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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH MUSWELLBROOK SHIRE COUNCIL

RE: DARTBROOK COAL MINE- MODIFICATION 7

PANEL: **PROF ZADA LIPMAN**
ROSS CARTER
PETER COCHRANE

ASSISTING PANEL: **BRAD JAMES**
TROY DEIGHTON

COUNCIL: **FIONA PLESMAN**
SHARON POPE
ANTHONY WILLIS

LOCATION: **MUSWELLBROOK SHIRE COUNCIL**
157 MAITLAND STREET
MUSWELLBROOK, NEW SOUTH WALES

DATE: **2.36 PM, MONDAY, 8 APRIL 2019**

PROF Z. LIPMAN: Good afternoon and welcome. Before we begin I would like to acknowledge the traditional owners of the land on which we meet, the Wanaruah people and the Kamilaroi people. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today.

5 Welcome to the meeting today. AQC Dartbrook Management Proprietary Limited, the proponent, is seeking to modify the development consent for the Dartbrook Underground Coal Mine. The project involves the recommencement of underground mining operations at Dartbrook using bord and pillar methods as well as the alteration of coal clearance system. It's to partially transport coal overland instead of

10 using the full length of the Hunter Tunnel.

The project also involves the extension of the mine life for a further five years until December 2027. My name is Zada Lipman. I'm the chair of this IPC panel. With me today are fellow commissioners: on my right, Ross Carter; on my left, Peter

15 Cochran; and two members of the IPC Secretariat, Brad James and Troy Deighton. I will ask you to introduce yourselves when we begin the meeting so that your names will be clear for the record. In the interests of openness and transparency today's proceedings will be recorded, and a full transcript will be made available on the commission website. The meeting is one part of the commission's decision-making

20 processes and will form part of several sources of information on which the commission will base its decision.

It is important for commissioners to ask questions of attendees and to clarify issues whenever they consider it appropriate. If you are asked a question and not in a

25 position to answer, please feel free to take the question on notice and provide any additional information in writing, and we will put it on our website. I request that all members today introduce themselves before speaking for the first time and for all members to ensure that they don't speak over the top of each other to ensure accuracy of the transcript. We will now begin. Well, I might say first of all if you

30 would introduce yourselves, and then we can – I can ask you to begin with the discussion.

MS F. PLESMAN: Excuse me. I will start. My name is Fiona Plesman, and I'm the general manager of Muswellbrook Shire Council. With me today are Sharon

35 Pope, who's the deputy director of planning and community services for Muswellbrook Shire Council, and also Anthony Willis, and they will both introduce themselves, but Anthony is our corporate lawyer, and we are very pleased to have the opportunity to speak to the Independent Planning Commission and thank you for making the trek up this way. It is much appreciated.

40

PROF LIPMAN: Thank you. Well, what I would like to do is perhaps for you to start off. I know we've read your submissions and sort of followed the progress through to the VPA. So we would like an update from you on your concerns and how you feel they've been addressed and if there's anything else you would like us

45 to deal with at this stage.

- MS PLESMAN: I will say a little bit as a summary about where we're up to. Sharon will speak in more detail to our submission, and Anthony will also be able to provide any information and an update in relation to our VPA arrangements with Australian Pacific Coal. So I guess by way of just providing a summary I would like to provide you with a bit of information which I'm sure all the commissioners here are very aware of, which – Muswellbrook Shire has six thermal coal mines within close proximity to the town of Muswellbrook. Council and the community are concerned about the cumulative effect of coal mining on the shire but, in particular, the town of Muswellbrook.
- We see these impacts as being social, environmental and physical in relation to their impacts on our infrastructure, and we have concerns in relation to these impacts. A substantial part of the Dartbrook modification 7 is in the Muswellbrook Shire. We do understand, though, that it is a joint impact between Muswellbrook and Upper Hunter. Council's approach to consulting with mining companies is to ensure that where the State Government proceeds to approve modifications to mines that legacy issues are addressed, and that's certainly the instructions that council provides me as the general manager and us generally as the officers of council.
- They are particularly concerned around the infrastructure, legacy issues in relation to our roads, and we are very active in terms of ensuring that we actually have mine-affected road strategy, and the intent of that strategy is to ensure that we have at the completion of mining, which will complete one day – that we have an effective rural road network. In relation to environmental impacts, this council is very keen to ensure that legacy issues in relation to environmental impacts are addressed during the life of all mines but also in terms of the legacy they leave in terms of the changes to the land and overall impact of the land on the people who live here and the visitors who come here and also the social impacts.
- We're very aware of the social impacts. We – they come and go during the changes to mines as they increase or decrease, depending on the coal price, and we currently notice quite a significant impact on our town, particularly Muswellbrook, with the expansion of Mount Pleasant. So they are all very real impacts for Muswellbrook Shire. I'm happy to take any further questions, but I think I, if the commissioners would be happy for that, would hand over to Sharon.

