

PROF O'KANE: Good morning. And welcome to day 2 of the Independent Planning Commission's electronic public hearing into the State's significant development application for Maxwell Underground Coal Mine Project. I'm Mary O'Kane and I'm the chair of the Independent Planning Commission and of this panel. Joining me is Deputy Chair of the Commission and fellow Commissioner, John Hann. We also have Richard Beasley SC as counsel assisting the Commission at this public hearing. Before we begin, I'd like to acknowledge the traditional owners of the lands on which we variously meet and pay my respects to their elders past, present and emerging.

Maxwell Ventures Management Proprietary Limited, the applicant, owns the Maxwell infrastructure site located nine kilometres south of Muswellbrook in the Upper Hunter Valley. It is seeking planning approval for a new underground coalmine. Under its proposal, up to eight million tonnes of run-of-mine coal would be extracted per year, using longwall and bord and pillar extraction methods over a period of 26 years. The application has come to the Commission for determination because it received more than 50 unique public objections.

The Minister for Planning and Public Spaces has directed the Commission to hold a public hearing into the application. He has asked that the Commission provide its determination within 12 weeks of receiving the final whole of government assessment report prepared by the Department of Planning, Industry and Environment, DPIE. I note that the department in its assessment report has said that the project is approvable subject to conditions. In line with regulations introduced in response to the ongoing COVID-19 pandemic, we have moved this public hearing online with registered speakers provided the opportunity to present to the panel via telephone and video conference.

In the interests of openness and transparency, we are livestreaming proceedings on the Commission's website. As well, a full transcript of this two-day hearing will be published in the next few days on the website. We have many speakers on today's schedule. As such, I would ask everyone presenting today to please try and keep to your allocated speaking time. As Chair, I will enforce timekeeping rules to ensure everyone receives their fair share of time. However, I do reserve the right to allow extra time for the panel and counsel assisting to ask questions or to hear new information.

I would encourage presenters to avoid repeating or restating submissions previously made on this application, noting that we'll be particularly assisted by hearing your views on the DPIEs whole of government assessment and on their recommended conditions of consent. Thank you. And I'll now hand over to Mr Beasley to call our first speaker.

MR BEASLEY SC: I think we have Scott Franks, who's going to speak on behalf of the Plain Clans of the Wonnarua People. Mr Franks, are you there?

MR FRANKS: Yes. Can you hear me alright?

MR BEASLEY: Yes.

5 PROF O'KANE: Yes, we can.

MR BEASLEY: Please go ahead.

10 MR FRANKS: Wonderful. Look, first and foremost, anagunya koorook karang, which is welcome to our country, the Wonnarua Lands. It means welcome to our home in the bush. We all can't be there because of the pandemic and I'd also like to pay my respect to the passing of Auntie Margaret, who's actually being laid to rest today. So it's a very sombre day for the Wonnarua People. One of our elders has passed and the funeral is on today that most of us can't be at. So – but, look, in
15 saying that, I'd like to start my talk on this, and it's a bit like déjà vu for a lot of us, I think, whether it's called Drayton, Spur Hill, Malabar or Maxwell. So to try and keep on track, I've just typed up some notes to try and get my head around this and I'll start by this.

20 Maxwell Coal, at the point of purchasing this particular ALA, was subject to a section 29 notification under native title for a piece of Crown land, which required the new owners to deal with and manage a right to negotiate under the Federal Native Titles Act. That never came to pass. Maxwell Coal, in my mind, refused to deal with the section – the right to negotiate within the timeframe supported by the
25 Federal Court, and it got to a point where Maxwell withdrew their ALA to attempt to have the right to negotiate dispensed of or dismissed. At that time, we obviously sought advice from New South Wales Lands and the Mining Council and a few other obviously regulatory bodies.

30 They informed us that the section 29 would be dismissed based on the licence being revoked or withdrawn, but the file has been noted that the ALAs subject to approval will trigger another section 29, which will result in Maxwell being encumbered with another right to negotiate, but with a claimant group that they've already effectively closed the door on. So it's going to be an interesting time for Maxwell. I've got here
35 Maxwell Coal have several real issues before it. At the time that the heritage assessment was done, the PCWP was still the registered native title party covering the area.

40 Now, OEH at the time would have said that all RAPs should have been consulted and involved, but OEH never disclosed that it uses two different policies for assessing Aboriginal heritage, and that's been very evident in the Hunter Valley. So RMS or the Office of Heritage and Environment, whatever it's called now, there's two regulatory processes for establishing and identifying Aboriginal heritage. One is the 2010 Community Consultation Guideline, and the other one is called the Patchy,
45 which is used by Transport for New South Wales. Now, the Patchy contains a very strict process where a stage 2 assessment only allows the Lands Council and

registered Aboriginal – sorry, native title claimant groups to do the preliminary assessment.

5 Those two parties then will provide information on how the process goes forth in recognising or identifying the Aboriginal heritage. So it was a very flip-flop process with no backbone. Transport for New South Wales and RMS – and I've got this here – have a policy signed off by OEH called the Apache. This process makes sure that not only the local Aboriginal Lands Council and registered native title claimants are the only parties to conduct a field assessment. I recall PCWP and being engaged for the Spur Hill Aboriginal survey at Malabar. That's what it was called back then, I think. I'm not sure.

15 And we were asked to assess and the assessment was completed by South East Archaeology, Mr Peter Kuskie, and the head contractor was a consultancy firm based in Brisbane that simply have not released the original assessment. That assessment contained over 5000 artefact sites, recorded burial sites, a massacre site, a preparation site for the Brolga ceremony and so on. This has never come to light. It also provided details of the Pocket massacre and the burials on the Hunter River near the Golden Highway. Now, after quickly reviewing some of the comments in the last thing, I know a lot of people focused on this mining lease wasn't going to impact on the massacre site because it was at the Pocket.

25 Now, the Pocket is referred to simply because it was the finalisation, and that's what I've put here. With regard to the Pocket massacre, I suspect Dr Tim Owen raised this yesterday. This attack on our people was only – was not only at the Pocket location, that location was the final bottleneck the white settlers used to force our people into and then slaughtered them, anyone who was still standing. You need to accept the fact of the attacks on our people in the area. This was conducted in a way where our people were chased and killed as the remaining people were forced into pockets to be murdered.

35 If you look at the Appin massacre, you will see a pattern of these massacres pushed the people in a direction to control their location. In most cases, people were pushed onto cliff edges or large, locked areas and stragglers were killed on the way. So and that's what this is missing. Even though the Pocket, yes, did result in 17 to 15 of our men being slaughtered, as the posse that was established came into that area, there was a major men's campsite obviously for the initiation ceremonies of the boys and that across the road on Eddington Road. All those people were herded up like cattle and chased across the landscape.

40 On the way, as with the massacres at the Bowman estate, the garrison, the farmers and the magistrates in some records used horse stirrups from saddles to cave the heads in of our people as they fled for their lives. This whole area where this mine is purporting to want to build its location contains a field of slaughter, and it shouldn't be pushed back to identify just this one location. The reason the Pocket is so prominent is because of a diary note from a constable where one of the survivors climbed up a telegraph pole in Muswellbrook and howled like a dingo for three days

because his family was slaughtered. And the local parisher asked the constable to go and try and resolve the issue, and the constable said, “The only way you’re going to stop that black is to shoot him.”

5 Sorry, guys, it’s a bit – I mean, we’ve been through this three times and it’s sad that our people still lay in those fields. I mean, Mount Arthur contains the burial site of Uncle Arthur, one of our people who was found some time ago by bulldozer scrapes, who had a fractured hip, but survived. Now, the forensic anthropologist that
10 conducted the research to understand what had happened to this Aboriginal person or this Wonnarua person, they determined that he’d been impacted by a heavy beast such as a horse of cavalry and fractured his hip. He survived and then limped around for two or three years until he passed. Our people are still there.

15 The area Malabar or Maxwell seek to mine is an extremely important place and location for our people. It simply has not had the opportunity to properly be recorded because our voice has been drowned out by other Aboriginal people not traditionally or connected or from the area. We’d also like to add that Maxwell have done everything it could to avoid negotiating in good faith under a registered native title claim. The issues will need to be resolved again if the mine gets the green light.
20 I also need to raise a significant concern with the way the mining operation deals with its obligations under the current approvals.

Currently, this mining operation under the statements of commitments for the current approval is supposed to prepare – sorry, repair lands that has been mined as per the
25 rehabilitation obligations. But what we have seen is this mining operator hide under the green energy argument and make an application to build a solar farm on land that should be rehabbed. Why place a rehab commitment on a mining operation for its approval to fix the land, but then let that mine avoid spending the money to rehab to only redevelop the land at less cost. The whole purpose and commitment under the
30 approval to rehab is to fix land. This is not the case with this particular mining attitude or the way they do things.

In closing, I’d like to draw the PACs attention to the Drayton South Open-Cut Coal Mine renewal report – review report done by Lynelle Briggs OA, Chair Ross Carter,
35 Abigail Goldberg, November 2015, page vi:

*Within areas of significant open-cut mining activity, strategic consideration of Aboriginal cultural heritage landscapes and places is needed to consider
40 cumulative landscape changes and impacts and identify priority areas for protection. This should provide for more comprehensive consideration of the significance of Aboriginal cultural heritage values, not only the physical artefacts that have tended to form the focus of mining assessments, but also the wider cultural landscape connections and the interplay between these elements.*

45 Since that report and recommendations, we have seen several mines gain approval in Wonnarua country with no consideration to this statement. How is it possible for the PAC to approve any further mining operations in the Hunter Valley until this

recommendation has been taken seriously. And I do need everyone to focus on that because I actually was in the Hunter Valley yesterday with an anthropologist appointed by the Federal Minister to assess a section 10. And the most sounding, echoing noise I heard yesterday from this federal representative was that the way the
5 area has been assessed by current archaeologists steps outside the gamut of not only the consultation guideline, but also the Federal and State Heritage Act.

There's no ethnographical or anthropological research being done to clearly identify who are the right people, even if you've got a registered native title claim, or even
10 supporting the evidence of that oral history. Everyone is focusing on stone artefacts on the landscape. That's not what the assessment is about. It's about the importance of the land the inherent impacts that will occur if it's disturbed. Hence, the PCWPs very clear statement of seeking compensation in the future if a determination of native title ever happens against the State. And that's probably all I've got to say at
15 this stage. Thank you.

MR BEASLEY: Thank you, Mr Franks. Are you putting in a written submission, Mr Franks?

20 MR FRANKS: Look, with time permitting we probably will.

MR BEASLEY: Right. Okay.

MR FRANKS: We've got a few things, obviously, going with the current section 10
25 right now. We are preparing a section 10 for this particular mining operation.

MR BEASLEY: Sure.

MR FRANKS: And that will be submitted, I suspect, in the next month or so.
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MR BEASLEY: I was just wondering – obviously, you're aware that there's an identified Aboriginal sites impact assessment in the ACOM report that was part of the EIS, and I was just wondering whether your written submission was going to put forward your views about that.
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MR FRANKS: Look, it probably will. I think – we're obviously involved with ACOM.

MR BEASLEY: Yes.
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MR FRANKS: But the reality is ACOMs engagement was solely guided by the proponent to systematically look for physical evidence on the ground.

MR BEASLEY: Yes.
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MR FRANKS: ACOM never used an anthropologist to do any ethnographical research. Had they have done that, you would have been confronted with the most

recent ruling in Dungog, but also the Calga Darkinjung ruling, where the Land and Environmental Court has ruled twice now that not knowing who the right people are and getting the right information, you know, it puts your approval at peril.

5 MR BEASLEY: Sure.

MR FRANKS: And that's exactly what has happened on this mine, sorry.

MR BEASLEY: All right. Thank you.

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MR HANN: Thank you.

MR BEASLEY: I think we now have Kirsty O'Connell from Friends of the Upper Hunter. Ms O'Connell?

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MS O'CONNELL: Good morning. Excuse me. I'll just go to the top of my notes. It's so nice to see you again and thank you for the opportunity to speak to you today. My name is Kirsty O'Connell and I'm the secretary of a local organisation called Friends of the Upper Hunter Incorporated. We really appreciate the opportunity to speak to you regarding the Maxwell Underground Mine on behalf of Friends of the Upper Hunter, and also on behalf of our fellow community members, many of whom are simply too exhausted and too dispirited to engage in this fifth iteration of a mining proposal at the Drayton South site.

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25 Friends of the Upper Hunter see ourselves as a moderate group. We are not anti-mining. In fact, our group includes current and former coalminers, as well as farmers, business owners, tradespeople, doctors, teachers, retirees. We're diverse and diversity is really important to us. It's a key topic and we believe fervently that if our community is to survive and thrive in the coming generations, then we will need a diverse, thriving economy and a healthy local environment to support that. Unfortunately, we believe that we are well past a dangerous tipping point on both of those measures.

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Our comments today are informed by in-depth, best practice communication and engagement with our local community and, for full disclosure, I am a community engagement professional in my day job, hence the methodology we've adopted. So we have conducted interviews with more than 500 individual community members. We conducted a public forum on mining, which was advertised in all local media and on all community Facebook pages attended by over 100 people last year – last year? Yes, last year. We've had interactions with the wider community via our Friends of the Upper Hunter Facebook page. We've conducted reviewable submissions from previous IPC and PAC meetings regarding the Drayton South proposal.

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We've conducted a review of previous community surveys conducted by the Upper Hunter Shire Council, which informed their community strategic plan. And we've undertaken a review of all submissions for and against of the recent Dartbrook Modification, looking for general themes of concern. So my presentation today

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focuses largely on the contribution of this specific application to the intolerable cumulative impacts, which we see as threatening the health of our local community, impacting the livelihoods of local people, and shaping investment decisions at an individual organisational and industry level.

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I'll also address the crisis of confidence among community members in the New South Wales planning process and the relevance of this to the Maxwell application. So to begin with, I would like to just examine the context in which this proposal is being made, with a particular focus on the issues which are most pertinent to our community. As part of the recent Dartbrook matter, FOTUH sought advice from international leaders in climate change and energy transition about the future outlook for the coal industry and its relationship to global climate change.

We received advice from ANU Professor Will Steffen regarding the implications of additional mining on the goal of meeting our Paris targets, and he stated categorically that, if we are to meet our Paris targets, not only can we not permit any additional mining, we need to stop the existing mining which we're undertaking. So that was very clear advice from Professor Will Steffen. Similarly, we sought the advice of Professor Frank Jotzo, who led the international coal transitions project out of ANU, and he wrote a letter for us on the outlook for the industry. I'd like to read you a couple of excerpts from that. Professor Jotzo stated that:

Thermal coal is now likely in structural decline globally. Longer term, the imperative to reduce carbon emissions and the risk of coal-capped power plants becoming stranded assets will further reduce thermal coal use, including in locations where renewables are not yet cost-competitive.

He spoke about China, stating that it currently accounts for about one-fifth of all global coal imports, and stated at the time that imports are likely to fall as it substitutes domestic production for imports and that there were expectations that China may soon restrict coal imports, including perhaps especially from Australia. Now, this letter was written in June and, of course, that has since come to fruition. He added all this puts downward pressure on thermal coal trading prices. In this market environment, new thermal coal developments suffer high risks of becoming unprofitable.

While this is predominantly an issue for private sector decision-making, the material risk of early closure of coal mines is also a consideration from a public benefit perspective as it means a risk of lower than expected future royalties and taxation receipts, and disruptions to local employment and livelihoods. Now, you'll note the mention of thermal coal. We are not geologists. However, we note that when Anglo American, a leading global coal mining company owned this site, it described the coal at this site as thermal coal. We note that the neighbouring Mount Arthur Mine, operated by another leading global mining company, BHP, has thermal coal.

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We note that the Maxwell Mining Company does not claim to have pure coking or metallurgical coal; simply coal that they believe they can blend. We note that this

proponent has secured the services of one of Australia's leading communication agencies, Newgate, to assist it in its messaging. I think it's fair to say that the community is not convinced by the spin from this proponent and what we perceive to be spin about the class of coal that it hopes to produce, and we believe the issues associated with thermal coal are very much relevant to this mine. With respect to all of that advice, at a local level we are seeing that in practice. Local mines are standing staff down or insisting that they take extended leave. That includes Wambo and Mount Arthur. Mount Arthur has been for sale for some time – this is well known – and has no buyers.

In fact, we understand Glencore walked away from the data room, not convinced that it was an asset worth buying. We have more than 50 million tonnes of approved annual production within a 15 kilometre radius of Muswellbrook and many of these mines, including globally leading miners, Glencore, BHP, Yancoal, are stockpiling their coal. They cannot sell it at the moment. It is not economic to sell it. So in the context of all of this, we've seen President-elect Joe Biden name climate change and a resigning of the Paris Agreement as one of his top four priorities, which we would envisage putting some pressure on Australia and isolating Australia in terms of its own climate policies.

So the future for coal, in our view, and particularly thermal coal, appears limited. So let's talk in that context about the impacts of this proposal. No matter how low impact this proposal may purport to be, no matter how many changes they've made over the five iterations of proposals for this site, Maxwell is still yet another coalmine in an already overcrowded landscape. Let's talk about air quality. It is not the best case, the median or the average air pollution that concerns us. It is the spikes. We know we will experience droughts, bushfires, storms. We believe the climate science. We accept the climate science that tell us that these incidences will become more frequent and more severe due to global climate change.

In approving and conditioning mines based on best case or median modelling, previous approvals have already left us with the worst air quality in the State. If the decisions had been correct, if the pollution could have been controlled by conditioning, then we wouldn't be regularly exceeding the NEPM guidelines by up to four and five times. This is not a small exceedance we're talking about. This is a very significant and regular occurrence. Now, previous approvals, of course, cannot be undone, but this mine has to be considered in the context of what has already been approved and the very significant exceedances which we are already dealing with; not in isolation, as appears to be the department's wont.

These previous approvals have left us with absolutely no headroom to accommodate another mine, no matter how it claims to have minimised its impact. I'm to talk about health. Approving this mine will create additional health impacts for local community members. Now, here are the facts. It is a fact that we have many vulnerable people in our community. We have asthmatics. We have those with respiratory diseases. We have people with cardiovascular disease. We have people

with lung cancer. Now, I'm not going to try to argue causality, but let's just accept that they exist in a community with the worst air quality in the State for some reason.

5 We know from medical advice that increased air pollution means more frequent and more severe symptoms for the people in our community who have those conditions. We know from the World Health Organisation that there is no safe level of air pollution. And we know that in major studies in large populations there is a clear link between increased particle pollution and increased premature mortality. It does not matter that this is an underground mine. It will nonetheless contribute to air
10 pollution, to its development, through the handling of coal and through the transport of coal all the way to the Port of Newcastle. With the worst air quality in the State, another incremental increase in pollution will certainly impact the health of those vulnerable residents and may, indeed, shorten their life span.

15 Approving Maxwell would be a continuation of the New South Wales Government's track record in choosing to put short-lived or speculative economic gain over its duty of care to the health of residents in the Hunter. Is this liability something that the IPC and the State of New South Wales is comfortable with? I'd like to talk about water. The Australian Government's own scientists through its Hunter Bioregional
20 Assessment have told us categorically that we will experience a five to 12 gicalitre shortfall of water annually in the Hunter River as a direct result of mining. We don't have to realise the worst case predictions from these scientists. We may be stuck with the five. We do not have to get to the 12. We do not have to double the damage.

25 Now, Drayton South, now known as Maxwell, was one of the mines included in the projection, in the upper limit projection. You don't have to make that happen. Any additional impact exacerbates this unacceptable situation and puts further pressure on our valuable agricultural industries. Now, this region is depending on them for our
30 future. During the height of the last drought, our irrigators were at eight per cent. Many of them are currently at around 50 per cent. These allocations cost several thousand dollars per megalitre. So when irrigators can't use their full allocation, it has a significant effect on their economic productivity and returns.

35 Why risk further impacts to our agricultural sector, which have a history of up to six generations in the Upper Hunter, and which, if we protect it, can provide sustainable employment opportunities well into the future after mining has stopped. Again, is this impact on the livelihood of farmers and irrigators a liability that the New South
40 Wales Government is comfortable with? I'd like to talk about climate change and reiterate the advice that we received from Professor Will Steffen that not only can we not permit any new coal mining, we need to stop existing mining if we're to have a hope of reaching our Paris targets.

45 Now, we at Friends of the Upper Hunter have taken a more pragmatic stance and we believe that – certainly, we accept that the existing mines in the area do provide employment for a lot of people and that, in the interests of justice and fairness, we need to allow the people who depend on those mines an opportunity for transition.

Seeing out the existing approval periods of current mines would give them that opportunity. But as a region, we urgently need to begin our transition and that starts by not approving any additional coalmines. Our part in contributing to the lowering of global emissions starts now by not approving additional coalmines.

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We already have 165 million tonnes of coal leaving the Port of Newcastle annually, most of which comes from the area between Muswellbrook and Singleton. We have active proposals at various stages of development for at least a further 80 million tonnes of annual production all in the area between Singleton and Scone, with the IPC having recently signed off or conceded on Vickery and Dartbrook. This coal is extracted to be burnt. It has no other purpose. So we need to accept that if we allow this coal to be extracted, we are contributing to global emissions. Is this legacy something the New South Wales Government is comfortable with? Is the IPC happy to sign off on more emissions and to accept the associated liability for the impact that these emissions will create?

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I'll briefly cover my last couple of points because I do want to talk about the crisis of confidence that the community is suffering. We don't think it's acceptable that this proposal – we don't think it's acceptable that this proposal will impact more BSAL land. It is not in the public interest to allow any mining activity on valuable BSAL land which only accounts for three per cent of the State. Economically, this poses a threat to two major thoroughbred studs. We do not believe it is in the public interest to endanger these critical industries, and we ask the question how much longer will these industries or these studs and this industry remain in the Upper Hunter if it routinely has to spend thousands of dollars asking the government to respect the boundaries of the ESIC and BSAL land.

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If I may have a moment just to skip to community confidence, and I'll keep it brief. So let's just talk briefly about the community engagement associated with this proposal. Knowing that there have been several thousand objections over four iterations of Drayton South, knowing how bitterly the local community opposed mining at this site, what activities did this company undertake to ensure a dialogue with known stakeholders? We examined the engagement section of their EIS. It was certainly long and appeared comprehensive. On closer inspection, it became clear that they've focused almost exclusively on engagement required by law or engagement required as a condition of their various consents.

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They note that they offered the Singleton Environment Group consultation which wasn't taken up. This group operates in a neighbouring shire some 45 minutes away. They made much of engaging with the Muswellbrook Chamber of Commerce. We note the Chamber's continued and vocal support of the mining industry, including on television advertising; not an organisation which would ask the touch questions. This cursory approach to engagement is mirrored not only in this company's application, but in every application. We note that last year in response to the prominent lobbying from the Minerals Council, there was an inquiry into the IPC.

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And in making a submission in support of the IPC, friends of the Upper Hunter analysed all of the decisions and all of the recommendations of the department and of the IPC since its inception in 2008. What we found is that the department always recommends approval of coalmining applications in the Hunter Valley. It is a
5 foregone conclusion. And that certainly tracks with local knowledge, which says that the department will always say yes. That is no surprise. Many of us have given up making applications or making submissions to the department beyond the number required to get to an IPC hearing because that is where we see that we have some chance of a fair hearing.

10 However, recent decisions like the Dartbrook decision, in the same way as Bob Oatley's loss against Bengalla when the New South Wales Government overturned three victories in the Land and Environment Court to approve Bengalla with a stroke of a pen, these impact the public's willingness to participate in the process. And
15 when you have a crisis of process, a crisis of confidence in the process, suddenly the process stops working. We put to you that an approval of Maxwell would further undermine public confidence in the process. The community feels that it has already had its say on mining at this site and that we should be listened to.

20 And if we aren't, then community members have to question how much value there is in continuing to participate in a process that does not appear to be listening to us. I appreciate your time and we will be making a written submission for your review as soon as we are able. Of course, we are quite busy with a whole range of other proposals which are occurring at the same time, but we will be committing some
25 time into that submission for you.

MR BEASLEY: Thank you. All right. I think the next speaker is John Sunderland. Mr Sunderland, are you there?

30 MR SUNDERLAND: Good morning, Commissioners, and thank you for the opportunity to speak at the Planning Commission hearing today. My name is John Sunderland and I'm currently the stud manager at Godolphin Woodlands, which is a 6000 acre thoroughbred breeding farm located on the opposite side of the Golden Highway to the proposed Maxwell Mine. Originally from Ireland, I have been living
35 in Australia for the past 30 years, the majority of that time being spent in the Hunter Valley, with the last 11 years managing all aspects of the Woodlands Stud Farm. Therefore, I feel I am qualified and have the knowledge to speak on the management of overseeing this large breeding farm and the challenges a new mine literally across the road would have on our future and viability.

40 The Godolphin business model, as mentioned by corporate director Ross Cole, is a breed to race and a race to breed, with a view of supplying our stallion farms with commercial stallions for future success. Our role at Woodlands within the Godolphin organisation is to take care of all breeding stock and breed and raise
45 sound, healthy, well-educated young athletic horses that then enter our racing team to, hopefully, race successfully on a track before returning to our stud farms and stallion prospects or potential mothers of stallion prospects. I can confidently say

that Woodlands Stud Farm is one of the best in Australia for achieving this with its combination of beautiful river flats, magnificent rolling hills, and racing results on the racecourse and breeding barns is testament to that.

5 As indicated, in the majority of all stud farms in Australia, our horses and cattle live outdoors in paddocks 24/7, moving around, grazing the pastures that are beautifully maintained by our farming teams. This is the basis to everything we do. It all starts with the land, which provides the right pasture and the right environment so that our animals have their nutritional and development needs met from conception to raising them and all the way through to competing on the racecourse. This takes years to achieve and, within that period, there are a number of elements that play into their part, which I will speak about now.

15 Water. Over the years, and particularly in the years of drought conditions like we have recently experienced, water has become an extremely valuable resource for all of us. At Woodlands, we are very reliant on the river and the creeks that flow through the farm for domestic stock and irrigation water supply. Our main source is the Hunter River, which flows right through the middle of the farm, but also its tributaries, Saddler's Creek to the north and Dawes Creek to the south. It is vital that these water resources are maintained at an optimum and clean, health level to supply not just our staff and their families that live on the farm, but, obviously, the horses and cattle, too.

25 The flow into the Hunter River is inconsistent and the planning assessment report speaks to impacts on base flow and talks about a median rate flow of approximately 240 megalitres a day. This is not an accurate way of – sorry, not an accurate figure to measure against and can be misleading because the reality is that during the latest drought the flow rate could be consistently measured at seven megalitres as per the Water New South Wales data reports. This is a lot lower than should be. It is important to remember that when you consider the impact on water supply that a new mine will have, you must always bear in mind the worst case scenario, which you would find in a drought.

