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INDEPENDENT PLANNING COMMISSION

MEETING WITH: NSW HEALTH

**DEPARTMENT OF PLANNING,
INDUSTRY AND ENVIRONMENT**

RE: RIX'S CREEK SOUTH CONTINUATION OF MINING PROJECT

**PANEL: PROF MARY O'KANE
ANDREW HUTTON
TONY PEARSON**

ASSISTING PANEL: DENNIS LEE

**NSW HEALTH: DR RICHARD BROOME
DR CRAIG DALTON
DR KIRSTEN WILLIAMSON**

**DEPARTMENT: HOWARD REED
MATTHEW SPROTT**

**LOCATION: IPC OFFICES
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE: 2.31 PM, THURSDAY, 15 AUGUST 2019

PROF M. O’KANE: So I’ll just make an opening statement and then we’ll get started. So I note in welcoming you that we’re meeting on the land of the Gadigal people of the Eora nation and pay my respects to their elders, past, present and future. As you know, the Bloomfield Group is seeking approval for SSD6300 to
5 continue open-cut mining at Rix’s Creek South coal mine for an additional 21 years. My name is Mary O’Kane and I chair the commission and this particular panel, and joining me are my fellow commissioners, Andrew Hutton on the phone and Tony Pearson on my right. The panel is supported by Dennis Lee from the
Commissioners’ Secretariat.

10 In the interests of openness and transparency to ensure 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 is one part of our decision-making process and we’ll take a whole range of information into consideration to finalise our
15 determination on the matter. If you’re asked a question you can’t answer today, feel free to take it on notice and provide any written material to us after the meeting. All of that, of course, will be put on our website, and when you speak, at least first, or for the first couple of times, it would be good to say your name so that we can get the name and voice linked up on the transcript. So that’s it. So can I say a big thank you
20 to all for coming in or being available on the phone, including Andrew, who is in New Zealand.

The background to this is that we’ve had a public meeting. We’ve had meetings with Howard, representing DPIE, and with the proponent in this case, and one of the
25 issues that we’d been concerned about is looking at the assessment material and at the material from agencies, we’d noticed a letter from Kathleen Taylor, then Acting Director of Health Protection, Hunter New England Population Health, where she had noted that a series of concerns that have been raised in a letter of 29 June 2018, which were sent to planning services and to the then Department of Planning and
30 Environment, with a range of concerns about air quality. And she says, “Overall, the concerns we have raised previously regarding impacts on air quality from this proposal continue”. Then, when we look at the assessment report, it notes that after the proposed conditions from planning on Rix’s Creek proposal had been run past health that no concerns continued to exist, and we just wanted to double check that
35 that was true, and then we have a couple of other questions. So, Richard, I guess, and you’ve got the letters in front of you - - -

DR R. BROOME: Yes.

40 PROF O’KANE: - - - I just wanted to check that Health is indeed comfortable with where things have landed in the assessment report, which I can share with you if you need it, and with the proposed conditions.

45 DR BROOME: Thanks. So Richard Broome. I’m Director of Environment Health Branch at New South Wales Health. Yes. So I think by way of background, the first letter dated 29 June 2018 highlighted issues related to some predictions that the level

of PM10 might be higher than 25 micrograms at some residences, and I think that concern continued following the 21 December letter, but the conditions that we have seen say that the proponent has got to achieve a level of below 25 micrograms at any private residence. So I think that ties off the concern.

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PROF O’KANE: Right. Good. So that’s there. I’d then like to go, unless Tony
- - -

MR T. PEARSON: No. That’s - - -

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PROF O’KANE: Yes. I then wanted to go to the fact that when the commission did the review in the review phase of this project, we had mentioned a couple of recommendations relating to air quality, and I’m just turning them up, which is why the noise on the tape, and the two relevant ones were – the first one was the applicant demonstrate how its operational procedures will incorporate continual improvement to further reduce the generation and dispersion of particulate matter, and the answer really is that – well, I suppose it’s better to read it. The summary of the response is that Bloomfield has committed to continually revise and update its air quality, mitigation and management measures to reflect operational changes and
15 advancements in technology, and to document these improvements to air quality and
20 greenhouse gas management plan. The department is satisfied with this approach, and has recommended conditions to ensure that Bloomfield continues to implement best practice over the life of the mine and document these measures in that plan. Are you comfortable with what’s proposed there, or would you - - -

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DR BROOME: I think so. May I have a - - -

PROF O’KANE: Of course. Yes.

30

DR BROOME: - - - slightly closer look?

