



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

**RE: CHAIN VALLEY COLLIERY CONSOLIDATION PROJECT
(SSD-17017460)**

DEPARTMENT MEETING

PANEL: PROFESSOR NEAL MENZIES (Chair)
MS JULIET GRANT
DR BRONWYN EVANS

OFFICE OF THE IPC: JANE ANDERSON
ISAAC CLAYTON

**DEPARTMENT OF
PLANNING, HOUSING
& INFRASTRUCTURE:** CHRIS RITCHIE
(A/EXECUTIVE DIRECTOR, ENERGY,
RESOURCES AND INDUSTRY
ASSESSMENTS)
JESSIE EVANS
(DIRECTOR, ENERGY, RESOURCES AND
INDUSTRY ASSESSMENTS)
MELISSA DUNLOP
(PRINCIPAL PLANNER, ENERGY,
RESOURCES AND INDUSTRY
ASSESSMENTS)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 9:30AM – 10:30AM
WEDNESDAY, 11th FEBRUARY 2026

<THE MEETING COMMENCED

5 **PROF NEAL MENZIES:** Okay. Before we begin, I'd like to acknowledge that I'm speaking to you from the land of the Yuggera and Turrbal peoples here in the Brisbane River Valley. I acknowledge the traditional owners of all the lands from which we are meeting virtually today. I pay my respects to their Elders past and present.

10 Welcome to the meeting today to discuss the Chain Valley Colliery Consolidation Project (SSD-17017460) currently before the Commission for determination. Chain Valley Colliery and Mannering Colliery are established underground coal mines located within the Lake Macquarie and Central Coast local government areas. The collieries are owned and operated by the Applicant, Delta Power & Energy (Chain Valley) Pty Ltd. The Applicant seeks approval to consolidate the existing approvals of Chain Valley Colliery and Mannering Colliery under a single consent, to extend the mine life by two years, to increase throughput, and to allow additional coal extraction within the approved mining areas beneath Lake Macquarie.

20 My name is Neal Menzies. I'm the Chair of this Commission Panel, and I'm joined by my fellow commissioners, Juliet Grant and Bronwyn Evans.

DR BRONWYN EVANS: Morning.

25 **PROF MENZIES:** And we're also joined by Jane Anderson and Isaac Clayton from the office of the Independent Planning Commission.

30 In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

35 The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

40 It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and you're not in a position to answer, you may take that question on notice. Following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers require a formal response. Any subsequent response or information provided to the Commission will then be published on our website.

45 I request that all participants here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other, to ensure accuracy of the transcript.

Okay, we can now begin.

MR CHRIS RITCHIE: Thank you, Chair. Good morning, everybody. My name is Chris Ritchie and I'm currently the Acting Executive Director of Energy, Resources and Industry Assessments in the Department of Planning, Housing & Infrastructure.

I'd like to start by firstly thanking the Commission for giving the Department the opportunity to brief you on this project. And today I'm here joined by some of my colleagues in the Department – Jessie Evans who's the Director of Resource and Energy Assessments, and Melissa Dunlop who's a Principal Planner within the Energy and Resource Assessments Team.

We will begin by providing some context for the Chain Valley Consolidation Project and the Department's assessment, and we just have a number of slides which we'll present to the Commission. Starting with some overviews on the evaluation and then we'll touch on some background and history to the mine and outline some current operations that occur on site, to give the Commission some context.

I'll just hand over to Jessie who will start by providing an overview of our evaluation.

MS JESSIE EVANS: Thank you. Isaac or Jane, I'm not sure – I think we sent our slides across. Is it possible to get them up on screen, please?

MR ISAAC CLAYTON: Yes, sure, I'll just get them shared in one minute.

[Audio gap 00:03:55 to 00:04:44]

MS MELISSA DUNLOP: I can share them too – okay, you've got them, Isaac.

MS EVANS: There we go. Thank you. If we just go down to slide 3, we'll start there. Thank you. Okay.

So, as Chris said, my name's Jessie Evans, I'm Director of Energy, Resources Assessments at the Department. And I just wanted to start by giving a bit of an overview of our evaluation of the Chain Valley Project.

So, as you would have seen in our report, the Department has not provided an overall recommendation for the project but has undertaken a comprehensive assessment and evaluation. The aim of our evaluation is to inform the IPC as the consent authority in this case and to assist it in its need to conclude if the public is in the public interest.

A very brief overall of our evaluation determined that the project would secure coal supply to Vales Point Power Station, supporting energy security during the state's transition to renewable energy. The project would consolidate multiple historical approvals into a single contemporary consent, which improves regulatory certainty, transparency and compliance.

