



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: MOUNT PLEASANT OPTIMISATION PROJECT (SSD-10418)

MUSWELLBROOK SHIRE COUNCIL MEETING

COMMISSION PANEL: PROFESSOR ALICE CLARK (Chair)
 PROFESSOR CHRIS FELL AO
 TERRY BAILEY

OFFICE OF THE IPC: BRAD JAMES
 PHOEBE JARVIS

MUSWELLBROOK
SHIRE COUNCIL CR STEVEN REYNOLDS
 FIONA PLESMAN
 DEREK FINNIGAN
 SHARON POPE
 THERESA FOLPP
 KELLIE SCHOLES

LOCATION: VIA VIDEO CONFERENCE

DATE: 2.00PM, THURSDAY, 16 JUNE 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

PROF. CLARK: Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land from which we virtually meet today and pay my respects to Elders past, present and emerging. Welcome to the meeting today to discuss the Mount Pleasant Optimisation Project, SSD-10418, which is currently before the Commission for determination.

My name is Professor Alice Clark. I'm the Chair of the Commission Panel. I'm joined today by my fellow Commissioners, Professor Chris Bell and Terry Bailey. We're also joined by Brad James and Phoebe Jarvis from the Office of the
10 Independent Planning Commission.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be made available on the Commission's website. I request that all Members here today introduce themselves before speaking for the first time, please, and for all Members to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript.

We note that Muswellbrook Shire Council raised a number of concerns in its
20 submission to the Department during exhibition. This meeting is for the Panel to hear the Council's views on the project, including whether the Department's assessment report and recommended conditions have addressed any of these concerns or if they are any residual concerns which you would like to raise today.

We'll now begin, and I'd like to hand over to..(not transcribable 02.09.02)..Fiona, will you be chairing on your side there?

MS PLESMAN: Yes, I'm happy to chair.

30 PROF. CLARK: Thank you. It's difficult to see everybody's faces and read any nonverbal cues as to who wants to speak, so that would be great. I'll hand over to you now, and let's begin.

MS PLESMAN: My name is Fiona Plesman. I'm the General Manager of Muswellbrook Shire Council, and also joining us - - -

MS SCHOLLES: Ms name is Kelly Scholes. I'm the Manager of Roads, Drainage and Technical Services here at Muswellbrook Shire Council.

40 MS FOLPP: Hi. My name is Theresa Folpp, and I'm the Development Compliance Officer.

MR REYNOLDS: My name is Steve Reynolds, and I'm the Mayor of Muswellbrook Shire Council.

MS POPE: My name is Sharon Pope, and I'm the Director of the Environment and Planning at Muswellbrook Shire Council.

PROF. CLARK: Thank you. Would you like to proceed now with your submission.

10 MS PLESMAN: Yes. We'll proceed with our submission, and a number of us here in this room that have already been introduced will present certain aspects of our submission. Would you like to start, Mr Mayor?

MR REYNOLDS: Yes. Steve Reynolds, Mayor, Muswellbrook Shire Council. Just in relation to the Independent Planning Commission regarding the Mount Pleasant Optimisation SSD10418, Council doesn't object to the proposal that is before us. We do have concerns relating to some things that haven't been addressed, and at a State level that need to be addressed cumulatively, but also in relation to this project directly, but overall, Council doesn't object to the optimisation of Mount Pleasant.

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MS PLESMAN: Thank you. I'll now ask Sharon Pope to provide an overview of our submission.

MS POPE: This is Sharon speaking. Staff have compiled some notes after having looked at the Department's response to all of the submissions and the proponent's response to submissions and their draft conditions. We've actually probably worked from the perspective of where things have been addressed to our satisfaction now, we won't really be commenting on those things – we will just comment on the things we feel still need to be addressed.

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One of the main issues we raised in our submission to this mine, and we raise in most of our submissions to other mines and their mods, is that the process is very difficult for the proponent to consider cumulatively, particularly to try and assess what might happen in the future if additional mining activities or other activities are approved in the Shire close to their site. And so we often tend to break our submissions into matters that we think are cumulative assessment requirements that it is better that the Department of Planning and the determining authority are addressing, and then there are things that might be mine-specific.

40 Overall, we do feel that there is a need for the Department of Planning to update a couple of documents, and that would include the Upper Hunter Cumulative Impact

Study and Action Strategy that's dated 1997. We feel this update would help give determining authorities an overall guiding principle to work to for things like air pollution, water take from the aquifer and river, impacts on local communities, and things like the housing – the impact of housing on local communities and those sorts of things.

