the CCC related to communications between Glencore and the Department of Planning related  
15 to the footnote in the minutes.

A GIPA was lodged in January 2019, which a few documents were released related to the lodgement of the application mod 4 commencing on the 29<sup>th</sup> of October 2019, and the Department had made a statement of advertising of the exhibition. The  
20 applicant went out – the application went out on exhibition in 2018 and received 36 objections. The Department’s letter to the proponent advising the IPC would be determined by them – would determine the mod. In relation to the footnote, there was no record of communication from the Department of Planning to Glencore produced by the GIPA.

25 The CCC meeting on the 11<sup>th</sup> of April 2019, section 8.12. Glendell mod 4 advertising – advertising DO asked when DPE were contacted and who made the contact. Glencore advised that the discussion had occurred throughout the preparation of the modification application between the Department of Planning and  
30 staff. The advice he had provided the CCC was premature, incorrect in relation to the advertising of the mod.

In relation to this incident at the CCC and the documents part of the GIPA, correspondence was sent and – a letter was – correspondence was sent in May to the  
35 Department of Planning for explanation and records management. A response received from the Department of Planning related to the expedition of mod 4 and related to the complaint on the 19<sup>th</sup> of October 2018 and concerns the records – the Department did not keep records of the communication with Glencore stating it was advised not significant meeting. August 2019, a formal complaint was lodged to the  
40 government records keeping team state archives and records authority in relation to the State Records Act New South Wales. This matter is still under investigation. In relation to the submitters that the CCC was – was being misled, well, on the material, it could be considered the potential of being deceived.

45 Air quality, 5.1. Related to air quality levels in Camberwell, looking at the report done by Jacobs on the Glendell continuation project, the annual average has increased from in 2017, 27 and 2018, 31 – 2018, 31 and 2018, 44 days above 24 hour

PM10 criteria. And more importantly, in 2018, Camberwell recorded the highest PM10 record reading of 244. In 2020, there has been 18 PM10 exceedance alerts in Camberwell, which I received myself, so they're alerts that are emailed to myself. You can just join up to the Upper Hunter Air Quality Network. So far, in 2019, there  
5 was 113 days of PM10 exceedance alerts. The Department assessment that there will be no change so, therefore, has – the Department made the point that the air quality in Camberwell will remain in exceedance and Glendell has been commended to be approved to continually cause harm to others.

10 Note the study in the US related to long-term exposure of PM2.5s and the impacts related to 20 per cent loss of lung function. So, therefore, is the Department stating that levels are already in exceedance and the Glendell – the closest neighbour to the village of Camberwell is not responsible for the acquisition of private residence and the health of the occupants of the village and surrounding area? The occupants is  
15 also the tenants of Ashton Coal or Yancoal. The modification should not be approved to extend further. They already approval until 2024. If they have run out of coal, that is not the fault of the population being exposed to poor air quality. The owners should be transitioning the workforce for preparation for change. With closure of Liddell Power Station, the employees are a part of the process of  
20 transition.

Swamp Creek. The modification has been highlighted in the continuation project. This, therefore, will be impacted if that project is approved. But from the continuation project, Swamp Creek diversion will reduce the catchment area.  
25 Swamp Creek alluvials and groundwater will play an important part in the water network. This needs to be protected from further devastation.

Aa for Aboriginal heritage, there – this area would be – would have been a part of the Ravensworth Estate complex. The information in the Glendell continuation  
30 report, whether it's correct or not, but there is conflict between two cultures, and this puts doubt on the assessment of the area. As the burial site of Dr Bowman is unknown, there's always a case of doubt what lies beneath the surface. Thank you. You want to ask me about water tanks.

35 MR O'CONNOR: Yes. I – I certainly – certainly do, Deidre. Um, you heard the previous speaker and, um - - -

MS OLOFSSON: Yeah. You might have to go – just ask it again, the question.

40 MR O'CONNOR: Okay. You heard the previous speaker, who - - -

MS OLOFSSON: Yeah.

45 MR O'CONNOR: - - - raised a concern about water tanks, and, ah, I just wanted to understand that issue a little better.

MS OLOFSSON: Right. Um, I don't drink the water out of the tank at all, my water. It is contaminated. I've got a son. Because we've had Ashton Coal on our border for many years, he ended up contracting – I don't know. He got Crohn's Disease. He was off school for years and years, very, very sick. Members in my  
5 family, parents, their water turned grey, and it was so highly contaminated that the Health Department said they had to be cleaned out. These are the issues they face. Water quality. We have the mines right on top of us. The dust lands on the roof, it gets washed into the gutters and straight into the tank. We have the first flush system, but that doesn't protect people for their quality – what – the quality goes in.  
10 I had – we've had it tested. We've had lead in it, arsenic, lots of different components, um, that in the end of the day, I don't trust it any more. I don't put my, ah, son's health at risk. But you're telling a whole community of 100 people, it doesn't matter if they're tenants or not, that have no water provided to them, they are relying on tank water only, and that water is – has a high possibility of – of, um,  
15 contamination.