35 During my time in the Hunter, I have experienced two major drought periods from 2001 to 2006, and at this point Water New South Wales had restricted use of water from the Hunter to just eight per cent of our allocated licence. In 2017 to early 2020, which is arguably the worst drought ever, we were facing significant restrictions again and Water New South Wales mentioned at a meeting in Singleton on 27 February 2020 that if there was no more further runoff into Glenbawn and Glennies Creek Dams, our allocation for the following water year would be zero per cent; very scary sort of figures. But a point was made in the Department of Planning report which mentioned Saddler's Creek was predominantly dry.

45 This fails to take into consideration that there would be water beneath the ground level which would feed into the Hunter River. And when I arrived in 2009, Saddler's Creek did actually have water regularly running through it. It highlights to me the importance of aquifers that run beneath the land. There is no doubt in my mind that

if we allowed the Maxwell Project to proceed, it runs the risk of catastrophic, irreparable damage to our underground water supplies. And should this valuable aquifer be disrupted, damaged or destroyed, it is just something that we cannot take the risk on.

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I will move on to noise. All horses are flight animals, but thoroughbreds, particularly, due to their agility and speed are the most unpredictable and managing their reaction to sudden, loud noises like blasting is difficult and dangerous for handlers. Prior to thunderstorms, natural weather changes, there is a build-up and warnings to what is about to happen. The horses prepare themselves and you can see them huddling together and turn their backs on the approaching storm. However, unfortunately, there is injuries and sometimes these are fatal. But, unfortunately, due to the nature of them, there is not much you can do. These are acts of nature. We have no control over them. But acts of man, human error, as such, as a proposed mine can and should be avoided.

I will never forget the botched mine blast at Mount Arthur in 2014, which was widely reported, and I think the EPA lodged an investigation. But the blast turned skies in Muswellbrook bright orange as a result of the poisonous nitrogen dioxide and fumes were released into the atmosphere. Mount Arthur - - -

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MR BEASLEY: You're going to have to wrap up soon, Mr Sunderland.

MR SUNDERLAND: Excuse me, sorry?

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MR BEASLEY: You're going to have to wrap up soon, Mr Sunderland.

MR SUNDERLAND: All right. Thank you.

30 MR BEASLEY: You're nearly a couple of minutes over.

MR SUNDERLAND: Okay. It is easy for Malabar Coal and the department to say that they're small blasts than the last mine proposal. But what they're not saying is that human error happens. No serious attempt has been made by either Malabar or the department to assess this risk on people, horses and business. Blasting at Maxwell for at least three to four years of construction brings unacceptable risk to our operation. Any blasting, let alone botched blasting, is dangerous to the health and safety to our people. Once the damage is done, it's too late. I will leave air quality and, just in summary, air quality has been covered by a lot of people and it is a major influence on it, but I know I'm out of time, so I won't refer to it - - -

40

MR BEASLEY: Well, no doubt, if you put in a written submission, you can deal with air quality.

45 MR SUNDERLAND: Yes.

MR BEASLEY: And you're right, we have had previous speakers, including from Godolphin, about air quality.

5 MR SUNDERLAND: Yes. To wrap up, the thoroughbred industry and a number of other ecological based industries, alone with the wine and tourism industries, are all compatible and are sustainable for generations to come. This is compared to a one-use mining licence that runs the risk of destroying all other surrounding industries. I implore the Commission to take into consideration the points that I've made today regarding the effect of this new proposed mine will have on our water, air quality and
10 the noise that will be created that will affect our valuable blood stock. I believe it is irresponsible of us and lacks foresight for future generations for the Maxwell Coal Mine Project to be approved. The risk is too great and I respectfully ask you to reject the proposal. Commissioners, thank you for your time today.

15 MR BEASLEY: Thank you. I think our next speaker is Lisa Manning. Ms Manning?

MS MANNING: Yes. Can you hear me?

20 MR BEASLEY: Yes, we can. Please go ahead.

MS MANNING: Yes. Good morning, Members of the Commission, ladies and gentlemen. My name is Lisa Manning and I'm here again for the fifth time to oppose a mine on this particular site, the old Drayton South site, now known as Maxwell. I
25 realise a few factors have changed, however, the same idea is still basically there: trying to create a new mine when there shouldn't be any more allowed in this area, and particularly on this spot. Unfortunately, the Department of Planning is again recommending in favour of a mine where no mining should take place. How long can this seriously go on? We have all asked this question many times before, yet
30 here we are again.

If I may, I'll give you a little bit of background of myself and my family. I lived in the Hunter Valley for nearly 10 years. I was led there by a job in the thoroughbred industry. My husband was born and raised in Singleton and moved back to the
35 Hunter to also pursue a career in the thoroughbred industry and this is where we met. In 2017, we had our first child and, not long after, we were given the opportunity to move to Victoria to pursue new roles within Godolphin, the company we worked for. I'd like to tell you that it was a hard decision to make, but, ultimately, the environment we were living in made it much easier. Over the years, I lived and
40 worked at Segenhoe Stud, Vinery Stud and, lastly, Godolphin, the Woodlands site.

The changes I've seen in the Hunter Valley over the last 10 years are quite astonishing. Each time I go back now, I find it hard to believe that it's the same place I originally moved to. Dust haze is a constant. The landscape is barren and the
45 murkiness of the once beautiful Hunter River is really quite horrible to see. There is also constant conflict interrupting communities that are on different sides of the mining debate. It just shouldn't be happening. We constantly hear that the industries

should try to coexist with one another. But the reality is that coalmining has already encroached on and affected many industries and is now, in my view, in the thoroughbred industry specifically the operations near the Maxwell site of Cornwall and Woodlands. Many of these will eventually be forced to leave if nothing is done,
5 just as we were.

Our decision to leave the Hunter Valley was reasonably easy, as I said earlier, but it was not made lightly. A large number of our family and friends live in the Hunter Valley and it's a place we will always have great memories of. We do come back to
10 the Hunter to visit and work as we need to, but we will never live there again. Upon the birth of our first child, we weren't sure it was the sort of place we wanted to raise children. There was so much uncertainty and we were fortunate enough to be able to move. Sadly for those that live there, the uncertainty still remains and that isn't good enough. Three and a-half years after our move to Victoria, and now two children, it
15 was definitely the right move.

We now live on another farm on a river in a rural area of Victoria. It's a very similar scenario, however, it's far better. The environment and air is cleaner, the river is healthy, the water is clear, the kids can swim. We've even seen a platypus. There is
20 no mining or threat of it, so we will be here for a long while yet. It is a far more suitable and healthier environment to bring up our children, I can tell you this for sure. If the Hunter Valley was still the same place that I lived in all those years ago, it would have been a lot harder to make the decision to move. Unfortunately, for those who can't or don't want to move, the reality is quite disturbing and this reality
25 is either not understood or is being ignored by the Department of Planning. It is for these people that I'm giving you my opinion today. Thank you for listening.

MR BEASLEY: Thank you, Ms Manning. The next speaker is Alastair Pulford.
30 Mr Pulford?

MR PULFORD: Good morning, Commissioners, Mr Beasley, and thank you for letting me speak today. My name is Alastair Pulford and I work as Head of Sales for Darley Australia, which is the commercially driven stallion division of Godolphin. Our names, Godolphin and Darley, are derived from two of the three stallions that
35 founded the thoroughbred horse breed, two names but one company. Our stallion division, alongside that of Coolmore, our neighbours, is one of the most successful in the multimillion dollar Australian racehorse breeding industry and, in fact, globally. Our stallions form our company's principal source of income and our gross income forecast for 2021 from our stallion fees is over \$90 million.
40

We stand between 11 and 16 stallions each year at our Hunter Valley Farm and Darley's reputation and brand value is significantly contributed to by the quality of our stallion roster. Our ability to sell our stallion services is absolutely reliant on the industry's expectations of well-appointed, safe, calm horse farms with green
45 pastures. When a stallion retires to stud, his individual attributes determine his fee: his physical makeup, his pedigree, his racecourse performance. Once his progeny begin to race, though, it is their success or otherwise that determines the stallion's –

that is a primary factor, actually, in the stallion's earning capacity. And that is why Woodlands is integral to our business.

5 The vast majority of Godolphin's brood mare band are at Woodlands. These are some of the best brood mares in Australia, and we mate them to our stallions in order to raise the results in progeny and enhance the value of our business. The wide open spaces and fertile country at Woodlands, along with our best industry practice, has resulted in a great deal of success on the racetrack. It is a unique property with highly sought after and valued attributes. Woodlands has established success as a
10 renowned breeding farm. This success, in turn, determines the fees of our stallions and, consequently, our annual earnings. Notable recent examples of our breeding and training program are the champions Bivouac and Microphone, both by our stallion Exceed and Excel.

15 Both were born on, and spent their formative early years at, Woodlands. As a result of their success in the past 24 months, Exceed and Excel's stud fee rose from \$70,000 in 2019 to \$120,000 in 2020, and he covers 100 mares per season. So the increase in earnings is significant. Microphone is already at stud at a fee of \$35,000. Bivouac is the most highly rated stallion prospect in Australia. His value today
20 would be approximately \$30 million. These and many other similar examples demonstrate just how good Woodlands is as a place to grow athletes. Our success has also ensured continued demand for Lonhro services, even as he now turns 22 years old, which is very old for a commercial stallion.

25 This is not luck or an accident. It is the result of years of planning and experience, understanding the animals and how they are best conceived and nurtured and having the best country and environment to do this on. It is not by coincidence that the two best stud farms in Australia, Woodlands and Coolmore, are neighbours. These two farms both have a set of attributes which both companies have spent a lot of time and
30 money maintaining and enhancing. Our reputation as the best thoroughbred nursery in Australia is vitally important, and anything that undermines the reputation is going to negatively affect us, particularly have a great big mine almost under us with effects that have the potential to damage the reputation of the property and, therefore, the business.

35 Horses are flight animals. John Sunderland said that. And it is inconceivable that any leading thoroughbred breeder would rear young horses in a dusty, dry environment alongside a mine that is blasting on a regular basis. Any impact on Woodlands and the vital part it plays in our business via the Maxwell proposal would
40 be irreversible. Our clients rely on the knowledge that those progeny of our stallions that we raise at Woodlands, possibly the best stretch of land on the Hunter River, is going to value-add to them, and it is one of the prime reasons they are attracted to our stallions. Woodlands is the cornerstone of the success of the Godolphin runners, which, in turn, determines the success or otherwise of our entire business.

45 It has been since its initial development one of the finest plots of land in the Hunter Valley. Woodlands provides the success that is our best form of advertising, if you

like. We are recognised as the best brand in our sport in Australia. Any adverse impacts on our environment or reputation, both real or perceived, will damage our brand. So, in conclusion, Commissioners and Mr Beasley, it appears that neither the proponent nor the department understands or has assessed the risks of this proposal to our business operations and industry. This is a major failing in the department's assessment report. In view of the air quality, blasting and water risks proposed by this proposal and the lack of any informed assessment of the proposal's impacts on our adjoining equine operations, the Commission can have little faith in the department's assessment report and should surely refuse the proposal. Thank you very much.

MR BEASLEY: Thank you, Mr Pulford. Our next speaker is Shane Davey. Mr Davey?

MR DAVEY: Hello?

MR BEASLEY: Hello. We can hear you now.

MR DAVEY: Great. My name is Shane Davey. I'm a local Hunter resident in Singleton. I'd like to acknowledge the traditional owners of our land where we meet, the Wonnarua People, and pay my respects to elders past and present. I thank the Commission for the opportunity to talk today. Mining and equine are equal in terms of importance and it is in everyone's interests to get this right. The Maxwell Underground Coal Mining Project need help, trust and collaboration to get this right. This project can, should and will be done properly if that is the case. With all due respect to the Commission, I reckon if the people on both sides gave the lawyers a day off from time to time and caught up for a chat, a lot of angst and years of time and millions of dollars would be saved on both sides.

Both sides can throw stones at each other, or they can sit down and talk it through. I do believe that is possible. I'm confident that the proponents respect the rights of detractors via the law and morally and, should they succeed in opening the mine, the principles of mutual respect, openness and active engagement in ongoing positive relations will always be championed. I would like to see a new era of cooperation and coexistence to come out of this. I would like to see a version of mutual trust where all are able to sit at a table and work to the best outcome of all stakeholders. I love the passion and openness of this company. I find them always – I find them to always be available, motivated to address issues, listen to others' ideas and perspectives, and to act in very good faith.

I can ring up the people who run the company and they personally pick up the phone every time. This isn't something all companies do. It tells me that they want to do this right and believe in doing this right. They are people who are always available to talk and address issues and would rather answer a question than issue a press release. This is a very contentious site, a site that needs a custodian as much as a mine operator. I believe this is a fantastic opportunity for openness, honesty, creativity and an unwavering sensitivity to all stakeholders, including detractors.

This company is that custodian, in my opinion. This is a company actively prepared to work with the land and other landholders and fresh ideas, as is demonstrated in their commitment to viticulture and the building of a substantial solar farm.

5 I'm sure they are further open to other harmonious land uses that could even, perhaps, include some kind of equine zone on their property. Being an underground mine, new thinking is a huge opportunity here, if also supported by government and others in the community. Whatever the possibilities, forward and future thinking in terms of parallel use will enhance and have a huge positive impact. I believe we can
10 have much more than a mine here, but without the mine that opportunity will evaporate and the community will be the worse for it. Local and State Governments and the community are major stakeholders in this project, too. Their opinions need to be carefully considered.

15 There are many benefits to all if this is done properly. Of course, there are many jobs and opportunities for a wide range of local suppliers that will come out of this. They are not jobs of shame, as some would claim. They are part of a bright future for our area that includes equine. The project has passed the test. Make it matter. Make it one of the best coalmines in the world with one of the best reputations in
20 terms of coexistence and the environment. I have no doubt that this is what this company will strive for and, with your support, will happen. Produce the best coal for some of the most critical uses in the world. In closing, I ask that the Commissioners allow this project to proceed and allow the benefits that will follow, along with a lesson in how coalmining could and should be done. Thank you.

25 MR BEASLEY: Thank you, Mr Davey. If they're ready, I think our next speaker is Craig Benjamin.

MR BENJAMIN: Yes, I'm ready.

30 MR BEASLEY: Good. Go ahead, Mr Benjamin.

MR BENJAMIN: In a remote part of Australia, but I'm ready.

35 MR BEASLEY: All right. You're speaking on behalf of Upper Hunter Tours.

MR BENJAMIN: That's correct, yes.

40 MR BEASLEY: Right.

MR BENJAMIN: Good morning, everybody. My name is Craig Benjamin. I run a business called Upper Hunter Tours, have done for over 24 years now, and we bring thousands of people mainly from Australia, but we do get international people, and we bring them into the towns and that's what we've been doing for a long time. The
45 impact of these mines, particularly this one we're talking about now, Maxwell Underground, it's just another blot that we really don't need at the moment. You know, I believe that we were supposed to have a transition from mining into

alternative industries. Well, it doesn't seem to be happening very much, particularly in the Upper Hunter region, and I'm very disappointed with what we're doing about this.

5 Being an ex-farmer, I know what the impact this underground mine will have on aquifers, particularly for those running from that area down to the Hunter River. There's hundreds and thousands of aquifers and they feed all the underground water supply there. So on that point alone, I object to this mine. We need tourism. It's part of our framework we have in the area. But, sadly, it's diminishing by the day
10 and I'm very sad about that. I'm the only operator, but it just doesn't matter to what we're doing at the moment. So, in summarising, I would just like to say that don't we have enough mines?

We have a beautiful part of the valley that, if you drive over that hill there, how
15 wonderful it looks looking at Coolmore and Woodlands. Can't we just keep it like it is? You know, at the end of the day, we don't have to dig up the whole Hunter Valley and I think that's just a sad indictment of what's going on at the moment. So thank you for allowing me to give your time and I do say I do object to what's going on with Maxwell Mine. Thank you.

20 MR BEASLEY: Thank you, Mr Benjamin. The next speaker is Nic Clyde from Lock the Gate Alliance.

MR CLYDE: Good morning, Mr Beasley and Commissioners.

25 MR BEASLEY: Good morning.

PROF O'KANE: Good morning.

30 MR CLYDE: Good morning. I'm just going to try and share my screen, but I'm disabled at the moment. I'm not sure if I can do - - -

PROF O'KANE: Can we do - - -

35 MR CLYDE: Fixed by your team.

PROF O'KANE: Can we do anything about it?

MR BEASLEY: We're just checking.

40 MR CLYDE: There we go. Thank you.

MR BEASLEY: Yes, that has come up now.

45 MR CLYDE: Excellent. All right. Thank you very much.

MR BEASLEY: You might just need to expand it, if you can.

MR CLYDE: To expand?

MR BEASLEY: Yes.

5 MR CLYDE: Is that on full screen?

MR BEASLEY: Yes.

PROF O'KANE: Yes.

10

MR BEASLEY: There we go. Thank you. That has worked.

MR CLYDE: There we go. Great. So good morning. Nic Clyde from Lock the Gate Alliance and I'm speaking to you from Gadigal land here in Sydney and I do
15 also want to pay my respects to traditional owners and to people, traditional owners like Scott Franks, who spoke very powerfully this morning about concerns about this project. I know a lot of ground has been covered in the last day or so. So I just want to speak briefly to a few key things and reiterate Lock the Gate's perspective on some key issues of concern to the Upper Hunter. The first is water. So I know lots
20 of people have mentioned water. All I'm going to say is that we reiterate those concerns.

And we do note that coalmining companies have access to the high security water licences and that irrigators, farming community, anyone else in the system cannot
25 afford to buy the same level of access to water as mining companies, and suffer when water allocation – when there's not enough water in the system to meet the needs of the rest of the community. And this project, our view is that it will add to the cumulative impacts on the Upper Hunter's water resources. On air quality, again, lots of people have mentioned air quality, but I too would like to just say that, you
30 know, the community action groups in our network – and there are many in the Hunter Valley – this is a constant concern for members of the communities that we work with, that air quality is a big issue, health.

And the number of exceedances there of safe levels of air are quite disturbing and it
35 does require action and this will add to that burden, the Maxwell Underground Project. Also, I'd like to just touch on BSAL. I know that the Hunter Thoroughbred Breeders Association have mentioned BSAL and I suspect that there's actually, potentially, another couple of hundred hectares or more of BSAL present in this area. The only point that I would like to make is that, having worked on the Bylong Mine
40 for Lock the Gate Alliance, I just wanted to point out to the panel here that the Bylong panel did not accept that it was possible to rehabilitate BSAL land that was disturbed to an equivalent level, and that was a factor that led to refusal of consent for Kepco's mine in the Bylong Valley.

45 I'd also like to just touch briefly on green steel. Much has been made by the proponent and the Department of Planning that this is high quality coking coal and that it's essential for steel making, and that with no viable alternative for 70 per cent

of global steel production, this mine should be approved, or, for that matter, any mine anywhere that's seeking to add additional coking coal supply. This is a disturbing position that the department has adopted. There are – there is a lot of momentum, as I'm sure you would be aware, that green steel is going to be
5 commercially viable. Bloomberg, New Energy Finance claim that we're closer than many people think and from the 2030s we could actually be seeing commercially viable production of green steel.

So that's important, of course, when you consider the 26 year life span of this mine.
10 In terms of the coal that would be produced from this site, I do note that 25 per cent immediately, the proponent concedes, would be sold as thermal coal. And I just wanted to draw the panel's attention to a Minerals Council report from 12 October 2018, where they're saying that semi-soft coking coal can also be sold as thermal coal. And with that in mind, I note the very particular language that has been
15 adopted to market this project, where the proponent claims the coal is "capable" of being used for steelmaking, not that it will be used for steelmaking.

On that score, I'd just like to highlight Bluescope, who, incidentally, will not be taking any of this coal. They don't use Hunter Valley coal in their steelmaking in
20 Port Kembla. The extremely valuable coal for steelmaking is hard coking coal. This mine, as I understand it, won't produce any hard coking coal; it will be semi-soft. Bluescope say you can use some semi-soft in steelmaking, but only in limited quantities because it is off inferior quality and has impurities. Coming now to an issue that has cropped up in presentations from previous speakers, the planning
25 process fatigue. Friends of the Upper Hunter mentioned it in their submission.

This is something that I'm getting through our network as well, that people are tired of appearing and dedicating enormous amounts of time and energy to these public processes. In this – and this was an interesting example of, you know, some people
30 saying that they've – that this is the fifth time they've appeared before a government planning panel talking about mining in this location. That – really the – you know, what we're getting through our network is that people want to see actual diversification. They want – you know, they acknowledge that coalmining has made a big contribution to the economy of the Hunter, but that thermal coal is in structural
35 decline and the world is already well supplied with coking coal supplies.

We don't need additional supply. And there's – you know, I believe that the department's positioning of this project as somehow being a diversification, an economic diversification, is not helpful. A diversification of coal to more coal is not
40 what the Upper Hunter needs at this point in time. And I just highlight that even if – sorry, Muswellbrook Shire Council, amongst many other local players, is talking about and concerned about what the transition looks like, what diversification looks like, and concerned that, instead of spending an enormous amount of community time and effort participating in these processes to approve more coal capacity, that is
45 unlikely to be mined through to the end of its life due to carbon constraints and technology change, we really need to be talking about the transition and preparing

for that, not spending an enormous amount of our time and energy on additional proposals for coal.

5 And on that score, I'd just like to highlight that Lock the Gate is part of the Hunter
Renewal Project. This is a very active project in the Hunter Valley that's in a
community dialogue with all industries: agriculture, manufacturing, renewables, the
mining industry. But, really, that's, you know, a growing conversation and many
stakeholders are really calling out for support for that renewal and for the jobs and
10 opportunities that lie in the Hunter renewal diversification space. So I'm running out
of time now.

Part of that renewal, of course, is protecting some of the industries that are not about
coalmining that can sustain a downturn in coalmining, and I don't need to say any
more about the value of the thoroughbred industry to New South Wales and to the
15 Upper Hunter. That has been well covered at this hearing. Finally, Commissioners,
I would just like to finish on the climate issue. Here's a recent bit of social research
from the Australian Institute. It highlights what we all know. The vast majority of
the community are extremely concerned about the climate issue and really want to
see action.

20 And I think that leads me to my final point, which is when – you know, the 82 per
cent of the community who's very, very concerned about the impact of climate
change on our State, on bushfire, on agriculture, on rainfall, when they see this long
list of coal projects continually approved, despite the very best evidence presented to
25 your organisation by experts, including, you know, former Chief Scientists of
Australia, Professor Will Steffen, as Friends of the Upper Hunter mentioned, this
leads to engagement fatigue in the community as well, where since your organisation
has been established in March 2018 and since Justice Preston's Rocky Hill decision,
we've seen 836 million tonnes of greenhouse pollution legally enabled by decisions
30 by the IPC.

There are another three – well, actually, four projects that have been referred to the
IPC. We don't know about Tahmoor, what the department's recommendation with
that is. But Russell Vale, Maxwell and Dendrobium have all been recommended for
35 approval. That's another 600 million tonnes of greenhouse gas pollution, so 1.4
gigatons. And they're only the projects that have been approved by your
organisation since March 2018 and since Justice Preston's decision. And before you
can say, "Ah-ha", but really scope 1 emissions is what New South Wales is
responsible for, well, you can see in the second column there 53 to 58 million tonnes
40 of new scope 1 emissions for New South Wales if these three projects are approved,
in addition to those four at the top of the screen.

Not only is that an enormous burden at a time where the government itself requires a
35 per cent cut by 2030, but on their own these mines will exceed the scope 1 cuts
45 that Professor Penny Sackett says we need to be making every year, year on year,
from here onwards of 2.4 million tonnes per annum. So I just want to leave you with
that. Enormous concerns about this project. Thank you for giving me a little bit of

time to speak, and, yes, I would await with great interest your decision on the Maxwell Underground Project.

5 MR BEASLEY: Thank you, Mr Clyde. The next speaker we have, I think by phone, is De-Anne Douglas.

MS DOUGLAS: Good morning.

10 MR BEASLEY: Good morning. We can hear you. Go ahead.

MS DOUGLAS: Firstly, I would like to acknowledge the traditional owners of the country which I stand on today and pay my respects to elders past, present and emerging. My name is De-anne Douglas and I address you today as the manager of the Muswellbrook Police and Citizens Youth Club. I have been managing the club for the past 15 years. An overview of the PCYC. We are a not for profit, community-based organisation whose mission we get young people active in life. We work with young people to develop their skills, character and leadership. We reduce and prevent crime by and advantage young people.

20 We provide a wide range of services to the local community, and some examples of this are traffic offenders intervention programs, free activities for local youth, fitness classes for all ages, weights training in the gym, boxing classes. We provide care and activities for people with physical and mental disability. We supply food parcels for underprivileged families each Christmas. We run a free program to help the local youth gain the 120 hours needed to obtain their licence, and a PCYC connect group offering free support to families whose loved ones are involved in drug and alcohol abuse. PCYC Humble Homes Program providing families from domestic violence and homeless youth support. This is just some of the activities we run.

30 We rely heavily on mining companies to support us in making a difference in the lives of young people in our community. We are grateful to be able to run free programs to change their lives. We cannot do this without the donations we receive from the mining companies in our community. In October 2020, Malabar donated \$1000 towards our Humble Homes Program and supplied seven care packs that included essential items such as a sleeping bag, school bag, drink bottle, stationery and toiletries. The Humble Homes Program helps rehome local families who are relocating from domestic violence situations and provides housing services for homeless youth under 25.

40 Just a few weeks ago, we helped to rehome a mother and her young children and I cannot express how grateful the kids were when they saw the new bedding that was purchased using the funds from Malabar. Projects just like this one would not be possible without the assistance we receive from the mining companies in the local area. This project has the capacity to generate 250 jobs during construction and 350 jobs during operation. However, it is much more than just these jobs that will be affected if it doesn't go ahead. It is the businesses that lead into this project, everything from industrial businesses, retail stores, etcetera, that will lose out. This

feeds on to community groups like ours who rely on local business to carry out our mission to support local youth.

5 If the Maxwell Underground Project does not go ahead, many local residents in need of work will miss out on opportunities that will bring stability to their families and the Muswellbrook community. The current and next generation of Muswellbrook locals deserve the jobs and opportunities this project has to offer. Malabar have become a wonderful and reputable part of our local community. They support many organisations, not just ours, and I hope that they are able to operate into the future, 10 thereby supporting all members of the Muswellbrook community. In conclusion, the families and local youth that I represent thank the Commission for the opportunity to address you today and we now look forward to your favourable determination of this critical project. Thank you.