Our next main comment, however, relates to traffic and transport for this particular project, and Kelly will probably go through some of these things.

10 MS SCHOLLES: Thank you, Sharon, and thank you for the opportunity to speak on the matter of roads today. I'm speaking in regard to Council's concerns for impact to our local road network, and specifically we've acknowledged the conditions that have been placed in front of us, and generally accept that they are satisfactory. However, there's three residual concerns that I would like to specifically raise and ask for you to consider.

The first relates to the protection of public infrastructure, condition A27, and in terms of the mining limits to Upper and - up to the boundaries of public roads doesn't seem to be addressed, and we would like to suggest that an additional condition be placed in
20 that section to ensure the protection of our public infrastructure and for that condition to read something like, "Mining is limited to a distance of not less than 200 metres to any public road boundary."

The second residual concern that we have is that identified on the plans for the mining lease area are a number of public roads which would need to be closed to conduct the mining activity, and we would like to see an additional condition which specifically addresses that matter, and that condition could read such as, "All public roads subject to closure be included in the consent to be legally closed and purchased prior to
30 mining."

The third comment I have about impacts to public roads relates to condition B95, which is mostly satisfactory; however, we would like to see an additional wording in there to say, "Undertake a road safety audit for the full length of Castlerock Road and the intersection of Dorset Road and Kayuga Road." And that's all that I have to say on that matter of impacts to roads.

PROF. CLARK: Thank you, Fiona. I do have one question about the distance, the 200-metre distance. What's specific about the 200-metre figure there, just for my
40 information?

MS SCHOLES: A precedent was set through the Mount Arthur Mine development consent which put a buffer between the road reserve and the mining activity. It's become apparent to us that there is a need for that due to recent incidents with an adjoining mine, where some faults in the high wall of the mine, which is within less than 200 metres of the road boundary, caused impacts to the roads, such as the road had to be closed for considerable months, causing public, you know, impact, which needed to be addressed by the mining company to ensure safety of the use of the road for the public.

10 PROF. CLARK: Thanks, Fiona. That's very useful information. Do you mind if we just quickly pan the Commissioners to see if there are any other questions at this stage before we move to the next one, please.

MS SCHOLES: Yes.

PROF. CLARK: So, Chris, do you have any questions now?

PROF. FELL: ..(not transcribable 02.18.08)..nothing.

20 PROF. CLARK: O.K. Terry?

MR BAILEY: Sorry, it was just to get the wording clarification on B95(A), I think.

MS SCHOLES: Yes. B95(B).

MR BAILEY: (B), sorry, yes – the full-length audit of Castlerock Road.

MS SCHOLES: Yes. So if we could have the safety audit – requirement for a road safety audit to include the full length of Castle Rock Road and the intersection of
30 Dorset Road and Kayuga Road.

PROF. CLARK: Thank you. I think the transcript will also pick up those details, so, yes, we've certainly got that recorded. All right. Thank you.

MS POPE: We can provide the IPC with a copy of the notice that we're working from today.

PROF. CLARK: Thank you. Yes, that would be gratefully received. All right. Back
40 to you, Fiona.

MS PLESMAN: So the next area of our submission is in relation to housing, and I'm handing over to Sharon Pope for her to speak to that.

PROF. CLARK: Thank you.

MS POPE: Council's submission raised impacts that we already experience in the Shire with housing. We tend to have high demand for rental accommodation, and this often displaces people in the community who are on lower incomes. One of the ways we see this being avoided is that the mines require staff to live within a certain
10 distance of the mine site, and as a result they are more likely to either be long-term renters or to purchase a dwelling, and this would send signals to the housing market to supply more housing in the area, where if people see that short-term rental and shorter periods of renting houses may not have an ongoing need for increased housing in the Shire – this is when we start to suffer housing problems.

We would like to see that there be a condition there requiring the proponent to ensure that at least 80 per cent of people employed by the mine for operational needs, directly by map or by their contractors, reside within 80 kilometres of the mine, and that evidence of this be provided in each of their annual reports.