PROF LIPMAN: Thank you.

- MS S. POPE: My name is Sharon Pope. I'm the assistant-director of environment and community services. I compile council's submission with input from the councillors and various staff, and I would have to say that Dartbrook did respond to most of the issues we raised quite positively in their response to submissions, and there are quite a few conditions and modifications to the conditions of consent that reflect our feedback, which is good. Maybe as a starting point, council had concerns with this modification request because of the age of the approval of the Dartbrook Mine. It was going through its approval processes from way back in 1991.

So there's some concern that some of the documentation that was used to approve the original mine is now no longer contemporary or wouldn't meet today's standards, yet by just doing things as modifications, we don't get to see a complete new picture of the mine and its impacts. And in that regard, since Dartbrook closed, there has
5 been quite a number of other mines approved or given extensions to their operating timeframes so council is overall concerned about cumulative impacts of mining on the local community. Air quality is probably our biggest concern; with the open-cut mines that are nearby, they certainly generate a lot of dust whenever they need to blast and with the current drought conditions, whenever we have windy days, we get
10 a lot of dust mobile in the air.

The concern council has at the moment with 24 hour monitoring of air quality is that there is perhaps a level of night time dust being hidden from being captured in statistics but that certainly, as a community, we notice the levels of people with
15 asthma or breathing difficulties, that we are concerned about night time dust in particular and probably more so in winter than in summer when we have inversions that hold and trap that dust closer to the ground during the winter months. Impacts on the road network, to some degree, I think our VPA will help us, the VPA we're negotiating with Dartbrook will help us there and update to our mine-affected roads strategy and then any financial contributions to the improvement of the road network
20 over time because of traffic generation.

But I think again council is saying, well, individual mines can very well assess what their impacts are, we need the State Government to consider the cumulative impacts
25 of having the six-odd mines in and around Muswellbrook. What that does in terms of generating traffic on the regional road network, not just local road networks, what impact that has on the railway network and the ability to potentially increase passenger rail services from Muswellbrook right through to Newcastle and the impact it has on water sharing plans and, I suppose, when you've got multiple mines.
30 I know Anthony will cover certain things. I only had one other – it was a very minor thing – in relation to the shed over the delivery shaft, I would like to see a condition that quite specifically talks about the design of that shed.

At the moment, I think the draft conditions rely on terms like they should do things
35 to minimise dust. I think we could be quite specific about that shed, the placement of coal down that delivery shaft will potentially generate quite a lot of dust so it does need to be designed quite well with its rubber strips and sprays, water sprays and things like that to try and minimise the dust escaping into the nearby area. And it's going to be quite a visible site too so I don't think, from Dartbrook's perspective,
40 people passing along the New England Highway seeing black clouds of coaldust billowing out would be a good idea anyway. Anthony, I might hand over to you.

MR R. CARTER: Sorry, Sharon, I just had one question. When you mentioned you
45 were concerned about the extension in combination with other mines and in the cumulative impact of that, was council most concerned about the extension that relates to the bord and pillar activity or the broad extension of the existing approval?