15 PROF O’KANE: Thank you.

MR BEASLEY: Thank you. The next speaker is Rodney Muldoon.

MR MULDOON: Hi, Commissioners. Can you hear me? 20

PROF O’KANE: Yes, we can.

MR BEASLEY: We can. Please go ahead, sir.

25 MR MULDOON: Yes. My name is Rod Muldoon and I work for Spur Hill Ag, which is owned by Malabar Resources. I’ve worked for them for the last six years as their vineyard manager on Merton Vineyard, which is located at the corner of Denman Road and the Golden Highway. It’s about 10 kilometres from the underground – Maxwell Underground Project. I’m here today to support the project and tell you a little bit about what Spur Hill Ag have done for the Merton Vineyard 30 and turned it into a successful and viable vineyard. When they purchased the vineyard, it needed a lot of work. It was – had a lot of disease problems. There’s a lot of dead vines on the place. The trellis was broken, vines were falling over, and they grew a lot of wrong varieties – not renown varieties for the region.

35 And the irrigation system was – it was as useful as a screen door in a submarine, to be honest. So Spur Hill Ag had to invest a lot of money into improving this vineyard. They’ve consulted with some leading viticulturalists from the Hunter Valley and we came up with a plan and we grafted the cab sav, cabinet sauvignon 40 over to chardonnay at a huge expense, and we also planted another hectare of chardonnay vines that were so bad they could not be grafted. They also spent substantial amounts of money on the irrigation system, irrigation pumps and filtration system, and we also had to address some machinery issues, rebuilding machines and purchasing new tractors and getting rid of quads, quad bikes, WHS 45 issues, and replacing them with side-by-sides or RTVs.

So a lot of work has gone into the vineyard over the last six years and we now have wineries purchasing our fruit. We've had the same three wineries for the last three years purchasing our fruit and it's – we're building a good reputation for the quality. We've just recently won our first gold medal at the Hunter Wine Show with a

5 company that has solely made the wine from the Merton Vineyard. So it's – I think it's a good example of how different industries can coexist together. I support the underground project because it's an Australian owned company, it's well respected in the community and has been corresponding with the community for the six years I've been there.

10

They'll provide jobs for the region and which helps the region. The mining industry is an important contributor to the economy, one of the reasons why the RMS spent \$130 million on the Golden Highway upgrade. It's an underground mine, so it's not like what was proposed before. It will have minimum impacts on the environment.

15 The project will not be pumping the Hunter River for the whole life of the mine. This means we can – Malabar can continue to operate our vineyard using our own assets, agricultural assets, and we can also provide these assets to many of our neighbours, as we do. I believe – like I said before, I believe it can successfully coexist with other industries because we've already been – we've been doing it

20 already.

20

I believe Malabar as a company are the right people for the job. In conclusion, I enjoy – I've enjoyed working for Spur Hill. They look after their employees. It's a company that obviously understands agriculture. Most of them are farmers

25 themselves. So they're not a company that just does mining. So I really think they're – Malabar is the company for the project. That's all. Thank you for your time.

25

PROF O'KANE: Thank you.

30

MR BEASLEY: Thank you very much. The next speaker is Mark Flanagan.

MR FLANAGAN: Good morning, Commissioners.

35

PROF O'KANE: Good morning.

MR BEASLEY: Please go ahead.

MR MULDOON: Good morning, Commissioners. My name is Mark Flanagan and I'm the owner operator of the Greenedge Contracting. Our company has been doing

40 the rehab in a Maxwell infrastructure site for the last two years, and prior to this we were with Acland Coal. We've had the same workforce for the last six years and we can't get over how professional and the – or, actually, that Malabar and the environmental team have been. Further to this, Malabar have been good for the

45 communications of our staff and stakeholders and projects are respected. I am impressed with the high quality outcome that we have achieved. We are now using

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products like gypsum, mulch, biosolids to improve the soil quality, and we're designing natural looking landscapes.

5 We have also introduced lots of dams to our pasture and woodlands areas, and this has attracted lots of native birds and wildlife. I also think that it is great that the Malabar team actually comes down to the job and we talk about ways we could improve the rehab and do it a lot smarter. It's a true awareness of what's going on site and these discussions have led to success. Everyone is passionate and wants the right outcomes. I support the natural underground project because I can see that is
10 very low impact on the environment, our community, and have the added advantages of having all the infrastructure at the Drayton site already set up.

Also, other underground mines in the area are closing and there are experienced
15 underground workers here in the community that could work at this project. It was the local community needs – it's what the local community needs. I know that if the project is approved, Malabar will do what they say they are going to do and will deliver right outcomes for the environment, community, as well as seeing for the first – I have seen this firsthand. I owned a lucerne farm making top quality horse hay, so I know my pastures pretty well and I'm amazed at the quality of the pasture on our
20 rehab sites. And just between me and you, some day I hope to make hay on the same pastures to feed the local cattle.

I've seen quality cattle coming off our rehab as well and they're at top dollar at the sales for the day. The real benefit for me is seeing good quality rehab being used for
25 what it is designed for, and that is running cattle. The Maxwell Underground Mine will produce way less dust, noise and blasting that the old Drayton mine did in its 30 years of life. So, really, this brownfield project should be approved. It's that simple. And based on my experience and dealings with Malabar Coal, I have full confidence that their team would develop and maintain an underground coal mine in a
30 professional manner. Thank you very much.

MR BEASLEY: Thank you, Mr Flanagan.

35 PROF O'KANE: Thank you.

MR BEASLEY: The next speaker is Dr Bob Vickers for Doctors for the Environment.

40 DR VICKERS: Good morning. Can you hear me?

PROF O'KANE: Yes, we can.

MR BEASLEY: Yes.

45 DR VICKERS: Fantastic. Look, thanks again for the opportunity to present my concerns and on behalf of Doctors for the Environment Australia about another coal project in the Hunter Valley. I'd first like to acknowledge that, although we are

presenting by video conference, I am currently on the land of the Wonnarua People and would like to pay my respects to their elders, past and present. The land of the Wonnarua People has been dispossessed, disrespected and destroyed for generations now by coalmining operations, and the Hunter Valley always was and always will be
5 Aboriginal land. I'd like to thank, actually, Malabar Resources for again seeking an air quality assessment from Todoroski Air Sciences.

These reports continue to reassure us that cumulative impact on air quality is minimal; so minimal, in fact, that we had hundreds of air quality exceedances of the
10 standards last year and this was predating the bushfire smoke. It made news before the bushfire smoke, international news, multiple times. I make reference to the opening statement of the air quality assessment, where Todoroski states that the ambient air quality levels monitored at various locations surrounding the project indicate that air quality in the area is generally good and typically below the relevant
15 New South Wales EPA goals. That is a disingenuous assessment, considering the air quality in Muswellbrook currently. They continue to have frequent days above the EPA standards.

My patients in Muswellbrook continue to have exacerbations of airway diseases as a
20 result of continued expansion and activity at mining operations. The Todoroski report then goes on to state that the exception is the annual, average particulate matter, less than 2.5 micrometres, or the PM 2.5 in the urban areas of Muswellbrook, where levels above are – sorry, near or above criteria occur due to wood heater use in winter. Look, in previous presentations, I've already discussed with you that the
25 particulate matter breakdown was shown in the 2016 characterisation study that show that, whilst wood smoke does contribute to the fine particulate matter in the Hunter Valley, half of the fine particulate matter arises from consumption and mining of fossil fuels. It is not just wood smoke.

Todoroski's assessments frequently underplay the role of mining on our air quality,
30 are frequently using outdated background data, and then used by our agencies to model the impact of air quality in the region. So that undermines their own assessments as well. This is important for the mining method. So I accept that this is a significant design choice and very different to the open-cut pits in the area. But the
35 air pollution related to processing and transporting the coal is still significant. If we only had a few other mines in the area, then the air pollution would be less of a significant issue, but we're already saturated. Malabar have actually even sought a health assessment to determine and quantify what the health impact of the air pollution would be.

40 I'd need to talk about this report. It does rely on the outdated and incorrect assumptions about air pollution in Muswellbrook and Singleton from that Todoroski report. The health assessment report relies on 2010 data from New South Wales Health, which is also significantly outdated and inaccurate. The report uses, for
45 example, things like hospitalisation rates for asthma as an end point assessment, rather than actual number of asthma exacerbations. This would heavily bias towards the null hypothesis. It grossly underestimates the childhood asthma burden that

Hunter Valley air pollution causes. This health report also fails to accurately quantify the other known health effects of living near sources of air pollution such as lung cancer. The report mentions that adverse birth outcomes can arise from noise pollution and states the evidence for this is weak.

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The human health impact report actually fails to mention any of the evidence that air pollution impacts birth weight and pre-term birth weight. The other scientific mental gymnastics in this human health report is the lack of reporting of sulphur dioxide impacts. It's been shown in recent studies that sulphur dioxide probably plays a more significant health impact role than nitrogen dioxide. They both play a role, but sulphur dioxide more so than nitrogen dioxide. The word "sulphur" is used in this entire human health report once. It's great that Malabar are focusing on health in their impact assessments. I'd love to see more projects do this. There's a lot of other major projects that haven't.

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But I can't help but feel this was a pretty poor scientific attempt to negate submissions from myself and Doctors for the Environment. The bigger issue is clearly greenhouse gas emissions and the health impacts from that. So this project, as with all other recent coal projects, shies away from assessing its downstream scope through emissions. It pulls the same drug dealer defence we see time and time again. Scope for impacts affect Hunter residents' health. The Bulga families who stared down the Gospers Mountain fire last year will attest to this. I saw a wall of fire from my backyard at the top of the ridge overlooking Bulga. The 33 deaths we had from last summer's fires and the over 4000 extra deaths last year also attest to the effect of scope 3 emissions.

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These fires would not have happened if we didn't have the current global conditions only seen due to uncontrolled greenhouse gas emissions. While attempting to justify the scope 1 and 2 emissions, the environmental impact statement reports that this project will be equivalent to .31 per cent of 2016 New South Wales greenhouse gas emissions. Belgium, Colombia, Chile, Romania, Greece, Austria, Israel, Peru, Libya, Portugal, Hungary, Finland, Norway, Sweden, Ireland, Switzerland, New Zealand – I could go on. There's over 100 more countries that currently contribute under .31 per cent of global emissions. These countries have identified that we're facing a climate catastrophe and done the right thing in acquiring aspirational targets to reduce greenhouse gas emissions.

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The leaders of Pacific Island nations have directly addressed Australia and requested that we place a moratorium on all new coal projects as they're also already feeling the brunt of climate change. Woolworths used one per cent of Australia's energy grid and have just elected to use 100 per cent renewable energy by 2025. Responsible corporations are making ambitious plans to drastically cut emissions. Malabar has already invested into solar energy and, look, with scepticism of greenwashing and rehabilitation avoidance intentions, I commend them for that. However, Malabar's attempt to increase New South Wales greenhouse gas emissions in 2020 regardless of scope is morally reprehensible.

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The other health impact, which some other presenters have provided examples of, is the social impacts of these projects. I'm increasingly presented with patients in my clinic who, when I refer for specialist care or imaging, are having to delay seeking health care due to financial barriers. These are patients who have been made
5 redundant from large mining companies due to the current loss of profit at most major mines. Yesterday, Australian Super divested from Whitehaven. Tim Buckley at the IEEFA can provide you with a list of over 100 significant financial divestments from coal over recent months. I presented to you recently about my concerns for financial viability of a previous project that you've approved run by
10 Peabody, and I draw attention to the fact that the Department of Planning has concerns about bringing forward closure requirements.

I'm not sure if you've read or not, but it looks like Peabody is likely going to be bankrupt again by December. You were warned about the impact that this could
15 have, and you still approved the United Wambo project. We're heading for a landslide of redundancies and unemployment in the Hunter because these companies want to sneak in, make a quick profit, destroy Wonnarua land, contribute to worsening climate change, cumulatively worsen our air – health with air and water pollution, and then mothball and place these mines into care and maintenance when
20 they're no longer profitable and leave the communities with the horrible social and financial impact to clean up the mess.

This has been aided and abetted for years by the Department of Planning and the IPC and it's time to start saying "no". The international scientific community is in
25 unanimous agreement that new fossil fuel projects pose an unacceptable risk to human and climate health. The IPC as a group of independent scientists would be on the fringe of the scientific community if it continues to approve new fossil fuel projects. Enough is enough. DEA will be making a written submission about this project as well, where I can go into further detail about the air and greenhouse gas
30 and health impacts. Thank you.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you, Dr Vickers. We have one more speaker before a
35 break. Allen Barry, I think, is the next speaker. Mr Barry? You may have your mike off at the moment, sir.

PROF O'KANE: We can't - - -

40 MR BEASLEY: Still got your mike off. We can't hear you. All right. Mr Barry, if you can hear me, we might take a break for 10 minutes or so and come back to you if we can then or at a later time. So we'll have a break now until 10.45.

PROF O'KANE: Yes.
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MR BEASLEY: I'm sorry, we're breaking until 11 o'clock.

ADJOURNED

[10.32 am]

RESUMED

[11.02 am]

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MR BEASLEY: All right. I think we have Mr Barry, who we just lost before the break.

10 MR BARRY: I'm back. I'm back. Can you hear me now?

MS O'KANE: Yes, we can.

MR BEASLEY: We can. Thank you, Mr Barry. Go ahead.

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MR BARRY: Good morning, Commissioners. Thank you for your patience. My name is Allen Barry. I own and operate a – a commercial cattle, horse agistment and farm stay business in the Appletree Flat valley at the back of Jerrys Plains. For complete disclosure, Coolmore has been a client for a number of years. Members of my direct family have lived and worked in the Appletree valley continuously since 1860. I have farmed independently in the valley for the last 30 years. This has all been my sense of place and the sense of place to most of my extended family. You have my submission from 2009 in which I attached registration. I ask you to consider that.

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This mine should not be approved. I have two major issues, one being adding to the negative accumulative effect that mining is having on this part of the valley and the potential impact that the mine may have on the reputation and of the two largest thoroughbred studs in Australia, which could cause a catastrophic economic domino effect on their supply chains. Mining with the backing of government has expanded dramatically over the last 30 years. You only have to drive the triangle between Singleton, Jerrys Plains and Muswellbrook to know that co-existence is merely a word on paper. The accumulative effect of mining is so dominant and so concentrated, and impacts of the mining in this area so overwhelming, it appears nothing else matters to government either than mining and revenues produced.

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It appears the underlying economic rationale of the government is that mining is the – is best because of the revenue produced. We, the groups not involved in mining, have to fight for every scrap to try to find some fairness and some balance. A recent of presentation by a senior New South Wales Government Minister who spoke about developed words to the effect, "We are all about created communities". What about the Upper Hunter communities? You will see in my submission the names of 10 villages that no longer exist and two that are all but gone due to – due totally and some in part to the impacts of mining.

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Jerrys Plains village closest to the proposed mines is on its last legs. Cafes gone, the hotel has only recently reopened in a limited fashion but has no change of survival in

- the current form. Family are against family over the impact of mining. The town is dying in an area where it should flourish due to the amount of through traffic, but why would anyone want to live there or start a business? Dust, noise and slow decay, the daily offerings for this village. I work and live between Sydney and the
- 5 Hunter Valley. I cannot tell you what a sense of loss, almost grief I feel when I drive into the valley from Sydney. From Bulga on, there is simply mountains of dirt, huge holes in the ground that will never be filled, and the constant brown dust-stained horizon.
- 10 You must be aware of the excessive number of dust warnings that the valley has received in the last few years. It is third world, and how a government has allowed this unvetted expense of the mining to the extent that it now poses a foreseeable risk to the health of residents of the area due to the extreme levels of dust is beyond me, yet we have a major expansion of the mine just outside Jerrys Plains on the Singleton
- 15 side in progress, and now another mine in Maxwell. My property is about eight kilometres from the closest mine as the crow flies. On a still night and early morning, I can hear the rumbles of the mines. I constantly have to hose black dust off my white 100-year-old house. I do not have black soil at the property.
- 20 We shouldn't hear mine blasts but a property on about a dozen cases a year where rock blast. It's then an oops moment, "I'm sorry, we pay a fine and move on". And yes, the blasts do effect animals who all have unique personalities, some more stable than others. None of this is in keeping with the character and amenity I try to present in a pristine property at the foot of the Wollemi National Park. The impact of
- 25 mining affects every business – business decision I make in relation to my Hunter Valley operation. Without going into great detail, I'm currently frozen in terms of the decisions for my future and my property. I have a great opportunity to expand but I'm struggling to see a future for me in the Upper Hunter due solely to the impact of mining.
- 30 The New South Wales Government should put Coolmore and Godolphin on promotion with the state. They have already said in the last pack there's unique circumstances that this – this – and they should not have a mine at their doorstep. This is about character and amenity for – for Coolmore and for the mines, but have
- 35 two distinct differences in their character and amenity. One looks at pristine, world-class visual presentation, air quality, water quality. The other is noise, dust and mounds of overburden or coal. If Godolphin and Coolmore leave the valley, the thoroughbred industry will be dead, along with countless other business who support their – their operations. If you do not approve Maxwell, the mining industry will
- 40 continue on. There is enough capacity in the existing mines to increase their output to satisfy the needs of government – satisfy the needs of government in terms of revenue. It is not fair, it is not equitable. There is no social justice in sacrificing one industry for another. It must be refused. Thank you for your time.
- 45 MR BEASLEY: Thank you, Mr Barry.

MS O'KANE: Thank you.

MR BEASLEY: Our next speaker is Meryan McRobert. Meryan McRobert. Hello?

MS M. McROBERT: Right. Hello?

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MR BEASLEY: Yes. Please go ahead, Ms McRobert.

MS McROBERT: Good morning, Commissioners. Thank you for the opportunity to speak today. I acknowledge the traditional custodians of the land on which we meet and their elders, past, present and emerging. My name is Mery McRobert and I have been providing catering services from my scone-based business for more than 30 years. I employ six people full time and give work to several hundred casuals through the year at my larger events. I must declare upfront that two of my very best clients are Coolmore and Godolphin and they have been for over 20 years, feeding their clients and staff at lunches, dinners, the annual stallion parades and the yearling sales in Sydney.

They are both enduring relationships founded on trust, loyalty and a mutual commitment to excellence. I have also provided catering services to Vinery, Yarraman Park, Arrowfield, and a host of other studs. I cater for the Scone Race Club at every race meeting, most importantly, the Annual Scone Cup Festival, the richest two days of country racing in Australia, in which I feed nearly 3000 guests across multiple events. To say that the ongoing success and viability of my business is totally linked to the ongoing success and viability of the equine critical industry cluster is an understatement. I couldn't have got to where I am today without it, and I started out long before the cluster was ever defined, valued, mapped or given a name, and I would face an uncertain and without it.

There are countless other contractors, suppliers fodder farms, agistment farms, professionals, sole traders and small businesses who depend on the CIC too. The cluster depends in no uncertain terms on these two studs. It was no stretch for previous PAC reports to call them the epicentre of the cluster or find that they were critical to the survival of the cluster. The prolonged drought has knocked us around. Our community was hard hit, with the Upper Hunter being one of the worst-affected regions. Thankfully, we were spared from the worst ravages of last season's bush fires, but as every community has, we have been hit hard by the pandemic.

My business has taken a massive hit. We lost the yearling sales, the Scone cup and all associated events were cancelled, as were the Scone parades. For me, it was a glimpse of what life and business without the cluster would look like. That said, I am grateful for the support of the government that the government has provided. I have also taken full advantage of the business tax write-off schemes and invested in my business and its future. I have done this because I know I have a good business and a strong and loyal client base who run long-term, long-haul sustainable businesses. We're all in this pandemic together and we will get through, and we will prevail over it.

One struggle I fear we may not get through is the one with the mining industry and the Department of Planning, who seem hell-bent on building a mine right next door to these two studs. Every time the Department has recommended approval, they have dismissed the concern of the breeders and they have accepted the miners' dubious arguments and self-serving assessments with the difference. It seems to have now developed into something more. It has gone beyond assessment. The Department are now out spruiking the project like they are Malabar's marketing division. They are even making claims for Maxwell that the company don't make themselves.

Malabar continue to dance around the subject, muddying the waters, and suggesting that this coal is capable of being used in the steel-making process. The marketing arm in the Department repeatedly use phrases – and I quote: “high-quality coking coal” and “high-quality metallurgical coal” over and over again. And let's be frank. Malabar still haven't produced any evidence at all to back up their coal quality and coal type claims. Mount Arthur Underground, a stone's throw away across Saddlers Creek, mining three of the four same seams, was to be a thermal mine, but Maxwell is 75 per cent coking. Sorry, capable of being used in the steel-making process? How does that work? The fundamental incongruity at the heart of Maxwell and its spin, the elephant in the assessment is still there, completely unresolved. Thank you for your time, and I would ask you, please, to reject this mine.

MS O'KANE: Thank you.

MR BEASLEY: Thank you, Ms McRobert. The next speaker is Ben Hagan from the Denman Sandy Hollow Junior Rugby League Football Club, I think.

MR B. HAGAN: Yes. Good morning, Commissioners. My name is Ben Hagan and I'm the club president for the Denman Sandy Hollow Junior Rugby League Club. The Denman Sandy Hollow Junior Rugby League Football Club supports the Maxwell Underground Project, and I'm here today to explain why this project should be approved and talk about the support we have received from Malabar to keep our junior football going. Malabar have been a major sponsor for the Denman Sandy Hollow Junior Rugby League Club for the last nine years. In this time, they have helped us provide the cheapest registration to all our players and families and keeping them in all the clothing that they need for training and game day.

They also help provide equipment for training and playing. Malabar have been a great help during the tough COVID-19 period by providing each child with their own personal water bottle to ensure no spread of the disease. Malabar Coal and other companies from the local coal mining industries in general have played a big part in the growth of Denman Sandy Hollow Junior Rugby League Club in recent years. We receive great financial support from the local coal mines and their supporting industries. Malabar Coal have already demonstrated how they are committed to supporting the local community. They have been our major sponsor for the past nine years and they have also supported many other community groups in the Denman

district, and their support for the community will increase much more if the Maxwell Underground Project is approved.

5 The Maxwell Project will create 350 new jobs for our region. Mining and mining-related jobs provide a massive boost for the local economy, which has a flow-on effect to all local businesses and sporting clubs alike. Denman Sandy Hollow Junior Rugby League benefit from the large number of people with young families who come to work in mining and their supporting industries, especially those that live in or move to the Denman area. We already have many parents and volunteers who
10 have children in our club who work in the mining industry. We also have fantastic new fields and amenities at Denman that have been almost entirely funded from the mining industry.

15 Malabar has also promised to provide training for local people so the skills to operate an underground mine can be developed within the local area. They have also said they want to prioritise hiring locals to ensure that the benefits of the project stay here in the community. Through my interactions with Malabar, I absolutely know that they value community feedback. They support the local community and are committed to co-existing with other industries. The Denman Sandy Hollow Junior
20 Rugby League Club would not be able to operate without the wonderful support we receive from Malabar Resources. Thank you.

MS O’KANE: Thank you.

25 MR BEASLEY: Thank you. The next speaker is Steven Fordham from Blackrock Industries.

MR S. FORDHAM: Look, thank you very much for giving us the opportunity to come out today and have a discussion about our thoughts, everyone who has put
30 this together. So, look, I think this is a – it’s an easy one. Normally I would say you guys have got a tough decision ahead of you, but I really don’t think this is a tough decision at all. Blackrock Industries, we’re an Indigenous-owned company located in the Hunter Valley, where we provide opportunities for mining services and construction, but on top of that, what we have done over the last couple of years that
35 we have been open since 2016 is provide a lot of opportunities for Aboriginal people in the local community to get a chance to sort of get an opportunity into the economic future of this industry.

40 We have helped over 52 people from incarceration to try and get their lives and rehabilitation, to get themselves out there to give themselves a better opportunity within the community. Malabar aren’t an organisation to say that if this does go through automatically that’s going to entitle us the work. They have actually been doing that from day 1. Malabar I think is an amazing group that really does believe in providing opportunities not only for the local community but to help people
45 progress and get a clear path to the future. We have already had discussions about and had – already in the past had guys that have come through for our prison program.

They have had opportunities to actually come out and work on the site firsthand, and I think it's an amazing way in which we can sort of go through the future. Starting out our business when I was 25, and now 29, one thing I have known in this industry, it's great when we actually get new operational projects that can actually come like
5 this to – to get a clean start, to get a new workforce in there and to give those opportunities, and not only just for employment, which is huge, but also too for local businesses. This is more than just a coal mine today that you're approving. You're actually approving the – our future for the community, for – for all the guys from turnaround – from the guy that has the fish and chip shop where the guys get their
10 food on their way home on a Sunday.

You're helping the guy that turns around from the service station to all the little local businesses that are out there, to provide an opportunity to help expand them and give them a chance to a better future. And I think that's huge. And as I said, especially
15 with this COVID period that we have had in the – in recent times, our economic future has been really hardly hit in the – throughout Australia, and I think operational projects like this with a cleanskin project that's going to provide construction jobs, but then also too longevity jobs, is something that we definitely need to get approved and to be able to get those opportunities for progression for people within the area,
20 for local people, because as much as we can say our rural sector is going to take up all these jobs, there's not enough jobs in there for the young people that are out there that actually want to stay in rural regional. Most of the kids I grew up with, they have stayed in the area, but other areas when you see in regional areas, they are heading towards the city because there is no jobs. There's no – there's no future
25 there.

And this is where we want to deal – we want to provide sustainability chances to give people a better chance, get their lives on track and actually have an opportunity for an economic situation with the valley. This mine is not only just going to turn
30 around and provide jobs that – sustainability. It's going to help people buy their first home and give the people a bit of a chance in life to do something amazing. So, look, I really want to thank everyone for today that, as I said, has put this on, and I really just want to run the point. This is – this is something great. As I said, we know what happened with Drayton and how we have pulled up that project. This is –
35 all the changes have been made. The opportunity is there. It's going underground. It's less effects on the people, it's less effects on the horse studs. And that's the big thing. This is a chance for you guys to do something great for this community, because rural and regional Australia, we don't get a voice that often, and this is our voice. We would love this to go through.

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MS O'KANE: Thank you.

MR BEASLEY: Thank you, Mr Fordham. The next speaker is Kay Monro.

45 MS K. MONRO: Yes, I'm here.

MR BEASLEY: Go ahead. We can hear you, Ms Monro.

MS MONRO: It's Mrs Munro.

MR BEASLEY: All right. I'm sorry. Mrs Munro, go ahead.

