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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1665778

INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: NARRABRI UNDERGROUND MINE STAGE 3 EXTENSION

PANEL: **PROF MARY O’KANE AC**
PROF CHRIS FELL AO
PROF SNOW BARLOW

ASSISTING PANEL: **RICHARD BEASLEY SC**

DEPARTMENT **CLAY PRESHAW**
OF PLANNING, **STEPHEN O’DONOGHUE**
INDUSTRY AND
ENVIRONMENT:

APPLICANT: **PAUL FLYNN**
DAVID ELLWOOD
MITCHELL ROYALL

LOCATION: **VIA VIDEO CONFERENCE**

DATE: **8.19 AM, FRIDAY, 18 FEBRUARY 2022**
Continued from 14.02.22
DAY 2

PROF O’KANE: Good morning, and welcome to day 2 of the Independent Planning Commission’s electronic public hearing into the State significant application for the Narrabri Underground Mine Stage 3, Extension Project SSD10269.

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Before we begin, I’d like to acknowledge the traditional custodians of the lands on which we variously meet, and pay my respects to their elders, past, present and emerging and to the elders from other communities who may be participating today. I’m coming to you from Gadigal land.

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I’m Mary O’Kane and I’m the chair of the Independent Planning Commission and of this panel. Joining me are my fellow Commissioners, Professor Snow Barlow, who is at a distance, and Professor Chris Fell, who’s sitting beside me. We also have Richard Beasley SC, a senior counsel assisting the Commission at this hearing.

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The applicant, Narrabri Coal Operations, is the operator of the Narrabri mine and existing underground coal mine located approximately 25 kilometres south-east of Narrabri, and approximately 60 kilometres northwest of Gunnedah. The mine is located within the Narrabri Shire local government area and in the northwest slopes and plains region of New South Wales.

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The applicant is seeking development consent to continue longwall mining in a major southern extension area until 2044. The project also involves the continued use of existing underground and surface infrastructure, including the use of the coal handling and preparation plant at its proved 11 million tons per annum capacity.

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I note the Department of Planning and Environment, in its assessment report, has recommended that the application is approvable subject to conditions. The department has only made a recommendation. No final decision has yet been made by the Commission.

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The Minister for Planning has directed the Commission to hold a public hearing into the application. He has asked that the Commission make its determination within 12 weeks of receiving final whole of government assessment report from the department.

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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 video conferencing and telephone.

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In the interests of openness and transparency, we are live streaming proceedings on the Commission’s website. A full transcript of the two-day hearing will be published on the Commission’s website in the next few days. The transcript for day 1, which was held on Monday this week, is already available on the website.

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It is important to note that we need to try to stick to our published schedule to be fair to all those who present. This will be dependent on registered speakers being ready to present at their allotted time and all keeping to their allotted time.

5 Senior counsel assisting, Richard Beasley, will introduce each speaker when it's their
turn to present to the panel. Everyone has been advised in advance how long they
have to speak. A bell will sound when a speaker has one minute remaining. A
10 second bell will sound when a speaker's time has expired. We will enforce time
keeping rules, but I reserve the right to allow additional time as required to hear new
information.

If you have a copy of your speaking notes or any additional material to support your
presentation, it would be appreciated if you could provide a copy of this to the
15 Commission.

My fellow Commissioners and I may ask you questions regarding your submission,
as might Mr Beasley. However, the public hearing is primarily a listening exercise
for the panel so we can hear what you have to say.

20 If you are asked a question and you're not in a position to answer it today, you're
welcome to respond in writing up till 5 pm Australian Eastern Daylight Time on
Friday the 25th of February 2022. Please note any information given to us will be
made public.

25 The Commission's privacy statement governs our approach to managing your
information. Our privacy statement is available on our website. Thank you, and it's
now time to call the first speaker.

MR BEASLEY: The first speaker is Peter Wills. Mr Wills, are you there?

30 MR WILLS: Yes, Mr Beasley, I'm here.

MR BEASLEY: We can hear you. So go ahead, sir.

35 MR WILLS: Thank you. Good morning and thank you for this opportunity to voice
my objection to the Narrabri mine stage 3 extension. My name is Peter Wills and
I'm a local farmer, born and bred on the local plains, and now based at Breeza in
Gunnedah Shire.

40 I'm unfortunately now familiar to this process here today with many fossil fuel fire
fronts over my own farm's boundary fences or some even seeking to directly
intervene in our actual farming business activity.

45 I'm a directly impacted farming family of the Queensland Hunter Gas Pipeline. I'm
a directed impacted farming family petroleum expiration licences over my family
farms. As a Breeza Village resident, I stood with my community and fought for
answers regarding the then proposed Shenhua coal mine and BHP Carooona coal

mine, both pleasingly gone after the community concern was eventually listened to. And for good measure, our family's cattle grazing property is a direct neighbour to Whitehaven's Werris Creek coal mine.

5 I want to speak today touching on a few aspects, and I would like you, the Commissioners, to take into consideration in your appraisal of this application to extend the mining life for another 13-odd years.

10 Firstly, today, being Friday the 18th of March 2022, why are we even here assessing a mine extension with a start date of 2031 and beyond at 2044, nine years early, in 2022? Why are we extending a project today that was specifically started for its initial approval period as a viable mining operation that could feasibly end in 2031 as is originally planned and slated in earlier applications? Why are we assessing this fast start date extension today?

15 Many applications for mines when completing their planning assessment process, have had a slated anticipated start date generally disclosed within two to three years from approval process. Why is this being treated differently? Why is the proponent going in so early? This should be really looked at, at the earliest, in, say, 2028, three
20 years, not nine years, before an anticipated start date. There must be a statute of reverse limitations on such an application. This assessment should be seeking community input closer to the date of required use or starting of the actual extension, if indeed it's even required by the market place by then.

25 The circumstances and opinion of people speaking for or against this application this week might, within an individual's full right, have a totally different opinion next year or next decade. Why are we locking in 2022 thinking and today's perceived social impacts of a project with 13-year life span starting in 2031?

30 From an actual assessment perspective on just social impacts, this is completely an inadequate process and impossible to calculate and evaluate this far in advance. I have a saying that I don't like dead people's decisions dictating my life and here, decisions of people in 2022 will dictate to a clear end date of 2044.

35 The arguments from some for this development stating we want these coal jobs are a furphy. There is no guarantees these jobs with automation or certainly the geopolitical word viewpoint of thermal coal will be there in 2031, let alone throughout the following decade.

40 The argument these people would be making in an ideal world is we want jobs, and be agnostic in their direction of the source. Certainly the future of coal is not just a geopolitical one, is led by our own State government in their recent coal mining release and exclusion map. That clearly has now directed its future intention mostly
45 away from our north-west region to other battle ground regions in New South Wales.

For those who want coal jobs might want to follow the government strategic release maps or, better yet, look at other significant transition plans, local government areas such as Muswellbrook, have implemented, who clearly see the writing on the wall.

5 As a Whitehaven neighbour myself of Werris Creek, a little Quipolly area water users life alongside that site have not been without heartache, devastation and genuine concern. Ask WaterNSW about the Quipolly water zone alongside that mining site. I can't draw any conclusions, but the amount of drilling of new, deeper water bores over the last decade in that small area seeking new underground water
10 resources, is unprecedented. At the same time I can't draw any conclusions, but while the coal pit was filling with water, reliable hundred year old bores in the Quipolly basin failed.

15 The community pursued the government and Whitehaven was made to put in additional bore monitoring in new sites, albeit after the fact. It's been subsequently shown there was insufficient monitoring of water bores in the area prior to mining. Today, no one can prove guilt, and no one can prove they're a hundred per cent innocent. Certainly Emeritus Professor Ian Acworth of University of New South
20 Wales most recent delivery to Macquarie Street showing the now proven interconnectivity of aqua systems, throws great concern on proponent's AIS planning, understanding and analysis, after Shenhua's plans have been shown to be so fatally flawed.

25 I, as a neighbour to that Whitehaven mine at Werris Creek, am thankful it's ending its mining life in 2025. I can see the light at the end of the tunnel. I've had my last decade with my neighbours, there being the slave compliance officers in the field. We are indentured as neighbours to these mines for the life of them, and very often beyond. I'm about to come out of my indentured service, and I feel for those who
30 thought their service might end in 2031, but it's now been flagged for an additional decade or more to come.

These water issues I've lightly touched on are what throw fear into the community. You've heard it here yourself on Monday from speakers, as a landholding neighbour with the reputation so clearly in the public domain of today's proponent, our lives are
35 hijacked and a by-product is our lives, our agricultural industry, water and land, is devalued, and certainly our potential buyer pull for our properties is diminished.

We tried to sell our cattle property in 2013 to fund my parents' retirement off farm and the first thing people ask, how's your water going with your neighbour
40 alongside? These drawdown allowances that seem to be standard practice with make good agreements are a complete anathema to most landholders who are so reliant on underground water. They often mean the difference between life and death. Businesses continuing on the land or potentially the business can be over. Underground water during a drought often tied our business over during the worst of
45 times. Make good is an outdated concept that today, if it was new thinking, we're going to detrimentally affect your business and, at worst, compensate you with inferior supply is illogical.

You can't deepen a bore on a farm if it's already drilled at full depth and there is no made good supply if shallow aquifers are depleted. We have a saying I like to think was penned on the Liverpool Plains. Aquifers don't understand the concept of boundary fences. The IESC's recommendation should be followed to the letter as they are focused on precautionary measures.

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With this projectification, you've now heard from neighbours and landholders who have multiple assess projects on their backs. Assessments look at the individual impacts to water, the local environment, and sometimes they look at them punitively in relation to these study areas. What about the cumulative impacts to our community of multiple social impacts? I have mentioned multiple projects I face with regard to our family's farming properties. Where's the social impact assessment on the community who face multiple threats on various fronts? Let alone running an agricultural business in the face of drought, family life, climate change, to mention just a few farming issues.

20
Not a day goes by I'm not beset on often multiple fronts on issues. It's difficult to direct attention appropriately as required by the urgency and importance to digest and deal with these projects. And of course all in our free time where I'd rather be doing other things with our business and family lives or other pursuits.

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I've a 2000-page 2009 EIS sitting in my lounge room for a project I didn't even know was on our land. There comes a point for the community that enough is enough. When is that point?

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You can clearly see from Whitehaven's shocking ability to plan as indicated by their multiple modification requests on their mining sites in the north-west. Community expectation is set with the first application, then along comes the modification. Expectation set is dashed and for the detrimental effect of our community, expectation is inevitably lowered and reset. Then there's the next modification and then the next. And all this time the community has to lump it and learn what these developments mean to the. At slave labour rates of pay, we pay by the diminishment to our lives, hours we will never get back.

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I urge you to somehow conditionally address our main interaction space with the community being the community consultative committees. We have guidelines handed down from the State and how these should operate. They give us a talent list of approved chairs and often we, the community, then have to work in a nefarious space that doesn't match the established guidelines. Please, somehow, don't give us chair people on these committees who aren't on the approved talent list.

45
I listened to Russell Stewart on Monday, who spoke for the Chamber of Commerce, very pro this development, very concerned about the blow-ins opposing this development, I think was his words. He's the unqualified by the State independent chair of this mine's Triple C. He's not on the talent list, and here we have an unqualified chair arbitrating issues that affect the development. There is very limited faith in our main vehicle for information when we have chairs who don't appear to

be independent or who, more importantly, are not qualified by the State's own guidelines.

5 You don't need to look far to see the difference in just the minuted delivery back out of these Triple Cs. I, as a neighbour, had to push on the department to have Werris Creek appoint a minute taker to deliver detailed minutes. I saw the difference in output between the other guidelines following Triple Cs, and I want it better for my affected community, and we need better.

10 Just an example, Werris Creek Triple C finally appointed a chair from the talent list last year and in the first minutes I noted more important detail in one Triple C meeting than the prior decade combined under the previous unqualified chair.

15 Communities need faith in the Triple C. Community members need faith their voice is legitimately heard, and we have – when we have guidelines gifted to us, adherence to them is the minimum we should receive.

20 Whitehaven's reputation is clearly illustrated in the dock and on the court register in New South Wales, clearly illustrated in the multiple prosecutions and the fines paid, none more so was Whitehaven's failed reputation highlighted to me when the community in the north-west, directly impacted by Whitehaven multiple coal mining sites, met the resources regulator in November 2020. The agency responsible for compliance in New South Wales, who clearly articulated to the community Whitehaven was on a short leash. Whilst all the other proverbial dogs in the dog park had run off leash, 25 Whitehaven was on a short one.

30 As my conscious dictates, I'm here to ask you to not approve this extension, in the very least, not at this point in time. This would be very devastating to the immediate communities who are fighting multiple projects on multiple fronts. Many directly, multiply impacted. I simply can't imagine what being next to a mine site or in the community near one for the next 20 years.

35 You've heard from locals who will be assigned this unenviable role for the balance - - -

40 MR BEASLEY: You'll try and get him back, will you? Okay. All right. We've briefly lost Mr Wills on his link, so if Professor Sackett is there, we might go to her and come back to Mr Wills. Are you there, Professor Sackett?

PROF SACKETT: Yes, I'm here.

45 MR BEASLEY: Okay. We can hear you. We can't see you yet. We can see you now.

PROF SACKETT: Okay.

MR BEASLEY: Okay. Thank you. So, Professor Penny Sackett from the AN institute for climate and energy. Please go ahead, Professor.

PROF SACKETT: Okay. Thank you.

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MR BEASLEY: Yes.

PROF SACKETT: I'm going to try to share a screen here. Let me know if you can see this PowerPoint, please.

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PROF O'KANE: Yes, we can.

PROF SACKETT: Lovely. Okay. So I'd like to talk to you about the greenhouse gas and climate implications of this project which are considerable. Just a reminder that climate change has arrived and it's going to get worse, and how much worse depends on the decisions that we make this decade especially, this year and today. This chart here shows the fraction of New South Wales area that has experienced maximum annual temperatures in a given year that is in the top 10 per cent of the record since they began in 1910; 1910 on the left, 2020 on the right. And you can see that we are living in extraordinary and impressive and at times – and as I say, this climate change that we are experiencing now will get worse.

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I'd like to just fix in our minds what various warming temperatures mean. They seem like small amounts, don't they, 1, 2, 3 degrees. Let's talk about what those small temperature rises mean, what it takes to warm the earth by that amount.

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We're now living in 1.1, actually probably 1.2 degrees of warming above pre-industrial times. That has given us black summer. It's giving us 38 degrees in Siberia. Over the past many years, 47 per cent of local extinctions around the world have been attributed to climate change and runoff water for New South Wales agriculture has been reduced by 15 per cent on average. That will go up another 15 per cent for every degree of warming that we add.

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Okay. One point five, tiny difference from 1.1. Not so. I should add that this is now virtually inevitable by 2035 based on decisions that we've paid in the past. So we are going to see the future that I briefly describe here.

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Once in 30-year heat waves in Australia will now happen every three years, and if you remember back not too long ago to those summer temperatures of 2019 and 2020, well, that will be an average summer. That's what we have to look forward to in 2035.

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Let's increase a little bit more to 2 degrees. This, by the way, is beyond the Paris agreement. If we let it go that far, black summer fire weather will be four times more likely. Sydney will be seeing 50 degree days in summer. Ninety-nine per cent of all

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the world's coral reefs will be gone, and 13 per cent of the earth's surface will see complete ecosystem transformation.

5 Three degrees or more. Why even talk about such a thing? Why? Because that is where world action, and particularly Australian action, is taking us. Most world ecosystems will be destroyed or heavily damaged. Large areas of the world will be uninhabited and the global economy completely damaged.

10 So keep those things in mind when I'm talking about small amounts of global warming, 1.5, 2 or 3.

15 Just a moment while I attempt to advance the slide. Something that I think is important to your remit is to notice that these changes are irreversible. Many of them are. Many things that are happening right now are irreversible and the IPCC latest report from working Group 1 listed some of those. Here they are on the screen. I won't repeat them all.

20 But I just wanted to highlight that these are irreversible on hundreds and millions of years. Those are the things that are happening now, and if we have more global warming, there will be more things that will be irreversible on these kinds of time scales.

25 For the Commission's information, I would like to point out that this is just information from working group 1. Working group 2's report, which is on impacts, very important, of course, to this Commission's work, is expected out, on current thinking, on the 28th of February, unfortunately just beyond your deadline for submissions, but should you want an up-date, I'd be happy to provide that.

30 Now, the greatest risk is that pieces of the earth's system, which are all connected, will tip. By tip I mean they will enter a new state that's unlike what they've been in for the past thousands and thousands of years, sometimes millennia – I mean sometimes millions of years. Now, it's believed that different systems will possibly cross these tipping points at different temperatures here. You see in yellow those that may tip in 1 to 3 degrees. I mentioned we're already at 1.2. In orange, 3 to 5.
35 In red, greater than 5.

40 Now, interestingly, many of these have already been seen to start to move in the direction of tipping points, not to have tipped yet necessarily, although many scientists believe that the Arctic summer sea ice and coral reefs may have already, in some cases, tipped. But many of these systems are moving. They're changing in the direction of tipping points, and notice that some of these are ones that were expected at higher temperatures.

45 Now, because the whole world is connected, if these elements affect one another and cascade into a domino effect, the result could be what has been called a hot house earth with temperatures and sea levels not seen since the Stone Age, millions of years

ago. This is the greatest risk. And every tenth of a degree the world gets warmer, this risk is larger.

5 What's causing this? Well, we know. It's fossil carbon. Here we see global emissions annually from 1960 to about today. Yes, land use change, there on the bottom, has had an effect, but it's fossil carbon that is driving climate change.

10 What about the Paris agreement, you say? Well, nations have committed to reducing emissions by 2030. Those that have done so, on average, have committed to only reducing them by 7.5 per cent on 2010 levels, whereas it's a 30 per cent reduction by 2030 that's needed to limit warming to 2 degrees, and you remember what that world was like. A
55 per cent reduction by 2030 is what's needed to limit it to 1.5.

15 Based on current policies, as opposed to what's promises, warming could go as 3.6 degrees above pre-industrial, and in fact if everybody followed Australia's lead, we would definitely be on track to 4 degrees.

20 Now, I want you to think about carbon budget rather than net zero. Net zero's necessary but it's when it happens that matters and that is measured most scientifically by the carbon budget. If we look at the carbon budget that's left, the remaining carbon that we can emit into the atmosphere to have a 67 per cent chance of holding warming to 1.5 degrees, we know it's going to get there, we want to hold it there, well, there's about eight years left based on the amount we're currently
25 emitting into the atmosphere, and eight years tells us why 2030 is so important.

30 This Commission needs to be concerned, I feel, about what's been called the fossil fuel gap. So in a study from many institutions around the world in 2021, looking at coal, oil and gas, and using that carbon budget approach, to ask what would give us a chance of holding warming to 1.5 with even 50 per cent chance, or 2 degrees with a 66 per cent chance, those are shown in the lavender and the green. The trajectories that coal, oil and gas must take from now to 2040 in order to give us those chances of a safer climate than we might otherwise see.

35 But you also see the lines about the promises and the policies have been made and they're clearly far above these possible futures, and the gap between those policies and what we need to hold warming to these levels is called the production gap. It's the fact that the world is producing fossil fuels at a much higher rate than it's promised to reduce greenhouse gases, and particularly - - -

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MR BEASLEY: Sorry, to interrupt, Professor. Where's this information from? What's the source of this information?

45 PROF SACKETT: Yes. So I have the link on the slide. It's - - -

MR BEASLEY: I can see SEI. Yes.

PROF SACKETT: That's the Stockholm Environment Institute.

MR BEASLEY: Yes. All right.

5 PROF SACKETT: Partnering with many, many other environmental institutes around the world.

MR BEASLEY: Thank you.

10 PROF SACKETT: And let me just say that I will be sending in quite a detailed report - - -

MR BEASLEY: Sure.

15 PROF SACKETT: - - - backing everything I have in these slides.

MR BEASLEY: Yes.

PROF SACKETT: So I'll be sure to get that to you.
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MR BEASLEY: Yes.

PROF SACKETT: So now let's look at New South Wales. Here is a plot of the
25 production of black coal in New South Wales in megatons per year. Up until the last date I was able to get that, I believe that was in 2020. This is dated – taken from the Australian Energy Statistics. And as you see, that is not dropping. It has slightly – not quite levelled off, but it's increasing much more slowly than it had been, and then I've sketched in red the part of that coal that New South Wales users consumes. The rest is exported.

30 And interestingly enough, what's called the scope 3 emissions, that is the emissions that are caused by the burning of New South Wales coal, whether it happens in New South Wales or China or anywhere else, affects New South Wales environment every bit as much as the emissions that are directly emitted in New South Wales. There is
35 absolutely no difference, except that those emissions are much, much larger. So over the past 10 years, the scope 3 emissions from New South Wales coal has been three times more damaging to the State's environment than all of its direct emissions combined.

40 So my question to you is will New South Wales close its fossil fuel gap? Will it take the trend from the past up to today and turn it into a future trend that is needed to hold global warming to well below 2 degrees? Pictorially here you can see what that means, and the change needs to start to happen today.

45 Now, you often hear that the emissions, and it's generally stated scope 1 emissions, are very, very small compared to world emissions or the State's emissions, and therefore we shouldn't be concerned, that they really won't contribute to climate

change that much, and here I've plotted, in fact, a possible trajectory for New South Wales, if it wants to meet its 2030 target of 50 per cent reduction on earlier levels, and its net zero target by 2050. Just taking a simple linear trajectory, this might be what New South Wales emissions trajectory looks like if it meets its target.

5

And down there in orange, at a tiny, tiny level is Narrabri stage 3. Looks insignificant, right? What difference could it make? Let me show you a different view. Let me show you New South Wales attempting to meet those targets.

10 Every year it needs to reduce by a certain amount, and that's shown in green in megatons of CO₂ per year. You see around four every year. Another four each year. Another four. There you have it in green. What could Narrabri stage 3 possibly mean? Well, that's shown in orange because as New South Wales is attempting to reduce by the green amount, in those years shown, the Narrabri stage 3 project alone,
15 that project alone, is contributing the amount of emissions shown in orange, working in the opposite direction.

If New South Wales is still going to meet that target, it's got to find additional reduction because of this project, and some other New South Wales stakeholder will
20 have to provide it.

Now, if you're talking about the effect on the New South Wales 2030 target, then it is appropriate to talk about just scope 1, and I've tabulated the greenhouse gas emissions from the project, divided up by scope 1, 2 and 3 in three columns, average
25 annual, the effect on the 2030 target by just taking into account the period from '22 to 2030, that little amount shown in light green is what affects the New South Wales target. But let's talk about the amount of emissions from this project that affect the environment. That's all scopes. Every scope affects New South Wales equally per ton. The difference is that there are a lot more tons of scope 3 than there are of scope
30 1 and so the effect on the New South Wales environment is the sum of those orange amounts on the right, and if you take the sum, they're 14 times more than scope 1 alone. This is the effect on the New South Wales environment of improving – of approving this project.

35 I'll say as an aside, and it will be detailed in my report, that these numbers will look slightly different to the ones that are in the EIS and the departmental assessment. That's because I've used current values for methane, for the CO₂ equivalent of methane, the current NGER values which the EIS did not use, they used old values.

40 Okay. I'm nearly done. What I want to say in closing is that for at least a 50 per cent chance of holding warming to the value that we know it's going to reach, 1.5 degrees, most of the coal that was known in 2018 to be technically and economically feasible to pull up out of the ground has to stay there and this report is a report in nature. I've put the link at the top and there'll be more information in the report that
45 I submit.

Globally, 89 per cent of coal needs to stay in the ground. Basically, this is another way to stake production gap plot, and in Australia it's estimated that this should be 95 per cent. Ninety-five, 89, whenever you take, most of the coal known in 2018 needs to stay in the ground.

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But look at this plot. Look at the amount of coal that needs to stay in the ground. In the USA, in the Former Soviet Union, in China and India combined, and what's that next? What is that next bar? It's Australia. What Australia does matters on the world level. It is significant, and that's why what this Commission does matters.

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Thank you. That's what I wanted to say.

MR BEASLEY: Professor, the matters you were drawing to the panel's attention first about climate change trends are probably not controversial and there's unlikely to be any credible or reliable contrary evidence, but is the sum of your view because of – because it's in your against the public interest or because of the environmental impacts of burning coal, is it your view that there just should be no more coal mines approved in New South Wales or is it a more nuanced or targeted view than that?

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20 PROF SACKETT: I do – I do believe that there should be no more – let me start with my premise, okay? My premise is that I want to hold global warming to the lowest value feasible. Okay? That's my premise.

MR BEASLEY: Yes.

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PROF SACKETT: Okay. Then my understanding, which is based on other material as well, based on the understanding that renewable energy is now cheaper to supply than fossil fuel energy, based on what AEMO has told us it expects into the future for its use of coal, which is rapidly declining, based on what the international energy agency says is possible and needs to be done, then yes, it is my view that no new extensions or developments for coal should be approved in New South Wales and in fact this is what the international energy agency itself has said should happen, starting in I believe it was 20 or 2021. I'd have to look up. In either - - -

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35 MR BEASLEY: All right.

PROF SACKETT: - - - case we're in 2022.

MR BEASLEY: All right. Well, just picking up on that, though, what – accepting that any coal burnt, whether for energy production or for making steel is going to contribute to climate change, if, though, there still is a market for coal in 2031 and beyond for either/or both of energy production or making steel, why not coal from the Narrabri underground? The proposition might be put to you, well, at least New South Wales will get the economic benefits from that coal.

45

PROF SACKETT: Well, I – so, first of all, we're talking about economic benefits. I haven't even – I didn't - - -

MR BEASLEY: Well, whatever they are, just assume there's some. I'm not putting any - - -

5 PROF SACKETT: Okay. Let me just put it as an aside that the estimates in the EIS are grossly underestimating the climate damages. I haven't even spoken about that.

MR BEASLEY: Right.

10 PROF SACKETT: So, you know, we have to consider both sides of the ledger. But I would say that this is an opportunity to do what we can do, what this Commission can do, what Australians can do, to play their role, and whether someone else wants to sell coal to accelerate climate change is, indeed, largely out of our control, although I would say that the better example we set the better we might do in negotiations.

15 But it's really about what we can do, what is in our possibility of sphere of influence to do and it is in this Commission's sphere of influence to stop New South Wales coal from damaging the world's environment, including its own.

20 MR BEASLEY: All right. Thank you. I'll just check if any of the other – I think Professor Barlow has a question for you, Professor Sackett.

25 PROF BARLOW: Professor Sackett, just a question of detail. In your last bar chart, what is FSU? Is that Europe?

PROF SACKETT: That's Former Soviet Union.

PROF BARLOW: Thank you.