- MS POPE: I think the broad extension of the existing approval. In the minds of the council – and, to some degree, the community – this mine was closed and so the impacts of coalmining at that site were considered to have gone. But now because they've requested the extension of time and, I suppose, the change to a bord and pillar extraction method, they are reinvigorating the mine and it is starting again, where I think, to some degree, the community and councillors felt it was now a closed mine and would be care and control or care and maintenance and would be rehabilitated.
- 10 MR CARTER: Thanks
- MR P. COCHRANE: And just in the – and I apologise if this is unrelated to the – to the mod 7 – but when the previous mine opened, what were the public concerns about its operation because it was an underground operation then; does anyone remember that – were they around?
- 15 MS POPE: I might have to defer to you on that one, Fiona, I wasn't here at the time.
- MR COCHRANE: Were there noise and dust issues then?
- 20 MS POPE: Yes, there would have been traffic noise and dust but - - -
- MS PLESMAN: Yes, but they probably are accentuated now due to, I mean, I think both Sharon and I have the used word cumulative effect and there is no doubt in our minds and by reviewing data that we have a cumulative impact in terms of just not only the number of mines – I know that they are primarily open cut and that this mine – and I very recently with the mayor have been in discussions directly with Australian Pacific Coal around the – the open cut versus continuing with the underground mining.
- 25 30 MR COCHRANE: Yeah.
- MS PLESMAN: There is some historical opposition to the mine with a considerable amount of concern in relation to water management on the site, safety management issues and overall impact, particularly on the water table. So previous communications indicate that there was some concern but it's certainly because of the drought currently a concern that the environmental impacts will be relating to dust if not managed well and certainly dust if there is an intention to move to open cut. The impact on dust management, of course, is less if it's an underground mine but the overall impact of the mine on this community and the community of the Upper Hunter, there is no doubt that there's quite a bit of concern so we've seen quite a swell of community response - - -
- 35 40 45 PROF LIPMAN: But if we just - - -
- MS PLESMAN: - - - which I'm sure you're aware of.

PROF LIPMAN: Yeah. If we just - - -

MR COCHRANE: Yeah.

- 5 PROF LIPMAN: Just two things first of all, I mean, the community should be aware that that would be a separate DA if it was to move to an open-cut mine.

MS PLESMAN: Yes.

- 10 PROF LIPMAN: So that's not an issue for us at this particular stage. The other thing is I wanted to get back to that point that you made, Sharon, about the shed. Correct me if I'm wrong – and I may well be on this – but my opinion – my belief – or my understanding was that the shed would require a construction certificate so that
15 of the shed rather than the commission or - - -

- MS POPE: You are correct, there will need to be a construction certificate for that shed. I just would like that – a little – a little bit of additional backup that there's a condition of consent that talks about the shed being designed to manage dust because
20 a construction certificate, we would normally be thinking more along the lines of structural aspects of the shed and, clearly, I raised an issue about colour as well so
- - -

- PROF LIPMAN: Are you talking about sprays that you - - -
25

MS POPE: Sprays.

PROF LIPMAN: Yes.

- 30 MS POPE: And there's a need for rubber stripping.

PROF LIPMAN: Belting.

- MS POPE: Yeah, belting and things like that.
35

PROF LIPMAN: Would you be prepared to put something – to draft some sort of condition that you would like included and send it through to the secretary, perhaps?

- MS POPE: Yes, I would be happy to do that.
40

PROF LIPMAN: Thanks.

- MS POPE: Actually, I just had a thought when Fiona was speaking, one of the impacts that the community may not have raised when Dartbrook was operational
45 but have started raising as more and more coalmines have opened is the actual rail movements through town and the noise that that generates, the brake squeal, I think it might just be the wheel on steel squeal but, certainly, each mine can generated eight

to 10 movements a day through town so we are now getting to a point where we've got a tram going through town at least every 10 minutes and so that is an issue that people are starting to raise. We are looking at putting some sound walls up in conjunction with ARTC but that's probably one of those cumulative impact things.

5 Each mine, only eight trains, doesn't sound like much but when you've got not just the mines surrounding Muswellbrook but the ones further up in the New England area also coming down through here and the ones from Newland, there's – I don't know, there must be at least 10, 12 mines that are sending trains through Muswellbrook so that's become, I think, a bit more of an issue to the community too.