5 MS MONRO: That's all right. Okay. Thank you for having me speak. Growing
up in Epping, we kept ponies in spare blocks. The riding school owner would drive
up to the Hunter Valley to fill up the truck with loosen hay for the horses. Working
with the Soil Conservation Service, I learned that the Hunter Valley had once been
10 an inland sea, and the calcium deposits under the soil was the main reason that the
valley is so productive for dairy, beef, loosen and exceptional racehorses. Now –
now it resembles a destroyed, polluted bomb site thanks to coal mining. There are
many problems with the DPIE SSD9526 Maxwell Underground Coal Project of
September 2020.

15 For example 1, this assessment report on page 55 documents excessive reduction in
aquifers supplying the Hunter River, Saddlers and Saltwater Creeks. They say
Maxwell Coal will compensate users whose bores are affected by the dropping of
these aquifers. It doesn't say how, whether by pipes or trucks. This drawdown may
kill the casuarinas along Saddlers and Saltwater Creeks. It may surprise you to know
20 that these trees play a role in the ecosystem. They stabilise the banks, preventing
erosion, thus saving a fortune in stream rehabilitation work. This is a natural
floodplain, remember? My problem is that DPIE is supportive of Maxwell
compensating the bore owners who lose water whilst not seeming to care about the
deaths of the trees and the potential erosion problems which will damage properties
25 downstream.

And most of the times, the owners of those properties will have to pay for their own
rehabilitation, because I have done that with the rehab work with the Soil Con, let
alone the oxygen these trees produce. It doesn't sort of really explain too much how
30 they're going to compensate these particular trees and their habitats. It only just talks
about, you know, their protected habitat. Example 2, the Whittingham coal measure
is notoriously rich in methane and carbon dioxide. I could see no preliminary tests
on this coal seam to give the methane versus carbon dioxide content. Example 3, the
DPIE need to get their story straight. In mitigation of greenhouse gas emission,
35 6.646, it – it states that the greenhouse gas underground within the – the greenhouse
storing of store some greenhouse gases underground within the gulf where safe
..... or re-use for power generation, yet in 6.17 it states that carbon dioxide and
methane may also be vented to the atmosphere from nine metres high. Which is it?

40 If it is to be vented, it must be measured so they can add to their greenhouse
emission. According to the Ravensworth Underground Mine releases one
kilogram of methane per second from the vent at the side of the road that we all drive
passed. Example 4, I didn't see in your report the – the nox as a result of blasting,
only – only as a fuel by-product. There also was no mention that nox produces acid
45 rain, usually a long way from the source. There were no figures given in table 6.15
for expected nox production. Example 5, while the DPIE acknowledges that many of
the water issues raised in the IESC 2019, 109, Advice to Decision-makers Regarding

Maxwell Coal, exist – are a large problem, I don't think the DPIE have adequately explained how many of these issues are to be dealt with.

5 Example 6, as Maxwell Coal states, most countries they intend to sell their coal to
are all part of the Paris agreement. As most responsible countries are – including
Australia, are aiming to become carbon neutral, the DPIE must guarantee that
guarantee that Maxwell Coal has enough money put aside to cover closing and
rehabilitation. It is so obvious that to begin a new coal enterprise in 2020 is not
going to be at all economically feasible. The DPIE must guarantee that taxpayers
10 will not be paying for this site when it becomes a stranded asset. And I disagree with
the gentleman I heard speaking before me. You must with all conscience reject any
new coal mine. I have grandchildren who will be struggling to feed themselves
given the consequences of climate change that we have already witnessed. Anyway,
yes, thank you.

15 MR BEASLEY: Thank you, Ms Munro. The next speaker is Wendy Wales from
the Denman Aberdeen Muswellbrook Scone Healthy Environment Group.

MS W. WALES: Hello.
20

MR BEASLEY: Hello.

MS WALES: Can you hear me?

25 MR BEASLEY: Yes. Go ahead.

MS WALES: Okay. Good. Thank you, Commissioners and Counsel Assisting, for
this opportunity to address the IPC hearing with respect to the Maxwell proposal.
My name is Wendy Wales and I'm speaking on behalf of the Denman Aberdeen
30 Muswellbrook Scone Healthy Environment Group. I have presented for this group at
many IPC hearings and meetings over the years, including last year while doing
chemo and this year while I'm still recovering from a fairly serious accident. I
mention these life-changing events because I would like to mention I'm not actually
an IPC enthusiast. However, nature cannot speak for itself at these forums, and
35 while I'm not able to sit and research for long periods, I can at least lodge an
objection on behalf of our group and for the environment.

I'm actually far more interested in spending my time finding harmony and beauty. I
was able to listen to the presentations on Wednesday morning, and as a non-
40 specialist, found the proponents convincing and plausible. The expert consultants,
however, reveal the gaping holes, which I know you have heard and have hard copies
for further checking. I do not have the expertise and will not be repeating these
points. Rather, we are truly grateful for the break in the increasingly hot summers
and drought of the last few years. It feels like a – God has granted us a breather and
45 a chance to reflect and pivot. Likewise, with the Coronavirus and the shutdown.

Where I live in the Upper Hunter, it is exceptionally beautiful with not a coal mine in site. However, it is on and surrounded by coal leases. The price of coal makes our home safe at the moment, not so Muswellbrook. This town lives with the eyesore and dust of an – of encircling mega mines which appear to confirm the state's

5 willingness to sacrifice the Hunter Valley in this way. Since the beginning of the industrial revolution, carbon dioxide in the atmosphere has risen from 280 parts per million to 415. Half of this is in the last few decades. The term equilibrium climax sensitivity, ECS, is a measure of how much the world can be expected to warm for a doubling of CO² from pre-industrial levels.

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Since the 1970s, this has been calculated to be in the range of one and a half to four and a half degrees. Recent research, however, published in reviews of geophysics suggests the range is more likely to be 2.6 to 4.1 degrees. This is a narrowed range and indicates that human society will not be able to rely on a low sensitivity to give us more time to tackle climate change. The earth's hottest temperature has already risen – the earth's average temperature, sorry, has already risen by one degree C. The last five years have all been up in the top five hottest ever recorded globally. So we hear about the offer of, "We're going to aim for 1.5 degrees increase," but – and trying to limit that there, but it's really unlikely. 2.6 is what has been recorded at the

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20 – or reported as the best case scenario at the moment.

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The record-setting millennium drought in eastern Australia has followed a decade later by an even more intense and impactful drought, 2017 to 2019, last year. These extreme weather events were predicted and have, indeed, been occurring more frequently. Floods in north Queensland last year resulted in the deaths of more than half a million cattle. Great Barrier Reef had to experience severe bleaching three times in the last five years. I was there in the seventies and I have been there in the 2000s, and it's – anyone that has done that knows the difference in diversity. Last summer, 12 million hectares of eastern Australia burned in unprecedented fires.

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Since then – sorry, I've lost – just - - -

MR BEASLEY: It's all right. Take your time.

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MS WALES: No, just – right. Unprecedented fires. Since then, the western US – United States have similarly broken all records of fire extent and intensity. This is a modest list of global impacts already with us. This all leads to the obvious question, what will be the net benefit of this project? Will the short-term economic benefits claims by the proponents of this project outweigh the downside that inevitably moves us closer to what can be – accurately be described as climate Armageddon? Climate change is real and pressing. We can't just get this one more resource or just complete the mosaic of extracting all the coal in the Hunter. Before we decide climate change is an actual serious problem that we can now elevate to a higher priority, that is no longer in our hands.

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Burning coal exacerbates the problem, pure and simple. Our group have witnessed the big players such as Anglo American leave their global coal investments immediately after the rejection of the last highly divisive Drayton South campaign in

the case of Anglo. They sell on to smaller players who are then landed with the rehab responsibilities in a more precarious market. Allowing new coal proposals to go ahead in the face of climate change, our country and state are not in step with the world and are going rogue with our pseudo-commitment to action. We are not
5 impressed by the dressing up of this coal mine now as a coke and coal operation. We are disappointed that the brain power and money has not already been pivoted to green steel. How much could be achieved if these very capable people could go to – could let go of the not-so-quick-and-easy-to-dig-it-up-and-sell-it model. We urge the Commission to reject the Maxwell Underground Coal Mine Project. Thank you.

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MS O’KANE: Thank you.

MR BEASLEY: Thank you, Ms Wales. The next speaker we have is Phil Baker.

15 MR P. BAKER: Hello.

MS O’KANE: Hello.

MR BEASLEY: Hello, Mr Baker.

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MR BAKER: Yes. Can you hear me?

MR BEASLEY: Yes. Go ahead.

25 MR BAKER: Right. Good morning, all. I will just give you – tell you a bit about myself and where I’m coming from and my experience. So my name is Phil Baker. I was born and grew up in Gunnedah, in north-western New South Wales, on a broadacre farming property held by my family. I completed an electrical apprenticeship in Sydney and returned to Gunnedah where I worked in an
30 underground coal mine. This was my first exposure to both agriculture and mining. This mine was closed and the position was made redundant. I applied and was successful to gain employment at Mount Thorley Open Cut, hence launching me into open cut mining in the Hunter Valley.

35 I returned to Gunnedah and worked at the Vickery Open Cut Mine until its complete closure, where I completely decommissioned and rehabbed the site. This gained a highly recommended Premier’s award in the year 2000. I returned to the Hunter Valley and worked at two large open cut mines as a project superintendent. This work involved the rehabilitation of mining areas and required environmental land
40 and water management. I believe the combination of my farming and mining knowledge and skills was a great advantage in the rehab progress. During this time, I obtained my open cut mine certificate of competency. Currently, I am retired from mining and live on a rural property in Singleton adjacent to the Hunter River.

45 Also, I have an agricultural land lease adjacent to a large, open cut site on the Hunter River. Paper and cattle grazing are the two functions of these properties and I have a successful working relationship with the mine and requirements under the

lease. So why am I here? I would like to endorse and speak in favour of approval of the Malabar Resource Maxwell Underground Project. Projects like this provide good experience and potential for growth and community development, including education and training, whilst providing a income for those with agricultural
5 holdings or other business interests. I congratulate Malabar Resources for the excellent and progressive efforts on the rehabilitation of the old Drayton site.

I know that this is of high standard. I have been closely involved with these type activities for over 20 years prior to my retirement. I will watch this with interest,
10 with ongoing progress. I acknowledge the efforts of Malabar Resources to consult with the local community, meeting commitments and targets. Benefits. I am encouraged that this project will be using existing water contained within the site from the three existing Drayton to run the mine. Hence no access to water from the Hunter River will be required. Malabar currently use their water licences at their
15 own vineyards and pastoral properties. All excess water is then leased back to the local farmers on the Hunter River.

I believe the highlights of this project are increased employment opportunities, 250
20 in construction and then 350 when up and running. Two, an injection of over \$55 million directly into the local economy for wages and with a flow-on effect to other businesses such as deliveries, repairs and maintenance, food and hospitality, transport, cleaning and many more. Three, increased opportunities to learn a trade and skills associated with underground mining for apprentices and trainees, using your local universities and TAFES. Support of many local community groups. The
25 importance of co-existence between industries. Underground mining in my experience has a low impact on communities and the environment than open cut mines.

This allows them increased suitability for multiple industries' co-existence. I agree
30 there are policies and guidelines that may need to be followed together with contingency plans for all parties. Now, the coal. The quality of the coal is worth the extraction, with most of the production being suitable for utilising steel production. This is too valuable of a resource to be left underground. In conclusion, considering my association with mining and farming, my – I agree with the EIS outcomes that
35 Malabar Resources should be – should go ahead with the Maxwell Underground Project. I have been watching with interest how Malabar Resources have approached the Maxwell Underground Project, and in doing so, have acknowledged their commitments to strive for co-existence with all. I fully approve and support the Malabar Underground Project. Thank you.

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MR BEASLEY: Thank you, Mr Baker. The next speaker is Benjamin Smith. Mr Smith, can you hear me?

MR B. SMITH: Yes, how are you going?

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MR BEASLEY: Yes. Please go ahead, sir.

MR SMITH: Excellent. You can see my presentation there?

MR BEASLEY: It might be – yes, we can now.

5 MS O’KANE: Yes.

MR BEASLEY: If you just blow it up. Expand it, I’m sorry.

MR SMITH: That’s as big as I can get it, I’m sorry.

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MR BEASLEY: I think there might be - - -

MS O’KANE: Down the bottom of the screen - - -

15 MR BEASLEY: Yes. Right there, you might be able to hit that. There you go.

MS O’KANE: Yes. Thanks.

MR BEASLEY: That’s good. Thank you.

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MR SMITH: All right. Great. Excellent. Yes. Look, so my name is Ben Smith. My background is a professional mining engineer and mine manager. Predominantly I spent most of my career in underground mines, but also open cut mines increasingly, and also globally. So I have worked in almost a dozen countries now and – and, I guess, get to see a lot of what actually happens overseas rather than just what’s reported in our local media. And – and I have got to say, I was involved with mine planning for the mine pretty well right throughout, and – and I’m not engaged at the moment, so, you know, I’m – I’m not being paid to talk or anything like that.

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30 But I feel that it’s very necessary to explain and endorse the level of effort that – that Malabar and the Maxwell Project people have actually gone to in planning this mine. Mining is often tainted as the big companies don’t care and – and King Coal does whatever they want, but this is just not a case for this operation. There are other operations who – who take a more cavalier approach, I guess, but having worked
35 with each and one of these people and the company as a whole, I’m more than happy to stake my professional reputation on – on that not being the case. Yes, in fact, quite the opposite. So I just wanted to talk about my experience with the project, and ultimately, any – any coal mine or any mine is – is only as good as the people that – that are a part of it, and if their attitude is one of disregard or not caring, then that –
40 that is displayed in their behaviours.

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And certainly, the six years that I have spent with Malabar Resources, I have never ever once seen that, not even in a – an off-handed or joking manner or – or what have you. It has actually been quite a serious deliberate thing within the whole company that, “We will do everything we possibly can, you know, to not be seen or heard”.
45 And so picking up the project that they have, very, very conscious of the past and the open cut mines that surround them, and quite frankly, it would have been easier to go

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back and – and mine via open cut methods, but they have chosen a – what I think is probably a – a more difficult path technically, but will be far more rewarding insofar as being achievable and also respecting the environment that they are in.

5 So certainly, through all – all planning aspects, whether it be the underground layout, whether it be mine access, whether it be access to and from site, whether it be surface infrastructure, and the – the rehabilitation which we have just – just heard about, really, in my experience, globally, it’s probably – probably the top of the list, and I’m certainly very, very proud to have been part of it. Part of – another part of my work
10 is – is with a conveyer company and supplying conveyers as a – in a more environmentally responsible manner, and three projects that I have most recently been working on is the Hassyan Energy project in Dubai, a power station in Inner Mongolia and Rio’s Oyu Tolgoi mine in Mongolia.

15 These are very, very high efficiency, low emission power generation projects, and it really is the way of the future and it is the way that power generation countries that rely on coal for generation are moving. Yes. It’s not what is displayed in the media. It is quite different, yes, in reality and on the ground. The coal quality, as we have
20 just heard, is predominantly for steel-making, so metallurgical coal, so it doesn’t enter into the thermal category, but the thermal coal as a secondary product will be directed to these power stations. A couple of examples, and there are many that I wanted to pull out, of how they demonstrated commitment to their values rather than just putting it in a brochure that, you know, “We – we want to look after the environment and our community”.

25 Two of them were mine access and mine infrastructure area. These have been deliberately designed in such a way so that their visibility and – and noise and dust and what have you is reduced, and I can honestly say that there would have been easier locations to put these things, but we didn’t because we wanted to reduce our
30 impacts, both on the environment and the community and – and broader general public. So comparative cover projects, I honestly – I’m proud to have been associated with it and more than happily stake my professional reputation on it, and wholeheartedly recommend that it go ahead.

35 MR BEASLEY: Just before you leave, sir, Professor O’Kane has a question for you, I think.

MR SMITH: Sure.

40 MS O’KANE: Thank you for your presentation, Mr Smith. You mentioned that the design of the proposed mine is such that it won’t be seen or heard outside the mine area implicitly. But we have heard from several people, particularly at Coolmore and Godolphin Studs, that they are very concerned about the impact that the mine will have. They particularly mentioned blasting, but they have also mentioned air – air
45 quality issues, noise and so on. Would you like to comment on whether you think there will be much impact of blasting, particularly in the construction period, and whether the air quality and the noise/dust issues will have much effect on the studs.

MR SMITH: Sure. Sure. So two comments, I guess. Firstly, nothing can exist without an impact on something else. So our intention in planning was to reduce it wherever possible, knowing that at some point we may impact others. So, you know, it can't be guaranteed. So everything that we did was to try and reduce any of those
5 noise/dust/vibration-type impacts. Secondly, in my – my view, I really don't see how it is an issue. Considering – even if it was a standalone mine with no other mining operations nearby, I don't see how an underground mine with the type of entries that we have created in the land form that we have sited it, and the very fact that it is an underground mine, how those impacts really, for want of a better word,
10 will have any impact on the community at all.

MS O'KANE: What about in the construction phase? How do you rate that?

MR SMITH: The – the very initial mine access may have very minor impacts, but I
15 know that the methods that they're using and the designs, and even the – the physical situation of them, I would be very, very surprised if anybody even knew they were there. I – I – it's not – this is not in the same category as blasting in an open cut mine or blasting in a large civil highway project or something like that. It's just not in the same category at all.

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MS O'KANE: Thank you.

MR BEASLEY: Thank you, Mr Smith.

25 MR SMITH: No problem.

MR BEASLEY: The next speaker we have is Lincoln Amidy from Amidy Team Development.

30 MR L. AMIDY: Thanks, Commissioner. It's a hard one to pronounce. It's Amidy. No one ever gets it right.

MR BEASLEY: My apologies.

35 MR AMIDY: No apologies needed. Thanks, Commissioners and Counsel Assisting, for this opportunity this morning. My name is Lincoln Amidy and I'm a professional speaker, trainer, facilitator and mentor in various industries throughout Australia. I live currently in Newcastle but I was actually born in Merriwa in the Hunter Valley, so I have a significant knowledge/experience of the community and
40 environment throughout the Hunter Valley area, which I – which I do love. I have had a professional relationship with the mining industry – in connection with the mining industry for about 20 years, and particularly the underground mining area where – that's where my fascination/my business is focused, with the team
45 environment in the underground mining area and the staff and workers within that being the most dynamic, cohesive workforce that I have encountered.

With those businesses, not just the mining community, I provide cultural team leadership and behavioural programs for all of those business fascinating behaviours within teams, leadership of those teams, and overall in the mining community also the safety of those teams. That is both in the Hunter Valley and also
5 in the mid-west of New South Wales around the district. The programs that I offer deal with the entire workforce, from leadership through to trades and apprentices, and the aim there is to build a cohesive, productive, safe and also very, very mindful workforce. Today I'm presenting from my own perspective and also from my personal perspective as a – a small business person, but also a community
10 member, and I am in support of the Malabar Resources Maxwell Underground Project.

I wanted to present my own personal perspective and judgment on the overall benefits of the project. My business fits into the many more indirect jobs throughout
15 the region and state category that this project will provide, which I'm very excited about, not just selfishly for myself but for many other small businesses throughout the Hunter Valley and other regions that are close to us. Businesses like mine, we – my own business, we rely upon projects such as this, that our smaller businesses can help to support this type of industry, the development of youth within the mining
20 industry, the development of leadership within the mining industry, the development of existing trades within the mining industry that will be employed within this mine site, which is very, very exciting for all of those involved.

Some of the other points that I had and recognise is the significant amount of jobs
25 that will be employed and created in the implementation and then in the full-time operations of the mine and the significant amount of – millions of dollars that that will provide to the local economy through those jobs creation. The non-labour impacts, local government, state government, federal government and the flow-on effects of that, which I have personally seen again as a resident of the Hunter Valley
30 through roadworks around the area where the mine is with the Golden Highway, with significant investments through RMS, which has benefited from royalties from mining. That road itself was quite a dangerous road and now it's quite safe. I travel it regularly, at least once a week, and that again improves the – all of the communities and residents throughout the Hunter Valley.

I see the project as a – a much-needed, very current boost for the Hunter Valley residents and for our economy post-pandemic. I know we're still currently in it and just on that tipping edge, but there's a need for a brightness of future for all residents, and having children myself, my 16 year old son currently available for him in the
40 next couple of years. I also believe that the Malabar Resources Group have been very consultative and invested both in the – all of the stakeholders and the impacts upon the community. I have been very impressed with their professionalism, the way they have gone about this, and moving forward, that will be carried through and be quite evident to all of the community around.

45 I believe Malabar Resources have developed a sensible approach for both the community and have faith in its operation and also in its leadership group. These

benefits will be long term for all of us, and again, you have gained my own perspective, that I think overall over the next 10/20 years, selfishly I think it will be very, very exciting for small businesses, for trades, for apprentices, for our local Indigenous people to also gain some qualifications. Our community needs a diverse economy and Maxwell Underground Project I think can help with that. Thanks for your time. I hope you're enjoying the process and I really appreciate it. Thank you.

MS O'KANE: Thank you.

10 MR BEASLEY: Thank you. The next speaker is Catherine Chicken. Ms Chicken.

MS C. CHICKEN: Hello.

MR BEASLEY: Please go ahead.

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MS CHICKEN: Commissioners, thank you very much for your time today. My name is Catherine Chicken, and in the interests of disclosure, I'm a consultant veterinarian with Scone Equine Hospital, and I sit on the Upper Hunter Air Quality Advisory Committee as a non-coal, non-power industry representative. Most importantly today though, I am a local community resident of Scone with grave concerns about the cumulative impact of yet another coal mine on the health and wellbeing of the people of the Upper Hunter, the people of our communities. I speak to day from a personal perspective as a deeply concerned Upper Hunter resident and will focus my brief presentation on cumulative impacts with particular reference to air quality.

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The cumulative impacts each new mine has had on our region over the past decade have never been adequately considered throughout the planning process. Significantly, the impacts on air quality, water resources and visual amenity are clearly cumulative and of ever-increasing concern to those of us living in this place. The effects of climate change are being felt at a local level by way of more severe drought events, exacerbating the air quality issues in our region, and placing higher demand on stressed water resources. Reports this morning on the future of the climate point to worsening droughts and longer bushfire seasons for eastern Australia, our new normal.

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The failure of the Department of Planning, Industry and Environment (the Department) to adequately assess the contribution to cumulative impact that each new mining operation will have on our region during the application process each time is central to the unsatisfactory situation we as residents now find ourselves living in. Suffice to say the cumulative impact is plain for all of us who live here to see, hear, breathe, and at times even taste. By way of example in relation to air quality, the Department in its assessment to the IPC on this application by Maxwell has stated in point 6.6.14 that the air quality and greenhouse gas assessment has assessed compliance with 24-hour average criteria for particulate matter on a project-alone basis, rather than a cumulative basis.

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This is in the face of the Department also having conducted a review of air quality data from 2013 to '19 which show that the 24-hour average PM10 concentrations exceeded 50 micrograms per cubic metre at each of the monitoring locations on several occasions between 2013 and '17, and that, notably, there were 14
5 exceedances recorded at the monitoring network monitor at Jerrys Plains during that period. Point 6.6 – 6.6.5. We have become very adept at monitoring air quality in this area through the Upper Hunter Air Quality Monitoring Network, as you are aware, installed in 2011 in response to community concerns over air quality in this region in the face of increasing coal mine activity.

10 The eight to nine years of data generated by the monitoring network provides the evidence base for that which we as residents already know. No headway is being made in improving air quality in this area. In fact, it was worse in the population centres of Aberdeen, Muswellbrook and Singleton in 2018 than in 2011. The
15 network data shows that the greatest impacts are occurring in the areas of the greatest mining activity. That data is accessible on the New South Wales Government website and there for everybody to see. To get to the situation of today where the township of Muswellbrook is encircled by open cut coal mines reflects the lack of adequate planning for the protection of the health and wellbeing of the members of
20 our Upper Hunter communities.

The failure of the planning process to consider the cumulative impacts mining operations have on the air quality of our townships is evidenced by data from the network. Annual PM2.5 levels of Muswellbrook have never been at or under the
25 eight micrograms per cubic metre benchmark since monitoring began in 2012, with no prospect of that ever being achieved in the current situation. The annual PM10 levels of Muswellbrook in 2018 were above the 25 micrograms per cubic metre benchmark for the first time since monitoring began, with Aberdeen and Muswellbrook north-west stations measuring significant rises as well. The
30 establishment of the Mount Pleasant mine on the north-west outskirts of Muswellbrook in mid-2018, that has resulted in significantly elevated levels at those monitors.

35 The fact that mining operations are able to operate in such alarmingly close proximity to population centres and cumulatively impact those communities so significantly speaks to the broken nature of this planning process. At the risk of sounding completely exasperated by this process we continue to engage in, I must express how frustrating, infuriating, bewildering it is to go through the IPC process time and time again, putting forward objections to each new coal mining proposal on
40 the basis of the health impacts, of poor air quality, threats to water security, the assault on the visual amenity of our district, all in the scientific context relevant to each individual application, to have those legitimate objections rejected time and time again.

45 Significant resources have and continue to be committed by non-mining industries in our region to proffer scientifically based objections to each new coal mine application. Whilst ever a mining proponent is able to come back through this

process time and time again until they gain approval to operate, the broken nature of this system will remain on full view. The systemic failure by the Department to adequately consider cumulative impacts is, in my opinion, the centre of the problem. We are over capacity for coal mines. Enough is surely enough. I would suggest that it's time to stop now. Thank you for your time.

MR BEASLEY: Thank you. I think we're going to have a break now until 12.45.

10 **ADJOURNED** [12.00 pm]

RESUMED [12.46 pm]

15 MR BEASLEY: All right. Thank you. Our first speaker now is Jay Shepherdson.

MR J. SHEPHERDSON: How you going?

20 MR BEASLEY: Good. Thank you. Please go ahead, sir.

MR SHEPHERDSON: Okay. My name is Jay Shepherdson and I own and operate JTS Realty, which is a real estate business that operates in both Denman and Muswellbrook. I believe the Maxwell Project should be approved

25 MR BEASLEY: You're just dropping out, Mr Shepherdson. I don't know whether you can move to a different spot. We're just having a little bit of trouble hearing you. Permanent trouble, it seems. We might come back to Mr Shepherdson, if we get a chance. At the moment, the next speaker is Samuel Nugent from Scone Equine Hospital.

30 MR S. NUGENT: Good afternoon, Commissioners. My name is Sam Nugent. I'm an equine veterinarian of 25 years experience, an Upper Hunter resident for over 20 years and a director of Scone Equine Hospital. Thank you for the opportunity to present my submission on behalf of Scone Equine Hospital. I wish to explain the details of our business, our relevance to the thoroughbred industry and our relevance to this Independent Planning Commission Hearing. Scone Equine Hospital is the largest equine veterinary practice in the Southern Hemisphere. We employ over 120 people, 35 of them being equine veterinarians, of which 12 are registered specialists, and we have a support team of 85.

