

Mr T. PEARSON: Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. 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. Welcome to the meeting today. United
5 Collieries Proprietary Limited, the applicant, is seeking to expand open-cut mining operations at the existing Wambo Coal Mine and United Colliery and to allow for the extraction of an additional 150 million tonnes of run of mine coal over a period of 23 years. My name is Tony Pearson. I'm the chair of this IPC panel, and joining me are my fellow commissioners, Robyn Kruk and Dr Peter Williams. The other attendees
10 of the meeting are Alana Jelfs and David Koppers from the IPC Secretariat, and representing Singleton Council we have – actually, I've got three names here. Sorry. So Mark Ihlein and Mary-Anne Crawford and - - -

MS M. CRAWFORD: Jason is an apology.
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MR PEARSON: - - - Jason is an apology. Okay.

MS CRAWFORD: Yeah.

MR PEARSON: In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process and will form one of several sources of information upon which the Commission will base its decision. Those present
20 would be aware that on 12 December the Commission postponed the public meeting as a result of the Commissioner identifying a perceived conflict of interests and withdrawing from the panel.
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On 18 December, Robyn Kruk was appointed to the panel. The Commission
30 acknowledges the inconvenience that the postponement of the public meeting caused. It is important for Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website.
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I would request that all members here today introduce themselves before speaking for the first time, just for the transcript, and perhaps even – if we're not picking it up, she may sort of pop in and ask you to repeat your – and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript.
40 We will now begin. So thank you for making the time today. I very much appreciate hearing the views of council on this project.

I guess, from my perspective, what I would like to do is perhaps throw it over to you, really, just to hear your thoughts on the department's report, the materials – I guess
45 also the conditions of consent, because the consent conditions are a brand new set of documents. They haven't been sort of marked up and tweaked. It's a de novo

document. So we're really interested to really hear your views, I think, on this project.

5 MS CRAWFORD: Yes. Well, Alana was very kind to send us through some questions to answer – I'm Mary-Anne Crawford, the manager of developmental environmental services, for the transcript. And so I – what I might do is work through those and if there's any questions that the Commissioners might have - - -

10 MR PEARSON: Great.

MS CRAWFORD: - - - feel free to ask us. So I guess the three issues that – or two issues, I suppose, that council identified during the assessment process were related to the voluntary planning agreement and final land use options, and we had lengthy discussions during the last review with the Commission around those two issues. We 15 have resolved the voluntary planning agreement with the company. I'll be honest in saying that was a difficult negotiation for us. I think that's fair to say. But we ended up in a position, I think, which, from council's perspective, was a very good approach that the department took in engaging an external party to assist in working through what would be a fair and equitable sort of outcome for the community.

20 MS R. KRUK: So that proved to be a valuable approach - - -

MS CRAWFORD: Very valuable, from our perspective - - -

25 MS KRUK: Yes, okay.

MS CRAWFORD: - - - I think. And it also, I guess, shortened the timeframe for that negotiation process, as well. Brought it to a head, so to speak.

30 MS KRUK: Because you had sought to – in effect, to have a resolution of that issue before the consideration of the actual proponent application.

MS CRAWFORD: Yes.

35 Mr M. IHLEIN: If I could – for the transcript, my name is Mark Ihlein, director planning and infrastructure at Singleton Council. From the council's point of view, I guess, the thing that it does highlight is the need for planning to move forward and have some clearer guidelines around the VPA negotiations. I think that's pretty clear in our negotiations. I mean, we do these on a very regular basis and having clarity 40 around some of the principles for negotiation and those agreed upon – and I know there's working – various working parties that are working on that. However, we probably need to get to a point where we have clarity sooner rather than later.

45 MS KRUK: Thank you.

MS CRAWFORD: Council did resolve at our meeting of 17th of December to accept in principle the offer that was made by the proponents, which is a \$2.65

million offer, and that was the value that the independent review landed on, as well. And so we also resolved at that meeting to delegate negotiations to draft the final voluntary planning agreement and go through the exhibition process. So we're pretty comfortable that that's – we've resolved, basically, to agree to that and move forward with the voluntary planning agreement. And I've got the report from council and its attachments here for you.