30 MR BEASLEY: Thank you very much, Professor.

PROF SACKETT: Thank you. Thank you for the time.

35 MR BEASLEY: All right. Thanks. And I think we now – we've gotten Peter Wills back on the link. Are you there, Mr Wills?

MR WILLS: Yes. Can you hear me?

40 MR BEASLEY: We can.

MR WILLS: Yes.

MR BEASLEY: I just – I take it you've basically finished what you wanted to say?

45 MR WILLS: Well, I could start it again, if you like, but I'm pretty sure - - -

MR BEASLEY: No, no, we don't have time for that.

MR WILLS: - - - I was just wrapping. No, I was just wrapping.

MR BEASLEY: Can I just ask you a question so that I understand it and hopefully the panel understands your submission? One of the themes that you started with was
5 this is premature.

MR WILLS: Yes.

MR BEASLEY: And I'm just wondering, is it your view that when Commissioners
10 come to evaluate this application, considering the things they have to under the Environmental Planning and Assessment Act, that you're saying – you mention social impact, so I assume what you're saying is that it's not rational or it's not – this mine – the impacts of this mine at least on social impacts aren't rationally capable of
15 being evaluated in 2022 for a mine extension that starts in 2031. Was that one of the points you wish to make?

MR WILLS: Well, yes. Who knows who the people will be alongside, families develop, change in another five, six, seven, eight years? What's their viewpoint when you marry someone, there's additional people in the family, all these sort of
20 scenarios will all change and there'll be different impacts.

MR BEASLEY: All right.

MR WILLS: When there's different people in another few years time.
25

MR BEASLEY: Okay. My real question, though, was was there anything other than social impacts that you felt couldn't be properly assessed in 2022 for an extension for 2031?

MR WILLS: The world's always learning, and Whitehaven's reputation is always developing. Certainly in a few more years time things will change again, no doubt, maybe for the better, maybe for the worse. You know, we'll have a better understanding of what the last – another couple of years of this mining development will be and, you know, the impacts.
30

MR BEASLEY: All right.
35

MR WILLS: These things can certainly change reputationally and further down the track. So, you know, certainly with the shared line development with Professor Ian Acworth's deliverance of information to the government when he further scrutinised and analysed the BHP's laws, certainly in later understanding developed, and that killed that fatally flawed EIS.
40

MR BEASLEY: All right. I think, Professor O'Kane, yes.
45

PROF O'KANE: Mr Wills, you spoke at the start, and I just didn't quite hear it all, about your various properties. And you particularly spoke about the Werris Creek

mine. But which of your properties is adjacent to the one we're concerned with here?

5 MR WILLS: I'm a Whitehaven neighbour next to Werris Creek.

PROF O'KANE: No, no, not Whitehaven - - -

MR WILLS: I'm not adjacent to – I'm not adjacent to this development. I'm - - -

10 PROF O'KANE: Okay. Thank you.

MR WILLS: - - - adjacent to a Whitehaven mine.

PROF O'KANE: Thanks.

15

MR WILLS: I'm just speaking – I speak here because of the community there and the effect. I know what it's like - - -

20 PROF O'KANE: No, that's all right. That's fine. I just thought I'd missed a vital point about that. Thank you.

PROF BARLOW: Mr Beasley, I do have a question. Mr Wills, two questions. One is a quick answer. Are you going to submit to a submission after this presentation? And the second is could you tell us just a little bit more about your views on the
25 make good provisions of wells – this of course applies to Werris Creek, not to Pilliga. But are you saying that it's just not feasible to make good if the aquifer has been drained or – and, secondly, that no alternative provision of water has been provided?

30 MR WILLS: Well, there's no make good on irrigation water. My neighbours at Werris Creek, alongside that mining site – again, I'm not drawing any conclusions that one is causing the other. But alongside that mining site, one of my neighbours there, they bought their property, and they just went to use their irrigation one day. They hadn't used it for many years. And then they just switch on the pump, there
35 was no water. So there's no make good on irrigation. That poor person's farm went from an irrigation property to dry land. Now, that's a massive – that's a crime, in my view. So make good in that regard, it doesn't exist.

40 Certainly all the shallow aquifers in that small Quipolly basin, they're very shallow aquifers that are just water reliant for stock and domestic and some irrigation, small irrigation, not massive irrigation, but small irrigation for many years. They were just drained. And they would slowly recharge, but they never held their recharge. So make good in irrigation systems in the world doesn't exist and make good – what if you can't drill any deeper?
45

You know, we've seen, you know, these scenarios where, you know, they go and try to make good. They're trucking in water in some instances we've seen, and if you

can't drill any deeper 'cause the bore's as deep as it's going to go and there's no other further aquifer system deeper to go into, what do you do in that scenario? Very often the landholder's bought out 'cause they can't solve the problem.

5 PROF BARLOW: Thank you.

MR BEASLEY: Thank you. Professor Fell has a question as well.

10 PROF FELL: Mr Wills, my understanding of the studies that have been done on groundwater surrounding this particular development are that no irrigation bores will be affected. It will be simply stock bores, domestic bores. Do we trust the experts or not?

15 MR WILLS: Well, further scrutiny can always be applied to these things. We certainly found at Werris Creek that the aquifer system along the Quipolly basin was not supposed to be connected to the Werris Creek mine site, and after the – all the bores went dry, Whitehaven were made to put in subsequent bore monitoring in that separate aquifer system. But then we've seen the analysis from Professor Ian Acworth where aquifer systems that were thought to be not connected have been
20 proven to be connected after the fact.

So to say that – you know, there needs to be a lot more bore monitoring. That's a problem that happened at Werris Creek. There wasn't the sufficient monitoring prior to mining starting to understand the concept of the loss, an analysis of the loss.
25

PROF FELL: Thank you. That's helpful.

MR BEASLEY: Thank you very much.

30 MR WILLS: No, I will be putting in a submission as well, a written submission, so thank you.

MR BEASLEY: All right. Thank you very much.

35 PROF FELL: Thank you.

MR BEASLEY: Next speaker is Dr Steven Pells. Dr Pells, can you hear me?

40 DR PELL: I can hear you. Can you hear me?

MR BEASLEY: Yes. Go ahead, sir.

DR PELL: Right. I'll just try and share my screen quickly.

45 MR BEASLEY: Yes. We've got that.

DR PELLIS: Great. Just let me get my zoom meeting back. I was hoping I could share my laser pointed tool. Here we go. There's a two up here somewhere, isn't there? No. Anyway, let me proceed.

5 MR BEASLEY: Sure.

DR PELLIS: My role in this, as I'm just presenting a review of the groundwater predictions in the EIS. Happy to talk about my background if you asked. So quick overview of what we're talking about. I presume by this stage you're well aware of
10 the project. I did a quick context, so on the left is showing the current approvals which, in my assessment, is about 32 kilometres squared, and highlighted in blue is what I understand has been done so far, which is about 10 kilometres squared, and the extension would extend it to about 57 kilometres squared. That's based on the drawing up in

15 Now, just cutting to the chase. The groundwater resources in the area, as I understand them, there's a picture here. This is the mining leasing planning extension, and this is a geological map in the background, and a geological cross-section through the mine, and the grey area down the bottom left of the cross-section
20 is the mine at the coal seam where they intend to mine.

The key resources of interest are the pilliga sandstone, which I've highlighted in cross-section, and it's this area over there, which is – I understand identified as a valuable resource, and also the Namoi Alluvium on the right, which has got
25 contours of depth on the right and it's position next to Narrabri coal, and obviously Narrabri gas is adjacent, too. I'm not saying the other formations are not also valuable. It's part of the Great Artesian Basin, but these are the main resources.

30 So looking at the predictions presented in the GIS, and I presented some of the layers that they've presented sort of in sequence down vertically, and you can see at the coal seam they're predicting extensive de-watering and extensive effects that go well to the west, but when we look at the two – it's extensive except for the pilliga sandstone and the Namoi Alluvium. So that's fantastic.

35 And then if we look at the predicted effects which include the gas mining from Santos, which they've done, again, extensive drawdown in the coal seam and if you look at the pilliga sandstone, almost unchanged, almost nothing, and the Namoi Alluvium, the drawdown ends before it even gets to the alluvium, according to the predictions. So this is a magical coal mine, as they often are.

40 So why is it so? Why is the effects not affecting these two aquifers? So, I've got three reasons. So firstly I should just say I acknowledge the groundwater modelling is very difficult and it takes years off your life, so my hat's off to anybody that achieves a groundwater model that works and converges and is presented well, and it
45 is presented well, so from my previous position of being able to pick at it without getting stuck into the turgent mind set of modelling, there's three things I think that they've gone wrong on.

So firstly, the conceptualisation. On the top right here is the geological cross-section as presented in the EIS and, from my understanding, from geological maps. On the bottom right is how it was done in the groundwater models. So you can see that these two zones in is the earlier units and this Boggabri volcanics, are not included in the model. They're just the cut-off. The model ends underneath the pambula formation. But they've made this pambula formation wrap underneath the alluvium. And the effect of that is that there's a no flow boundary at the bottom of the model. So flow cannot go – for example, if you look on the left, it cannot go towards the right of the mine. It can't get past there.

10 So - - -

PROF O'KANE: Dr Pells.

DR PELL: Yes.

15

PROF O'KANE: Why would they do that?

DR PELL: I don't know. Look, I don't want to be too cynical because obviously by conceptualising the mine in this way, you – or a priori, you limit what the mine can do to the alluvium. It's just that's how the model is. It cannot affect the alluvium that much. Now, maybe – always in groundwater modelling, at some depth you cut-off and say, look, I'm not interested at going all the way to hell. I'll cut-off some model. And so they've obviously said we're going to the pambula formation.

20

Because in this case the formations are tipped, so they're dipped towards the west, by doing that, they've actually cut off the units that connect with the alluvium. And I don't think there's a geological basis for this. It might be a modelling convenience and maybe there's some argument for it, but I can't see any argument given for in the model. And perhaps they've inherited it. The one on the left is from an earlier groundwater model done by hydro simulations, and maybe in the latest EIS they've inherited this conceptualisation. But as far as I can see there's no geological reason for doing that, and I think it's problematic.

25

30

The next reason is vertical hydraulic conductivity. So there's a lot of parameters in the groundwater model. The most fundamental ones are the hydraulic conductivity or how easily water can move through the geology.

35

Now, the mining location is shown here and the pilliga sandstone on top, and within the layers between the mine and the pilliga sandstone, the vertical hydraulic conductivity values they've chosen are extremely low. And so again a priori, this model will not affect the pilliga sandstone. You don't need to run a model. If you've got values that low, you don't need to run a model to reach a conclusion that the pilliga sandstone is not going to be affected.

40

And so the question is are these values justified, and I should just say - - -

45

PROF O'KANE: Again, where would they come from?

DR PELLIS: Okay. I'm about to say that. So there's various ways of testing – so it's good to test those values in the field and there's things called pumping test where you can do a well and you pump the water for a long time. You monitor the changes and then you back calculate what you've observed to estimate what the ground must be like. Pumping tests are the most reliable because they test a large area.

5
Then you get to a thing like packer test which they did, and slug test, which tests just next to the bore. And then right down the end of the thing there's a core sample. You can take a small sample of core from the formation and take it to a laboratory and test it.

10
The problem with core sampling is it's such a small sample and you may or may not hit a defect or some sort of geological crack in the – and cracks dominate how water flows through there. So really, in my view, it's – you shouldn't be using core as a basis to guide your value to use in a regional groundwater model. And it's not just me that says this. The previous groundwater modelling, as I've brought up here, for this same project, concluded the same. They had the same core sample and said, look, we're not going to use them because it's not appropriate for regional groundwater modelling.

15
20
But in this basis, the vertical conductivity values they have, which are shown in these large green triangles, are basically from the core testing.

25
Now, the other thing is that there aren't any pumping tests values used. So there were pumping tests done, apparently, but in the groundwater model they said we haven't accessed the data. Now, I think that's not good enough because your client is Whitehaven. They must have access to the data, they commissioned them.

30
And secondly, given the size of this new extension, further tests are warranted, in my view, pumping tests.

35
The other question I have is packer test or drill-stem test, typically can test down to about one by 10 minus seven metres per subject conductivity. Once it gets very low, you can only put a – you have to measure a very small discharge, and the equipment can't do that. So I've seen sometimes in sites you met get the one by 10 minus eight metres per second conductivity from packer test, but normally if it's less than that, you just say less than – less than observed.

40
45
Now, they've reported test down to 10 to the minus 10 metres a second. Now, I – look, there must be something wrong, in my view. I cannot access the data. They've cited where it comes from, but I can't get hold of the reports to review it. I can't understand how you'll get such low values from a packer test. Maybe there's something I've missed. Maybe they did a very long sample of core, but it's something I'd really like to see because it – in precedent, I've never seen anyone being able to resolve something that low from the packer test.

The third thing is cracking. So we know that when you longwall mine and you leave the void, that the formation falls down below it and the formation cracks, and that increases the hydraulic conductivity or how much water can flow through.

5 Now, they did do quite a lot of discussion in the model and have used, sort of, the latest, you know, research to calculate values. But going through this, and this is my game, I should be able understand what's happened. I can't understand the effect of what they've done. I can't actually know how high they've simulated cracking, and what the effects of – the way they've put the boundary conditions in the model, it
10 doesn't reduce to a value that I can – that's tangible to me. So I would like it if they did a cross-section like shown here and just show where does the cracking go and what is the effect of that simulated.

I've done a lot of these reviews before and the cynic in me says, look, you can bet
15 your bottom dollar the cracking doesn't go through the pilliga sandstone. But that's just precedent. I don't have basis for this particular mine.

Now, the last thing is calibration. We now have 10 years of mining to learn from. So what can we learn from that in calibrating it? Now, we can't go all through these
20 bores here. I do have a submission that's coming, but the end result is that there's only one – from the bores that were installed before mining, only one remains that can monitor the pilliga sandstone, and everything has been discontinued. There's no data presented since 2019 and everything has been discontinued at various stages, such as 2014 was the other pilliga So we don't actually know the effect on it,
25 and I don't think we'd observed affects in the alluvium yet.

And the question also goes to what future monitoring can we put for the extension. There's not very much there. And what incentive will there to be to not make the data stop at a certain point.
30

So in conclusion I've got five recommendations. One is that the conceptualisation underneath the Namoi Alluvium. It has to be reviewed. I don't think that that's tenable, the way that they've wrapped this pambula formation under the alluvium. I'd like it to be clear on the method that they presented in substance cracking so I can
35 understand what's done and how high it was done and what's the effect of what they've assumed.

I think the co-hide rate fund activity needs to be resumed – reviewed. I don't like and core test. I don't think that's tenable. There should be company tests data used
40 either by getting what's been done or by doing new ones. The packer test data of 10 by 10 minus 10 metres a second seems unbelievable to me. I want to be able to review that. And surely more tests are warranted for the extension. These are all old test data that were done – there's nothing new has been done to the extension, as far
45 as I can see.

I think in the context of this uncertainty about we haven't measured the hydraulic conductivity very well, there must be a precautionary principle to adopt at least common values, not uncommonly low ones.

5 And lastly, monitoring. There should be additional monitoring on the extension and my question is what incentive is there to maintain the monitoring? It's one thing to put the monitoring in but if it stops being monitored after two years time so we can't see what the effect was, what's the consequence or how do we make that not happen. That concludes my presentation. Thank you.

10

MR BEASLEY: Yes. Professor Fells is going to asking a question.

DR PELLs: Yes.

15 PROF FELL: Yes, Dr Pells. I understand that they did sensitivity analysis on the permeability parameters.

DR PELLs: Okay.

20 PROF FELL: And that would at least cover some of the issues that you raise - - -

DR PELLs: Yeah. Okay. My problem with the sensitivity analysis is that it assumes that their calibrator model is bullseye and that everything else is less probable. So from their example, they choose this very low vertical hydro
25 connectivity values and then say, that's our calibrated model. That's right. And so comparatively higher values are seen as less probable by that way of thinking, and I don't think that's true. I think the values they adopt in the first instance are very improbable.

30 And I also have comments about calibration, which I put in my presentation, is that ground 1 model has so many – it's almost like if you see an electronic peek device with all sorts of knobs on it. The groundwater monitoring gives you this device with a zillion knobs to tweak to make it match your observations and it just so happens that this concept got uncertainty – not uncertainty, called non uniqueness, is that you
35 could get a combination – various combinations of those knobs will give you a match.

The corollary is that you can't say because I've got a match therefore my knob setting on, you know, knob 4, is correct because there are other ways that you could
40 do it so that you can't say that we've got a calibration, therefore my vertical connectivity values are right, 'cause you could actually get a calibration through another whole different suite of values. Does that answer your question?

45 PROF FELL: Well, yes and no. I would say it's been a very helpful set of comments.

DR PELLs: Yes.

PROF FELL: But looking at the thing, they have bounded the permeability premise you might expect and drawn conclusions from that. Are you suggesting they're wrong?

5 DR PELLIS: I am. I'm suggesting they're too low and the reason – and the problem with the sensitivity analysis is, though it might, at its extremes, cover values which are more reasonable, they get presented as very unlikely scenarios, “Oh, we've turned it up by two times – you know, 100 times, therefore, we're covered the bounded possibility,” but that is also associated with a very low probability of
10 occurrence. Whereas – and, really, it's – we haven't measured those values, we haven't observed in the pilliga sandstone – I've never actually seen someone – the ratio of vertical to hydraulic horizontal conductivity is up to 10,000 times different. I've not seen it that different before in my life. I've seen people push it as far as 1000 times different, but it's normally the vertical conductivity you might say is 10
15 times higher than the horizontal, sometimes 100, but going to 10,000 on the basis of core tests I think is out of the bounds of normal practice. So, if you've got data to support that, great, but the data doesn't ever support that.

PROF FELL: Okay. Thank you.

20

MR BEASLEY: Thank you, sir.

PROF FELL: Okay.

25 MR BEASLEY: We now have Associate Professor Neil Perry from the University of Western Sydney Institute for Culture and Society. Are you there, sir?

DR N. PERRY: I am. Can you hear me?

30 PROF O'KANE: Yes.

MR BEASLEY: Yes. We can. Thanks. Go ahead.

35 ASSOC PROF PERRY: That's for the opportunity to speak. I don't have a – anything to share. I'm an associate professor at West Sydney University and specialise in the economics environmental management and cost benefit analysis. I will be commenting on the economic assessment, cost benefit analysis fundamentally about the allocation of resources such as land, labour and capital. If the collective willingness to pay or benefit of a project is greater than the cost or the value of those
40 resources in the alternative use, then the project is economically justifiable.

The economic assessment is generally from the New South Wales guidelines except in one major area of apportioning greenhouse gasses to New South Wales. In addition, effects on the treatment of biodiversity impacts and the willingness to pay to avoid mining in the State. The conclusion is that costs have been understated in
45 the realistic scenarios in which the project does not pass the benefit cost test. First, the way that environmental losses have been treated in the cost benefit analysis is not

in the line with theory the biodiversity is an indirect cost of the project. Instead, the economic assessment notes that the impact on biodiversity will be offset by the purchase and retirement of biodiversity in species credits and this cost reduces – produces surplus. Now, if society’s willingness to pay to avoid biodiversity impacts was equal to the cost of those offsets, the two approaches would be equivalent. The willingness to pay to avoid biodiversity impacts is not equal to the cost of offsets.

First, the price of offsets is determined by land values and Government requirements to buy offsets. It doesn’t reflect the willingness to pay all marginal external costs of loss by adversity. Second, while offsets are good, they aren’t the same as the original biodiversity they replace. Society would prefer to have the original biodiversity in place or at least that must be investigated. The problem here derives from the no net loss assumption that underpins the New South Wales biodiversity offset policy. Because of that assumption that assumption, the proponent can say that, since they’ve offset via that policy, there’s no biodiversity loss.

But the no net loss assumption is, firstly, only ever correct in terms of biodiversity attributes, not the values or willingness to pay with regard to biodiversity. In addition, in reality, it never actually occurs because the offset side is often resisting biodiversity that’s protected rather than new biodiversity created. So the willingness to pay to avoid the biodiversity and other environmental losses, even when compensation occurs through offsets, must be included as an indirect cost. Secondly, many members of society simply don’t want more mining in the State and they are willing to pay to avoid more mining.

Part of this is due to the impact on biodiversity and greenhouse gasses, but it’s not simply about – reflected in those prices for carbon biodiversity. There’s additional willingness to pay to avoid mining due to other factors like responsibility and State pride. Third, the authors apportion the cost of emissions to New South Wales on the basis that New South Wales contribution to Gross Domestic Product – Global Gross Domestic Product. There’s no justification for that approach and it goes against the guidelines and recent standard practice as I believe has already been raised in these hearings.

The New South Wales guidelines and technical notes are very clear in stating that the total environmental impact of greenhouse gas emissions that are attributable to New South Wales should be included. By “attributable”, I take this to mean the total amount caused by New South Wales. The Department’s assessment report highlights this and states that the full allocation of scope 1 and 2 greenhouse gas emissions as being the norm and that, if we include those, it would significantly reduce the benefits. In fact, on the plausible scenarios, allocating the social cost of all scope 1 and 2 emissions to New South Wales is enough to render the project economically inefficient. For example, the cost of greenhouse gasses is 546 million under the high CO2 price scenario, but that price is a mere A\$120 in 2044.

The International Energy Agency publishes CO2 prices in plausible scenarios where countries meet emission reduction targets, US 140 to \$204 in 2040 and also coal

prices fall dramatically. Under these scenarios in prices, the project is already economically inefficient and a sensitivity analysis should include those plausible scenarios that are fundamentally about uncertainty.

5 On the basis of these arguments, it's my opinion that the costs are understated and there are easily conceivable scenarios where the mine proposal would not pass the benefit cost test and shouldn't be approved. Thank you.

10 PROF O'KANE: Professor Perry, you mentioned at one point – and I think it's when you were talking about greenhouse gasses, that it goes against guidelines. Could you just tell me which guidelines in particular you're referring to?

15 DR PERRY: That's the cost benefit analysis for mining guidelines and the technical notes associated with those.

PROF O'KANE: Thank you very much.

20 MR BEASLEY: And just to flow on from that you say that the economic assessment in the proponents EIS misinterprets those guidelines in relation to how you calculated the costs of greenhouse gas emissions?

DR PERRY: That's correct. Yeah. The - - -

25 MR BEASLEY: By doing what you said, taking New South Wales - - -

DR PERRY: Yep.

MR BEASLEY: - - - gross – what is it, GSP, Gross - - -

30 DR PERRY: Yeah. Gross State Product

MR BEASLEY: Gross State Product and dividing it by the world's Gross Domestic Product?

35 DR PERRY: Yep.

MR BEASLEY: Well, taking it as a percentage of that, you say that's the wrong approach?

40 DR PERRY: That's correct.

MR BEASLEY: All right. Thanks. I think Professor Barlow might have a question for you.

45 DR PERRY: Yep.

MR BEASLEY: I think he's on mute, as well, which might make it hard for you to answer at the moment.

5 PROF BARLOW: Thank you, Richard. The question of – the price of biodiversity offsets as they were purchased, how is that set against, you know, the community's aspirations for biodiversity?

10 DR PERRY: Yeah. It doesn't reflect community's assessment or preferences for biodiversity. So it's – it basically depends on land values because that's the opportunity – if someone creates an offset, they can't use the land for other productive purposes. So it basically depends on those land values. So that's kind of on the supply side of the credit market and the demand side is basically determined by Government policy. So people's preferences aren't coming into that. If everyone wanted – was buying credits and participating in that market, then it could potentially include people's willingness to pay for biodiversity, but they aren't.

15 PROF BARLOW: Thank you.

20 MR BEASLEY: Thank you, sir, for that.

DR PERRY: Thank you.

25 MR BEASLEY: Next person making a submission is Dr Alison Ziller from the Macquarie School of Social Sciences. Dr Ziller, can you hear me?

DR A. ZILLER: I can. Thank you. Can you hear me?

MR BEASLEY: Yes.

30 PROF O'KANE: Yes.

MR BEASLEY: Please go ahead.

35 DR ZILLER: Good morning, Commissioners. I'm an expert in social impact assessment and, within that professional area, I specialise in the review of social impact assessments and I want to draw your attention to some critical omissions in the SIA submitted for this project. These omissions matter because they undermine the reliability of the assessment and also because they have not been identified by the Department in its assessment report. I will be submitting a written report, but today I want to deal with three matters.

40
45 The first matter is omission of the social impacts of climate change. So the SIA says nine stakeholders raised concerns about the impact of this project on climate change and a very brief list of their concerns is summarised in the SIA at page 155. But the SIA does not identify the wide range of adverse social impacts that climate change will bring. These include serious public health impacts, such as infections and morbidities, rising death rates, mass population movements, loss of livelihoods,

eroding shorelines, extreme weather events, social distress and civic violence. There is no end limit to the risk of these consequences nor an upper limit to their seriousness. These consequences are great.

5 It's the role of an SIA author to research the concerns of local stakeholders who are not expected to be either researchers or social impact experts. However, this has not occurred and, further, the SIA dismisses these stakeholder concerns by saying, at page 156, that the emissions will be negligible on a global scale and, on the same page, that the people affected will be the global community, as if this doesn't include
10 the local residence or the people in New South Wales.

At page 175, that no management strategy is suggested and, at appendix C, page 128 – a hundred and – sorry, 218, that the impacts of climate change are economic. The effect of this treatment is to avoid and omit a relevant and significant social impact.
15 It is mentioned as the anxiety of a few people, but omitted in substance. I am concerned to note that the Department's assessment report also sidesteps this issue by declaring it as avoiding double counting. We would not accept an argument from the tobacco industry to the effect that it is responsible for the cost of manufacturing cigarettes, but not for the harms arising from smoking them. The social cost of
20 climate change will be more harmful.

The second matter is omission of another important social cost. The SIA says the primary social benefit of this project is a continuation of 370 full-time equivalent jobs until 2044. It says these jobs are the only positive impact of very high
25 significance. Jobs are the go-to social impact benefit for mining projects and this SIA, like so many others, accepts the estimate provided by the proponent and found in an economic impact assessment attached to the EIS, in this case appendix L. Again, local stakeholders question the reliability of the jobs assessment and this is reported in the SIA at page 15, but the SIA does not investigate or confirm the
30 reliability. It describes current employment patterns. It notes that relatively high-paying mining jobs are a source of social tension, but it does not investigate the likely trajectory of coal mining-related jobs.

The authors of appendix L anticipate that the price of coal will, I quote, "reflect predicted coal quality various and exchange rates". However, the number of jobs
35 will, in fact, also depend on the extent to which mining is increasingly automated and the extent to which demand for coal and its price fall as a result of the rush to alternative sources of power, a rush which is already evident. The economic impact assessment says that, if coal prices fell by 62 per cent, there would be no financial
40 benefit to New South Wales, but it doesn't relate – or, as far as I can see, it doesn't relate price fall to either a market response to climate change concerns or to the following subsequent effect on jobs.