45 Significantly, we're a major employer of professional and skilled people in rural New South Wales. Our business is a significant service provider to the thoroughbred industry with over 90 per cent of our turnover generated directly from Upper Hunter clients. As the largest equine veterinarian practice in Australia, we have the people, the knowledge, the equipment and the facilities to service every aspect of the many equine communities in and outside of this region. Our size and position in the equine

industry ensures we can offer referral services, equipment and expertise at a level that is not financially viable in general veterinary practice.

5 For over 60 years now, Scone Equine Hospital has been working with, living in and supporting our local community. We sponsor over 50 community groups and organisations and are a sponsor of all major horse-related events in the Upper Hunter. Our practice is committed to ongoing research and training. Our veterinarians are recognised around the world for their knowledge and specialist skills and Scone Equine Hospital is recognised as a world-class centre of equine excellence, Scone Equine Hospital veterinarian service representatives on many of the equine organisations which administer, advocate, set the standards for equine healthcare, welfare, competition, education and professionalism.

15 Our veterinarians are significant contributors to the AV, Australian Veterinary Association, Equine Veterinarians Australia and the Australian and New Zealand College of Veterinary Scientists. We provide training for up to and over 40 veterinary students annually and our team plays a significant role in the training of veterinary nurses through TAFE. These educational roles are becoming more important as the number of students increases but the resources of the university and TAFE struggle to keep pace.

25 Our practice is only able to provide this level of commitment to research, training, the profession and the community due to its size, caseload and viability. We're in a unique situation as a veterinary practice and a total independent on the strong and vibrant horse industry in the Upper Hunter. Scone Equine Hospital has substantial plans to invest and grow. We have in planning a new state of the art equine hospital for many years and are well-advanced in this process. This development will be a major milestone for our practice or will reinforce the Upper Hunter's global position as a major equine centre in the Southern Hemisphere.

30 The facility has had and would continue to have major economic benefits to the region during its planning, development and operation. The success of Scone Equine Hospital and our reputation as one of the major participants of the equine industry around the world are built from the strength of the Upper Hunter as the premier horse breeding area in the country. The equine industry in Upper Hunter is an extensive network of farms, supplies and support businesses. It is recognised by the New South Wales state government as a critical industry cluster because of its concentration and vertical integration of the farms and the support services.

40 It is recognised by the horse industry around the world as one of the only three centres for horse breeding excellence. The staying at farms Coolmore, which are all directly affected by this proposal, are all direct clients of Scone Equine Hospital. However, their influence on our business extends well beyond their direct use of our services. These stay-in farms served as the anchor that holds farms and supports the industries in the Upper Hunter. Damage to the air quality, water availability and visual amenity in the region will have a significant adverse effect on the reputation,

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business and brand of these farms and devastating flow-on effects for the support industries such as ours.

5 The horse raising land of the Upper Hunter is unique in the world and is an attractive investment from around the globe. This sustainable land use and the industry that has developed over the past 200 years cannot be lost for the sake of a short-term destructive mining proposal. The previous beacon, Drayton South, and Dartbrook Planning Assessment Commissions all recognise the importance of the equine industry to the sustainability of the economy of the Upper Hunter region.

10 They also recognised it as an asset to the state and national economies which must be protected. This recognition is especially important now as we plan to transition to a non-coal based energy future. Commissioners, for the sake of our business, our industry, our environment and our community, Scone Equine Hospital and the people we serve strongly urge you to reject this proposal. Thank you.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you. Our next speaker is Atsuko Radcliffe.

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MS A. RADCLIFFE: Hello.

MR BEASLEY: Hello. Please go ahead.

25 MS RADCLIFFE: Okay. Good afternoon, Commissioners. My name is Atsuko Radcliffe and I'm based in Denman and run Small Forest Wine. I'm the winemaker and the owner. Small Forest Winery and the Cellar Door are located at Merton Vineyard, which is owned by Spur Hill Agriculture, which is owned by Malabar. The vineyard is located about 10 kilometres from Maxwell Underground Project. So just quickly, I'd like to introduce myself. I started making wine in my homeland in Japan over 30 years ago but I've been involved in winemaking in Australia for 25 years. Why Australia? It's because Australian wine industry is very advanced in the world.

30 I've been living and making wine in this region for more than 20 years, including seven years at Rosemount Estate as a reserve wine winemaker. I'm here today to support the Maxwell Underground Project. As I mentioned, I have been in this region for a while and seeing a lot of changes in the last 20 years. It used to be a big wine region led by Rosemount Estate. It was the fifth biggest winery in Australia by then but Australia-wide wine industry rationalisation, we lost many wineries and vineyards from this region. Some of the vineyards were bought by mines, mostly no longer existing.

35 Knowing this world-famous wine region, where we are, this is heartbreaking. The vineyard, especially the existing vineyard, is an important asset to this historical wine region, to this community and to the whole wine industry. We cannot lose vineyards from this region anymore.

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When Spur Hill Agriculture purchased the vineyard, it wasn't in good condition, unfortunately substantial money into the vineyard to make sure vines are health, that produce good fruits, also and viable business knowledgeable, experienced and vineyard worker. Major changes were made and now became a
5 great vineyard. We are not completely there yet, but the quality of fruits went up dramatically. This couldn't achieve without their respect and understanding of our industry. And we keep working to make better.

10 The vineyard management and practice that they produce better fruits from this land is very important. It is nice to see a good comment about vineyards from many cellar door visitors. So from my perspective, the quality of fruits come first, making better wine year by year, thinking about the industry and living in this community, how and what we can contribute. I believe winemaking is commitment to the area, so as
15 mining. I have been working with Spur Hill Agriculture for last seven years. I enjoy working with them even I have the contract in between.

I just want to mention this morning, they are very open. You can call them. You can talk and discuss. I think any business working as a chain is very important and good
20 relationship with other industries. Their respect, understanding and support is much appreciated for my small business. I support Maxwell Underground project. The company is well respected in this local community. They are keeping the vineyard and positive changes they have made to this vineyard is significant. The wine industry is going through a tough time. It's fragile and vulnerable. We need to work
25 together. This is what I have been experiencing. And a real story.

my conclusion is I am positive. I believe it can successfully coexist with other industries, as well. This might be a small thing, but we must go ahead with progress
30 co-existence of industries and this gain strength for all of us, as well. We need to live together and we can live together. Thank you for your time.

MR BEASLEY: Thank you, Ms Radcliffe. Next speaker is Douglas Bennett.

MR BENNETT: Yes. Good afternoon. I would like to thank the independent
35 commission for allocating time for me to speak at this hearing today. I acknowledge that, due to the volume of speakers this commission is due to hear from, that my time is quite limited. I'll try and be succinct and try not to take up too much of the commission's time.

40 So, just for context, I made two submissions regarding this proposal, one during the exhibition period and one after the proponent had released their submissions report. My oral submission today will just reiterate some of the main points of contention I had raised in my previous submissions, and assert that the application should be determined for refusal. I seek to argue my case on the basis of the application's
45 approval being against the public interest, under section 4.15 of the Environmental Planning and Assessment Act.

So, firstly, I just would like to reiterate all my point points in my submissions around the use of coking holes. As noted by the proponent in their environmental impact statement, it is anticipated that up to 75 per cent of the coal mine's product, being coking coals, would be capable of being used in the process of steelmaking. Now, they provided a range of market data to illustrate a stable and consistent demand for coking coal within the global market. However, they've actually failed to appropriately address the projected decline in coking coal demand arising from changes in policy, financial markets and technology that will drive a reduction in greenhouse gas emissions overall worldwide.

The International Energy Agency's World Energy Outlook 2017 report forecasted a 39 per cent decline in coking coal use by 2040 compared to 2016. Just with this data in mind, it's unclear how the ongoing operation of the mine will be viable and be able to support local jobs within the Upper Hunter Region. In this regard, it is considered that the project is incapable of providing long term employment opportunities for residence of the Hunter Valley, which I know is a key economic consideration that the proponent seeks to rely upon for the project's approval. The project in this context, therefore, can't be considered to be in the public interest in the long term.

In addition, I would just like to note that through the application's environmental impact statement and greenhouse gas assessment, the proponent consistently refers to the Paris Agreement and the United Nations Framework Convention on Climate Change 2019. Now, for the purposes of conducting a greenhouse gas assessment for mining projects under the Set Mining Petroleum Production and Extractive Industries 2007, policies such as the Paris Agreement, including Australia's nationally determined contribution, are not applicable. Now, this was affirmed through *Wollar Progress Association Incorporated v Wilpinjong Coal Proprietary Limited* 2018 in the Land and Environment Court of New South Wales.

Without appropriately amending the application, the proponent has failed to sufficiently address clause 14 of the SEPP. Should the commission, as the appropriate consent authority, determine the application for approval, then the commission, too, has failed in – to appropriately consider clause 14 of the SEPP and ultimately failed in its statutory duties.

..... appropriate assessment of greenhouse gasses by all relevant policies legislation be undertaken by both the proponent and the consent authority. The approval and operation of a coal mine that has not adequately undertaken a greenhouse gas assessment is not in the public interest.

Finally, I'd just like to discuss the broader public interest on the topic of coal mining that has arisen throughout the past year in Australia. So a report by the Australian National University's Centre for Social Research in titled *Exposure and the Impact on Attitudes of the 2019/2020 Australian Bushfires* found a largescale shift in the public interest away from coal mining projects and coal-based power generation. The report found that only 35.6 per cent of capital city residents and 40.1 per cent of

non-capital city residents supported the provision of new coal mines in Australia, a significant decrease from the previous year. These findings indicate that the majority of the Australian public do not support new coal mines, which can be considered indicative of the public interest that the commission is required to consider in their
5 determination of this application. Approval of the application would clearly be against the broader wishes of the Australian public and would not be in the public interest overall. Thank you for your time.

10 MR BEASLEY: Thank you, Mr Bennett. I think we're going back and having another try with Mr Shepherdson.

MR SHEPHERDSON: Yeah. G'day. I'm here. Yes.

15 MR BEASLEY: Yeah. That sounds clearer.

MR SHEPHERDSON: That's good. Rightio. Am I right to go?

MR BEASLEY: Yes. Go ahead, sir.

20 MR SHEPHERDSON: Okay. Yeah. G'day. My name's Jay Shepherdson. And I've lived in Denman for the past 18 years. I own and operate Reality, which is the local real estate firm in both Denman and Muswellbrook. I believe the underground project should be approved. Being an underground mine, it'll have no visual impact on Denman. And that has alleviated what most peoples' concerns were
25 for the town.

I speak to many people daily in the course of my business, showing them homes in the area. And I relate to them that there will be a new underground mine near the town and the economic benefits it'll bring to them. And I've had no negative
30 comments from any of my clients about the mine. I'm also heavily involved in the community through rugby league, the local schools and the retirement village, where I'm a board member. And Malabar Coal has been a big supporter of both sport and community projects for several years in the town, without even knowing Maxwell Underground Project could be approved. I believe this shows that they'll be a great
35 community partner for Denman.

Being a local, I speak to many other local people daily. And the vast majority of people who I speak to about the mine and the project are all in favour of it. I'm only speaking quickly. So, in closing, I hope you look favourably upon the Maxwell
40 Project. And I believe it would be a great benefit to the Denman community. And, as I said, the majority of people I've spoken to, in-town locals, also believe that to be the case.

45 MR BEASLEY: Mr Shepherdson - - -

MR SHEPHERDSON: Thank you.

MR BEASLEY: Just before you go, Mr Shepherdson - - -

MR SHEPHERDSON: Yeah.

5 MR BEASLEY: - - - the chair has a question for you.

PROF O'KANE: Thank you for your presentation, Mr Shepherdson. A quick question. In – you must have people in your clientele and people who live in Denman who you run into who are connected to the horse studs - - -

10

MR SHEPHERDSON: Yes.

PROF O'KANE: - - - and to the horse and to the equine industry. Are they – are you hearing significant discomfort about the mine from them or are you – or not?

15

MR SHEPHERDSON: No, I'm not. When the project first got initially announced, like years ago when it was called Spur Hill back then and it was supposedly an open cut mine, yes, I did have – you know, quite a lot of my friends – and I – you know, I have to deal with them every week – work in the coal mines – work in the horse stud industry and work on the Denman daily. And yes, they were concerned back then. But once it was – the project was strictly an underground mine, no. I've had – you know, the people who I deal with, personally, they've had no issue. They don't have any issues with it being an underground mine. That's been my – my, when I've been talking to my friends and that who work in those positions.

20

PROF O'KANE: All right. Thank you.

MR BEASLEY: Thank you. The next speaker is John Hayes from Correct Planning and Consultation for Mayfield Group.

30

MR J. HAYES: Yes. Thank you. Thank you for the opportunity to speak. And Professor O'Kane will remember me, many times in our discussions Correct Planning and Consultation for Mayfield Group on coal issues - - -

35 PROF O'KANE: I do. Lovely to see you again.

MR HAYES: - - - where we met and spoke about a lot of problems. So I live in Newcastle. We've been here since 2004, so that's 16 years. 2010, we set-up Correct Planning and Consultation for Mayfield Group to deal with some specific planning issues around the port. But since that time, our group has picked up on a lot of other things. I've made representations on many mining applications and other environmental sorts of things. And, in particular, in relation to what's happening here with Maxwell. I have a very strong recollection when Drayton South were applying for approval for the extensions and what the sense of concern was, not only, from the locals, but also from the wider community in – when the hearings were on in Denman. And that application was knocked back.

40

45

There are some – there are many parallels between the knocking back of that application and this application by Maxwell. I readily agree that Maxwell's underground and the, what was looked at back in Denman a few years ago before the Planning Panel was an open cut. But there are many issues that are in parallel and, I think, support a good reason for knocking back Maxwell. They include the cumulative or knock-on effects with air pollution from mining, generally, in the area.

What we know over the last 10 years is that mining has increased significantly. Coal mining has increased significantly in the area, and this will only add to those problems. There are water problems that come about as a result of coal mining, and this will exacerbate those water problems. It's near the Hunter River, so that's going to put pressure, more pressure, on the Hunter River. It's near important aquifers. That's going to put more pressure on those important aquifers.

And, then, of course, looking at the bigger issues both for Australia, and for the world, and for the planet, greenhouse gas emissions, climate change, global warming, all of those factors are in the mix. And an increase in coal mining in this area is going to have knock-on effects there. So I think, they're all important things. Additionally, I'm the grandfather of 10 grandchildren under 10, five little girls and five little boys. I'm 75. I'm terrified to think what the world is going to look like when they're 75 and decisions made by this Panel and other Panels can have a positive or a negative effect on how we're going to experience life down the track. There are a lot of important national and international considerations here. The Paris Accords which America left, and which America is now, apparently, going to re-join, where we have commitments there. The State Government has made many announcements recently where it's working harder than it was before in relation to some of the climate and environment issues, renewable energy, those sorts of things.

So on the one hand, you've got an increase in coal mining. On the other, you've got a walking away from that and looking at alternative energies. Just in the last few weeks, the Hunter Jobs Alliance was formed, a combination of environmental groups and unions to encourage the State Government to start taking positive action for the transition for coal workers and people working in the power, coal-fired power stations when the demand for coal drops off as a result of decisions by governments in other parts of the world, we're going to be left with stranded assets. And these workers are going to be stranded unless there's a proper transition.

So improving and – sorry, approving new mines runs contrary to all that. I think, they're probably the major points that we need to make. So and I talk to a lot of people, I'm involved with a lot of groups. The general consensus is we need to bring coal mining to an end, and we need not to be approving new mines. Thank you.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you, Mr Hayes. The next speaker is Beverly Atkinson.

MS B. ATKINSON: Thank you. My name is Beverley Atkinson. I live on the Wonnarua land in Scone. The news report says:

5 *Malabar's proposal will earn the Government over 1 billion in royalties and its wages bring 55 million a year into the economy.*

And, of course, the jobs thing, it's never challenged, and I don't buy this. Over my 19 years here, I've seen a steady worker's exodus of the coalmines. We all know many well-employed people who went mining. They left our towns short of skills and services, big nuisance. We need to recover from that skills shortage. A steady withdrawal from mining will allow people to return from their previous work, to heal the artificial split in the economy caused by the lure of high mining salaries. But this has not been exposed. I see no curiosity in Government, and little in the media, about the work backgrounds of newbie truck drivers. No enquiries about what training and experienced they left unused and wasted. No full analysis of how the regional skills shortage arose in the first place.

Instead, we get fed fear. It is so insulting to the miners. Pictures are painted of sad crowds of broke, jobless, ex-miners, skilled only in mine work, useless if the next mine can't open and untrained for anything new, especially, transition work which the Governments are avoiding. But investment and cost actually means new jobs. All we get is mine pushing this. In fact, many miners are able and keen to use all their experience in progressive work. We don't read that in Coal Face, for sure, nor in the general press or surveys. Mostly, media sticks to beaten paths, missing these questions and, rarely, debunking the Minerals Council guff. However, there is debunking available. In the local Hunter Mine application, Dartbrook Mine assumed full local employment in required fields. It stated:

30 *For every one of the 156 touted local jobs would be obtained by offering enough money to lure people from existing work.*

So it actually offers nil new jobs and openly takes away 156 local workers from the economy. Maybe other local mines wouldn't admit even knowing the training and work left behind by their new employees. It's not in their interests. Oddly, the Government doesn't ask. It wants us to think that mine wages will help the economy. But those wages, really, just slide across from the normal spending jobs to highly paid and taxed ones, so less of the total gets locally spent and more saved, net zero gain.

40 As for the royalties, we should be asking, do they make up for the huge subsidies we give to coalmines? Can they compensate our nation for, firstly, the losses occurred through employment being abandoned for mining, the skills shortage, wasted training, unused equipment, lost teachers and services, and also personal losses connected with night shift, dirty air, unhealth locations, constant uprooting and family disruption? No. National Royalties can never make up for all that loss.

The IPC must face this major aspect of the truth. It's well-hidden by mining representatives. They are intoxicated with their own power, over vast workforces, over very large companies, over small grant recipients, and over very small politicians. Having consistently hidden the truth from us, from our Governments, and from the IPC, these lobbyists should turn and accept true progress, or get out. That would, at last, give Australia's economy, society, and reputation, a chance to recover. It would also prolong life on Earth. I ask the IPC to reject this mine and to examine Malabar's recruitment tactics and the impact of those tactics. Thank you.

10 PROF O'KANE: Thank you.

MR BEASLEY: Thank you. Next speaker is Richard Abbott. Mr Abbott. I think, your mike's not on, sir.

15 DR R. ABBOTT: Good afternoon, Commissioners. Thank you for the opportunity to address this hearing on the Maxwell Mine Proposal. And I would like to acknowledge the traditional owners of these lands, past, present, and future. I oppose this on many levels, social, health impacts, air quality issues, the danger to existing land use, the risk to water tables and security, noise, coal transport and storage, and climate change. Many of these areas would have been covered already by former speakers and I apologise I haven't been able to follow the proceedings and so may be repeating some things.

25 I'm a Rural Generalist Doctor, that's a GP with extended skills in anaesthetics, obstetrics, and emergency medicine. I've practiced in the Scone area for 38 years, cradle to the grave medicine, seen many good and bad things. I have seen the economic benefits mining has brought to the region and the wider world with coal use and export. But we now know the costs of this environmentally, and we must transition to suitable renewable energy sources. The detrimental effects of poor air quality are increasingly recognised.

30 The effects of PM2.5 and PM10 on the respiratory cardiovascular systems have been known for many years. And now, the evidence around premature birth, diabetes, metabolic issues, are increasingly recognised. An underground project will have less particular matter production than an open cut. But there is coal mine, coal transport and storage use, with the release of PM (particulate matter) and sulphur dioxide. The mining process also allows fugitive gas escape. And these noxious gasses end up in the atmosphere.

40 But the biggest health impact of all comes from climate change. The climate science is robust and accepted by the vast majority of scientists in many disciplines. The relationship between the atmospheric carbon dioxide and other greenhouse gases and the global temperature has been known for many years. The effect of this temperature rise on the weather and climate is becoming obvious. And sadly, the speed of this change has been underestimated and downplayed for many years.

We are reaching or past tipping points in many key areas, the Artic, the Amazon, and the Siberian permafrost. This morning on the radio, they discussed this recent CSIRO report on our climate. It was very – well, very bad. It's not good to read. The health impacts of climate include other things such as heat stress, a problem as

5 we age, our ability to regulate our core temperature becomes less effective physiologically and exacerbated by medications. But all the population is affected. There are obvious risks to wild weather and the personal and property damage that causes. And with the exacerbation of poor air quality with dust and smoke adding to

10 mining activity, we're seeing these effects in our patients.

How does this relate to a mining project in the Upper Hunter? We do not need new mining projects, at the moment. There is more than enough capacity already in the system. This week, the New South Wales Government announced a comprehensive

15 finance plan to shift away from coal to sustainable renewable energy production. Japan, Korea and China are moving away from coal and it's going to become a stranded asset. Even steel production is now possible with renewable technologies. And orderly transition to a clean and sustainable renewable energy source in

20 essential, not a new ordinary, standard mine.

My two year old granddaughter will see the fruits of our labour. And even if we achieve meaningful measures now, our legacy will be a changed world. But who knows what she will face if current trends continue? Thank you.

PROF O'KANE: Thank you.

25 MR BEASLEY: Thank you, Dr Abbott. Next speaker is Grace Murphy. I think, we're getting a video presentation and then, questions if relevant.

MS MURPHY: Good afternoon, Commissioners. Thank you for this opportunity to

30 voice our objection to this proposal. My name is Grace Murphy, and my husband and I have been residents of Jerrys Plains for the past 17 years. During this time, we have experienced considerable negative impacts due to the expansion of mining operations in the area. Our principal concerns with this proposal are the damage and risk it poses to ground water and to the supply and quality of water in the Hunter

35 River and the cumulative effects of decreasing air quality.

We live on a small rural holding with a high security licence to the Hunter River. Without this water access, we would not be able to maintain our stock. In the last

40 year of drought our dams ran dry. Regardless of the drought, we have seen a gradual reduction in the waterflow and quality in the Hunter. We are forced to clean water troughs more frequently due to algae growth which we believe is a reflection of the quality of water pumped from the river. Also at the bottom of the troughs is a layer of black sediment.

45 Up to 2018, we were able to access water from our bore. However, the level has now dropped to the extent that we are unable to pump from this source. We have read the assessment report submitted by the Department of Planning with particular

interest to sections relating to water. As we are located downriver of the proposal, there is nothing in the report that reassures us on the future protection of this valuable resource. Terms used by the Department of Planning such as:

5 *Indicates, likely, unlikely*

Do not inspire confidence or give certainty. To suggest there will be negligible impacts and, indeed, that the proposal is likely to improve water quality in the Hunter River is, at best, presumptuous, and given the current state of the river, highly
10 unlikely. Malabar hold general licences on the river. How do they propose to make good any losses of water in a prolonged drought scenario when we as private landholders have access to a more secure water supply by holding high security water licences, than they do through their general security water licences?

15 Since the publication of the EIS, Malabar have had to acquire more groundwater licences to account for water that they will take onto the mine site. This, to us, illustrates a haphazard approach to their planning and assessment around water. Indeed, section 6.2.57 of the Department of Planning report says that:

20 *57 Rather than*

Meeting and IESC request concerning Saddlers Creek, the Department allows Malabar to cite data from:

25 *1956 [to] 1981*

Rather than undertaking correct quantification analysis of subsidence related surface water losses. You can see the Wambo project behind me. And this, together with
30 other projects, are responsible for the existing poor air quality, noise, and visual impacts endured by local residents such as ourselves. It is well-documented that the air quality in the Hunter Region has significantly declined over the past number of years and adding a further mining operation to this will not improve the situation.

is distressing that the Department refuses to properly recognise the cumulative
35 effects of mining operations in the Jerrys Plains area. The depiction of the regional context, page 16 in the assessment report is misleading. It fails to show HVO West Pit and the Wambo operation at Montrose, both of which are very close to Jerrys Plains. The United Glencore Joint Venture Expansion is in progress at Wambo with HVO now seeking further extensions, all of which will directly impact residents of
40 Jerrys Plains.

It is not right to suggest that this proposal will not contribute to the already harmful air quality. In summary, we believe that the Department's assessment does not
45 adequately address the impacts on ground water and the surface water and the increasing dust and air quality issues which are being exacerbated by the cumulative effects of existing coalmine operations in the area and how dry New South Wales is becoming.

In particular, there is evidence of further adverse impacts from mining on the Hunter River and the local groundwater. These impacts will be felt in the decades to come and present risks of irreparable damage to the local community that the proponent has not assessed properly and is not capable of repairing. Thank you very much for your time. Dennis and Grace Murphy.

PROF O’KANE: And I would like to ask Mrs Murphy a question. Are you available?

MS MURPHY: Yes, yes. Thank you.

PROF O’KANE: Thank you. Thank you very much for your presentation. Could you just tell us where you live so we have an idea of where your property is in terms of the proposed mine?

MS MURPHY: Yes. So in the video, I am – I am actually facing Jerrys Plains.

PROF O’KANE: Right.

MS MURPHY: So we’re just slightly to the south of the village.

PROF O’KANE: Right.

MS MURPHY: And from that and, unfortunately, I didn’t take a video that we can actually see the ridges where the – once they start operating as we will actually have a distant view of it.

PROF O’KANE: Right. Thank you. That was my next question.

MS MURPHY: So there is no buffer. Yes.

PROF O’KANE: Yes. All right. Thank you very much.

MS MURPHY: Thank you.

MR BEASLEY: The next speaker is Tony O’Driscoll from Newgate Operations.

MR O’DRISCOLL: Good afternoon, Commissioners and Mr Beasley. My name is Tony O’Driscoll. I’m the chief financial officer of the Newgate Group and I’m representing the Newgate owners. I would like to acknowledge the traditional onus of the land on which we meet today. I would also like to pay my respects to elders past, present and emerging. Thank you for the opportunity to speak to you today. I have worked in the thoroughbred industry in the Hunter Valley for 21 years.

Newgate started in 2010 when it initially operated as a group of farms. It struck its first stallion in 2012. Today, we stand 13 stallions with a value in excess of \$70 million, which will cover over 1500 mares this season. Newgate is now one of the major Australian thoroughbred breeding operations.