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We don't consider that the cumulative impacts of this proposal plus other approved projects in the Shire, including a proposed bypass of Muswellbrook, the closure and rehabilitation of the Liddell Power Station site, updates at Mangoola, Mount Arthur, Bengalla, Dartbrook, and the new mine, Maxwell underground, we don't believe that the housing needs of the area are adequately assessed at the moment, and believe that the Department of Planning should put more effort into this.

Yes – that's probably a good summary of our concern. As I say, we can hand these notes to you at the end of today, and probably elaborate some things a little bit more.

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PROF. CLARK: Just by way of background – I'm not familiar with, I guess, the real estate in Muswellbrook – what is the current vacancy rate of houses there?

MS POPE: My understanding is the vacancy rate is less than 1 per cent.

SPEAKER: Yes, correct.

MS SCHOLLES: Thank you. Chris or Terry, any questions there?

40 PROF. FELL: No, I'm good, thanks.

PROF. CLARK: Chris – no? Terry? O.K. Thank you.

MS PLESMAN: I'll just speak to the next one. Now we'd just like to address social – the social impact. It's just a very brief comment, and it will be included in the written summary that we forward to you following this hearing. Really, it is that the communities in the Hunter have experienced rapid transitions associated with the expansion of the thermal coal mining industry, and in the next few decades, we face the prospects of the coal mining industry contracting. Indeed, today, BHP Mount Arthur announced that they would be closing their mine by 2030.

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An abrupt or an unplanned transition will have a resounding social and economic impact on this region, and indeed potentially the State, and we believe that the State Government needs to take a lead in planning for this transition.

PROF. CLARK: Thanks, Fiona. I don't have any questions to that one, and I don't think my Commissioners do – no? O.K. Yes, thank you.

MS PLESMAN: We'd like to move onto our visual impacts, and I'm going to hand over to Sharon Pope.

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MS POPE: This issue relates to the increase in the height of the emplacement area of the eastern and northern side of the mine. The current emplacement has created already a new landform, visible from large parts of the township of Muswellbrook. The proposed changes to the mine will see an increase in the height of that emplacement by as much as 40 metres, and the visual analysis with the EIS indicates that not only does that mean further areas of Muswellbrook and Aberdeen will now be looking at a new landform in the form of a new hill, but that increased height will block views, more distant views, to mountain ranges to the west and even in some places views back to Mount Arthur.

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So these impacts are permanent, and significantly change the outlook of the town. The proponent suggests that people will forget the view that they used to have over time and will accept their new view. I suppose we just feel that if this is permitted and it follows through that other modifications for other mines close to the township are allowed to treat visual impact in a similar way, that essentially the town will be looking at emplacements and not at any natural features, and this does have an impact on the sense of place.

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Part of the reason that the emplacement is so high is that they are proposing to retain quite a significant void on the site, rather than to backfill the void. This is currently a common practice in the Hunter Valley. The Department of Planning doesn't appear to

have a policy about long-term landscape features such as voids, and it is not an accepted practice in other parts of Australia and even overseas to have these voids retained. So we just feel this is a matter that the Commission should consider.

PROF. CLARK: Thank you. Yes. Practice – sorry, just keeping up with my notes there. Thank you. Thank you, Fiona.

MS PLESMAN: That was Sharon who spoke. That's O.K.

10 PROF. CLARK: Yes.

MS PLESMAN: Are you ready for us to continue?

PROF. CLARK: Yes, Fiona. That's what I meant by "Thank you, Fiona", but thank you, Sharon.

MS PLESMAN: Now, we would like to now comment on final voids.

PROF. CLARK: Yes.

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MS POPE: So it's Sharon again, and this comment follows on pretty directly from the visual one. The final void proposed here is three kilometres long, 600 to 700 metres wide, and 90 metres deep. In some locations, the slopes down to that void and within that void will be about 37 per cent, which creates quite an artificial looking landform, and in some instances, we're concerned it will be difficult to maintain and traverse; a little concerned about human safety, if someone was to enter the site and fall into the void, whether they would actually be able to get back out of the void in some places because of those slopes, and, you know, whether it would be a sustainable landform in the long run due to erosion, because of the steepness in some locations.

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Again, the reason that the void is these dimensions, and the slopes are these slopes, is because there's no intention to backfill the voids at closure or at cessation of mining. It will be another feature in the landscape on a permanent basis, and, again, it does not appear that the Department of Planning has a policy about voids in the landscape, the cumulative impact of having these voids in the landscape, and, you know, what future uses these voids could be put to when it is known that they will become more saline over time, and hence unlikely to be able to be used for recreation or any form of aquaculture.