The flow-on analysis is based on the continuing presence of mining-relating – related
45 jobs. Hidden in this static jobs assessment is a significant but omitted social cost. Coal is a source of energy with high social and environmental costs. It is manifestly clear that alternatives to coal are being both sought and increasingly found. A jobs

analysis which fails to take this into account is an analysis proposing to strand a number of employees in the mining-related industries. The alleged highly significant social benefit of these jobs relied on by the SIA and subsequently by the Department is, in fact, offset by the impending social costs of employment stranding. As the price of coal increasingly reflects its role in global warming, it is one of the large elephants in this room.

The third and final matter I want to raise concerns a failure to comply with New South Wales Government guidelines. This project requires an assessment of the environmental impacts of this project on the people of New South Wales. It is manifestly apparent that burning coal elsewhere in the world will rebound on the people of New South Wales. It will rebound in terms of climate change and climate change will be experienced in numerous social impacts affecting people's livelihoods, health and safety around the world and here.

There are four New South Wales Government guidelines relevant to this analysis. There are two social impact assessment guidelines published by the Department in 2017 and 2021. There's the New South Wales Treasury guide to cross benefit analysis and the Department of Planning's 2021 cumulative impact assessment guideline. All four guidelines emphasise the necessity of taking adequate account of social impacts, whether or not they can be quantified. All four guidelines say qualitative assessment should take account of distributional and cumulative impacts.

The Department's cumulative impact assessment guideline provides examples of strategic policies on climate change which are relevant to assessment. These are examples not a definitive list. The guideline says at page 28:

Climate change is an example of a major hazard.

This guideline says at page 20 that:

A cumulative impact assessment must be proportionate to the scale and nature of the potential cumulative impacts which, if large, are likely to trigger the proportionary principle.

A major hazard would seem to fit this trigger, but the precautionary principle has not been applied. A failure to comply with four New South Wales Government guidelines raises serious questions of probity. Thank you.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you - - -

PROF O'KANE: And, Dr Ziller, are you going to send your notes in as a submission?

DR ZILLER: I am. Yes.

PROF O'KANE: Thank you very much.

MR BEASLEY: Dr Ziller, just so I understand, the part of your – sorry. The part of
5 the proponent's social impact assessment or one of the parts that you take issue with
is this opinion, is it? Quote:

10 *The contribution to social issues of the greenhouse gas emissions attributed to
the project is considered negligible as they are proportionate to the project
scope 1, 2 and 3 emissions in comparison to total national and global
emissions.*

That's what – that you take issue with that opinion; correct?

15 DR ZILLER: I think so. I don't actually have that section in front of me. Do you
want to tell me what page it was on?

MR BEASLEY: It's from page 156 that you referred to.

20 DR ZILLER: Yes. In that case, yes. Yes. I've – I provided – I summarised that
down to "negligible", but, yes.

MR BEASLEY: Yes.

25 DR ZILLER: That's where I got it from.

MR BEASLEY: But is that because you think it's improper to take an approach
that, if people are impacted by an extension to a coal mine because of concerns
relating to climate change, greenhouse gas emissions, etcetera, that it's not proper to
then divide the impact they suffer by the amount of emissions associated with that
30 extension as against world emissions? The impact they suffer is the impact they
suffer.

35 DR ZILLER: The impact that they suffer is the impact that they suffer and we can't
quantify it because it will cover all of these domains. You know, I mentioned several
of them. So the impact will affect the whole of their lives, not just one aspect. It will
be accumulated and rebounding effect on everybody's life.

40 MR BEASLEY: Sure. But you – where you query the analysis in the proponent's
social impact assessment is you say it's not proper to then say, "Well, it's negligible
because the scope 1, 2 and 3 emissions of this project are a small percentage of world
emissions."

DR ZILLER: Correct.

45 MR BEASLEY: Yep. Okay. Thank you. Thank you very much for that, Dr Ziller.
The next speaker we have is Professor Ian Lowe – Emeritus Professor Ian Lowe.
Are you there, sir?

PROF I. LOWE: I am indeed. Can you hear me?

MR BEASLEY: We can. Thanks.

5 PROF LOWE: Thank you. And I will preface my remarks by saying that I will
provide a written submission after I've disengaged from this unsatisfactory and
unreliable video link thanks to the budget NBN. I've been working on climate
change and its impacts for more than 30 years. So I will be concentrating on that
10 issue and I want to preface my remarks about this specific project with some general
comments.

The first, building on what Professor Sackett said, is that the International Energy
Agency, which is the global voice of the energy industries, published a report in May
15 2021 on the challenge of getting to net zero emissions by 2050 and I note that I don't
know any reliable climate scientist who thinks that getting to net zero emissions by
2050 is a sufficiently aggressive target to avoid dangerous climate change. But,
setting that aside, the International Energy Agency report said that getting to net zero
by 2050 means no new coal mines or coal projects or extensions of existing projects.

20 Secondly, since this is an unusually gassy mine, I note that the conference of the
parties to the Climate Change Convention in Glasgow last year decided that methane
is a sufficiently serious problem to demand a new global methane partnership to
address the increasing levels of methane in the atmosphere and I note that, where the
level of carbon dioxide in the atmosphere is now about one and a half times the pre-
25 industrial level, the level of methane is about two and a half times the pre-industrial
level and there's real concern that this could produce a runaway greenhouse effect.

Thirdly, I draw your attention to a recent book by Professor Jeremy Moss of the
University of New South Wales, professor of political philosophy, called Carbon
30 Justice in which he argues that the current legal framework of allowing coal
exporters to use what he called "the armed dealer's defence". There's a demand for
our product. We only export it. We don't use it is not working and it's increasingly
likely that the pressure for carbon justice will lead to a holding these who export
fossil fuels accountable for their use and it's perhaps a premonition of that in the
35 recent Sandy Hook judgment in the United States of America where the suppliers of
weaponry were held responsible for their use to murder children. That will
inevitably have an effect on the proposed export of increasing amounts of Australian
coal.

40 I also note that Professor Moss, in the context of the analysis done which points to
the likelihood that this project would generate \$177 million of tax revenue, that the
export coal industry has been remarkably successful in avoiding paying tax.
Professor Moss points out that in the last year for which he could get ATO data,
seven of the largest coal exporters from Australia paid no tax at all, nil, zero, zip,
45 nada, not a cracker. So it may well be that there will be an outbreak of social
responsibility between now and 2035 and the proponent will become a responsible

payer of tax, but that is a triumph of hope over experience. There is no evidence to suggest that this will actually happen.

5 The fourth issue I wanted to raise is the problem of collective impact. It's the nature of the process that projects are assessed individually and I've looked at the eight projects that the IPC has approved since 2018 and they are each individually of relatively little impact, even the relevantly gassy mine where I grew up at Tahmoor only contributed to about one million tonnes a year of carbon dioxide equivalent. But the collective impact of all of these individual processes is considerable and the
10 coal mining industry now contributes about 16 million tonnes a year of carbon dioxide equivalent with – in New South Wales terms is more than all industrial processing, comparable with agriculture. So at some point we need to address the issue that assessing these projects one by one does not take into account their collective impact which can be considerable.

15 In terms of the specific proposal, it is an unusually gassy mine. I've seen it described as "the dirtiest thermal coal mine in Australia" and the recommendation is that it be approved with "strong conditions", but I want to suggest to you that the conditions which are proposed are as about as strong as a wet paper bag and will be equally
20 effective in scaling back emissions. To deal with scope 2 and 1 emissions, first scope 2, which is principally electricity used, the proposal is that it will require energy efficiency measures and green energy and table B16 says renewable should be used where reasonable and feasible.

25 These words are being used in past proposals to remarkably little effect and I draw your attention to the fact that the regular CSRIO energy market operator assessment of generating costs has shown since 2018 that by far the cheapest electricity now is solar farms and large wind turbines, even with enough storage to be firm capacity, it is much cheaper than the wholesale price of electricity in New South Wales. So it
30 would actually be doing proponents a favour to mandate that they use carbon-free electricity. I've seen reports of the submission by the proponents which are variously described as saying that they will use carbon-free electricity totally or that they will reduce their scope to emissions by 10 or 11 per cent and the obvious point is that, if they use carbon-free electricity totally, that would eliminate scope 2
35 emissions and that should be a reasonable requirement.

In terms of scope 1 emissions, the fugitive methane emissions, the proposal is that they be reined into .215 tonnes of carbon dioxide equivalent per tonne of run-of-mine coal. That would add up to something like 1.8 to 1.9 million tonnes a year of carbon
40 dioxide equivalent in the early years of the mine. That adds something like 11 per cent – 11 or 12 per cent to the total impact of the coal industry in New South Wales. So it's not trivial. It would be a very considerable addition. Professor Ross Garnaut in his book Reset argued that fugitive methane emissions could be eliminated by combining technically and economically feasible mitigation measures with requiring
45 offsets. The proposal is that these measures should be investigated and implemented where reasonable and feasible to minimise fugitive emissions.

I draw your attention to the Tahmoor South Mine which is also gassy and the proponent there argued that a 14 per cent cut in profits to reduce emissions was not reasonable or feasible, even though the abatement cost would have been about a third of the cost of carbon credits in New South Wales at the moment. So, again, I would suggest that trusting the proponent to decide what is reasonable and feasible rather than mandating a reduction of emissions is unlikely to have the effect that is desired of reducing the greenhouse gas impact on the community. The past approvals have used that language, but emissions have actually been increasing year on year where data is available. At the very least, there should be independent assessment of mitigation measures rather than leaving it to the proponent to decide what is reasonable and feasible.

So, to summarise, we face a global climate crisis and even the global industry body says that this means no new coal projects. We also face a particular problem of methane leaves demanding global action. So we should be particularly harsh on any proposal that emits unusual levels of methane and there's growing pressure for carbon justice that means that those export coal will likely be held responsible for its combustion.

For those reasons I believe it would be irresponsible to approve this proposal, but, if it is approved, I believe it would be reasonable and feasible to require renewable sources of electricity, since they are now cheaper than the wholesale price of electricity in New South Wales and, if it is approved, rather than accepting an extra 11 per cent of greenhouse gas emissions from the coal industry and allowing the proponent to decide what is reasonable and feasible, I believe it would be reasonable and feasible to mandate that the emissions be curbed and that this be incorporated into the proposal.

The final point I would make is that the industry will always argue that it is not feasible to adopt new technology. I was on the Australian Government's committee that looked at proposals for pulp and papermaking after the Wesley Vale decision and the industry at the time argued that it was economically impossible to produce paper without using free chlorine bleaching. Within five years, the European Union had mandated the elimination of carbon-free bleaching and the industry had moved on to use other technologies. I believe it is reasonable to require the industry to use the technologies that are socially responsible. Thank you very much.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you, sir. Thank you for that. Sorry.

PROF FELL: Sorry.

MR BEASLEY: Professor Fell.

PROF FELL: Professor Lowe, the Department has suggested that the mining panel might well look carefully at the reduction of greenhouse emissions of ratcheting

down. Do you think this is a reasonable approach to take? It's the first time it has happened, I might add, with respect to a coal mine.

5 PROF LOWE: I think ratcheting it down is a reasonable approach. If it were to be adopted, I would recommend stronger ratcheting and then I would take seriously Professor Garnaut's economic analysis which is that it is now economically and technically feasible to eliminate methane emissions. It will reduce the profitability of the mine, but I believe that that could a socially responsible approach.

10 MR BEASLEY: Thank you. Next speaker is Tim Buckley from – who's Director, Climate, Energy, Finance Studies. Are you there, sir?

MR BUCKLEY: Good morning. Yes.

15 MR BEASLEY: All right. We can hear you. So please go ahead.

MR BUCKLEY: Excellent. Thank you very much. Madam Chairman, Commissioners, I'm Tim Buckley from Climate, Energy, Finance. Thank you very much for the opportunity to speak to the IPC. Could I start by paying my respects to the Elders of the Gadigal people of the Eora Nation. I will share my screen, if I may.

MR BEASLEY: Yep. Go that.

25 PROF O'KANE:

MR BUCKLEY: Brilliant. Thank you. I'm an independent financial expert engaged by the EDO and so on behalf of Lock the Gate and I have knowledge of the expert witness code and I agree to be bound by it. This project is not compatible with ecologically sustainable development. So just my acknowledgement.

30 This morning I would like to – and I will be providing a written statement giving context to my presentation here. I would like to just quickly touch on a couple of key points about the rapid development in global decarbonisation and build on some of the comments that Professor Lowe just made before me. There are huge policy developments. There's huge technology developments that are driving massive deflation in the energy system in renewable, particularly.

40 There is huge, huge financial momentum globally that the UN sponsored. Global Finance Alliance now has \$130 trillion of capital that's pledged to a 1.5 degree world and the IEA, as the New South Wales Treasury reported very, very clearly more recently about the structural decline of coal and I believe that is a terminal trend. So, for all of these global trends of policy, technology, economics and finance, in addition to the climate emergency this project should not be approved.

45 I will also finish by talking about a couple of flaws in the net benefit analysis that has been raised by the proponent. Firstly, they forget to deduct interest, a rather major omission. A financial leverage is a standard practice in almost every company in the

world. They failed to deduct interest. I don't know how that oversight was allowed. Secondly, as Professor Lowe has said and a number of speakers have said, it's a little bit wishful thinking to think this proponent is going to pay any corporate tax. I will detail that. And, thirdly, just the value of the scope 1 and scope 2 carbon dioxide
5 emissions is many multiples of the value of this project as put forward by the proponent.

So, firstly, global police development. I won't go through it. You've heard a huge amount. The momentum in the last six to 12 months is nothing short of staggering
10 and so I expect that to continue, whether it's China committing to no new coal abroad with immediate effect. China was the largest funder of coal power plants in the world in the last decade. Now, it was immediate effect. They're not funding any abroad. South Korea and Japan have committed to net zero by 2050. They've committed aggressive interim 2030 targets and the momentum on policy is moving
15 exponentially admittedly a decade behind the science.

The second point, technology innovation. We have seen over the last decade a phenomenal amount of technology driven deflation in wind, in solar, in batteries and electric vehicles and it's my projection, like it is Dr Martin Green, the founder of
20 solar technology to a large degree globally, he talks about solar costs will halve in the next three/four years. I'm a little more conservative. I only expect it halve in the next decade, but that changes everything. So finance is really waking up to the technology-driven deflation.

And just to emphasise that point, in the US, just to pick one of – one key market, the administration, the Department of Energy, the EIA, a decade ago foresaw a very rosy future for coal use in America, the second largest consumer and producer of coal in the world. Within one decade, demand had dropped by 60 per cent. We saw a little bit of a renaissance last year. I would call that a dead cat bounce. This is a forecast
30 that came out last week showing America is set to close a huge number of coal plants in the next five years. In fact, they will have the record highest closures ever and there is not a single coal plant that has been built in the last decade in America and there is not a single coal plant proposed to be built and that trend is happening globally. So the idea that coal has a rosy future is nothing short of rose-coloured
35 glasses and the opposite is exactly true.

Now, what gives me and my background, I was for 20 years managing director of the biggest bank in the world, Citigroup – a managing director of Citigroup. I've been studying, analysing market for my whole career. When \$130 trillion of collective
40 capital globally commits to net zero emissions, a 1.5 degree trajectory, aggressive interim targets, my response is get out of the way. \$130 trillion of capital moving is going to change everything. Now, Professor Lowe highlighted the climate emergency and the drastic need for this. The reality is finance can move pretty aggressively and, when BlackRock talks about – BlackRock, the biggest company in
45 the world, the biggest financial institution in the world, and it talks about a tectonic shift in capital that has occurred in the last 12 – 24 months.

Moving on, the EIA, again, confirming comments Professor Lowe just made, the IEA forecast that, for us to have a liveable planet, thermal coal demand must drop than 80 per cent. Now, the EIA is sponsored by the fossil fuel industry for half of their global funding. So they are an advocate for the fossil fuel industry. So, if
5 they're telling you it's going to decline by 82 per cent in the next 28 years, I would suggest that is an understatement of the decline we will see.

They also advocate – sorry – forecast a 57 per cent decline in coking coal and, again, we just saw Sweden's SSAB announce that they were bringing forward 100 per cent
10 removal of the use of coking coal in the Swedish steel industry by 15 years to 2030. So the technology change, the finance change, the corporate change, the policy change is phenomenal. It's accelerating and the New South Wales Treasury changed its forecast quite dramatically last year and now talks about the terminal decline of
15 New South Wales coal as soon as 20 years from now. So it's worth taking the position of the New South Wales Government into account.

Moving onto my final area, it is to do with the absolutely flawed cost benefit analysis put forward by the proponent. They talk about \$599 million of net benefit to the
20 community. They somehow failed to actually quantify any cost to the community and I would just point out a couple of flaws. Firstly, they talk about no greenhouse gas costs. Secondly, they talk about paying 177 million of corporate tax in New South Wales over the extension project timeframe. I would suggest nil is the right number, not 177 million and I would suggest 230 – sorry – 2.3 billion is a more
25 accurate assessment on the greenhouse costs of scope 1 and scope 2.

Just on the tax point, firstly, if you pay interest which Whitehaven has a billion
dollars of debt, they will be paying interest. That is a deduction under Australian
Tax Law. How you forget to deduct interest when you're calculating your tax bill is
30 a rather 1-O-1 error of judgment, deliberate I would say. Secondly, I know one earlier speaker talked about seven year period that Whitehaven paid \$15 million of tax. If you look back over the last decade, Whitehaven has actually had a tax – cash tax refund of \$22 million. So the idea that they're going to pay any corporate tax in
Australia, history would suggest exactly the opposite.

35 And the last point is that emissions prices have gone through the roof. The world is finally belatedly acknowledging the climate science, acknowledging the climate crisis and the price of emissions in Europe has gone through the roof, €92 earlier this month. In America, they've trebled. They're still way too low. The US
Government talks about a social cost of carbon of US\$50 or more. At the moment,
40 the Regi is trading at \$US13, short tonne. The ACCU in Australia has trebled in the last six months. So, again, we should probably take a – weighted average of all of these.

I've thrown in a fourth one. Woodside put out their climate report this week and
45 they talked about a \$US80 a tonne price on carbon and they also talked about a 20 year life of methane as being scientifically logical consistent with the climate prices and the need for action in the next 20 years. So, if you actually used a fair price on

carbon and methane emissions and then you looked at it over the life of the 12 years of extension, we are talking about 27 million tonnes, scope 1 and scope 2. That has an average value of \$2.3 billion. So the idea that this project has a benefit to Australia or New South Wales is certainly not supported by the facts. Thank you very much for your time.

PROF O'KANE: Thank you.

MR BEASLEY: Mr Buckley, let's assume you're right in your analysis about – in the CBA, the proponent CBA, there's – they haven't deducted interest in the manner you suggest they should, that – what's in that analysis concerning tax is unreliable and that the proponent's expert's – economic expert's approach to putting a price on carbon emissions is incorrect, and that, therefore, the benefits of the project are in the negative, then I assume it's your position that, if the benefits are in the negative and then you've got whatever the environmental impacts are and there have to be some because there's greenhouse gas emissions, it would just be irrational to approve the project.

MR BUCKLEY: Yes. I couldn't put it any better myself. I agree. It is entirely contrary to the interests of New South Wales and Australia to approve this project. The cost to the Australian people is going to be in the billions of dollars, as I've just outlined, if we put anything like a commercial price on carbon and I know one of the questions earlier was about, "Well, what discount rate have I used?" I've used the spot price today. The IEA actually models a carbon price of \$US250 a tonne by 2050. If you did that, then, obviously, the numbers I'm using are exceptionally conservative. That is for the developed world. We are a developed world player and so, yes, I would argue that the carbon costs alone of just scope 1 and scope 2 mean that this project has a negative value to the people of Australia, to the people of New South Wales. The fact that they pay no corporate tax and have no history of paying any cash corporate tax suggests that the analysis is entirely flawed and, as I've said, every company pays interest when they have billions of dollars of debt. So to forget to deduct that is obviously just trying to gild the lily beyond belief.

MR BEASLEY: All right. Thank you.

PROF O'KANE: Mr Buckley, you mentioned that the 177 million in tax to New South Wales would be better estimated at zero, why the zero?

MR BUCKLEY: Well, you're right. We could actually put a negative value because, if we take the last decade's experience, they've actually got a - - -

PROF O'KANE: I just wanted to know how you got to the zero.

MR BUCKLEY: Just – as Professor Lowe said, let's not presume that they're going to all of a sudden altruistically become a good corporate citizen. Their actions in the last decade show that they've had a \$22 million net cash refund from the ATO and so the assumption that they're going to somehow start paying tax at 100 per cent of the

corporate tax rate and they're doing to do the right thing would presume a level of activity inconsistent with their history. It's inconsistent, as Professor Lowe said, with almost every company in the coal sector in Australia. There is no history of paying corporate tax at anywhere near like the right rate. So pick a number. Do you
5 want to put minus 22 million in, do you want put zero in or you do you want to put \$5? The idea that you're going to see \$177 million is just not going to happen.

PROF O'KANE: Thank you. And, Professor Barlow.

10 MR BEASLEY: Unless you can lip read, Professor Barlow, I think you might be on mute again.

PROF BARLOW: Now, here I am.

15 MR BEASLEY: Yes.

PROF BARLOW: The question really you have calculated about the potential costs of offsets and on – you know, a number of price But we know at present that Whitehaven Coal are not buying offsets because, under the present safety
20 mechanism, NGER, they are not exceeding that. So how would your proposal conform with that? Would they have to exceed the safety mechanism in NGER, you know, the National Greenhouse, are but before they would pay?

MR BUCKLEY: Not at all. The fact that Australia is – the Australian Federal
25 Government has no credible position on climate change, has no credible policy on climate change. With due respect to the New South Wales Government, it is working very hard, but we work in a Federal system and the Federal Government does not have any intention to comply with the Paris Agreement and, if you take our policy position, we would be ending up with a three or four degree climate globally.
30

So the idea that the world is somehow going to allow Australia a free pass and to aggregate our global responsibility, it's totally inconsistent with our treaty obligations, it's totally inconsistent with a liveable planet and, inevitably, the policy framework in Australia has to change. It will either change because of Australian
35 Government action or it will be imposed on us by foreign governments. We've seen the carbon border adjustment mechanism being proposed by Europe, we've seen China, Japan and Korea, our biggest trade partners, aggressively moving to decarbonise and committed to decarbonise. That will reduce the demand for our products, our exports, but they're not going to let Australia have a free pass. So
40 either Australia does a sensible climate policy to deal with this climate crisis or it will be imposed on us by our trader partners. So the idea that you're going to give them a free pass on the first couple of billion bucks worth of climate emissions, carbon dioxide emissions that they're doing, that's a figment of the Australian Government policy as it stands today. It's not a credible policy. It's 100 per cent
45 inconsistent with the 1.5 degree world and I wouldn't put my faith in governments offshore delivering on it.

I would put my faith in global finance delivering on their commitment and so, when \$130 trillion dollars of collective global assets under management by the world's biggest banks, insurers and asset managers say that they want to see a credible realistic path to 1.5 degrees, the changes in technology and finance and structure over
5 the last 12 months will accelerate exponentially. That is my forecast. We just saw Sweden announce that they will bring forward by 15 years the 100 per cent removal of all coking coal used in steel production, that is a date of 2030, and, to me, that is a bellwether of how fast the technology, finance and policy landscape globally is changing. We are an exporter. We need to understand that we are globally exposed,
10 but the idea that we're just going to get away with allowing projects, multibillions of dollars of carbon emissions and we will set some benchmark to allow them to do, that's inconsistent with the Paris Agreement and it's inconsistent with a liveable planet, it's inconsistent with ecologically sustainable development. Thank you.

15 MR BEASLEY: Thank you, sir. Next speaker is Sue Abbott. Ms Abbott, are you there?

MS ABBOTT: Yes.

20 MR BEASLEY: We can hear you.

MS S. ABBOTT: Good morning. Thank you. Good morning, Commissioners. My name is Sue Abbott and I live in Scone, New South Wales. I object to the Narrabri Extension Project. The risks and threats that we face today as a result of global
25 climate emergency are incompatible with modern society as we know it and yet here we are again being asked to comment on a destructive company's plans, which, in turn, are seeking permission from the New South Wales State Government to be permitted to continue the fossil fuel chaos and destruction of our plant on a massive scale.

30 We know that the fossil fuels are destroying the planet and we know that there are no safe levels. The New South Wales Department of Planning, Industry and Energy are facing this fact means that it has failed to stop all fossil fuel development madness. What DPIE should be doing instead of encouraging this toxic behaviour is
35 to be actively putting a stop to this mine outright, along with cancelling all operating licences for all coal mines across New South Wales straightaway. The business case for coal no longer exists. Just look at Australia's largest coal-fired power plant, Eraring, set to close seven years ahead of schedule.

40 Australia's climate emergency policy has been a catastrophic failure of risk management revealing all to see that scientific facts matter little in Australia when addressing the climate emergency. This is everyone's reality. We already know that the 1.5 degree Celsius increase will be reached before 2030 and we already know that we must reduce emissions in an emergency capacity and that we must do so
45 immediately. It is already too hot on planet Earth, meaning that planet Earth is already unsafe. There is nowhere safe to hide.

Furthermore, we have already reached tipping points which are essentially thresholds beyond which large irreversible change is initiated. Evidence from tipping points alone suggest that we are in a state of planetary emergency right now. Clearly, we never wanted to be in this position, but here we are. Just take a look at Arctic sea
5 ice, already tipped. The West Antarctic ice sheet, already tipped. Australia's coral reefs, already tipped. The Greenland ice sheet, on the point of tipping. Boreal forest, Alpine glaciers, Atlantic circulation, the Amazon Rainforest, all well on their way to tipping. Losing the reflective power of Arctic sea ice will lead to warming
10 equivalent to one trillion tonnes of carbon dioxide and advance a two degree Celsius threshold by 25 years.

Any rational world leader would make preventing this looming, compounding disaster a top priority, but, right now, the world is devoid of rational leaders. I cannot stress enough that the world is on a catastrophic trajectory of three to five
15 degrees of warming by the year 2100, which, to put it bluntly, it's curtains for human society. If this coal mine is permitted to operate in any capacity whatsoever, the existential threat to civilisation is even more guaranteed.