I would like to address two key issues. One, Newgate's concerns regarding the Maxwell Underground Mine proposal and, two, the importance of Coolmore and Godolphin to our industry. Re the underground mine, I understand some speakers may have indicated the fact this is an underground mine is not an issue to people in the breeding industry. I can assure you that our company and staff and people I speak to in our industry are very, very concerned about this mine. This proposed mine creates a number of concerns, some of which are water. The Maxwell proposal has potentially serious outcomes for service in groundwater. I'm not a water expert and I understand you've heard from water experts and others on Wednesday. What I do know is that water is absolutely essential to our industry.

Water security can never be taken for granted and any risk to water, the water table, the Hunter River and associated water sources, should not be accepted. Given more regular and longer drought periods, I can assure you the concerns put before you regarding water are not understated and given the significant risks this project poses to water, this Newgate's precautionary principle should be applied. Air quality levels are already elevated in the Upper Hunter and another mine will only add to the existing issues and, regrettably, all too regular

There's been no assessment of the cumulative environmental impacts of this proposal that's required by the Secretary's assessment requirements. It can only benefit some jobs. You've heard from Marsden Jacob Associates that the economic benefits of this mine have been significantly overstated and costs underestimated. We would ask the following questions. One, why put large numbers of existing sustainable jobs at risk for one short-term mine with questionable economic benefits to New South Wales and potentially large environmental risks? Two, people talk about creating employment, not about the risks to existing employment.

I would now like to speak about the Coolmore and Godolphin, who are intrinsic to the success of the Hunter Valley breeding landscape. The success of the breeding industry in the Hunter Valley has evolved exponentially since Coolmore and Godolphin set up their Australian operations. As the two largest commercial breeding operations in the world, they brought to Australia not only some of the best stallions in the world but a breadth of skill and experience that's been constantly disseminated throughout the industry year after year.

The success of the Hunter Valley can be attributed to the fact that it is a hub for thoroughbred breeding in Australia. Not only is it one of only three centres of thoroughbred excellence in the world but it works because of the proximity of all studs and and associated service providers provides enormous benefits to all breeders and breeding operations. In my opinion, there is a great risk that Coolmore and Godolphin could be lost in the Australian industry if they are continually under siege from constant mining applications directly across the road from the operations. Clean air, water and tranquillity are essential to all our businesses.

If Coolmore and Godolphin were squeezed out of the Hunter Valley, it would have a major impact on the local economy. It would create issues such as the loss of significant employment. I estimate 250 to 300 jobs would be loss.

5 Many people that work in our industry do so because they love the industry but, also, because they do not want to work in a coal mine. Where will these people find alternate employment? It would be a major economic loss to the Hunter Region. All the studs, all the stud operations source most of their goods and services locally. Local and impacted parties would include feed producers, local tradespeople, vets,
10 farriers and horse transport companies, etcetera.

Coolmore and Godolphin have also attracted significant foreign investment to Australia. People want to do business with them. So they bring people and capital into our industry. They also support the industry as they buy a lot of horses every
15 year at the major sales. They are good for our industry. These benefits would be lost if they were no longer here. Part of Newgate's business model is to use Coolmore and Godolphin stallions because we can access the world-class stallions on our doorstep, other farms do the same. There are also numerous staff throughout the Hunter Valley and the rest of Australia that have been trained by Coolmore and
20 Godolphin. Coolmore and Godolphin are great for our industry, and our industry needs them.

The thoroughbred industry in the Hunter Valley is a sustainable industry and has been here for nearly 200 years. To place an industry at risk for a relatively short-
25 term coal mine with, at best, limited economic benefits and other serious potential environmental and agricultural industry risks makes no sense. It continues to confound the owners of Newgate as to why the thoroughbred industry in the Hunter Valley, which is considered as one of the best in the world, is continually put at risk by coal mining and is not protected like the other major breeding centres around the
30 world? Thank you.

MR BEASLEY: Thank you, Mr O'Driscoll.

PROF O'KANE: Thank you.
35

MR BEASLEY: Next speaker is Mark Bowditch.

MR M. BOWDITCH: Good afternoon, Commissioners. I would like to start by acknowledging the traditional owners of the land on which we stand on today, the
40 Wonnarua people. I pay my respects to elders past, present and emerging. My name is Mark Bowditch and I'm the owner and director of Dirragarra Contracting. And it is a local and Indigenous owned company that carries out specialist labour works for various companies in and around the Hunter Valley. The word Dirragarra means to dig deep emotionally from the heart, in our language. I believe this
45 represents every single person that works for Dirragarra. At Dirragarra, we strive to create a business that will boost support and the local Indigenous population in the Muswellbrook area and surrounds.

I am here today to support the Maxwell Underground Project and talk about our relationship with Malabar Resources and, in particular, how they are working with the local Indigenous companies, and ours, and giving back to country. I've been working with Malabar Resources for the last two years. And during this time, I have
5 seen firsthand their commitment to their people and safety and the protection of their environment and Aboriginal culture and their ability to listen and adapt to the views of our community.

10 Malabar Resources are an openminded company and they have shown this time and time again. The work we have done for Malabar Resources has provided our employees with a diverse range of skills from fencing, mine rehabilitation, land management and general labour hire. We wouldn't exist or have the opportunities that we do without the support of companies like Malabar Resources. The most
15 important aspect for me, as an Aboriginal employee and supporting the local Indigenous community, Aboriginal people living in Muswellbrook Shire comprise five-point-two per cent of the total population.

We have been able to provide young Indigenous Australians an employment
20 opportunity because of the support from Malabar Resources. Malabar Resources allows us to bring them to site and teach them the important of working side-by-side with the mining company. Which also allows us, the people, to learn about our culture onsite and connect with country. Malabar have also given us the opportunity to be involved in the community projects like building a yarnning circle at the local
25 school. It is great to be part of building something that gives back to country and promises and promotes the Indigenous culture like working side-by-side with Malabar Resources.

I think it is great that Malabar Resources have been working in rehabilitating the old
30 Drayton Mine site and improving the quality of rehabilitation in the area. This shows their commitment to country and wanting to have the best outcome for the community. What Malabar Resources are doing at Drayton will provide a better rehabilitation outcome for the area and deliver a far more visually appealing final landform.

35 Malabar Resources are also committed to the weed management onsite and around the river system which allows our country to breathe. This helps our river systems. I also believe they are going to use water from site, from old voids, and not draw from the Hunter River system. This allows for the Hunter River system to continue
40 without disturbance.

I support Malabar Resources Underground Project because I can see that it will
45 minimise the impact on the environment. I believe the underground mining method ticks a lot of boxes from the environment and the community perspective. I also support the Maxwell Underground Project because it will generate approximately 250 jobs during construction and 350 jobs during operations. These operational jobs would deliver \$55 million in wages each year into the local economy and provide opportunities, a pathway for Indigenous employment.

In conclusion, I understand that the Department's Assessment Report concludes that this project is approvable subject to recommended conditions and concern. I absolutely support this decision. I believe that Maxwell Underground Project makes sense and it is what the community needs and wants. Thank you for your time today.

5

PROF O'KANE: Thank you, Mr Bowditch. Can I ask you a question, please?

MR BOWDITCH: Certainly.

10 PROF O'KANE: You mentioned that your employees, "can learn about culture onsite". Could you tell me a little bit more about what they learn? And why that is such a good thing?

15 MR BOWDITCH: Working with Maxwell out there onsite is a very significant site aboveground. So by working out there with them, we can teach our young employees coming through the diversity of the land, and the plants onsite. We can teach them about the amount of bush tucker food we have out there, and the importance of what we can eat and can't eat. And the significant sites that have heritage. Like, we can find Aboriginal heritage on sites on and it's good teaching
20 for them. And, you know, Maxwell, the employees of Maxwell and very, very pushing for that. So yes, it's really good.

PROF O'KANE: Good. Thank you.

25 MR BOWDITCH: Thank you.

MR BEASLEY: Thank you. All right. We're having a break until 2 pm.

30 **ADJOURNED** **[1.37 pm]**

RESUMED **[2.01 pm]**

35

MR BEASLEY: All right. I think we have Mark Webster from William Inglis & Sons able to speak now. Mr Webster.

40 MR M. WEBSTER: Commissioners, thank you for the opportunity to speak with you today. My name is Mark Webster and I've been the managing director of Inglis for the past 13 years, a company that has served the Australian racing and breeding industry for the past 153 years. As one of the world's leading auction houses, our company has sold many great racehorses and many that have been produced on the fertile grounds of the Hunter Valley, which has the higher concentration of
45 thoroughbred studs, second only to Kentucky in the USA. It's a privilege to be part of an industry that provides \$5 billion of economic benefit to the Australian

economy, and \$2.6 billion to the New South Wales economy, employing more than 230,000 people nationwide.

5 Australia is the second-largest producer of thoroughbreds in the world, second only
to the USA. Every market needs a point of difference, and in our case, Australia
produces precocious sprinting-type horses that dominate sprinting races here in
Australia, in Asia and really right around the world, including at Royal Ascot. In
order to continue to produce such high-calibre horses, we need to protect and have a
meticulous quality control system in place for equine production here in Australia,
10 and in particular, in the Hunter Valley. The Maxwell mining proposal places that at
great risk, in terms of water quality, air quality and the use of explosives so close to
major stud farms Coolmore and Godolphin.

15 In 2017, an independent survey of the Australian Easter Yearling Sale was
conducted. It revealed the sale generated in excess of \$83 million of economic
benefit for New South Wales, in addition to generating more than \$115 million of
sales income for the breeders. The Easter Sale attracts thousands of visitors to
Sydney each year. In 2017, when last measured, it generated 14,000 room nights
across the Sydney basin. Inglis also conducts many other horse sales in Sydney and
20 Melbourne, to market Hunter-bred horses to Australia and the world. Approximately
50 per cent of the spend at the Easter Sale comes from international investors.
Typically half of these investors export their horses that they purchase to places such
as Hong Kong and China, New Zealand, South Africa and Singapore.

25 The other half keep their horses here in Australia to race, which adds further
economic benefit and creates more jobs for locals. Under pre-COVID conditions,
my team would spend many months travelling around the world to identify and
attract international investors to Australia. Aside from purchasing racehorses here,
many international investors see the potential to invest in rural property and breeding
operations. Inglis is also a licensed rural property sale agent. Over the past 10 years,
30 I've witnessed the negative response of international investors to the impact of coal
mining in the Hunter Valley. The significant blight on the Hunter Valley landscape
and the dust in the air is obvious when they visit.

35 When such investors undertake their due diligence of the Hunter Valley, they realise
that there is uncertainty in the planning system about potential new mining in that
region, and that is a deterrent to their potential investment plans. And I would say
over the last 10 years in my engagement with these international investors, at least 80
per cent of them would change their brief and ask Inglis to find property outside of
40 the Hunter Valley, in other parts of New South Wales or in other places, such as in
Victoria or Queensland. This is a negative future for breeding in the Hunter Valley
and not sustainable. In summary, the directors and employees of Inglis are opposed
to the Maxwell mining project for a number of reasons, but in summary, as follows.

45 Firstly, the New South Wales Government has recognised the importance of the
fertile grounds of the Hunter region as a critical industry cluster; one that is
incredibly important and the leading agricultural pursuit in the Upper Hunter region

and it must be protected. Secondly, there are already too many mines in the Upper Hunter region and collectively, they pose a risk to air quality, visual amenity and surface and groundwater, which are essential for equine production. More mining in close proximity to such major stud farms as Coolmore and Godolphin will only limit further investment in the entire Upper Hunter region, as investors are looking for planning certainty for the future. Thirdly, the proponent's environmental impact statement lacks enough detail, lacks sufficient modelling for us to fully understand the risks imposed to air quality, to surface and groundwater and to fully assess the impacts of blasting explosives in such close proximity to major stud farms. The impact on equine welfare is not understood.

And fourthly, government policies recognise the importance of diverse sustainable industries that will support the region of the Hunter Valley and other regional parts of New South Wales in the long term. It's not acceptable to have one industry to dominate another or to wipe out another, and that is the risk being posed here by the Maxwell project. Commissioners, this is the third mining proposal in relation to the old Drayton South mine that has been presented to the industry during my time as the managing director of Inglis. The first two were proposed by the former owner, Anglo American, and proposed open-cut coal mining, which of course was unsuccessful. But it's important to note that Anglo American, in their proposals, indicated that underground mining would be hazardous and uneconomic.

The new owners, in their proposal, Maxwell, seem to have ignored the warnings of the previous owner and that raises serious concerns which I believe have not been addressed in their proposal. I ask the Commissioners to seriously consider the proposal at hand. Consider the importance of the equine cluster in the Hunter region, the ongoing economic benefit that the equine cluster produces right across the country; including here, at Riverside Stables in Sydney, where we market horses from the Hunter Valley. We oppose this proposal on many grounds. Action needs to be taken to protect the Upper Hunter region; an important equine industry cluster, one of the top three thoroughbred breeding grounds in the world. Thank you.

MR BEASLEY: Do you have any questions?

PROF O'KANE: No.

MR BEASLEY: Mr Webster, I'm just wondering whether you're surprised at all that there hasn't been – doesn't appear to have been any advice from the Department of Industry or the Office of Racing about this project?

MR WEBSTER: Look, I'm not aware of that. Sorry, is your question in relation to the fact that they haven't made a submission?

MR BEASLEY: Yes. Yes, whether you were surprised by that.

MR WEBSTER: Look to be honest, I didn't know that. I mean, I was focused on my own submission and not whether others would be making submissions.

MR BEASLEY: Sure.

MR WEBSTER: We didn't see that list of who was making submissions until very late in the piece, only two days ago, and they had already closed at that point. So
5 perhaps if I had known that they weren't going to make a submission, I would have encouraged them to do so.

MR BEASLEY: All right. In relation to the international investors that you said you've had some dealings with that have become concerned because of – when
10 they've seen whatever the impacts are of coal mining in the Hunter Valley, can you give us – the Commission and I – an idea about how many investors you're talking about and what – what their nature are? Are these individuals or are they large corporate entities?

MR WEBSTER: I can give you some examples, Commissioners, of that. So just going back perhaps seven or eight years ago, Sheikh Al Thani, who is a member of the Royal Family of Qatar, as an example, based – does a lot of breeding in the UK. Was looking for a farm here in Australia and I know – had a look at the Hunter Valley as an example, and thought that the – I think did a helicopter flight across the
15 top – that the mining certainly did put him off and he decided not to invest in a farm at all.
20

MR BEASLEY: What was – when you say, “invest in a farm”, was he – was he proposing to set up a breeding business, or was it simply for him to have brood mares
25 on and or racehorses on?

MR WEBSTER: Yes. Look, to have a farm that, you know, I was not aware of his full plans, but certainly looking at options to secure a property for the business of breeding and standing stallions. So it would have been a larger-scale investment. I
30 mean, examples of the – the two – the two farms most affected by this are classic examples of international investors that came into the Hunter Valley before these mines – you know, before the mining problems became such a big issue. So an example would be Coolmore is an investment that has come out of Ireland and Godolphin is out of the – the Middle East. And they're classic examples of other big
35 investors we're trying to secure, so Sheikh Al Thani from Qatar is one.

Mr Zhang from China, I've been to his farm – his farms in a place called Shaanxi in northern China, and I'm the first one to bring him out to this country as an investor, and he has purchased – he's one of the biggest buyers of horses here in Australia
40 now. And in the end, he secured a property down in Victoria. In fact, he's purchased two properties in Victoria after seeing what was happening in the Hunter Valley, and he now stands a number of stallions and brood mares based on two properties in Victoria. Another example would be Mr B. Wayne Hughes, who is a billionaire from North America, Spendthrift Farm. When they were looking at
45 making an investment here in Australia, they considered the Hunter Valley and ruled it out and one of the major reasons was the mining, and we secured them a farm –

Yallambee Farm in Victoria, which is called Spendthrift Australia now, where they stand a number of stallions and brood mares.

5 So there are three billionaires off the top of my head that I can tell you, in the last eight years or so, that have made major investment decisions and were certainly deterred from investing in the Hunter Valley and have gone to either Victoria or made a decision not to invest at all.

10 MR BEASLEY: All right. And it's been – in your understanding has been it's – is that it's the risks they perceive from the – from coal mining, that have been at least part of their decision-making to not invest in the Hunter?

15 MR WEBSTER: Exactly. It's – part of it is what's already there. The other part is the uncertainty around planning – the planning risk and the fact that there are proponents like Maxwell or Anglo American before them that, you know, they're told that their proposal doesn't stack up and they're told no and you know, a year later or two years later there's another proposal and it just keeps coming and coming and the government are not putting in place any measures to, in my view, properly manage the sharing of this space between various competing sectors. And yes, there
20 may well be a place for mining in that region, but in such hot – proximity to major farms, where – such as Coolmore and Godolphin, that poses risks. If such big farms can be affected in that manner, it deters others from making a major investment in that – in that area.

25 MR BEASLEY: All right. Thank you for that. Does anyone - - -

PROF O'KANE: No, that's fine.

30 MR BEASLEY: No.

MR HANN: No.

MR BEASLEY: Thank you for your time, Mr Webster.

35 MR WEBSTER: Yes. You're most welcome. Thank you.

MR BEASLEY: I think the next speaker we have is Aaron Moon. Mr Moon?

40 MR A. MOON: Hello, how are you? Can you hear me?

PROF O'KANE: Yes.

MR BEASLEY: Yes, we can. Please go ahead, sir.

45 MR MOON: Good afternoon. Thank you for the opportunity to speak to you this afternoon. As I said, my name's Aaron Moon. I'm an educator in the Upper Hunter and I've been an educator in the Upper Hunter for 12 years and I have also lived in

Denman for 12 years. I'm currently a member of the Spur Hill Community Consultative Committee and I've chosen to speak to you today as I've had a lot of people from Denman, as they've known me on the Community Consultative Committee, speak to me over the years just regarding the importance of this mine
5 going ahead for future prosperity of the Upper Hunter and for the families. They're really concerned, if it doesn't go ahead, what's going to happen, you know, in the local area.

10 Families are aware of the importance that mining plays in the local community and they too, are concerned about the environment. But I believe and they believe that an underground mine lessens the impact on neighbouring towns and that the limit of dust that, you know, can be put upon towns and homes, which is important. Renewable energy is important and that's becoming more and more of a focus in Australia and the world, and it's great comfort to know that 75 per cent of the coal
15 used here is for the production of steel. So this too ensures a longevity of jobs in our region. Very, very important that Malabar Coal is a great supporter of our local community. They've really developed strong relationships with the community, from nursing homes, sporting clubs, major events within our community in the Upper Hunter and also schools, and I'm sure this is going to continue to thrive when
20 the mine goes ahead – or if and when the mine goes ahead.

So that's it for me. I'm just excited for the town of Denman and the local region if this mine does get approval because it's going to create hundreds of jobs for the local community and also have wages and all of that spent into the local economy, which
25 is really important for small country towns in the Upper Hunter that are struggling. We're still on level 2 water restrictions, unlike Sydney and Newcastle, so we are still struggling up here. So a new mine that's – that's conscious of the needs of the community is really important to us. Thank you for your time.

30 MR BEASLEY: Thank you, Mr Moon.

PROF O'KANE: I've got a question.

35 MR BEASLEY: Sorry. Mr Moon, can we – is Mr Moon still there? The Chair's got a question. Yes, there he is.

PROF O'KANE: Thank – thank you for staying back and thank you for your presentation. You're on the Community Consultative Committee, the Spur Hill one. You must know something about the members of the community that work for the
40 studs, as well. Do you have a sense that this mine is dividing the community, or it's – or what is going on? It's a little bit hard from outside to work out what are the - - -

MR MOON:

45 PROF O'KANE: We've heard a lot of people very for the mine. We've heard people against. But there's a strong sense that having this mine go ahead would be –

would endanger an important industry, in the form of the horse breeding industry, particularly the thoroughbred industry.

5 MR MOON: As you know and would appreciate, mines are very divisive in – in
any community, but with – with the people that I've spoken to as part of the
Community Consultative Committee, many are for the mine going ahead. Many –
like in towns of Denman. Just in terms, I think they believe that it lessens the – the
environmental sort of problems because it's underground. So there's less to be seen,
10 there's less dust that's affecting it and I know the dust is such a big problem with
horse industries and with local communities in home. So to minimise that, I think,
you know, that's the unsightly part of mines around, especially in the Upper Hunter,
is the dust that comes out of them. So the underground component of it – yes, there
are risks, but in terms of the risks to the community with the environment, it does
lessen that.

15 PROF O'KANE: Are you – thank you. And are you hearing about the construction
phase as being of particular concern?

20 MR MOON: No, I haven't heard any – to be honest, the only – the only people that
have spoken to me as part of my role as Community Consultative Committee person
is that they want this mine to go ahead because they're worried about the future of
jobs in the – in the Upper Hunter. That is the biggest thing that they're worried
about; the mines contracting and this – this is another advantage for the Upper
Hunter with – with jobs and security.

25 PROF O'KANE: Thank you.

MR MOON: Thank you.

30 MR BEASLEY: I think our next speaker is Rob Parish.

MR R. PARISH: Yes. Good afternoon, Commissioners.

35 MR BEASLEY: Please go ahead.

MR PARISH: My name is Robert Parish. I would like to thank you for taking the
time to hear me speak today. Firstly, I'd like to acknowledge the traditional owners
of the land which we are talking about today; the Wonnarua people, and pay my
respects to the Elders past, present and emerging. I'm a point mechanic by trade.
40 I've been in the mining industry for 16 years. I've lived in the Hunter Valley all my
life; the first half in the Lower Hunter, the last half in the Upper Hunter. As a child,
I grew up alongside the family dairy farm. In 2004/2005, I lived and worked on a
farm at Woodland Stud, when owned by the Inghams. I am now – currently reside
with my wife and two kids on the Hunter River in Denman, just going on five years
45 now, where we produce prime lucerne and meadow hay, as well as fatten cattle.

Both myself, along with my wife, have been raised with a strong farming background and have been horsemen since childhood, both training and competing in performance horse and cow horse events from early ages. My first – my first dealings with Malabar Coal – sorry. During this time of knowing Malabar Coal, we
5 have had two separate dealings. Firstly, leasing water. We are a young family starting out on our own. It's been tight with finances and struggling to get off on our feet. Our first dealings with Malabar was regarding leasing water. Malabar offered the option to lease Hunter River water from their Hunter River general security licence, which I believe is water left over from their attached surrounding properties
10 of the mine site owned by Malabar Coal.

This was a saving grace to our small operation in Denman, helping us get on our feet and enabling us to move forward with the farm. This provided financial security through the drought for my wife and I being able to continue in producing – in
15 production – continuing production. Through this lease water, we were able to keep providing prime lucerne and meadow hay to our clients. On average, we leased 150 megalitres over our existing licence. Without this leased water, our profit margins would have been somewhat different. For example, the drought for my family would have been impossible to get through without Malabar's Hunter Valley river water.
20 We were able to top up our water needs.

The Malabar Underground Project has stated that they're, through the duration of the mine life, they will not be pumping from the Hunter River for the operation of mining. This enables the leasing properties from Malabar, the vineyard, also farmers
25 such as ourselves, to continue being provided with this service. This has kept our business afloat during the drought times, as leased water was a rare commodity to come by. Our second dealings with Malabar in this – in the – in this regarding to cattle. My wife and I have been involved in a two year grazing trial period that had taken part on site at Malabar rehabilitation country. We are very proud to have been
30 involved in the trial on Malabar rehab country. We have found it to be a productive, viable venture producing significant weight gains in both heifers and steers. During this time, we have been through a range of conditions; both wet and mainly dry times, and have found that the rehab has held up in all conditions, producing results.

The livestock purchased for the Malabar trial have also been quality-bred cattle. The rehab country has not only sustained livestock, but it has also produced high yielding grass fed weight gains. We started the trial with 50 steers in November 2018. They were all Angus cross Charolais. These arrived onsite at an average of 260 kilos live weight, being in forward store condition. We sold those steers in August 2020.
35 They averaged 625 kilos live weight. In November 2019, we placed seven Angus cross Charolais heifers in a store condition on a new fenced area on site in the East Tip One Tree Hill paddock. This paddock is both improved rehab, along with dry land – some dry land country. On arrival to site, they had an average weight of 250 kilos live weight uncurfewed. With these heifers, we had some maximum results
40 during their stay.
45

Weather conditions were more favourable, with a body of good water coming onsite towards the end of their stay. The heifers were sold in the following September through Dillon and Sons at Singleton saleyards. The Malabar trial heifers topped the sale that day, bringing \$3.60 a kilo, with an average weight being 555 kilos per head
5 after a 24 hour curfew. They were a well-finished prime animal with both my wife and I are proud of and the good judges of the big buyers on the day must have agreed, as they – as well, because they paid a high price for the day for the category of that cattle on the day. The first 70 per cent of the grazing trial period time
10 conducted onsite in a record-breaking drought and bushfires, the remaining of the 30 per cent of the time was with rain relief. The weight gains and with the quality of feed provided, that even the harshest of conditions, the feed still produced weight gains whilst also holding up to extreme heat and dry conditions.

We had found that Malabar rehab country, being an improved pasture, cattle have thrived, grown and gained weight, producing these high-yielding results. The rehab country has by far exceeded our expectations during our time with Maxwell – Malabar, we are – we are continued to be amazed by the dedication and
15 determination to strive towards excellence. They are proactive group – they are a proactive group striving to create a positive platform for both the mine and the
20 community to work together. My wife and I are looking forward to continue to grow and expand our relationship for many years to come.

MR BEASLEY: Mr Parish, can I just ask you, when you said you were leasing water from Malabar, did that mean – they're selling part of their water entitlement to
25 you, for you to use on your farm. Is that right?

MR PARISH: Yes, yes. For that financial year. That's correct.

MR BEASLEY: All right. And where's your farm again, in relation to the
30 proposed mine?

MR PARISH: I couldn't tell you exactly, but I'm guessing it would be about 15 kilometres upstream.

MR BEASLEY: Right, okay. All right. Thank you.

PROF O'KANE: No, that's clear.

MR BEASLEY: Thank you very much for your presentation.
40

MR PARISH: Thank you.

MR BEASLEY: And I think we now have Craig Bates.

MR C. BATES: Hello. My name is Craig Bates, four gen – fourth generation coal
45 miner in Muswellbrook. Just to let you know, I'm speaking just on behalf of myself, after the last PAC that I was involved in. So I just wanted to get that clear. Firstly,

I'd like to think all the workers in the mining and energy sector who have made this possible. Without them, we'd be living in the dark. I see Malabar Coal being a win-win situation for Australia, in for around, you know, \$1 to \$1.2 billion in revenue over the next 26 years. What we get from the horse studs around here is nothing.

5 We never get even sponsors to their races, up till a little while ago. All you get from racing is either broke or divorced or both. How come sports except for horseracing was called off with the COVID?