MR PEARSON: Okay.

10 MS CRAWFORD: So you can have that as well.

MR PEARSON: That would be great, yes.

MS CRAWFORD: And that includes the GLN review report - - -

15 MR PEARSON: Yes. Okay.

MS CRAWFORD: - - - that they did.

20 DR P. WILLIAMS: Sorry - - -

MR PEARSON: I think – sorry, go on.

DR WILLIAMS: Sorry. Is there a timing on the process now for the exhibition and - - -

MS CRAWFORD: Well, at the moment the drafting of the voluntary planning agreement itself is with the company. We generally leave that with the company to do - - -

30 DR WILLIAMS: Sure.

MS CRAWFORD: - - - to provide a draft to us, and then we're waiting for that draft to come through.

35 MR IHLEIN: And we generally wouldn't proceed with exhibition until the matter has consent.

MS CRAWFORD: Yes.

40 MR IHLEIN: So we would have an agreement in principle.

DR WILLIAMS: Yes.

45 MR IHLEIN: And then we would proceed to exhibition once, you know?

MR PEARSON: Yes.

DR WILLIAMS: Understandably.

MR IHLEIN: Yeah.

5 MS CRAWFORD: Yeah.

MR PEARSON: Have you seen a draft of the appendix 9? So the VPA needs to be inscribed into the consent conditions.

10 MS CRAWFORD: Yes.

MR PEARSON: I think it's appendix 9.

MS CRAWFORD: Yes.

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MR PEARSON: Have you seen a draft of that yet, or is that still to come?

MS CRAWFORD: Yes. So the draft conditions of consent, I think, are just the very generic ones.

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MR PEARSON: It's just - - -

MS CRAWFORD: Yeah.

25 MR PEARSON: Yeah.

MS CRAWFORD: And the bit that's missing is the value, I think, because the draft conditions came out before - - -

30 MR PEARSON: Yes.

MS CRAWFORD: - - - we'd reached that resolution. I think the intent from the department - I'm not sure, but I think the intent is to perhaps inscribe - and it would be good if it was inscribed that it was also not only the value but the fifty-fifty towards local infrastructure and our economic development fund, which was what was ultimately agreed. Yeah.

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MS KRUK: It's worth just reinforcing that they are draft conditions that the department has proposed.

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MS CRAWFORD: Yeah.

MS KRUK: They are clearly something that's still a matter of consideration in this process.

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MS CRAWFORD: Yeah, yeah.

MS KRUK: Yeah. I know that – your understanding of that process.

5 MS CRAWFORD: Yeah. Thank you. So I guess from council's perspective that matter, as far as we're concerned, is resolved and should the project obtain approval, then we will go through that formal process of entering into that agreement with the company.

MR PEARSON: Yeah.

10 MS KRUK: Okay.

MS CRAWFORD: The other matter that was raised in our previous consultation and in our submissions to both the original application, I think, and the response to the IPC review was around final land use. So we wrote to the department following
15 the company's response to the IPC review with a letter that indicated what we considered to be a reasonable condition around final land use. I suppose the position of council is one of collaborative land use planning when it comes to final land use, whether it be for this project or any project, really, and doing that as soon as possible in the planning process for a project is far better outcome than waiting until five
20 years prior to the closure of a mine. By that stage, you know - - -

MR PEARSON: Yeah.

MS CRAWFORD: - - - the ability to actually have flexibility and diversity in land
25 use is pretty much gone.

MR PEARSON: Yes.

MS CRAWFORD: So what we had proposed was that a strategy should be prepared
30 within 12 months of the date of approval and be reviewed at least every two years. I think the department's draft conditions go back to the five years prior to mine closure. I think we would want to support a position of doing it sooner rather than later.

35 MR IHLEIN: Absolutely. I mean, our – I guess our position is also framed in the understanding and knowing that, you know, the initial mine plan and mine layout does actually influence final land use, and once that's set, it's set.

MR PEARSON: Yeah.

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MR IHLEIN: You know? And dealing with mines over many, many years, it's very, very difficult to alter a mine plan once they start mining.