40 PROF. CLARK: So, Sharon, I take your points about the void, all very valid and well made. The question that I have is that the consideration that we will be working

through here is the backfilling of it means that it's not a draining pit anymore, it now can have implications for groundwater. Do you have any comment around that flipside of the void discussion there?

MS POPE: It really is probably beyond the staff of Muswellbrook Council's capability to give you a good expert advice on that. We are aware that there are other people in the country, however, who would be able to give more commentary on voids, the impacts of backfilling them, what's happening as best practice in Australia and internationally. We could provide a name of a person in particular who's based in
10 Western Australia.

PROF. CLARK: Thanks, Sharon. Yes, I was, I guess, not asking for an expert opinion on groundwater, but more, you know, is the consideration of filling versus not filling, as you win and lose on both sides there, and what was your view on that.

MS POPE: Yes.

PROF. CLARK: I see Chris's hand is up as well, and I will just throw to Chris now.

20 PROF. FELL: Thank you, Chair. The existing mine has three voids. It's proposed that this one has one to replace the three, and I'm just interest in Council's response to the development. I know it's bigger, but better to have one than three.

MS POPE: I don't know if you recall in the initial submission council made, we actually made a point of how difficult it was to find out what the approved voids are for this site. It seemed to be something that was lacking in the EIS, that they didn't even indicate what the various void approvals were. So DA92/97 does show three voids, one very small, and two moderate-sized ones.

30 Mod 3 shows a single void. It's unclear whether that was because it was only showing the void that was being modified or that there would no longer be the other two voids. I've interpreted it as there would be a total of three voids, but one of those voids was being modified through the mod, and the other two were the same as DA92/97, so I just wanted to put that there, because it is very hard, and I think it would be hard for the public, to understand what the sequence of approvals are, and it was a point that was lacking in the EIS.

40 From what we can understand, the three voids that are approved are smaller and shallower, considerably shallower, and had more of – well, had more of a natural shape, because they were three voids, and you could look at them in a landscape and potentially think that they were more like a farm dam in size. This new void is quite

large, and is almost – it is more rectangular in shape. There is some shape to it because of the way they’ve designed the slopes to that void, but it does look quite rectangular, and not that natural.

PROF. CLARK: Thanks, Sharon.

PROF. FELL: Thank you.

PROF. CLARK: O.K. Thanks, Fiona.

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MS PLESMAN: The next area that council would like to comment on, and it’s in its submission, is air quality. Sharon.

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MS POPE: So, again, this issue is more about cumulative impact. This mine probably has the most stringent air quality conditions at the moment, and it is noted that they’re continued – or intended to continue to apply. However, there was a report completed in 2010, the New South Wales Health Report, which showed that “Muswellbrook residents reported high levels of cardiovascular and respiratory diseases, emergencies and deaths than the State average. Furthermore, the Upper Hunter’s postcode of 2333 is the worst air quality in the State according to reports published in 2018,” and I think again this year, and the report in particular is “The Dirty Truth: Australia’s Most Polluted Postcodes Based on Data from the National Pollutant Industry”.

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Coalmining-linked air pollution exceedances for PM10 and PM2.5 are known to impact on human health. Some of our concerns are that air quality is generally measured on a rolling average of 24 hours. We’re aware that for up to six months of the year, there’s a strong inversion in place over Muswellbrook, and as a result there are the night-time hours where the population may be being subjected to quite high levels of PM2.5, which is probably more concerning than the PM10, but because of the 24-hour averaging, it doesn’t appear that we’re being subjected to those levels of pollution.

So Council considers that the proponent should contribute funding towards updating that 2010 New South Wales Health Report. The State Government benefits considerably from mining activities in the Hunter. The 2010 report now is getting quite old. It is in the best interests of the community that that report to be updated to become a more contemporary document.

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We would also like there to be an independent, comprehensive, contemporary, cumulative air quality assessment for the Upper Hunter, and we understand that recently the EPA installed a ceilometer at Marywall(?), which helps to measure these

impacts of the inversion layers on trapping PM2.5 closer to the earth's surface, and we believe that there should be one here in Muswellbrook as well, and it would be preferred that the proponent contribute toward the cost of installing a ceilometer in Muswellbrook as well.

That, I think, covers all we wanted to say.