10 PROF LIPMAN: There's not much we can do about the trains, unfortunately.

MS POPE: No.

15 MS PLESMAN: No.

MS POPE: Yes. It's just that cumulative impact.

PROF LIPMAN: Yes. Yes, I understand. Thank you. Did you want to say

20 anything?

MR COCHRANE: I – just following up my question. So did some of the upper mines, the six in close proximity, open up – start operating after Dartbrook closed?

25 MS PLESMAN: Yes.

MR COCHRANE: Okay.

MS PLESMAN: Fiona speaking here, Fiona Plesman.

30 MR COCHRANE: Yes.

MS PLESMAN: Most definitely. So the Dartbrook mine has been in care and maintenance for - - -

35 PROF LIPMAN: 12 years.

MS PLESMAN: Yes, 12 years. And in that time, we've had – well, most recently Mount Pleasant, which has only as of January this year gone to 24 hour operations and would only be – I spoke to the manager there just in the last week or two and they're just getting ready to be able to extract and send coal to the port. We've had modifications and extensions to Mangoola, Bengalla and Mount Arthur in this last 10 years. So – and all of those are within – I unfortunately don't have a map with me, but I could show you - - -

45 MR COCHRANE: Yes.

MS PLESMAN: - - - with the, sort of, ring of the town – we are moving to closure of Muswellbrook Coal Mine – that’s in 2022. But, definitely, in the decade that Dartbrook has been in care and maintenance, mining has significantly expanded in the Muswellbrook area, so, you know, that’s the point we’re making about the cumulative impact - - -

PROF LIPMAN: Yes.

MS PLESMAN: And we have just – you know, there has been a modification for both Bengalla and Mount Pleasant and with Mount Arthur also moving westward at the moment.

MR COCHRANE: It’s just this plays into community perceptions that it had been closed – that’s I guess why I was asking.

MS PLESMAN: And I do think for the community, we get a lot more direct response to us, with an expectation that council is able to do something, so we actually get regular phone calls to our front desk saying, “What are you doing about these mines, you know, why is that big mine just literally over my back fence, which – you know, when you go to shop here in Muswellbrook, you know, from the Marketplace where a lot of people shop, you now look out directly across all that land which has gone. There used to be green hills and it’s now Mount Pleasant. So people are far more conscious. And it is true we have – we are still in drought, so you would call it a green drought at the moment because of the recent rain, but we have had two years of drought so it has been a lot harder for the mines to suppress the dust. But we have had a lot of dust and the community is every aware of that.

PROF LIPMAN: I suppose one of the other things that I wanted to ask you about was the concerns about the new shaft site is apparently on a floodplain and I wondered what your thoughts were about it. How acute is the flooding there and is there any risk in your opinion?

MS PLESMAN: Sharon?

MS POPE: This is Sharon speaking. That is a very good question, actually. The floodplain there definitely would flood. We’ve had a flood study recently adopted that provides new flood levels for that floodplain. I would be able to provide information about how much flooding – I must admit, I – in thinking about the shaft, we were much more concerned about when they put the shaft in, the impacts it has on the different aquifers and the leakage of water down the shaft into the mine. So I had not actually considered the flooding impacts. Perhaps - - -

MS PLESMAN: But we have a new flood study which has just gone through. It’s - - -

PROF LIPMAN: That would be interesting.

MS PLESMAN: so I think that would probably be really useful. It's – yes.

MS PLESMAN: So we could forward that to you.

5 MS POPE: Yes.

PROF LIPMAN: Good. Thank you. While you're actually on that, you just raised a point that I was interested in. You were talking about the shaft being sunk and the impact on the aquifer. And I noticed that in your previous submissions, you
10 suggested that there be a test bore prior to any construction. Our understanding from the proponent is that it's not going to be financially viable to do one in advance and that they were thinking of commencing construction and then if they encounter any problems, they will proceed to encase the area. What is your view of that approach?