I would like to point out to the Commission that those who sanction coal mining at
20 need to know that they are condemning people to die. Any authority which approves any fossil fuel project is essentially killing people and nature by its very action and sanction. Given that climate change has already made everything too hot, catapulting us dangerously close to the Hothouse Earth scenario, our primary task must be to build capacity for emergency emissions elimination. Dealing in coal
25 mines would just not cut it. Mobilising for zero emissions by 2030 is critical because waiting until 2050 to achieve this goal is akin to climate denial and will not prevent catastrophic outcomes nor will approving the Narramine – Narrabri Mine Extension. Both are just signing our death warrants.

30 Terrifyingly, we are on – at the brink of large-scale climate disruption and, as global warming intensifies, physical, social and economic system failure will inevitably occur. This situation is unprecedented in human history. We need emergency action to prevent climate disruption, not another wretched coal mine development. Yet,
35 profound ignorance amongst our bureaucrats and politicians has meant that not one of them has acknowledged the full reality of the climate crisis and so the groundhog day that its coal mining approvals continues. It is just not in the public interest to approve this expansion. It is just not in the public interests to keep on killing us.

40 To conclude, I would like to state again that I object to the Narrabri Mining Expansion. Thank you.

PROF O'KANE: Thank you.

45 MR BEASLEY: Thank you for that, Ms Abbott. We know have Joanne Bell. Are you there, Ms Bell?

MS BELL: Yes. Hello. Can you hear me?

MR BEASLEY: Yes.

PROF O'KANE: Yes, we can. Thank you.

5 MS BELL: Thank you. Good morning, IPC panel members. My name is Joanne
Bell. I am a resident of Boggabri. I'm a business owner in Boggabri and I am the
president of the Boggabri Business Chamber. I have experienced firsthand the
benefits of being in a small business in a diversified town. We, like many, many
10 small towns, have struggled for quite some time now with COVID, droughts and the
economy in general, the uncertainty of where we should be focusing our business
and where the next dollar may come from. Because of this, we have had to change
our thinking and how we run our business and welcome the relief that the mining
industry has had – has been able to provide to us.

15 Over the years, we have built a relationship with Whitehaven and their support today
is paramount to the survival of our current business. As president of the Boggabri
Business Chamber, I have also seen the benefits of a diversified town and the
positive impact the mining industry has had on the variety of businesses in Boggabri.
As Boggabri business people, we want to celebrate Boggabri as a diversified town,
20 proud of our agriculture heritage and proud of our involvement with the mining
industry. We are determined to work together into the future to create prosperity,
opportunities, nurturing our businesses and the Boggabri community.

The extension of Narrabri Coal will secure a longer term for our businesses, helping
25 us survive, perhaps grow and offer job opportunities to our small community
families. Whitehaven are an active part of our community and also a member of the
Boggabri Business Chamber. They have been able to help us grow as a town by way
of supporting our events, improving our facilities and much needed employment to
the local population. In recent times, the COVID pandemic has had a long and a
30 huge impact on small businesses. Having a positive outcome for Narrabri Coal
would give us hope and have time to recoup. I support the Narrabri Coal Extension
and I thank you for listening.

35 PROF O'KANE: Thank you.

MR BEASLEY: Thank you. The next speaker is Rob Hooke. Mr Hooke. Are you
there, Mr Hook?

40 MR R. HOOKE: Can you hear me, Commissioners?

PROF O'KANE: Yes, we can. Thank you.

MR HOOKE: Thank you very much for inviting us here again this morning. Look,
I appreciate that the Commission has heard from Gunnedah Shire Council already
45 and it had some time to digest our previous presentation. With the Commissioners'
indulgence and for the benefit of the broader community, I would like to go over the
ground again to reinforce our concerns and add a small but significant point.

All council is seeking, irrespective of figures, is that the VPA reflects the impact on the community both in total quantum and how it is distributed. To that end, council has commissioned an independent analysis of impacts on roads only, based on Whitehaven-provided data about domiciled workers, both employees and
5 contractors. It would be negligent of council not to seek to ensure as a minimum, as with any development, that the community does not bear the costs which should be appropriately borne by the developer. The offer by Whitehaven included in appendix 5 of the department's consent is simply one per cent of capital investment value. This has no correlation to the impact and is 1.9 million short of the independent
10 assessment commissioned by this council. Council therefore seeks support in its position that the VPA component for the community of Gunnedah should be \$3.36 million and not the 1.34 million as offered by the proponent. At the very least if the total quantum of the EPA is not to be realistic then the community deserves an appropriate proportion of split of the total quantum based on Whitehaven's very own
15 data provided in the EIS.

A number of these factors used to determine the distribution of the offer by Whitehaven are ones that have no bearing or relationship on the development's impact on the community. Council contends that based on the proponent's own
20 domiciled work data the split should be 49 per cent to the Gunnedah Council and 51 per cent to the Narrabri Shire Council. In the DPIs assessment report it was stated that Gunnedah Shire for much of the past five years had high unemployment rates than – higher unemployment rates than the regional New South Wales and New South Wales and that additional employment would be of benefit. This is not
25 entirely accurate as the ABS unemployment data clearly shows that Gunnedah's rate is clearly trending downward as well – as will be detailed in our written submission and reinforced by the latest figures for the September 2021 quarter showing Gunnedah at 4.3 unemployment, regional New South Wales at 4.9 per cent and the New South Wales figures themselves at 5.5 per cent.
30

These figures would indicate further pressure on our labour market, housing and social infrastructure. Thank you very much, Commissioners. I hope that you take due consideration of what you believe are these very important matters. If there are
35 any further questions that you wish to ask, then we have the general manager and staff from Planning and Environmental Services here to assist you with your further deliberations and questions. Thank you.

PROF O'KANE: Thank you and thank you for the update on that, Councillor.

40 MR BEASLEY: Thank you, sir. Next speaker is Roselyn Druce. Ms Druce.

MS R. DRUCE: Hello, can you hear me?

MR BEASLEY: Yes, we can. Thank you.

45 PROF O'KANE: Yes, we can. Thank you.

MS DRUCE: Firstly, I would like to pay my respects to the traditional Gomeri owners of this land past, present and emerging. Good morning, Commissioners. Thank you for the opportunity to voice my concern and objection to this stage 3 project. My name is Roselyn Druce, a local who has had more than a decade of
5 contact and knowledge of the Whitehaven company, a community representative members on two mining triple Cs in my area. I live approximately 13 – three kilometres from the North Creek coal mine. It’s heartbreaking to see lifelong neighbours and friends bought out and pushed out by mining companies. My local community has been divided by Whitehaven to establish open cut coal mines in the
10 Leard State Forest. Farmers that have lived here for generations have been pushed out and now cannot hand their family properties on to their children generational equity destroyed and no longer possible, social fabric and the local community irreparable and damaged. How can agricultural and mining co-exist when properties are bought by mining companies to satisfy their failure – yes, their failure – to
15 comply with their approval conditions?

More than 80 local farmers around the Leard and in the district have been procured by mining companies. Why? Predominantly to obtain irrigations licences and
20 offsets. Purchase of properties has become acceptable by the department due to the inability of companies to comply with their approval conditions. The reason I raise this concern is that I can see the same impacts happening in the future at the Narrabri Coal Project, destroying local farmer’s lives, their mental and physical health and their water supply and are being bought out. Farmers that feed the nation. Having previously worked in the health industry, I don’t see impacts being addressed
25 on the health of people living in close proximity to the surface vents. In fact, it is ignorantly downplayed by the company, saying that there are only 25 new neighbours. High methane, CO2 and noise can be very damaging to health. Are these 25 neighbours not important?

30 My views on the department’s assessment report. Groundwater. Make good for loss of bore water is a joke and not possible. Contamination and seepage of brine into underground aquifers, unacceptable. Dewatering of groundwater would have a profound and detrimental impact on stygofauna. Surface water. Loss of natural
35 springs that support endangered species like the koala and other vulnerable and native species in dryer times is like turning the tap off for a thirsty traveller. If springs are dewatered and lost then this has a disastrous effect on the entire and local ecosystem. Biodiversity. Loss or displacement of cultural heritage sites and artefacts due to subsidence or clearing does not close the gap with our traditional
40 owners. It only widens it. Destruction by clearing 617 hectares of habit. Reducing shelter and food sources for native animals should not be happening at a time when habitat loss is so great.

Rehabilitation takes decades and is never equal to the original native habitat lost due to clearing. Greenhouse gases. DPI tells us there is no clear methodology or
45 guidance to assess potential mitigation measures to assess or reduce greenhouse gas emissions. I’m sure that Whitehaven will be pleased. If future emissions can’t be measured or mitigated, they prefer no rules or data. They can then use that excuse,

just as North Creek Mine did, when they professed that there was inadequate to provide that they were the cause of the decline in the health of communities along that creek after they had been illegally harvesting water that should have gone to the environment. To extend the life of a gassy mine will heavily contribute to an even greater burden of greenhouse gases that cannot be assessed or mitigated successfully. This mine should not progress further than the already approved 2031 date.

So my concerns are how is this project extension going to be appropriately enforced in regards to effect of near neighbours' health and loss of water, ensuring there is no contamination of water sources by reinjection of brine, displacement or destruction of cultural heritage sites and artefacts, complying with like for like offsets and procuring perpetuity. This is questionable at most of Whitehaven's other mines. Managing subsidence and tension cracking, measuring fugitive emissions. Calling this extension a brownfield is another way to downplay many issues that haven't been properly addressed by either the company or the department so they can say that it minimises the overall impact. There are many impacts that haven't been addressed completely if at all. This stage 3 projection extension falls very short of being a safe and environmentally sustainable proposition. This company and DPI under the direction of the Minister is facilitating and fast-tracking an approval of this extension with an outdated that is not fit for purpose to be used to secure a gassy mine until 2044 where the IESC recommendations have been ignored.

The department has recommended approval of this state significant development project extension with so many uncertainties, deficiencies and unknown outcomes in a sensitive area that forms part of the Great Artesian Basin recharge area. This should not be rushed and approved. That would be negligent. If you look at the public records regarding Whitehaven's past court history, prosecutions and fines tell a history a company that has little integrity or transparency. To trust such a company who ignore and don't supply further information to government agencies when requested tells a great deal more. The community has no chance to hold this company accountable when the department allows retrospective approval for illegal actions. In most cases it is the community who holds this company accountable and calls out these mining companies who steal water from the environment in droughts, who do illegal clearing and drilling, redirect water through pipelines without consent and then the department grants retrospective approval and a minimal fine.

The department is seen by many as too close to these resource companies, facilitating and fast-tracking extensions, modifications and new greenfield project approval in a time when the rest of the world is working hard to reduce our emissions. Energy companies here in Australia are now closing their coalfired power stations earlier than previous expected. The time has come to reduce our emissions and reach lower targets by 2030 in line with overseas nations. This extension should be shelved until 2030 by which time the Narrabri Mine will have sufficient time to update their EIS, ensure all offsets are like for like and really to be secured in perpetuity, have appropriate draft management plans ready, have rehabilitation of stage 2 well

underway and established, can assure the community that there – there will be minimal or no harm to the environment, to water sources including alluvial aquifers, farm bores, springs and the Namoi River due to loss of pollution and no cultural heritage sites or artefacts moved or destroyed.

5

There is still nine years left for this stage 2 extension, plenty of time for training employees and diversifying away from mining and other industries and jobs which our – both our local community is lack and our nation needs. Scaremongering among – about your block is promoted by this company, knowing their time is numbered. There is no hurry for this approval. More time for consultation is needed. But there is great concerns of the outcome if this stage 3 extension is rushed through and approved while all outcomes are still hinging on reasonable and feasible or ratcheting down measures, whatever that's supposed to mean, instead of clear concise plans and outcomes that the community know about. Please make a wise
10 decision to those – to listen to those who will be most impacted by this extension, not just DPI and the proponent and their empty promises. It's not in the public interest. Commissioners, please recommend that more time is needed for this project to fit in to the category so it can be reconsidered in 2030. Thank you.

20 MR BEASLEY: Thank you.

PROF O'KANE: Mrs Druce - - -

MS DRUCE: sorry.
25

PROF O'KANE: Ms Druce, you said you were on two triple Cs. Which ones are those, please?

MS DRUCE: The Maules Creek coal mine and the Idemitsu coal mine.
30

PROF O'KANE: Thank you.

MR BEASLEY: Thank you.

35 MS DRUCE: Sorry, sorry, about the bad connection.

MR BEASLEY: That's all right. We could hear you fine. Thanks. Next speaker is Glenn Many. Mr Many. Are you there, sir, Mr Many?

40 MR G. MANY: Hello, can you hear me?

MR BEASLEY: Yes, we can.

PROF O'KANE:
45

MR MANY: Apologies about that.

MR BEASLEY: That's all right.

MR MANY: Thank you for letting me be a part of this and, you know, I just want to show my support for the Narrabri Stage 3 Project. Just to give you a bit of an insight about myself, I'm from Boggabri originally, grew up there for 20-odd years, whole family did. My parents and other members of my family reside in Narrabri. Also, we do have farming in approximately eight kilometres of the current Narrabri coal mine and also some of the impacted area that's of the new stage that's is not – not far from where our – our family used to own property as well. So I suppose I got a good understanding of the area. I suppose I want to make a point of that and also, from the point of view of working with Whitehaven and seeing the benefits within mining itself and within Whitehaven. So my business – I – I run an engineering company in Gunnedah, 40-odd people. We've been going on for nearly 10 years now. Worked closely with Whitehaven within those 10 years and the benefits of working with them, you know, has been on our end been great, you know. It's seen a positive impact within Gunnedah, Narrabri, Boggabri and all the surrounding areas as well. So, yes, I'd just like to make that point that, you know, I do have a broad – I know the country that they're on as well and I do have a understanding of it all.

So the positive impacts for mining in the Narrabri coal area and – and mining in general around this basin. You know, seeing things like when I grew up as a kid there was butcher shops closing down, there was nowhere to get fresh produce, the chemist shop was closed. It was – I suppose I was used to that sort of thing. It was taking a fair understanding of once I've become of some age and then seen the benefits of some of these things where, you know, people have a chemist, you know, there is a good doctor's service there, you know, there is a local IGA. These things, I know, were only simple things about it but without the positive impacts of mining within that area there – there would not be any of this stuff. You know, the benefits for that alone are immense and they're – they're spread to the broader community. So people that aren't directly into mining, they – they benefit from this as well.

I've found through them and working with the community as well it has been a – you know, an immense thing to build the community, keep people within the community as well. So people that would go away, usually wouldn't come back now come back to these local areas and work and there's a range of different education. So from a tradesman point of view right through to a academic level as well. So the Narrabri Project itself, we do work there. We have tradespersons that work underground. We have been doing that for some time now. The growth of and others has helped that. It's helped push us, you know, not – not only within the Gunnedah and Narrabri and Boggabri areas but, yes, outside those areas as well helped us to grow. I've worked directly with the process within Whitehaven and it's a very broad and reasonable process to go through. As say, a lot of community and local people get the benefit of working with Whitehaven and being able to grow their business and also, you know, have that constant flow on of work and be able to make decisions within their company to help benefit both the mine and – and themselves as well.

To give you an idea of some of the community benefits, you know, the – the amount of sporting clubs, you know, community events, local schools, day care centres, all this, the – the – it's just crazy to think how much they actually support these places. And the – to – to be honest, there – there wouldn't be these places without the likes
5 of Whitehaven and that, you know. This is something that, you know, helps – helps them grow as well and to be able to benefit from. Predominantly, beforehand the areas were all agricultural so, you know, they lived and died by the weather. I – I've experienced that firsthand. I done an apprenticeship and I had to move two or three different places within that time because of the drought and the effects and the
10 and, you know, with mining it reassures that factor, you know.

If this is approved, there's going to be that constant, continual flow of work. It gives people reassurance and it gives people, you know, a bit of understanding that they can invest within the area. That's – that's my opinion but I think, you know, it's – the
15 way it – the way the future's going and that sort of things there is some uncertain times but this will help us have some of those certain times. So, yes, I think it's a great thing. I think the project should go ahead. I believe – I'm no expert or anything like that. I've read most of the commissioners' report and some other reports that were there. I think that most your recommendations seem fair and
20 reasonable. It seems like if anyone's impacted, there's going to be retribution there or compensation as such, probably a better word, but there – there – you know, I think things have been thought through and understood. I think, you know, from a person of that area and I – I think that – you know, I can understand the people's concerns but I understand the effects that – you know, if there was for something to
25 go on, I'm sure there'd be adequate compensation or whatever needs to be done.

Also, if the stage 3 wasn't to go ahead and it was to stop within the next nine years, roughly, the effects for that would – would start reasonably soon. You know, there'd be less confidence within the area, people would start to look for other positions and
30 you really would see the negative effect. Now, I know it's probably hard for people that are living in the city but this is one of our main employers. This is a – a employer that employs, you know, thousands of people within the local area within the mining industry but it would be detrimental. For someone coming from, you know, understanding what it's like when there's nothing there to where we are now,
35 it's – it'd be – it'd be devastating so - - -

MR BEASLEY: Thank you, sir. Thank you, sir. We – we need to wrap you up now because you've gone considerably over but please feel free to send in your written script.
40

MR MANY: No worries. Thank you and – yes, thanks.

MR BEASLEY: Thanks very much.

45 PROF O'KANE: Thanks

MR BEASLEY: Next speaker we have is Kaye Osborn from Illawarra Residents for Responsible Mining. Ms Osborn.

MS K. OSBORN: Thank you very much for this opportunity to speak today and I
5 begin by acknowledging the traditional owners of these lands and paying respects to
the leaders past, present and emerging. I object to this proposal for a number of
reasons including its very high level of scope 1, 2 and 3 greenhouse gas emissions,
destruction of biodiversity, impact on groundwater, agriculture and farming families
of the region and destruction of Aboriginal cultural heritage. But today I will
10 specifically focus on greenhouse gas emissions and the inadequate and inadequate
draft conditions of consent which have been deposited by the Department of Planning.
I would like to relate this particular project to my experience of the Russell Vale
mine consent conditions as approved by the IPC on 8th of December 2020 by a panel
which included Professor Chris Fell – it's nice to see you this morning, Professor
15 Fell – see you again – and to highlight the condition's shortcomings.

Like the proposed conditions of consent for this project, the Russell Vale consent
contained many terms that are ambiguous and vague. There was reference to best
20 practice management, a lot of investigating, researching and not very much about
actually implementing and doing. There were few clear measures and timeframes
and constant reference back to reasonable and feasible, although these terms are
really too open to interpretation. The air quality and greenhouse gas management
plan that was produced by the proponent for Russell Vale mine contained
commitments so vague as to be unmeasurable and unenforceable and the proposed
25 conditions proposed by the department for this Narrabri project are similarly vague.
In condition B16, we do have a table of maximum allowable emissions, however, do
we have the technology and regulatory systems in place to enforce these measures? I
don't believe so and I would refer the panel to recent media reports of misreporting
of greenhouse gas emissions by Peabody and in Northern Queensland and I'd also
30 like to relate a situation in relation to misreporting at Russell Vale mine.

So in relation to the Russell Vale air quality and greenhouse gas management plan, it
was a member of the public who noticed that the plan showed scope 1 emissions
35 more than doubling in the period from 2018 to 2020, a time when the mine was not
in production. So I'm a member of the community consultative committee and we
asked the mine at the meeting about this increase and were told that this was due to
equipment errors. It is of considerable concern that this error was passed unnoticed,
unexplained and unaddressed by both the proponent Wollongong Coal, and the
Department of Planning. In relation to this Narrabri Project, the department states in
40 its assessment report that there are a range of climate change policies now related to
the regulation of greenhouse gas emissions in New South Wales, however, it's
uncertain how these apply to state significant development assessments.

This lack of standards, performance criteria, timeframes, clarity on mitigation and so
45 on is clearly evident in the proposed conditions and yet the department has
recommended approval anyway. I believe this is reckless and irresponsible. The
point number 333 in the assessment report says:

Importantly, the development consent process is not the only opportunity to regulate emissions from a coal mine.

5 But it – I believe it’s the best opportunity to regulate emissions. It’s not realistic to introduce ambitious performance standards required for greenhouse gas emissions reduction after projects have been done, after investments have been made so I urge you to reject this proposal. The regulatory framework for the rapid greenhouse gas reductions that we urgently need to make is not yet in place. The coal of the Narrabri Underground Mine has been millions of years in the making. It will still be here in 10 nine years, in 20 years, in 100 years’ time and then if the climate crisis is solved, if fit for purpose regulatory frameworks are in place and the coal can be safely mined without climate impacts, perhaps then it would be time to approve a coal mine with the enormous emissions footprint of Narrabri but that time is not now. I urge you to reject this proposal. Thank you.

15 PROF O’KANE: Thank you.

MR BEASLEY: Thank you. Next speaker is Trudy Stains from Future EDU. Ms Stains, are you there?

20 MS T. STAINS: Yes, I am and thank you for allowing us to speak today. My apologies, Mr Warwick Moppett, our chairperson was unable to attend today. I am Trudy Stains. I’m speaking on behalf of the Future EDU, a voluntary organisation based in Narrabri. Future EDU is a not-for-profit community group with a vision to 25 support the creation of a region of future ready citizens who are confident and competent in STEM areas and who are ready to work with and for local organisations. Narrabri is fortunate to have wide diversity of industries and organisations in the fields of agriculture, science, research, transport, environment and the extractive industries.

30 Our role is to reach out to these businesses and develop relationships to engage with the educational institutes throughout our shire. We’re able to do this through a sponsored project officer. There are 30 local STEM friendly businesses who currently offer support including work placements, industry excursions and in school 35 visits. By developing these relationships with local businesses it allows us to expose our community and young people of Narrabri and surrounds to a greater range of STEM-based career opportunities to them. Future EDU is sponsored by local organisations including Narrabri Shire Council, CBO, Harvey IT, CRDC, New South Wales DPI, CSIRO and Tiemens Creative along with Santos and Whitehaven who 40 have provided opportunities for local students to learn about different careers and the STEM needs in our – in a modern context.

45 Future EDU greatly appreciates Whitehaven Coal for their financial and in kind support. Whitehaven have sponsored and contributed towards a number of our activities including the STEM awards, a local science fair where they provided a judge for the day. They off hands on noise and air monitoring workshops for our local schools. They provide school based work experience. They have assisted with

virtual reality goggles. They help with linking to extracurricular programs and linking the national curriculum program for – for our schools and schoolteachers. They offer school apprenticeships. They have supported our employment of our project officer and they also provide a representative to our committee in a voluntary
5 role. Therefore Future EDU is happy to support Whitehaven Coal’s mine extension. Thank you.

PROF O’KANE: Thank you.

10 MR BEASLEY: Thank you. Next speaker before the break is Mitchell Royall from Whitehaven Coal. Are you there, Mr Royall?

MR M. ROYALL: Yes, I am. Thank you.

15 MR BEASLEY: Go ahead, sir.

MR ROYALL: Yes. Good morning, Commissioners, and thank you for the opportunity to speak today. I’d like to acknowledge the Gomeri People who are the traditional owners of this land and pay my respects to elders past, present and
20 emerging. My name’s Mitch Royall. I’m currently the longwall superintendent at Whitehaven’s Narrabri Mine. It’s been quite a journey to end up here. After leaving school in year 11 I completed a wall and floor tiling apprenticeship. Started in the coal industry in 2014 – 2004, sorry – and during that time I’ve been fortunate enough through the opportunities mining has provided me and my family both to work and
25 travel in Australia and through North America. Coal mining is in my family. My late grandfathers were heavily involved in mining and my aunts and uncles have still got strong links to the mining industry. I came to the region in 2013 and have settled and moved to Gunnedah in 2015 with my wife and at the time two boys.

30 Now, as luck has had it, we’ve got three healthy, active boys who keep my wife Nicole and I both very busy. When I come for the interview I was very impressed with the operation, the investment Whitehaven had made into the mine’s infrastructure as well as – as well as the other facilities that we have on offer out here. I’ve been working at the mine now for eight years. Few different roles
35 throughout my time here and I’ve been able to progress in my career at Whitehaven. Whitehaven’s given me the opportunity to progress, progress in areas not just in mining but in life skills in general. I’ve completed some postgraduate studies in project management to broaden my skills, incident and accident investigation and – and trying to get to the human factors and behaviours behind how we operate. I’ve
40 also gained some financing skills and some budgeting skills, just to name a few.

I’ve seen many people also benefit from development opportunities here at Whitehaven. I’ve witnessed a lot of people grow and prosper. Some have moved on chasing further opportunities but also quite a lot have stayed. We’ve got quite a lot
45 of people here that are getting long service leave at the moment that have been with Whitehaven for a while. A lot of supporting businesses and suppliers are also a large part of us at Whitehaven and at Narrabri Mine. You just heard from a friend of mine,

Glen, Glen Manny. Glen's story is like many others in Gunnedah and Narrabri. It's not because he works at the mine directly himself but the indirect support the mine offers him and his business. We also see this every day as part of the community. This ranges from the tennis academy in Gunnedah that my six year old son trains at
5 two days a week and also trying to get a builder or a tradesman in town is hard because they're all full. There's plenty of them but they've got all full books months in advance due to the economic stability that – that the mine and – and – and the region offers.

10 Community. It's a big part of what we do here. Besides what I see at the mine itself, I know – I know Whitehaven has worked with the Clontarf Foundation for many years and it's also assisted in establishing the Narrabri Academy and this gives young Indigenous men an insight into a rewarding career and encourage them to stay in the school which is – which is important. This is something I like many other
15 parents are passionate about. I – I worry about what our kids' pathways are into working life. What are their options after schooling is finished? That's important to me. The challenges of attracting skilled people to the area is well-known and, more generally, the competition for people in mining has been strong for years. There is a nationwide skill shortage not just in mining but in industry and we need to educate
20 our next generation.

With the stage 3 extension, the local businesses and Whitehaven can get back out there and offer these pathways for the kids to stay in the area and not go looking for work elsewhere. Major employers like Whitehaven Narrabri Mine provide an anchor
25 for the local businesses and for other aspects of build communities like schools and – and the sporting groups and this especially because unlike other mining towns Whitehaven strongly encourages its people to live in the mining area – in the area around the mine. We've got up to 75 per cent of our workforce that live in this area so we are a big part of the community. Just to touch on that, an example of this is
30 my wife who works in the local health sector, she's most recently heavily involved in the rollout of the COVID-19 vaccinations in Northwest and for those of you, it's geographically large area out here and there's a lot of outpost communities that – that don't get the support from the health service and my wife was involved in going around and offering the vaccinations on Saturdays and Sundays to the local
35 communities and the local Aboriginal communities around our area.