PROF. CLARK: Thank you. Again, very good points. I have something. Chris, please go ahead.

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PROF. FELL: Thank you, Chair. I'm just wondering what the prevailing wind is in winter and in summer. My understanding from the wind roses in the EIS, it's from the northwest in winter, and probably from the southeast in autumn and spring. Is that correct, or is the local wisdom different from that?

MS POPE: I'm not an expert. There would be a strong preference that breezes are coming and winds coming from the northwest to west in winter. We do get some really strong westerlies in August and September.

20 PROF. FELL: Yes.

MS POPE: In the summer months, we will get breezes coming up the valley from the southeast, but we also get breezes coming down from the north. It seems to be a relationship to Barrington Tops and the river valley, that it generates its own wind patterns or breezes or movement of air, and that sometimes those are pushing down the valley and can actually compete with ones coming from the coast in the summer months. But as not a wind expert, but it is quite a complicated local weather shed or air shed, and it seems to be cold air draining down from Barrington Tops that affects things locally.

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PROF. FELL: Is there a general community feeling that certain winds give the worst air pollution?

MS POPE: Well, certainly the winds in the autumn or late winter, the westerly winds, they, because of their strength, pick up a lot of dust, and would be blowing those over town. It's interesting, actually – it's probably the still nights that give us more concern, because that's when the inversion is trapping the PM2.5 closer in to the houses of Muswellbrook. So there has been some exploration as to the sources of PM2.5. It is, to some degree, wood smoke in winter. It's spontaneous combustion of coal occurring on the mine sites. It is the diesel machinery on mine sites, the railway, that runs through town with all the diesel trains taking coal to port. It's the trucks on

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the highway – again, diesel and particulate matter, and that there will be some agricultural sources as well.

But right in the town of Muswellbrook, because there's not a lot of intensive agriculture or farming ploughing of fields close into Muswellbrook, the main sources are those more industrial sources, the traffic and mining activity and the spontaneous combustion of coal.

PROF. FELL: Thank you. That was very helpful.

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PROF. CLARK: Thank you, Sharon. I have one more, I guess, question, and that's around the dust, is, has there been any consideration or thoughts around covered wagons on those trains in your thinking along this?

MS POPE: My understanding is that covered wagons have been discussed at State level in the past, and that there are concerns about cost for covered wagons. A lot of the coal is washed prior to being loaded into the wagons, which does wet the coal, and that the wagons are wet as they're leaving the site. Obviously once they leave the site, however, they aren't wet again until coal is unloaded at the port. But it's – I probably don't have detailed knowledge to know what the costs and benefits would be – I would hope the EPA may be able to answer that sort of question.

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PROF. CLARK: It was more around the amount of dust that you think is generated through that. Chris, did you have something to add there? No. O.K., sorry.

MR REYNOLDS: I'll just add that, I've come from the mining background, Ms Clark, and it is something that has been raised in the past, that the covering unit of a wagon would reduce it, especially leaving – coming through our Shire in Singleton, with the air quality here, and I'd reiterate that what Ms Pope said was correct, that it came down to a cost. It would provide a better outcome if they were covered.

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PROF. CLARK: Thank you, Mayor. Thank you, I didn't have anything else. Chris or Terry, anything else at this point?

PROF. FELL: Not on air quality, but I'd like to ask a question about noise, and simply to ask if in fact - - -

PROF. CLARK: Yes. Will somebody be interacting with noise, or – sorry, Chris. Go ahead, sorry.

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PROF. FELL: Principally about, are there times when the noise is more noticeable in Muswellbrook?

MS POPE: I'll just check with the panel. Who would like to respond to that?

MR REYNOLDS: Yes, specifically of a night-time, and on the still nights or the westerly winds, that you do hear more activity, mainly from the dozers and digger – operation of diggers, but the rattling of dozers, et cetera. Blasting, again, does create the noise, but it's mainly of those night-time hours, and when the wind is prevailing from that north, northwest direction, depending on the pit as well, because sometimes you can hear Mount Arthur when it's a southerly coming through on a still night, so, yes, the noise does cause concern.

PROF. FELL: Thank you.

MS POPE: And the trains.

MR REYNOLDS: The trains, yes.

MS POPE: I think the transport of the coal back to the port, that's a significant cause of noise at night-time.

MR REYNOLDS: Correct.