15 MS POPE: I suppose our preference would be that they do the initial test drill just to see what they encounter. That would mean as they construct the larger shaft, they could be prepared and could be lining it as they go. If they have a condition that they must line it if they encounter an aquifer that's leaking down into that shaft, that at least addresses the longer – or long term concern about the aquifers leaking down
20 into the shaft and into the different layers of the mine, so - - -

PROF LIPMAN: So that would be acceptable if they were prepared to - - -

25 MS POPE: It's our second-best solution, yes.

PROF LIPMAN: A second-best solution. But they would – then to do that at that stage, they would have to make sure that they had an aquifer interference licence which – I don't think they're going to get in advance, so that would mean stopping operations and applying for that licence, you know, which is a bit tricky.
30

MS POPE: Yes.

MS PLESMAN: Yes. Water licences generally in the Upper Hunter – I guess tricky is a good word – we will stick with that one, but – - -
35

PROF LIPMAN: Yes. Okay thank you for confirming that.

MR A. WILLIS: Okay. I might make a few further submissions. Anthony Willis, corporate lawyer for council. Commissioners, I'm only going to address two things.
40 One is the Department's recommended conditions of consent and the other being the terms of the Voluntary Planning Agreement proposed between the applicant and the council. So I have here four copies of our proposed - - -

PROF LIPMAN: Thank you.

45 MR WILLIS: - - - amendments to the Department's recommended conditions and I will just start by addressing each of those in turn. As you can see from – the first

- suggested amendment is an insertion of a definition of the term “natural micro-relief” which I will come to further down. I might start with what we submit is a necessary inclusion in condition 3.2 which goes to the applicant preparing an Environmental Management Strategy for the development. In council’s view, a requirement must be inserted into that condition which requires the applicant to prepare that in consultation with the council, that is because the vast majority of the development will be within council’s area and will have, as you’ve already heard, significant environmental impacts upon the area.
- We submit the council must be involved in the preparation of that Environmental Management Strategy and that the applicant must be bound to submit that to council and to take council’s feedback on board prior to the strategy being approved by the Secretary. And turning to condition 3.5 of the Department’s recommended conditions, we suggest the deletion of the words “where necessary” in condition 3.5, paragraph (g) simply because, in our submission, part of the – part and parcel of the IPCs role is to independently assess the application on its merit and to also impose conditions free from delegating essential matters such as the content of maintenance obligations to the Department.
- We say it is the commission’s job to set the basic standards of what this maintenance is to include, not simply to say that it must include where necessary or where convenient all of these various obligations listed beneath. Coming to condition 3.7, which is the rehabilitation of the mine site, we submit that condition 3.7(a) the word “generally” be deleted where it appears because, again, the rehabilitation of the mine site by the applicant shouldn’t be generally consistent with the rehabilitation objectives. It should be consistent with those objectives.
- It isn’t enough to rehabilitate a mine site generally consistent with essential rehabilitation obligations that are critical to ensuring that the mine site when it is left behind is, amongst other things, safe, stable and non-polluting and incorporates design features, particularly in emplacements, that are consistent with best practice in this area, and as you can see from the suggested amendments to table 3 in rehabilitation objectives we have added the term where the bullet point commences with:
- Incorporate relief patterns and design principles consistent with natural drainage –*
- we have added the words “and natural micro-relief”, and that draws in our proposed definition at the top of page 1 of the minute. Our advice is natural micro-relief is part of the best practice of mine site rehabilitation and that those design principles in the final landform should be consistent with the natural micro-relief. If I might turn back to condition 3.2, paragraph (i), and I apologise I missed this before. This isn’t in the minute, but I will handle this now for completeness. We submit that that condition, paragraph (i), should be deleted in its entirety. That condition effectively gives the secretary unilateral discretion to permit a strategy, plan or program required

by or under the consent to be staged or updated without consultation with all the relevant parties in respect of that document.

5 Again, we rely on our submission that as part of the commission's essential role to
assess this application on its merit and to oppose effective conditions with clear
standards it isn't enough to simply allow the – it isn't simply enough to allow the
secretary to agree to circumvent essential consultation requirements when the
documents required under the consent affect essential elements of the development
and will throughout the development's life. Those consultation requirements should
10 not be abrogated under any circumstances, especially in circumstances where the
secretary is the final arbiter of whether these documents are acceptable, in any event,
and if I might turn to clause 9.2.