All key environmental aspects have been considered, including subsidence, noise, greenhouse gas, air quality, water quality, biodiversity, and heritage. And should the IPC determine to approve the project, we have provided conditions to address these matters. Community, agency and independent expert submissions have been considered and addressed through strengthened performance measures, independent expert reviews, and transparent monitoring and reporting requirements.

5 All relevant strategies, policies and guidelines have been considered, including the strategic planning contexts and the state and national climate change policy. And lastly, the project would retain approximately 390 direct jobs and a further estimated thousand indirect jobs across the region, which supports both Lake Macquarie and Central Coast economies.

10 And as mentioned just before, should the IPC determine to approve the project, the Department has provided recommended conditions for consideration, along with our Assessment Report which included the evaluation of the project.

The Department is confident that the project has been thoroughly evaluation to inform the IPC as the consent authority, supported by additional information and technical expert reviews as well. All of these are publicly available on our website.

15 I'm now going speak to our evaluation, but I have targeted the aspects to the running order of the agenda. So, in doing so, I'm going to start with the mining context, including subsidence and rehabilitation.

20 Thank you for the historical mining slide. Underground mining in the Chain Valley and Mannering Colliery areas commenced in the 1960s. Over this time, coal extraction has occurred through a variety of methods, including board-and-pillar, continuous miner, and mini-wall extraction. The area has extensive historical mine workings across a variety of coal seams, which does amplify the complexity of subsidence management in the area.

25 So, to provide some further background context, I'm just going to do a brief overview of the approved mining operations at Chain Valley and Mannering. So, if we could just go to the next slide, please.

30 The currently approved mining operations at Chain Valley are shown on this figure here. There are two existing approved subsidence limits that are in place for Chain Valley. The Zone A has a maximum of 20 mils and is along the high water barrier mark subsidence barrier and the seagrass protection barrier – and that's shown by blue on this figure. This subsidence limit is achieved by pillar extraction and mini-wall mining only in these areas.

40 The second zone is Zone B. This zone has a maximum subsidence limit of 780 millimetres in all mining approved areas. And this is achieved by continuous mining using board-and-pillar and pillar extraction in addition to mini-wall mining methods.

45 We'll just go to the next slide and I'll quickly talk to Mannering. So, the current approved mining operations at Mannering are shown on this figure, and there is only one subsidence limit at Mannering, that being 20 mils of subsidence. And it's achieved at this mine by first workings only, including the use of a herringbone board-and-pillar configuration.

So, slide 5, or 7 in this case. Thank you. So, now I'm just going to discuss how the proposed project and the changes proposed in relation to the underground mining and subsidence.

5 Firstly, the project seeks to consolidate the existing approved operations and consents into one single operation. And as mentioned earlier, it would extend the life of operations at both mines by two years until 2029. The project does seek to continue mining in the approved areas with existing mining methods undertaken in the approved colliery area beneath Lake Macquarie. This is the area shown in red in this figure.

10 So, through our evaluation, the Department found that ongoing mining in Zone A areas would result in no adverse impacts to surface infrastructure, buildings, or changes in evaluation of the foreshore areas. The existing high water mark subsidence barrier and seagrass protection barrier would continue to remain and would be enforced. And as a result, the Department has found that ongoing mining in Zone A would not result in adverse impacts to seagrass or benthic communities. Further, it is already noted that current and historical mining in Zone A areas at Chain Valley and Mannering collieries have not resulted in any surface impacts.

20 In relation to within the Zone B areas, the Department's evaluation found that subsidence impacts can be adequately managed. The Applicant has demonstrated that the proposed double-sided workings mining method can be designed to ensure the 780-mil subsidence limit is not exceeded, and impacts to the natural environment and built features are acceptable.

25 The proposed panel layout both extraction width and barrier pillar widths would result in a maximum subsidence of 475 millimetres, which is obviously below the 780 mils subsidence limit for those Zone B areas. There are no known jetties or cable infrastructure in the extended extraction area. Further, no additional impacts to seagrass beds, foreshore areas, including cliffs and rock shelves, on-shore or near-shore built features or public safety are anticipated for secondary extraction from within this extended Zone B area.

30 Nevertheless, the Department recognises that the assessment of subsidence for this project is a key issue and it is highly complex. So, for this reason, the Department engaged the Independent Expert Advisory Panel for Mining to conduct a comprehensive review of the subsidence assessment. The panel recommended replacing the current numerical subsidence limits that I've just spoken to, so the 20 millimetres and the 780 millimetres, with contemporary subsidence performance measures.

40 The panel argued that performance criteria would achieve the same objectives as those intended to be achieved by the now legacy issue of specifying an extremely low level of permissible subsidence. That especially applies to Zone A with a limit of 20 mils.