MS SCHOLES: And through the day, I might add too, depending on – if you're in the CBD of Muswellbrook, the noise during the day from the coal trains is quite loud.

MR REYNOLDS: There's a significant need for more noise abatement walls throughout our CBD.

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MS SCHOLES: Correct.

PROF. CLARK: Thank you. That's very helpful. O.K. Any other questions on the noise there, Chris or Terry? No. I've got a question around traffic impacts of – with the trains and the stopping of roads for blasting and things like that. I notice some mention of that in submissions as well. Is there anything that you would like to add to that?

MS SCHOLES: In terms of blasting, I did not recall that there was any mention of closure of the newly constructed Northern Link Road. If that was going to be the case, we would like some conditions put around that in terms of minimising disruption to

the public road. However, our preference would be for no roads to be closed due to blasting.

PROF. CLARK: What about trains? Are there any road closures around the increase in trains coming through? No? Trafficking - - -

MS SCHOLES: No.

PROF. CLARK: No. O.K., thank you. O.K.

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MR BAILEY: It might just be helpful to get a clarification to see where you're at post reading some of the other documents, particularly around the heritage component, because you've put a reasonable amount into your submission around the cemetery itself.

MS PLESMAN: That's our next item on our submission. We have two items remaining to raise, which is - - -

MR BAILEY: Apologies.

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MS PLESMAN: No, that's okay. Or four. We've got heritage, which is the next item, and particularly in relation to the Kayuga Cemetery, which Sharon can speak to.

MS POPE: So the Kayuga Cemetery is noted to be one of the oldest or the oldest in the Upper Hunter. In our original submission, we did list or quote from some heritage studies that indicated why it was significant, including that it contains the plots of serving convicts who have their graves marked with quite impressive headstones, but that they were actually buried with the free settlers of the area at the time, and there seem to be three main periods for burials, which was the convict period, the Scottish settlers and labourers, and then later the conditional purchase set by some labourers.

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The headstones themselves have in the past been subject to investigation and some work to preserve them. They are located closer to Aberdeen, not immediately adjoining this site, but we do have concern that they are quite fragile, and that with this mine proposing as many as eight blasts a week – I think that's correct – we are concerned that there will be vibrations and that the headstones could be toppled as a result.

We have a preference that they be required to engage a specialist in monuments and headstone conservation to a condition assessment of those headstones before the new operations commence, and that any urgent remedial work actually happens before they

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start new blasting activity, but that their ongoing blast management plan includes reference to the cemetery and the need for someone to do site inspections and check on the condition of those headstones, and whether there's been any impact to them as a consequence of any of the blasts.

PROF. CLARK: Thank you, Sharon. Yes. Terry, anything further there?

MR BAILEY: No. Thanks, Chair.

10 PROF. CLARK: Yes, thank you. O.K. Thank you.

MS PLESMAN: Our next area of concern is seismic activity. This is sometimes seen as somewhat controversial, but for Council it is a matter that we would request consideration. Sharon, would you like to address the issues?

MS POPE: Yes. So staff have a suspicion that seismic activity had increased in Muswellbrook over the past ten years, and so we've actually had our GOS officer plot the location and size of the blasts that have been occurring, and this information has come from the Geological Services Authority down in Canberra. The number of
20 seismic events has been increasing. They have been increasing in size as well, and they are mainly centred on the Mount Arthur Mine, which is to the south of the town, but also quite close to town.

We're not entirely sure why. No-one has investigated this. It could be that that site has various faults and they mine close to those faults, and the release of tension is the cause of those seismic events. It is also the mine that currently mines to the greatest depth, and so we feel that with Mount Pleasant now also considering mining to depths similar to the depths that Mount Arthur is mining to, there is the potential that they too could generate more seismic activity, and we are concerned that the seismic activity
30 has potential to damage our in-ground infrastructure – so water pipes and sewer pipes, and certainly going by feedback on Facebook and other types of social media, the community does express alarm where there is a significant seismic event. They're concerned with, you know, things get shaken, they don't know if it's a mine blast happening or if it's a seismic event, and people have expressed concerns about damage to their dwellings.