MR PEARSON: Yeah.

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MR IHLEIN: So the opportunity to influence that and have that conversation earlier on is much more beneficial.

MR PEARSON: Yeah. So I think – I mean, we – with the review, there was – one of the recommendations, recommendation 33, that the applicant should further consult – consider potential final land use options. The Commissioner recommends consulting Singleton Council as part of this process. Were you happy with the applicant's response to all of that or – I guess, perhaps not, because you've written that letter.

MR IHLEIN: I think we're lukewarm.

MS CRAWFORD: Yeah, I think that's fair to say.

MR IHLEIN: To be frank about it.

MS CRAWFORD: Yeah.

MR IHLEIN: And because, I guess, the normal manner in which it has been undertaken in the past has been - - -

MR PEARSON: Yeah.

MR IHLEIN: - - - you know, you do it later on in the process.

MR PEARSON: Yeah.

MR IHLEIN: I note that part of their response, Mary-Anne, was that there is a working progress that the State and the Upper Hunter Mining Dialogue are undertaking around a broader synoptic plan – process, and that's fabulous. We support that 1000 per cent and it should have been done years and years ago. The challenge we have is there's nothing on the horizon about it. There's no formal commitment from or anybody to bring that to bear any time soon.

MR PEARSON: Yes.

MR IHLEIN: So to interweave that in the consent condition or an understanding around final with this project is highly problematic, because there's no timeframe for it. So we - - -

MR PEARSON: There was a – I can't remember the condition. The department did point us to a condition that required some ongoing interaction with the department around rehabilitation and, you know, they have just come up in the context of one or two or no voids. And so there was not a prescription for two voids. There was just a prescription to continue to – on – manage the ongoing - - -

MS CRAWFORD: Yeah.

MR PEARSON: - - - development site with an eye towards decommissioning a rehabilitation.

MS A. JELFS: I think it's through the rehabilitation management plan.

MR PEARSON: Is it? That – maybe it's B90. But that – I guess that didn't go far enough, in your view, is it?

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MR IHLEIN: No.

MS CRAWFORD: Well, we – no, and condition 93, I think, was the condition that was proposed around mine closure. I think it was 93.

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MR PEARSON: That's right, yes.

MS CRAWFORD: Yes. And that condition talks about five years prior to the closure of the mine they'll start having negotiations about final land use and what that will look like. And – I'll be frank – the mining industry is not a strategic land use planner. It's not their core business to be strategic land use planners. And we think that an iterative process of flexibility around strategic land use planning is essential to ensure that we've got some direction moving forward that everybody is open and transparent about. The final land use options that were proposed in response to the IPC review – I think there was about five or six.

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None of those have been clearly – you know, there's no business case that has been put forward for any of those land use options. And a lot of other mining companies want to do very similar things. So there needs to be some sort of consistency or consolidation around all of that. And we think the best way to do that is to engage with us. We have the strategic land use planning capability to help unpack what that might look like into the future. We will do that sooner rather than later.

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MR PEARSON: Is that document there to contain the draft condition - - -

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MS CRAWFORD: Yes.

MR PEARSON: - - - that you proposed to the department? Would we be able to - - -

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MS CRAWFORD: Yes.

MR PEARSON: - - - keep that document?

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MS CRAWFORD: Yeah.

MR PEARSON: Okay. Great.

MS CRAWFORD: That's all yours.

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MR PEARSON: Thank you.

MR IHLEIN: And, Tony, I think the other comment would be that we get fixated on rehab rather than land use planning.

MR PEARSON: Yes.

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MR IHLEIN: And, with all due respect to the department and other State Government departments, they're still fixated with rehab rather than land use planning.

10 MR PEARSON: Yeah. Yeah, I know this came up, yeah, in a previous meeting as well.

MR IHLEIN: Yeah.

15 MS CRAWFORD: Yeah.

MR PEARSON: Yeah.

20 MR IHLEIN: Yeah. And I guess the second part of that is, from a community interest point of view, the final shape of the valley is something that's much more front and centre and much – and hopefully that will come out in your conversations with community members today, I hope. I'm – certainly the impacts but, from a broader strategic point of view, the end use and the end – like benefit of mining in the valley is front and centre.