45 In relation to Zone B, the panel recommended the staged approval of Extraction Plans for second workings, based on predictive versus managed measured performance. Given the diverse local geological environment, the panel noted that a staged approach for Extraction Plans is appropriate to reduce instability risks and allow for adaptive

mine planning, and also to continue to provide contingencies should any unpredicted levels of subsidence occur.

5 The Department agreed with the panel and adopted these recommendations in our evaluation, and should the IPC determine to approve the project, in the recommended conditions of consent as well.

10 The panel also provided a series of recommendations which have been adopted by the Department, including: requiring local geology properties and thicknesses to be investigated for each set of extraction panels prior to finalising extraction and barrier width parameters; the overall number of panels in any location be limited to no more than two, without the inclusion of a more substantial barrier separating adjacent mining regions; and as well as enforced monitoring and auditing, including geotechnical investigations and annual independent reviews.

15 The Department accepts that the application of subsidence control zones and the recommended conditions of consent would avoid subsidence impacts on the lake foreshore and seagrass beds. Further, the recommended conditions of consent are considered suitable to inform the IPC to provide an adequate and appropriate level of protection for other nature features and the built environment.

20 Did you want me to pause for questions on subsidence or keep going – how would you like to run it?

25 **PROF MENZIES:** Yes, Jessie. Let's break it up as you suggest, because subsidence is one of the key topics here. So, I'll kick off. The various submissions that have been made – and even the expert panel's report, there's not great confidence that 780 millimetres is achievable because of the soft roof and floor of the strata. And so, you know, the staged approval of mine plans, I think that's a good way of coping with that. And so, any comment around that would be useful.

30 But more substantially, there wasn't a lot of consideration of what subsidence of 780 mils does to the benthic communities in those areas. So, even if 780 mils is achieved, is that a reasonable level of subsidence to accept?

35 **MS EVANS:** Yes, good question. And look, by reading the Independent Expert Panel's reports, there is definitely a feel that we're dealing more with legacy issues and how to appropriately measure subsidence, rather than the impacts themselves. And I think that does come from the impacts in this particular case not expected to be large and in fact are quite low.

40 So, I think that is where the panel did definitely shift its focus, into dealing with the more historic problems and the different zones and the measurements, and then going forward from that in terms of dealing with the impacts, setting a performance measure – I'll just try and get it up as I'm speaking ... Well, seagrass beds, for example, in this case, negligible environmental consequences. And for the benthic communities, it's minor environmental consequences.

PROF MENZIES: The way that they're suggesting that the Zone A subsidence is handled, that seems perfectly logical, trying to measure 20 mils subsidence is, you know, yes, not possible.

5 **MS EVANS:** It's within the bound of error.

PROF MENZIES: The 780. And look, the expert panel, without any level of criticism of my fellow panel members here, they're all engineers, so, you know, the creatures that live there are not the first things they start thinking about. And so, it was
10 interesting to me that the 780 was accepted as this is going to be fine, whereas even the company, talking to them, the Applicant stressed how difficult it is to measure things under water and to know what's going on etc. So, yes, it's a tougher gig to characterise in those environments what impact there has been.

15 **MS EVANS:** Yes, I think that's fair. And it is definitely harder when you're dealing with under water. I guess, historically, and they've not quite reached their 780 mils, as I said before, they've only gone up to just under 500, but there has been no known impacts to benthic or seagrass communities since the 1960s, since they've been mining across both collieries. But Chain Valley is the one that has the bigger limit.

20 There is – I mean, I'm sure you're aware, but there was no BDAR for this project because there was a BADR waiver. But there is assessments of the benthic and seagrass communities within the EIS and further information, so we can definitely pull out some more robust information if you would like, as to what 780 would look like.
25 But, I mean, we're moving away from that 780 is my suggestion and we're moving to the negligible and minor environmental consequences on both those communities, and that needs to be supported by the staged Extraction Plans and a robust monitoring program.

30 **MS JULIET GRANT:** Can I just ask, sorry, to follow that up, Jessie. Am I interpreting that right, so if, are you saying, so the control was 780, they've never historically got to that limit, so by putting in the performance measures, is that in effect tightening the controls?

35 **MS EVANS:** It's definitely the way it's done these days and has been done for quite a long time. And this is where the panel went into a lot, a lot of detail on moving away from the numerical limits, particularly the 20 mils because that is within the error bound of a subsidence line. So, to try and measure 20 mils, you could just be getting the error and especially when you're in a water environment as well that has natural
40 fluctuations in levels, that wouldn't be unusual.

And then to move away from the 780, it does strengthen in a lot of ways because it means you're tied to an environmental outcome, not just a measure. So, it hasn't happened in this particular case, I'm just trying to think of an example. But if you had
45 tied mine in the past to 200 mils or something like that, but there may have been something that led to an impact, there may have been tilts or strains or some other sort of subsidence prediction or measurement that occurred that did lead to an impact. But they still didn't exceed the 200 mils.