When I got – recently, I was asked to get – I wanted to get someone to clean the tank out, and he said, “Oh, not Camberwell. That will take me a day to clean it out. Can you drain it out? I've got to suck out the mud.” I got pictures of it where they were  
20 cleaning it out. It was just grey and black sludge coming out onto the ground. It smelled. And you – and this issue is very bad. You know, you hear proponents – or mining companies then rent out these properties with no respect to what those people have got to put up with, their water quality.

25 Now, Camberwell is – is probably the most highly impacted from air pollution, and yet we have no fresh water. When my parents asked to get their tank cleaned through to Glencore, it was, “Well, it's not in our consent conditions, but we'll do it just for you.” Now, that's not what it's supposed to be. Ashton has closed down, but you're trying to get someone to clean your tank. It is impossible. It is becoming a  
30 matter of disgrace. And this is not only the one village. It's a number of villages or small communities surrounding these mines where they think water is nothing. Well, at the moment, we're in a severe drought, and water is everything. And if we keep going down this path, they should be held accountable.

35 MR O'CONNOR: So are you saying that if you need your tank cleaned out and you approach Glencore, they – they do clean it out or they - - -

MS OLOFSSON: Well, it took a long - - -

40 MR O'CONNOR: - - - out of the goodness of their - - -

MS OLOFSSON: Well, they - - -

45 MR O'CONNOR: - - - heart or they don't?

MS OLOFSSON: It's not in their condition of consent. So I've only tried once. In the end, I did it once myself. Um, it is difficult, but if it needs to be – in the end, they're responsible, so I believe they should be made to do it if – if any person asks.

5 MR O'CONNOR: And what has been the experience?

MS OLOFSSON: Well, I've only had one experience, and that was ages and ages, and it was even raised at the CCC, and they still stated, "Well, we did it just because," but they're not – we're not part of their consent conditions.

10

MR O'CONNOR: Okay. I understand. Thank you. I've just been pointed out that the Department of Planning, ah, did put a public statement – sorry – did – did advise the, um, IPC and we've put this on our website - - -

15 MS OLOFSSON: Yeah.

MR O'CONNOR: A letter dated the 21<sup>st</sup> of January.

MS OLOFSSON: Yeah. That's the one I read from. But - - -

20

MR O'CONNOR: Okay.

MS OLOFSSON: You know, prior to that, we never – there was nothing in the paper. It was only just lucky I read the letter.

25

MR O'CONNOR: Yes.

MS OLOFSSON: So I'm stating that the Department should have actually told – brought – brought it to the community. Yeah. Not everybody just goes and reads those letters.

30

MR O'CONNOR: So it's haphazard that you find out about it rather than - - -

MS OLOFSSON: Yeah. And I think it's responsible. They made a big point of, you know, with such jargon about, you know, how it should be assessed. I think it was unfair that you had to go and search – look for there where, oh, you're actually asking us to look at is the assessment report.

35

MR O'CONNOR: Yeah. Okay. I understand that. Sorry. I do have one more question.

40

MS OLOFSSON: Okay.

MR O'CONNOR: You raised Swamp Creek in your – your, ah, presentation.

45

MS OLOFSSON: Yeah, because - - -

MR O'CONNOR: Could you just clarify what your concerns are there?

MS OLOFSSON: What it is – because, um, it's actually in the – where the haul road – it's actually next to it, and my concern that that – moving that towards –  
5 you're going on to the alluvials and impacting that, and, you know, you don't know – it's in that area. And that is now part – that's going to be in the continuation project. So it is a major concern, disturbing waterways.

MR O'CONNOR: Right. Okay. I think I follow you there. Thank you very much  
10 for your submission.

MS OLOFSSON: No worries. Thank you. I hope it clarified. I will give you the rest of the paper later.

MR O'CONNOR: Okay. That's fine. And our final registered speaker is Judith  
15 Leslie. Thank you, Judith.