And without mining we would not be in this area, my wife's skillset would not be in this area, as with other mining partners and families who provide valuable services into the Narrabri and Gunnedah communities. The local soccer team would not have
40 its lines marked each week. The – the senior coach in that team, he brings a wealth of playing experience, offers young kids a pathway and his wife is also the secretary. He – he works in the longwall department with me as well. I just want to share a quite story also about community. Sorry. My son was recently involved last weekend in a motorbike accident. I was meant to talk on Monday but I couldn't due
45 to being transferred to John Hunter for my son's accident. So, luckily, with all the persistent nagging for him to wear the correct PPE and – and the right gear and helmet and body armour that we bought locally. We – we went in the local and

bought this equipment so we'd ensured it was the right equipment for him. He's released it on his way home but on our way home we went on release from hospital on Tuesday or Monday or Tuesday – it's been a long week – and his school rang up and the principal and vice principal rang up just to check on how he was not just as
5 teachers but as friends and as fellow parents.

So that's what community's about for me and that's what this – this area means to me. The extension projects are key to continuing that. Allowing the extension to proceed will give Whitehaven confidence to invest in the area, at the mine. That
10 means we can continue to invest in training people. I'm a firm believer in what if I train them and they leave but what if I don't and they stay? Where are we going to end up if we don't invest in our people. I'm not going anywhere but if mining in Narrabri does end in 2031, just nine years from now, where will that leave businesses and where will that leave teachers? Who will teach our children? Who will educate
15 our children and where will my children end up? And that – as a parent that – that's what's important to me. So sustainable best practice mining which is what we're offering plays a key role into all of this and the way I see it, the stage 3 extension is about the three key points: building pathways for our families, for my family, securing long-term, rewarding jobs both at the mine as well as in the community, and
20 securing – and securing growth for the future of the region, support broader investment in the region. It's not just about a mine. It's about investment in the region. So thank you for your time and consideration of my points as a father, a local resident and a proud employee of Narrabri Mine.

25 MR BEASLEY: Thank you, Mr Royall. Commissioner Fell has a question for you.

PROF FELL: I was just interested in your views on the future markets for seaborne thermal coal.

30 MR ROYALL: Mr Fell, I don't really – sorry, you caught me a bit off guard on that – that question, sorry. Dave – Dave and Paul will be able to – to answer that later on in the day, sorry.

MR BEASLEY: That's not your expertise.

35

MR ROYALL: No, sorry. My expertise is - - -

MR BEASLEY: Is longwalls. Yes.

40 MR ROYALL: operating the longwall.

MR BEASLEY: Okay. No worries.

45 PROF FELL: I really said feeling though which is what I was searching for, you know. You're engaged in this business. I mean, what do you reckon?

MR ROYALL: Look, the – the feeling for – for long-term expert of thermal coal, I see – I see there's a demand for it. I see there's a – there's a need for it and we've got the resources. We've got the avenues to – to support sustainable growth and – and future investment in the area and – and if we as a business can offer that, that to me is important and that – and that's what I want to see from – from Whitehaven and I think Whitehaven have the right values as a business to offer that.

PROF O'KANE: Thank you.

10 PROF FELL: Yes. That's helpful.

PROF O'KANE: Mr Royall, first of all I'm really pleased to hear your son is, you know, sort of getting better and on the mend and all that.

15 MR ROYALL:

PROF O'KANE: Secondly, a question. You've talked about Whitehaven's values and how you – you and your family have benefited and many in the community have and that was very clear. One thing that's come through in the previous day of the hearing and in today is that quite a few community speakers – people have spoken about what Whitehaven has done for the community very clearly and shown the benefits but one group that is very negative have been several farmers and I'm surprised given that Whitehaven has worked in with so many. You know, we heard from Ms Stains. She gave a – a great description about, you know, how Whitehaven along with Santos and others have helped with STEM projects but the farmers seem unhappy. Would you be able to throw any light on why that is? They obviously talk about water but I'm surprised that that hasn't been sorted out with them.

MR ROYALL: Look, it's well-known the – the water in the region and what's happened in – in previous years – five years, I guess, since I've been out here but farming's a funny thing. It's a – it's quite a gamble, isn't it, farming? And – and I – I guess it's not for everyone. Mining's not for everyone but – but what I do know is the support that – I – I speak to the local tennis coach at the academy, Craig, and he won't mind me saying this but he's – he's – he is so busy every day offering pathways for kids out of school. To me it's about pathways. Everything we do is about setting up our future and – and setting up our kids and our kids' kids and where are they going to end up and – and that – that's a big fear for me. Like, my kids, what are they going to do as job?

I – I left school in year 11 so I went into the trade industry and – and we don't – we don't have trade any more. There's – there's no trades out there. We're not generating the next line of people so as a state and as a country we're going to really feel that but we're going to have labourers. We're going to have people out there that'll just turn up and do work but we don't have that skillset and to me that – that's what stage 3 extension's about. It's about building that. It's about – it's about building investment into the area. And – and farming, we invest – we invest in farming. We – we invest in – we invest in the region in many other ways. There's –

there's large facilities here, Pirtek, that the farmers go to. We – we – we spent – spend a considerable amount of money at Pirtek in – in Gunnedah that's available that has 24 hour callouts for farmers as well. So it – it may not be direct but indirectly these places are here. They're not having to go to Newcastle to get their spare hydraulic hoses or they're not going to have to go anywhere else.

We don't – we – there's so many spinoffs that – that Whitehaven provide to the area as an anchor – as an anchor and as a – as a – trust that Glen – Glen's building another factory and that's going to not just support mining, it's going to support farming, it's going to support infrastructure into the region so - - -

PROF O'KANE: Thank you. No, that – that – that was very clear.

MR BEASLEY: Thank you, sir. We'll have a break and resume at 11.15. Thank you.

RECORDING SUSPENDED [11.02 am]

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RECORDING RESUMED [11.20 am]

MR BEASLEY: Thank you. Just resuming the public hearings for the Independent Planning Commission into Narrabri Underground Stage 3 project and the next person to make a submission is Bruce Danson, who's making a submission via telephone. Are you there, Mr Danson?

MR B. DANSON: Yes. I am.

MR BEASLEY: We can hear you. Go ahead.

MR DANSON: Yes. Okay. I'm a farmer. I'm also an engineer and I can hear an echo in this thing.

MR BEASLEY: We can't. We can hear you clearly. So if it's not - - -

MR DANSON: No. It's good.

MR BEASLEY: Yes.

MR DANSON: I'm an engineer and I live very close to the existing coal mine. It's 6 kilometres to the north and stage 3 is the furthest stage from my farm and I also had an impaired well bore. Someone got one of those contracts from Whitehaven to examine and I'm not exactly pleased about what I see. So I've got a few things and I will focus on water mostly and the most important thing I have to say about the water is that it's all a series of fragmented assessments. We're not getting a complete

picture and the problem I have is that my bore well is being impacted by the irrigation core owned by Whitehaven at the end of their pipeline which is to the north-east of my farm and that sucks water out of the Namoi River aquifers which affects my well. Okay.

5

So stage 3 is the least likely cause of my problems and their bore is the most likely cause of any problems that I currently have. However, it's very clear that there are two other stages – we'll call them stage 4 and 5 – which will be directly west of my farm as close as about two kilometres and they will impact directly so that that's a serious concern to us. What we've experienced from Whitehaven is a very poor quality report about our bore. They are deliberately withholding information or it feels like that that's what they are. They are not bothering to look at the drilling data for other bores in the area and then claiming that that drilling data is not available but that drilling data should be available because the nearest bores to our farm are, in fact, owned by the Department of Water.

So they have got the data and they've got our data and they've got data from all the other bores because of their age. So it's just laziness. Some of the other things on that, the formation they're meant to drill into for additional water supply, which is known as the Napperby or Dorya formations, these are well-known for not having any water supply. So Whitehaven is proposing that we drill into a formation that is basically guaranteed not to have water and they've also ignored the possibility that there is an impervious layer below our farm that's not even recorded on their little geological plan. So we're not very happy with their proposal. And I want to move on to a couple of other things.

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PROF FELL: Just before you do, could I just ask a question.

MR DANSON: Yes.

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PROF FELL: Your current bore goes down to what formation? What are you drawing from now?

MR DANSON: We are drawing – we've got a shallow bore. It was a well. In 2019 that well was dry.

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PROF FELL: Okay.

MR DANSON: And it's connected to the flows from the Namoi River because one of our neighbours had a pump and it was there that he pumped the water would fall and then it would recover but he didn't pump 500 megalitres. Whitehaven is pumping 500 megalitres from their bore which is about two kilometres to the north-east, the most northern point by way or about three kilometres from my bore.

40
45 PROF FELL: Right. So it's - - -

MR DANSON: And that volume is what's causing us problems.

PROF FELL: Okay. Thanks. It's alluvium associated with the river.

MR DANSON: It's associated – the well and bore I have is less than two kilometres from the Namoi River.

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PROF FELL: Okay. Thanks.

MR DANSON: And it's on flat ground that's more or less floodable.

10 PROF FELL: Right.

MR DANSON: It's part of the Namoi floodplain.

15 PROF BARLOW: Mr Danson, it's Professor Barlow here. I have another question. If the bores that you talked about - - -

MR DANSON: I can't hear what you're saying.

20 MR BEASLEY: Yes. You're not on mute, Professor Snow. We can hear you.

PROF BARLOW: Yes. That's right. Can you hear me now?

MR DANSON: This last "can you hear me", yes.

25 PROF BARLOW: Yes. Good. Thank you. My question is this, you have stated that some bores on your property are actually owned by the Department of Water Resources or

30 MR DANSON: No. No. They are not on my property. They're on the boundary. They're across the road. There are two. One to the east and the south-east.

PROF BARLOW: Thank you. But if this is a government isn't that data publicly available?

35 MR DANSON: That information should be available but Whitehaven is basically saying they're not going to look at it.

PROF BARLOW: Okay. No. That's fine. I just thought - - -

40 MR DANSON: I will forward a copy of all the documentation, if you like.

PROF O'KANE: Yes, please.

PROF BARLOW: Yes. Thank you.

45

MR DANSON: Is that clear?

MR BEASLEY: Yes. Thank you, sir.

PROF BARLOW: Yes. Thank you.

5 MR DANSON: Anymore questions?

PROF FELL: No. Thanks.

MR BEASLEY: Thank you, Mr Danson, for that.

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MR DANSON: Right. Well, I haven't finished. I've just run out of time.

MR BEASLEY: No. You've still got a little bit more time so go ahead.

15 MR DANSON: Well, I think that the make good provisions are not particularly
effective. There's a lack of guidance or legislation – clarity in what we can expect
and the contact that was offered us was two complex. You can't just present
something like that to a solicitor and expect him to read it for just \$1500, for
example, and you would need specialist scientific advice to have a look at the actual
20 proposal and the finality clause that also doesn't take into account the future
development of mines very close to us and much more likely to cause us serious
problems in terms of both underground water and surface run off. So, yes. And the
next – the last point I will try to skip through this fast. The last point is the impacts
on agriculture. I think they have seriously understated the value of agriculture in this
25 region and, in particular, the prices for cattle and sheep are substantially higher than
they used to be. So I think that's an important point to be looked at. Yes. Are there
any questions?

MR BEASLEY: I don't think there's any more. Thank you, sir.

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PROF O'KANE: Thank you.

PROF FELL: Thanks.

35 MR DANSON: Yes. Okay. That's a summary of what I wanted to say so that will
do, if you like.

MR BEASLEY: Thank you very much.

40 MR DANSON: Thank you.

MR BEASLEY: The next speaker is Gai Swain. Ms Swain, are you there?

MS G. SWAIN: I am, sir. I am here.

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MR BEASLEY: We can hear you. Go ahead.

MS SWAIN: Thank you. Good morning IPC Commissioners. My name is Gai Swain, a long-term resident of Gunnedah Shire for over 58 years, having married the local farmer. Thank you for the opportunity to present my personal thoughts. I speak as an individual, not on behalf of any organisation, and I understand my presentation will be recorded and will be on the panel's website. I speak in support of the Narrabri Underground Mine expansion. I feel I can provide the panel with a unique understanding of the history and experiences my town of Gunnedah has gone through over the last almost 30 years, particularly during my time in public life.

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10 I served on the Gunnedah Shire Council since 1991 holding the position of mayor for nine years, deputy mayor for eight years, only recently retired in December as a councillor and previously was independent chairperson of the Werris Creek Coal Community Consultative Committee. Our family has two sons, a grandson, granddaughter and a son-in-law all young farmers who are working in different mines here in different roles, open cut as well as underground. Their mine employment supplements an income which allows them to maintain and operate their farms, never more evident than during the last few years of devastating drought and COVID.

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20 I'm aware of many others, male and female, who do likewise. Functioning as farmers as well as miners. The two industries are not naturally exclusive. Gunnedah as a proud history of mining and agriculture working side by side for over 100 years. Drought recently had a devastating impact on the farming community across the State and also on small businesses and that effect is still being felt by many. Not being able to harvest a reasonable crop for several years has a huge impact on rural communities. Families struggle to keep their heads above water and then COVID struck. To say it was a double whammy is an understatement. As businesses try to work their way out of lockdown and I look around at our town I'm aware that the mining sector has had and is still having a very positive influence on business activity.

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35 The main street is busy. The shopfronts are practically full and there is a sense of busyness everywhere in our town. This has helped our community hang in there. Though we are a strong agricultural area we are keenly aware that farming has the naturally occurring cycles of drought, wet weather and even floods. Never more evident than back in the late 1990s and early 2000s. During the time while I was mayor, our abattoir closed, we suffered drought, following closely by an extremely wet summer just at harvest time when the small crop which was ready for harvest was so badly damaged by weather and worthless. A very distressing time for many rural communities and for our town it was awful. We were all reminded of the vagaries of the weather.

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45 The Gunnedah community realised that to remain strong and active and, indeed, to survive and grow we could no longer rely on one industry. We had to have diversity of economic activity. That scenario has played out over the last couple of years where the whole community has struggled. If there is no farm production, there is not the economic flow on to businesses with the purchase of machinery, chemicals,

tyres, tractor parts, fuel, etcetera. Several business owners have commented to me that if not for the mines they would have been stretched to the limit financially and that was exactly the scenario during the late 1990s and 2000s when we didn't have the mines to fit in the gaps for our businesses and employment.

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Today I'm excited by the many varied job opportunities for our young people, men and women. New and greater opportunities for employment either on farms or industries which service those or in the mines and the varied industries which service the mining sector. This proposed mine expansion provides tremendous opportunity for continued employment of hundreds of young men and women. The enormous flow on to our businesses and the wider community and wages will provide the benefits of population growth and opportunities for the social capital that will follow.

10

I have long been concerned that many of our younger generation have to leave and go elsewhere for training for employment opportunities but now they have a choice, either to stay, find great employment and make lives in their own home town or move away for further education but at least they have that choice. Many of them are now choosing to move back, to settle near family and friends following tertiary studies because of the extra and varied employment avenues available with the added bonus of new and existing opportunities for their spouses and partners, both male and female and there is also a great opportunity for apprenticeships for those wishing to study a trade.

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There is growth in the positions that service the social life of our town – child care, retail, cafés, etcetera – which attract more people for the lifestyle that is now on offer highlighting that we need the social as well as the economic benefits now and into the future. New residents attracted by mining and associated jobs bring the benefits of active lifestyles which do much to generate and support the social wellbeing of our community as well as making great contributions to the volunteer groups, joining service organisations such as Rotary, Apex, Lions, SES and these younger members will ensure the clubs can continue to work for our residents now and into the future.

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Environmental guidelines are important, which was highlighted to me during my years as the independent chair of the Werris Creek Coal Community Consultative Committee and I am well aware of the rigorous environmental guidelines within which the mining companies have to operate and I know these are strictly enforced. I am comfortable that the processes put in place address the concerns of the community and requirements of the relevant authorities. Times have been tough for people out in the bush during the drought and lockdown and we will go through them again, hopefully not in such a devastating way but Gunnedah is re-inventing itself.

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As Sir William Deane said back in 1996, "The past is never fully gone. It's absorbed into the present and the future. It stays to shape what we are and what we do", and Gunnedah has always been a doing community. We always said we didn't need a handout, we needed a hand up to help us be the best community we possibly can be for our citizens of tomorrow, our grandchildren and our great-grandchildren. I believe strongly in this project and the benefits which will accrue to so many,

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individuals as well as business. The Department of Planning, Industry and Environment has already said this project is in the public interest and approvable subject to conditions.

5 Many rural community representatives say their communities would give their eye
teeth to be in our position with the opportunity for diversity of employment and
economic activity but we have to be allowed the opportunity to grow. I'm proud of
how our community is welcoming the new families and the diversity which that
brings into our region and look forward to seeing our future together unfold. Thank
10 you for the opportunity to present here today.

MR BEASLEY: Thank you very much.

15 PROF O'KANE: Ms Swain, thank you very much for again attending an IPC
hearing. I'd like to put the question I put to Mr Royall before the break to you.
We've heard a lot of people in support of the mine and one of the groups, though,
that has been largely – not all – anti the mine are farmers and they often cite water
issues but maybe you could throw some more insight on that or light on that matter
for me.

20 MS SWAIN: Thank you, Commissioner. I'll try to make a comment. Mine, of
course, is only a personal comment and I guess I could throw in there that I'm just a
farmer's wife. I'm feeling it's a little bit along the lines of it's something new, it's
coming in and it's changing the lifestyle of our communities in a little sense. I think
25 there's been some comments made to me about the fact that they don't like the hi-vis
gear people walking around the street because they see the hi-vis gear and that means
our communities are changing.

30 I'm confident that there is enough research being undertaken to cover the concerns of
people. I know there will be some people who will never believe whatever
information they get but from my perspective and I guess from my family's
perspective I believe the research. I believe the information that's coming through
from the professionals in their various fields. People have – in many instances, I
guess there's a little disparity in the economies of farming and mining. There has
35 been a little bit, I think, of I'll the word jealousy in some of the large wages that are
being paid to miners. Whether that's part of the question, I'm not sure.

40 From my perspective, the comment to me was – or the comment I've always felt,
things will change in our communities. We can't stay the same. We must move with
the changes and do the best we can with the changes that we've got and if we've got
an opportunity to provide a great future for our young people, they're the ones who
will be our future and, in many instances, I've been concerned, as I've said, our
younger people have had to move away. There hasn't been the professional jobs
available and I'm excited at the different jobs and the varied jobs and the
45 professional jobs that are drawing people back.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you very much for that. We now have Victoria Lewis who, I believe, is going to be on the phone now. Ms Lewis.

MS V. LEWIS: Hi.

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MR BEASLEY: Hello. We can hear you. Go ahead.

MS LEWIS: Okay. Well, thanks to the panel which allows me to contribute to this hearing. It is in keeping with the principle behind government, performance and accountability, “Ethical Having assessment guidelines stated purpose is to ensure the need for to balance the needs of community and the environment. The Whitehaven project estimates that an additional 218 workers will recognise the issues about the potential impact on groundwater and biodiversity Now these things actions, regulations and jurisdictions. each year the Australian
10 government oil and gas exploration especially When I I was flabbergasted to contravene the government’s stated intentions to reduce restrictions mean resources on the deep water environment and many acts of the reality which has been who does what and where.

20 Suffice it to say, we are shaped long before we for GHT and mining taxes on

MR BEASLEY: Can you hear? Ms Lewis, we’re having – I don’t know if you can hear me, we’re having trouble hearing you. I’m just wondering whether you can
25 move to a different area.

MS LEWIS: How’s that?

MR BEASLEY: That’s much better. Yes. Thanks.

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MS LEWIS: Okay. Now I don’t know where I’m up to. Okay. Apparently, coal drove the New South Wales economy from the late 1800s onwards but now we know the environmental cost and we have sustainable alternatives to mitigate the effects of climate change. Panels and the public are at the coal face of mechanisms to drive the transition. There are huge vested interests against this essential change. On the New South Wales Mineral Council web page we read:

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The CEO, Mr Galilee, brings extensive public policy experience and significant campaign skills honed over many years while working on a range of past election campaigns.

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He was an advisor to Howard, Abbott and Baird. Many are paid handsomely to do death to citizen voices. Indeed, the Minerals Council of New South Wales finances campaigns to lessen public authority’s powers to regulate mining whilst paying lip service to the Paris Agreement. The panel expressed concerns about water on the project. This has been well addressed by previous speakers. According to ACF in

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New South Wales planning and operating a mine crosses many authorities and there is no consistent reporting or auditing to capture the range of water impacts.

5 Different agencies regulate water licences, quality and discharge while other government agencies regulate coal mine planning and annual reviews of operations. Water reporting is not a requirement and the data provided is not audited. Hydrologists currently insist we need much research to understand aquifers, the Great Artesian Basin catchments and underground water behaviour for the whole Murray Darling Basin and Namoi is part of that. We need a regulated water footprint as well as a carbon footprint. The panel may well be concerned about water impacts. On this driest continent, food bowl, habitat for rich broader unique biodiversity, water is a huge issue and we cannot, as yet, take water at scale and without huge costs.

15 The EPBC Act states coal mining is subject to the management to achieve, over time, ecologically sustainable development which is fundamental to decision making. Now the principles to ecologically sustainable development include – this is from DEE2019B:

20 *The decision making processes should effectively integrate both long and short term economic, environment, social and equitable consideration. The precautionary principle that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for post planning measures to prevent environment degradation.*

25 If these principles were adhered to, none of us would be here. Renewables, as Origin has just announced, will leave the energy – I beg your pardon. All fossil fuel extractive industries could transition to renewables as Origin has just announced it will or leave the industry. Instead, they continue down the path of human induced climate change. If the desired technologies referred to in mitigating emissions is CCSUs it's not money well spent. Perhaps the real purpose of the CIP is to extend the life of mines and allay the stranding of assets involved.

35 The market value of coal licences, sites, plant and equipment is in decline, as are dividends and shares. Mr Flynn, CEO of Whitehaven, could be transitioning his claimed 100,000 direct and indirect workforce now or at least planning for it. We have renewable energy solutions. We do not have renewable water solutions. Our most effective measure to mitigate climate change is GHG emission reduction at scale and at speed. We are at a turning point in industry. International, national and State agreements and commitments attest to this fact. Environmental degradation has brought about extinctions. The juggernaut of fossil fuel extractions pursues financial benefits through political influence, contrary to the science of air and water requirements for a liveable planet.

45 Current economic and social benefits, fossil fuels and international economic dependence on the industry is, at most, generational. It is an industry in decline. The

impacts of climate change are global and catastrophic beyond measurable predictions.

5 MR BEASLEY: Ms Lewis, you've gone well over your allocated time. If you've got a script there or material you want to send in as a written submission that would be great.

MS LEWIS: Okay. Thank you.

10 MR BEASLEY: Thank you very much. The next person we have to make a submission is Elizabeth O'Hara from the Wando Conservation & Cultural Centre. Are you there, Ms O'Hara?

15 MS O'HARA: Yes. I am.

MR BEASLEY: Please go ahead.

20 MS O'HARA: Wando Conservation & Cultural Centre is a conservation group based in the Narrabri locality of Maules Creek. We object to this development. We acknowledge the custodianship of the Gomeroi people who continue to fight to protect land, water and air. We thank the IPC for the opportunity to make this presentation which is a summary of Wando's views of the assessment report. In our written submission, each consideration will be developed in direct response to that report. Our concerns cover eight main areas. The first, a description of the Pilliga East Forest site as brownfield development in the assessment report is misleading and appears to be a calculated attempt to instil the idea that Pilliga East is an area which is already industrialised, an area in which ecological values are not significant. The area is referred to as semi-arid, which is incorrect.

30 Whitehaven Coal is required to obtain biodiversity offsets which indicates that the Pilliga is a biodiversity site of significance, a point to which we will return. The second is the real threat posed to Gomeroi cultural heritage by the extension. Over 50 sites of cultural heritage, rock carvings, scattered artifacts, carved trees and particularly two major areas of grinding grooves are threatened by subsidence and damage through cracking. We note that Whitehaven's cultural experts downgrade the relevance at Kurrajong Creek as a cultural significant Aboriginal site. It is completely inadequate to suggest protective measures for these sites can be considered after approval.

40 The first concerns biodiversity offsets. The DPIE, at B45, determines that the applicant must make suitable arrangements to provide appropriate long term security for the offset areas required by the biodiversity offset strategy within three years of commencing development under this consent or other date agreed by the secretary. One day's experience with the proponent leads us to urge the complete revision of this cause with the replacement of suitable arrangements with secure in perpetuity, 45 the removal or other date agreed by the secretary and the addition of no clearing may commence until biodiversity offsets have been secured.

Our written submission will also consider the apparent mis-identification of protected community, the failure to identify species subject to serious and irreversible impact and the failure to adequately represent the groundwater dependent eco-systems and site of fauna threatened by the development. The extension will see
5 the loss of a further 600 hectares of which 440 hectares is woodland and mature habitat. The assessment has failed to adequately take into consideration the range of indirect impacts such as fragmentation, lighting, noise, edge effects and air pollution.

The fourth is the matter of greenhouse gas emissions. We will examine the impact of
10 scope 1, 2 and 3 emissions and discuss the assessment's limitations with regard to mitigation and offset. This is an existential matter. To permit this development is to jeopardise any hope of Australia achieving our Paris goal to limit global warming to 1.5 degrees. It has been heartbreaking to see well-meaning people speak during
15 these hearings of supporting the extension in the hope that their children will enjoy life in Narrabri and the region, including Gunnedah, into the future when they are helping to bring about the conditions by which the area will become uninhabitable.

Already the evidence of global warming is clear in the frequency of days over 40
20 degree and declining rainfall. Meanwhile, other more responsible companies are transitioning rapidly away from fossil fuels into a renewable future in partnership with their community. The fifth concern is water. Wando contends that the data regarding water is deeply flawed. We've heard this so many times from such
25 authorities. Relationship between the Namoi Alluvium and the Great Artesian Basin is misrepresented in the report. The sixth concern is the failure of the assessment report to take into consideration part 3 clause 12 of the Mining SEP by failing to evaluate the impact of such an approval on the different current land uses.

The seventh is the failure of social impact considerations to deal with the cumulative
30 impact of modification approval The impost on lives of monitoring, of acting as regulator, the loss of uncertainty and amenity for the community, the debilitating effects of pitting oneself time and time again against a dishonest proponent which frequently acts in bad faith and an apparently complicit regulator. Finally, one day
35 we'll ask the commission to pay due heed to the precautionary principles in realistically appraising the regulatory context. Our experience of the lack of appetite on the part of CPI assessments and the EPA to hold Whitehaven Coal to its conditions in word and intent will be presented.

In conclusion, I would just like to have – make two observations. One is to repeat
40 the consideration that has been made a number of times over the past two days of the hearing, why are we hearing this application now? It seems to be nothing short of an attempt on the part of Whitehaven to pre-empt decisions that should not be made, to pre-empt a realistic assessment of the truly horrendous effects of continued use of fossil fuel on our – on all our lives; climate change, our economy, our social lives, every aspect of our lives. And the final observation I would make is to reiterate
45 something we've heard a number of times today, it would be irrational to approve this project. Thank you.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you very much. The next speaker is Andrew Hope, who's on the telephone. Are you there, Mr Hope?