So, by having a broader performance measure and not just a number, you're capturing more. You're capturing more of the different subsidence mechanisms in play, not just the vertical subsidence, and you're actually focused on the outcome, not just a number. You're focused on protecting what you're trying to protect.

5

PROF MENZIES: Okay. Fellow commissioners, are we happy to move on?

DR EVANS: Yes, thank you.

10

PROF MENZIES: Thanks, Jessie.

MS EVANS: Bear with me. I flipped screens around a little bit then. Yes. So, next on the agenda was rehabilitation under that mining context sub-heading. So, for rehabilitation for this project, there is no additional site disturbance proposed for the project. So, at the conclusion of this project, the site would be decommissioned and rehabilitated as per the existing approval conditions and/or as per, if the project's approved, the new ones proposed.

15

The project does not plan to change the existing rehabilitation outcomes for the site. The rehabilitation of, just more broadly, not specific just to this project, but rehabilitation of mine sites across New South Wales is the responsibility of the resources regulator. And generally speaking, a development consent will set objectives and require a high level rehabilitation strategy to be prepared.

20

The details of the rehabilitation, including things like monitoring, indicators of success, timing, all of those things, is implemented through a Rehabilitation Plan which is required under the Mining Act and the mining lease. The other thing that's required through the mining lease under the Mining Act is rehabilitation bonds, and they're held by the resources regulator as well.

25

30

That's all I had to say on rehabilitation, so I'm happy to take any questions on that further.

PROF MENZIES: I don't think we have questions on that one. Thanks.

35

MS EVANS: All good. The next up on the agenda was sort of moving into the environmental aspects of the project, and I'm just going to use the order that was listed in the agenda.

40

So, starting with greenhouse gas emissions. The climate change and greenhouse gas emissions were key issues raised in the public submissions, with about 50% of the objecting submissions received relating to the project's contribution to climate change.

45

So, the project would generate approximately 13 million tonnes of CO₂ equivalent emissions associated with the additional two years of coal extraction. Most of these emissions, around 88%, would be Scope 3 emissions, and they're associated with the combustion of coal by the end users, in this case the vast majority of that is Vales Point Power Station.

5 So, the NSW Environment Protection Authority (or the EPA) is the lead regulatory authority for greenhouse gas emissions in New South Wales. And the EPA noted that the emissions predicted to be generated by this project are consistent with the NSW emissions reduction targets, and that was particularly given the project's direct linkages to the Vales Point Power Station and the fact that mining operations would cease in 2029.

10 The demand for coal and its associated benefits versus the need to reduce greenhouse gas emissions is a complex issue, and it does really require careful consideration. The ability of existing mining operators to minimise Scope 1 and Scope 2 emissions to the greatest extent practical is also really important.

15 So, the regulation of greenhouse gas emissions in New South Wales is in a transitional stage, as I'm sure you're aware just by reading this section, there's lots of policies, there's lots of guidelines, there's lots of things coming into play as this project has just been on foot. But under the EPA's Climate Action Plan, climate change mitigation and adaptation plans will be required. So, the Applicant will be required to prepare one of these plans, and it needs to demonstrate how they can avoid and mitigate their Scope 1 and Scope 2 emissions and exposure to climate risk.

20 The Department recognises that the additional emissions from this project would contribute to global climate change, including impacts at a local scale. Climate projections for the Central Coast and the Hunter regions indicate rising temperatures and sea levels, increased fire risk, and more frequent extreme weather events. The Department recognised in our evaluation that the greenhouse gas emissions from the project would contribute to climate change where there is a net increase in global emissions. This would contribute to the climate change impacts on the locality.

30 Community submissions also highlighted concerns about these risks and their social and economic consequences, and the recent Net Zero Commission report into fugitive emissions from coal mines highlighted these challenges and issues. However, the Department accepts and acknowledges that Chain Valley is identified as one of the state's gassiest mines. This should also be considered against the short timeframe of the proposal and a comparatively minor amount of new coal in the scheme of what is currently permitted to be extracted, and against other projects in the state as well.

40 Similar to subsidence though, and given the complexity and the evolving world of greenhouse gas emissions and the policy framework, the Independent Expert Advisory Panel for Mining was requested to conduct a comprehensive independent review on the greenhouse gas assessment for the project. And the panel agreed that the greatest potential for reducing emissions would be realised in better controlling the legacy emissions from the previously extracted area.

45 So, the panel did provide a series of recommendations, including the preparation and implementation of a Greenhouse Gas Mitigation Plan, which I spoke to just before, that would need to occur anyway under current EPA policy. The plan would be required to identify and implement all feasible and reasonable measures to minimise Scope 1 and Scope 2 emissions from the project, including adoption of energy efficient mining equipment and practices, investigation of renewable energy procurement where

feasible, improvements to ventilation and methane management, and annual reporting of emissions performance.

