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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: BYLONG COAL PROJECT MEETINGS

PANEL:

**GORDON KIRKBY
STEVE O'CONNOR
WENDY LEWIN**

ASSISTING PANEL:

**MATTHEW TODD-JONES
DAVID WAY
TROY DEIGHTON**

LOCATION:

**PARKLANDS RESORT & CONFERENCE
121 ULAN ROAD
PUTTA BUCCA, NEW SOUTH WALES**

DATE:

9.04 AM, WEDNESDAY, 7 NOVEMBER 2018

MR G. KIRKBY: Good morning. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet today. I would also like to pay my respects to their elders past and present, and to the elders of other communities who may be here today. Welcome to this public meeting on a development application from KEPCO Bylong Australia Proprietary Limited, the applicant, who is seeking to develop the Bylong Coal Project, an open cut and underground thermal coal project.

My name is Gordon Kirkby. I'm the chair of this Independent Planning Commission, New South Wales Panel, which has been appointed to help determine this proposal. Joining me are my fellow Commissioners Wendy Lewin and Steve O'Connor, and I'm also joined by Matthew Todd-Jones, Troy Deighton and David Way, from the Commission Secretariat.

Before I continue, I should say that all appointed Commissioners must make an annual declaration of interest, identifying any potential conflicts with their appointed role. For the record, we are unaware of any conflicts in relation to our determination of this development application. You can find additional information on the way we manage potential conflicts in our policy paper, which is available on our website. In the interests of openness and transparency, today's meeting is being recorded, and a full transcript will be produced and made available on the Commission's website.

The purpose of today's meeting: this public meeting gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning and Environment before we determine the development application. This public meeting follows along from the public hearing and subsequent review of the Bylong Coal Project that was undertaken by the former Planning Assessment Commission, now the Independent Planning Commission.

What is the Independent Planning Commission, and what role do we play in this determination? The Independent Planning Commission of New South Wales was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment. The Commission plays an important role in strengthening our transparency and independence in the decision-making process for major development and land use planning in New South Wales. The key functions of the Commission include to determine state-significant development applications; to conduct public hearings of development applications and related matters; to provide independent expert advice on any other planning matter or development matter when requested by the Minister for Planning or the Planning Secretary.

The Commission is an independent consent authority for state-significant development applications, and provides an additional level of scrutiny where there are more than 25 objectors, reportable political donations, or there have been objections by the relevant local council. The Commission is not involved in the

Department's assessment of this project, the preparation of their report, or any items within.

5 Where are we in the process? This meeting is one part of our decision process. We
have also been briefed by the Department of Planning and Environment; we have
met with the applicant; and we've met with the Mid-Western Regional Council; and
yesterday we conducted a site visit on the site, which was attended by some of the
union representatives. After today's meeting, we will also be meeting with
10 Muswellbrook Shire Council and representatives from the Bylong Valley Protection
Alliance, who wish to provide technical information which could not be presented
today. The Commission may also convene with relevant stakeholders if clarification
or additional information is required on matters raised. Records of all meetings will
be included in our determination report, which will be published on our website.
15 Following today's meeting, we'll endeavour to determine the development
application as soon as possible. However, there may be delays if we need additional
information.

20 The ground rules of today's meeting: before we hear from our first registered
speaker, I'd like to place some ground rules that we expect everyone taking part in
today's meeting to follow. First, today's meeting is not a debate. Our panel will not
take questions from the floor, and interjections aren't allowed. Our aim is to provide
maximum opportunity for people to speak and be heard by the panel. Public
speaking is an ordeal for many people, and you may not agree with everything you
hear today. Each speaker has a right to be treated with respect and heard in silence.

25 I note there has been some demonstrations outside the venue. This is people's right.
But I would stress, within the venue, that we have respect of all the speakers, and that
is observed. Today's focus is on public consultation. Our plan is here to listen, not
to comment. We may ask questions for clarification, but this is usually unnecessary.
30 It will be most beneficial if your presentation is focused on the issues of concern to
you.

35 It is important that everyone registered to speak receives a fair share of time. I will
enforce the time limit in the rules. As chair, I reserve the right to allow additional
time for provision of further technical materials. A warning bell will sound one
minute before the speaker's allotted time is up, and again when the time runs out.
Please respect these time limits.

40 We acknowledge that there is significant public interest regarding the Bylong Coal
Project. While the Commission has attempted to accommodate the time requests
made by each speaker, in order to ensure that everyone who wishes to speak at this
meeting will be heard, not every request for speaking time could be fully
accommodated. If there are issues we were unable to address today, or feel you
could not completely address in the allocated time, we would encourage you to
45 provide a written submission to the Commission. Written submissions should be
made within seven days of the meeting today. Though we will strive to stick to our

schedule today, speakers sometimes don't show up or decide not to speak. If you know someone who will not be attending, please advise either Matthew or David.

5 If you'd like to project something onto the screen, please give it to Matthew or David before your presentation. If you have a copy of your presentation, we would appreciate it if you would provide a copy to the secretariat after you speak. Please note that any information given to us may be made public. The Commission's privacy statement governs our approach to your information. If you'd like a copy of our privacy statement, you can obtain one from the secretariat or from our website.

10 Audio recording of this meeting is not allowed, except the official recording for transcript purposes. Notes made throughout the day on issues raised will be summarised in our determination report. There may be filming of proceedings by media outlets that have a pre-arranged agreement. If you don't wish to be filmed giving your presentation, can you please say so at the start of your presentation.

20 Finally, I'd like to ask that everyone present please turn off their mobile phones to silent – or turn them to silent. Thank you. I'll now call the first speaker up, who is Jongseop Lee and we'll have the projector on.

MR J. LEE: Morning. My name is Joseph Lee, and I'm the CEO of KEPCO Bylong Australia. On behalf of KEPCO Corporation and its local associated company, I would like to present - - -

25 MR: Can't hear you.

MR LEE: I apologise.

30 MR: You've got to talk into the microphone.

MR KIRKBY: Okay, can we please just have some order.

35 MR LEE: On a number of key issues, mostly, this Bylong Coal Project is a top priority of the company, and has the full support KEPCO and its global leadership. KEPCO is responsible for generating more than 80 per cent total electricity in Korea, and around 40 per cent of this is generated by coal-fired power plant. Since 2005, KEPCO has constructed a fleet of high-capacity, high-efficiency, low-emission coal-fired power plant, with ultra-supercritical boilers. To operate that this plant will use very high technical specification. The coal is very important, especially the ash and sulphur contents of the coal must full within strict parameters. KEPCO decide to invest in Bylong because the coal is uniquely suited to these specifications, and the stability of supply was very important to us.

45 But Korea, like many other country in the world, is increasingly going towards renewable energy sources. Coal will still be a priority power source in Korea until at least the middle of this century. Based on the Korean government's 8th basic plan for electricity supply and demand, published at the end of last year, the coal-fired

power plant capacity will increase 80 per cent from current levels by 2030. So we are sure that this project will play a vital role in meeting the demand for quality coal for at least 25 years.

5 Given this demand for quality coal, the total resource has been already assigned to a number of KEPCOs generation companies. This guarantees the viability of this project. I would also like to say there, we take our responsibility to the Bylong community and to the environment very seriously. We have worked carefully, over the last seven years, to formulate a mine plan that creates economic and employment
10 opportunities, while also minimising social and environmental and heritage impacts.

Since July of last year, 2017, our objective has been to respond comprehensively and constructively the issues raised by Commission in its review report. We have done our best effort to accommodate all the issues raised in the report. I will now hand
15 over to my colleague, Bill Vatovec, will provide an overview of this project and set out the points of difference with the proposed EIS mine plan. Thank you.

MR W. VATOVEC: Thank you for the opportunity to speak today. For those who don't know me, I'm Bill Vatovec, Chief Operating Officer for KEPCO Bylong
20 Australia. I acknowledge the traditional owners of the land we – where we meet today, and pay our respects to their ancestors, elders past, present and future.

I'd like to state that the Bylong Coal Project has been more than seven and a half years in the making. In this time, KEPCO has listened carefully to the local
25 community, the council, and government agencies, and made significant changes to the project. In fact, we have come a long way since May last year, the time the Planning Assessment Commission undertook a review of the project. The 2017 review identified areas of uncertainty and others requiring clarification, which we have addressed comprehensively, with expert technical analysis of information. One
30 of the most significant concerns raised in the 2017 review related to the impacts on Tarwyn Park. And I acknowledge Mr Peter Andrews, who is attending today.

Earlier this year, following input from the Heritage Council, the Department of Planning advised KEPCO that revisions to the mine plan would be required to
35 remove mining operations from Tarwyn Park, and further revisions were needed to minimise additional impacts in the Upper Bylong Valley. Our revised mine plan achieves these two objectives, retains an economically viable operation, while also minimising visual and other impacts to the valley and surrounding communities. In terms of what has changed, mining has moved off the Tarwyn Park property; this'll
40 also reduce the duration of the open-cut mining, reducing it by one year, to seven years. A reduction in coal extraction of 4.6 million tonnes, meaning total coal to be recovered of 190.8 million tonnes over 25 years.

A reduction in overburden material to be removed, from 152 million bank cubic metres to 116 million bank cubic metres. This is a reduction of over 23 per cent. A
45 reduction of 113 hectares of disturbance area to 1047 hectares in total. The small open-cut area and significant reduces visual impact on the final land form which

directly responds to concerns raised by the Heritage Council. This means that slopes and heights have been intrusive, including the retention of a wooded ridge line that was previously to be mined. The reduced disturbance area means that former catholic church and cemetery will be retained, as well as the horse burial sites. If you can cast your mind back with a view to the revised mine plan, you can see what the mine plan changes have meant. The yellow outline is Tarwyn Park. The pink shaded area is represented where there proposed open-cut mining activity has been removed for the totality of Tarwyn Park and also an area to the west to preserve site bounds to the Growee Ranges.

The grey shaded areas represent the remaining open-cut mining areas and the brown shaded areas are the overburden emplacement areas. While these changes will lead to a small reduction in jobs and economic benefit, the fundamental point is that the employment and value-add to the region from the project will be very significant. The project will provide around 650 jobs at the peak of construction and up to 450 jobs at the peak of production. It will also provide a substantial boost for the local suppliers and other businesses on an ongoing basis. The net benefit to New South Wales of this project in today's have been assessed at just over \$300 million, including \$278 million in royalties.

Our tangible commitment to the local community includes a \$9 million voluntary planning agreement that was agreed with the Mid-Western Regional Council and a further \$3.6 million to upgrade local roads. KEPCO has also reached an agreement with the Aboriginal native title claimants who strongly support the project. Over the last few years, the company has directed \$600,000 to local community groups, events and charitable initiatives through its community investment fund. As part of the fund, we are particularly proud to be able to provide up to \$360,000 over three years to the Mid-Western Regional Council to employ and resource a youth officer to work with young people throughout the area.

To date, KEPCO has spent over \$700 million developing this project. A substantial amount of these funds were spent to acquire all land required for the project, and to give certainty to the affected landholders and proactively manage community issues. All this is in line with planning best practice. If approved, KEPCO will be making and including an investment of \$308 million over 10 years with a capital investment of \$1.3 billion dollars. The project is a generational investment in the Mid-Western region with an expected operating life of 25 years. Whilst I'm based in Sydney, most weeks I travel to Bylong, Kandos, Rylstone, and Mudgee. The number 1 issue people apply to me about and the most common inquiry at our community information centres that we receive is about employment.

This is a region which is crying out for jobs. Major employers particularly in Kandos and Rylstone have closed in recent years. I have been recently talking to the principal of Kandos High School. He explained to me that the staff not only see their of getting the students ready to leave school. They have to get them ready to leave the region. He said the local economy just can't provide these young people with job opportunities that they deserve. This project is a 25-year pipeline of opportunity,

jobs and prosperity for communities like Kandos and Rylstone experiencing economic hardship, as well as KEPCO believes the project is now in the form that's appropriately in balance with impacts and benefits and we are grateful for the stakeholder feedback that we have received. Thank you.

5

MR KIRKBY: Thank you, Bill. I would just like to remind you to hear people in silence. It's just out of respect basically. Our next speaker is Annette Rhodes.

10 MS A. RHODES: My name is Annette Rhodes and I'm a local-born and bred in the region. I believe the Bylong Project will provide a much-needed economic boost to the Kandos, Rylstone region and, as Bill said, there's so many young people having to leave the area currently to find suitable employment. Both towns, along with the Bylong Valley have suffered since the closing of Charbon mine and cement works, and the recent drought has also kicked the life out of us all as well, placing further
15 pressure on the region. Having worked for several years in job services organisations, I've seen the demoralising effects of unemployment within families in the area, and I now have the privilege of working for a local non-for profit organisation that works with local school kids, and I can appreciate the talent is down there in that Kandos/Rylstone area and it would be really nice to retain it.

20

If given the opportunity, in my opinion, I think this will open up a chance for the locals who reside in both those towns. I currently do work with some mining organisations and I've seen the benefits of working with local companies – sorry –
25 with local companies and to boost employment and grow employability skills within the local community. The region is need of such a boost and the project will provide that. I also work in the security industry and, in the past, we've have the task of patrolling regenerator sites, so I can fully appreciate the effort these companies go to to regenerate the land and quite often it comes back better than it was before.

30 It's my understanding that the project will minimise open-cut disturbance and will not affect the appearance of the valley long term. I have grown up in the Mudgee area and I'm part of the family that was amongst the first settlers in Hargraves, so I've seen the industries come and go and our locals be hit with the loss of major employers. My own husband lost his job when the local abattoirs closed and I can
35 remember wondering if we could afford to stay on and find another job. It was very stressful, and we had one small child at the time, and another one on the way and I can remember feeling utterly hopeless, so I went to Centrelink and visited them for the first time in our lives that feeling is not great and I can fully appreciate the families in the Kandos/Rylstone area having to go through that. It's a very degrading and demoralising experience.

40

We're very fortunate here in the Mudgee Valley that we found a way and it would be fantastic to see that same opportunity given to families in the Rylstone/Kandos area. My children are teenagers now, so I can appreciate that they have the choice to stay
45 in the area and I'm sure that parents in the Kandos/Rylstone area would like the same opportunity. We still work two jobs; we've got a farm in the area; and, like I said, I'm very grateful for the opportunities that are provided in this valley. I would like

to see the same choice available to the people in the Bylong, Kandos, Rylstone area, that's why I've chosen to speak today.

MR KIRKBY: Thank you, Annette. Thank you. Our next speaker is Travis Rixon.

5

MR T. RIXON: Morning.

MR KIRKBY: Morning.

10 MR RIXON: And thanks for the opportunity to speak this morning. My name's
Travis and I'm a local resident and a former landholder with the Bylong Valley, and
I'm speaking strongly in support of the Coal Project. In 2011, the company I worked
for had a contract to undertake earthworks and various other aspects – and
15 exploration – by the Bylong Project. At the time, I was living in Tinka, and the sort
of drive in, drive out lifestyle began to take its toll. In 2013, an opportunity arose for
me to purchase a small property in Bylong. So I jumped at it. I liked the idea of
being able to live in a great rural area and also closer to work, and my aim was to
continue working for the project once it gained necessary approvals. In 2014, the
20 bulk of the exploration came to an end, but I was able to stay on in the area and find
work for one of the mines just north of Mudgee.

KEPCO contacted me towards the end of 2015 to say the modelling showed my
property in the locale was located in the zone of affectation and they wanted to
discuss mitigatory measures and the potential for future acquisition. While I was
25 there, our newborn son was diagnosed with a severe medical condition. So I made
the decision to sell, relocate closer to the hospital in the Mudgee region and their
medical teams. KEPCO provided my family with the certainty we needed even
before getting the go-ahead for their mine. The proposed mine is really going to
boost the local community. We've already heard Billy dwell on the benefits already
30 this morning, not only expecting that the local businesses can keep funding
agreements with our council but bringing social benefits to the mid-western region,
the mine contract workers, the families who choose to live in our local Rylstone and
Kandos areas – and there will be families like mine who prefer to live in a rural
setting in smaller villages in the area.

35

There is a huge, I think, flow-on effect that those who oppose the mine don't talk
about, perhaps because – I believe that an essential majority of those who oppose the
mine actually don't even live here. They're bused in from Sydney and Newcastle.
As a local resident, I know that the project has local support, but I feel our voices
40 have been drowned out by a large red crowd of professional protestors who have no
idea what it's like living and working in our community. Our Bylong Project does
not propose open-cut mines on the floodplains like the Greens would have us believe
and have the public believe. Having worked on the exploration phase of this project,
I've worked firsthand on the land that has been proposed in the open-cut areas. It is
45 not in the floodplains. It's not the best prime agricultural land that New South Wales
has to offer, although it is good country, thank you.

Even so, with some of the concerns raised by environmentalists to save Tarwyn Park, KEPCO has demonstrated their commitment to finding the right balance. They've listened to the feedback and have since adjusted their mine plan to ensure the open cut stays off the property. I grew up on the land, come from a family farming
5 background but also understand the need to ensure the protection of the farmland and the water supply. Although I haven't worked in mining and rehabilitation of mine sites for some years, I've seen many good examples of how mining and agriculture can work, due to the very stringent government regulations in place, unlike the previous years and the mining leases that have previously issued. I've no doubt that
10 both industries will continue to provide many more good examples of the industry working together.

MR KIRKBY: If you could wrap up, Travis.

15 MR RIXON: Thank you. I urge the IPC panel to take the Department of Planning recommendations and approve the Bylong Coal Project. Thanks for your time.

MR KIRKBY: Thank you, Travis. Our next speaker is Robin Hawkins.

20 MS R. HAWKINS: Thank you for the opportunity to speak today. My name is Robin Hawkins, and I'm speaking on behalf of my 93 year old mother, Pamela Hawkins, and her extended family. My mother has owned a cattle property in the Bylong Valley since the early 1970s. Unfortunately, she cannot attend today, so has asked me to present her concerns regarding the proposed Bylong Coal Project. She
25 and the rest of our family are opposed to the proposed coal mine.

Our primary concern relates to having a viable water resource for all agricultural interests in the Bylong Valley. For years now, we personally have experienced a degree of uncertainty about getting sufficient groundwater for our livestock and
30 crops. Despite having an irrigation licence, we are no longer able to irrigate any of our lucerne paddocks. Ever since our shallow alluvial well dried up, back in about 1997, we have had to rely on water from deep bores, the deepest of which is 102 metres; but this is currently unusable due to a decline in groundwater levels, owing to extended dry conditions.