10 But for the town of Muswellbrook and surrounding areas, there will be an extra 350 permanent – permanent jobs, around \$55 million in wages, which will be good to see after the damages caused by the Drayton closure. What does the town get from horse studs? Nothing. The only ones who work out there are backpackers, to do the work. Since taking over the former Drayton Coal site, there has been actively – Malabar has been actively supporting local schools, numerous sporting clubs, as well as
15 programs for the aged care. Getting back to sporting clubs, my daughter's netball team have been sponsored from the age of 13 to 15 till closure – with – from Drayton Coal. I wrote numerous letters and emails for sponsorships. Only two replied, and their comments were they don't support anything unless it's to do with horseracing. By the way, they won Division 3 and also the following year, runners-up in Division
20 2 in Sydney, with no help from the horse studs at all.

In the last PAC, I spoke for Drayton. I was not allowed to comment about things brought up, about what was said by the horse studs. All bets are off now, after myself and 500 mates all got laid off, after me being there for 33 years. One
25 argument that was raised by one Aboriginal group, which was not even the local group, was said that their ancestors had been murdered on the land and this was not true, as they forgot to mention that Mount Arthur had made a \$5 million payment for this – that happened on their land. Another person said he worked at Darleymoore, that he had worked his whole life. Anybody that lives around here knows that it's
30 either Darley or Coolmore. So he couldn't even get the name right.

Another spoke about local people to do their work and I spoke earlier, they use the backpackers. One of my favourites was a report and photos of the rehab. The photos shown were of Mount Arthur, not of Drayton. In the break, I spoke to the person and
35 asked why the photos were incorrect. He said none of the PAC would even know and just laughed. Another story was Coolmore did not even know that there was a mine out there. When they brought the land off Arrowfield, the original vineyard – see, my family are fourth – fifth generation born and bred. I've actually got a map that was given to one of my family members, showing that – all of the mining leases
40 in that area prior to them even buying it in 1977. Showing all the mining leases, and if you wanted a copy, I could give you it and there's not one horse stud in sight.

I even drove out to see Bob Hawke's jet getting bogged on the airstrip when they built Coolmore, when it opened. Locals couldn't believe what was said at the first –
45 at the PACs, so please check your facts that you're given by the horse studs. My twins have just finished their HSC exams. Alexander has secured a scholarship from one of the major mining towns – like, mining companies in the town. This is

something that all the mining companies do around here. We don't get anything like that from the horse studs. The – previously, the old PAC was knocked back on the possibility of visual impact for the horse studs. Malabar has gone above and beyond this, so it's not an issue, being an underground. No visual impact at all, as they will
5 be unseen, using the old infrastructure. There will be no noise, no lighting or no dust.

They have done some amazing rehab and even going ahead will be able to utilise better picture in the long term. With their solar farm also, this will lessen their
10 impact, using the power from their own solar farm. Seventy-five per cent of Malabar's coal will be coking coal for steelmaking. This is another good point why the mine should go ahead. I would like the PAC committee to look at a small video, if you can get five minutes. It is called "Farm Transparency Project". It will be an interesting video for you to watch about the horse studs. Lastly, I would like to
15 thank you for listening to my speech and if you have any questions, please do not hesitate. Thank you very much.

MR BEASLEY: Thank you, Mr Bates.

20 PROF O'KANE: And I think we would like a copy of that map, if you were able to send it - - -

MR BATES: Yep.

25 PROF O'KANE: - - - please. And thank you for the presentation.

MR BATES: Yep. Sorry, I've only just got out of bed probably half an hour ago. Night shift.

30 MR BEASLEY: All right. Thank you. Next speaker is Jocelyn McGarity from Environmental Justice Australia.

MS J. MCGARITY: Yes. Good afternoon, Commissioners. Thanks for providing me with the opportunity to speak on behalf of Environmental Justice Australia at this
35 hearing. A little bit about EJA; we're a not for profit, public interest legal practice. We're independent of government and corporate funding and our legal team combines technical expertise and a practical understanding of the legal system to protect our environment. We act as advisors and legal representatives to community-based environment groups, regional and state environmental organisations and larger
40 environmental NGOs, and sometimes we represent them in court as needed. We were asked to make a submission today by a number of concerned community groups. I'm a lawyer at EJA and I'm based in Newcastle, so I'd like to pay my respects to Elders past, present and emerging and acknowledge that I'm speaking to you from unceded Awabakal land.

45

EJA opposes the project and the main points we wish to raise, which will be reflected in our written submissions which we will provide to the Committee are firstly, based

on the cumulative impact of the project on air quality in the Upper Hunter region; and secondly, on the impact that the cumulative air pollution will have on human health and the communities who live in the Upper Hunter. Regarding greenhouse gas emissions, our submission doesn't go to those but we support those objectives who have raised their concerns about the greenhouse gas assessment undertaken by the applicant and the assessment's downplaying of the impact of scope 3 emissions.

In relation to the cumulative impact of the project on air quality, we raise the following concerns. We acknowledge that the project is a bord and pillar underground, and so it therefore differs to previous iterations of a mine at this location and other open-cut mines in the area. But it's our submission that it will still create an unfair burden of air pollutants on the community. The cumulative impact on air quality that the approval of an additional mine in the Upper Hunter will have is a significant concern and that's because there's an existing and extensive burden of air pollutants in the Upper Hunter already and a new project which has a life of 26 years, will, due to the additional particulate matter generated by the project, contribute to an increase in the burden of air pollution.

We note that the Department, in its assessment report, has concluded that the applicant's air quality assessment indicates that the project itself would contribute:

A very minor amount of additional PM10, contributing to a negligible amount to the cumulative 24 hour particulate matter levels.

But we actually dispute this and submit that the data that has been used by the applicant to assess air quality impacts is inherently flawed and unreliable and it's our submission that it's unreliable because it predominantly relies on data from industry-owned and operated air monitoring sites, as opposed to National Environmental Protection ambient air quality measure, or NEPM AAQ-compliant air monitoring stations. And because the data used – and our other reason that we find that it's unreliable is because the data used is outdated and conditions in the Upper Hunter Valley have changed since the applicant undertook its air quality assessment.

Turning to that first point, there's only one NEPM AAQ-compliant monitoring station in the vicinity of the project. It's the Muswellbrook air monitoring station, and the applicant used data from 16 air monitoring sites. One of those was the Muswellbrook station. The fact that the Muswellbrook station is a NEPM AAQ-compliant station means that it's required to capture additional pollutants that industry-operated monitoring sites do not. So the fact that the applicant has predominantly relied on industry-operated sites means that their air quality analysis only looks at a fraction of air pollutants in the project area, not the full suite of pollutants, particularly PM2.5, which is only adequately monitored at the NEPM AAQ monitoring station.

MR BEASLEY: Can I ask you a question?

MS MCGARITY: To - - -

MR BEASLEY: Can I ask you a question, Ms McGarity?

MS MCGARITY: Yes. Yeah, sure.

5 MR BEASLEY: Do – tell me if I’m understanding the thrust of your concern
regarding air quality and particulate matter. Is it partly this, that – I know you say
that the air quality assessment may be unreliable, but is part of your argument this,
that even assuming that this particular project might have a smaller contribution to
10 particulate matter than, say, an open-cut mine, your point is that in an area where
there’s already several days per year at least where there’s exceedances in the EPA’s
criteria for particulate matter and in an area where, to use your words, there’s an
unfair burden of particulate matter, any increase in particulate matter is unwarranted
and should result in this project being refused?

15 MS MCGARITY: Yes. That’s – I do have other arguments to make, too. But that’s
- - -

MR BEASLEY: Yes. But that’s one.

20 MS MCGARITY: Yes, that is – that is one of them.

MR BEASLEY: Okay.

25 MS MCGARITY: But currently the Upper Hunter community is experiencing an
unfair burden of air particulates and any increase to that burden on society, you
know, will have consequences not only for the environment but more importantly, on
human health and I think a number of objections raised - - -

30 MR BEASLEY: And does it follow your view would be that if – if there’s going to
be a change in particulate matter in the Hunter, it should be going downwards, not in
the other direction, even if it’s a small amount?

MS MCGARITY: Correct. Correct.

35 MR BEASLEY: Yes, okay. Sorry, I interrupted you. Go ahead.

MS MCGARITY: That’s okay. And just turning to the second point, about the
outdatedness of the data that’s being used. The applicant’s air quality assessment
only looks at data from 2013 till December 2017 and so there’s a lack of data from
40 January 2018 to the present, which is a significant deficit, really, in that air quality
monitoring data, given that a number of major projects have been approved in the
Hunter and Upper region since January 2017. And there’s also been a significant
number of PM10 and PM2.5 exceedances since January 2017, which is not reflected
in the applicant’s data. In relation to project approvals since January 2017 to present,
45 there’s been two state-significant development mine projects and 20 mine
modification projects that have been approved in Singleton and Muswellbrook
LGAs.

And that really signals a change to and an expansion of extractive operations in the Hunter region. The cumulative air quality impacts of the expansion of industry in the Upper Hunter since January 2017 has not been considered by the applicant in its assessment of ambient air quality and we submit that the data used by the applicants
5 therefore, unreliable and not representative of the current air pollution burden from mining in the area. And turning to the exceedances of the NEPM AAQ limits, from January 2018 to the 31st of October 2020 – so basically till the present – based on 24 hour averages, there’s – there was a total of 85 monthly exceedances of PM10 and a total of 37 monthly exceedances of PM2.5 recorded at the Muswellbrook NEPM-
10 compliant monitoring station. And this means, basically, that for the 24 hour average where an exceedance was recorded, PM10 exceeded the NEPM air quality limit of 50 micrometres and the PM2.5 NEPM limit of 25 micrometres.

And this data really isn’t captured in the applicant’s air quality assessment. Whilst
15 it’s not NEPM AAQ compliant, in comparison, the Jerrys Plains monitor data – which is the closest deep eye monitor to the project area – from the 31st of January 2018 to the 31st of October this year, again on 24 hour averages, there was a total of 80 monthly exceedances of PM10. And it’s also been reported that as of June this year, there have been 250 air quality alerts in the Upper Hunter and last year there
20 were over 1000 alerts issued for the region. Now in relation to the alerts, obviously that operates on an hourly basis and we accept that a portion of the exceedances of the NEPM criteria were under drought and bushfire conditions and they’re classified by the Department as being exceptional conditions.

But considering that these types of background conditions will become more
25 frequent during the life of the project, we submit that they will be less exceptional and increasingly common, meaning they really need to be adequately factored into the air quality assessment by the applicant. Of course, just this morning, the release of the CSIRO and BOM’s state of the climate reports has indicated that we’re
30 entering a new era of sustained extreme weather events and dangerous bushfires and heatwaves and drought, courtesy of rising temperatures, will mean that the cumulative burden of air pollutants in the Hunter Valley trends upwards and it will increase.

So when those conditions coincide with an existing air pollution burden in the Hunter
35 Valley, we’ll continue to see exceedances of the NEPM limits and – and that as well is acknowledged by the Department in its own assessment, where it concludes that cumulative regional air quality level over the proposed project life will continue to experience – and it says “occasional days” where PM10 levels exceed the NEPM
40 limit. I would say that the number of exceedances of PM10 last year, being over 85, is probably not occasional. In relation to human health, I won’t labour this point. I think some very qualified people have spoken to you on this, including Dr Vickers on behalf of Doctors for the Environment Australia this morning.

But I do briefly want to raise the following: there’s really no safe threshold for
45 exposure to air pollution and health impacts have been studied and reported at concentrations well below the current NEPM standards. There’s no threshold for

low – which particle pollution does not contribute to cardiovascular and respiratory ailments, and short-term exposure to elevated concentrations of PM10 trigger health responses that can lead to hospital admissions. So every 10 micrometre per metre cubed increase in PM10 concentrations, even at levels below the national standards, causes a 1 per cent increase in hospital admissions for respiratory disease. And in reality, for towns like Singleton and Muswellbrook, that actually turns out to be a burden of \$47 million in health-related impacts.

And in Singleton – sorry, \$47 million in the town of Singleton and \$18.3 million per year in the town of Muswellbrook. So I think that really, in a sense, quantifies the health impacts that this overburden of air pollutants in the Hunter Valley communities can have. I note the time. Do you mind if I just speak through some of the proposed conditions, should the mine be approved, that EJA would recommend should be imposed on it?

MR BEASLEY: How much further – how long do you think it'll take you to take us through those?

MS MCGARITY: No more than one to two minutes.

MR BEASLEY: Okay, go ahead.

MS MCGARITY: Yes. So noting that EJA opposes the mine - - -

MR BEASLEY: Yes.

MS MCGARITY: - - - if it is approved, we propose, you know, amendments to some of the recommended conditions that have been made by the Department - - -

MR BEASLEY: Yes.

MS MCGARITY: - - - as well as some additional conditions. Firstly, it's noted that the proposal, in its first two to three years of operations, coal will be hauled 24/7 from the mine entry by, you know, 40-ton capacity trucks to the Maxwell infrastructure area. That road is proposed to be unsealed for the first 12 months, with plans to progressive sealing over the first year of mining operations. It's our submission that the access road be required to be sealed as a priority, and before first workings, construction works and mining operations commence, so as to reduce particle pollution from dust and we think that that needs to be made a priority before any sort of soil is turned.

The proposal also provides that the conveyor to transport the coal is only – it will be constructed in the fourth year of mine operations and it's our submission that the conveyor should be constructed before mining operations commence, so as to reduce, again, particle pollution from truck movements but also emissions from vehicles. We recommend that comprehensive air quality monitoring and assessment be undertaken in the Upper Hunter to adequately assess the project's contribution to

cumulative emissions and, you know, given the – what we say are the existing limitations and unreliability of the applicant’s air quality assessment.

We also recommend that stricter air quality criteria than that proposed in
5 recommended condition E16 apply to the project, particularly noting that the NEPM
AAQ contains a goal for particles as PM2.5 by 2025. We think that the conditions of
consent should be in line with a goal which, you know, will occur within the first,
you know, five years of life of the project. We submit that recommended condition
10 B19 should include conditions requiring that the real time air quality monitoring data
collected by the applicant be published in real time on a publicly accessible website
and that will obviously improve transparency for the community around air quality
monitoring undertaken by industry.

And again, in terms of transparency of air quality monitoring, we also submit that
15 recommended condition D5 be expanded to require the applicant to publish notifiable
exceedances on a publicly accessible website on a monthly basis, to ensure the
broader community has access to air quality exceedances for the project. At the
moment, that condition limits notification to the CCC and impacted neighbours or
property owners of the mine. They are EJA’s submissions on the project and as I
20 said, we’ll submit a written submission to the Commission.

MR BEASLEY: Thank you.

PROF O’KANE: I just want to say a particular thank you for commenting on
25 conditions. We do ask that people do that, even if they’re opposed, and it’s – you’re
one of the few who have done it, so a particular thank you.

MS MCGARITY: No worries. Thanks for the opportunity to speak today.

30 MR BEASLEY: All right. I think - - -

PROF O’KANE: We’ve got Mr Sprott and Mr Young.

MR BEASLEY: We may have officers from the Department again; Mr Young and
35 Mr Sprott.

MR M. SPROTT: Hello there, Mr Beasley. Can you hear us?

MR BEASLEY: I can hear you, Mr Sprott, and I can see Mr Young.
40

MR M. YOUNG: Yes. Can you hear me - - -

PROF O’KANE: Yes, we can.

45 MR BEASLEY: Yes, we can. You’re a little bit soft there, Mr Young, but we can
- - -

MR YOUNG: Is that – is that better?

MR BEASLEY: That's better, thank you.

5 MR YOUNG: Great.

MR BEASLEY: Can I ask you some questions first, that what – what the – the questions I have relate to some of the matters that the objectors have raised. I'm going to paraphrase their concerns and in part, these questions shouldn't be taken as
10 being comprehensive of the objector's concerns, not least for the reason that they appear to be going to send in to the Commission some what appears to be detailed expert reports that haven't been received yet. But one of the questions I had relates to the main issue that was – that was raised by the last speaker. I don't know whether you heard Ms McGarity, either of you, but the main thrust of her concern
15 was cumulative air quality impacts and I think this has been raised by a number of the objectors and first of all, I'll deal with just particulate matter.

I think the concern is that there doesn't seem to be an acceptance necessarily that the – the air quality assessment in the EIS is reliable, but let's assume that it is. I think
20 the concern still is that even if the project has a fairly small contribution to particulate matter, say compared to other mines in the area or what would come from an open-cut mine, that this area already has days where there's exceedances in the EPA's criteria for particulate matter. It already has – bears a large burden of particulate matter in the Hunter region. That has an impact on human health.
25 Human health is obviously right at the pointy end of public interest. There just shouldn't be another approval of a project that increases to any degree particulate matter and that has any impact on air quality in the area. I think that's the thrust of the concerns, so I'm just wondering what the Department's response is to that.

30 MR YOUNG: Sure, Mr Beasley. I'll kick off and then I might hand over to Matt on some specifics of the actual detailed impact assessment. I guess from a strategic level, the Department is of course undertaking assessment for a particular project, you know, within the requirements of the Environmental Planning and Assessment Act, and we rely on, I guess, the advice of the Environment Protection Authority and
35 the relevant standards that are adopted in the approved methods, which are broadly based on the NEPM – National Environment Protection Measures, but may not be completely identical. So that's the basis upon our assessment. The assessment also includes, in undertaking that assessment, and Matthew can talk to the specifics of the incremental impact of the project – which as you rightly point out, compared to an
40 open-cut is relatively minor.

But the nature and extent of those – those impacts, you know, we – we – we – the assessment includes background levels, so that the – it is not just an incremental assessment, but also a cumulative assessment. The other thing I'd say is that the –
45 the air quality in those regions absolutely is a fundamental concern and the human health aspects of that. But it's important to recognise that these levels – the NEPM levels and the EPA levels – are not necessarily hard and fast criteria, above which,

you know – that the air quality should never exceed. They are ambient air quality goals that the – are recommended through the NEPM process and adopted by the EPA in New South Wales and as indicated in that presentation – the previous presentation, there are a range of factors that can cause exceedances of those levels, and I would note that those levels are routinely exceeded not just in the Singleton and Muswellbrook area, but indeed in other parts of New South Wales and particularly in metropolitan areas around the Greater Sydney area.

They are obviously of concern and the government has a whole range of measure to limit and manage air quality generally, to protect the broader public health of residents of New South Wales, be they in Singleton or be they in Sydney. So from a strategic point of view, I guess the key points there are that we take it seriously, we adopt the relevant approaches recommended by the EPA. They do take into account background levels and maybe I'll hand over to Matt, in terms of the specific numbers as they relate to our assessment.

MR BEASLEY: All right.

MR SPROTT: Certainly.

MR BEASLEY: Just – just before you begin, Mr Sprott, one of the things I think the Commission might like you to address, based on the submissions, is really this point: that the people that are opposed to this, that have spoken to the Commission over the last – over Wednesday and today, who have raised air quality issues and this cumulative effect, I think their point is – and I'm putting this in non-scientific terms, but – is that we, in the Hunter, are already at saturation point for particulate matter, if not beyond that point. And so, there's no justification to approve another project that adds to that – the level of particulate matter that we already have. That's the thrust of it, so in the course of answering, I think the Commissioners would be grateful if you address that as well.

MR SPROTT: Certainly, Mr Beasley. I think it's as Mike has just articulated, one of the important things to remember is that the NEPM measures are advisory standards. They are enforced in New South Wales through the adoption of the approved methods, which has been endorsed by the EPA. Now the New South Wales Government has – is acutely aware of the importance of air quality to – to health and wellbeing and has actually in recent years revised the standards that we apply when considering proposals, to bring down the cumulative PM10 criteria to align with contemporary advice from the NEPM process and to introduce additional PM2.5 standards for the consideration of major developments.

When it actually comes to the consideration of this project, the – there's been a number of comments around exceedances in the Upper Hunter and particularly in the townships of Muswellbrook and Singleton. Now one of the aspects of this is that the townships themselves have a lot higher particulate matter than many of the other areas, particularly the more rural areas in the valley, and that has been look at in detail. The New South Wales Government commissioned an Upper Hunter fine

particle characterisation study, which looked at this in a lot of detail and it's not just solely the impacts of the mining industry in the valley that is contributing to these matters. The single largest dominant characteristic in winter at those monitors is wood smoke from heaters, and additional other matters include various aspects such as industry which can travel quite a distance from power generation.

That said, we are not in any way not recognising that the dust is – is an aspect that can be and is generated by mining operations, but in this particular circumstances, you have a mining operation that has been designed to have very low air quality – incremental air quality impacts. The project is not predicted to result in any increase in the number of days where cumulative PM10 levels exceed the relevant standards at any privately-owned receiver, and the project would only contribute a small amount to the overall impacts in the airshed. With respect to the impacts, most of the impacts associated with the project, while also still minor, are really associated more – more closely in line to the northern processing plant.

Obviously there is still rehabilitation and earthworks occurring in that area to rehabilitate that site and there is a process against the CHPP. But the project is not expected to exceed the standards or cause any additional exceedances, I should say, to the standards in that area as a result of this project proceeding.

MR YOUNG: And just finally, Matt, because I'm just conscious of time, but it's fair to say, isn't it, that once that haul road is sealed – and obviously it would be managed with water trucks and so forth before it's sealed – and then with the progressive rehabilitation on the Drayton site, which would occur as part of the project, you might be in a situation where over time the emissions from the project would even be less than they would be at the beginning of the process.

MR SPROTT: That would be correct. They are – they are relatively minor contributions in both circumstances. The haul road would be commenced in its sealing from the commencement of the project, and would be expected to be completed in its sealing well before the end of the first year of operations. So in the interim, Malabar has proposed to undertake watering of that road, in accordance with best practice standards for unsealed haul roads, to manage and mitigate any air quality impacts associated with that feature.

MR BEASLEY: All right. Still with air quality, but shifting from humans to horses. There – there – some of the objectors had some experts whose the – and again, I'm going to be paraphrasing, but the thrust of their evidence to the Commissioners was horses have exquisitely sensitive lungs – exquisitely sensitive to particulate matter and that even the small contribution, or accepting that it's a small contribution from this proposed project could have an impact on horses. I'm just wondering, we – we – there's – there's nothing in the material from the Department that indicates that the Department of Industry or any of the vets within it, or the Office of Racing has expressed any view on that concern about horse welfare. Were they consulted at all?

MR SPROTT: So Mr Beasley, yes, they were. In the Department's response to the IPC of the 5th of November, you will find that there is an attached piece of correspondence from the New South Wales Department of Primary Industries.

5 MR BEASLEY: Yes.

MR SPROTT: So the Department sought specific advice from the Department of Primary Industries, Biosecurity and Food Safety - - -

10 MR BEASLEY: Right.

MR SPROTT: - - - Animal Welfare and the Animal Biosecurity units.

MR BEASLEY: Yes.

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MR SPROTT: And the New South Wales Department of Primary Industries has confirmed that it supports the Department's conclusions in relation to the overall impacts of the project.

20 MR BEASLEY: Yes.

MR SPROTT: Specifically, their Animal Welfare units have advised that the impacts of the magnitude proposed would not be expected to result in any concerns over the welfare of the horses residing at the studs.

25

MR BEASLEY: Okay.

MR SPROTT: If – if I may, just on that - - -

30 MR BEASLEY: Yes. Yes, please. Go ahead.

MR SPROTT: I – I appreciate and I acknowledge that I don't profess to be an expert in thoroughbred breeding or horse health.

35 MR BEASLEY: No, no.

MR SPROTT: And I – I note that there's been many people who have presented to the Commission on this – on this matter.

40 MR BEASLEY: But you're telling us – you're telling us about what experts have informed you though, correct?

MR SPROTT: Yes. Yes. So – so the Department of Primary Industries has informed us, but we have also heard, including from the ATBA's equine expert, Mr Stephenson, around the fact that this project would only contribute a minor amount of air quality at the studs. Now I'm not disregarding comments regarding the

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differences between horses and humans, and I appreciate that this is an important matter.

MR BEASLEY: Yes.

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MR SPROTT: But for context, the maximum incremental air quality impact at the studs on a single modelled day would be 0.4 micrograms of PM10, which is 1/125 of the human health standards.

10 MR BEASLEY: Right.

MR SPROTT: So what we're talking about here is exceptionally low levels of incremental dust.

15 MR BEASLEY: Yes.

MR SPROTT: The levels are actually on a cumulative basis, which has also been raised. The annual average levels average at 0.0 micrograms per cubic metre of dust. So this is the basis behind the fact that the Department and the Department of
20 Primary Industries have advised the fact that it's not that there is a dispute about the importance of the difference between human health and horse health. It's the magnitude of the proposed impacts that would be expected to ensure that there is no impact on the welfare of horses at these studs.

25 MR BEASLEY: All right. Thank you. Just two more questions. Look, there's – there's been quite a few economic issues raised and I certainly won't be going through them all, but there's just two I wanted to explore that have come up through the objector's submissions. One – one related to the reliability of the claim that 75
30 per cent of the resource will be coking coal. Now I've assumed that there's been a lot of exploratory drilling that backs up that claim. Is that – would that understanding be correct?

MR SPROTT: So – so the – the main issue regarding the – the understanding of the differences in the coal, I think, stems from the fact that the previous open-cut coal
35 mining proposals were seeking to target a shallow coal measure.

MR BEASLEY: Yes.

40 MR SPROTT: So it's a series of coal known as the Greta coal measures, which are often found at the existing Drayton mine and in the shallower areas of the subject site. The current proposal, being an underground proposal by its nature, has gone deeper - - -

45 MR BEASLEY: Yes.

MR SPROTT: - - - and so it is actually targeting a different series of coal measures known as the Whittingham coal measures, and these are a higher value coal resource.

The Government's mining exploration and geoscience experts in the Department of Regional New South Wales have reviewed the applicant's assessment of the – the coal resources within the site and have verified the size and quantity of coal that could be recovered by the project and they – their advice to the Department is that
5 the extraction of this coal would represent an economic and effective use of that resource and would, in fact, ensure an appropriate turn to the New South Wales Government by way of royalties, as assessed in the economic assessment.

10 MR BEASLEY: But specifically in relation to 75 per cent coking coal, as against 25 per cent thermal coal, that is the advice as well?

MR SPROTT: Yes, Mr Beasley. That's my understanding. I will just pull that up on the side here and confirm that and come back to you on that in one moment.

15 MR BEASLEY: All right. Yes, you can take that on notice. I think the other sort of global point made by some of the objectors, or concern they've raised – which I think they say is part of the public interest – is this: a number of them said look, coal is on the way out. Somewhere between 10 to 30 years, this will end of up being a stranded asset and the Hunter's going to be left with the sudden decline and end of its
20 coal mining industry and it won't have time to adjust its economy away from coal and that's going to cause a massive problem. And I think the argument is that's an issue of the public interest that the Commission's got a – got a concern. Does the Department have a response to that?