It is interesting that there is some international literature about mining having the potential to increase seismic activity, so council is essentially requesting that there be some sort of adaptive management strategy around seismic activity, so that if there is a
40 trend of increased activity centred more on the Mount Pleasant site, over time, that management tools or actions can occur to help the local community, and, you know, I

suppose from council's perspective, if we're finding our water mains are breaking more often, whether there's a contribution from the mine to assist us in replacing those water mains, or, you know, as we've recently done here in Muswellbrook, we've created a new line so if one water main breaks, we are able to close it off and divert water to parts of Muswellbrook so that they still have water. We did have an outage with a water main break about two years ago that lasted for three or four days, so three or four days, the community on one side of Muswellbrook was without water while we sourced replacement for that water main. So it's an issue – we can't be certain that it's going to be happen, but we think an adaptive management strategy should be required as part of the conditions of consent.

PROF. CLARK: Thank you, Sharon. Thank you.

MS PLESMAN: The next issue we wanted to raise is water, and the cumulative impact that all of the mines have on the loss of water and the impact too that that has on Council's efforts for economic diversification into the future as considerable water is allocated to the mines. Would you like to add anything more to that, Sharon?

MS POPE: So essentially each mine has to divert their surface water, it's generally diverted to the voids that they're creating on their site, and this will be a permanent diversion. So they have water licences to do this, but as Ms Plesman has mentioned, what that does is, it does permanently remove some water from the catchment, and water security during the drought was quite topical.

We certainly have been trying to encourage new employment activities in the Shire. Many of them have nominated that they need water, and considerable amounts of water, to be effective or to occur, and, you know, one we've been working with at the moment has taken Council considerable time to actually acquire water licences to enable us to extract more water from the Hunter River so that we can deliver water supply to Sandy Hollow and a proposed industrial use if we needed water as well. So we understand firsthand how difficult it is to acquire a water licence when you are competing against the mines.

The mines – O.K., they won't be here permanently, they will have some permanent extraction through their water licences, but we need access to water before the mines actually close to allow transition to occur, so to encourage other employment activities in the Shire.

I guess the point here is, again, there doesn't seem to be an overriding State policy or cumulative impact consideration about how each individual mine is impacting on the overall loss of water to other uses and users.

PROF. CLARK: Yes. That's something that was covered in the cumulative impact study that we mentioned at the very start of this meeting.

MS POPE: That's correct. That would be ideally where some sort of threshold or policy setting could be identified.

PROF. CLARK: Chris or Terry, any questions there? Yes, Chris.

10 PROF. FELL: Just a quick question. When you talk of water, are you talking about water for agriculture or water for industry, which presumably may need to be a lot clearer?

MS POPE: We're talking about potable – having access to potable water that's used for businesses, such as a new abattoir that has applied to establish itself in the region. It's State-significant development was not able to progress because it could not source the appropriate amount of water to operate, and that's something that does concern council, because we do have to look for alternative employment and economic activity that would be able to – that's sustainable, and can continue post any thermal coalmine – the thermal coal downturn. So in short, it's intensive agriculture. We do have a
20 – considerable amount of land or buffer land that's owned by mines that we would hope someday can attract some alternative industry, but we do need to have the water to support those industries.

PROF. CLARK: Thanks, Fiona. Brad, just as a note, I note that we're three minutes off the time. Can we..(not transcribable 02.57.13)..O.K. I'll take that as - - -

MR JAMES: Sorry, Alice – sorry, you went blank for a second. Yes, we can continue.

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PROF. CLARK: We can do that? O.K. I just have the sense that there's a few more issues on the table here, so if we can press on through those, that would be good, and we'll continue till quarter past. Thank you.

MS PLESMAN: Our next matter is the one of disposal of the offroad tyres associated with mining. This is a considerable issue, as there are many of these tyres that are currently disposed of in the pit, so in ground, and our submission requests alternative opportunities, and Sharon will cover that.

40 PROF. CLARK: Yes, please.

MS POPE: So, sorry, to say this is actually a new issue – it’s really come to light for us as a result of the Maules Creek Mine modification, and the recent Bengalla Mod 5 exhibition. So Maules Creek was probably one of the first mines that sought approval to dispose of tyres in pit. Up until that time, they were disposing of tyres in pit. They just didn’t have approval.

10 Now, many of the other mines who were also disposing of tyres in pit are seeking, as part of their mods, to also get formal approval to dispose of tyres in pit. We’ve done some investigation and it seems that Mount Pleasant doesn’t actually have formal approval to dispose of tyres in pit, but sought to get approval through their Environmental Protection Licence, EPL20850. So this change did occur in August 2018, to permit the disposal of tyres in pit, but we are not aware that any public consultation occurred regarding this matter, and in section 3.14 of the EIS of this optimisation project, it just states that “MACH(?) would continue to dispose of heavy mobile equipment tyres in the opencut pits, and it is assumed that the contemporary conditions of consent for SSD-10418 would address this matter, or we would like that it does address this matter.”