MS J. LESLIE: Because the underlying issues of what I'm going to speak, um, have  
20 already been well covered by Bob and by Jan and Deidre, I'm not going to talk about the underlying issues. I'm going to talk about the overriding. But, firstly, I would like to acknowledge that we are standing on Wonnarua land, always has, always will be. Okay. Welcome to 2020 and Australia's new normal. It has been long and a steady progression to get to here. In 1824, global warming was described by Fourier. He described earth's warming linked to trapping of CO2. In 2007, an IPCC  
25 assessment report said the world will see a probable temperature rise of between 1.8 and four degrees Celsius by the end of the century. 2008, Garnaut report predicted fire seasons will start earlier, end later and generally be more intense, the effect increasing over time, but directly observable by 2020. Prophetic, indeed. 2018, the IPCC confirmed the greenhouse effect is changing our climate now. 2019, at the  
30 World Economic Forum, Greta – Greta Thunberg said:

*I want you to act as you would in a crisis. I want you to act as if our house is on fire, because it is.*

35 She, too, was prophetic. Later that year, Australia was and still is, despite recent rain, on fire. In 2019 in July, the New South Wales bushfires began in the Mid North Coast. 2020, 80 research council laureates in an open letter requested the government to acknowledge the gravity of the threat posed by climate change and driven by human activities and warned that they need to reduce greenhouse gas  
40 emissions in time to safeguard against catastrophe. The message is clear. The situation is becoming even less manageable as extreme fire weather becomes more common. This year in January, a CSIRO report said 2019 was the hottest and driest year ever recorded in Australia. It is part of a long trend of warmer temperatures and more variable rainfall and more big wet years and very, very dry years. Clearly, this  
45 creates more opportunities and catastrophic weather conditions that will result in the continuation of increased fire activity.

These are not grass and savannah fires from which the carbon that is lost will be recovered in one or two years in new plant growth and soils. It takes much longer for the carbon that has been released from the burned temperate forests to be recovered, decades to hundreds of years. Average temperature was not the only  
5 record to be broken in 2019. Average national rainfall total of 277 millimetres was well below the previous lowest record of 314 in 1902. It's not the sun. It's not volcanoes. It's not natural cycles. The only explanation that makes sense is the emission of heat trapping gases.

10 The argument is still made that stronger mitigation policies would be economically destructive. What has been wrought by these fires has been ecologically, environmentally, emotionally and economically destructive. The tragic loss of at least 33 lives, 7.7 million hectares burned, more than one billion animals lost and 2000 homes destroyed, as well as the shocking loss to the environment of koalas,  
15 forests of eucalypts, wallabies, kangaroos, cockatoos, bee colonies and so much more. Ancient Aboriginal rock paintings have been destroyed, heritage that can never be recovered. Even now, desperate animals that did escape the fires are starving as their food supply has gone. They are dying in a wasteland after the fires. It is time for us to act as custodians of our land and as creatures. To do so brings out  
20 the best in us. At our worst, we surround ourselves with corrupt politicians, public servants and their ilk who concentrate on their personal gain and the servile pull of greed. They endeavour to persuade us that we must put money for a few before planet salvation. I haven't got much more, but I do want to finish.

25 If we listen, we in Australia and those in the rest of the world are doomed. The fires have eased but not gone, despite this recent rain, and already those unaffected are ready to move on and forget. There will be more extremes of weather, including fires and floods. We have had a taste of the future. It is frightening and it is salutatory. It is not going to stop or slow unless and until we curb our carbon  
30 emissions, including more coal. The time has come for educated people to stand up for real social progress and an economy that ensures a viable future for generations to come, our children, grandchildren and great grandchildren, mine and yours. You are educated people. It is time for you to heed the voice of your own intellect and conscience, putting aside the spurious and self-serving smoke and mirrors  
35 justifications of the Planning Department and big coal.

Health and environmental impacts have already gone much too far. The Hunter needs no more extensions and no more new coal. I urge to use your powers to halt further impacts. Consideration of proposals is supposedly balanced risk against  
40 opportunity, economic gain, in other words. Today, risks to health, to the environment, to tourism and citizens' emotional wellbeing far outbalances the economic gains of expanding coal – coal capacity. Excuse me. We are looking down the barrel of global dystopia. We are governed by blind ideologues, and it is only people like you who have a chance to influence the trajectory. I urge you to  
45 take well-considered action now and by so doing contribute towards slowing, not hastening, the climate crisis.

MR O'CONNOR: Thank you, Judith, for, um, that presentation. Um, any questions, Chris? Zada? No.

MS LESLIE: Thank you.

5

MR O'CONNOR: Thank you very much. That concludes the registered speakers that we were to hear this morning. Is there anyone who has not registered that wishes to make any comments or make a presentation? If not, thank you very much for your attendance this morning. As I indicated in the opening statement, ah, we have got to take away, um, what we've learnt from this session today and from the site inspection that we've done and from the briefings that we have, um, we have to analyse that and, ah, we will make a determination which will be published on our website. Thanks very much for your time this morning.

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**MATTER ADJOURNED at 10.31 am INDEFINITELY**