35 Groundwater, in the Bylong Valley, is already a very precarious resource. To place further demands on its supply should, in our view, be unthinkable. We're also concerned that dirty mine water could jeopardise the quality of the existing groundwater.

40 My mother, with the wisdom and experience gained from an already long life, realises the importance of jobs, particularly for young people leaving school. She, however, recognises a great futility in creating jobs that are relatively short-term and offer no long-term security or future. It would be far better and more responsible, in
45 her view, to be encouraging our young people to train up and move into jobs in renewable energy industries, where at least there will be a meaningful and hopeful

future for them. To be looking for job opportunities in coal mining is really short-sighted.

5 The digging of a new coal mine in such a beautiful, iconic place like the Bylong Valley, in our view, constitutes environmental vandalism. Given the vast scientific knowledge about the impact of coal mining on our environment and climate change, its impact on our health, and the reality that the world is moving away from coal-fired power, the Bylong Coal Project should not be approved. Thank you.

10 MR KIRKBY: Thank you, Robin. Our next speaker is Peter Shelley.

MR P. SHELLEY: Members of the Commission, ladies and gentlemen, thank you for allowing me to speak today. I am fully aware of the number of speakers that are before the panel today, so I'll keep this as short as possible. As introduced, my name
15 is Peter Shelley, and for the last 17 years, along with my wife, we owned the Rylstone newsagency and local post office. I've spent the last week writing down what I wish to convey to the Commission about the seriousness of our position, without exaggeration, with statements that can be verified as accurate.

20 You will hear from business groups, individuals and environmental groups, so I feel I need to give a brief background why I believe I speak not for all of Rylstone and Kandos, but certainly the majority of Rylstone and Kandos. In 2004, Rylstone Council and Mudgee Council were amalgamated, and I was asked by members of our community to run for Council. I was successful, and though we do have a ward
25 system, with support from Rylstone and Kandos, I was elected, and have been continually re-elected, including this current term.

I am not here today to speak in any official capacity as a councillor or on behalf of Mid-West Regional Council. I am, however, speaking as a business owner in
30 Rylstone, and as a community member, who through his roles has gained insight into the socioeconomic status and condition of our towns and the benefits that the KEPCO project will have, specifically in relation to the Kandos and Rylstone region.

In the last 10 years, we have seen a dramatic loss of employment and business
35 closures. We lost a major employer at Kandos when the cement works closed in 2011, and then Charbon Colliery in '14, with the contractor Big Rim going into liquidation. With a quiet population of approximately 1800 people, both Kandos and Rylstone have suffered. More so Kandos, as the geographical nature of the town does not lend itself to passing tourism traffic. Except for the community-owned
40 bank Reliance, all other major banks have deserted us, and have closed their branches in Rylstone and Kandos. Families have moved away for employment, and there is no hope for employment a majority of our youth locally. We have lost teachers due to dwindling numbers in our high school, in Kandos, and also our primary schools, in Kandos and Rylstone. We have lost a supermarket both in
45 Rylstone and Kandos. Hardware store, computer store, cafés, take-away businesses. Even NRMA insurance has done a bunk. Rural supplies, haberdashery and clothing,

and just recently another employer closed, being Sibelco. The only service that have increased in Rylstone and Kandos are visits by government agencies for welfare.

5 We are a proud community, and I love where we live. The only significant hope for us is increased employment and services generated by business that come to our area. The only business on the horizon to save our towns is to get that project. The money that has already been granted and donated to our community have kept services afloat, and they have indeed become part of our community.

10 Just very recently we had the Rylstone Street Feast. It's a major event in our region, which brings thousands to our towns. It's a very successful day for our towns, and I would recommend anyone to give it a go next year, as it's definitely a must-do event. Some here today to speak against the project attended, and with everybody else much enjoyed the day. The major sponsors for the events were KEPCO, Mid-West
15 Regional Council, Bowdens Silver project, Moolarben Coal, Peabody Energy, Wilpinjong Coal Mine, and the Kandos Community Charity Shop, which is sponsored and supported by KEPCO as well. That's just one event where our generous donations to the farming community, and with any other organisations being beneficiaries to the event.

20 This is only one event and one town. There are hundreds more. Without KEPCO, many of the events would not take place. They support our region, and their support is generous, and it's very welcome. Most businesses in Rylstone and Kandos are within an eight-week period of closing doors. They have exhausted their mortgages
25 and credit availability, and they are hanging on by their skin of their teeth to remain open, including us.

We are not complaining, by any stretch of the imagination; it's just the situation we find ourselves in. And we will deal with it. The only industry even on the horizon to
30 assist our towns is KEPCO. We're not talking prosperity just yet; just a chance to gain back what we have already lost. Environmentalists – environmental leaders might have some significant – dreadful conditions of consent I have ever seen, and these – all these issues have been addressed. KEPCO will provide opportunities that are presently not available to us, and will keep our towns alive. Without the
35 employment opportunities that this project would provide, and the continuing support from KEPCO, I despair for the future of our towns.

Mid-West Regional Council was presented with a petition of 450 from our local region last month in support of the KEPCO project. And I would like to also present
40 to you today a further petition of 400 signatures to add to that support. Thank you for the opportunity to speak today, and for your consideration.

MR KIRKBY: Thank you, Peter. Our next speaker is Cassandra Jones.

45 MS C. JONES: Thank you to the IPC for the opportunity to provide feedback surrounding KEPCOs proposed Bylong Coal Project. For transparency, I'm currently employed at the project, and was employed in early 2011 as the community

liaison officer and continue that role today, nearly eight years later. I do stress that I'm here today, however, not speaking in my role as community liaison officer, I'm speaking because I am a local resident and I am a member of the local community. I speak as a person who wants to continue to live and work in the area and support our community in years to come.

I relocated to the area from Queensland in 2011 to take up my current role, and I ended up purchasing property here because, while working on the project, we fell in love with the area and wanted to make it our permanent home. We love the fact that we can enjoy and raise our son in a rural lifestyle similar to what we experienced in our childhoods, all while continuing to work in the mining industry. The Mid-Western Region offers something that a lot of mining areas don't: a great family lifestyle and the opportunity to be a part of and my employment has certainly provided that.

The Bylong Coal Project has introduced us to a wonderful slice of Australia and allowed for my family to be a part of the Bylong and the wider Mid-Western communities. We pay our rates to the local council; we shop locally; we patronise local wineries and restaurants; and we're regular supporters of local events. We volunteer on local committees, actively support the Bylong Rural Bush Fire Brigade, of which I'm the local and training officer, as well as other community organisations in the region. Our cars are serviced locally; we use local plumbers, electricians, hairdressers, veterinarians and many more local tradespeople.

Our son currently goes to a local day care facility, and next year he will be attending Mudgee preschool and, ultimately, our aim is for him to go to primary and high school here. It may not seem like much, after all, we're only one family, but the flow-on effects from my employment at the Bylong Coal Project are undisputable. The approval of the Bylong Coal Project will bring more families to the area and, at the same time, it will also allow locals who are seeking work to continue to live and support locally, particularly those in the Kandos and Rylstone area. The Mid-Western region clearly demonstrates how mining can work well alongside agriculture, viticulture and tourism, and the region will certainly benefit economically and socially influenced diverse workforces.

If approved, the Bylong Project will provide around 650 jobs at peak production and up to 450 jobs at peak operations, and KEPCO have made a commitment through a local contact policy that the operational work will also be residential, which is a huge boost for the Mid-Western region. KEPCO has developed a mine proposal that extensively addresses all issues, including environmental, social, heritage and economic, and has presented a revised mine plan that adheres to New South Wales Government guidelines, policies and statutory requirements. The Department of Planning and Environment's final assessment report for the project dated October 2018 states:

The department considers that the benefits of the project outweigh the costs and that the project is approvable subject to stringent conditions.

As a local resident and a member of the local community, I ask that the Independent Planning Commission takes this advice and recommends the approval of the Bylong Coal Project.

5 MR KIRKBY: Thank you, Cassandra. Our next speaker is Robbin Binks.

MS R. BINKS: Thank you for the opportunity to speak. In the early 1900s, two brothers slipped across the range from neighbouring Widden to Bylong to land established Tarwyn Park and James Cyril Thompson, Wingara, on the main valley floor. James Cyril was my grandfather. My sister and I were raised in Bylong, as was our dad and his siblings. Bylong has always been the centre of my universe. To grow and be part of such a vibrant, supportive and cohesive, proud rural community is both a joy and a privilege. Long after moving away, I still considered and called Bylong home and return regularly. These past few years have seen this close community, my tribe, covertly infiltrated and undermined by those that have no connection or no regard for the values it has held so dearly.

Since arriving in Bylong, KEPCO representatives have insisted that community involvement and consultation come first and foremost and that the company is transparent and keen to provide and enrich the local community, and yet there are so many examples of this not being the case. Where was KEPCO's community consultation of the decision to demolish the Willow Pavilion at the Bylong sports ground? Ian Wilson "Willow" made a huge contribution to the Bylong sporting community, hence his pavilion. It was seen being unceremoniously torn down and dumped with no regard for local community sentiment from KEPCO. Prior to KEPCO – a working bee would've been organised to make repairs and bond the community some more.

And what has happened to the twice-weekly tennis comp held at the hall? In fact, where are the courts and the fence? Where is the spirit and energy that glued the community together and enable the sports days, Gymkhana's cricket matches and school carnivals to occur? Gone since KEPCO came. And what happened to the Bylong mouse races which attracted hundreds of people to the valley for 25 years and raised over \$500,000 to give back to the community? The last race day was in 2013, just two years after KEPCO moved in. KEPCO acknowledges in the Preliminary Social Impact Management Plans, or SIMP, that the greatest recent population decline in the valley occurred through KEPCO acquisition of properties and this decline has continued.

The SIMP fails to identify that this included the loss of the bush fire brigade captain and key organisers of the Bylong mouse races. The Bylong Public School was a huge recipient of that community fundraising and, as a result, I do believe the best equipped small school in New South Wales. So where is the school? Closed. The children now have to bus it to Rylstone. Again, the SIMP fails to note that the school principal and a staff member was also part of that population loss. It's that once vibrant local spirit that has been the local hall committee to have a healthy \$100,000 saved for community projects. \$60,000 has disappeared with little or no public

consultation since the new KEPCO-friendly committee has taken the reigns and there have been no treasury reports presented at any recent meetings.

5 For many years, the hall committee have voted to take on the cost of electricity and ground maintenance for St Stephen's Anglican Church. The church built in 1881 and sitting at the edge of the village, is definitely a point of interest for tourists. There was no public consultation when the current hall committee stopped the payment of these costs. Most of the data in the SIMP used to assess the community wellbeing – the local community wellbeing – spirit, cohesion – was collected after
10 the vast majority of landowners had already left. How can this be a true reflection of the real impact KEPCO has had in the community? The damage is already done.

The proposed mitigation measures in the SIMP do not see any problem with loss or
15 acknowledge community connections with that population loss. Repopulating the valley with mineworkers cannot replace a rural community, because they're not invested, demonstrated clearly in Wollar where there is no engagement in social activities and very little voluntary support by mineworkers, and, incidentally, it's where my mother came from. So where is that once vibrant, close rural community?
20 Divided, conquered and carried away. It didn't stand a chance against the tactics KEPCO used to infiltrate and cleverly manipulate, creating tension, division and unrest from the outset. And all for the short-term financial gain, while leaving permanent destruction of prime agricultural land, its complex and delicate aquifer system and a community that it was dependent on.

25 So many brave people have hung on and battled KEPCO at huge personal loss to save this beautiful valley. Everyone has their breaking point and KEPCO has steadily weakened the community until has become a really unsupportive, unpleasant and hopeless place to be a part of. Consequently, even the strongest are forced to leave after signing a gag clause and thus ensuring that the people who most need to
30 be heard by the IPC can't be heard. Please don't allow approval to mine this beautiful, spiritual, prime agricultural valley. It has so much more to offer us and our children in generations to come the way it is. It can't recover from a coalmine's rape and pillage no matter what is promised. One only needs to fly over the Hunter Valley moonscape to realise that. My grandfather thought he was on a winner when
35 he rode into Bylong. Let him rest peacefully knowing Bylong remained as it is. Its coal untouched and in the ground where it must stay.

MR KIRKBY: Thank you, Robbin. We've had a speaker pull out and I've had a
40 request to bring a speaker forward: Mr Phillip Morley. Phillip is not here yet? Okay.

MR P. MORLEY: Good morning all, members of the Commission. Firstly, let me
45 say that the views and represent those of a local community member and as the principal of Kandos Public School. They are not representative of the Department of Education, who I work for. I cannot speak on behalf of the environmental aspects of this project. There are people here that are more intelligent in the world than I am on such a broad topic. What I do feel is important is that decisions are made with

balanced opinion and with contextual information. As the principal of Kandos Public School, I see directly on a daily basis the considerable impact that the repeated closing of industry and business is having on the wider Kandos area. Since, 2011, industry closes have put immense pressure on families in the local economy. That's the Cement Works closed, Big Rig, Charbon Colliery, Sibelco will be moving on at the end of the year. It also impacts on those associated industries in town. The economic and social impact of these losses have been significant. The social impact on this downturn alone has created an atmosphere of disillusionment, as many relevant prospective long-term working families have been forced to move to find employment.

With the movement of these families, Kandos Public School has been classified as a low socioeconomic school. A used to classify Kandos Public School as a low economic – socioeconomic school is the family occupation and employment index. In the past four years, this has hovered around 150 index points. What does this mean? Well, over 50 per cent of our students were placed in the bottom quartile of social disadvantage this trend has also created a vicious cycle of population decline. The economic viability of the region is greatly impacted, something local schools are seeing in our current significant downturn in enrolment.

Currently, in my context, enrolment growth is at negative nine per cent, so as kids move on, we are not replacing them, and that's – this has seen the school lose executive and teaching positions. As an educator, it is my mission to equip students with the skills to contribute in society in meaningful and productive ways when they leave school. In my opinion, the significant of disengagement we are seeing from our youth can be strongly attributed to the lack of opportunities to enter careers and I personally see worrying trends towards substantial amount of youth showing no ambition to do anything in life. In my opinion, a result of the inability to find employment.

In the past four years, I've seen a dramatic rise in child protection reports in the local area. This social engagement – this disengagement has a direct impact on the school welfare with major focuses at Kandos Public turning towards wellbeing programs, catering for physical and social awareness. With the economic downturn, local services which support our families are no longer available. I've seen parents traveling for dental, physio, occupational and other associated services to surrounding towns. One of our issues, we don't have public transport. So a lot of these parents aren't attending those crucial appointments for their children.

As a local of some 28 years who have raised children in country towns, it is vital to give them opportunities to participate in cultural, sporting and social experience to build well-rounded citizens. Unfortunately, economic downturn has impacted directly on those opportunities in Kandos. Without the population base, you do not feel and if you don't have power to run organisations, and this leads to reduced opportunities which, in turn, breeds social disadvantage. Again, in the interest of context, if the establishment of Bylong coal is successful, I would encourage KEPCO to work closely with the community, to honour commitments, to ensure that they

5 follow the strong restrictions for the environment, but also support the community with employment, with direct workers coming into Kandos and ensuring that we have a viable community in the future which is critical at this time as Kandos is at tipping socially and economically. Thank you for your time, and good luck with the deliberation.

MR KIRKBY: Thank you, Phillip. Our next speaker is John Hayes.

10 MR HAYES: Thank you, Commissioner. Just while this is being set up, I've got two presentations. I'm firstly talking as a grandfather. I've got my grandfather's hat on. And the second presentation relates to me talking on behalf of a community group based in Newcastle. I think that'll show the slides okay. They're my eight grandchildren. I'm 73. And what I'm really concerned about is that my grandchildren don't have a voice now. What will Australia and the planet look like
15 when they are 73? And for the eldest, that will be in 2083 and the youngest in 2081. We need to change. All of us need to change. None of us can continue ripping up good farmlands, exploiting water, leaving wastelands and the way we're doing it now.

20 The mines around Bulga and the Hunter are shocking examples. This slide demonstrates the problems from growth development and technology that have been brought to date, and we need to change. It's affecting our health, and it's affecting the environment. Looking down the line and not too very far away, coal, I'm confident to say, is heading towards obsolesce. We know that dust and air pollutions
25 are harmful to human health, and they cause allergies, illness and death. We know that solar and wind technology are rapidly replacing fossil fuels. We know that technology enables removing coal and products made using coal from building materials, structures, cars and other things, and we know adjust transition away from coal, and refusing this Bylong application should be part of this transition.

30 So you, Commissioners, have a part of history in your hands, an important part. How will that work? Government and industry must embrace new technologies coming forward, give our children and grandchildren the time, space and support for development. Some examples include renewable energy, electric transportation,
35 smart houses and offices, and the list goes on. Commissioners need to realise that allowing a brand new coal mine in a pristine and productive valley does not contribute to a functioning transition. Coal mines are done and dusted. The world is moving on. For the sake of my grandchildren, your grandchildren and the grandchildren of the world, please acknowledge that the future is almost upon us.

40 The mine cannot help future generations appreciate natural beauty in the Bylong Valley, nor to draw sustenance from the very productive food bowl that's about to be destroyed. It's time for the planners to join the new age and my children, my grandchildren and our grandchildren call on you three commissioners to please reject
45 the application. My grandfather's hat is off and I'm now speaking on behalf of, and as convenor of, Correct Planning and Consultation for Mayfield Group. It's based in Newcastle. It's a mouthful. It was specifically named because we started when there

was no correct planning and consultation on issues that we were dealing with in Newcastle. I've been in Newcastle for 14 years, very active in the community.

5 I'm not a paid blow-in complainer. CCCFM was born eight years ago following a series of huge public meetings in 2010. We've got a membership of about 500 people and we're concerned about all planning and all consultation, and there are very large areas of demonstration of that with this project. We're a major player in the campaign for responsible cartage of the coal by rail to the port of Newcastle. So Newcastle is not unrelated to what's happening in Bylong. It all ends up in
10 Newcastle. Newcastle is the largest coal exporter port in the world. Clean air, clean water courses, clean aquifers, low noise, and safety are the touchstones of responsible coal haulage. This mine proposal does not explain how coal will be hauled responsibly.