5 So, the Department has adopted the recommendations from the panel, and we've included these in the recommended conditions for the consideration by the Commission. And should the IPC determine to approve the project, the Applicant would be required to more accurately map the project's greenhouse gas emission footprint and provide details and priorities on further mitigation measures to be implemented for the life of the project.

10 **PROF MENZIES:** Thanks, Jessie. Let's pause at that moment just to discuss this one a little bit. And let me start by saying that the process that you've been through was really thorough and gave us a good understanding of Scope 1 and Scope 2 emissions and their management, the legacy issues, the whole package, that was good.

15 I wanted to discuss the submission from Environmental Justice. They posit that the connection between these mines and the power station is sufficiently close that we should consider the power station as part of our consideration. Which then brings in the Scope 3 emissions, and as we get to the next topic (air quality), it also brings in the air quality impact to the power station.

20 So, I wondered whether the Department's given any thought to the validity of that approach that Environmental Justice is pushing that we should be considering; that we are legally obliged to consider the power station as part of this project.

25 **MS EVANS:** Due to the close proximity.

30 **PROF MENZIES:** Due to – yes, the close proximity in the sense of ownership by the same companies, the coal being mined being explicitly for that power station, that success/profitability of the power station being linked to those particular mines. They are arguing it's one enterprise and should be considered as one enterprise.

35 **MS EVANS:** I'd say we're ... Probably two things. The DAs for both, regardless of who owns it, they run with the land, not the applicant. So, the development consents run with the land, not the applicant. So, I think we need to keep that in mind, and probably who owns which is not a consideration under the EP&A Act. You're looking at tying in a consent to a parcel of land, not a company.

40 And then I guess we've probably taken a more strict interpretation of when you apply Scope 3 emissions to a consent or an assessment or not. It does sound like it's obviously a legal question, so I would probably want to get a legal answer.

45 **PROF MENZIES:** And Jessie, let me be clear, I'm not asking you to, you know, to answer that legal question. I agree with you, there's a – I was more asking whether the Department had seen that and thought we'd better get some legal advice.

MS EVANS: Yes. We have seen it and I'd say we did apply the more strict interpretation of the current guidelines whether they're considered separately. But yes,

we have seen them, we've had multiple meetings with EJA, not recently, but closer to the time they put in their first submissions as well.

5 And then, I guess, it just makes my mind go forward, like what happens with other power stations, like in the Lithgow area that are supplied by one mine as well but owned by a different operator and they're in close proximity. If you did one in – assessed in a particular way in this particular case, what do you do in another situation?

10 **PROF MENZIES:** There would be the expectation that that particular way we've approached it would – yes, relate to others.

15 **MS EVANS:** Yes. Look, if you want to follow up with a particular, more detailed question, I'm more than happy to answer it, but probably, yes, I think it needs to be very carefully considered, yes.

20 **PROF MENZIES:** Just on that one. You would have noted there's a – no, you won't have noted – there was a slight change in my opening statement which is that we will tell you which of the questions on notice that we want you to answer. So, wait for us to communicate and we as a Panel will have a talk about which ... Because lots of things come up in our discussion; some of them are really important, others were interesting but wouldn't change our decision, so we don't want you wasting time answering questions that are just interesting but aren't going to change the way we view the outcome.

25 **MS EVANS:** Yes, thank you, and understood. That's good.

30 **PROF MENZIES:** Fellow commissioners, do we have anything else we wanted to chase Jessie on? I'm cognisant of time, so there's lots of good things to talk about yet.

35 **DR EVANS:** The one that I'd like to ask, and you mentioned it a number of times, in the context of the application before us being to continue operations to 2029 and Vales Point Power Station continuing operations till 2033. How has the Department considered those two different timeframes?

40 **MS EVANS:** Yes. So, when this was first lodged, Vales was planned to close in 2029 and the proposal lined up with that. And I think then in 2023 or '24, Vales said they would be open longer. The company has not come to us with any plans to change the timeframe of their proposal, they've stuck with the 2029.

45 I've spoken to some colleagues in the DCCEEW, which is the Department of Energy, Water, Climate Change and Environment, and they've given us a number – the Department understands that approximately 50% of the coal from Vales Point comes from Chain Valley, and if Chain Valley was to close in 2029, it's possible that the rest can just come from the other suppliers that they already have. And so, the other 50% is trucked – not trucked, railed in from Hunter mines, mines in the Hunter region.

But it's a really complex and it's probably not my place to describe it, but it's very complex which power stations are staying open, which ones are closing, and the

timeframes of their closure and everything depends on the renewables space and how quickly we can get that up and running. And also, with one closing and the other one staying open or vice versa depends on – they kind of depend on each other. So, it's very, very complex and fluid as well, I guess, and there's a lot of balls in the air.