15 This was simply a suggestion to fix what we consider to be an artefact from the old
consent. Previously, 9.2(b) referred to copies of the annual review being submitted
to the department, council and being made available to the CCC. We've simply
inserted the two councils consistent with the defined terms in the department's
conditions of consent, and now turning to – I will turn to appendix 5, and this goes to
the status of the proposed VPA between the applicant and the council, and I will
20 hand over four copies of – just by way of background, the applicant and council
renegotiated certain terms of the proposed VPA very recently.

So towards the end of last week, and I have here a letter from Martin Rush, who's the
mayor of Muswellbrook Council, to the chief executive officer of the applicant
25 setting out the revised terms consistent with those negotiations, and I have – I
apologise. I only have one copy of this, but it's an email from the applicant in
response to council's letter setting out these new terms. So I will just hand those
over, and if you all have the – if you all have appendix 5 of the department's
recommended conditions in front of you. That has the previous version of the table
30 of what I will just define as the commercial terms of the VPA, and this is just by way
of comparison.

In terms of the first row of each table, you will see the salient difference between the
two is that instead of the simple 6.8 cents per tonne of product coal extracted the
35 quantity in the second column of that row is now 408,000 per annum payable in 12
equal instalments, and that will be indexed at CPI. That reflects the 6.8 cents per
tonne calculated – so that's 6.8 cents per tonne multiplied by the maximum approved
extraction rate of the development, and, as you can see, for the purposes – funding
for the provision of public infrastructure, and in this way the community will be
40 compensated for the impacts of the development, which will be felt on council's
roads, other infrastructure, services.

Even if the mine extracts no coal, there will still be impacts, for example, on the road
network and the like. The contribution of funding toward an environmental officer
45 in the second row of the table: that is fundamentally the same. There's only slight
differences in wording between the quantity and purpose of contribution column, and
that was just to make it clear in the quantity that that amount would be indexed at

CPI. In the third row, regarding the training of apprentices, that is in identical terms, and in the fourth column you will see that instead of a revision of the western roads strategy there will be a revision of the mine-affected road network plan or equivalent as it relates to impacts by – well, attributed to the project together with a proportional contribution for the – and that is based on the impact of the development and for upgrade maintenance, construction of road infrastructure.

As you can see, my understanding is when the mine-affected road network plan was devised, Dartbrook was taken to have been a non-event so, naturally, that study needs to be updated to take into account the additional impacts upon council's road network by the development. There's one other – you will see in the letter, there's also a commitment made by the applicant to lodge a fresh State Significant Development application within five years after the date on which Modification 7 is approved, if it is, and that is to encompass all operations on the site.

The reason being – and Sharon touched on this before – was that, as the commission is aware, the original consent is based on a very old environmental impact statement and, naturally, when the applicant makes a new application, there will need to be a new environmental impact statement which will, amongst other things, take into account the cumulative impact of mining on Muswellbrook in a way that the old EIS could not have comprehended: the amount of coalmining that has been approved and is underway in this area in the intervening period. Those are my submissions, are there any questions from the commission?

MR CARTER: I just have one on the – on the natural micro-relief. I had in a – in a previous matter, I know council has raised that before. I'm just wondering if council has raised it directly with the Department of Planning in terms of a general approach rehabilitation and - - -

MR WILLIS: Not – not that I'm aware of. It has been raised in other submissions to the Independent Planning Commission on other mine site developments and it's come from, obviously, our experience with older mine sites that have emplacements designed that aren't in accordance with modern principles and don't take into account natural micro-relief. And, as I said before, our advice is that that is the best practice of designing final landforms to ensure that they safe state and were non-polluting and as you – as you would be aware, have the characteristics of small-scale naturally occurring landforms in terms of water runoff and erosion and those sorts of things.

MS PLESMAN: If I could just add something there, we've been very consistent and persistent and have met with various officers from the Department of Planning over some time with pursuing our preference for micro-relief wherever possible because we have a very obvious example of the differences that we can actually see that. So we visit different mine sites and can see where best practice rehabilitation is occurring, where the legacy that the mine is leaving is – is of a land area that looks more natural and seems to have less impact than a large bread loaf hill with a big

void not too far away from it; that is a poor legacy for a previously agriculturally-focused community.