PROF O’KANE: Look. Of course. So it’s there and just over the page. Yes.

35

DR BROOME: I think as a general principle that they should be continually improving their approaches to air pollution, and particularly particulate matter – it’s a very good idea. And I think – yes. This process that’s proposed where they have to continually assess and describe how they’re achieving best practice makes – yes. I think that makes a lot of sense.

40

PROF O’KANE: Good. Okay. Well, thank you. Then, the next one was – the next recommendation from us was that the applicant develop a protocol to assist those stakeholders concerned about air quality impact to better access the data from the Upper Hunter Air Quality Network and provide instruction on how to use the environment line provided by New South Wales government. That was our
45 recommendation, and then the response was there are a number of channels to obtain air quality information in the Upper Hunter. Stakeholders can contact Bloomfield or government regulators to make an enquiry, lodge a complaint, et cetera.

To assist concerned stakeholders in finding this information, Bloomfield has recently updated its company website with links to the Upper Hunter Air Quality Network, et cetera, and the government's environment line. The department considers that between the company and the government agencies, there is sufficient information data available either online or over the phone to enable all interested or concerned stakeholders to make an informed judgment or a complaint over air quality. And I guess our question, again, is do you think that's there or should we go back more towards the protocol, a very explicit one, given that this is relatively close to Singleton and to other villages and that air quality has been something that has been raised as a concern for quite a bit in the community responses?

DR BROOME: Can I just - - -

PROF O'KANE: Sure. Have a look at the thing again.

DR BROOME: - - - clarify something?

PROF O'KANE: Yes.

DR BROOME: So here is this scope. So this is about improving communication with - - -

PROF O'KANE: It's about improving communication.

DR BROOME: - - - stakeholders.

PROF O'KANE: So that people know extremely clearly where to go if they have a query, because even though, you know, the OEHL or the old OEHL - - -

DR BROOME: Mmm.

PROF O'KANE: - - - material, you know, is certainly there on the government thing and there are links on the Bloomfield website, you know - - -

DR BROOME: Mmm.

PROF O'KANE: - - - whether it goes quite far enough in terms of people who – there is such a concern over the air quality that I guess we were - - -

DR BROOME: Yes. And I think – and I might defer to my colleagues in the Hunter who know the area better, but I mean, generally speaking, we support open and transparent communication about all these things.

PROF O'KANE: Yes.

DR BROOME: So if things are being measured and actions being taken, I think it is really important that there's proactive communication about it. So insofar as this

helps to achieve that end, I would think it would be a good idea, but I might – Craig, I don't know if you have - - -

5 PROF O'KANE: Comment and things. And, Craig, if you need us to tell you where to find this or to send it to you, we can.

10 DR C. DALTON: I've got the recommendation in front of me. Um, I think it is a good one. I can say from the perspective of the Upper Hunter Air Quality Monitoring Network Committee, which I'm a member of, is that there is lots of information available. However, it is understood that the access and interpretation of it could be enhanced for the general public. So anything that assisted with further dissemination of it, in modifying it to be suitable for the public's consumption, would be a good recommendation.

15 PROF O'KANE: Right. Thanks. Thanks, Craig. Tony, Andrew, anything else?

MR PEARSON: No. I think that's - - -

20 MR H. REED: Mary, may I make a comment on that?

PROF O'KANE: Sure. Yes. Can I just ask Andrew and then I'll - - -

MR REED: Of course. Of course.

25 PROF O'KANE: Andrew, anything else from you?

DR DALTON: No. Fine. Thank you, Mary.

30 PROF O'KANE: Okay. Howard, please. Sorry. Tony has got a query. Just - - -

MR PEARSON: Well, I might just follow up on that. Do you feel the current way information is summarised or sort of made accessible to the average member of the public is appropriate currently, or do you feel that - - -

35 DR DALTON: Do you mean generally New South Wales government air quality information, do you mean, or - - -

40 MR PEARSON: Yes. So – so air quality that – particularly in the Hunter Valley or the city, because this is where we're particularly concerned, but do you feel that the way that information is currently translated, if you like, from highly technical to more jargonistic language is appropriate at the moment?

45 DR DALTON: I think communicating air quality information is challenging. I think that we in New South Wales have quite good systems in terms of how the data is made very available to people, and certainly we have systems around with an AQI, for example, that tries to simplify that and put it into common language that people can understand, and I think it's probably fairly consistent with sort of best practice

internationally, but I also think we could probably do better. So, you know, it's something again that we just need to continually improve and we continually improve, and so we work towards that, and I think as – as Craig was saying, in the Hunter, there are a lot of stakeholder groups who are using this information, and I
5 suspect it is really important to consult with those groups to try and make sure that the information is communicated in a way that is easily accessible to the people who need to use it.