5

MR RITCHIE: So, probably just to jump in as well. As Jessie's explained, it's a very complicated thing and is obviously not something that we're in control of. There are things that we hear, things get changed slightly depending on, as Jessie said, the rollout and take up of renewables. Because there's also the notion that, yes, you have projects in the system but it's also getting them up and running and energising the grid.

10

I think the other way to sort of address this question is also, we're probably bound to assess what's before us at this point in time. So, that, as Jessie's explained, is till 2029. That's what we've looked at.

15

DR EVANS: Thank you.

MS GRANT: Neal, can I just ask one small question, please. Jessie, you talked about the EP&A Act, the EP&A Climate Action Plan ...

20

MS EVANS: Mm-hm.

MS GRANT: ... and that that would need to be prepared down the track. I'm not sure if there's a timeframe for that. But is that likely to produce or provide more information that we should be considering now – is that deferring consideration of things that we should be considering upfront?

25

MS EVANS: I don't believe it is. I think what you've got in front of you is an evaluation and an assessment of what the impacts would be. There's a panel, the expert panel has provided some recommendations as well. So, you've got those in front of you as well. In my mind, that Action and Mitigation Plan would just be the devil in the details and what it'd look like, yes.

30

MS GRANT: Okay. Thank you.

35

PROF MENZIES: Okay, Jessie, back to you.

MS EVANS: Okay. So, air quality was up next. It's obviously related to greenhouse gas emissions but its own entity as well.

40

MS GRANT: We can't see your slides, should we ...?

MS EVANS: I think I'm pretty much done with the slides anyway. They were more important for upfront for the figures.

45

MS GRANT: Okay.

MS EVANS: So, importantly for air quality is that the assessments that were provided to the Department showed that air quality impacts as a result of the project are

predicted to remain below the relevant standards. And that includes the cumulative impacts with Vales Point Power Station, they're not expected to exceed the relevant thresholds either.

5 So, should the IPC determine to approve the project, the Department has recommended a requirement for all reasonable and feasible steps to minimise potential air quality impacts, and also the continuation of reporting and monitoring to ensure compliance and make sure that they're staying within those criteria that are set.

10 And that was all I had for air quality, if there were any questions?

PROF MENZIES: Just a thought as we're going through, Jessie, you're quite right, the air quality is the whole of the system, so it's Vales Point as well. So, it kind of, you know, my earlier question about what the Environmental Justice was seeking, is
15 inherently doing that anyway. So, just a thought in passing.

MS EVANS: I mean, it's a bit different with air quality because the other aspects of air quality, UPM levels are measured differently to greenhouse gas levels. And there is set
20 established criteria for UPM levels and there is – the EPA's got its approved standards for measuring and assessing. And in this case, all the modelling and predictions and assessments are showing that it's going to be met. And we don't have EPA as the expert in this area raising any concerns on it.

I think in some ways it's a little bit more straightforward with air quality, that question,
25 because even when considered cumulatively, you're not exceeding the thresholds. With greenhouse gas, it's a little bit more complicated.

PROF MENZIES: That's right. It's more of a mental exercise than we can go out and
30 measure and see exactly what's going on. Yes.

MS EVANS: So, next up was water on the agenda, water and I'll cover some aquatic
biodiversity in this bit as well. But impacts on water quality and biodiversity, including
the seagrass and the benthic communities, are expected to be minor and manageable
35 under the existing monitoring and management frameworks that they use at the collieries.

The EIS confirmed that there is no historical evidence of connectivity between
40 underground workings and Lake Macquarie. And the connectivity is not expected from these proposed mine workings either; they're not doing anything drastically different from what they've been doing in the past.

Importantly, there's also no drawdown of the alluvial groundwater or the water table,
and any impacts on the base flow to ephemeral creeks and groundwater dependent
45 systems are therefore not predicted as part of the project. None of the 64 registered bores identified within the 5-kilometre radius of the project are predicted to be impacted by a drawdown of greater than 2 metres.

So, should the IPC determine to approve the project, the Department has recommended conditions requiring continuation of the existing monitoring programs. It's important

to note that the project would not involve any additional surface disturbance beyond what is currently approved and would therefore have no direct impacts on terrestrial biodiversity values.

5 The proposed additional secondary extraction is limited to the approved Mannering coal mining area, which is not beneath the seagrass beds and is therefore unlikely to impact sensitive seagrass areas. Nonetheless and as noted and discussed, the seagrass barrier would continue to be implemented, monitored and managed as part of the project.

10 Should the IPC determine to approve the project, the application of subsidence control zones, as I spoke about earlier, and the recommended conditions of consent, would avoid any subsidence impacts on the lake foreshore and seagrass beds.