5 MR COCHRANE: Could you explain why – need to find natural micro-relief as engineered micro-relief; I would have thought of natural micro-relief would be – that definition minus the first four words so it would actually be the pre-mining sports club topographical. It seems odd to describe natural micro-relief as engineered micro-relief.

10 MR WILLIS: I - - -

MR COCHRANE: Is there a - - -

15 MR WILLIS: I understand your point. The definition came from an expert the council retained to provide advice on natural micro-relief, among other things - - -

MR COCHRANE: Yeah.

20 MR WILLIS: - - - going to mine site rehabilitation.

MR COCHRANE: Yeah.

25 MR WILLIS: That was her definition and, on the other hand, the engineered micro-relief makes sense insofar as what are you applying the micro-relief too, is a natural – naturally occurring landform, it has to be engineered.

MR COCHRANE: Sure.

30 MR WILLIS: The emplacement has to be engineered in a way that mimics - - -

MR COCHRANE: Yeah.

MR WILLIS: - - - a naturally occurring landform.

35 MR COCHRANE: Yeah, I get that but the definition actually sounds more like an outcome that you're after, the engineered relief I don't want – I don't need to debate you here but I just found it a little odd to describe natural micro-relief as engineered micro-relief, whereas you want relief patterns and design principles consistent with natural micro-relief. There's a – there's a potential for circularity in
40 the way it's worded, as you want an engineered outcome that's consistent with an engineered outcome. Anyway, we could – we can have a look at it; you're the lawyer. Okay. Just a question.

45 MS PLESMAN: I think Anthony has probably answered that. Well, we have reasonably recently – as in last year – had the benefit of working with an expert in micro-relief from Western Australia who provided us with some definitions and in talking to the mines when we have these discussions, we – we usually make it quite

clear that there is an engineering process and planning that is required to result in a – in a regenerated area that looks natural.

MR COCHRANE: Yes. Sure.

5

MS PLESMAN: They are – they do actually have to do quite a bit of engineering to achieve that and we do understand that it is costly for mines – that type of activity in terms of coming along behind the extraction is far more expensive for them than some previously historic practices, yeah.

10

PROF LIPMAN: Thank you. All right. I think we've – we will take your conditions on road and have a work through and discuss them.

MS PLESMAN: Is there any further information or – that we can provide you with; I can see that Sharon wants to add something.

15

MS POPE: So I think I have two things that I need to forward onto you both.

MR B. JAMES: Yes.

20

MS POPE: The condition regarding the shed around the shaft.

PROF LIPMAN: Yes.

MS POPE: And some information on what our flood study - - -

25

PROF LIPMAN: Yes.

MS POPE: - - - has indicated the flood levels would be and I would go with the one per cent and the possible maximum flood, I think they're the two more important floods, yes.

30

PROF LIPMAN: Yes, I think – I think there – is it possible - - -

MR JAMES: One in a hundred years.

35

PROF LIPMAN: There was one in a hundred years.

MR JAMES: One per cent – one per cent, yes.

40

PROF LIPMAN: And the other one was the maximum – what's called the maximum.

MS POPE: Possible maximum. Right.

45

PROF LIPMAN: We need those two figures, really, for that particular site and, yes, and the proponent has offered some ways of mitigating the flood levels, I don't know if we've had a look at those, raising the levels, putting the shaft down a - - -

5 MS POPE: to a mound or something.

PROF LIPMAN: - - - suitable metre mound and going up.

MS POPE: Yeah.

10

PROF LIPMAN: And the question is whether that is above the probable flood levels and the maximum flood as well.

15 MR CARTER: Sharon, just to clarify one issue, you raised concern about the 24 hour averaging dust perhaps not reflecting the impact on the community with night time inversion levels. Has council got any – any monitoring data around that or is that, sort of, more – more just a view from experience of the community?