15 This mine proposal does not explain the impacts on the lower Hunter and the people of Newcastle. And we ask can the commissioners find anywhere in the application – and I'm prepared to bet you, you can't – how the coal will be transported responsibly. There is one paragraph in the suggested – in the recommended
20 conditions on transport and guess what it says? Count the trains and count the coal and publish it. That's it. Just count it and publish it. No conditions. It is disgraceful. Coal trains pollute. We know that coal locos could hardly be considered environmentally friendly and there are thousands and thousands and thousands of locos involved, which I will demonstrate on another slide. Tracks are littered with coal, and I will describe that in more detail. On the bottom slide,
25 wagons have – carry-back coal both inside – so this is after they're empty. There's a remnant of coal inside the wagon and the outside; there's a remnant of coal on the platforms outside.

30 How do they do it? Carry-back coal remains in the wagons after they're unloaded. It escape via doors not being properly sealed. We've got hundreds of examples of that in photographs that we've tendered to the EPA and to the other authorities. It gets sucked out the top and it drops from the other carriages. Coal falls off full wagons generally prior to the trains leaving the mainline – reaching the mainline. So this is after the loading point. It falls from the top of the load. It falls from the train
35 platforms. It falls from the wagon exterior and it falls as a result of train mishaps. And the third area of pollution is water drainage, is when wet coal drains excessive moisture from loaded wagons due to the coal being applied to the – due to water being applied to the coal and as a result of rain.

40 This is a complicated slide. I'm not going to go into it in detail because my time is short, but I'm happy to take questions from the commissioners. But we know PM10 and PM2.5 are the two things that – yes, the measurement of particles in the air and if they don't kill you, they bloody near kill you. They attack the health of you and me, and do we really want Bylong Mine by coal. We're aware of faulty research
45 outcomes and the lack of prosecution. We've been on this caper now for many years. We've met with all of the responsible authorities. We've put lots of stuff in front of them. We've carried out our own research.

We're aware that overall the Government research is faulty and that, as a result of that, there hasn't been any prosecutions in relation to the failures of haulage of coal. We keep on saying to the EPA and others, "Look, three or four \$15,000 fines for all these breaches that we can point to, the job would be cleaned up in a week". They're
5 not game to do it. So there's no evidence in the Bylong Mine proposal – and this is very relevant to what you commissioners have to deal with. There's no relevant evidence to show that the trains that are coming out of the Bylong Mine are any different from any of the others, and what do we know about the Bylong trains? We know that there are 20 train movements a day. That's 10 loaded and 10 unloaded.

10 We know that equates to 7300 trains, 584,000 wagons, 29,000 diesel locos per annum. Unquestionably, that's a major cumulative impact on Newcastle. We also know that over the life of the mine – and this last figure is wrong. The figure we've got there is 1,600,000 wagons will be choking the corridor of the port, and I
15 discovered yesterday it was wrong because we forgot to multiply it, I heard, because they all take the return journey. So, in fact, the wagons taking the corridor will be 3,200,000. I'm going to have to skip through some of these slides and I'm sorry about that. But it's important that the consent conditions that are applied would require a certificate, a fellow with a red flag, saying, "All loaded and unloaded coal
20 trains satisfy those requirements". I will let you read those at your leisure. I would like to – we know that over 6500 tonnes of coal is lost.

MR KIRKBY: If you could wrap up, John.

25 MR HAYES: I'm coming to the end, Mr Commissioner. So thank you for listening to us. We must insist that the material before the commission is sufficient to enable you to refuse the Bylong application. I will leave the last words to Pope Francis, who issued a letter to the world before the Paris Climate Talks. Thank you.

30 MR KIRKBY: Thank you, John. Our next speaker is Julia Imrie.

MS IMRIE: Thanks for the opportunity to address the interview panel. This presentation is in addition to an earlier submission to the PAC on potential water impacts on behalf of the Bylong Valley Protection Alliance. Today I would like to
35 focus on the significant uncertainties in the water modelling when assessing risk and long-term impacts of the proposed Bylong Coal Project and compare this to the actual experience of other working mines in the Ulan area. I refer to a document which I will table. I've lived on the Upper Goulburn River for over 40 years and am researching as part of a PhD project at the Australian National University surface and
40 groundwater connectivity in the Goulburn River in the context of changing land use and climate.

I have first-hand experience of the impacts on water systems from mining at Ulan. I also operate a tourist business, Goulburn River Stone Cottages. Now, numerical
45 modelling is used extensively by the mining industry for predicting mining impacts. It cannot and does not predict the future. Modelling can provide a range of possible outcomes to assist water management in the short-term and in this context it's very

useful. But it's only able to represent complex action systems in a highly simplified manner, and the predicted outcomes are controlled and limited by the modern consumptions and parameters. Our step by the proponent's modeller in this case is the focus of KEPCO. The modelling is inherently subjective.

5

Mine groundwater modelling is based on a series, just to give you a bit of an idea, of conceptual hydrological layers, each for estimated hydraulic connectivity, that is, how the water flows in the strata vertically and horizontally. Now, these layers are assigned flow ratios and that can vary considerably by many orders of magnitude, and this, again, is dependent on model preference and, of course, influences the predicted outcome. For example, the assumed permeability factor, that is, the hydrolating for a simple hydraulical unit in the groundwater models used by Coal and Ulan Coal varies from two to 5000 for the same strata. This is a huge difference. Rainfall recharge rate can also vary. The DPI water estimates the annual recharge of about five per cent for infiltration as much water goes into the landscape and then it tries to river aquifers.

However, the mines always use a range of between two – or two per cent annual rainfall. This is considerably less than what is widely accepted. With such a complex range of variables there is significant uncertainty with predictions. Actually, once a groundwater modeller that interpreting groundwater data is a bit like using a paper punch to extract meaning from a dictionary and trying to fit together and I totally agree with that, having – in the middle of research. But just getting onto KEPCO's examples, they, themselves – the water consultants, in their response to submissions, admit numerous modelling uncertainties, and having a medium confidence in their modelling predictions. Now, they justified this on the basis it was a greenfield mine and predictions can only be realistically verified after a mine this is a typical “suck it and see” approach, unfortunately, that the mining industry repeatedly uses. It's just not good enough for the Bylong Valley.

30

KEPCO modelling assumes also that licence water allocations that they hold in the Bylong River are sustainable. However, it is widely recognised and experienced, as seen from a previous speaker, that the total volume of alluvial water licences in the valley were historically over-allocated and had never been tested or verified.

35 KEPCO admits the mine still needs to acquire a further 1600 million litres of licence entitlements from the fractured rock groundwater system to offset their estimated 4000 million litres of modelled water taken. That's how much they removed from the landscape. This could even be higher. That's the figure.

40 However, according to DPI water, it is uncertain whether additional entitlements from this groundwater system will be available. It may not be. The interception – a drawdown of this groundwater source by the underground mine creates what they call a regional sink. This is – basically draws in surrounding groundwater from well outside the mining footprint. The experience at Ulan is between five and 20
45 kilometres. This includes leakage from the alluvium in the coal seam, as the coal seam and the alluvium are connected.

KEPCO modelling indicates a sustained change in water levels that will last over 100 years, including DIG watering of large sections of the alluvial sands entirely. There is no going back to pre-mining levels. It's a long-term impact of this drawdown on the alluvial system on Tarwyn Park natural sequence farming, groundwater-
5 dependant ecosystems, such as river red gums, and not to mention downstream water users and irrigators. It's basically unproven and definitely uncertain.

One thing we do know is the total disruption to the water system will reduce the resilience and increase the Bylong Valley's vulnerability to drought for many
10 decades into the future. There is also significant uncertainty in KEPCOs modelling of climatic streams. This is when systems are under most stress and the most environmental damage will occur, made even more likely due to climate change. An example would be an extreme rainfall event that floods a pit – an open cut pit.

15 Now, rainfall totals of over 100 mils over three days – this is based on local daily rainfall data – has a probability of occurring about once every three years. That's a one in a thousand probability. However, a similar rainfall event occurred in Ulan in December 2010 on a wet catchment, resulting in the Environment Protection
20 Authority having to suspend the mines' – all three mines – licences – pollution licences – nor to allow them to discharge untreated mine water for over three months. This has already occurred. Dischargement contained over 2000 tonnes of salt that were exported to the already stressed Goulburn-Hunter system.

Now, KEPCOs surface water response to submissions claims they have sufficient
25 storage or space to store excess mine water for a project up to year 20 of the project, allowing them to achieve nil discharge in all but extreme rainfall scenarios. This relies on storage in a mine underground goaf from years five to eight. Now, this is quite a substantial claim that requires quite substantial proof. Proposed storage of excess water in this underground goaf, underground tunnels and open cut pits is
30 especially dangerous considering the tip of the coal seam and connectivity between the working coal seam and previously mined voids. The workers working down there are, if there's water stored there, in danger or at risk.

Most of the excess water may originate from the underground. So they're taking it
35 out of the underground, but they want to store it back in the open pit. At Ulan Coal Mine, the ejection of waste water in the mine underground area was rejected on numerous occasions due to the significant risk imposed to miners if the water barrier fails. These mines lay on the same coal field, hydrogeology and variable rainfall climate of the Bylong Valley. They, like KEPCO, initially claimed they would
40 achieve nil discharge, with their mine being signed off and given the tick by the Department of Planning peer view as fit for purpose. However, due to the combination of underestimating peak groundwater inflows combined with extreme rainfall events, they failed to achieve nil discharge. Now, they all have pollution
45 licences that permit between 10 and 30 million litres per day of mine water discharge, which accounts to about 27 tonnes of additional salt into the Goulburn River per day.

So KEPCOs predictions require rigorous testing against the reality and experience of the mine at Ulan. Mine modelling for both Ulan and Wollar Coal Mine repeatedly underestimated their water coming from the fractured coarse rock groundwater system. Not the alluvial. This is the fractured rock system. Wollar's
5 water modelling predicts in 2017 – this is what their prediction – that they would only produce one million litres per day in their new underground mine. The reality was over six million litres per day. That's what they've put. By Ulan – this is a graph. Ulan Coal Mine's underground produced over 22 million per day in 2016, and that this is predicted to exceed 28 million litres per day in the coming years.

10 So KEPCOs groundwater volume fails to adequately represent the Triassic Upper Permian fractured coarse rock geology, and the significance to the basic flow of the Bylong River. This groundwater, therefore seeks the slow release towards the valley floor, sustaining streams during dry periods and improving water quality – good
15 quality water. Until mine subsidence cracks this open – until the mine subsidence crack this open and drains these aquifers. You could see this, sort of, vertical disjuncting in the valley and the amazing escarpments at Bylong Valley.

20 There's one clear lesson that can be learnt from other mines. Once approval is granted, they will want to modify and expand their mining footprint. This cannot be allowed in the Bylong Valley. So in conclusion, KEPCO justifies the many uncertainties by saying, as mining proceeds, they will monitor to verify the modelling, and then make adjustments to mining water management. This is too big
25 a risk. Once the damage to the groundwater system is done, it cannot be undone. It is too late for mitigation or remediation or compensation. These are buzz words used by the entity to justify the approval, despite all the uncertainties and long-term risks.

The potential scale of these impacts cannot be effectively managed post-mine for the many decades and centuries into an unknown climate in the future. Assessing the
30 risk inevitably involves a certain amount of subjectivity, and what the coal mine industry may believe is acceptable is not the same as what you can usually regard as acceptable of what might be essential in the warming and increasingly unpredictable climate. I will just skip to the end. It is a far better stance to support farming in the future than risk permanently damaging the irreplaceable water system that supports
35 the Bylong Valley, the future of this magnificent heritage-listed valley with abundant water sources set within a stunning landscape must be agricultural and recreational. It should not be compromised or sterilised by short-term ill-perceived, high-risk coal mining.

40 MR KIRKBY: Thank you, Julia. Our next speaker is Ross Granata.

MR GRANATA: Commissioners, good morning and welcome to Mudgee. My name is Ross Granata. I'm the current operator of a multi-franchise motor vehicle dealership in Mudgee. I'm addressing you, speaking favourably of the project.
45 Commissioners, you will soon make a recommendation that will affect Mudgee's economic future. It is my belief that in order to determine your future, you must understand your past.

With this in mind, I would like to take you back to October 1990, when I first started my business. There were eleven people on the payroll. Back then, my nearest competitor was in Kandos 50 kilometres from here. There were Holden dealerships in Parkes, Wellington and Narromine, Warren, Condobolin, Peak Hill and West
5 Wyalong. Today, none of these dealerships exist. In fact, in Wellington, only 90 kilometres away, I can remember when the brands, Holden Ford Mitsubishi and Nissan were all represented. Today, they too no longer exist.

Why does this happen? The answer is simple. Today, we live in a globalised world,
10 and there is neither room, nor sympathy for small scale operations. By any measure progressive and given the relatively small market that is Mudgee. Last week, my wage bill was \$47,471.25. I'm employing 38 people. Last financial year, I paid \$2,387,340 in wages. Why has my business grown while other similar businesses in similar country towns vanished? There is one simple answer, and that is coal. If not
15 for coal mining, Mudgee and its economy would be doomed.

I would not have employed 38 people if not for coal, because our other industries, such as agriculture, viticulture, tourism, simply do not generate sufficient wealth – or job creation to sustain a new motor vehicle dealership in Mudgee. Mudgee, with its
20 population of 10,000 does not have sufficient infrastructure or critical mass in terms of population, employment, governance, and financial independence without coal. Whether you're in favour of mining or not, the economy – the economic reality is that Mudgee and district groups heavily rely on coal mining for employment, service facilities, and our prosperity today and beyond.

What would the country towns I've previously mentioned give for a South Korean government to set up a coal mine in their area, creating four to six hundred jobs in themselves, and a further \$1.3 billion in capital invested, in addition to another 700 million that they have already spent. Independent have found that over the life of
30 the project that the total amount for our region will be 4.8 to five billion dollars. In addition to this, let's not forget the \$9 million voluntary planning agreement with the Mid-West Regional Council, and the economic – a commitment to a further 3.6 million to ensure that local roads can accommodate the increased traffic.

As someone who lives in the district, works in the district, employs people in the district, pays council rates in the district – unlike some keynote speakers of today – I urge you to recommend in favour of this project. Do I have a direct interest in Bylong Project? No. Am I a shareholder in KEPSCO? No. Can I guarantee the
40 of the Bylong Project no. Because like most mining companies, I have a propensity to purchase a brand that I do not sell. My future, and the future of my 38 employees, will be enhanced by the employment and prosperity Bylong Project will generate. To deny the Bylong Valley Project is to deny an economic future. How can I be so sure? Because history tells us.

45 MR KIRKBY: Thank you, Ross. We might just ask Jan Davis, from the Hunter Environment Lobby, to speak next, and then we'll have a 10-minute break following that. Thank you, Jan.

MS DAVIS: Thank you, Commissioners. I too would like to acknowledge the traditional owners of this land, and acknowledge their ongoing culture. This land was never ceded. This land always was and always will be Aboriginal land.

5 I represent Hunter Environment Lobby, and we're a regional, community-based environmental organisation, that's been active for over 20 years on issues of environmental degradation, issues of habitat loss, and climate change. We strongly object to the proposal to extract more coal from the Hunter River catchment, particularly from a new greenfield site in the fertile, state-significant, heritage land environment of Bylong Valley.

10
15 The assessment of this coal mine proposal has not been rigorous in the requirement to assess cumulative impacts, especially the impacts on water sources and the Goulburn River. We consider this to be a high-risk project on many fronts that have not been adequately addressed. Hunter Environment Lobby strongly disagrees with the conclusion in the Department's final report that the Bylong Coal Project can comply with the relevant performance measures and standards, and that predicted residual impacts can be effectively minimised, mitigated, and/or compensated.

20 We object to the quality of the assessment of impacts on water sources for a number of key reasons, and consider that the predicted residual impacts have been vastly underestimated. The lack of a rigorous cumulative impact assessment needs to be addressed. Some of the key failings in the assessment of impacts on water sources and other water users include:

- 25 (1) the failure to recognise that the Bylong River water source is vastly over-allocated;
- (2) the failure to consider the regulatory significance of a cease-to-pump rule in the water sharing plan;
- (3) the failure to comply with the aquifer interference policy; and
- 30 (4) the failure to consider the current cumulative impact of the three existing mining operations on base flows to the Goulburn River.

35 We feel that the high risk to the Bylong River and Goulburn River water sources, water sharing for the environment, and other users, and long-term cumulative impacts, have not been adequately assessed or addressed by the Department, or adequately managed under the proposed conditions of approval.

40 Firstly, the Department has failed to consider the fact that the Bylong River is vastly over-allocated with water licences. The relationship between allocated water shares, or entitlements, and actual water availability has not been considered. The recognised high connectivity between the alluvial aquifer and the surface water flows is a significant issue. The groundwater and surface water in the Bylong Valley is basically the same body of water. The predicted draw-down of the alluvial system

and capture of rainfall run-off by the proposed mine has not been assessed in relation to water availability across entitlements, particularly during dry years.

5 The Bylong River water source report card released in 2009, during the development of the Hunter unregulated and alluvial water sharing plan, contains a number of critical facts that appear to have been ignored by the Department. The low-flow index shows the 80th percentile of days with flow during December is 0.3 million litres per day. The peak inflow into the revised mine is predicted to be 0.2 million litres a day; that is two-thirds of the daily low flow. The estimated rainfall recharge to the alluvial aquifer is 2580 million litres per year. In dry years, like the one we're
10 having now, this rainfall recharge is much less.

The volume of water licences allocated in the Bylong water source bears no relationship to water availability. There is 65 million litres per year of surface water
15 entitlements, and 5843 million litres per year of groundwater entitlements. The fact that KEPCO has acquired 3045 unit shares of water across 11 access licences is meaningless if the water isn't there.

20 The assessment of impacts on the water source and other water users does not identify current annual average water use in the Bylong Valley. The report card shows a peak daily demand of 1.4 million litres from the two surface water licences, but provides no information on the daily demand from the groundwater licences. It is essential for the current water usage to be known to understand the likely impact of the mine water usage and water interception. Mining uses and intercepts water 24
25 hours a day, seven days per week. Agriculture is a seasonal user of water, with a higher demand during dry times. This is when water sharing arrangements are the most important.

30 The Department's final assessment report and the supplementary information provided by KEPCO does not give the Commission adequate information on water availability or water shares in the Bylong water source.

35 The second key issue is the upcoming water sharing rule change. The final assessment report does not address the management of cease-to-pump rules to be implemented in the water sharing plan next year. The purpose of water sharing plans, under the New South Wales Water Management Act 2000, is to share water between the environment and water users, with planned environmental water having the highest priority. The newly formed Natural Resources Access Regulator in New South Wales has the task of regulating rules in water sharing plans to ensure they are
40 not breached. All water licences in the Bylong water source will have a cease-to-pump rule attached to ensure its implementation.