15 Switching to the volume and quality of water discharges from the mine into Swindles Creek and Lake Macquarie. They are predicted to be generally consistent with the approved operations and are unlikely to result in any material impacts to aquatic biodiversity beyond what is already approved.

20 That was all I was going to say about water, but I'm happy to take some questions.

PROF MENZIERS: Okay, once again, just I can't resist it. Beyond what was approved tempts me to challenge you in the sense that the approvals for this mine were started in the 1960s somewhere when our expectations of environmental impact, when the numbers of people around to be impacted etc. were quite different. And so, Jessie, I'm asking the question of if we were looking at this cold for the first time right now, would we think the discharge to Swindles Creek was okay?

MS EVANS: In my view, I think the assessments have demonstrated that it is. Yes.

30 **PROF MENZIERS:** Very good answer.

MS EVANS: Yes. I do. That's my honest answer too. We've not had significant pollution programs placed on this mine for discharges. The impacts over the years have not resulted in material impacts. And by giving them, like, if you were looking to give a more contemporary consent, you're improving that even more. And we also have EPA, who obviously monitors and enforces compliance on water discharges and pollution events, and there's no significant concerns raised there either.

40 **PROF MENZIERS:** And Jessie, just to extend that to the water then discharging to Lake Macquarie. The Department's also content that there is no impact to ...

MS EVANS: Yes, yes, it applies to both, yes. Yes.

45 **PROF MENZIERS:** Thank you.

MS EVANS: That's okay. Any other questions?

PROF MENZIERS: No.

MS EVANS: No? Okay. Next up was ecologically sustainable development. So, the Department did evaluate the project against the principles of ESD and we consider it can be carried out in a manner that is consistent with these principles.

5

And a very quick summary, just mindful of time, the number one of those principles is the precautionary principle. So, information gathered during the assessment process has provided sufficient scientific certainty regarding the environmental impacts and residual risks to enable the determination of the development application. And should the IPC determine to approve the project, there's strict performance measures and the management and monitoring requirements would provide appropriate protection for environmental values and would minimise the potential for serious and irreversible environmental damage.

10

15

The second principle is intergeneration equality. The recommended performance measures and other conditions of consent would provide an appropriate degree of protection for the health, diverse and productivity of the environment and not constrain the ability of future generations to use or enjoy the project area in a similar way to the past, and to the present and recent past.

20

The mining of coal and its combustion is a major contributor to anthropogenic climate change, which has the potential to impact future generations. In recognition of that risk, New South Wales has set clear goals for reducing greenhouse gas emissions over the next decades and achieving net zero by 2050.

25

The additional greenhouse gas emissions generated by the project have been assessed under the current New South Wales and Commonwealth legislative frameworks.

30

So, the third principle is conservation of biological diversity and ecological integrity. There is no disturbance beyond what is currently approved, and the project is unlikely to impact ecology.

35

And principle four is improved valuation and incentive. So, the environmental costs of the project have been addressed in detail and quantified to the degree that is possible in the cost-benefit analysis as prepared as part of the EIS. The direct environmental effects of the project would largely be internalised through the adoption and funding of the mitigation measures proposed by the Applicant or otherwise required by the conditions to mitigate, remediate or offset them.

40

If the project was to be approved, it would realise the extraction of ROM coal from an area already approved for mining and it maximises economic [management 00:42:34] while minimising environmental and social impacts subject to the conditioning.

45

That's all I had on ESD if there's any questions.

PROF MENZIERS: No, I don't think so.

MS EVANS: No? Okay. So, just other environmental impacts was next up on the agenda, so I'll just quickly – we've assessed the impacts of the project on other values

and issues, including water resources, traffic and transport, biodiversity, social and economic, Aboriginal cultural heritage, historic heritage, and rehabilitation.

5 Should the IPC determine to approve the project, the implementation of reasonable and feasible mitigation measures can be applied to manage the residual impacts of the project via strict conditions of consent.

I wasn't sure if there was any particular one you wanted to discuss there.

10 **PROF MENZIES:** No.

MS EVANS: No? Okay. Operational life of the Vales Point Power Station was next on the agenda. I think we've discussed it unless there was any more ...

15 **PROF MENZIES:** Yes, we've touched on that one; I think we're good.

20 **MS EVANS:** Okay. And then traffic and transport. So, the project would not involve any change to traffic volumes or haulage routes currently approved, other than the extension of the life of mining by two years to 2029. So, therefore the only change to traffic conditions would be the result of prolonged employee traffic and coal haulage during these additional two years.

25 Intersection modelling analysis indicated that all intersections are expected to continue to operate with a good level of service A until 2030, and that no changes to intersection design or additional traffic management measures are required as part of this project.