20 MS POPE: Council has one monitoring site that it monitors so – or regulates near our water treatment facility on the edge of town so we would have some statistical information that we can provide there but I don't know that it's necessarily the best spot for comparing what's happening across the whole of the region, yeah. I think anecdotally what we have is lots of observation so in the early morning hours when you're in a higher spot around Muswellbrook and you look around, the air is
25 definitely discoloured and quite often it's a reddish coloured stain so we know that that's not wood smoke that's creating that discolouration. And then I think there's the anecdotal from the doctors of the area, with people with respiratory issues. I don't know if any of you have - - -

30 MS PLESMAN: We would agree that actually don't have as much data as we would like and that's why we're putting forward and we have done to the Air Quality Committee which council sits on, lobbied for, you know, 12 hour monitoring rather than just 24 hour monitoring. A number of the staff here receive the regular data notifications. So each exceedance for PM10 is forwarded through. So I receive
35 those. And there is no doubt that in the last 12 months, the exceedances have been consistent. So it wouldn't be unusual for me to receive – and other staff – your phone pings as the exceedances come in, and on a bad day, you will get five or six exceedance warnings. That's a message to you to let you know that the air quality in your area has exceeded the recommended national average for PM10. And I will get
40 that – I mean, I could show you on my phone – they're numerous – and particularly through the drought period. And if you tend to be asthmatic which I do, you notice it very much.

45 MR CARTER: That's still a 24 hour exceedance basis - - -

MS PLESMAN: That's right.

MR CARTER: - - - that's so you're not getting – what's happening in the – over the inversion night-time - - -

5 MS PLESMAN: That's right. And we have just simply requested that and - - -

MR CARTER: Yes.

10 MS PLESMAN: - - - we have, I believe, reasonably good relationships with our mining neighbours, so I have regular meetings with the mine managers and, you know, we just agree to differ but do so in a quite amicable way where we persist in pursuing the argument or prosecuting the argument that we need more data upon which to measure the impact on the air. And we are very familiar with the Mineral Council data or argument that the air in this shire is affected by dust storms from central Australia and from the burning of wood smoke. And, quite frankly, we
15 don't the argument.

MS POPE: I would be able to provide some of that ANSTO air quality information from our monitoring site, though, if you would like that. I don't think it will be this year's. They tend to give us a report every 12 months, so I think we would have last
20 year's or previous years.

MR COCHRANE: And that's only on a 24 hour basis, as well? You don't get the day/night differences out of your data?

25 MS POPE: I must admit, I don't believe we can.

MS PLESMAN: I don't believe we can.

30 MR COCHRANE: All right. Sure. Who sends the notice – where do they come from – to your mobile phones? From each individual mine or from your own - - -

MS PLESMAN: No - - -

35 MR COCHRANE: - - - monitoring

MS PLESMAN: No, they don't come from our own monitoring. That's the - - -

MR COCHRANE: So the - - -

40 MS PLESMAN: - - - EPA monitoring - - -

MR COCHRANE: Okay. Okay. The EPA sends those warnings out?

45 MS PLESMAN: Yes.

MR COCHRANE: Okay.

MS PLESMAN: Yes, they do. And we have had a number of meetings with the EPA and they have expressed, you know, issues around their resourcing that – you know, that they do what they can - - -

5 MR COCHRANE: Yes.

MS PLESMAN: - - - but that's the limit of what they can do.

10 MR COCHRANE: They should be able to provide some sort of graph of what has happened - - -

PROF LIPMAN: Is there

15 MR COCHRANE: - - - what the history - - -

MS PLESMAN: they can - - -

MR COCHRANE: - - - of the sequences has been?

20 PROF LIPMAN: Yes – should be able to – perhaps you could

MR CARTER: Okay. Sure.

25 PROF LIPMAN: Is there anything else you would like to say?

MS PLESMAN: No, I think - - -

30 PROF LIPMAN: I think you've given us a very full picture. Thank you very much for all of that. Very, very useful. Thank you.

MS POPE: Thank you.

35 MS PLESMAN: Thank you. Thank you for coming up and taking the time to hear from us and doing that here in person in council's chambers. That has been very helpful. Thank you.

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[3.29 pm]