45 The uncontrolled inflow of alluvial groundwater into the Bylong mine open cut will not be able to meet the cease-to-pump rule on licences held by KEPCO. All other water users in the Bylong Valley will have to comply with this rule. It is required to protect the environmental health of the Bylong River and highly connected groundwater system. Once all other water users cease pumping under this rule, the

inflows into the open-cut pits are likely to increase above the volumes. The purpose of the rule will fail by removing the protected water from the water source to uncontrolled flows into the mine. This likely increase in mine inflows will also impact on the proposed management of the mine water balance, and further erode the conclusion that the mine will not have to discharge water during the period of open-cut operations. We urge the Commission to closely consider the implications of the cease-to-pump rule on the water impact conditions for the Bylong Coal Project.

The third key issue is the application of the aquifer interference cost. The likelihood of aquifer draw-down being greater than two metres is highly probable, and the increase in salinity level in the alluvial system is also likely to be above the threshold of quality. The risk of this policy not being met, even with the proposed revised mine plan, is very high, and needs further assessment.

Finally, the cumulative impact of this mine proposal on the environmental health of the Goulburn River, and downstream water users, has not been adequately assessed. The Bylong River is a major tributary of the upper Goulburn River water source. The water licence entitlements in the Bylong River make up 20.29 per cent of the Goulburn extraction management units entitlement. The Bylong mine proposes to use over half of this entitlement, more regularly than current usage. This will impact on flows to the Goulburn River. The prediction with the revised plan is that the peak loss of base flows to the Bylong River will be 994 million litres per year. We consider this volume to be an underestimate, as has been demonstrated and talked about here today through water modelling for the other mines in the Goulburn River catchment.

The loss of this Goulburn River water is substantial in an overallocated resource. It is also substantial in terms of long term annual average flows to the Goulburn River. The cumulative impact on the Ulan, Moolarben and Wilpinjong mines on the Goulburn River has been much greater than predicted on water models for these operations. There has been no independent analysis of the cumulative impact of mining on regional groundwater sources and surface flows for the Goulburn River. The assessment of the impacts of the Bylong Mine has not considered cumulative impacts of current mining operations.

The current mining footprint on the headwaters of the Goulburn River is 190 square kilometres. The Bylong project will add another 27.61 square kilometres to this footprint, pushing it over – to over 200 square kilometres. This is a substantial area of impact in the catchment of an unregulated river system. Key finding 6 in the recently released federal bioregional assessment of the impact of mining on water resources in the Hunter subregion states that modelled changes in ecologically important flows indicate a higher risk to the condition of riverine forested wetlands along the Goulburn River, compared to other riverine forest wetlands in the subregion. Additional impact through loss of those flows and increased salinity from Bylong Mine is likely to further threaten the condition of riparian vegetation along the river system.

In 2017, the three current mining operations on the headwaters of the Goulburn River captured 15,000,000,000 litres of water that may have flowed through the river. The additional loss of up to 994,000,000 litres or more of base flow from the Bylong River has not been assessed in regard to current mining impacts and cumulative flow loss. During the recent dry year in 2014, the mines used an equivalent of a third of the total annual flow measured at the midstream gauge. The other key issues not addressed is increased salt load in the Goulburn River. The current mining operations are licensed to discharge a combined total of 27 tonnes of salt per day. This will rise to 30 tonnes per day if the Moolarben modification 14 is proved by an upcoming independent planning commission. Measurement of salt load at the have demonstrated an increase in flow heights with salinity levels above 900 EC.

This level of salinity has been reported at flow heights of 107,000,000 litres per day, whereas pre-mine, this level was recorded at very low flows of 63,000,000 litres per day. The Hunter River salinity trading scheme has a target of 600 EC at Denman where the Goulburn River joins the Hunter River. A rising salt load in the Goulburn River has a direct impact on the operation of the trading scheme for mines operating in the Muswellbrook area and for the Bayswater Power Station. The assessment of the Bylong mine has not considered a cumulative increase in the salt load for the Goulburn River, caused by a decrease in base flows and an increase in salt recording to groundwater from the Bylong mine

It is of interest that, from the Department of Industry and Water that predict an 11 per cent increase in salinity in the Bylong alluvial cattle farms. This is significant as a cumulative impact that has not been assessed. In closing, the country environment lobby considers the Bylong project to be a high-risk proposal with too much uncertainty to be approved. The commission should at least conduct the independent review of the assumptions in the water modelling before making a final determination. Thank you, Commissioner.

MR KIRKBY: Thank you Jan, we'll now have a 10-minute break. The first speaker after the break will be Kathleen Wilde from the Doctors for the Environment Australia. Thank you.

RECORDING SUSPENDED [10.39 am]

RECORDING RESUMED [10.51 am]

MR KIRKBY: Okay. Before we recommence, I'd just like to remind everybody that there's a few venues in this function centre, so there are other things going on within the resort. If you could just be mindful for – with – of that. There are other events and things happening, and – so just sort of – before you walk in anywhere, just be mindful of that. I think there's a conference going on next door. Also, I think, there is more tea and coffee coming, so apologies if people have missed out.

Might I recommence. Our next speaker is – hopefully – yes – our next speaker is Kathleen Wild, from Doctors for Environment – for the Environment Australia. Thank you.

5 DR K. WILD: Thank you. Good morning. Thank you to the IPC, thank you for the opportunity to speak this morning regarding the Bylong mine project. I would like to firstly acknowledge the Wiradjuri people, the traditional owners of this country, and their ongoing connection to the land, water and culture. I pay my respects to their
10 elders, past, present and future. My name is Dr Kathleen Wild. I'm a general practice registrar in Newcastle, New South Wales, and a member of Doctors for the Environment Australia, and I'm speaking representing them today. DEA is a national non-profit organisation of a thousand Australian doctors and medical students. We work to preserve and maintain human health and wellbeing with
15 respect to the environment. It is our stance that physical and mental health is indivisible from the health of the environment in which we live.

Our primary concern with respect to Bylong is that coal mining expansion increases greenhouse gas emissions, drives climate change and global temperature rise with
20 predominantly negative health impacts that would be felt on a local and a global scale. The effect that coal mining has on human health has been well observed for more than a century. Mining is an occupational hazard to those who work in the industry and the risk of heart and lung disease associated with dust and particulate exposure..

25 However, at the present time, by far the greatest public health risk associated with the extraction and combustion of coal, which hasn't been sufficiently evaluated in the Bylong assessment report, is the critical contribution this activity has on greenhouse gas concentrations in the atmosphere. I will briefly discuss some of the health risks of climate change, and why, in respect of the latest information we have on climate
30 projections, further expansion of coal mining and the associated greenhouse gas production represents a health risk to New South Wales.

In 2009, the British medical journal Lancet stated that climate change is the biggest
35 global health threat of the 21st century. This health threat manifests in many ways that's going to affect New South Wales residents, including the physical effects of heat stress, extreme weather events, changes in infectious disease patterns, food supply insecurity, and increasing mental health distress. As doctors, we know that we can treat one patient at a time in our practices and hospitals, but prevention,
40 through public health, is always better than cure.

One of the most direct effects that climate change will have on human health is the physical stress of an increase in temperature on the human body. More people pass
45 away on very hot days. Those more sensitive to the physical effects, being the most at risk to this, are the very young, the very old, and those with pre-existing medical issues. People in rural areas are more at risk because of their pre-existing poor access to medical infrastructure. The elderly especially are very vulnerable to complications of dehydration, like kidney failure, low blood pressure, falls, and all

the downstream injuries resulting. This is a graph that shows the rising number of temperature-related deaths forecast over the coming century in pink, and the black line indicates how this could be ameliorated with appropriate action on climate change.

5

The likelihood of extreme weather events, such as cyclones, floods and bushfires, increase with climate change as well. These events are a direct health risk due to the trauma of the initial disaster, but there are public health consequences in the aftermath. These include lung disease, such as asthma; heart disease following bushfire, due to air pollution; infectious diseases following floods; and always there's disrupted access to routine healthcare in the wake of the disaster. We know that annual weather-related disasters have increased by about 46 per cent between 2000 and 2013; and we refer to Lancet.

10
15 One example of this kind of extreme weather causing ill health in Australia is about two years ago, the thunderstorm asthma event in Victoria, in 2016. This was the day where the confluence of storm front and high pollen counts led to 3365 more attendees to Melbourne and Geelong hospitals with lung disease; there were 10 deaths. The degree to which these circumstances associated with unusually high
20 temperatures around November. While, of course, you can never attribute 100 per cent any single event to rising temperatures, we know that events – bushfires, floods – these climate change. We're also seeing changes in infectious disease patterns, such as malaria and dengue fever, due to the changes in habitats of the responsible mosquitoes.

25

Another series of consequences that will impact our health is reflected in the severe drought New South Wales is currently experiencing – 98 per cent of the state is affected in September 2018. As per the CSIRO, lower rainfall and reduced runoff south-eastern Australia is associated with the current drought, in part due to natural
30 variability, as well as human-induced climate change. Drought has a critical impact on the nation's ability to maintain the food supply, as we're currently experiencing a decrease in agricultural output Access to an affordable stable supply of nutritious food essential to maintain health. And this has become more tenuous with future warming, nutritious food becomes inaccessible, and disproportionately affects the
35 most vulnerable and impoverished people in our community

These profound environmental upheavals are all extracting an emotional toll on New South Wales farm residents. New South Wales has just had to organise an emergency \$6.3 million package for mental health aid to drought-stricken
40 communities. Research has been published by the Medical Journal of Australia confirming a link between weather conditions and the mental health of farmers. There's also international research showing that everyone is affected by the mental health burden associated with climate change. This is including depression, anxiety, post-traumatic stress disorder, and suicidal ideation.

45

In broad strokes, these are some of the public health issues at play when considering how climate change will affect the future of ourselves and future generations. With

regards to the impact of the Bylong mine on Australian and global greenhouse gas emissions, it's noted in the Environmental Impact Statement that the average annual scope 1 emissions from the project are a very small proportion of Australia's commitment under the Kyoto Protocol. This is purely relating to the costs of the emissions incurred during the mining process, as well as impact of fugitive coal seam methane during the mining process.

However, when we're considering the impact that this mine will have on the global climate, and the ultimate risk to New South Wales residents, it's impossible to separate the construction and operation of the mine to the impact that burning the coal produced is going to have on future projections, which is under the standard. So the average yearly carbon emissions from burning the coal KEPCO Environmental Impact Statement is 8.8 million tonnes of CO₂-equivalent greenhouse gas a year, which is nearly 100-fold of the scope 1 emissions that they're frequently citing in their reports. Over the lifetime of the mine, burning Bylong coal is going to result in over 202 million tonnes of CO₂-equivalent greenhouse gases being released into the atmosphere and contributing to global warming.

On reviewing the text of the Environmental Impact Statement and supplementary final assessment report, it's really only discussing the impact that scope 1 emissions will have to Australia's commitment to greenhouse gas emissions with regard to the Kyoto Protocol. However, if we're to realistically evaluate the impact of the mine in regard to climate change, we need to account for every single emission related to the project, whether the coal is burned here or in Korea. Rising temperatures in New South Wales is already associated with will not be avoided because the coal is exported for combustion.

In signing the Paris Agreement, Australia made a commitment to limiting the increase the global average temperature to well below two degrees Celsius above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels, recognising significantly reduced the risks and impacts of climate change.

Following this agreement, the Intergovernmental Panel on Climate Change, commissioned by the United Nations to prepare a special report on the impact was published earlier this year, in South Korea. The primary message derived from the report is that the appropriate moderation greenhouse gas emissions over the next several decades, starting now, there is a high likelihood that global warming could be limited to 1.5 degrees Celsius. Without this urgent action, which must be commenced within the coming decade, global temperature rises up to two degrees Celsius can otherwise be expected; and this will be a disaster for public health.

The special report advises that pathways that limit global warming to 1.5 degrees Celsius show clear emissions reduction by 2030. We need to reduce greenhouse gas output from this point in time to preserve the health of future generations, not permitting future combustion. In order to ensure that global warming is

limited to 1.5 degrees Celsius, the IPCC specifically identifies that reduction in global emissions must be achieved by 2050.

5 It does not escape me that this time period aligns very closely with the proposed 25-year lifespan of the Bylong mine, with its projected total output of 202 million tonnes of CO₂-equivalent greenhouse gases. This cumulative amount of emissions we need to begin reducing as soon as possible.

10 This is a very busy graphic, and I apologise for that. This is from the IPCC special report on 1.5 degrees Celsius. It shows the temperature rise against the increased emissions, and shows that the greatest probability for maintaining a temperature below 1.5 degrees Celsius is associated with worldwide reduction in carbon emissions. With action, IPCC predicts that limiting global warming to 1.5 degrees Celsius compared to 2 degrees could reduce the number of people exposed to climate
15 related risk and susceptible to poverty by up to several hundred million by 2050. Proceeding with the Bylong mine is incompatible with meeting the goals of the Paris agreement to limit global temperature increases to 1.5 degrees Celsius to a pre-industrial level, and moderating the negative effects that climate change will have on human health over the next century.

20 I recognise the speakers today have many concerns for future of the valley. However, the full public health impact of the greenhouse gas emissions and the full life-cycle of Bylong Coal has not been fully accounted for in the assessments to date. Finally, I would like to draw your attention to the graphic shown on this slide. This is
25 called a “warning stripe” where each vertical line represents the temperature of one year between 1850 and 2017. The coolest temperatures in dark blue and the warmest temperatures in dark red and you can see there’s a clear trend.

30 The difference between the average temperatures in the pre-industrial age and today is at 1.35 degrees Celsius. We’re getting very close to 1.5 degrees Celsius limit that represents the best possible future health for our people and our planet that we can achieve from this point forward. This is a critical time to act to preserve the health future generations from the worst extremes of climate change and that action has to
35 start with limiting fossil fuel combustion, and it can start here in Bylong. It’s because of the significant public health implications that there’s contribution to climate change that DEA recommends that the Bylong Coal Project does not proceed. Thank you.

40 MR KIRKBY: Thank you, Kathleen. Our next speaker is Keith Hart from the Nature Conservation Council of New South Wales.

45 MR K. HART: Thank you very much for the opportunity to speak. The Nature Conservation Council is the state’s key environment organisation, which, you will be surprised, is set to I’m actually a volunteer who works for the Nature Conservation Council. I reside in in the State of New South Wales. So the NCC maintains our strong objection to the proposed Bylong Coal Project, which was also expressed on our – in our submission IS and which – I apologise – getting

that point across is there so the project the Bylong Coal Project, as given to us by KEPCO, was made in 2015 when the EIS was written, but a lot has happened since September 2015.

5 Significant events relating to the international management of climate change. One of them is the Paris Agreement ratified by both Australia and South Korea in November 2016. The other is for release of a landmark report by the UN Intergovernmental Panel on Climate Change, IPCC, by Monday, 8 October 2018. The IPCC reports represent a consensus of the world scientific opinion on climate change. The Guardian produced what I think is an excellent synopsis of what that's all about recently and said:

The world's leading climate scientists have warned there is only a dozen years for global warming to be kept to a maximum of 1.5 degrees Celsius –

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That's 2030:

Beyond which even half a degree will significantly worsen the risks of drought, floods, extreme heat and poverty hundreds of millions of people.

20

The timeframe for this proposed mining is 2043. NCC maintains that no responsible government faced with such warnings from the most credible sources available should continue to have a business-as-usual approach for the assessment and possible approval of a greenfield permanent coal mine for the Bylong Coal Project. We urge the commission to reject this project due to its impact on our global climate. The further element relates to the alleged 2017, which was assessed by the Institute of Energy, Economics and Financial Analysis – I will them IEEFA – an organisation with expertise in the area of financial and economic issues related to the energy and environment and their report was actually sent to the EIA say this:

30

South Korea's new energy plan calls for less reliance on imported coal and nuclear and more on renewable energy and liquefied natural gas power. Coal's share of the power mix is to fall from 45.3 per cent in 2017 to 36.1 per cent by 2030. The coal consumption tax was increased 20 per cent from April 2018 adding to the existing carbon pollution price.

35

That doesn't sound like the same company who is advocating continued growth of coal in IEEFAs opinion, they say

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the development of the Bylong Coal Project is not necessary to meet projected demand of coal in Korea.

I went back to the international energy agency, I had the job of reading all the coal mine EISs for the NNC and proponents international energy agency. This is of coal. What do they say in their 2017 information report:

45

World coal production declined in 2016 by 458 million tonnes, which is the largest decline in absolute terms since the IEA recording began in 1971.

5 Where's the international Back to climate change more generally, which is the major issue for the NCC. Coal, as we know, is the largest single source of emissions globally at 44 per cent. You're not dealing with coal issues; you're not dealing with climate change. Australia is currently the world's largest exporter of coal. Given that 98 per cent of the greenhouse gas emissions associated with the proposed Bylong Coal Project according to scope 3 will occur overseas, do the commissioners as decision-makers have a responsibility to consider climate change? We would argue yes for several reasons. Firstly, the United Nations Framework Convention on Climate Change, under which the Paris Agreement sits, is an international treaty signed and ratified by Australia.

15 The High Court case for the Tasmanian Dams, which is called the Tasmanian Dams case, is a binding constitutional authority for the legal principle that an international treaty ratified by the Federal Government is also binding on Australian States provided the subject matter of the treaty was of international concern. I can't think of anything greater than international concern currently than this issue of climate change. And article 4.1 of the United Nations Framework Convention says:

All signatories are to take climate change into account when undertaking environmental work.

25 Commissioners will be well aware of their legal obligation to take the public interest into account under the EP&A Act of New South Wales. There is a significant body of law from both New South Wales Land and Environment Court and the New South Wales Court of Appeal which indicates that the public interest includes the consideration of the principles of ecologically sustainable development. One of those is the principles of intergenerational equity. I don't have time to go into the detail of that, but climate change is the definitive example of the principles of intergenerational equity. In relation to the moral and political issues of the issue, the Climate Council of Australia stated that:

35 *For Australia to play a role in preventing a two degree Celsius rise in temperature requires over 90 per cent of Australia's coal reserves to be left and remain unburned.*

40 A lot of people in this room will say that's crazy stuff, but that's what has got to happen. To date, rather than following this advice, the coal exporting states of New South Wales and Queensland have combined to make Australia the largest coal exporter in the world. Or to put it another way. New South Wales is profiting from the sale and export of a product which is helping to hasten species extinction and causes pain and suffering for millions of people around the planet. Now, it will not be a surprise to know – for you to know that decision-makers in other countries have noticed, particularly those in the pacific nations who have had the increased intensity of storms and sea level rise. The raw figures for Australia we have 0.3 per cent

of the world's population, but we generate 1.3 per cent of the planet's emissions and that doesn't account for the emissions from the burning of exported coal overseas, like proposed coal mine here. Where is the fairness of equity in that?