25 MR YOUNG: So Mr Beasley, I'll respond to that in the first instance. The first – I'd also just go back to the drilling issue. Given the nature and history of the site, with the Drayton – several previous proposals for Drayton South and indeed, even before that, and the work undertaken by Malabar etcetera. This is probably one of the most well-investigated sites from a drilling perspective, in order to confirm the
30 nature of the resource and the type of coal that are in those coal measures. There's also a broad understanding of those coal measures from throughout, you know, the history of drilling and mining in – in other mines and other locations around the valley, so whether or not it's – ends up being 75 or 70 or 72, I mean, I guess that will depend, you know, on, you know, the development of the project. But we've - - -

35 MR BEASLEY: Look, I think my – my question was that the level of confidence about it being 75/25, I assume must have been based on a lot of exploratory drilling and knowledge about the seams?

40 MR YOUNG: That's correct.

MR BEASLEY: Yes.

45 MR YOUNG: That's correct.

MR BEASLEY: Right.

MR YOUNG: More broadly on coal, I suppose. Look, the New South Wales Government clearly sees a future for coal. It's enunciated that in the Future of Coal Statement in the last couple of months, where it's indicated that whilst the economy will be transitioning away from fossil fuels over time, that there still is a role for the
5 extraction and development of coal mines and for coal within the New South Wales and broadly, in the global economy. Clearly – clearly if there weren't, you know, these coal mining proposals wouldn't be proposed nor developed. That being said, clearly the New South Wales Government also has an intention to maximise the development of renewable resources and there has been a range of statements
10 recently about renewable energy zones around New South Wales as well.

So however, clearly there is a future for coal and this particular resource and extensions to existing coal mines are part of that future, noting that whilst there is a future, it is of a limited duration. However, there's nothing to suggest – or the
15 indication that we have through the economic assessments and indeed the investment that clearly the proponent will need to make in developing this mine, is that there is still a strong demand globally for semisoft coking coal and for thermal coal in a range of nations around the world that Australia does business with. So we have no indications that – and I guess ultimately, if – if the mine is – proceeds and there's a
20 change in the circumstances in terms of the global market for coal, clearly there would be an obligation – or there would be an economic incentive, you know.

The mine may shut and it would have to be rehabilitated in accordance with the requirements and as the Commission would be aware, the Government holds
25 rehabilitation bonds to ensure those rehabilitation obligations are met, so that mining companies are not able to just walk away from sites without undertaking and addressing those liabilities.

MR BEASLEY: All right. Do you have questions?
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PROF O'KANE: I know John does.

MR BEASLEY: I think some of the Commissioners have questions.

MR HANN: Yes. Mr Young, Mr Sprott. Look, we've heard some concerns around
35 the realignment of Edderton Road and the importance of that road and therefore the impacts on any disruption that may cause. The question is, prior to what's planned, timing-wise, with the Yarra Field seam being mined and therefore the greater predicted level of substance around 4.3 metres, which is around 2032. But prior to
40 that, there is some substantial subsidence of around two metres predicted. How – how are you satisfied that this can be monitored 24/7 that's safe and practical, such that the realignment will be delayed until 2032?

MR YOUNG: So I'll kick off on that and then Matt can talk about the details, but
45 the first thing I'd say, it's not unusual for coal mining – underground coal mines to mine beneath major pieces of infrastructure, be they transmission lines or be they roads or indeed, buildings and so forth. So there is experience both across New

South Wales but in the Hunter Valley as well, of successful underground longwall mining occurring beneath roads, without any incident from a safety or a usability point of view. So Charlton Road, down near Broke, for example, is – is one example in the region. The other thing to say is that the obligations will be – need to be
5 detailed – or provided further details in a management plan, that we would – would need to be submitted and prepared in consultation with council and ultimately approved before that mining would be able to occur beneath Edderton Road.

The other thing to say is that the obligation or the commitment made by the
10 company, which would have to be documented and detailed and also monitored and enforced, would be to have 24 hour monitoring. That can be done, as I understand it, electronically or remotely, as opposed to requiring people to be on site 24 hours a day, monitoring the impacts on the road. However, my understanding of the commitment is that there would be people available 24/7 to address or repair any
15 impacts on the road, should that be detected through the – the electronic monitoring system. But Matt may have some more detail on that.

MR SPROTT: Yes. Certainly, Mike. As Mike has indicated, Malabar has committed to a 24/7 monitoring program, with a repair crew standing by.
20 Importantly, traffic flows would be maintained at all times along the road. What they are looking to do is leave sections of the road open and available to traffic and repair the other sections of road and then move across, as you would expect of normal civil works on a roadway. The speed restrictions that would apply due to the repair work are expected to result in delayed travel times up to three minutes during
25 the repairs. So we're not talking about substantial roadblocks that are delaying traffic for long periods of time. They are short term or short duration delays, as traffic slows to go around those works.

The other aspect that is important is the overall travel time associated with the
30 realignment itself. So what Malabar are seeking to do is build the entire realigned section of Edderton Road off grid, offline, so that the existing Edderton Road continues to operate, until such time as that road is ready to be connected, and then connect the new section of road before the existing road is decommissioned. The overall increase in travel time associated with realigning that section of road further
35 to the west would be about 66 seconds, when you actually look at the road being put in and the nature of the travel along that road. So from a connectivity perspective, we have been very mindful that Edderton Road is a critical thoroughfare for the equine industry, particularly with respect to the equine hospital and – so we have looked at that in quite a lot of detail, to make sure that those cumulative impacts on
40 travel time and management of delays is appropriate.

MR HANN: Okay. Thank you.

PROF O'KANE: So have you got anything else? Okay. Mr Young, Mr Sprott, a
45 few comments and questions from me. One of the big issues that was raised, particularly by the Hunter Thoroughbred Breeders Association and by the studs, is their concern about the impact on water for the operations of the two stud farms

opposite the proposed mine and their concerns that this will have a deleterious effect and will in due course, you know, drive the studs away. Would you be able to comment on whether there is any truth in that? Should they be concerned or can you – are there ways to allay their fears?

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MR YOUNG: I'll let you respond to that, Matt.

MR SPROTT: Certainly there, Mike. So Commissioners, I know that there's been a lot of uncertainty expressed by – by submitters and presenters to you. Both of the surface and groundwater assessments that were prepared for this project have been prepared by experts in their – in their fields and have applied conservative methodologies regarding the consideration of the site – the site-specific geology, as well as other data coming from other mines within the Hunter Valley, and particularly when it's bringing in subsidence effects, have – have considered the impacts of multi-seam operations in that. The – the concerns that have been expressed relate to the impacts on the studs themselves.

The project's impacts on groundwater are largely confined to the deeper Permian groundwater sources, which in this area typically are highly saline and are generally unsuitable for use in irrigation and stock watering. There are very few water bores in the – in those seams in this area. Most of the water supplies come from other aquifers or extracted from the Hunter River. The impacts of the project on the actual studs themselves, and for that matter, on all privately owned bores in the Jerrys Plains area, are predicted to comply with the level 1 minimum impact criteria under the New South Wales Government's Aquifer Interference Policy. So from that perspective, the Department does not consider that there is a likelihood of impacts of the magnitude that – that have been expressed occurring.

I do note that there has been concerns expressed around the fact that many of the models have looked at average flows and what – what could happen in a dry year, and just to, I suppose, allay those fears, the predicted reduction in contributions to base flows to the Hunter River would be less than – sorry, would be less than 0.55 megalitres of water a year. When you're considering even the low flows quoted of seven megalitres a day, this is a relatively small amount of water that we are talking about, when it comes to relationships to Hunter River flows and restrictions of that level are not expected to be sustained over an entire year.

Now we've consulted with the State Government's surface and groundwater experts in the water group of the Department, and they've confirmed their satisfaction with both the modelling of the project, as well as the ability of the project to appropriately licence and account for its take throughout the entire project life. So in that regard, we're confident that the project has been appropriately modelled, has been subject to appropriate sensitivity assessment and is fit for purpose for considering this application.

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PROF O'KANE: Thank you. Just on the sensitivity aspect of it, has that included looking at droughts of the type we just finished, or even slightly worse?

MR SPROTT: With regards to the sensitivity analysis, Professor O’Kane, it has looked at variable climate scenarios. The – I am not personally aware of the exact main chute of the current drought relative to what has been modelled. But if you just provide me one moment there - - -

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PROF O’KANE: Or you can take it on notice to come back if that would be easier.

MR SPROTT: That might be easier, Professor O’Kane. I’ll just be one moment and come back to you.

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PROF O’KANE: All right, or later is fine. Can I – is it okay if I go on to the next question, or do you want to look that up first? Okay.

MR SPROTT: No, no, that’s fine.

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PROF O’KANE: Good. Another thing raised with us was the highly sensitive nature of horse hearing and that the thoroughbred is inclined to bolt, to put it in layperson’s terms, and that blasting could have – particularly through construction phase – could have a deleterious effect on the horses, maybe causing them to do themselves considerable damage. How do you rate that as an issue, and you know, can you tell us anything about what the Department did when it was considering the matter?

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MR SPROTT: Certainly there. So we – as we’ve previously identified, we have sought to consider the impacts that could – could occur at the studs, particularly – and I note that the – that thoroughbred breeders have provided a quite comprehensive assessment of the – the nature of horses and their responses to unexpected stimuli. What we have sought to do is identify what the relative difference is between this project and those other projects that are operating in the area? Now I believe that Dr McLean, who has explained sort of the evolutionary responses and likelihood of – of horses reacting to loud impacts, has identified and noted that the existing operations in the area, such as Mount Arthur and Hunter Valley Operations, have not been, in his experience, seen to cause negative behaviour and issues at the horse studs and likewise, I - - -

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MR BEASLEY: He said he wasn’t aware. He wasn’t aware.

MR SPROTT: He wasn’t aware, yes.

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MR BEASLEY: Yes.

MR SPROTT: And likewise, I think that this has been a matter that has been raised a number of times, is that there hasn’t been, I suppose, an indication to us that has been provided that the existing operations are causing deleterious impacts as they currently stand and I understand that the main reason for this that’s been put forward has been the – due to the distance separating those operations from the current studs. What we have sought to do and again, this is in the additional information we’ve

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provided to the Commission on the 5th of November – is to just outline the relative difference between those existing operations and the proposal before you at the moment.

5 The proposed blasting that will be undertaken for this project is primarily related to construction activities and the scale of this blasting is substantially different to the scale you would see for a large open-cut mine, such as what has occurred at Mount Arthur South. So this – this blasting would occur unlike previous open-cut proposals on this site. This blasting would occur at least four and a-half kilometres from the
10 nearest stud boundary and because of the smaller nature of these blasts it would not be expected to permeate impacts at the studs that would be any worse than the vibration and overpressure levels that would be associated with these other existing mining operations in the region.

15 MR YOUNG: Matt – Matt, do you have a comparison of the MICs or the - - -

MR SPROTT: Yes. Certainly. So that would be – Commissioners, I’m not sure if you have it, but you can turn to your notes later. We’ve provided a comparison in our letter to you of the 5th of November.

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MR BEASLEY: Yes, I’ve got it. We’ve got it in front of us.

MR SPROTT: Yes.

25 MR BEASLEY: Yes.

MR SPROTT: So existing blasts at operations such as Mount Arthur include up to 2000 kilograms of explosive material being used at any given point and these – these blasts naturally will result in – in much larger blast impacts being permeated through
30 to the studs. The - - -

MR BEASLEY: Is the blasting – is the proposed blasting is – is for the entrance to the proposed mine, correct?

35 MR SPROTT: Yes. So the current blasting is proposed for the entrance of the mine, some of the – because the mining company has situated the mine entry area within a natural depression, to try and shield it, they’ve – also will need some blasting of the ridgelines around that area to get the haul road through and construct the transport corridor.

40

MR BEASLEY: Yes.

MR SPROTT: And then there will also be some blasting undertaken as part of rehabilitation at the existing – or the former Drayton mine, the Maxwell
45 Infrastructure site.

MR BEASLEY: Yes.

MR SPROTT: And that's primarily associated with shaping of the final high walls for safety and shaping reasons at that site. But those blasts would only occur up to a maximum size of 500 kilograms, so it's at least a quarter of the size of the blasts that you would be seeing at a typical – at a large open-cut site. And when that is
5 extrapolated out over the distance that it's being set back, the vibration impacts at the studs would be 0.5 millimetres per second at the closest stud boundary, which is, as I said, quite small, in relation to both the previous proposals for this site, as well as other existing operations in the area.

10 MR BEASLEY: Well you say it's below the overpressure and vibration levels that are being caused by the existing operations at the boundaries of the two studs, correct?

MR SPROTT: So – so yes. We are informed on that. So in seeking to respond to
15 the Commission's request for a specific look at these issues and our assessment of these matters, we did seek further information from Malabar to – to provide us with an update on their blasting assessments, specifically addressing matters that we'd requested, which was the amount the maximum impact at the closest stud boundary.

20 MR BEASLEY: Yes.

MR SPROTT: They had previously looked at the closest area where they would be compliant with ANZECC guidelines, which was a lot closer and hadn't therefore
25 done this further study. But they've identified that these guidelines would – the existing – for instance, the existing Mount Arthur site would be around about one and a-half times the blasting for the mine entry area and the Hunter Valley Operations North would be substantially above that, based on the assessment that has been undertaken by Wilkinson Murray and attached to our correspondence of the 5th of November.

30 PROF O'KANE: Thank you. Next question, you presumably heard Ms McGarity from Environmental Justice Australia made comments on how conditions might be amended. Would you like to comment on whether that's an appropriate suggestion to take up or you know, do you have other views?

35 MR YOUNG: Thank you, Professor O'Kane. Look I think some of those suggestions potentially sounded reasonable, but maybe just for recollection - - -

40 MR BEASLEY: One – one was having the roads sealed - - -

PROF O'KANE: Sealed.

MR BEASLEY: - - - from the beginning.

45 MR YOUNG: Yes.

PROF O'KANE: One was having the conveyor built before the mine started. Just
- - -

MR SPROTT: If I could there, Commissioner.

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PROF O'KANE: Yes.

MR SPROTT: Just on those two matters, I think I'll just quickly address them.

10 PROF O'KANE: Thank you.

MR SPROTT: So I can understand the premise for those two requested
amendments. I do – obviously, the Commission would need to look at the wording.
I believe that - - -

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PROF O'KANE: Sure.

MR SPROTT: - - - the recommendation was that the road be sealed prior to
construction.

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PROF O'KANE: Yes.

MR SPROTT: And so it would need to be sealed as a matter of construction, so I'm
– semantics on wording, but if that's - - -

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PROF O'KANE: No, it's important.

MR SPROTT: - - - the – if that's the approach, I think that the main – the main
impact there would be – as I understood, it related to coal haulage on the road, as
opposed to necessarily preventing, for instance, the mine entry area, which would be
somewhat detached from the road, from being constructed. So should the
Commission choose to look at those options, I would suggest that construction
should be able to commence to actually build the facilities – it may be that you're
talking around the point in time whereby coal is able to be transported on the road,
rather than preventing construction from occurring. The other aspect there being that
– and I believe that I've mentioned this in the Department's letter of the 5th of
November – is that the period of time where that road is unsealed is – is quite a short
period of time.

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35

40 The company has proposed to put in place mitigation measures and the – the
incremental air quality impacts of the project as a whole are quite small, and given
the location of that road, being between the two primary sites - - -

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MR BEASLEY: You say it's got to be sealed within 12 months of commencing
first workings. Is that – that's what's in your letter?

MR SPROTT: Yes.

MR BEASLEY: Yes.

MR SPROTT: Yes, that's in my letter. Yes. Thank you, Mr Beasley. That is correct. So I think that it would need to be a consideration of what the additional
5 benefit in air quality impact would be for the delay in commencing the project, because it would cause a substantial delay in being able to transport coal, but – that would be my comment on that matter, it - - -

PROF O'KANE: Thank you. Then the sort of global question: you yourself – you
10 both noted that there were quite a few technical specialists presenting on behalf of the Thoroughbred Breeders Association and others we heard today. Was there anything in their comments that would cause you to change any aspects of the assessment, and if so, tell us about that. And again, this might be one you need to take on notice, but we're interested if there was anything you picked up you wanted
15 to comment on. So there's a whole range of issues. There was subsidence, there was soil, there was economics, as we've talked about. There was water, surface and groundwater issues. There was Indigenous heritage and Indigenous ethnography and anthropology issues. I've possibly forgotten – and of course, startle and the impact on the horse. So just wondering if there was anything, and this is the opportunity to
20 comment if you'd – if it would help.

MR YOUNG: So I guess the question is – I mean, I'll kick off and – and as – I also, Professor, again, want to circle back to some of your other questions because I've got
25 some information on that in the interim.

PROF O'KANE: That would be great.

MR YOUNG: But I mean, I think what we said in our presentation is that, you know, we've been assessing this project for, you know, a considerable period of
30 time. We've – we've carefully considered the issues being raised in submissions. I guess, you know, the – our broad reflection on the last couple of days and the submissions that we've received are that they build on or mirror those issues that were raised earlier on in the process and we've sought to address those matters through the process including, as you suggest, relevant and expert advice. So Matt,
35 is there anything in particular that's been raised in the last couple of days that may be either new or different to what we've considered through the assessment?

MR SPROTT: So I wouldn't necessarily classify the issues that have been raised as – as new or different issues to the issues that have been raised in submissions. There
40 has been some clarification of previously raised concerns, but we're – we're comfortable that those issues that have been raised have been appropriately assessed in our assessment report. I suppose most of the – or a number of the comments that have been made have been in relation to the actual assessments that have been undertaken and the faith in those assessments that have been undertaken to inform
45 the EIS for the project and subsequently the Department's consideration and recommendations. So for instance, there was comment about the calibration and baselines for the water model and those calibrations have been done to more

accurately reflect the current conditions that are occurring at the Maxwell Infrastructure site following the closure of the Drayton mine.

5 But what is important is that the models that have been used, the site water balance model in particular, is based on almost 130 years of local climate data across over 100 model scenarios, with different dry and wet climatic periods factored in. So some of these matters, while they may not be apparent at – at first glance, have actually been factored into these studies. I – I note that there was concern regarding some of the geomorphic assessment that has been undertaken and I would note that 10 the independent expert scientific committee actually commented on the fact that the – that the assessment that’s been undertaken was deemed to be excellent. So I think where I’d like to - - -

15 MR BEASLEY: Just – just on that climactic modelling, I think one of the – and if you need to take this on notice, please do so. But I think one of the concerns raised was look, what happened – you said 130 years, I think – I’m summarising the concern here, but it’s – I think it was along the lines of what happened 130 years ago with the – with the climate or the weather and what happened 100 years ago isn’t really relevant. It’s – we’ve now got a – the last 20 years have been drier than what 20 they were back in 1974 or 1956 and it’s going to be drier in the future and there was a concern that the modelling hadn’t factored that in.

25 MR YOUNG: So Mr Beasley, yes, I think you’re right. It’s important both to look backwards and forwards when you’re looking at these kind of impact assessments and I can confirm that the groundwater assessment not only looked at the historical baseline data and the sensitivity around that, including multiple drought periods, but also looked at the New South Wales Government climate change projects - - -

30 MR BEASLEY: Right. Okay.

MR YOUNG: - - - and that – and so those scenarios were built into the groundwater model as well.

35 MR BEASLEY: All right. Thank you.

40 MR SPOTT: And I would just – Mr Beasley, I will just mirror Mr Young’s comments there. For instance, there was comments made regarding the – the likely impacts of final voids in a post-mining recovery period and the likelihood of those voids overtopping is the term that we would use. So the – those voids have a – have 45 a nine and 11 metre overflow level – nine metres for the east void and 11 for the south void – and as Mike Young has just identified, the – the predictive climate scenarios were used to look at adjusting current climate data to look at annual rainfall increasing over the future, corresponding with changes in evapotranspiration rates and temperature and even under the worst-case climate scenario predicted, these levels only changed by 0.5 metres. So there has been sensitivity analysis undertaken with regards to these factors and the overall impacts of the project.

MR BEASLEY: All right. Thank you.

PROF O'KANE: And Mr Young, you were going to comment a bit more on - - -

5 MR YOUNG: I just – just going – one comment was in regard to the climate
change scenarios, which I've just responded to. The second thing I'd like to respond
to is the 75 per cent semisoft coking coal comment. If we refer – sorry. If we refer
to page 11 of the DRG submission, I can quote – quote from the submission. It
indicates that:

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*A review of the coal quality data suggests the proposed product quality target
export split and yield are achievable.*

15 So that's based on the DRG – or now the – the MEG – Mining Exploration and
Geoscience submission on the EIS, confirming the – the breakdown of the resource
for the benefit of the Commission. I guess the only other thing to touch on that did
come up, I understand, in the – the hearings was in regard to the use of semisoft
coking coal in steelmaking.

20 MR BEASLEY: Yes.

MR YOUNG: And look, obviously we're happy to provide detailed information
about that but in the interests of efficiency, my understanding is that – for example,
in Japan, that the – the steel mills there use approximately 50/50 split of hard coking
25 and semisoft coking coal and there's likely to be a strong continued market for that.
So the suggestion that this semisoft coking coal is either not used for steelmaking or
would be used for thermal coal electricity generation, I don't think is supported by
the facts. Nor is it supported by the market, which – where a premium is actually
paid for that semisoft coking coal, approximately 20 to 30 per cent higher than
30 thermal coal, because it is used for that purpose – for steelmaking. So I just thought
that would be important to clarify for the benefit of the Commission.

PROF O'KANE: Thank you. And you have a question, John.

35 MR HANN: Yes. Mr Young, Mr Sprott, look we heard earlier in the day from
Lock the Gate Alliance and in particular in relation to greenhouse gas emissions and
they put up a slide that compared the various scope emissions against under mines. I
just noted that it was around 9 million tons for scope 1 for the proposal before us,
whereas compared say to the Vickery mine, it was significantly less, say 3 million
40 tons. I'm just wondering if you'd like to comment on that.

MR YOUNG: Matt, did you have any information on that at this stage?

45 MR SPROTT: I'm afraid, Commissioner, it is – it is challenging to respond to that
without the information to look at in front of me.

PROF O'KANE: Thank you.

MR SPROTT: But I suppose one thing that I would just mention is that those comparisons were relating to a number of different mines, including open-cut mines, as well as underground mines, if I recall correctly. And the equipment breakdown and fleet requirements of those mines, as well as the – the way that the operation
5 would proceed and therefore, the greenhouse gas emissions that would be generated can be vastly different, particularly between open-cut and underground mines but also between underground mines in different parts of the state, where you have quite large variability in things such as gas content within the coal. So these factors are – have been factored into the greenhouse gas assessment and I suppose as you've
10 heard, the importance of a site-specific assessment is paramount and we have looked to assess the greenhouse gas emissions of this project based off the best available information for that site. But anything further than that, I would have to take on notice.

15 MR YOUNG: I think the key point is there that obviously different mines, different equipment and particularly different resources do result in different emissions; particularly different coal measures, so it is difficult to compare mines in different parts of New South Wales with each other because of those and particularly because of those geological differences.

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MR HANN: Okay. Thank you.

PROF O'KANE: And another question from me: in talking about employment and employment projections, various people objecting to the proposal claimed that mines
25 tend to get started and work for a period and then close and either go into care and maintenance or never – and never restart or sometimes restart. Is that true? Is there an extraordinary number of mines that are – that got approval, worked for a short period of time and closed, and that the employment projections at the time of approval were ultimately wrong? Or is that more the exception than the rule?

30

MR YOUNG: Look Professor O'Kane, I would – I would argue that's the exception rather than the rule. There are a number of mines around New South Wales that are in care and maintenance, but I think if you looked at the vast majority of mines and the fact that very few, in fact, have even closed in New South Wales, indicates that in
35 most circumstances, you know, these mines have lived up to their potential. So for example, particularly in the Hunter Valley, you know, these coal mines have been in operation for many years and in most situations – as we're doing in this particular application, where we're dealing with extensions. So that these mines, rather than going into care and maintenance, tend to be continuing and expanding.

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Clearly there are some exceptions, such as the Dartbrook mine, although that is now seeking to recommence operations. There's the Russell Vale mine that's been on care and maintenance, but again also, that's seeking to go into operations. So I would argue – I don't have percentages before me, but I would argue that the vast
45 majority, they go through this planning process and raise capital for the investment. There needs to be a fairly good argument to go through those processes, or prospectivity of developing an economic project. So our experience is certainly very

few end up going into care and maintenance and not delivering on the benefits that flagged during the assessment process.

PROF O'KANE: Thank you.

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MR SPROTT: I would also just add to that, Professor O'Kane, the – the EIS for the Malabar – or for the Maxwell Underground project has identified that the operational staff would be up to 350 staff. So it is typical of a mine of this nature to have a period where, as they are establishing the mine, they have a period of ramp-up and then they reach maximum production, which in this case is being sought at 8 million tonnes per annum, before periodically moving down towards closure in their production rates. So the average tonnage, I think, for this mine – yes, the average tonnage for this mine is 5.7 million tonnes per year, when it's averaged over the life of the project. So there is a natural change in staff over time, but it isn't a static start and finish. It graduates over that period of time.

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PROF O'KANE: All right. Thank you. Thank you both. Can I just check with my colleagues there's nothing else for you.

20 MR HANN: No.

MR BEASLEY: No.

PROF O'KANE: Nothing else from you.

25

MR HANN: Thanks very much.

PROF O'KANE: If not, we'll say thank you to you and we'll conclude the day. So I'll just make a short statement in conclusion. So colleagues, this brings us to the end of this electronic public hearing into the Maxwell Underground Coal Mine Project. Thank you to everyone who has participated in this important process. John Hann and I have appreciated your input. Just a reminder that it's not too late to have your say on this application. Simply click onto the Have Your Say portal on the website of the Independent Planning Commission or send us a submission via email or post. The deadline for written comments is 5.00 pm next Friday, the 20th of November 2020. In the interests of openness and transparency, we'll be making a full transcript of this public hearing available on our website in the next few days.

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At the time of determination, the Commission will publish its statement of reasons for decision, which will outline how the panel took the community's view into consideration as part of its decision-making process. Finally, a quick thank you to my fellow Commissioner John Hann; to our counsel assisting, Richard Beasley, and to the staff of the Office of the Independent Planning Commission and for all those who helped us from other organisations for running this meeting so smoothly. And thank you for watching, for those who have been with us through some or all of the two days of the hearing, and have a good weekend. Goodbye.

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[3.49 pm]