MR PEARSON: Because one – I think we've seen it come up on this project, but
10 we do see it come up on other projects where residences that have been privately owned but subsequently acquired due to impacts resulting from, amongst other things, air quality, that then are then subsequently retented to members of the public, and, you know, what sort of information is given to those and whether they truly understand the information that's been given to them, I guess, is - - -

15 DR DALTON: Sorry. And I must confess, I haven't seen what that information is in recent times, but we would certainly be willing to, you know, support and assist in developing that and reviewing it if necessary.

20 MR REED: Perhaps I could come in there.

PROF O'KANE: Yes. Now. Howard. Yes.

MR REED: It's Howard Reed from the Department of Planning, Industry and the
25 Environment. A couple of matters to comment on: first of all, the information that is provided to tenants at mine-owned properties is a fact sheet called, "Mine dust and you" that was prepared in conjunction with New South Wales health, and I believe the New South Wales Minerals Council, quite a number of years ago and has since been updated.

30 PROF O'KANE: And when was that last updated?

MR REED: I couldn't answer that specifically.

35 PROF O'KANE: Yes.

MR REED: I would think it would be of the order of perhaps three years ago.

40 PROF O'KANE: Right. Thank you.

MR REED: Something like that. Um, but it concentrates on the health issues.

PROF O'KANE: Mmm.

45 MR REED: That's the purpose of it, and I guess my view, the department's view, is that high level information that is prepared, ah, in conjunction with government agencies or by government agencies, ah, is – is the best way to disseminate

information to the community. I suppose, apart from the things that Bloomfield has already done, my particular concerns of the proposed protocol are that, no.1, it was in the hands of a mining company to prepare that information, rather than government agencies. And, secondly, that it would be a single, small mining
5 company in the middle of the Hunter Valley, rather than the mining industry in general. So the department has no concerns whatsoever about the dissemination of good quality information on mine dust and amenity and health impacts, ah, no concern whatsoever. We support it. But whether a protocol prepared by a mining company was the best way to – to go about that is really - - -

10 PROF O’KANE: So a protocol just pointing them to the information on various government websites, you’re concerned about that? That’s what the protocol really is about.

15 MR REED: And - - -

PROF O’KANE: Not about the content.

MR REED: I – I don’t know that there’s an absence in that regard. I believe that
20 Richard started out saying there’s a lot of information available and stakeholders agree.

PROF O’KANE: And we agree.

25 MR REED: Yes.

PROF O’KANE: We have no problem with that. It’s just how to point people to it. It’s a communication protocol.

30 DR BROOME: And I suspect that as many channels that point – I think – I mean, I agree just in general terms about communicating the risks of air pollution - - -

MR REED: Mmm.

35 PROF O’KANE: Mmm.

DR BROOME: - - - it’s important that the messages are consistent.

PROF O’KANE: Absolutely.

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DR BROOME: That they’re delivered by trusted groups or people.

MR REED: Mmm.

45 DR BROOME: And I think all those things have to be – and this is a risk communication exercise. So it is important to factor those things in and I think

Howard has a valid point that perhaps the companies themselves that are, you know
- - -

PROF O'KANE: Yes.

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DR BROOME: - - - involved in the production of the air pollution may not be the most trusted sources.

PROF O'KANE: And I think we were – it was the protocol of how to point to it. It wasn't for them to put the content in.

10

DR BROOME: Yes.

PROF O'KANE: The content was government content.

15

DR BROOME: Yes.

PROF O'KANE: That was what was intended.

20

DR BROOME: Mmm

PROF O'KANE: So – as is explained in the review here, but look, that's all very helpful. So we'll take that on board. I don't think we have anything else?

25

MR PEARSON: No.

PROF O'KANE: Andrew, you don't have anything else?

30

MR HUTTON: Ah, no. Thank you, Mary.

PROF O'KANE: Well, I think we'll call it a day, unless anybody has any other comment? No. We don't know what the bubbling noise is. We hope you're all right in the Hunter there, Craig and Kirsten.

35

DR DALTON: Yes. We can still hear.

PROF O'KANE: Right. Good. Thank you. Did you have any comments, ah, any last comments, before we wind up?

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DR DALTON: No. No. Thank you.

PROF O'KANE: Great. All right. Well, can I thank you all and we'll call the meeting closed. Thank you.

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[2.48 pm]