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MR A. HOPE: Yes. I am.

MR BEASLEY: Please go ahead, sir.

10 MR HOPE: First of all I would like thank the panel for allowing me to phone in. In these times it can be difficult to be face to face. I'd like to speak in support of the project. As a small business that has been in business for nearly 30 years and in the last 18 to 20 years engaged with the mining sector. We've gone from a one person business to four full-time and two subcontractors. We, through our engagement with
15 the mining industry, and other offshoot industries have grown a business to now where we're able to compete in other industries like government, rail, corporate industries, because the level of occupational health and safety and compliance that's required to work in the mining industry has opened doors for lots of other industries.

20 It's also allowed us to train two apprentices over those years, one of them who is now self-employed and employs people as well and is also engaged in the mining industry as well as others. We're a small business, started at home on a veranda in a little country town in Quirindi and, you know, our growth's been exponential because we've engaged in new industries coming to the region. The fact that the
25 mining industry has shop local policies and they do try to support their local businesses, they pay on time, you know, they're great to deal with from a business perspective. It's also allowed opportunities for my children to be able to attend university and things like that that I couldn't afford previously as a one man show.

30 So for us there's been a lot of great things come from having large industry come to the area and allow us to step up and perform at a lot higher level and open a lot more doors. Also, first hand, I've seen that, you know, through our sign business some of the community work these companies do along with restoring properties, supporting community, supporting sporting things and it has allowed our business to mirror and
35 do the same because of the volume of work coming through. So for myself economically and my business and my family it has been of great benefit to see this company grow. I'd love to see the expansion happen to keep the growth happening. I also understand, like most people, about global warming and fossil fuels and those things and would love to see something new developed. It's not here yet and I think
40 most people would support would support new development in that area and maybe some of the money that goes to the government from this industry could go towards improving that area and paying for the science and those things to eventually get us towards our carbon neutral goals.

45 In the meantime, we need coal and we need employment and we need work. Everything in the bush from farming through to just about every industry including mining in some way is automating, so jobs are becoming fewer and far between and,

you know, having the mines here and employing people to drive trucks, mechanics and, you know, the off spin of the businesses around it employing apprentices and training you keep people in the bush to me is a very big positive and I'd like to see it expanded, I'd like to see it go ahead. It has been very beneficial to myself, my
5 employees and my community. So thank you again for the time and thank you for allowing to do this online and it makes it very easy for us to keep working while we're helping.

10 PROF O'KANE: Thank you.

MR BEASLEY: Thank you.

MR HOPE: Thank you.

15 MR BEASLEY: The next person to make a submission is David Syphers from Syphers Footwear and Saddlery. Are you there, Mr Syphers?

PROF O'KANE: Hello.

20 MR BEASLEY: You might be on mute, sir.

MR D. SYPHERS: Can you hear me now?

25 PROF O'KANE: Yes. We can. Thank you.

MR BEASLEY: That's good. Thanks.

30 MR SYPHERS: Okay. Yeah. I've Dave Syphers. I'm a small business owner, second generation and we've been here – I've been here all my life and we're third generation from the Kamilaroi tribe as well. So we've had a lot to do with the Gunnedah area and we've had a whole life of it. Firstly of all in business, you know, we've experienced a lot of changes over the years. I've been working in this
35 business for over 25 years in the main street and it's a small retail business and we've experienced big changes like early 80s, late 80s, the abattoirs closed here which was a big economical problem. You know, there was a lot of empty shops. We had 20 empty shops in the main street. Our economy was gone and then probably late in the 90s, I think, a couple of mines started coming up and it started picking up.

40 You know, we had no other answer. We couldn't rely just on farming so the mining is what saved the town, I believe. So I'm always for mining because of our local economy. Without the local economy you've got nothing. You've got no schooling. You've got no education. You've got nothing, you know, and it keeps the town going. And also the – Whitehaven, they've been very good with us. You know, they
45 helped us through the drought. You know, they purchased stuff off us and keep us going, you know, and without Whitehaven all the mining would be closed. Definitely be closed. And, you know, we're a pretty good little business. You know,

well-known in the town. And also I have a boxing gym which we train a lot of indigenous kids and some of them kids have been training 16 years with me. You know, it keeps them off the streets, keeps them on the straight and narrow and Whitehaven's one of – they support us entirely. And I've got one boy that's a professional that's two fights away from the world title and I believe without Whitehaven we wouldn't be in that position.

So for me, you know, I've got two tiers. I've got a business and I've got a gym. Whitehaven helps us with both and without them we wouldn't have this and the kids on the streets and everything else. A lot of towns haven't got this. They have not got what we have and I believe mining has made Gunnedah and, without mining, Gunnedah's got nothing. So to me the Whitehaven underground extension is a plus for the town, a plus for the area as long as it's sustainable with our water and that, which I believe it is, and, yeah, I'm all for it. I've got no problem with it.

MR BEASLEY: Thank you.

PROF O'KANE: Right. Thank you.

MR SYPHERS: Thank you very much.

MR BEASLEY: Next person to make a submission is Owen Hasler. Are you there, Mr Hasler?

MR O. HASLER: Yes. I am.

MR BEASLEY: Go ahead, sir.

MR HASLER: My comments today relate mainly to the VPA and negotiations between the company and Gunnedah Shire. As a newly elected councillor and to the first elected council for the shire back in 1981-83 I and other councillors were somewhat surprised to hear the in our region and the sign that a proposed at the time and up to about 700 suggested in some places. A larger number were anticipated to live in Gunnedah. Surprise. Surprise. In 2012 after a lengthy break from council of some 13 years, I returned as mayor and I was very surprised and disappointed to find that Gunnedah Shire Council had been excluded from VPA discussions with the Narrabri mine due to the mine being located in Narrabri Shire.

From 2015 to '17, as an executive member of the mining and energy related councils which was a group of over 20 councils, I was one of three representatives given the responsibility to achieve a VPA negotiation process with representatives from the Minerals Council. These representatives were particularly keen to see the domicile model which reflected, in their view, the social and economic impacts on those communities directly affected by mining proposals such as the one we are discussing today. What was finally agreed upon was a framework. I have copies of these documents here which include timeframes, the road contributions methodology and the non-roads contributions methodology placed on social impact assessment, what

population change and impacts on local infrastructure and the capacity of existing infrastructure.

As I said, I have those copies there. They went after about three years of
5 negotiations to the Department of Planning for inclusion on their portal. In 2017/18 I
was appointed by to represent them on the resources advisory forum and it
became very evident in that forum that while the industry reps – that is, the miners –
considered assessment reports to be impartial, the environmental and community
10 groups, however, considered the reports were not impartial. This was reinforced by
the Lisa Corman report which I’m quite sure that you, as members of the IPC, would
be aware of which reported similar findings and provided a list of reforms to improve
thoroughness, impartiality and transparency.

Ms Corman recommended that government decision makers, such as the Land and
15 Environment Court, need to undertake more comprehensive analysis of both the
positive, potential positive, and negative economic consequences of proposals such
as this one we’ve discussed today. She also found that local councils and their
communities require more respect and attention. A very valid point here as I believe
the adequacy of the department’s assessment of report in this case appears to not
20 have considered the social impacts of the Narrabri extension mine development on
the Gunnedah community. I base this conclusion on the following observations.

First of all, the department apparently accepts the Whitehaven contention of regular
25 meetings between them and Gunnedah Shire representatives re the VPA. Well, as
chairman of that council at the time of that discussion, which reviewed the limited
negotiations, I can state that there weren’t a number of meetings between the parties.
Secondly, the report refers to unemployment in the two shires, Gunnedah and
Narrabri, being above the rates in regional New South Wales and in New South
Wales itself. This clearly suggests that they did not review the as the ABS data
30 refutes this, showing that Gunnedah Shire has been below those and has been for
the last five years.

But more reprehensible, is the statement on page 13 of the Executive Summary,
Social Costs and Benefits, where it says, and I quote, “That there would be limited
35 social costs on top of those that have already arisen for the directly affected
communities of Baan Ba, Boggabri and Gunnedah.” This conclusion does not affect
the fact that there will be additional employment numbers, including an increase on
the present number in Gunnedah, yet their conclusion is that there will be, and I
quote again, “limited social cost”. Obviously not correct.

40 but perhaps the worst of the department’s erroneous comments occurs when the
document states that Gunnedah Shire Council accepted the company’s methodology
in determining their share of the VPA. That’s in A3 of the appendices. Including,
and any raise the three issues. Employee contract and domicile data, location of
45 vehicle movements and the location of the project. Once again, as chairperson of
that council meeting which ratified our position at the time, I can assure you that it

was the form only – that is, the numbers of workers and contractors domiciled in our shire which was accepted by the council not the other two.

5 This being the position adopted by Gunnedah Shire Council with regard to the percentage of CIB that we sought was primarily based on the advice we had received from our consultant engaged to assess the quantum impacts of the employee and contractor data as found in the social impact assessment of the EIS which was translated into the percentage of CIB being 1.7 per cent. The fact that this percentage reflected that which we had negotiated with regard to the Victory South extension project, that is, 1.764 per cent should reinforce the validity of the figure arrived at rather than be used to undermine that negotiated outcome.

15 The fact that the have seen fit to include the Whitehaven offer virtually verbatim suggests to this concerned community member, me, a lack of transparency and impartiality on behalf of the report writers which supports the claims by many environmental and community groups that the department is hugely sympathetic to the industry advocates rather than recognising the concerns of the communities most affected by the mining projects. Furthermore, when we consider the department's assessment that the Gunnedah population will increase while the Narrabri Shire population will continue to decline, the figures supplied in any IES showed that 20 Narrabri's population of 13,084, there were 1124 mine jobs, of which 313 are locals and 811 are imported.

25 There will be 46 new mines, 28 in Boggi and 18 into Narrabri, equating to 115 new residents when you include families, an increase of .9 per cent in total population. Meanwhile, in Gunnedah, a population of 12,215, there are 500 mine workers and the EIS predicts 75 new miners can relocate to Gunnedah. That is 182 people including the family with a net increase of 1.4 per cent. I believe these figures especially considering until, of course, being given the minimalist 100,000 30 belated amount which was not a negotiated VPA. This contribution, so called, clearly recognised the social and other impacts on Gunnedah Shire but our community was never given the option of VPA for 2010 to '22.

35 Furthermore, some part of the report, section 448 and 449, has focused on the contributions made by the company to community groups and programs in the two communities including the Westpac Rescue Helicopter Services. I believe this to be irrelevant in terms of the EPA negotiations as these contributions are not required by the legislation and may be seen as part of the company's public relations exercise and should not affect those undertakings required by the IPC. In summary, I believe 40 the section of the report which refers to the social costs and benefits of the proposed project, sections 427, 432 and 437 on pages 70 and 71 clearly shows that both Gunnedah and Narrabri are, and I quote, "communities likely to be both positively and negatively impacted by the project and are together considered to be the primary region of social influence" with particular impacts listed including surface water and 45 ground water, community cohesion – that is, the sense of place – the inequalities based on high pay rates of the mining industry, which was referred to by a speaker a little while ago, emissions and climate change, Aboriginal cultural heritage,

community infrastructure and services particularly health services where we're in desperate straits in Gunnedah, lack of doctors and going through the process of getting a new hospital.

5 Housing affordability is another major issue in the area and the availability, particularly for low income households. I, like most Gunnedah residents, can assure you that most, if not all, of these items are the subject of regular community discussion. I would strongly suggest that the IPC should be indicating to the company that they should be negotiating a VPA with both councils based upon

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MR BEASLEY: Sir, just keep closer to your microphone I think.

PROF FELL: Could you repeat that last sentence.

15 MR HASLER: Sorry about that.

MR BEASLEY: And just repeat your last sentence which we lost.

MR HASLER: Sorry. I would strongly suggest that the IPC should be indicating to the company that they should be negotiating a VPA with both councils based upon the percentage figures referred to in 4.2.4.5 of the Social Impact Assessment and 6.16.2 of the section 6 assessment of impact where it found 39 per cent Gunnedah, 37 per cent Narrabri, 20 per cent other and 3 per cent Queensland when determining the distribution of employees and that the percentage of the CIB should reflect the actual quantum assessed by the consultant; that is, 1.71 per cent of CIB which reflects the actual amount of 1.764 negotiated by Gunnedah Shire for the Whitehaven owned Vickery Extension Mine. That's a direction by yourselves would hopefully see the negotiations expedited and a satisfactory and realistic outcome achieved for the benefit of our local communities. Thank you for the opportunity to present today.

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MR BEASLEY: Thank you, sir. Our next speaker is Chris Gambian, who's going to make a submission. He's from the Nature Conservation Council. Mr Gambian.

35 MR C. GAMBIAN: Thanks very much, Commissioners, and thanks for the opportunity to comment on this proposed coal mine. I'd like to begin by acknowledging the Gomeroi people on whose land this mine expansion is proposed and whose cultural heritage is under threat. If this mine is approved, it will cause a high level of damage to biodiversity. It will cause large subsistence impacts and will produce an unusually high level of greenhouse emissions. The Nature Conservation Council, on that basis, opposes this mine on all these grounds.

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First of all, climate. If the New South Wales commitment to reduce emissions to net zero means anything, if Australia's commitment to limiting warming to less than 2 degrees means anything, if our commitment to inter-generational equity to our children's future means anything, then this coal seam should be left unmined. If, on the other hand, mining is approved, the coal from this mine will be some of the most

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carbon intensive thermal black coal in the world. The fugitive emissions from the proposed mining area are expected to triple compared with the current operations. That's because of a huge increase in the methane released and because the methane cannot be flared due to safety concerns. Methane is one of the most potent
5 greenhouse gases and the second biggest contributor to global warming behind carbon dioxide.

Methane is a more fast acting and fast decaying greenhouse house than CO2, meaning that cuts to methane can drastically reduce warming in the short term.
10 Australia committed at Paris and reaffirmed at Glasgow to making efforts to limit warming to 1.5 degrees. Immediately and seriously cutting methane emissions is obviously required to keep the 1.5 degrees global heating goal alive. Increasing methane emissions as the proponent is proposing is unequivocally undermining that most important goal. In its assessment the Department of Planning and proponent
15 used global warming potential to methane of 25 to 28 times that of CO2. However, if the warming impact of methane is considered over 25 years rather than 100 years, methane's global warming potential is 84 times that of CO2.

For the purposes of intergenerational equity, this 25 year timeframe is absolutely
20 relevant. It is also absolutely crucial in determining whether we limit warming to below 2 degrees and pursue efforts to limit warming to 1.5 degrees as Australia has committed. So when considering intergenerational equity, I ask the Commission to consider this. Triple the CO2 equivalent emissions numbers you see. 31 million tonnes becomes around 100 million tonnes of greenhouse gas equivalent for the next
25 25 years. Because of these high fugitive emissions, this coal is especially damaging coal. It should not be added to global markets.

The department and the proponent have given some thought to this fugitive emissions problem. They seek approval with the commitment to research fugitive
30 emissions reductions and potentially ratchet down emissions. This is the hollowest of commitments. It's a non-commitment. It's a recipe for failure. Fugitive emissions reduction technologies will continue to be in trial or research until approval bodies mandate them. If the proponent can't make it work economically today, let them come back to the Commission for approval once they've figured it
35 out. It is far too easy for them to simply pass this cost on to us, the people of New South Wales and, more importantly, our children.

Finally, since the proposed mine will still be leaking methane well beyond 2050, the proponent insists that net zero by 2050 is not the same as zero emissions by 2050.
40 This is mischievous. Yes, we remove some emissions through actions like planting trees but the space for planting trees is severely limited and other carbon removal technologies are fanciful. There is absolutely no room in our emissions budgets for offsetting coal mining's emissions. Offsetting hard to abate sectors will overwhelm reasonable estimates of the land that could reliably be reforested and thermal coal
45 mining is about the easiest to abate sector there is. No emissions beyond 2050 should be allowed for this activity.

The venting of methane at this mine also means hundreds of hectares of native vegetation will be cleared for surface infrastructure and the surface will be subject to significant subsidence and subsequent impacts on ground and surface water in this already arid area. The cleared area includes 490 hectares of koala habitat, a species
5 that was recently uplisted from vulnerable to endangered by the Federal Environment Minister. I expect the New South Wales government will follow suit in recognising that this iconic species is in decline towards extinction. The New South Wales government has committed to doubling koala populations. That doesn't happen by clearing their homes. Koalas need trees. Just yesterday, New South Wales State of
10 Environment Report revealed that in the last three years 18 more species in New South Wales had been added to the threatened list which now counts at 1043 species.

The number of critically endangered species in the State has increased by 16. One
15 bird went extinct. These sad numbers are telling us that the decision making processes like this one here today need to change. Business as usual is simply not working. We must require a higher standard for projects to meet. Thanks so much for the opportunity.

20 PROF O'KANE: Thank you.

MR BEASLEY: Thank you, sir. Next person to make a submission is Michael Broekman. Are you there, Mr Broekman?

25 MR M. BROEKMAN: Yes. I am.

MR BEASLEY: Please go ahead, sir.

MR BROEKMAN: Thank you. I thank the Commission for allowing me to make a
30 submission. I'm in favour of this project. I'm a business owner in Gunnedah, Namoi Valley Bricks. I'm the general manager. We employ 25 people and we rely on Whitehaven Coal for the heating of our furnaces to cook bricks which we supply right around New South Wales, into Queensland and Victoria. I've lived in Gunnedah most of my life. I've lived through the period of time where we were in
35 dire straits economically. Close of abattoirs, main street had 20 vacant shops, schools were ready to close with not enough students or struggling. Now we live in an environment where the main street is basically full. Schools are booming and there's a future.

40 Back in 2000 there was a limited future, a limited future for our kids, and by now having two major industries working side by side, agriculture and mining, Gunnedah and towns surrounding Gunnedah have strong economic growth which is well seen as you work and live in this community. Housing is strong. Back in the earlier days, you know, people had no equity in their homes. Now they can see some strong equity and it is a reason to be here. So, you know, I have no strong or – or views or
45 understanding of the actual mining processes. I – I'm taking my views on what I see in relation to the wider community. I'm heavily involved with the community, heavily involved with the Chamber of Commerce and so what I'm putting forward

today is – is a view in relation to that – a strong mining sector in this region is hugely important to our economic survival. Agriculture is a great industry. It supplies us with great wealth, but it can't do it alone in regional New South Wales. We need a secondary industry and the resource sector supplies that economic development and economic growth that helps to support this region and – and the people that are in it. Yes, so that's my submission and I hope that the Commission can take these views on board and – and put it forward as a positive outcome.

10 PROF O'KANE: Thank you very much.

MR BEASLEY: Thank you. Thank you. Next person to make a submission is Warrick Rees. Mr Rees, are you there? Mr Rees?

15 MR W. REES: Yes, I am.

MR BEASLEY: We can hear you. Go ahead, please.

MR REES: As a landholder that is in negotiation with the Narrabri Coal, as I've been identified as having a bore that shall be affected by this expansion, I am addressing the – this Committee with this and other issues. Firstly, let me state that my family have formed – farmed this area a hundred years, with my grandfather purchasing, at 24, his first block; an unwanted block in 1922. Over the years, he expanded his business to include seven and a-half thousand acres in this area and on which he developed 17 bores or wells, in search of revival water. Some of these to the depths of a hundred – of a thousand feet. Of these bores, two remain operational and my bore is currently awaiting an upgrade of pumping equipment.

My grandfather, at the time of his death, was a visionary man whom, as Shire President, successfully influenced not only Namoi but also Narrabri Shire to make mains power available throughout the east shire, connecting directly to the alternator in Tamworth. This was revolutionary for its day. In his own business, he realised that a successful grazing business required certain inputs and a major one was certainty of water supply and so, he implemented these 17 bores and dug dams. But he found, as I have, that dams in drought times become death traps and unreliable as they dry up. During the most recent drought, I destocked all my breeder cattle, most of my sheep and sought outside work, as my concern for the environment equated to this decision.

Whilst I'm aware of our state's need to have reliable source of income and power generation, I don't understand how a short term gain of 13 years, which this mine extension is, can equate to the possibility of an on – off – ongoing potential that the lands are being – of the lands that are being closed up in this district for carbon or environmental offsets, when a cumulative effect of all mines is considered. I understand the number of people employed in mining is great but this is a short term, as farming in the past employed many, with my own grandfather employing 42 men at times throughout the year. Technology is always creating changes in the workforce and at – and the time for change has come for coal mining. My

negotiations with Narrabri Coal present to me a quandary that I have not found an answer for.

5 The quandary is how their make-good arrangement of boring another bore hole to the same depths and close proximity of the existing hole can be an answer. If one bore hole goes dry or water drops, the second shall also. Healthy environments are the only way to slow the devastating effects of global warming; damage to the atmosphere and the drying of land or desertification. Not releasing more gases through the extractive processes undertaken by mining, both open-cut or
10 underground. As a Planning Commission, what thoughts or proposals do you have for the many thousands of hectares of land that have been removed from active agriculture when this – within this area? Land that has been highly productive in the past, but soon will be restricted and dying. And as the saying goes, use it or lose it.

15 Farming has been on – an ongoing trait for my family in this area and my two sons welcome the chance to return to the area in some time, as do my neighbour's son and daughters, who have been here for over 140 years. Life isn't an existence, it's an experience. We hope the experience in the future is one of prosperity and abundance. But with no water, it's doubtful. In closing, I would like to refer to a
20 quote very near and dear: please consider the environment before printing this email. IPC.

MR BEASLEY: Thank you.

25 MR REES: Thank you for your opportunity.

MR BEASLEY: Thank you, sir. Commissioner Fell has a question for you.

30 MR FELL: Mr Rees, I just wondered what geological formation you draw your bore water from?

MR REES: I'm drawing mine from the Napperby - - -

35 MR FELL: Right, thanks.

MR REES: - - - as most – most of the bores that my grandfather put down were all down into the Napperby formation. He had an ongoing man working from 1946, I think, to about '53, when he died.

40 MR FELL: Right, thank you for that. I noticed an earlier speaker said the Napperby formation was pretty unreliable. Is that your finding also?

MR REES: Could be, yes. Look, I – that may be why there's only two of the bores left that are out of the 17 that he put down.

45 MR FELL: Okay, thank you.

MR REES: I know he equipped all but three of them because the three that he didn't equip, they didn't find enough water in them.

MR FELL: Right, thank you for that.

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MR BEASLEY: Thank you, sir.

MR REES: Thank you.

10 MR BEASLEY: Our next speaker to make a submission is Siobhain O'Leary from Australian Parents for Climate Action. Are you there, Ms O'Leary?

MS S. O'LEARY: Yes, thank you and good afternoon. So I am here. I'm representing Australian Parents for Climate Action, a group of 16,000 members and growing; parents, grandparents, carers, aunts and uncles, including over 5500 members in New South Wales. We're a non-partisan organisation of individuals focused on, and dedicated to, mitigating climate change and its impacts. It's primarily to ensure a safe and prosperous future for our children. We work towards this goal with great determination, but there are more than a few days when we feel there are massive obstacles and roadblocks being placed in our way. The ongoing proposal and approval of fossil fuel projects is a shining example. It has us working with one hand tied behind our back, going uphill, pushing against the tide. But we are not deterred because there is too much at stake.

25 As the mum to an eight and 11 year old, I'm personally motivated by the idea that one day my boys will turn to me and ask, what did you do? In the fact of decisions leading to catastrophic climate change, how did you raise your voice? I want to be able to look them in the eye and say that I did everything I could every day. So on behalf of every member of Australian Parents for Climate Action, and more specifically, on behalf of our children and all future generations, we object to this project. Why we object to the extension of the Narrabri Coal Mine should be clear. But for clarity, we concur with the many speakers before us who have objected on the grounds of harmful climate change and greenhouse gas emissions, especially the high emissions of the potent greenhouse gas methane that would arise from this project.

35 Covered in detail by many expert speakers at this hearing, the burning of fossil fuels from projects like this is causing the climate to change at an historically unprecedented rate. It is destabilising our life support systems and will have massive negative ramifications on health, wellbeing and lifestyles in the next decades and beyond, in our children's lifetimes. It is happening already. The facts of climate change are not in dispute. They are known and acknowledged by this Committee, by government agencies and at all levels of government in Australia. Given that, we already know that fossil fuel extraction will end. It must end. So if not now, then when? Some speakers at this hearing have said that that day will come later, some time down the track. But for anyone paying attention, that day has already come.

The 2021 Intergovernmental Panel on Climate Change Report was declared a code red for humanity, outlining as it does the immediate urgency of reducing global greenhouse gas emissions on a massive scale. In the 2021 Report, net zero by 2050, a roadmap for the global energy sector, the traditionally conservative International Energy Agency was clear when they said:

Beyond projects already committed as of 2021, there are no new oil and gas field approvals for development in our pathway and no new coalmines or mine extensions are required.

None. Neither organisation said, well actually, there can be one or two really high emitting coalmines like this one. Nor did they say, this applies to everyone in the world except New South Wales. And they did not say, it's okay if you keep going because someone has to sell it. This last one we refer to was the drug dealer defence; the notion that where there is demand, someone might as well meet that demand because they're just responding to demand and there's no obligation, no responsibility or concern for the harm known by the product they're selling. Of course, we can see the moral vacuum that this represents when it comes to drug supply, and the same is true of fossil fuels.

The IPCC, the IEA and the vast, vast majority of climate scientists have been unequivocal. There can be no new or expanded fossil fuel projects globally beyond 2021 or we miss hitting the Paris Climate Agreement target of 1.1 degrees warming. There is a lot at stake if we miss hitting the 1.5 degree target; entire island nations, a large portion of coral reefs and the ecosystems they support, species endangered, reduction in harvest yields, increased natural disasters and the flow on for insurance, health, safety, infrastructure and all associated costs, just to name a few. The New South Wales Government has already committed to net zero by 2050. It's a start, but not enough. The pathway that we take to achieve the net zero goal matters a lot.

From everything that we've heard about this project, it would place us outside of our commitment to the Paris Climate Agreement and outside the New South Wales Government's commitments to 2030 climate targets and the goal of net zero by 2050. Moreover, with significant risk of triggering climate tipping points beyond which warming accelerates, it is much harder to mitigate. We should be aiming for net zero emissions at a much greater pace and no later than 2035. Inertia in climate systems means that warming that is impacting on us now, at 1.1 degrees, is from emissions that were created 30 to 40 years ago. So we end fossil fuels today and warming goes on; further delay and adding more and more emissions makes this worse.