5 A good illustration at this point was made in the Sydney Morning Herald only a few days ago where a French lady, who was one of the architects of the Paris Agreement and now the chief executive of the European Climate Foundation – is to do with – was criticising quite about how poorly Australian greenhouse emission did which had a 1.3 per cent increase in emissions for the 2018 quarter to March, the
10 last quarter arising in that the Prime Minister says, “Well, we will make that as a canter”, the canter's actually in reverse. But that's another point. But this lady was reported in the media to have made the following criticism of Australia's contribution to climate change:

15 *The consensus in the scientific community is that Australia is not currently on track through new submissions in meeting its Paris Agreement commitments. This is despite Australia's available renewable energy potential and the major economic gains to be won by those at the forefront of this technology.*

20 How do you think they will feel if we continue to approve more coal mines. We will end up with international trade sanctions, perhaps. Who knows? New South Wales and Queensland need to become leaders, not by refusing to approve any new coal mines including Bylong in New South Wales and Adani in Queensland. Biodiversity is another major issue for the NCC. In the interests of time, I'm not going to spend
25 significant time on it. Unfortunately, these impacts on biodiversity are all too common with the coal mines that I've looked at over the last four years. So we've got threatened communities, a number of threatened flora and fauna species. The ELA is not providing ample consideration of the impacts of the proposal on biodiversity.

30 I'm going to focus on one in that species, a favourite of mine, the Regent Honeyeater. If you protect the habitat for a species, you will protect it for all the other endangered species as well. And the Regent Honeyeater is about as endangered as it gets. It's listed as critically endangered in New South Wales and
35 over here see that the next step in this downward cycle is extinction. That's really where the Honeyeater is at. This rare bird species was recorded in this area. You might then refer, Commissioners, to the map I gave you. If you have a look at that area, you will see that there are nine coalmines, plus the one proposed makes 10, and there's an awful lot of others in the Hunter Valley off picture. A
40 number of those mines have had Regent Honeyeater habitat in the past. It has gone.

So you've got a situation of death by a thousand cuts. Every time for a species as rare as this you cut a significant area of habitat is one more cut that will move that species to extinction. The New South Wales Environment and Heritage website
45 states that one of the key activities to assist this species is no further loss of vulnerable land of forest habitat throughout the known region of the Honeyeater. The National Recovery Plan indicates that one of the ongoing recovery actions is to

protect intact areas of Regent Honeyeater breeding and foraging habitat. And are they consistent in cutting more Regent Honeyeater habitat down for another open cut coalmine.

5 NCC has always proposed the concept of offsets and we say here that offsets are not appropriate to compensate the removal of all habitat of a critically endangered bird. We also have opposed consistently the concept of assessments. We have the New South Wales agency in its capacity of the Office of Environmental Heritage subservient to the Department of Planning supposedly doing the assessment
10 on There is no genuine independent assessment in New South Wales of risks from the proposed development for the management, particularly in the critically endangered species. This is not a point in their discussion and assessments are In relation to biodiversity offset strategy, which I've mentioned already, there's a delightful map in the – one of the appendices at the bottom of the
15 EIS which shows an aerial shot of the properties that have been acquired.

One of them is completely cleared. It's an offset paddock. One of them is half cleared. The other ones are a third cleared, or two-thirds cleared. These are supposedly to offset for prime habitat of species like the Regent Honeyeater which
20 of a coalmine. How does that work? You know, we have opposed this concept from the start and, again, we believe that Just to make a point from but I've by farmers many, many years and I know that These areas that are still vegetated which are used as offsets are in areas, if you have a look at the map showing the land capability, areas with a very low class soil which are not good for
25 anything except growing trees.

The farmers who came in through the early provision in earlier days knew where the good land was. They cut down all the trees so they could grow pasture. What's left is always going to be difficult. This is no different to anything else. So how is
30 that an offset? If it's going to stay anyway, there is no So this is the rule we say these offsets represents. And should we As far as heritage impacts go, there has been some clawback as a result of the Tarwyn issue which incident which is good. We suspect that something like the Foreign Investment Review Board ought to exist at the state level. They shouldn't be allowed to sell that to a
35 foreign corporation in the first place.

Beside that there are a couple of issues in relation to heritage which will still be impactful. I would like to refer you to the new object which was inserted into the Environmental Planning and Assessment Act which was promote the sustainable
40 management of built and cultural heritage (including Aboriginal cultural heritage). If they go ahead with the mine, that will certainly not be met. So I'm going to have to – how much longer have I got?

45 MR KIRKBY: Get to the conclusion.

MR HART: Okay. So I've referred you to about – to our other submissions and there seems to be lots today. I would like to conclude by saying that NCC objects to

the proposed Bylong Coal Project for a number of reasons, as I've listed. In particular, NCC believes that open cut mining has lost its social licence in the New South Wales community and say a new open cut coalmine is no new open cut coalmine should be approved in New South Wales when industries lose support of the general community jobs are lost. Examples: In the 19th century slavery; the 20th century, asbestos and the tobacco industry. We believe that in the 21st century the industry is burning coal power generation.

MR KIRKBY: Thank you, Keith. Our next speaker is Kristian Brockmann.

MR BROCKMANN: Good morning, ladies and gentlemen, and thank you also to the Planning Commission for the opportunity to speak to you all today. I'm speaking to you today as a representative of which is a guesthouse on Bylong Valley Way and as the owner of a business called Brockmann Eco-Consulting. Now, the guesthouse is one of the few in the Upper Hunter Valley region and the business represented in some ways the protection alliance as the first project responding to the EIS as traditional owners. The coal project is local community and has just gone over and fundamental to the beautiful landscape of the location.

Now, we're located only about 30 kilometres from Bylong and it's a shorter road, not too distant, and, as you may know, the north of the homestead is the Goulburn River National Park, whilst to the south is the Wollemi National Park. So our area including Bylong in some ways represents a bridge between two distinctive wildlife regions. The location of the coal project immediately seemed to me to be quite devastating to the appearance and to the local environment. There is it is not really very easy to find anywhere else in New South Wales.

The the local concerns from the local community ground perspective is that the effect of the water resources in the area could be quite noticeable. It is quite noticeable really then extremely limited in most circumstances. There was mention in the of the effect on the in the initial mining operation. There's actually more the community than and that is not really mainly because it is water resistance. Even if is likely to have this plus the is One of the fundamental uses for the water in the region is for land, both natural landscape and agriculture. species is said to be at risk from two metres draw down of groundwater.

Now, that's two to 10 metres and this will have an obvious effect, possibly, on the threat of ecological communities in the area. There is a large area of threatened bushland in the locality Now, any effect on the flow-on effect to the mammals and bird species in the region and the species is represented in many ways by found in the local community to the great some of birds which are elements which were mentioned but particularly to protect include the Regent honeyeater, the Glossy Black Cockatoo, the and the These are birds that rely on bushland and there's certainly appearing to be mining operations with any loss of habitat.

In particular, foraging areas of these species can only benefit and improve not
In conclusion, I would like to draw your attention to the marvellous wealth of the
natural landscape of Bylong, the the World Heritage area. These are obviously
benefits to tourism in the region and with regard to the wine region in Mudgee and
5 greater region for the Upper Hunter Valley. The balance of the community's
priorities as regards coals and energy source should not lead to the mismanagement
of the limited water resources and the ecosystems Thank you.

10 MR KIRKBY: Thank you. Thank you, Kristian. Our next speaker is Phyllis
Setchell from the Mudgee District Environment Group.

MS P. SETCHELL: Thank you for the opportunity to speak to the panel today and I
just would like to start by mentioning the elders past and present of this land.

15 MS: Can't hear.

MS SETCHELL: Can't hear me? Mudgee District Environment Group members
are asking the Independent Planning Commission to reject this coalmine project, to
preserve the agricultural, biodiversity, conservation and scenic values of the Bylong
20 Valley. I have been tasked with raising and summarising some of the inadequacies
on the revised mining plan and other relevant issues and concerns. The Commission
previously found that the landscape of the Bylong Valley will be substantially and
permanently altered by the mine:

25 *Pending approval of the project would represent an unrelenting shift in the
valley in the favour of mining as opposed to agricultural and/or pastoral
pursuits and that water security on which agricultural activity will depend may
be jeopardised, particularly during extended dry periods.*

30 It is our belief that neither the revision of the mining plan or the further information
provided by the adequately alleviates these concerns:

(1) Tarwyn Park. Even with the revised mining plan, Tarwyn Park will be subject to
the worst of alluvial water drawdown. The state heritage significance of this valued
35 park is dependent on the availability of water and the ongoing process of natural
sequence farming for its survival.

(2) Heritage Council advice. The findings of the independent report commissioned
by the Heritage Council are not to be final assessment. Independent experts
40 found that both Tarwyn Park and the broader Bylong scenic landscape qualified for
state heritage listing. This is an important consideration and should not be ignored.

(3) Rehabilitation. The Commission review was highly sceptical of the proponent's
promises to rehabilitate this land, saying that:

45 *No mines in New South Wales have, to date, returned agricultural land or soil
or to with biophysical, strategic, agricultural land.*

If water is not accurately researched and factored into the equation, any attempt to reconstruct prime agricultural land on a mining scale will be unsuccessful. This planning needs to happen before the project is approved.

- 5 (4) Water. The Bylong river system is under great threat from this project proposal. There is concern that permanent damage will be done to this important source of water for the remaining irrigation industry in the Bylong Valley. As the proponent admits, the Bylong Valley is known to flow underground through its alluvial aquifer. Coalmining in the valley will compromise the viability of the
- 10 Bylong alluvium, the river and the Bylong River water source. All the water users and assets that rely on this water source will be adversely affected. The revised mining plan the impact on the Bylong River which will through both drawdown and mine water requirements.
- 15 We agree the permission is repealed, 2017. In fact, found it (a) difficult to accept the and the department's assertions which would lead to impacts that only need to be identified and managed post approval. Very severe drought conditions experienced now is a case in point. We consider that water modelling used is drought as it's is dry conditions and this is not The drought the
- 20 Hunter and in the 1940s. Their model underestimates the impact of dry weather on the Bylong River system. The proponent are not adequately captured in the water modelling. This is a weakness that should be addressed. The assumptions used in water modelling for this project need to be independently reviewed. I would like to say again that again. It's a very important point. The assumptions used in
- 25 water modelling for this project need to be independently reviewed. This has not been undertaken in the review adopted by the department.

- (5) The Greater Blue Mountains World Heritage Area. The Commonwealth Government is considering amending its listing advice for Bylong Coal Project
- 30 because the mine is on the edge of the Greater Blue Mountains World Heritage Area and its groundwater drawdown will propagate into that national park. This impact has not been assessed in the material before the Commission and needs to be addressed before approval is given.

- 35 (6) Aboriginal cultural heritage. The Commission review said:

Further investigation remains to be completed to properly assess the expected impacts to Aboriginal cultural heritage.

- 40 Yet no one has done this. Office of the Environment and Heritage provisional view of the Wiradjuri heritage impacts of this mine was that:

- Notwithstanding the mitigation actions of previous mine projects and those of the proposed Bylong Coal Project, Office of the Environment and Heritage is concerned that harm to Aboriginal cultural heritage is approaching*
- 45 *unacceptable thresholds for the region. Unless adequately compliant with a*

measured conservation regime, an imbalance of this scale may have permanent intergenerational consequences.

5 The cumulative impact of this mine on Wiradjuri heritage was raised as an issue but has not been addressed nor treated seriously by the Department of Planning and Environment.

10 (7) Biodiversity and nature. The cumulative loss of critically endangered ecological communities and regent honeyeater habitat in the region has not been adequately assessed. The three existing large mining operations to the west of the proposal have been approved to remove very large extents of threatened vegetation and species habitat from the region. This mine will clear a further 699 hectares of native vegetation, including critically endangered woodland. Critically endangered ecosystems cannot be replaced with mining rehabilitation; yet that is what is proposed. Threatened species' habitat in collapsed cliffs will be permanently lost. KEPCOs largest biodiversity offset area is over the underground mine and will itself not secure mining is complete.

20 (8) Climate Change. Australia and New South Wales have committed to meeting the Paris Climate Agreement role by limiting global warming – under two degrees and aiming to keep warming to below 1.5 degrees. The IPCC recently released a special report summarising scientific concerns about the damage that 1.5 degrees of global warming is likely to do, including increased heat, reduced rainfall and increased extreme weather in Australia. To prevent this level of warming, the IPCC now think global use of coal must be phased out in OECD countries like Australia and South Korea by 2030. The draft conditions of approval provided online allow for mining to continue until 2044. I'm not very good at maths, but I think that is 14 years after the recommended date for Australian coalmining to cease. Whatever KEPCOs claims about the likelihood there ever would be a demand for coal from this mine, New South Wales government policy states:

30 *The New South Wales Government endorses the Paris Agreement and will take action that is consistent with the level of effort to achieve Australia's commitments to the Paris Agreement.*

35 In justifying this mine project, the plan cites the IEEFAs new policy which would drive global warming to 2.7 degrees, well above the Paris commitment, and likely to cause destruction.

40 In conclusion, Mudgee District Environment Group considers the following to be significant issues of concern: threats to ongoing farming enterprises, including the pioneering natural sequence farming techniques at Tarwyn Park, other water users, agricultural production, and long-term rehabilitation; threats to the Bylong River, including to groundwater; threats to state-significant heritage landscape values of the Bylong Valley, the Wollemi National Park, the Greater Blue Mountains World Heritage Area, and the biodiversity of the area; threats to Aboriginal cultural heritage and the community that live in the region; threats to increase climate

change. Consequently, we again ask that the Independent Planning Commission reject this project. Thank you.

5 MR KIRKBY: Thank you, Phyliss. The next speaker is Beverley Smiles, from the Hunter Communities Network.

10 MS B. SMILES: Thank you, Commissioners. And I'd like to thank you for inviting me to attend the site tour yesterday, and I'll be submitting some additional comments after today's meeting on the too. The Hunter Communities Network is an alliance of community-based groups and individuals who are impacted by the current coal industry.

15 We have concerns about the ongoing expansion of coal exploration and mining in the Hunter region. We object to the Bylong Coal Project as a high-risk operation, containing a high level of uncertainty, that has not been addressed during the various iterations of assessment and tweakings of the mine plan.

20 This project failed to meet 11 of the 12 criteria of the gateway process in the first instance, and was highly criticised by the Planning Assessment Commission review process. We do not agree with the Department of Planning and Environment that the project is approvable, or that the draft conditions before you manage, mitigate or adequately compensate for the high level of risk.

25 Now, one of our key issues is the failure of the planning system in New South Wales to address cumulative impact. Mining is a major land use change. It is not a temporary land use change, because many of the impacts are permanent, or long-lasting over centuries. These permanent changes include social, economic and environmental problems. In the Hunter, we're experiencing permanent loss of rural amenities and associated agricultural industries. And just the sale yards at
30 Denman are likely to close because of the loss of cattle production in the area.

35 Now, this is not just a drought-related issue. It's tied to the large area of land acquired by the mining industry and loss of farming families from the district. The area from Ulan to Bylong is now totally owned by foreign mining companies, and has been almost completely depopulated. A few scattered people dotted around Ulan, including myself, and some private properties to the west of KEPCO-owned land, is all that remains in the hands of local people over a substantial area of Mid-West Regional local government area.

40 And one of the reasons for this is that the model predictions for mining exploration have been greatly underestimated. The three operating mines to the west of Bylong have acquired many more private properties in the region than first identified, because they were unable to manage noise emissions to satisfy their conditions of approval. This cumulative social impact of loss of local families from the district has
45 never been assessed. Bylong Valley has an unmeasurable background noise level, it is so quiet. The sound from multiple mining machines and the coal handling plant, operating 24 hours a day, will invariably travel much further than predicted.

5 In the long run, this will cause more local property owners to be acquired, and further hollow out the community. This is the exact pattern that occurred in Ulan. If the Bylong Coal Project is approved, many more landholders will be forced out of the district, through either noise impact or loss of water supply. The cumulative loss of agricultural and social networks across the region is significant, and has not been addressed in the preliminary social impact management plan.

10 The damage has already occurred, and cannot be addressed by a company whose main objective is to extract coal and get it onto a train. The circumstances can only improve if KEPCO sells the land back to private farming enterprises. The economic damage caused through loss of agricultural services and expertise across the region has not been addressed.

15 The functionality of rehabilitating mine land is also an unproven risk into the future. The mining industry has run trials of cattle grazing in the Hunter, on highly fertilised mine rehab. However, there's been no analysis of the cost per hectare of keeping that pasture viable. I had the opportunity to fly over parts of the Hunter mining operations recently, and the rehab is looking very stressed, due to the severity of the drought. This is to be expected. However, the risk of natural disasters on the success
20 of mine rehab is rarely factored into the predictions.

25 The proposal by KEPCO to rehabilitate 400 hectares of prime agricultural land on mine spoil is a high-risk commitment. The attempt to reinstate 63 hectares of river flat at Hunter Valley Operations, and to grow lucerne, has been a disaster, with ongoing management problems, including rising salinity. New South Wales can't afford to continue losing highly productive farmland on the promise that at some unknown time in the future, it will possibly be reinstated. Mine rehab can have ongoing expensive management issues that are not covered into the future by the current bond arrangement.

30 The community had understood, during the development of the Upper Hunter Strategic Land Use Plan, that the purpose of mapping viable physical strategic agricultural land was to protect it from mine disturbance. We consider it the duty of the Independent Commission to make this important decision, and protect the area of
35 and critical industry cluster land in the Bylong Valley from being destroyed by mining.

40 The other permanent, uncostered damage is to our groundwater and surface water sources. In Australia, the driest inhabited continent on Earth, governments are allowing sources of pure spring water that feed aquifers and rivers to be permanently dug up or destroyed by subsidence impacts. These can never be reinstated, and are poorly mapped and assessed. As we face much longer droughts through human-induced climate change, to continue to destroy or compromise water sources is pure
45 madness.

The assessment of water impacts from the Bylong mine is particularly poor, and the Department of Planning and Environment should be ashamed of the process they

5 have conducted for this significant land use change in the Bylong Valley. The gateway assessment and the Planning Assessment Commission review had substantive issues with the proposal, and they've not been adequately addressed, because this mine will have too great an impact. The revised mine plan now before you does not mitigate these management problems. The gateway analysis statement:

Significant impacts are anticipated on highly productive groundwater, and the possible connection between surface and groundwater. The modelling requires more detailed evaluation.