30 Coal would continue to be transported between Chain Valley and Mannering via an underground conveyor, and between Mannering and the Vales Point Power Station via an overland conveyor. The Department notes that the project would maintain the existing approved option to allow up to 660,000 tonnes of product coal to be exported to overseas markets. This is only likely to occur in the event of an unplanned extended shutdown of the Vales Point Power Station during the life of the project.

35 The Department notes that coal has not been exported from the site since the Applicant took ownership in 2019. Nevertheless, the Applicant has requested this operational flexibility is continued from the existing consents, as part of the consolidation process of this project.

40 **PROF MENZIES:** Jessie, that's one of the things that is exercising our mind a little. The extent to which export of that 600,000 tonnes a year could have an impact on the community.

MS MENZIES: Mm-hm.

45 **PROF MENZIES:** It's certainly something that has come up in the community submissions, often in the context of reading it as though that is going to happen and going to happen all the time, but as you rightly point out, it hasn't been happening and may not. But we need to think about in the context of, well, they have the approval,

they could move to the ... You know, the power station's not operating or closed or not worth running, but let's keep the mine running for the 600,000 tonnes.

5 So, we are certainly thinking about that potential impact on the community and the additional truck movements. And so, once again, the context of my question here is, when the original approval was given, there were a lot less people lived there, a lot less traffic on the road, all kinds of things were different. I don't know how quite to ask this question to avoid, well, you know, it all, you know, it gets a tick from the appropriate departments, but do you think it's been looked at thoroughly enough in the context of
10 the present day or is there a risk that it's been, "this has already been approved, so it'll just roll forward, it's only two years, after all."

MS EVANS: I don't have that view. I think it's been looked at appropriately. We've looked at the intersections that would be used under current guidance and policy, like,
15 contemporary assessment guidelines. You've got the highest level of service at these intersections possible. There's room on the road network. But I do acknowledge that it would be a change for the people that are living there. But the road network and the assessment and the evaluation can accommodate it. Yes.

MS GRANT: And given that it's intended as a fail-safe backup kind of scenario, is there merit in considering whether there's some parameters around that about how long it was to occur or ...

MS EVANS: There is certainly – yes, that you could definitely do some work around that. I think given the current information we had before us, you would probably just need to seek more information. So, like for quarries, for example, the maximum number of trucks per day, or something like that.

30 But for this amount of tonnage, I can't do the calculations off the top of my head, but there's not – it wouldn't be a huge amount of trucks over a year. But you could definitely look to do limitations. Yes. I'm not sure we have that information though in the EIS; that is something I would need to look at.

MS GRANT: Okay.

PROF MENZIES: I think we're on to noise and vibration.

MS EVANS: Yes, we are, okay. So, noise has – like, full recognition that noise has historically been an issue for the nearby sensitive receivers at this site. And noise complaints have declined over the years, but that is following extensive mitigation programs that have been put on the site by predominantly EPA, but I think some were Department-led as well. And I can understand that noise remains a concern for the community.

45 This project would result in minimal changes to the existing noise environment, with the exception of extending operations for the additional two years. The noise modelling does predict compliance at most sensitive receivers, with exceedances under worst-case conditions.

5 So, the Applicant and the EPA have worked really hard together to derive contemporary and consistent noise limits for the combined operations, and I think this was explained in detail in the report. We had different conditions across both sites, used different guidance at the time to come up with those conditions, and we now needed to find a way to sync those and come up with a consolidated set of conditions. And it's been really, really reassuring to have the Applicant and the EPA and the Department work together to derive these limits for the combined operations.

10 The limits are conservative and would result in a positive outcome for the community. The Applicant has committed to continue to implement the existing noise controls, as well as implement additional controls to further reduce noise impacts. So, mitigation measures include the enclosure of new coal handling infrastructure, strict haulage restrictions, and consolidated noise limits would reduce the impacts.

15 The Department has recommended consolidated and updated operational noise limits, which I just spoke to, a requirement for all feasible and reasonable mitigation on plant and equipment, and continuation of attended monitoring and reporting to ensure compliance with these new limits.

20 That's what I had for noise.

PROF MENZIES: Okay.

25 **MS EVANS:** Any questions on noise?

PROF MENZIES: Okay, let's park noise. Fellow commissioners, do we have other general questions we wanted to ask of the Department?

30 **MS GRANT:** Not from me, thanks Neal.

DR EVANS: Thank you, we've covered the ones that I had. Thank you.

35 **PROF MENZIES:** All right. Well, Jessie, Chris, Melissa – Melissa, you've been very quiet in this one. Thank you very much for your presentation and the very clear answers to our questions. I think that was a really useful discussion for us. So, thank you for joining us. We are making a site visit next week and the public hearing ...

>THE MEETING CONCLUDED