As a developed country, Australia has the capacity and obligation to do more to reduce our emissions now. The Paris Climate Agreement has equity provisions that require us to shoulder more of the burden because proportionally, we have cumulatively caused more of the harm and continue to have one of the highest per capita emission rates in the world. As parents, we recognise the need for climate justice. We look with empathy to families globally who are experiencing water and food crises right now, such as those in East Africa, where the UN estimates 13

million people are at the risk of famine right now, as they endure prolonged drought. And while the issues around drought, famine and food insecurity are complex, the United Nations has been clear that the situation there is exacerbated by climate change and will only worsen.

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Children are the most vulnerable during periods of famine and extreme food insecurity and parents in countries worst affected watch on as their children go hungry, exacerbated by a climate disaster that they've had little to no hand in causing. The emissions that we commit to now will not impact future generations in the same way emissions have impacted us, but in exponential and reinforcing ways. Intergenerational justice requires us to take responsibility, to leave future generations a clean and healthy atmosphere and a living world in which they can survive and thrive. With every additional emission, we make limiting global warming to safe levels harder, placing impossible burdens on future generations, such as costly mitigation and drawdown measures from technology that does not even exist yet, food and water insecurity, the potential of mass human migration on scales never seen before and worsening societal and global conflicts.

In the face of an unstable climate, the richness of life's opportunities are diminished. Choices that we have taken for granted, like where to live, buying and insuring a home and whether or not to have a family, are becoming much harder. Anxiety levels in young people are increasingly and the capacity for young people to emotionally invest in their future is being affected. As parents, we look at this future; not one that we imagined but one that has been modelled and predicted with ever-increasing certainty, and we are very concerned for our children. There is nothing in their lives that climate change will not make harder. We all love our children and we all want what's best for all of them. In 2022, with all that we know, the proposal or approval of an extension of any coalmine, let alone a mine which many consider would be the dirtiest thermal coal project in Australia, is a madness. The project must be rejected. Thank you.

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PROF BARLOW: Thank you.

MR BEASLEY: Thank you very much for that, Ms O'Leary.

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MS O'LEARY: Thank you.

MR BEASLEY: The next speaker we have is Ross McClure. Mr McClure, are you there? Go ahead, sir, if you can hear me.

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MR R. McCLURE: You there?

MR BEASLEY: Yes, we are here.

MR McCLURE: Okay. Good afternoon, Commissioners and thank you for the opportunity to show my support, and our company's support, for the Whitehaven Narrabri Coal Stage 3 Extension Project. My name is Ross McClure and I own and

operate Specialised Civil Services, which is a family-owned and run civil contracting and earthmoving business based in Narrabri. We have been working with the Whitehaven Group at Narrabri Coal since inception of the mine – of the underground mine and we currently have around about 20 employees on a per day contracted to the mine to perform various range of tasks and services. Whitehaven Coal Narrabri – Whitehaven Narrabri Coal has given us the opportunity to grow our business, to grow the company to its current level of around about 35 to 40 employees who all live in Narrabri, who all support the community and keep all this – in wages in the town.

10 Mining and related industries have contributed to the growth of the area, and in the recent drought period that was one of the worst droughts on record, lasting up to four years, mining in our district helped greatly to inject money and employment into our local community. In the last financial year, Whitehaven, as we know, have spent almost \$47 million with local businesses in our region, which is in our Shire, and also \$46 million in wages. Those wages stayed in the Shire and have flow-on effect to all our services and all our businesses in the region and our town and our business ourselves also supports and purchases everything we have to do in the Narrabri region.

20 From a skills and learning perspective, there are people who started in the mining area and gone on in this area to start their own businesses in the Shire. The industry provides the opportunity to learn and create new skills and trades. It teaches people all aspects of workplace safe and healthy. Because of its discipline and approach, I think that's – because of that, it produces a better person. The success of our business and the involvement with Whitehaven Narrabri Coal has enabled us to become the Narrabri Shire current Chamber of Commerce business of the year. We have been able to financially support and give back to the community through sponsorship, donations and community involvement, to organisations such as the Narrabri Show, the rugby union, the rugby league, the AFL, the Westpac helicopter, the art shows. The list goes on. Youth Foundation, the McGrath Foundation, Pick Up Narrabri and many, many more. We have done this for many years and we will do it for many years in the future. Other companies associated with Whitehaven Narrabri Coal also perform these same tasks.

35 Whitehaven are a part of our community, who are part of our Shire. They have been since the inception. They support and contribute to the community, which provides stability and security of long-term jobs not just for our staff, but all workers employed in the underground coal mine. Extending the mine to the year 2044 will increase that security. People who have – will have comfort planning house purchases, commitments, other family commitments, other family behaviours are all on – on securing long-term employment. We support the extension of the project to the year 2044. It's not all about our company, it's about the town, the region, the benefits of the community – the Shire.

45 We may not even be here in years to come, but that's irrelevant. It's all about trying to support the way that the town grows and without the mining and its associated

businesses, it would limit the employment. It would limit the opportunities in the Shire and it would limit the opportunities of our youth. Again, I'd like to take this opportunity just to address the – thank you for letting me address the Commission and show the support of our business and our family for the extension of the coal mine. Thank you very much.

PROF O'KANE: Thank you.

MR BEASLEY: Thank you, sir. Next speaker is Karra Kinchela from Lock the Gate. Are you there, Ms Kinchela?

MS K. KINCHELA: Yes, thank you.

MR BEASLEY: All right. We can hear you. Go ahead, please.

MS KINCHELA: Thank you. I'm Karra Kinchela, a Gomeroi traditional custodian from Narrabri, northwest New South Wales. First, I'd like to acknowledge the traditional owners of the lands we're on; past, present and emerging. I'd also like to acknowledge the continuous connection my people, the Gomeroi people, hold to the land that I'm on today and I acknowledge and respect my ancestors path taken to continue to protect our connection to Country and the health of our people and the lands that we live on that provide for us and have done so for thousands of years and thank you for listening to me today, Commissioners.

Today, I'd like to present my objection to the Whitehaven Coal Expansion 3. My objection to the Whitehaven Narrabri Coal Expansion 3 is due to our community not having a full understanding of the risk to cultural health and how working in a polluting environment is not healthy for our people, our community, land, waters now or into the future. In my submission, I will talk about a number of reasons why the Narrabri Coal Expansion 3 is not acceptable and should not be approved by the IPC. First, I'll talk about social impacts and living in – in the heart of Gomeroi Country, Narrabri, northwest New South Wales. My family have been living and working in the town of Narrabri and surrounds for seven generations, but we have been living and working in the area of the Namoi River, the Pilliga Forest, for thousands of generations.

So this generation of our people are working in coal mines. Our last generation and this generation and the generations before have worked in farms, cotton fields, mainly in irrigation, picking, cotton picking and cotton tipping. My pop worked in the old flour mill in Narrabri. My uncle drove trains, and that was after their dads built the tracks. But before that, our people lived and worked around the waterways of the Pilliga Forest and the Namoi River and what my people are doing and have continued to do today is keep our connection to our Country and providing for our families with what work is available. Over the generations, the health of our people have deteriorated. When considering the reasons this is happening in our communities, this is often due to the environment that we live and work in.

So I began work with Lock the Gate around the time of the IPA's with the Narrabri Gas Project here in Narrabri. The community was not being suitably informed of the impacts that mining will not only have on our cultural heritage, but also the health – the health of our land and waters. I believe that there is no space for
5 our people to be able to use our cultural knowledge, to recognise our cultural rights and obligations to protect water and Country. I've found there is lack of jobs and access to education in that area as well. I also felt the consultation process is flawed, as there is only a small amount of Gomeroi reps in our community being told and they are not – also not being told, or we are not being told, the environmental effects
10 that mining has on the climate, particularly this project.

So the effects on water being polluted, overused, mismanaged; the effects of deforestation and how that affects biodiversity. This is all happening on a large scale within our community and we should know these things, to be able to make an
15 educated, informed decision about projects like these. But there is a lot of time and space being taken up with organisations like mining companies and these representative groups by coal and gas companies and not leaving or making that necessary space for wider education and job availability for a health, sustainable future here on Country. So I'd just like to also add a couple of things about sports
20 and education and culture that I've found.

I've grown up here and so we – in 2001, we were recognised as the sportiest town in Australia. So this is before mining – the mining boom began; we were always recognised as people who would, you know, do things and play sports. So I thought
25 I'd add that, yes, that we were recognised as 2000 – in 2001 as the sportiest town. And in education, my mum was the first Aboriginal Gomeroi teacher here in Narrabri. So I believe education is accessible within our community and also with cultural regeneration, it is only something that has become socially acceptable within the last 20 years and given self-determination, appropriate access to funds and
30 resources that are available not just from Whitehaven, but with a little bit of effort can come from government and non-government bodies and funding initiatives. Yes.

So town growth is something that Whitehaven claims to provide support for, but in the many years that Whitehaven Coal has been living within this Shire, there has
35 been a decline in stores in the main streets, including our affordable clothing store, Target Country, meaning we are forced to buy online or travel to surrounding towns of or Moree to access affordable clothing, footwear and essential household items. And that also affects our community, our Elders, our townspeople who, yes, don't get their access to travel. So also, Whitehaven doesn't have an office in
40 Narrabri, but they've chosen to set up an office in Gunnedah, so it also shows, you know, where their investment lies within our Shire and community.

Go – now I'll go on to talk about the expansion project itself. Cultural heritage sites located around the area are the worksites of our people and valued proof of our
45 continued occupation in the area. I also wanted to express these sites have not lost value due to the disconnection that was forced upon our people due to colonialism. These sites should have, but don't have, secure measures set in place to protect the

area from subsidence and cracking. One of the 60 cultural heritage sites found in the project area has been found to be moderate to high scientific significance within the Narrabri Stage 3 Assessment Report. This is also the only site to be affected by subsidence and cracking. It also states in the report, the EIS does not propose any substantial protective measures for the site. However, such measures would come at a significant cost.

Instead, the EIS proposes that management of Aboriginal cultural heritage sites at risk of subsidence and cracks would be essentially a reactive problem. So the – we feel this – that it's not acceptable, in the need of protecting a large area, particularly the Grinding Grooves site, which contains 48 individual grinding grooves. It's not rare, but it's a really large site and is of major significance and high historic value in our stories and education and our long – obviously, our long continuous use of the Country over thousands of years. And water. Gomeroi interests in relation to water rights and access to clean healthy water is itself a human right. This right extends to the health of the land and the biodiversity it provides for. Our continued relationship with the Country we are living on extends over the area of this expansion project, as well as many other mining operations Whitehaven are operating on Gomeroi Country.

The amount of water needed to extract coal and the water waste it produces will always be a major issue for our people and health for future – for now and future generations. The on draw of groundwater will stop the natural supply of the Pilliga Forest. With farm bores affected, there will also be more likely – more water taken from groundwater which is much needed for the Pilliga Forest and Gomeroi Country. The extent of water taken by mine – obviously, and the water falling through the cracks proposes risks to health and local – locally occurring groundwater dependant ecosystems. A decrease in surface water and water contamination are major issues which cause a negative impact on the Pilliga Forest and the waterways that flow into the Namoi River.

The fact that the baseline data for surface water is not existent, it leaves us with more cause for concern. Sediment build-up, change in waterways and flows and the amount of water, wastewater or brine ponds that may overflow during heavy rains are risks and may cause irreversible damage to our environment. Biodiversity. The need to protect biodiversity is becoming greater with the latest news that the koalas are officially regarded as endangered. Animals like the Pilliga mouse are only found within the Pilliga, and the koala are running out of space to live. And the Stage 3 Project being within the Pilliga Forest, there will be large amounts of deforestation and land clearing, to be able – to be up for approval, which – which may cause more subsidence in the area, which obviously causes changes in the natural environment.

The biodiversity of the Pilliga Forest needs to be protected from new and existing Whitehaven coal mines. Also, adjacent to the Whitehaven Coal Mine will be the recently approved Narrabri gas project cumulative impacts to the biodiversity and the waterways within – and that is just unacceptable. Sorry. Air pollution. Yes, from the underground coal. It causes the release of toxic greenhouse gases and the

emission is – is to be the second most polluting mine in New South Wales. Annual emissions – sorry, I’ve lost where I am. The annual emissions from coal mining are huge and it will be on the list of the top 100 mines in Australia. Okay.

5 The climate. We are in a climate crisis. There is an urgency around the need to act and change immediately. With the COP26 held late last year, we had our world
leaders entering into agreements to cut down on coal and gas and oil industries like
Whitehaven. They need to stop being approved in a manner that will not affect our
future jobs and lives. The need to change the way we are overusing our resources is
10 imperative. So the reason droughts are particularly hard within our communities and
water became more valuable than ever before, with our water systems, land and
biodiversity taking the full brunt of the drought. Seeing the effects of climate
firsthand change our communities and how the negative impact on the health of our
people, we need to take into consideration the environmental impacts this mine
15 extension will have.

The health of Country will determine our people’s health and our people’s ability to
continue to live on Country in an environmentally safe and healthy manner, which is
so important to the cultural values and the existence of our people. And there is also
20 the ripple effect, or the cumulative impacts that the continuous destruction of our
environment has on our people and the land surrounding the Pilliga and waterways
that are connected to the Murray-Darling Basin and the forest which holds the
biodiversity of our native flora and fauna that we have responsibility to maintain
these areas, which are connected to all of Gomerioi Country and surrounding nations,
25 lands and waterways.

And last of all, the systems. So the cultural values of Gomerioi people are being
displaced. We need to provide for our families. We need to work to make money to
pay rent and still we’re the most socially disadvantaged people in this country. This
30 is caused due to the system putting mining before our land rights, our Native Title
rights and self-determination to choose our own path into the way we use our
resources on our Country. The systems, protocols and procedures set are failing us
in critical times, in the climate crisis and on Country. The transition away from
polluting coal, gas and oil industries are a must. Failing to make these decisions and
35 allowing these companies to make – to take such – to take as much as they want may
be the reason these companies continue to – to work with such a bad record.

Whitehaven is not a good business operator, on top of it being a polluting – a
pollution creating project that will decimate our waterways and Pilliga Forest, but
40 have a ripple effect over the world by damaging our recharge zone, our Great
Artesian Basin and contribute to global warming by releasing toxic gas in an already
exhausted world. So I object to the Narrabri Whitehaven Coal Extension 3 and thank
you for listening to my concerns today.

45 PROF O’KANE: Thank you.

MR BEASLEY: Thank you very much. And – and Ms Kinchela, Commissioner Fell has a question for you.

5 MR FELL: Ms Kinchela, I just wonder if there's sufficient consultation by the mine or Whitehaven on Aboriginal heritage.

10 MS KINCHELA: I believe there's consultation and – and the way we react to the consultation and the process that we don't get to protect it anyway. I think that's a bigger issue, but also the consultation process is – is lacking. I think we had 11 reps, that's Gomeroi people. You know, Gomeroi's a massive Country. That's a – that's a definite issue. That's a big no-no.

MR FELL: Thank you.

15 PROF O'KANE: Thank you.

MR BEASLEY: Thank you. I think we have Mr O'Donoghue and Mr Preshaw from the Department of Planning and Environment on – on the line now. Are you there, Mr O'Donoghue and Mr Preshaw?

20

MR C. PRESHAW: That's correct.

MR S. O'DONOGHUE: Yes, I'm here.

25 MR BEASLEY: Very good.

PROF O'KANE: So do you want to go ahead and make any comments before we ask questions? You've seen the - - -

30 MR PRESHAW: Yes. Look, I – it's Clay Preshaw here. I'd just like to sort of start by saying that we have seen a number of questions come through that you referenced on the first day of the – of the hearing and we've had a look at those questions and we've – I think we've got some answers for those and I was going to just mention that for the most part, Steve's probably equipped to answer the questions as they
35 come through, but I'll jump in if I feel necessary.

PROF O'KANE: So do you want to go ahead and comment on those questions? That would be great, on some of the things, and then we can hop in with further questions.

40

MR PRESHAW: Sure. Go ahead, Steve.

MR O'DONOGHUE: Okay. Look, I'll – first, I'll focus on the questions from Lock the Gate that were tabled and – and Chair, you mentioned at the meeting on
45 Monday. There was a series of questions there, so if you're happy for me to - - -

PROF O'KANE: Yes, very happy.

MR O'DONOGHUE: - - - sort of step - - -

PROF O'KANE: Thanks. Thank you.

5 MR O'DONOGHUE: - - - step through the ones that you mentioned. Okay. So the
first question was about public interest and the – and the survey that formed part of
the social impact assessment. A couple of points there. The community survey was
undertaken to inform the EIS social impact assessment or SIA. It was widely
10 advertised by Whitehaven Coal and open for response for a period of six weeks, from
July to September 2019, before the EIS was finalised and published. Just some
background; a total of 81 responses were received by Whitehaven Coal, with 41
came from the two local government areas immediately closest to the – or within the
project boundary, being Narrabri and Gunnedah.

15 According to the social impact assessment, the population of the two local
government areas is about 25,300. So what – so while the responses that were
received are informative and the Department certainly did take into account in the
overall assessment, the results of the community survey alone do not necessarily
reflect the views of the entire broader local population. In gauging community views
20 on the project, the Department has also relied on the submissions process and notes
the majority of the submissions supported the project. But nonetheless, we note the
high level of local opposition expressed in the community survey, to both
Whitehaven Coal and the project in particular. In terms of responding to the issues
that have been raised by some community members, we do encourage Whitehaven
25 Coal to work closely with the communities surrounding each of its mines that are
operating in the area, to improve social standing and reputation as a good neighbour.

On top of that, the Department does have a strong compliance team that regularly
reviews the environmental performance of these mines to ensure they operate in
30 accordance with the conditions of their consent. From a land use compatibility
perspective and – and about suitability of the site, which is a statutory consideration,
we note that the mine has been in existence for more than a decade and this project
has some benefits in that regard, in contrast, for example, to an entirely new or
greenfield project in a different location. And we have addressed these issues
35 carefully in our assessment report. So while the views of the community about a
project are an important consideration, in fact, an important statutory consideration,
it should be noted that decisions about major projects like this one obviously do not
come down to a popular vote but on the merits of the assessment.

40 MR BEASLEY: Just – just if I can jump in with a question there on this topic. As
you – I think you were really making the point, social impacts are a mandatory
consideration for the panel. One of the – I'm just wondering what your response is –
two, perhaps three of the people that made submissions opposing the mine, one of
the points they made about social impacts was that you can't reliably evaluate them
45 this far out from the proposed extension, in 2022 for an extension in 2031. I'm just
wondering if you had a comment about that.

MR O'DONOGHUE: Look, one thing that comes to some of the questions later is that it – the – about when the project – you know, the extension project would commence. It's effectively the – the Narrabri Coal, Whitehaven's made it clear that they would be surrendering the existing consent.

5

MR BEASLEY: Yes.

MR O'DONOGHUE: So they would be – they're not waiting till, you know, in the 2030s to start the project. They'd be commencing the project by extending the southern longwall panels, to the southern extent. So I think that was a question later on as well, about why – why it was being delayed for 10 years, but that – that's – it's clear that that's not the case and you know, Whitehaven will be progressing the extension, you know, within a short period, you know, pending any approval of the project, of course, and then there's also – if – if they didn't, there's also the lapse period, you know, under the EP and A Act, where the consent would lapse after five years, if they don't commence the development.

MR PRESHAW: Sorry, Steve, if I could just jump in there as well. In terms of the – the question around how – how you can evaluate social impacts, I think the – the word used, reliably into the future. Obviously, that is a difficult process, as it is with many of the impacts of a long-term project like this. But I think the Department has done a lot of work over the last five or so years in – in really putting the blowtorch on social impacts, which is why we have social impact assessment guidelines and we require such a detailed social impact assessment in the EIS and there's a – as you would know, a very comprehensive process around that and so I think for this project, all of – all of the – the guidelines and policies that we have in place in relation to social impact have been followed and – and we've – we've outlined how that's been addressed in our assessment report. But certainly, social impacts is an important consideration for the Department and I think that's borne out in the process that's been followed here.

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PROF O'KANE: Thanks. Snow, did you want to ask something?

MR BEASLEY: Might be on mute, Professor Barlow.

35

PROF BARLOW: Thank you, Richard, my custodian here. Mr O'Donoghue, in your explanation of, you know, what has been termed an early consideration of an extension, did I hear you correctly when you just said that if it were granted, the mining operations, you know, on those southern panels which had two components; one component which is currently approved and then the extension component which they're asking to be approved. So if that were approved, are you saying when they began mining any one of those longwalls, they would just mine that whole extended period? So as they did that, they would mine into the extension path, as well as mining the southern panel?

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MR O'DONOGHUE: That's right. That's right. If you look at – look, I might come to – there was a later question on this. Maybe I can touch on that – that now. I

think it was question 8, which sort of does touch on this point. So – so look, I'll just explain that a bit further. So, like, it's - - -

PROF BARLOW: Thank you.

5

MR O'DONOGHUE: It's the Department's understanding that Whitehaven Coal doesn't – and they can touch on this more themselves and I think they intend to – intend to commence the development with the new consent, you know, if the project were to be approved and surrender the existing consent and it would be – it would be
10 longwall 203 is the – is the first proposed longwall to – to go into the southern area, and they would mine the southern extent. Now this is – this is borne out in the assessments. Look, all our assessments are based on, you know, a phase sequence where they'd commence with 203 and do the full extent of 203. The biodiversity assessments are based on that. The – the methane – you know, the greenhouse gas
15 estimates, you know, are based on that sort of progression and for example, the recommended conditions identify a phasing of biodiversity impacts based on, you know, progressing down 203 to its full extent and then going onto 204, 205, etcetera, through normal progression. So the EIS is based on that mine progression.

20 PROF O'KANE: I see.

PROF FELL: Can I just follow up on that please, Mr O'Donoghue. That means they'd still be operating in conditions not dissimilar from extension 2, for up until perhaps 2031 almost. In other words, they'd be operating in lesser methane than on
25 the Western front, if I can call it that, and also probably higher

MR O'DONOGHUE: Look, that's – that's correct, Commissioner. If you look at the – I guess the – there's a – the tables in the – in the reports and supplementary reports about emissions intensity and, you know, carbon emissions progressively. So
30 that does follow that – that progression of, you know, 203 first, where – where it doesn't get into the higher methane areas in that first period of mining, which really – there's higher emissions intensities and CO2 emissions come more – more in the latter half of the mine. But it does – does progressively increase, as you get into the – into the higher methane sort of area.

35

PROF FELL: So they push initially south and then go west?

MR O'DONOGHUE: That's – that's correct, in terms of the mine plan, you know, presented in the EIS.

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PROF FELL: And that's a helpful observation, thank you.

PROF BARLOW: In – just to reiterate that, Mr O'Donoghue, would they start mining 203 post-2031?

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MR O'DONOGHUE: No, because – no, the intention is to – to progress into that, you know, shortly after, you know, any decision because they're heading – under the

stage 2 plan, they'd be heading into those panels shortly anyway, you know, even if the – even if the project were to be approved, there's still the stage 2 approval, which allows them to get into - - -

5 PROF BARLOW: That's helpful information.

MR O'DONOGHUE: - - - the southern panels, including 203. Keeping in mind, you know, panels 201 and 202, which were long – were to be longwall mined, there was a modification because of the geotech conditions and issues there, to do bord-
10 and-pillar mining in – in those shorter panels.

PROF BARLOW: Thank you.

PROF O'KANE: Thank you.
15

PROF BARLOW: Thank you for that, yes.

MR PRESHAW: Sorry, Stephen. If I could just add, sorry, one – one additional
20 comment about the process of surrendering. So we've put recommended conditions to the Commission about this, but perhaps it's stating the obvious, but if the – within 12 months of commencing under this consent, which is what we were talking about here, that means that the original consent – the previous consent would essentially go away and all the conditions of this kind of proposed project would prevail. So all the recommended conditions and things we've added or suggested
25 should be added would then – would then be enforceable. I just wanted to make that point.

PROF BARLOW: Thank you.

30 PROF O'KANE: Do you want to proceed then, with the answers to the question Lock the Gate – EDO questions?

MR O'DONOGHUE: Yes. Yes thanks, Chair. Look, the – I'll go onto question 2, which was about – I won't read it verbatim but it was about predicted likely
35 drawdown caused by impacts on the known water bores and impacts on 500 hectares of land, as evidence that the project is incompatible with the existing proved and preferred uses in the area, with reference to the mine incept. I guess comments there, I'll – overall, we consider the project's compatibility – we did consider the project compatibility with the existing approved and preferred land uses under the clause 12
40 of the mining and with detail in appendix G of our – of our assessment report.

Overall, we considered that subject to the proposed groundwater bore make-good provisions, biodiversity offsetting measures and rehab requirements, the project is compatible with these land uses. That is, the project would have limited residual
45 impacts on the capacity of other land users in the locality to undertake their activities both during the project and following its rehabilitation. Now I just wanted to focus on impacts to bores, the nine bores. A couple of things there. The project's

5 predicted long-term impacts on the nine stock and domestic bores were considered and detailed in the assessment report. The bores that are predicted to be impacted are stock and domestic, not irrigation bores, and located in the less productive fractured rock aquifers. Not the Namoi Alluvium or Pilliga sandstone, where the higher value water resources are.

10 Just to reiterate, there's no – in terms of the predicted impacts, there's – none of these are irrigation bores, which would affect agricultural – you know, intense agricultural productivity. Just another point; impairment of water supply is predicted for six of the nine bores, with three of the bores predicted that with the depth of the bore and the predicted drawdown, there's sufficient standing water column that – such that it wouldn't have an effective impact on the ability to take water through the bores. The – the other issue, I guess, is that the rate at which the bores would be impacted is – is slow, largely due to sort of induced effects of
15 depressurising the – the underlying groundwater bores. Most of it's predicted to be caused post-mining and just – just – as outlined in the report and in the information in the EIS, in some cases, with three of the bores not predicted to exceed a two metre drawdown until into 2100, you know, for centuries after – after the mining has ceased.

20 So the issue really there is how to make-good on these bores, given that the time – the time lags and so what we – in our conditioning, we are requiring, and the company has progressed, you know, to seek make-good arrangements with the eight landholders; one of the landholders has two bores on the property, and make, you
25 know, best endeavours to reach agreements on that. Now that can be – that can be monetary – given that there's no actual impact on the bores for a significant amount of time, that can be monetary compensation, as an example, rather than deepening bores now on a – sort of a predicted impact that occurs much – much later in the future.

30 PROF O'KANE: Can I interrupt there and ask, given that this was raised a lot and there's clearly a lot of angst, the idea was, wasn't it, that it must be resolved within the first two years of any consent?