20 With Bengalla Mod 5, Council has made a submission to that modification, and asked that whilst these offroad tyres may be permitted to be disposed of in the pit initially, as soon as an offsite disposal facility is available that’s technologically feasible and environmentally responsible, they should be required to actually no longer dispose in pit. So in some way, crafting a condition that says that they need to review the situation and whether there is an ability to recycle the tyres out of pit or offsite, that should be undertaken on a regular basis, a review.

30 Again, with the Bengalla Mod 5, we’ve had some discussions with that mine and they noted that the tyre product stewardship scheme in place in Australia – so it’s generally the larger tyre manufacturers – are in discussions at the moment to discuss potential way to recycle tyres at the end of their life, and we would like to see Mount Pleasant contribute an amount of about \$50,000 to the Tyre Product Stewardship Scheme to enable them to continue their activities to investigate a feasible option for disposal or recycling of offroad tyres, and we would have a preference that MACH be required to purchase tyres from companies who are signatories to that scheme, and in – so the reason we’re talking about that scheme and signatories, when it comes to passenger cars and light-truck cars, there is a similar stewardship scheme, and there is a levy on every tyre that is sold that is used to enable tyres to be collected when they’re no longer able to be used on a vehicle and taken to a recycling facility, and we think the same should apply for all these tyres that are being used on mine sites. More detail on 40 that we can provide in our hard-copy submission after today.

PROF. CLARK: Thank you, Sharon. Thank you.

MS PLESMAN: We only have final comment to make, and this is in relation to the existing commitments in the current development assessment, the current MACH assessment. We are concerned that some of the commitments that relate to the current approval, where they are applicable, be transferred to the new approval, should that take place. So we are aware that DA92/97 will be surrendered within 12 months under the new SSD10418, and we are concerned to have some of the existing requirements transferred. Did you want to add anything to that?

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MS POPE: The issue we have is, it is very hard already for the public, and even Council, to obtain the documents that relate to DA92/97. To expect in someone in 15 or 20 years time to be trying to find those documents to assess whether the mine is achieving those commitments in those earlier assessment documents is not really satisfactory. It would have been ideal had the EIS included a table which actually listed what commitments there were in DA92/97, those that have been completed and satisfied and those that were outstanding. It could still be completed, and that those matters that are outstanding could be appended to any consent for this approval or this application so that it's an easy point of reference for staff who will be auditing activities on the sites – that could be the Resources Regulator, it could be Council, it could be the EPA, but it's also much more transparent for the community to know what the mine has to complete or accomplish before they can relinquish their mining lease.

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PROF. CLARK: Thank you. That's very good input. O.K.

MS PLESMAN: We have no further matters to raise, other than the Mayor's comment.

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MR REYNOLDS: If I could just add to the IPC panel, staff have compiled a lot of information here that you have before to determine. I don't think that there's, you know, in my interpretation, anything that's farfetched. I think if we're going to have down the model of what we're all trying to achieve as best practice, especially when it comes to the off the road tyres, et cetera, that some of these policies need to be implemented – the ceilometer for the township, for the safety and health of our community – I don't believe that there's anything outside the range that we're requesting that, if we're going down the best practice for this mine site.

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PROF. CLARK: Thanks for your comment, Mayor. Thank you. Now, that's been very, very informative, and well prepared. Thank you for your input there. I'll just do

a quick check that neither Terry nor Chris have any other questions to ask at this point. Terry, do you have any other issues or questions there?

MR BAILEY: No, not – no, thanks, Chair. That was excellent. Thank you.

PROF. CLARK: Thank you. Chris, any further from yourself?

PROF. FELL: I would certainly second that comment by Terry. Thanks for the information you've provided. It's very helpful.

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PROF. CLARK: Yes. And thanks for the effort and time that you've put into that, and the time to present to us here today. I understand the amount of effort that goes behind that and I want to thank you for that. Brad, at this stage, I don't have any other further questions, and I think that we can close the meeting, and I thank everybody all around.

MS PLESMAN: Thank you very much.

MEETING CONCLUDED