10 The water modelling process for this project is highly questionable. The Department has used the same peer reviewer who is used for most mine applications in the region, Dr Franz Carr. Carr peer-reviewed the groundwater model for the Ulan mine, which is now proven to have under-predicted inflows to that mine by about six
15 times: the predicted one megalitre per day inflow has become over six megalitres a day. This is a substantial deviation from the model predictions. The community has absolutely no trust in the internal assessment processes used by the Planning Department. We expect that the Independent Planning Commission can demonstrate
20 its independence by having other experts review the water model assumptions and the predicted impacts. This is critical information. It may be the final determination for the Bylong Coal Project.

The gateway process also identified the need to:

25 *...provide a strategy complying with the rules of the water sharing plan for the Hunter unregulated and alluvial water sources, and, in particular, the implication of reduced available water determinations at the cease-to-pump rule.*

30 This has not occurred. The only strategy identified by the department in the draft conditions is for the scale of mining operations to be adjusted to match available water supply. It does not deal with sharing water and other uses for the environment. The management of water throughout the uses, including the condition of the water source itself, has been ignored, other than unsatisfactory arrangements through vague
35 water compensation conditions that give no certainty to anyone.

The key concern about the revised mine plan with a smaller footprint is that there's still a first foot in the door for a new agreement for a mine site in the Hunter region. Once approved, there will be no stopping ongoing modifications to enlarge that
40 footprint. The cumulative impacts will be ongoing until the whole Bylong Valley is destroyed, as has happened at most other mines in the region. There is absolutely no certainty that the current proposal will be the final size of the mine once it's approved. The Commission must take this into account in the merits assessment of opening the door to coal mine in the Bylong Valley.

45 MS: Hear, hear.

MS SMILES: The consideration of incremental mine creep, modification by modification, as individual projects fail to assess the cumulative, long-term permanent damage of enlarged projects. This is a key failure of the New South Wales planning system. The failure of this process is demonstrable at the three
5 mines to the west of Bylong and the mining operations in the Hunter coalfields. Once the first footprint is approved, it is open slather to grow larger without adequate assessment of the cumulative impact. The impact of any mining at all in the Bylong Valley is too great and should not be approved.

10 Now, other areas of concern include increased mine traffic on regional roads and the increased train on Sandy Hollow railway line. Neither of these impacts have been adequately assessed. The proposed access to the mine site by heavy vehicles is limited to the Wollar Road this road, in many places, is narrow and dangerous for road users. There is already mine-generated traffic with contractors
15 travelling up from always at speed.

The proposed investment in an upgrade of the road between Wollar and Ulan Road will not solve all the current safety problems or fix the poor conditions of the entire length of the road. The road is not suited to regular use by heavy vehicles, carrying
20 large, oversize loads, or two shift changes a day of mine workers. The cumulative cost of mine traffic on regional roads has been a major problem in the Mudgee area that will be further impacted if a fourth coal mine is added. We don't want to see a report of the horrific road accidents that occur quite regularly in the Hunter due to fatigued mine workers driving long distances.

25 The other transport issue that has not been assessed is the addition of up to ten laden trains a day on Sandy Hollow Railway line. There is already approval for up to 25 laden trains per day on the line. That means up to 50 movements. ARTC has admitted to the Wollar community that they do not undertake noise monitoring, even
30 though they have an environmental pollution licence with noise conditions. And the EPA also does not monitor train noise or check the real time noise monitors set up in the area, especially to monitor night-time noise.

The increased train movements is an issue for the entire Hunter Coal Chain. For
35 instance, the impact of another 20 train movements a day on traffic using the Golden Highway at the Denman level crossing has not been ceased. The costs-benefits analysis for the project has some major flaws because of the poor assessment across a range of issues. The department's final report indicates that costs associated with greenhouse gas emissions were proportionately allocated in New South Wales
40 households, but that's just the scope 1 and scope 2 emissions. The costs of increased extreme weather events caused by human-induced climate change has not been included.

45 Now, we had two catastrophic fires in this region at the beginning of 2017 that caused a lot of damage and, luckily, no loss of life. The cost of fighting those fires and rebuilding the district, especially around Dunedoo, has been significant, and we're looking at an even worse fire season this year. The cost of severe drought

across the state is also significant. We can't afford the costs of another coal mine producing coal until at least 2044.

5 The Hunter Communities Network considers the Bylong Mine Project to be high risk with a high level of uncertainty due to the poor assessment process. Cumulative impacts on water, community, traffic and rail are too great. The Commission needs a lot more evidence to make an informed merits-based determination on this project. We recommend that it be refused due to the lack of adequate information. Thank you very much.

10 MR KIRKBY: Thank you. Our next speaker is John Weaver.

MR WEAVER: Thank you, Mr Chairman. Yes my name is John Weaver, I'm a director of Timnath Operation Limited. Timnath is a family company that owns the property in Budden which, if you're driving from Rylstone into Bylong, you'll go past – about halfway along the valley, five kilometres from Bylong, Budden Gap Road, and then on your right, a large body of water. That's Budden. The water you see goes the route from it flows downstream. There's the Bylong, which is Bylong we rely entirely on the Growee River for about everything. Irrigation for watering our stock. All the water we've got is drawn from the Growee River. And if you're wondering – trying to get a map or something to give you an idea of where Budden is, if you go to the development consent, the proposed development consent, page 43. if you want.

25 MR KIRKBY: got this.

MR WEAVER: You will see to the left of the map, about two – about three bits, four bits down the page to the left, Budden. You see Budden Gap Road. Our property extends down towards Bylong from there. As I said, my family has farmed there for 40 years. I'm joined here today by Rick Brook. He has worked for our family on Budden for 25 years. We've both seen a lot of changes in Budden. There's been a lot of dry times and wet times. And over that time we've built up a herd of Angus cattle that – it has got good shape, reasonably handled with and there's a video before the Commission, which is of Rick giving some evidence, if you like, about his experience over the last 25 years, which I won't refer to further.

And for us, the many farmers in the valley, this is a really important development. Because without water in the Growee River, or Growee Creek or whatever you want to call it, we can't run cattle. And even if we lose our water for a couple of days, cattle start that's a practical reality. So in everything you're doing, try to keep in mind if the farmers lose their water, how quickly can the water be replaced. Bearing in mind that we run about 350 head of Angus breeding stock, we've built up over – over 40 years with very careful, selective breeding.

45 Yes. As well as being director of Timnath, and looking at this development for my father and the company, I had a close – I considered very carefully the development proposal, and that's the problem with the type of development in the

..... section 4.3 of the Environmental Planning Assessment Act. No doubt we will be asked to sign. I considered that very carefully. In fact, what – considered very carefully in proposing the issues in 23, 24 and 25. And those conditions, in my view, do not protect our water. In my view, those three conditions are not specific, they're not certain and they're not enforceable.

The other thing is, there's no need to be waiting for the mine to be approved. Why that's important is because after the mine has been approved, we lose our bargaining power. Right now, it's pretty even. We can negotiate with they've got to come to the party because they want to get their mine through. We've got an even chance. But after the mine is approved it's – we've got no bargaining power. If we lose our water we lose our power to raise cattle. We lose our power to get back to that issue of work before the mine. So based on the conditions with development consent, this is regard to because as we stand here now, our water is not protected. You know this agreement you know that if the mine is approved now, we won't have any bargaining power. And you know the conditions, or what I suggest the conditions that are proposed are not enforceable. Given enough uncertainty about what is going to happen now that the mine is approved, we say thank you.

MR KIRKBY: Thank you, John. Our next speaker is Georgina Woods from the Lock the Gate Alliance.

MS WOODS: I would like to acknowledge that we're meeting on Wiradjuri land today and pay my respects to the elders past and present, and to other first nations people who are with us at the meeting today. I'm with Lock the Gate Alliance, we're a network of landholders, conservationists, traditional owners, businesspeople, and towns who are concerned about the impact of coal and conventional gas mining. With only 10 minutes, most of what I would like to say going to be in our submission, but I suppose I will just introduce it by saying that we don't believe that the concerns that were raised by the commission last year in its review have been adequately dealt with and really can't be arguably dealt with because the impacts of the mine are unacceptable. This mining proposal, unlike all of the others that we are seeing in this region crosses lines that should not be crossed in terms of New South Wales policy. Agricultural land water impacts.

We would like to draw attention of the panel before I go to the detail, to 26 instances in the proposal of consent where water conditions that have been to deal with to mediate the impact of this mine on water lots of other matters have a discretion in the to change the condition afterwards. It says unless otherwise agreed by the secretariat of the Department of Planning, and it's essentially giving the department the power to wind back conditions that are supposedly being introduced in order to mitigate the impact of this proposal, including the condition that her mine hold all of the relevant water licences before they begin mining operations. made the commission's task easy, it leaves a lot to be desired.

It points out the incidences where the minimal impact considerations of the aquifer interference policy aren't reached. It doesn't actually point out the ones where they

are, which is obviously the places where the commission needs to turn its mind to where the impacts of this mine are acceptable. The aquifer interference policy says that where minimum impact considerations are exceeded, an assessment is needed that can consider the long term viability of one of the assets. Now, the word
5 assets include all works and as you would be aware, there are multiple bores in properties owned by KEPCO, including Tarwyn Park that are going to experience 10 or more litres of drawdown. The aquifer interference policy guides the decision makers that if long term viability of earth and water supply works is going to be impeded by the project, then the impacts should be considered unacceptable.

10 The mining company, and the department of planning, have the habit – other companies as well have the habit of only considering that policy in relation to land the mining company doesn't own, but the terms of the aquifer interference policy, clearly don't make that distinction and I think, in this case, given the amount of land
15 in the Bylong Valley owned by the mining company, it's crucial that the commission read the aquifer interference policy to the letter and consider the unacceptable impact of all water supply works in the Bylong Valley. We also wanted to point out that the Department of Industry and Water alludes to this in their most recent advice that the impact of mining on water that can't be switched off.

20 So the borefield that KEPCO will operate is similar to irrigation in that it can be but the inflow of water into the underground and is an impact that can't be stopped once it has been done and the Department of Industry and Water has told us and other landholders in other districts that rules and section 233 temporary
25 water restrictions that are designed to be able to protect in need and environmental needs can't be applied to capacity water take. Now, we did this – there's a call for additional caution on the part of consent authorities in granting consent to activities that can't actually adhere to the regulations that are in to protect the water needs.

30 As somebody else already mentioned, the models that the company has used drought as its example of but the data record in the Hunter Valley, this is considerably longer. One of the things that we're going to put in our written submission is sent our requests to the commission to seek conditional information
35 one of those is with the Department of Industry and Water about their original water strategy, which is now complete but haven't yet been made public, but we've been briefed on it and it looks in depth at water security in the Hunter catchment broadly. The changing water use from mining to to mining and it looks at the changes in the – the extent of dry periods in the Hunter and the natural variation and using
40 existing water applying them to the to get a briefing about that before we make any decision about this mine.

On the subject of dry times though, we would also point out that the Bylong River
45 was or is heavily overallocated. There are three times more entitlements in recharge every year and there's no information in any usage. So we don't know about this point. We know what the entitlements are, but the entitlement isn't about water availability. Where the system overallocated. KEPCOs total entitlements in

the Bylong River water source are greater than the annual recharge to that aquifer. So what change is going to occur region when a large water use is brought online but is not only being used? Even though the timer wasn't there, the water usage patterns changing substantially, what effect is that going to have on the Bylong River water source is not adequately assessment material. We got another hint, though, in the documents that were released under GIPA halfway through this year that then were concerns in the Department of Industry and Water that the viability of the Bylong River water source would be compromised and that the aquifer wouldn't be able to sustain the level of construction that the mine will use.

We just also wanted to draw attention to the shortfall of about 1500 shares in the North Coast fractured rock aquifer. The Department of Planning uses the phrase, "There's sufficient depth in the market to obtain those licences after consent", but they don't quote any substantiating evidence of that. That water source is fully allocated. There will be no more for that water source. There are a large number of licence holders, but most of it are and the anecdotal reports that we have heard is that those companies are very reluctant to part with those licences. So I don't understand what the department means by a deep market, but they have been no changes in those licences since that water sharing plan was introduced and they're giving one tray of shares, which was only 40 megalitres.

We're really concerned about the impact of this mine on heritage and we would draw the commission's attention to the discrepancy between what the independent heritage report commissioned by the Heritage Council says and what the Department of Planning says. The independent report issued by the council found at Tarwyn Park itself but also the Bylong scenic landscape is of state heritage significance which will be damaged – radically changed is their words – by this project, and we know that that was brought in proposing ideas for mitigation do say open cut Tarwyn Park. It said, what about picking it up, getting rid of the overcut bush altogether, but they know that even that would remove all of the impacts that this mine will have on state heritage significance in Bylong Valley. It can't because of the auditory and additional intrusion of the open cut mine equipment given that it is adjacent to the Greater Blue Mountains World Heritage Area and contributes to the scenic beauty of that area.

You may be aware that the Commonwealth is reconsidering its listing position EPBC Act in considering listing world heritage as a controlling provision for this project. There hasn't been an assessment of the impact of this project on world heritage values of the Greater Blue Mountains World Heritage Area. Obviously a rather large gap. But agricultural lands, this is where the line has been crossed and I think they have already referred to this, but the government went to the trouble of mapping the strategic agricultural landing in 2012. There's no prohibition on mining those lands, that's true. There's no regulation that says you can't have an open-cut coal mine in that but what was the purpose of mapping those lands if not to all other farmland? We note the position of 223 recently by the government agricultural land is broadly inappropriate for mining.

Now, I'm going to rush through. I just want to mention climate change given the terms of New South Wales policy as well because it is New South Wales policy to take action consistent with the Paris Agreement. The forecast KEPCO was relying upon in the instance material that it has provided, it doesn't say and the
5 common planning doesn't say but it has been analysed to be consistent with global warming of 2.7 degrees. So it's not really up to the commission to decide what's the more likely thing will there be a coalmine or not. But it is important for you to understand, that the coalmine that that company is relying on is not consistent with New South Wales policy which is to seek the Paris Agreement targets, limited global
10 warming to below two degrees and striving to keep the global warming at five degrees.

We're extremely disappointed with the lack of information about intergeneration equity in either of the department's assessment reports. That's the end is it. For
15 equity – for the equity principles to be satisfied, there would need to be something for the next generation. But we're taking all this land, we're taking all this water, what are we leaving for the next generation. Clearly, the climate change implications in this mine would come into it there as it does obligations for agreement. all of the be in our written submissions and thank you very much.

20 MR KIRKBY: Thank you, Georgina. Our next speaker is Sharyn Munro.

MS S. MUNRO: Is that audible to everybody? In 2012 my book, Rich Land, Wasteland, or the impacts nationally of the rapid coal and gas expansion of industries
25 was released. I had undertaken that two-year project because I've watched modern mining being allowed by government to overwhelm and pollute the Hunter around Singleton and Muswellbrook. The adverse air, waterway and health impacts were and are serious. But with the most unfair impact being on rural lives, nationally, I saw the strain of the assessment years as it has been going on Bylong as began the
30 practical and, eventually, the obliteration of communities in the farming regions they serve.

Once operations began, the immediate removal... by a noisy industrial invader and/or an insidious and heart-stopping There was the sense of frustration and
35 complaints being recorded manipulated to advantage, not for truth, and all the cards being for both companies. Sales made in fear and desperation. Confidentiality again is applied and a pervasive sense of the planning department being on the side of the company and of the FDA being toothless. Clearing out the country was my chapter and what happened to the Ulan, Cumbo and Wallah communities and it has
40 varied in many places, just in this State like Bulga, Wyong, Camberwell. I want my rich land public image to convey family and farming traditions, good agricultural land, natural scenic beauty, community, sustainability for generations.

These were the resources to be valued above the mineral resources that seem to have
45 taken over the very meaning of the word "resources." And short-term extraction by the profit was being allowed to destroy those environmental, agricultural and social reaches. So where else. I chose the Andrews family at Tarwyn Park in beautiful

Bylong for where else is the idea of sustainability so embodied in the land than in this living, natural sequence farming demonstration and even more important than climate change. Yet, here we are today facing the prospect of my iconic rich land losing many of those values, perhaps finally becoming a mere museum surrounded by a wasteland. This project has been allowed to keep advancing, despite
5 acknowledge risks and the advocacies and deceptive tactics.

They have been poached to this point when areas mapped as strategic agricultural land, critical industry and Alwyn Park ought to have been off limits to
10 exploration and staff. The BPA has fought hard to stop Bylong becoming a bygone place, its name signifying eventually only a mine like Walworth. Nevertheless, KEPCO now own most of the properties, including the shop, part of the village and a dozen or families have – a dozen or so more families have left the village. People
15 break, they sell and leave. Yet, the confidentiality clauses denied them the comfort of sharing experiences or of helping those remaining and I've seen far too many places nationally where stringent conditions, as in the report, are ignored or modified with too few compliance officers to check off and abandon.

There is far too much residual uncertainty remaining in this review. How can you
20 leave it to KEPCO to use adaptive management in so many areas or to act on the better side in taking all reasonable and feasible steps and others. Residual uncertainty ought to be like reasonable doubt in a court of law. Elsewhere in the country, despite all the rigorous conditions, cliffs have cracked and fallen away, water sources have drained and cannot be mended. Neighbourhood promises are impractical and time-
25 limited. The fight for the recognition of the low-frequency impacts from Wilpinjong Mine was held for supposedly unimpactable residents who don't mention the blasts that go wrong, the orange nitrous oxide clouds over the valley as happens too often in the

Our system has allowed Bylong's social fabric to be broken and, no matter how
30 much you mandate in those community handouts, they can't replace things like The oral history you propose is no substitute for the ongoing life of a community. A village is more than its buildings. It is people and their connections. It holds the history of the surrounding rural region, of gatherings, of families with generations, of
35 past good members, different futures hope to call. It is not okay for planning to just note it inevitable that large mining projects have significant social impact. Rather, they should consider such a project inappropriate in that area and say no early. What was the gateway for and what is the point of social impact there now. To survey the damage, to chart up a course or a Will this simply say there's so much
40 damage they may as well finish off the job.

Our rural communities are an essential part of the fabric of Australia. Please don't
be responsible for Bylong becoming more callous, collateral damage, from an
industry that belongs to the past before we knew how toxic it is to our world.
45 Communities are not just nuisances in the way of projects.