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MR PEARSON: Yeah.

MR IHLEIN: And, you know, as a local government authority, we have a significant obligation in that respect.

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MR PEARSON: Yes. Well, I think when we last met you talked about parallel economies and - - -

MR IHLEIN: We did, yeah.

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MR PEARSON: - - - having a strategy around - - -

MR IHLEIN: Yeah.

40 MS CRAWFORD: There's opportunities for land use planning that go beyond rehabilitation and there's a real opportunity now. I think now is the time and now is the opportunity to actually start having that broader conversation around what the future of this local government area could look like post-mining.

45 MR PEARSON: Yeah.

MS CRAWFORD: And we would very much like to be having those conversations outside a consent process, but, as Mark said, you know, we've been trying to do that for 20 years, and it really hasn't gained very much traction.

5 DR WILLIAMS: Sorry. Just one – if I may, just one question there. Thanks, that's really helpful. So with – if the mine was approved and – including a condition to incorporate more upfront strategic land use planning, might that also have indications potentially for the rehab that takes place, the final land use form, as well? Might that therefore be – also need to be a little bit more flexible, as well? Is that what – a big
10 part of that - - -

MR IHLEIN: Absolutely.

MS CRAWFORD: Yeah, there's definitely a balance that needs to occur between
15 the rehabilitation obligations that exist both under the Mining Act and under, you know, development consent processes. Definitely consequences both ways for that. And I think that conversation forms part of the broader picture around final land use strategy. Council is definitely not going to say that you can't rehabilitate ore that we shouldn't be doing rehabilitation and achieving rehabilitation objectives. It's really
20 about how do we fit that into a broader land use planning objective for the mining-owned land in our LGA. Because there will be a balance.

MS KRUK: Just to follow on Peter and Tony's questions, have you had success in that – to get those provisions inserted earlier in the planning processes with other
25 projects in your area?

MS CRAWFORD: No.

MS KRUK: No. So – but it is very much the ambition on a broader land use basis?
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MR IHLEIN: Absolutely.

MS KRUK: Understood.

35 MR PEARSON: So I guess you're – I did find the condition, actually. It's B87C.

MS CRAWFORD: Sorry.

MR PEARSON: The strategy must include a program to periodically review and
40 refine the final landform and final outcomes to meet the relevant rehabilitation objectives in table 6, which are very site specific. So I guess your concern, if I'm summarising it correctly, is that that kind of is contextual only within the site - - -

MR IHLEIN: Yeah.
45

MR PEARSON: - - - and not within the broader kind of - - -

MR IHLEIN: Correct.

MR PEARSON: - - - regional context.

5 MR IHLEIN: Yeah, absolutely.

MS CRAWFORD: And there is one element in that table that's consistent across the entire – it's a standard condition that the department puts in, I think, and the – I think it's the last line item, which is about, you know, the final land use – I'm going to paraphrase, I think. I don't quite have it on the top of mind.

10 MR PEARSON: Here, do you want to - - -

MS CRAWFORD: Sorry.

15 MR PEARSON: That's the table.

MS CRAWFORD: Yeah.

20 MR PEARSON: So we're looking at table 6.

MS CRAWFORD: Yeah. The community. Minimise adverse socioeconomic effects associated with mine closure. That's a very broad requirement that the industry needs to achieve, and I think it's fair to say we've yet to see how they intend – any company intends to deliver on that. So we're sort of looking at that and saying, well, how does that fit with our strategic land use planning obligations and – for both our community and our legislative obligations and how can we work together with the industry to achieve an outcome that does that? Because at the moment I think it's fair to say that's a challenge, to minimise socioeconomic impacts on the community. It's a massive challenge.

25 MR PEARSON: The conditions that you – or the document you've just handed up to Tony: does that include draft conditions to incorporate - - -

30 MS CRAWFORD: No, that is the draft condition that exists – that one that I just looked at - - -

35 DR WILLIAMS: Yeah.

40 MS CRAWFORD: - - - is the current draft condition that the department has proposed. We haven't provided any comment, I don't believe, in relation to that particular element, but I'm happy to do so.