35 MR O'DONOGHUE: That – look, that's correct. So we're – you know, the condition requires best endeavours to resolve it. Like, we're – Narrabri Coal – Whitehaven might be able to give a further update on this, you know, what – as the hearing commences, but they have – look, they have provided agreements to the – to the eight landholders and they've made some progress already in negotiating - - -

40 PROF O'KANE: We – but we also heard a fair bit of distress about the agreements. Would it not be sensible to reach agreement before any – before and if any consent?

45 MR O'DONOGHUE: Look, I – I mean, I think the – the issue there is if someone – if someone doesn't – like, it's not a – it's not a requirement under the legislation and it could be – you know, a way of the mine not being able to proceed if – if a landowner doesn't – if there's no ability to reach an agreement with a landholder. So

there is concern – there would be concerns in that, in trying to guarantee an agreement before – before any, you know, approval is – is reached.

PROF O’KANE: Thank you.

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PROF FELL: Just on that, Mr O’Donoghue, the – these landowners or farmers that have spoken have generally being drawing water from either the Garrawilla or Napperby foundations, which are not strictly ones that you’d use for high volume recovery. My understanding, from the study of groundwater, was that they actually are fairly unaffected. Is that the case?

10

MR O’DONOGHUE: Look, a number of the – just looking at the bores that are predicted to be – to be impacted, there’s – there’s – there’s a number that are in the Garrawilla. One of them is one that they consider that wouldn’t be impaired because the – even though it exceeds two metre drawdown, and this is really centuries – centuries after mining, in that one, and this – largely because it’s induced sort of impact that takes a while to propagate through aquifers.

15

PROF FELL: Right.

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MR O’DONOGHUE: In that one, for example, the – the drawdown isn’t predicted to impair the bore because of the depth of the current bore, for example, and – and the – against the drawdown prediction. So there’s sort of – there’s examples like that. Was the Napperby formation the other one, Commissioner, you mentioned?

25

PROF FELL: Yes, it is. Yes.

PROF BARLOW: And that - - -

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PROF O’KANE: Hang on, Snow.

PROF FELL: That could be affected by the mine storing it’s bore water from close to the Namoi River, but I – I don’t know if that’s the reason. It’s getting into too much detail. I’ll leave that one.

35

MR O’DONOGHUE: Okay.

PROF O’KANE: All right. Snow, you wanted to add something there.

40

PROF BARLOW: Yes. What I really wanted to ask is what’s the Department’s process – the dispute resolution process if indeed, the main company cannot reach agreement with the landholder in the make-good conditions? What’s the dispute resolution mechanism that would operate then, presumably?

45

MR PRESHAW: Steve, I’m - - -

MR O’DONOGHUE: Yes.

MR PRESKAW: Steve, would you – I'm happy to have a – have a go at this one. And I think this goes in some ways to the question that was asked later from – down in question 14, I think it was, because there's some, I guess, perceived relationship between the make-good requirements of this project and what was proposed with the Hume Coal Project. I mean, just for comparison, the Hume Coal Project was predicted to impact over 100 groundwater users and was also what was considered high quality groundwater, so you know, it's quite a different sort of context, but in terms of how make-good would work, we have had some experience of – of that in the past. In fact, we're working through one of those issues right now with a mine in the southern coalfield.

I'd start by saying that it's rare that it ends up in a formal dispute resolution process, and particularly in this case, where we've suggested it has to be done within two years and we understand that there's already been some progress made. Again, quite different to the Hume Coal Project, where there was the majority of landowners had actually refused to even engage at all with the company. So it's unlikely, based on historical evidence, that we would end up in any sort of formal dispute resolution process but if that is the case, then that's where the compliance team steps in, with the assistance of the assessment teams, which in this case would be us, and we – you know, we just, I guess, rely on the make-good provisions that are in the aquifer interference policy and the regulatory framework and – and work through a process of finding a reasonable outcome for both the landowner and the proponent.

But given it's relatively few number of affected bores, in this case, and that the applicant in this case has progressed – engaged with each of the nine and actually, you know, put

PROF O'KANE: Sorry, you've broken up.

MR PRESKAW: - - - situation than what we were face with the Hume coal project with the presence of high quality groundwater aquifers and a high density of properties and, in fact, just a high number of properties, most of which were not willing to engage at all in the initial consultation phase.

PROF BARLOW: We – one of the things that have emerged – and questions from Lock the Gate but is perhaps the initial engagement with the bore holders has, you know, perhaps not been a satisfactory beginning, might be one way of putting it, so that's why I asked that question because the initial engagement apparently was difficult.

MR PRESKAW: Well, that's interesting to hear and, you know, as I flagged on Monday when we spoke, this is the advantage, I guess, of the public hearing process and giving people another opportunity to comment. I think the department has been fairly open about, you know, the potential constraint with this make-good process and, to an extent, we've, I guess, passed along the proponent's confirmation about how consultation has progressed and the negotiation process but certainly interested

in hearing if there's a different perspective and, you know, providing further responses if necessary.

PROF O'KANE: Thank you.

5

MR DONOGHUE: I can just comment on that a little bit to Clay.

PROF O'KANE: All right. Okay.

10 MR DONOGHUE: Just quickly. The department, you know, did listen to concerns about the original bore census that was done with the company and met with the landowners group and, you know, discussed it with Narrabri to improve engagement there, you know, through the process so there was additional engagement that was, you know, requested by the department including further bore censuses and meetings
15 with landowners to, you know, further progress the concerns that were raised.

PROF O'KANE: Thank you. I'm being reminded on all sides about time and it would be great to hear your answers to all these questions but I think we are going to push time. Would you be willing to send written answers to them?

20

MR DONOGHUE: Certainly we can get some written answers to the Lock the Gate questions to you next week some time and - - -

25 PROF O'KANE: By the 25th would be good and if we need to follow up we obviously can and they will go up on the web with everything else, so thank you but there are a couple of questions we want to ask that were not there. So I think, Chris, you want to go.

30 PROF FELL: Thanks, Mr O'Donoghue and Mr Preshaw. What has come through over the two sessions has been greenhouse gas emissions and the absolute need for them to be moderated. Now, as we've discussed, as the mine, post 2032, moves to the southern and western side of the lease, the methane content of the coal goes up substantially. And the applicant has said yes, they will look at flaring but they've done the sums and it only has a 1 per cent impact. Partly that's because of the
35 restrictions so a on being able to flare.

Now, an international flare manufacturer is offering new flare design that can handle a gas content as low as 12 per cent of methane and that can be with CO₂ as the partner gas. So I would ask the question, what are the implications in terms of the
40 lower limit and the ability to reduce the greenhouse gas effect. Now, the second part of that would be to say if they simply vent the mine drainage gas with those sorts of compositions, is there not a surface risk in terms of venting that given its CO₂ content.

45 MR PRESRAW: Look I might – Steve, I will just start in the general and perhaps you can respond with more technical matters. In terms of opportunities for improved abatement measures into the future, absolutely that's something that has, I guess,

been in our minds as we assess this project and assess ground gas emissions. And it's clear to us, based on our consultation with the experts within government, that it's likely that technologies will become available to further reduce emissions over the life of the project which is why we have recommended that process of reviewing,
5 involving the independent advisory panel expanded with expertise on emissions, independent review process and the potential for – based on that process – for the performance measures to be reduced or, as the words in a lot of the policy ratcheted down. So I think certainly we accept that there are opportunities going throughout the life of the project to improve on emissions but I will let Steve respond more in
10 terms of technical stuff.

PROF FELL: Just before Steve responds, I would simply say this suggestion there are flares available suggest even now the situation could be better determined

15 MR PRESHAW: Well, I mean, I will take that quickly because we have – I believe we have again really put the onus on the proponent to respond about technologies that are available plus we've gone to the relevant agencies within government about whether there are in fact other options available at the present. And the advice we've received so far is that there isn't and that what is proposed is probably reasonable.
20 So I'm interested, I guess, on a technical front, as to whether that's not the case but maybe, Steve, you can shed some light on that.

PROF FELL: Well, let's ask the question of the applicant. Let's hear Steve.

25 MR PRESHAW: Yes.

MR DONOGHUE: Thanks Clay. Thanks, Commissioner. Look, Clay is right. We did put the blow torch on the company and requested additional information from Palaris who is an expert in the area in our climate and atmospheric science
30 pronounced to, you know, to review reasonable and feasible measures. Certainly around technology like membrane separation, for example, to increase concentrations. I guess, and also in discussions with the advisory panel last week where Professor Galvin did, sort of, outline concerns, I guess, with flaring associated with mine safety is a concern as well and how that's managed. So that's part of the
35 equation.

But certainly the way this is, sort of, outlined, the way we've structured the conditions is to really progress the work that Palaris has started in terms of investigating options, particularly when they get into the higher methane areas
40 which, as you recognise, Commissioner, it's more the 2030s in terms of progressing there. So there is some time to work on research options and what technologies are, moving forward, keeping in mind that part of the New South Wales government's approach is to also put funding towards research in, you know, future emissions reduction through some of the initiatives and policies

45 PROF O'KANE: I was just about to ask you a question about that. With the inter-agency working group, did you include the coal innovation people, the people who

advise on the fund and its secretariat, and also did you include groups from regional New South Wales, the, sort of, mining regulator and so on?

5 MR PRESKAW: I can take that question. So the working group was established almost as a trigger response to this project and others that we're assessing right now. And so, I guess, it's growing as the meetings continue. The answer to your question is, no, we don't at the moment have a member from regional New South Wales, whether that's the resource regulator or other parts of that agency. But I actually do have a meeting upcoming to discuss potentially their role in that.

10 In relation to coal innovation, the members – some of the other members in the group, that we formed in relation to emissions, do actually attend the meetings on coal innovation, so indirectly we have information about that. But I think, moving forward, the working group is likely to expand further and make sure that we're covering all the areas of responsibility and opportunities that exist within
15 government. But I should say, we also did – we did consult about any potential opportunities in relation to coal innovation fund and essentially decided that it wasn't something that was available for us to utilise with this project but certainly the working group is interesting in consulting and collaborating more on that in the
20 future.

PROF O'KANE: Could I just check on that. Whitehaven could apply to the coal innovation fund, though, couldn't it, for whatever of its projects if – depending on what the call the fund put out was, if the fund a call for proposals of some sort.
25 Sorry, we've had a freeze. Can I just check with my - - -

MR PRESKAW: Sorry, I can't actually - - -

30 MR DONOGHUE: I think that's right, Chair. I mean available for coal mining operators to do that.

PROF O'KANE: Yes. And can I just check with Chris and Snow, any other questions of the department or will we wrap here and look forward to getting the answers to the questions in writing.
35

PROF BARLOW: I look forward to the written answers, thanks, Mary.

PROF O'KANE: Yes.

40 MR BEASLEY: I just have one question.

PROF O'KANE: Just before you ask, Richard, can I just ask, any further comments on coal innovation or the inter-agency group that you would like to flesh out would be appreciated too. And the flaring issue.
45

MR BEASLEY: I just have one question for both of you and really all I'm doing is – I'm certainly not putting forward my own opinion because I'm not qualified but the

Commission has heard submissions today from Tim Buckley and from, to some extent, Emeritus Professor Ian Lowe both of which their evidence, particularly Mr Buckley's evidence was that, in his view, the economic benefits that are asserted in the EIS are, I think, in his view, would be wildly overstated.

5

I know we discussed on Monday that – in your assessment report you've said that you recognise the project would provide major economic benefits and included in that is an estimated net benefit of 599 million although we discussed that that could be reduced by the alternative consideration of Scope 1 and Scope 2 costs. And Mr Buckley's evidence certainly today was that that has been – those costs have been inappropriately assessed in the EIS in the sense that he said they're not consistent with the CBA guidelines and they may not even be consistent with an approach of this Commission in a prior determination.

10

15

I know you're still considering, I think, your position on that but Mr Buckley also said that part of that possible 599 or the 599 million reduced depending on how you assess the costs of Scope 1 and Scope 2 emissions, he said 177 million of that 599 is New South Wales share of company tax which he says should be, at most, considered to be nought. How much weight did you put in reaching the view that this project is in the public interest in that figure of 177 million?

20

MR DONOGHUE: In relation to the company tax?

MR BEASLEY: Yes.

25

MR DONOGHUE: There's a couple of comments there. I guess, we're talking about a historical payment of company tax as opposed to future payments. In particular, we are doing the assessment based on the land not the proponent even though there's some information there about that. It's up to – for example, a new proponent may come along. That may occur. But given that the consent goes with the land, you could get a new proponent and different structures in doing that. So I think in following the guidelines – the guidelines for economic assessment of mining policy and gas proposals, the 2015 document, it has been done in accordance with that guidance material and they've made an estimate based on what the company tax rate currently required.

30

35

MR BEASLEY: Okay.

PROF O'KANE: Okay. Thank you. And I think we will – unless there's nothing from the others, we will say thank you to you for that and, as I said, look forward to further written answers.

40

MR BEASLEY: Thank you.

45

MR DONOGHUE: Thanks, Chair. Thanks, Commissioners.

MR BEASLEY: I think we now have David Ellwood from Whitehaven Coal. Are you there, Mr Ellwood?

5 MR ELLWOOD: Yes, I'm here. Can you hear me?

MR BEASLEY: We can. Go ahead, sir.

10 MR ELLWOOD: Right. I will just share my screen and we will just run through a very brief presentation this afternoon.

PROF O'KANE: And then we've got – you will leave enough time for some questions, will you, Mr Ellwood?

15 MR ELLWOOD: Yes. We've only got a few slides to go through so I will - - -

PROF O'KANE: Okay.

20 MR ELLWOOD: - - - run through these fairly quickly. Right. Thank you, Chair. As you just introduced me, my name is David Ellwood. I am the director of the stage 3 extension project. Thank you again for the opportunity to present at this public hearing. I would also like to take the opportunity to acknowledge the traditional owners of the land, the Gamilaroi people, whose land the Narrabri mine is located and where I am today, and pay respects to the elders past, present and emerging.

25 As we made our key points during the presentation on Monday, I will be keeping this brief and limit the presentation to three matters, the project commencement activities, groundwater bore, make-good agreements and greenhouse gas emissions.

30 PROF O'KANE: Are you going – can I ask you a question.

MR ELLWOOD: Yes.

PROF O'KANE: Are you going to address the question 16 in that set from

35 MR ELLWOOD: I should have mentioned, so what we've done, we've included the - - -

PROF O'KANE: You've that

40 MR ELLWOOD: - - - in our written response.

PROF O'KANE: Thank you and thank you for the written response. I was very pleased

45 MR ELLWOOD: No worries. The project is a result of many years of careful planning and design and represents the best opportunity to continue the employment and economic benefits that are derived from the Narrabri underground mine. Due to

the long lead times, there is a number of activities that would commence immediately upon approval including underground mine development and construction of a mine ventilation complex.

- 5 The stage 3 project approval would also deliver the certainty that Whitehaven needs to continue to invest in major capital purchases such as a new longwall with design works commencing soon after the approval. In terms of make-good agreements, the bore census was completed on all nine privately owned bores where drawdown in excess of the aquifer interference policies threshold of two metres is predicted.
- 10 These bores are predicted – these impacts are predicted to occur decades in the future and, due to the available headroom within the water column being assessed, three of the water bores were found to be unlikely to be impaired by these drawdowns.

15 Draft make-good agreements have been provided to all landholders with the affected bores more than the two-metre impact. Make-good commitments would mitigate potential impacts on all impacted bores. The amended report, which included inspections of the impacted bores by an experienced hydrogeologist, identified indicative make-good measures for each bore. These measures include the installation of a new and/or deeper bore on the property. This provides an excellent

20 level of confidence that the make-good agreement can be achieved at each of the bores even accounting for the predicted drawdowns on those locations. Flaring has been identified as greenhouse gas abatement - - -

25 PROF O’KANE: Just before you go on - - -

MR ELLWOOD: Yes.

PROF O’KANE: - - - if you wouldn’t mind going back a slide.

30 MR ELLWOOD: Yes.

PROF O’KANE: Several of the people with bores said they were concerned that an adjacent would have the same problem. Would you just like to comment on that?

35 MR ELLWOOD: Yes. So as part of the amendment report, we actually had a hydrogeologist go and review each one of those locations to see if there was an opportunity to effectively either deepen the bore or change the bore in some way to mitigate those impacts. That hydrogeologist has said that even after the potential impacts are realised, there is an opportunity to still access groundwater in those

40 locations. And that’s what the make-good is being based around. The reports that we have at the moment allows for the impacts to be mitigated.

PROF O’KANE: Thank you. And obviously the affected farmers can see those reports.

45 MR ELLWOOD: Yes. We’ve provided each farmer with essentially a breakdown of their current bore with some recommendations from the hydrogeologist. We’ve

tried to meet with each farmer after the agreements have been given to them. We've been able to meet with all but one of those landholders and happy to have further consultation on that point into the future.

5 PROF O'KANE: Thank you.

PROF BARLOW: If I may - - -

10 PROF O'KANE: Sorry, Professor Barlow has a question.

MR ELLWOOD: Yes.

PROF BARLOW: Professor Fell may be better to ask this question but we've heard today many of those bores that currently exist are in the Napperby formation. Presumably, if make-good had to go deeper – presumably it comes through formations above anyway of course – that seems like it would put – there's a small Digby formation but then you're into the coal seam. How is this going to work? Would they have to go through the coal seam and then into the formation. I know this is a detailed question. Perhaps Professor Fell might be able to ask in a better way. But I guess the make-good provision just to find another formation but, when you look at the formations, you ask what formations are

MR ELLWOOD: Yes. It's certainly not my level of expertise and that's why we've got the hydrogeologist to do the work. My understanding is that we would be able to find – by simply deepening the bore into the same formation, we would be able to find additional water or there would be water available in adjacent formations. I don't think there's any suggestion of going through the coal seam or going that deep to complete the make-good specially into which is below the coal seam. But I'm happy to get AGE or our water specialists to come back and give a little bit more detail on that.

PROF O'KANE: I think doing that in writing would be appreciated.

MR ELLWOOD: Yes.

PROF O'KANE: Would you like to proceed with the presentation then.

MR ELLWOOD: Yes. No worries. Greenhouse gas emissions. So flaring has been discussed quite widely. Flaring has been identified as a greenhouse gas abatement opportunity as this converts methane to carbon dioxide, a gas which has a lower greenhouse gas potential. Due to the limitations inherent with the flaring facilities and the relatively low methane composition in the coal seam, the circumstances under which we can flare are limited. We will continue to review the potential additional flaring opportunities over the life of the mine as part of our management plans.

Benchmarking of greenhouse gas emissions undertaken by DPE shows that the Narrabri ROM coal has a much lower emissions density than either Dendrobium or Tahmoor which you can see here, as it has a lower in-seam gas level and the seam gas composition is dominated by carbon dioxide. So you can see here that the emissions per ROM tonne are either similar or significantly lower than - - -

PROF O'KANE: We accept that.

MR ELLWOOD: - - - those two projects.

PROF O'KANE: Yes. We have no problem with that.

MR ELLWOOD: Yes. So DPEs condition propose a mechanism to ratchet down emissions. We understand that this is a unique condition amongst the New South Wales mining industry however we will comply with these requirements as part of the project.

PROF O'KANE: So while we're there - - -

MR ELLWOOD: Yes, yes.

PROF O'KANE: - - - you heard the question that Professor Fell put to the department, and I'm sure he would be happy to ask it again but if you remember it - - -

MR ELLWOOD: No, no, that's fine. I remember the question. I assume it's the one regarding the lower flaring composition.

PROF O'KANE: Yes. Would you like to comment on the - - -

MR ELLWOOD: Yes. As Steve said, we did go out to Palaris who are leading consultants in Australia with regard to flaring. The recommendation they came back to us with was the limit is currently down to 30 per cent. As part of the project, after it's approved, we will prepare a fugitive emissions management plan which will look at options exactly like this, the ability to be able to flare at a lower level. And if that option is available it will be considered and reviewed on to see if it's reasonable, feasible and practical for this mine.

PROF FELL: If I could just follow up on that for a moment. Basically it appears that the international flare manufacturer says it can flare down to 15 per cent which puts quite a different complexion on how to go about things. And, secondly, a question to you about pre-drainage. Certainly your consultant, Palaris, has made some recommendations on improving pre-drainage but there's a lot of literature around on pre-drainage. I might add, it mostly occurred in 2009 when it looked like we were getting a carbon tax but it's now recurring quite extensively in Europe. And it's suggested that it can be quite aggressive post SIS and UIS pre-drainage.

Now, I understand the coal seam has quite a low metres cubed per tonne of adsorbed gas but even so it may be possible to substantially reduce the gas that goes in to the production phase. These are issues that would be interesting for us to have some comment from you on.

5

MR ELLWOOD: Yes.

PROF O'KANE: Which could be written.

10 MR ELLWOOD: Yes. I'm happy to – we will definitely provide a further in-depth written comment but just a few comments. So in the Stage 3 area the gas content within the seam varies from about six cubic metres per tonne to down below three and a-half cubic metres per tonne. So anywhere above three and a-half cubic metres per tonne we think we will be able to pre-drain the seam. And we use what's known
15 as underground in-seam drilling, so UAS, quite extensively already at the mine. And we would continue to use that down south to try and pre-drain all that gas effectively down to its basement level where we can't get any more out.

20 We think that's around three and a-half cubic metres per tonne. That's our experience with the current mine and that's what the exploration is saying down in the southern area. Once we get below the three and a-half cubes we can't seem to get any more gas out of the seam and it's only released once we actually mine the coal.

25 PROF FELL: It would be helpful to us to understand that because a difficult period is that period beyond 2032 when you're encountering quite high methane in the seam.

30 MR ELLWOOD: Yes. No, that's fine. We will come back with a more detailed answer for you as well. But we will continue to extensively pre-drain the seam as much as possible because anything we pull out before the mining process helps us in maintaining safety underground so we will be continuing to do pre-drainage over the life of this mine.

35 PROF FELL: And I might say, the question I asked of the department was, with surface venting there may be a safety problem there. You might just give a little thought to that.

40 MR ELLWOOD: Yes. No, no. We will come back to you with that.

PROF FELL: Thank you very much.

PROF O'KANE: Okay. I will let you go on with the presentation.

45 MR ELLWOOD: Yes. We've only got one more slide now. In conclusion, we feel that the project has been carefully designed to comply with the various requirements and agree with DPEs assessment that it is in the public interest to be approved. We

believe the project is consistent with the New South Wales government strategic statement on coal exploration and mining in New South Wales. The strategic statement recognises the ongoing demand for coal over the life of the project particularly in the project's export market in Asia.

5

In addition, the strategic statement notes that the New South Wales government will recognise existing industry investment by considering responsible applications to extend the life of the coal mine. We are thankful for the opportunity to participate in the IPC process. We have heard a range of opinions over the two days and we thank the many presenters who have taken the time out of their day to present and provide written submissions. We are particularly grateful for the members of the public who have indicated their support for the project including the more than 330 supportive written submissions to the IPC. Thank you.

10

15 PROF O'KANE: Thank you. Can I check, more questions?

PROF FELL: I've nothing further.

PROF O'KANE: Snow, anything further?

20

PROF BARLOW: Not from me, thank you.

PROF O'KANE: Richard. No. I will just double-check. The only thing I raise is you heard the questions put to the department.

25

MR ELLWOOD: Yes.

PROF O'KANE: And I just wanted to give you the chance to comment if you needed to or would like to.

30

MR ELLWOOD: I don't think there's anything additional to run through from the department – from the questions you posed to the department. We will have a bit of a review after this and make sure that everything has been captured. So, if need be, we can include it in a comment to you next week.

35

PROF O'KANE: All right. Okay.

PROF BARLOW: Mary - - -

40

PROF O'KANE: Yes.

PROF BARLOW: Are we out of time?

PROF O'KANE: No, no. I'm declaring extra time so Mr Ellwood gets every chance to answer questions.

45

PROF BARLOW: Yes. Sorry to return to the make-good provisions but one question I was going to ask but I thought we were short of time is, in the event – and this is hypothetical but in the event that you're not able to locate another alternative water source in that formation which we discussed, have you considered actually
5 piping. You know, it is only livestock and domestic applications. They're not high volume applications. Have you considered piping the water if all else fails?

MR ELLWOOD: If, in the hypothetical, we couldn't access additional water we would be looking for other options to supply that landholder with potential water. At
10 the moment we believe we can access additional water but there would be other options such as dam construction, bore – you know, there would be many things on the table but the first point of call will be trying to find groundwater in the area.

PROF O'KANE: Fine, Snow?
15

PROF BARLOW: Yes.

PROF O'KANE: I've got one more question which goes – is to the same area. It was very striking that many people came and spoke in favour of the mine from
20 around Narrabri. This is a question I have put to others today. And many people both – we heard from people who work in the mine or have family members. We heard from quite a few businesses, chambers of commerce, community groups but the one group that was largely still fairly unhappy were the farmers with the bores. And what was striking was that Whitehaven clearly had done a great job in working
25 with the community and helping people and contributing to the life of the community but that farming community seemed to be different. And I just want to give you the chance to maybe tell us why we saw that.

MR ELLWOOD: I think, as everyone else has commented today, it's a difficult
30 question to answer. I do personally tend to agree with the comments that – I think it was Ms Swain made.

PROF O'KANE: Yes.

MR ELLWOOD: This is something new to these landholders and it's something
35 that they've got to learn. You will note that a majority of these existing landholders surrounding the mine aren't making any submissions and that's because it's something they've learned to understand and we've worked with them over many years. But this is a new group of landholders who are further away from the existing
40 mine, haven't been involved in the mine in the past and this is something they're just starting to come to grips with. I think there will be a process to keep following through with these landholders but my view is that this is just something new and something that they've never had to come up with – come up against before.

PROF O'KANE: Right. Anyway, thank you for that comment. I think we're at the
45 end of today and I would just like to make a short closing statement. So, as I said, we've come to the end of this public hearing into the Narrabri Underground Mine

Stage 3 extension project, SSD-10269. Thank you to everyone who has participated in this important process. Professors Snow Barlow and Chris Fell and I have appreciated your input. Just a reminder that it's not too late to have your say on this application in terms of written comments. Simply click on the "Have your say" portal on our website or send us a submission by email or via post. The deadline for written comments is 5 pm Australian eastern daylight time on Friday the 25th of February 2022.

In the interests of openness and transparency, we will be making a full transcript of this public hearing available on our website in the next few days. As I have already said, day one transcript is up on the website. 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 views into consideration as part of its decision-making process. So finally, a quick thank you to my fellow Commissioners, Snow and Chris, and to our counsel assisting, Richard Beasley SC and to the Office of the Independent Planning Commission, particularly Brad James and his team. And thank you all for watching. Good afternoon.

20 **RECORDING CONCLUDED**

[1.58 pm]