MR KIRKBY: Thank you, Sharyn. And we've got two speakers swapping to fit their commitments. Is Alison Smiles-Schmidt here?

MR.....: Yes.

5

MS A. SMILES-SCHMIDT: Thank you for the opportunity. I live on a small property between Wollar and Bylong with my husband and sister. We have been braving the impact of for we can hear them at home and it disturbs our sleep even though we live over 10 kilometres away. We are also disturbed by the noise from a growing number of especially at night. I did attend that the noise just from blasting and from the environmental assessment for the mine claimed there would be no impacts on Wollar Village I now have an hour's drive to work on a narrow and a dangerous Wollar Road through the Munghorn Gap and who don't dip their high beam at night and drive recklessly. There is no policing of traffic behaviour on this road.

15

I understand that the Wollar Road is to be the main route for heavy vehicles in large if the mining is approved I will have to navigate these over-sized vehicles with nowhere to pull off the road in many places. If the whole length of the road is closed to get these large vehicles through there will be no assessment of the time other road users like myself will be held up. I will also have to deal with the traffic of two shift changes a day to and from Mudgee. If you approve this dreadful coal mine you could at least have a condition that mineworkers are bussed to work to keep additional traffic on the Wollar Road at a minimum. Also, there should be no start of mining the construction until the full length of the road is upgraded. \$3.5 million is a token amount and, as we have seen with the other mines, it is then left to the public to fight for road upgrades, taking many years.

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The current condition of the Wollar Road between Wollar Road and Mudgee turn-off is shocking with potholes and crumbling edges. It needs a major upgrade. Also, we have watched the quality of the work done on new sections of road between Wollar and Bylong. Once regularly with heavy traffic starts using it the condition will deteriorate quickly because of the poor materials used in reconstruction. The safety of Wollar, most people and other road users will be at clear risk. The other key social impact of mining in our area is the loss of active volunteers with local knowledge from our district bushfire brigades. This has put greater pressure on remaining local members like my husband. Mine workers on 12-hour shifts or sleeping are not available to fight fires. I implore you to reject the Bylong mine.

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40 MR KIRKBY: Thank you, Alison. Our next speaker is Vinesa Walker.

MS V. WALKER: Thank you for taking the time to hear my submission in support of the Bylong Coal Project. I'm Vinesa Walker. I have been part of this community for my entire life. I am a sixth-generation worker and born and bred in Mudgee region. Furthermore, I'm the managing director and co-owner of A1 Earthworx Mining and Civil. A1 Earthworx have been operating in the Mudgee region for over 35 years and have been contracted to complete work all over New South Wales. In

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1980, the business was founded by my parents, Pat and Vicki Pilley, and was known as Pat Pilley Earthmoving.

5 For many years, Pat operated his dozer constructing farm dams and building farm tracks whilst also work at the local coal mine to provide for the family and make the bank repayments on his dozer. Slowly the business grew. In 2008, when I started working with A1, we had eight people and about 15 items of plant. A couple of years after that, our family business was fortunate enough to experience significant growth during the construction and development stages of other local mines. During and following this time, there were many benefits that A1 experienced, which in turn benefited the local and regional community.

15 Some interesting points include that A1 employed up to 85 people during its peak times, and generally we averaged 60 men and women outside of this. The highest wages that we paid in one week was over \$100,000 net, and they were all local employees. A1 has confidently invested in newer plant, equipment and technology. As of today, we own over 120 items of plant and equipment, plus we engage other local contractors to assist with our current projects. Our business could finally afford to invest in high quality safety and compliance systems, and provide further training for our team, which to this day is still heavily relied upon and will impact the catalyst of the ongoing success of A1.

25 Once the construction periods came to an end and we had an excess of operators, many were fortunate enough to secure work directly for the mines when the operations commenced. It was a win-win situation. Without the learnings and the business development achieved through the mentoring and opportunities that the local mines have given A1 Earthworx, I can honestly say that we would not be the company we are today. We still often hear about how many businesses were affected by the global financial crisis. I suppose that at that time, we were somewhat in a bubble, with the majority of our business working locally for the coal mines or the Local Government, who had long-term commitments to their operations and were in a position to continue developments. Eventually these projects came to an end, which we had expected and made arrangements in other areas for continuation of work.

35 However, there was still a major industry downturn, which directly affected A1. We experienced significant revenue losses, and there were employee redundancies. Competitors who were traditionally based in Queensland or the Hunter Valley, for example, were coming into the local region and driving prices to an unsustainable low. We all had to look further afield for work and take risks, just to keep the balance of our team employed and move out in other communities. Quite often there were also delays with getting paid by clients, which had flow-on effects to our local community. Regardless of the efforts and investments we made within our business, our bubble burst and we didn't have the confidence to invest in our employees, new equipment or other opportunities.

It has been an extremely difficult situation to work our way out of. I've seen firsthand the struggles within businesses and families alike when there is no confidence in the local coal mining industry. However, I have also seen the benefits that mining brings to the local communities through sourcing local contractors and suppliers, which is one of the reasons I stand before you the Bylong Coal Project is committed to the development of our region. They will create more jobs as well as bring more opportunity and investment to the region. Personally speaking, I strongly believe the local coal mines through their direct employment have a flow-on effect through local contractors and suppliers provides the economic stability for our community. For the first time in a handful of years, there is confidence in our industry again. Opportunities to benefit the local region to this scale do not come along very often and we need to take advantage of them to help ensure the future of Mudgee, and that is why I strongly support the approval of the Bylong Coal Project. Thank you.

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MR KIRKBY: Thank you, Vinesa. Our next speaker is Phillip Kennedy.

MR P. KENNEDY: Good afternoon, Commissioners. Good afternoon, ladies and gentlemen. My name's Phillip Kennedy. I'm a landowner from the Bylong Valley for the last six months only. I'm a father, I'm a farmer wool-grower and a beef producer and grain-grower. I moved to Bylong when the uncertainty was – about the mine was on, because it has good soil, good climate, and good water. Peace could not be found where I lived elsewhere. What I am, I'm not a speechwriter. I don't have time to read thousand page documents. I haven't got the backing of multinationals, but I cannot operate a farm without water. As my neighbour Rick over the road from we are directly opposite each other. Water is vital. Days without water, stock perish.

Now, historically, Bylong has been a beautiful valley producing many, many tonnes of hay, and this has been produced because the ownership in private hands has been reduced through the ownership of now, I've been told in the last six months after a lot of research that the amount of hay going out of Bylong in the springtime is phenomenal. Now, this is all thanks to underground water. Now, just to give you background on some of the production of the Bylong Valley, hay is probably currently sitting around 250 to 350 hundred dollars a tonne. Grain is probably four to \$600 a tonne during late yields. Beef is \$7000 a tonne. Lamb is about \$8000 a tonne, which is \$8 a kilo. And wool was at \$20,000 a tonne. They're some of the products that can be produced in the Bylong Valley.

Now, if the mine goes ahead, they'll produce a lot of coal, and correct me if I'm wrong, but only a few dollars a tonne. Now, you can do the homework on it, and they will produce a lot of coal, which leaves a big hole in the ground and a big – a lot of water – a lot of water that's used. Now, the two to \$3 a tonne royalties to the State Government wouldn't be a drop in their ocean, so, you know, I can leave you that question. Now, Local Council published in their land use strategy 2017, Bylong has been zoned intensive agriculture due to its high production and irrigation capacity. Council also states – there's been – the council has retained predominantly a rural

character and agriculture employs over 1300 people and \$52 million generated in agriculture in the meatworks and everything else.

5 Do we need really more – another mine? We have three, and the problems we hear
people speak of predominantly from businesses and residents is one more mine
going to save it? We have three already. Is one going – in a different area
geographically, a different and unique pristine little valley, is that going to change it
and solve everybody’s problem? Only time will tell. I ask you, if the proposal was
10 on the eastern side of Mudgee, some 20 to 30 ks out of town on the beautiful
Cudgegong River, would council give the approval knowing that the tourists that
drive into Mudgee every Friday afternoon and Saturday morning to spend their wine
weekends and restaurant weekends in Mudgee – would they give approval if it was
on the side of the road 20 ks out? I don’t know.

15 We hear so much in federal politics and state politics about jobs and growth, jobs and
growth. I’m just here to ask you, how much do we need to grow? Haven’t we got
enough to leave to our children and grandchildren? Recently only a few weeks ago,
the Federal Government announced a \$5 million package based on water security for
20 farming. Five million. Now, we’ve heard people spoken here today, but none of
them are an injection of funds to that amount. Five million dollars for water security
because of our severe times of draught, and adding to the coal burning and increase
in CO2 emission, we need to keep under two per cent for our Paris agreement.
Federal leaders who want the farmers to have secure water and sustainability in
agriculture versus State and Federal Governments who just want jobs and growth.
25 Okay. I hear the bell ring. Thank you for listening. We must ask ourselves, “What
are we going to leave our children and our grandchildren in the future?”

MR KIRKBY: Thank you, Phillip. Our next speaker is Merran Auland.

30 DR M. AULAND: Hello. I’m Merran Auland. I am the next I am a local. I am
a local. I grew up in Mudgee. I own a farm in Bylong Valley opposite we have
cattle, we have sheep and we that’s what I am. I’m a doctor. I have a research
PhD. I am worried about the water and I’m horrified that this project is still being
35 talked about. I’m a local who wants to look at the bigger picture. I think what’s
important is what I’m not – and I’m not able to run our farm without our water – I’m
not a multi-million dollar foreign company and I don’t have anyone to pay
thousands and thousands of pages of documents, nor am I a mining engineer and nor
am I paid by KEPCO. But I wanted to address one issue, and, unfortunately,
40 everyone else is addressing this issue about water.

45 How many of us in this room have water how many of us know that there’s been
rain today? How many of us are waiting for that? How often do we look out.... and
see whether or not we have a precious link to water. We every morning
morning, we’ve heard about drought; we’re in all drought; water is key. We’ve met
with the mine and the mine will not guarantee our water. The modelling we’ve heard
very eloquently put today, it does not reflect reality. Even water modelling said
that you can choose one model and get one outcome. The thing we know about

modelling is that if you put garbage in, you will get garbage out; if you put KEPCO numbers in – KEPCO's functions, you will get KEPCO functions out. What we don't need to do according to the we need water in Australia for Australians.

5we met with the mine. we wanted to know what happens without water. They can give us no guarantee. Why can they give us no guarantee, because they can't trust their own modelling. They know the modelling has faults; they know the modelling has faults. I've tried to think about this in what I know about no guarantees, and .all the information was that I thought about medicine and maybe I present that in
10 context for the room. KEPCO is a big company. If you think about medical research, which is what I understand better, thalidomide was a drug in the 60s and 70s that prevented the growth of arms many of us know about this. A small people – doctors in particular knew about this, but they couldn't fight the big companies. The information was hidden in thousands of pages of jargon, thousands
15 of technical reports. It took years, and years and years before the little people could stand up and all be counted and you have those technical reports revisited.

And now what we have, we have the here. We all agree here that smoking is likely related to cancer. It's not They can't say smoking is not the greatest cause of
20 lung cancer, but will you ever get British America Tobacco to sponsor a study that says, "Smoking causes cancer?" How can we ever expect KEPCO to back their predictions; they can't guarantee it; they will never ever sponsor something that says, "We acknowledge" I sat in my little a room down in the Bylong Valley with my very slow internet and, in two hours, I found four elements of where mines have ruined the water. One of the mines was closed: the Redbank Creek poisoned
25 by – sorry – Walsh River was poisoned. No one could use the water there. This is after a mine was closed. Long wall mining has destroyed the bedrock and water doesn't flow any more. Yet when we met KEPCO, they cannot guarantee that this will not happen to the water in Bylong Valley.

30 There are too many risks for this and I think so many people who have spoken here today have been able to articulate them far better than me. And these four examples are just what I count. I'm not a researcher into mines. You need to consider so this is a benefit to what I do as a doctor, I consider when someone is sick, what
35 medicine they need, or what operation they need, and what's the benefit and what's the risk. Unfortunately, I went looking for benefit for the mine and the only benefit I could find down in Bylong – I know everything is not about Bylong – it's a big place – but today is about Bylong – and what I found is that KEPCO stated they were going to spend seven hundred and two million dollars already on the Bylong Project.
40 It's more than half of that just to buy the lease and a few – a few local farms, a lot of land, a church and a shop.

They say they're going to spend \$1.3 billion in capital investment. That's no benefit to Bylong. They're digging a hole in the ground to ship coal to Korea. None of that
45 money is going to benefit New South Wales. They then say two hundred and nine million in present value rolled into New South Wales for the life of the mine. Do the calculations. It's \$2 per tonne. So for a can of coke, we're prepared to give up coal.

So when you think about it, there's no benefits to this mine; there's no guarantees coming from KEPCO that they can't trust their own modelling; there's limited resource; and there are too many risks you can't approve this mine.

5 MR KIRKBY: Thank you, Merran. The next speaker who we've had to move forward is Patricia Powell from the Rahamim Ecological Learning Centre.

MS P. POWELL: My name's Patricia Powell. I'm a Sister of Mercy, of the Institute of the Sisters of Mercy of Australia and Papua New Guinea, and today I'm speaking on behalf of Rahamim Ecological Learning Centre. At that centre, our main – our primary objective is to educate people with the knowledge that we now have about how the planet and its life support systems function, and to promote a way of thinking on the planet that is more in harmony, more respectful, of the functions and processes that are now available to us to work with.

15 Beginning this presentation – and thank you for the opportunity – I'd like to acknowledge the Wiradjuri people, their elders, past, present and emerging, and particularly thank them for the way in which they lived on this continent, such that its life support systems were sustained, for more than 60,000 years. I mention that not to say that that's where we should be heading now in terms of actual living situations, but the principle behind it. The Aboriginal people studied and understood how this landscape worked, and they created their societies, and their industries, if you like, accordingly.

25 So I'd like to begin by addressing you, my fellow planetary citizens. We live at a wonderful moment in history. In our lifetime, we've come to know that our family tree stretches back through 13.7 billion years: that's how long the universe we inhabit has been in the making. And the planet we call home has been evolving for five billion years. For most of that time, it got on quite well without human intervention or interference. Our human species did not emerge on the scene until about seven million years ago.

35 This fragile planet Earth has evolved a life support system that up until this time has not been found anywhere else in the Milky Way galaxy, much less the universe. It is just the right distance from the sun to sustain life. It has soil that is capable of growing food. It stores water in the most amazing cloud system, suspended in the atmosphere. It clothes itself in forests that function as the lungs of the planet, absorbing carbon dioxide and generating oxygen that makes the atmosphere breathable. Its atmosphere protects life from the harmful radiation of the sun. It has a self-regulating feedback system that maintains the Earth's temperature within a range that up until now has sustained life. It has evolved a most extraordinary variety of plant and animal life, from bacteria to bears, and everything on the planet is interconnected and interdependent, operating as an ecosystem of give and take by all of the creatures and elements that are part of it.

45 Where these ecosystems get out of balance, the survival of life, including human life, is threatened. All life forms, human and the rest, share the same atmosphere. There

is only one atmosphere that circles the planet. It does not know national boundaries, much less the boundaries of the mine we are considering here today. Proportionate to the planet, the atmosphere is as thin as the skin of an apple.

- 5 We pulled ourselves back from the brink of permanently damaging the ozone layer of the atmosphere a few years ago, when we changed the way we made refrigerator motors. Now we have a problem with an excess of gases that cause a greenhouse effect, trapping heat in the atmosphere, and warming the Earth's oceans and surface. This phenomenon is caused primarily by human activity, such as burning fossil fuels.
- 10 When we didn't know, perhaps it didn't matter; but now we know, it's suicidal and irresponsible to continue doing so.

MS: Hear, hear.

- 15 MS POWELL: We're interfering with the regulatory system that the planet evolved to control climatic conditions that we adapted to in developing the recurring patterns and processes that have shaped our society. This adaptation happened over thousands of years. The changes that we are witnessing in climate now are happening so quickly that adaptation cannot be assured. The precautionary principle
- 20 must surely apply.

- Our reality as Earth dwellers is changing very rapidly, and our awareness of our reality is also changing, but not quickly enough. We continue to live as if we are somehow disconnected from the rest of the planet's life forms and life support
- 25 systems, when in fact we depend on them absolutely. We continue to live as if the planet's resources are infinite, when in fact fossil fuels do have a use-by date, and the societies we have built on these resources face the twofold threat of an energy crisis and a climate crisis.

- 30 For the past 200 years, we believed that we had developed systems and processes that would lift all Earth's human inhabitants out of poverty. But the reality is, our systems and processes are destroying the life support systems of the planet for all of us.

- 35 There's a sense in which this consultation, and all the work of the people who are endeavouring to go ahead with this mine – this is all a waste of precious time. If the Greens came to us and wanted to invest in renewable energy, then the conversation's worthwhile. But we know this kind of industry is over, and so many people around the planet – so many other nations – are already winding back the industry of burning
- 40 fossil fuels, or the industries that depend on energy coming from fossil fuels.

- We've developed a global economic order that demands consumption of more of the Earth's limited resources than we actually need, and creates inordinate amounts of waste products that poison our waters, pollute our soils and forests, and interfere with
- 45 our atmospheric conditions.

5 We claim to be the most intelligent species ever to have evolved, with our capacity for reflective consciousness. Up till the last century, probably, evolution proceeded by natural selection; but there is no question that evolution going forward is now going to depend on human decisions. So it weighs very heavily on us to get those decisions right.

10 I speak today not just about this issue as affecting the local Bylong community, although I can see how serious it is for them. This is an issue that affects the people of the planet; and every time we make a decision that is contrary to the wellbeing of the planet, we're winding things back for ourselves.

15 We do have the intelligence to imagine a different reality, and to respond to the reality that's overtaken us, and to take action now. In fact, as I keep saying, many people are already doing this. But it's as if we're sleepwalking, living in denial, lying to ourselves about our real impact. Australia is not meeting its emission targets if Korea, or China or India, are burning our coal. It's the same atmosphere, the same climate patterns, that are being affected.

20 The people of Australia and Korea have the capacity to develop sources of energy other than coal, especially if coal mines threaten food production soils, like the Bylong Valley; Nashdale, near Orange; the Liverpool Plains, near Gunnedah; and the Hunter Valley. I feel desperate when I drive through the Hunter Valley; it's like driving through the surface of the moon. And then, of course, there are, as people have been mentioning over and over, our water tables, and the threat of climate change.