MS KRUK: That would be useful.

45 MR PEARSON: Yeah, that would be useful. Yeah.

MS KRUK: Because I'm unsure if that's one of their model provisions at the moment.

MS CRAWFORD: Yeah.

5 MS KRUK: But I take your point about the ambiguity.

DR WILLIAMS: It would probably help us if we're able to draft something so we

10 MS CRAWFORD: Sure.

DR WILLIAMS: --- know exactly what it is you want to seek ---

15 MS KRUK: That you're after.

DR WILLIAMS: Yeah.

MS CRAWFORD: Yeah.

20 MR PEARSON: Yeah. And I think one of the points we do make is any other comments on the conditions of consent. If you have anything that you wanted to bring to the Commission's attention in relation ---

25 MS CRAWFORD: Yeah.

MR PEARSON: --- to the conditions of consent, it's worth doing, so we certainly would appreciate that input.

30 MS CRAWFORD: Yeah. Certainly the proposed draft condition that we put forward in our correspondence which I've provided to you ---

MR PEARSON: Yes.

35 MS CRAWFORD: --- was our base case place to start. Just to bring forward that consultation process and work with us as early on in their mine planning process as possible so that we do have an outcome that the community understands today what it's going to look like at some point in the future.

40 MR PEARSON: Yes.

MS KRUK: Can I just – to follow that, the dialogue that's referred to in the documentation: is that a dialogue that's initiated locally, or is that a process that has been proposed by the Department of Planning or is it – what's its genesis? Because
45 you said status is uncertain, from what I understood? A good process, a good idea, but you're not sure how it's actually going to be actioned.

MS CRAWFORD: So the Upper Hunter Mining Dialogue was initiated original by the industry - - -

5 MS KRUK: By industry. Okay.

MS CRAWFORD: Yeah, as a mechanism to bring community together around some of the key issues that the industry was facing at the time, and the – some of the response to the IPC review that the company proposed was that that dialogue would be used as a mechanism to develop some sort of strategic approach to mine closure in the valley. I guess the concern of council is that that has been talked about for a long time and there hasn't really been much traction gained.

10 DR WILLIAMS: Okay.

15 MS CRAWFORD: And there's no legislative weight attached to whatever that is.

MS KRUK: I understand that. Yes.

MS CRAWFORD: Yes.

20 MR IHLEIN: It really needs whole government

MS CRAWFORD: Yes.

25 MR IHLEIN: And there has been. I've got to be honest. There has been movements with that through Premier in Cabinet in Newcastle and - - -

MS KRUK: Premier in Cabinet. That's why I thought it might have been one of their projects.

30 MR IHLEIN: Steve Wills.

MS CRAWFORD: Yes.

35 MR IHLEIN: Yes. However, you know, that has, kind of, been sporadic and I think there's a statement in the Hunter - - -

MS CRAWFORD: Regional Plan.

40 MR IHLEIN: - - - Regional Plan about it, but it's just – it's quite open, so this minute, the Government is keen to do it, but not committed.

MS KRUK: Okay. Thank you. Very useful.

45 MR IHLEIN: If I can say that.

MS KRUK: Yes. I understand.

MR PEARSON: There was one question that did come up in our meetings with the applicant that that was condition B95. They wanted to remove Bulga from the communities that just required to consult. So this is the social impact management plan and this plan must be prepared by suitably qualified experienced persons, be prepared in consultation with council, the CCC-affected communities including Bulga. And the applicant was seeking to have that deleted. I would be interested in your views on that, if you had any.

DR WILLIAMS: Just – just Bulga itself. There was a number of other communities, but they wanted - - -

MS CRAWFORD: Yes.

DR WILLIAMS: - - - Bulga.

MS CRAWFORD: Bulga is a highly affected community by a number of different mining operations.

MR IHLEIN: Yes. But I – I think in respect of this one, it's probably fair to suggest that they possibly shouldn't be singled out because, you know, Bulga is front and centre in relation to the Mount Thorley Warkworth project. This project is somewhat back from that. I mean, there might be some cumulative impacts as a result of it, but it's not front and centre in terms of the impact on Bulga, I would have thought, that when you look at the data around the impact assessment. You know, Jerrys Plains probably is, to be honest.

MS CRAWFORD: Yes. Jerrys Plains.

MR IHLEIN: Not Bulga.

MR PEARSON: Jerrys Plains, Warkworth Village, Maison Dieu and Bulga - - -

MS CRAWFORD: Yes.

MR PEARSON: - - - are the four communities that have been listed for consultation.

MR IHLEIN: And they suggest to take out Bulga.

MR PEARSON: And they're suggesting to take out Bulga as one of the - - -

MR IHLEIN: I don't think we would have an issue with that, to be honest.

MR PEARSON: Okay. All right.

MS CRAWFORD: No.

MR PEARSON: I appreciate that. I think that was the department's position as well, so - - -

5 MS CRAWFORD: Yes.

MR IHLEIN: Yes.

MS CRAWFORD: Yes.

10 MR IHLEIN: Yes.

MR PEARSON: Okay. Well, that was – well, I guess the other question we had was around the CCC process outlined - - -

15 MS CRAWFORD: Yes. Yes.

MR PEARSON: - - - by the applicant in recommendation 45. Again, I would be very keen to hear your views on - - -

20 MS CRAWFORD: Council - - -

MR PEARSON: - - - the adequacy or otherwise about the process.

MS CRAWFORD: Council would be very supportive of consolidating the CCC process in a complex type way. My experience of separate CCCs can be very complicated and difficult to unpack the issues, so consolidating it together would be supportive by council.

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MR IHLEIN: Yes.

30 MS CRAWFORD: Yes.

MR PEARSON: Okay. I believe that was all the questions we had.

35 MS CRAWFORD: Yes.

MR PEARSON: Robyn, Peter, do you have anything else you wanted to cover?

MS KRUK: More your view on the issue of the two voids. Any commentary on that? I mean, I'm obviously, a commissioner that has come into this process later, so I would like to hear that directly from you.

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MS CRAWFORD: I suppose council's view around void management is not that dissimilar to final land use. In that, there's a lot of – there will be a lot of legacy final voids in the valley at the end of mine life for – for all of the mining operations and a consolidated approach to how they will be managed in a strategic way is a far better outcome for our community than a piece by piece, sort of, approach. More

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5 broadly, though, it probably comes down to what the use of those final voids will ultimately be, and I think as we've just discussed, there's a little bit of a lack of information more broadly around that. And I know the industry through the upper Hunter mining dialogue has been doing some work on final land use for final voids, but I'm not aware of what the outcome of that work has been.

10 MR PEARSON: Before we close the meeting, I will pick up on Robyn's point because we spent a lot of time with the applicant and with the department trying to unpack this issue into constituent components, what is the economic impact of filling the void, which is obviously negative.

MS CRAWFORD: Yes.

15 MR PEARSON: But also the environmental outcomes, whether they're desirable or undesirable from filling the void. So the applicant – it's on the transcript and there will be a further submission coming from the applicant outlining a range of environmental consequences – negative environmental consequences – if you - - -

20 MS CRAWFORD: Yes.

MR PEARSON: If you have some years on that when those submissions are made public, we would certainly welcome those as well. Yes.

25 MR IHLEIN: Yes. No problems. Yes.

MS CRAWFORD: Yes. Thank you.

MR PEARSON: Alana, David, did you want anything else you want to - - -

30 MR D. KOPPERS: No.

MR PEARSON: No. Okay.

35 MS JELFS: No.

MR PEARSON: Robyn, Peter?

DR WILLIAMS: No. That's fine.

40 MS KRUK: No. They're the main issues for me.

MR PEARSON: Thank you very much. That's - - -

45 MS KRUK: Thank you again for making your time available.

MS CRAWFORD: Thank you.

MR IHLEIN: Thank you for giving us the opportunity.

MR PEARSON: Great. I appreciate your time - - -

5 MS CRAWFORD: That's all right.

MR PEARSON: - - - and I draw the meeting to a close. Thank you.

10 **RECORDING CONCLUDED**

[9.31 am]