30 We're clever people. But we need our industrialists and governments to control our nation's resources to support the initiatives that will convert our economies to more sustainable and safe industries. Of course people need jobs. Of course we need energy sources. But the longer we continue to shift off, the greater the danger that we will descend into chaos, if not in our lifetime, then in the lifetime of our children and grandchildren.

35 The people of Bylong Valley, and the hill communities around about, are fearful of the distress that not going ahead with this mine will cause them. I can't even imagine the distress that lies ahead for the next couple of generations if we continue, not just with this mine, but with other mines around Australia and in other parts of the world. Thank you very much.

40 MR KIRKBY: Now, thank you very much, Patricia. We might have one more before lunch, Bruce Kerney, and then we'll break for lunch; and the first speaker after lunch is Bob Hill, from the Bathurst Community Climate Action Network. Bruce.

45 MR B. KERNEY: Yeah, thanks to the committee for hearing us today. Listening to the prior arguments, or discussions, my address has basically changed a bit. My concern – I'm with the mine; I want to see it go ahead. I've been a resident in

Kandos for 52 years. My father, my grandfather also, and my cousins were in the mines. That may seem biased, but it did employ and educated a lot of people, and supplied for their families.

5 I'm also a member of the local chamber of commerce. I'm acutely aware of the concerns in the community of the closure of the cement works and the associated businesses, and how it's adversely affected our small community. I actually own shops in the community, so I've got tenants who are dependent upon the passing trade, and contractors and other businesses that come through that are associated with
10 this sort of thing. Both ourselves – we contribute to local charities. We've spoken to them as to the downturn in contributions, and the lack of industry that's happened to our little community. It is suffering.

15 With all due respect to those who are with the environmental thing, they don't contribute to small country towns. They don't consider the local people and those that suffer. I feel, and many others do, that it is very much a fad. Yes, it's all for it, but they won't come into the small towns.

20 My partner Susie and I operate the Bolton Creek four-by-four park. It hasn't even been mentioned here, with all the other speakers, but we're on the easternmost boundary between the mine and the Wollemi National Park. We have actively invited Shut the Gate Alliance, Battle for Bylong, the Newcastle media – the press – the newspaper down there. No one was interested, because they're not interested in putting their feet on the ground in the paddocks. One of them invited a reporter all
25 the way from Melbourne in Sydney; they spent all of an hour and a half or two hours in the valley, and then flipped off down there, and they do not care for what was happening in the local scene.

30 The local history there, the skill set, the schools – the last meeting that was up here in Mudgee, at the RSL – the eloquent speaker of the high school of the disillusionment of the youth. Possibly this mine has given us 25 years to consider how we do direct our future to more sustainable energy, or anything else. In the moment, it is a lifeline desperately being grasped by the community that we need.

35 KEPCO has come into the area. They have – are active contributors to the rescue squad, the local charities, the schools, and everything else. I find there's a disproportionate association with the mines up at Mudgee. All the money is going into Mudgee. Mudgee is reliant on tourism, the honey, and the mines. Kandos and Rylstone are but a satellite, and we are missing out. Our roads, our infrastructure,
40 will all be better off if this is implemented, if we welcome them into our valley.

I fully appreciate how the concerns over water supply – I'm not a scientist. There is a lot more far more educated than me. If Peter Andrews' water system is so good,
45 how about it's implemented in our valley? But the misinformation about a lot of the people here today is, it is the Bylong Valley; it is the upper Bylong Valley. It won't be a visual scar for tourists coming through. If there's another case, it's going to be hidden up a side valley. It is a rough sort of paddock. It is not a food You

people were down there, I believe, yesterday. I wish we had have known you were going down. We weren't aware of it. But the whole community, from shop owners and cafés, accommodation – we desperately, desperately, for the future of the youth – in the short term, possibly.

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I'm all for saving the environment; I've got solar on me roof at home. But at the moment, we're trying to save the small rural community, where the people are trying to grasp hold of this. There's no GoFundMe page to save our youth, but at the moment, we do desperately need this in our community. And that's why I had to speak for the community here that I feel is disproportionately represented with the ones that are bussed in. We will be here an hour after, or two hours after, you people – like, a majority of the people here – leave. They're leaving back to their cafe lattes down in Sydney and Newcastle. We need to stay here, and we need to save our community. Thank you.

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MR KIRKBY: Thank you, Bruce. David, how long are we breaking for lunch? Thirty minutes? Okay. We'll break so everyone can have a bit of lunch. We'll come back at about 20 past 1.

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RECORDING SUSPENDED

[12.55 pm]

RECORDING RESUMED

[1.30 pm]

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MR KIRKBY: Okay. Ladies and gentlemen, we might get going again, if you'd take your seats. Thank you. Okay. Our next speaker is Bob Hill from the Bathurst Community Climate Action Network. Thank you.

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MR B. HILL: Thank you, Commissioners. Bathurst Community Climate Action Network is a local community who for 10 years has been actively working in the area addressing issues of climate change in the rural and local community. Stephanie, Luke and I are members of BCCAN and will be presenting here today. We'd like to begin by acknowledge the Wiradjuri owners of the land on which we gather and acknowledge their elders past, present and emerging. We particularly acknowledge their past elders, whose wisdom ensured that their descendants successfully occupied this land for over 1000 generations, the land of the Bylong Valley and Bathurst that's where we come from – and Mudgee.

40

We hope that the decisions that you will make here today will be as focused on the long-term sustainability of the country and the people as these must have been. I'd also like to acknowledge the historical contribution in the past of the coal industry to Australia's economic development and the creation of our resilient communities across the Hunter Valley and Lithgow Valley, as Bruce mentioned in the last submission. This contribution that coal made came at some cost in risks to the lives of miners and the health of their families and the sustainability of the environment.

45

But in the past, these costs were tolerated because they seemed local and manageable, and there was little alternative to burning fossil fuel.

5 Now that chapter is closed. We move on. We now know, and the fossil fuel industry has known for 50 years, that the costs of coal are immense and global and, fortunately, there are alternatives like solar and wind and battery and pumped hydro storage which are cheaper and sustainable. It is time for a just transition from fossil fuels. A number of speaker have spoken eloquently this morning about the details of the carbon emissions that come from the proposed Bylong mine. Over 20 years with something like 160 million tonnes of coal, and burning that will release something like 450 million tonnes of carbon dioxide equivalent.

10
15 Now, these CO emissions will stay in the atmosphere. They will stay there for something like 100 years, warming the planet. So, Commissioners, you're making a decision as whether to enable this contribution to the warming of the planet through to the year 2140. There has been a lot of talk about the interests of our children and grandchildren. We're talking about our great-grandchildren, great-great-grandchildren, and I hope you will consider, as Georgina Woods mentioned earlier, intergenerational equity in the decisions you make, because the emissions are the elephant in the room. The emissions from burning this coal you won't find discussed in the government documents, in the KEPCO submission or the Department of Planning's final assessment report. These are not mentioned in the costs of the project in the impacts of what we're doing. For instance, in the letter from the department to the Chairman of the IPC with the assessment of the proposed project, it says:

On balance the department considers that the benefits of the project outweigh its costs.

30 But they haven't incorporated the costs of climate change that will be contributed by the burning of this coal, and they haven't incorporated the costs of that in any of their economic analysis that I can see. Earlier speakers – on the same time as the assessment report was produced, we had the report of the Intergovernmental Panel on Climate Change, and a number of speakers have referred to that so I won't labour it, except by saying that they have made it fairly clear that we're confronted not just with client change, but with what I think we would call a climate emergency, that is, that unless we reduce our emissions dramatically and immediately, we can say with fairly high confidence that we've got no prospect of reducing the increase of emissions from pre-industrial times to one degree centigrade.

40 More likely, it will go beyond two degrees centigrade increasing average temperatures. In other words, this is a climate emergency requiring urgent action and it needs to start now. The Australian climate science from our most reputable bodies, the Bureau of Meteorology and the CSIRO spell out these implications in a number of reports, but I refer to the Climate Change in Australia report in 2016 where they talk about some of the impacts in the Central Slopes region. They predict with very high confidence that average temperatures will continue to increase in all seasons.

They predict with very high confidence that we will have more hot days and warm spells, that they predict average winter rainfall – is projected to decrease, and they predict that with high consequence – confidence, and that spring rainfall will decrease, they predict, with medium confidence. They predict an increase in
5 intensity of extreme rainfall events, and they predict a harsher fire weather climate in the future with high confidence. So I guess Australia has always had droughts, floods and bushfires, but these are going to increase with frequency and intensity because of our burning of fossil fuels, but you won't find any discussion in the
10 KEPCO documents or in the department's report about the costs of fires, floods and droughts that are attributable to the burning of the fossil fuel from the Bylong mine. It's the elephant in the room. The earlier speakers have talked about the impact of climate change on health.

We note it will change the face of agriculture, insurance, tourism, many other
15 industries, but the costs that are involved here again aren't mentioned in this document. There's a sense that climate change is somehow irrelevant, somehow offside, something not to be considered. A number of those points have been made. There is an argument in the literature of politicians more that say, "Okay, that might be true, but there's nothing we can do about it. Australia is powerless. We're only a
20 small player globally, and our emissions don't make much difference. We're insignificant." Essentially this is a drug dealer's defence, "There are lots of sellers out there, and we're insignificant. It would go on without us." I think that sort of argument is not only immoral, but it's incorrect. It seems to me that Australia is not insignificant.

25 It's one of the world's leading per capita producers of carbon emissions and one of the world's largest fossil fuel of – per capita, sorry, and one of the world's largest fossil fuel exporting nations. We contribute substantially to the problem, but I would argue that we could, and you could, contribute substantially to the international
30 solution, because in peace and war Australia has always made an international contribution beyond its size. There are many examples. We've heard the examples of Australia's involvement in the campaign against CFCs where Australian governments took the lead from the scientists and were heavily involved in developing the Montreal Protocol on substances that deplete the ozone layer in 1987.
35 We made a difference.

The banning of landmines agreement. Australia was there and involved in an active way in supporting other small countries like Austria that took a lead in that. The
40 preventing of mining in Antarctica – again you will find a major role being played by Australia. And the proudest one I think that the lead of Australia showed – in the phasing out of the tobacco industry. In many ways, that issue was one that modelled some of the issues around as we've already heard, of the coal industry. We had powerful global corporations that were trying to defend a product that was dangerous to the health of the community. They had deep pockets and they funded legal and
45 political efforts of front organisations.

They funded sympathetic scientific research and suppressed non-sympathetic research, and so on. But Australian governments of all political perspectives, state and federal, took action that led the world and has been followed in other countries, and today we have one of the lowest rates of tobacco consumption in the world and many country's overseas have followed our lead on that. Australia is not insignificant. We have led and we could lead on climate change, and I guess my request is that you participate in the interests of the next thousand generations that will hopefully walk on country to be part of that leadership. Stephanie will now explore some of the legal and economic implications of the decisions that you have to make today.

MS: Thanks. Thanks for the opportunity to talk. I've got a bit of a legal background and I guess I'm concerned about some of the legal implications for Australia. There's about 900 cases in 24 countries at the moment with strategic legal battles challenging governments and corporations to act on current climate change research. They say there's about four interesting ones to watch for 2018. There's 900 Dutch citizens telling their government that it needs to do more to be working for reducing emissions, and one of the decisions that the Dutch government, who has just lost the case, has said they're going to initiate a coal exit.

The 21 youths in America that are saying that their rights, constitutional rights to life, liberty and property have, you know, been – they have failed to take action against climate warming, arguing the government is failing to protect essential public trust resources like air and water, which are vital to survival. There's a Peruvian farmer that wants an energy company to take financial responsibility for a glacier that's melting next to him in his city. ExxonMobil is being sued for lying to the public about risks of climate change and failing to safeguard Massachusetts communities against pollution, especially since they were aware of it since 1977, that climate risks associated with fossil fuels were going to be an issue.

Philippines Commission has 47 major fossil fuel companies in their sights, whether they can be held culpable for accelerating climate change and its impact on basic human rights for Filipinos. In Europe there are 28 cities involved with cases of illegal levels of pollution, holding elected officials to account, especially when those officials are breaching fundamental human rights. There's Mark McVeigh, the 23 year old, suing his super fund for failing to minimise the risks of climate change.

And I guess I'm looking at the Bylong Valley example and I'm just thinking, you know, "How could that work?" You might have a collection of Bylong community members saying that they have got no water. You might have Korean citizens coming back and saying, you know, "We can't see a dramatic loss – reduction in our air pollution which is currently the worst in an OECD country". You might have a class action from Pacific Island nationals who just consider ongoing production and export of coal is causing sea levels to rise and materially damage their lives and livelihoods.

And because, you know, Australia has – is a signatory to quite a few different treaties, including the convention on the rights of a child, they might want to look at article 24, a child’s right to enjoy highest attainable standard of health through nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution. Article 27, the right of every child to a standard of living adequate for physical, mental, spiritual, moral and social development. Article 32, the right of a child to be protected from economic exploitation.

The other thing they are looking at, I mean, with the ratification of the Paris agreement by Australia and Korea binds all signatories, Federal and State authorities, to take climate change into account in environmental assessments of projects like Bylong. I guess the outcome is uncertain, so as Australian citizens, we’re leaving ourselves a bit vulnerable to a potential court case and the costs, you know, in terms of damages, spreading that across tax payers, it’s just – it’s just leaving a bit of a gap. So I would like you to kind of take that into account when you’re doing it. I will put my submission in. There will be some links for you to have a look at.

The other thing that is worth looking at is the rights of nature, which is a movement that’s starting to take off, where a river has a right to flow, an ecosystem has a right to cycle. And I guess if the divestment of coal continues and we’re left with stranded assets, the idea of rehabilitation actually happening is going to be a big question as well. So rather than be the rogue State with all the sanctions slapped on it, I would like us to maybe say no to new coal. Thanks.

MR KIRKBY: Thank you. Our next speakers are Warwick Pearse and Alistair Davey with Bylong Valley Protection Alliance.

MR W. PEARSE: Thank you for the opportunity to speak to the panel today. My name is Warwick Pearse and I speak on behalf of the Bylong Valley Protection Alliance Incorporated. I and other members of the BVPA have had a longstanding association with the Valley, either as landholders, former landholders or people with relatives in the Valley. So we are all very closely associated with the Valley and have been for many years.

Personally, I have been visiting the Valley for 30 years, the family farm in the Valley for 30 years, and today I’m not going to talk so much about KEPCOs proposal, but what has got our interest is the areas in their final assessment report which we feel are really lacking and inadequate and have not been adequately covered. There’s five areas: water, agriculture, heritage, social and economic impact, and, of course, carbon emissions, but you may be pleased to know that I won’t have to talk about global warming or the impact of carbon today because I think it has been very well covered.

The BVPA will also make more detailed written submissions and we have engaged in coal consultants to look at water in particular but also finance and economics, and today we have one of these independent consultants, Alistair Davey, who will follow my speech. We also have engaged a barrister to look at conditions, so hopefully the

panel will hear from him. Water is our first and foremost concern. Many farmers in the Valley are deeply concerned about the threats to water. I think you've heard that many times today, and we believe that the final assessment report seriously underestimates the risk to water resources in the Valley.

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The Department has not acknowledged that the alluvial aquifer which supports farming is variable, shallow, dependant on seasonal rainfall. We find no evidence in the final assessment report that the water modellers or the proponent drew on the experiences of water users in the Valley. Current water licences are over-allocated and, based on experience, available groundwater is much less than indicated on the licences. For example, our farm has a licence of 30 megalitres, but in dry times like this, we struggle to get one megalitre. So that means we're pumping and we have to stop pumping because the bore goes dry. We can't go deeper because there's bedrock, so we just have to turn the pump off and wait for water to trickle in. This is what I mean by a shallow aquifer.

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Historically, irrigators have had to coordinate the pumping times because there is insufficient water if neighbours pump at the same time. The mine's water take from the alluvium appears to be a very large proportion of the water available in the Valley, so this is of great concern to current water users. The proposed mine project will also intercept with Permian strata water, but the Department of Industry Water warns that licences may not be available to cover the predicted volume of water take from the Permian strata. I'm not familiar with the ins and outs of water regulation but, as I understand it, licences for the Permian strata are across a whole much bigger catchments, like Hunter and Northern Rivers. So this is of great concern and not actually covered in the final assessment report. The water models do not – well, next point. The water models do not fully take into account reduced rainfall, increased temperatures, increased evaporation which we're currently experiencing and the predictions that these effects will become more severe.

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In relation to water and the mine and the proposal, there are no guarantees that the water will be available to all users. The conditions stipulate continuation of water supply with other mines in the valley, attempts to enforce these conditions have at worst been total failures and at best expensive and drawn out. So we don't want to get into a situation involving lawyers and courts to get water. At this stage, the mine has offered a two week make-up water to some landholders which is not a solution. It would also appear to be impossible to provide enough water for irrigation by make-up by shipping in water. Also, in relation to make-up water, cattle may last in mid-summer two days without drink, maybe one, so a mine would have to be very quick to get water shipped in to actually enable cattle not to perish.

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Lastly, in relation to our concern about water – and this isn't mentioned in the final assessment report – the water management plan has nothing to say about the void full of mine waste water that will be left at the end of the mine. So we would like to know what will happen there. Our second concern is agriculture in the valley. We're concerned about the impact on agriculture. And the Department paints a rosy picture of co-existence. But the agricultural character of the valley will be adversely

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changed by removing prime ag land from production, removing options for more intensive agriculture, such as thoroughbred horse breeding or vegetable cropping and not maintaining or developing the natural sequence farming methods pioneered at Tarwyn Park.

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We have heard from the mine that they do want to continue natural sequence farming and I think Peter Andrews today will talk more about that, but in my inquiries with the people who teach and research natural sequence farming, like Malloon and Peter Andrews and educators in this area, the mine has not approached these people with the practical experience and research background. Maybe they've approached other researchers but not the people who actually have carried out natural sequence farming.

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Finally, in relation to agriculture, the Department claims the rehabilitation of prime land will be possible after the close of the mine, however, there are enormous risks in this and, as mentioned earlier, the only current example of an attempt to re-establish alluvial flats is at Hunter Valley Operations where 63 hectares have been reinstated but the results have been mixed. The quality of replacement land does not resemble the original values lost. So there is no precedent in Australia or the world, as far as we know, for the re-establishment of 400 hectares of prime ag land.

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So I will move to my conclusion but I will mention relation to Tarwyn Park, we were happy to see the change to the mine plan, but we still believe the groundwater and surface flows to that property will be seriously reduced. In relation to the social impact, we don't think that the final assessment report fully appreciated the negative impacts of the mine to date. A number of people's lives have been destroyed or at least severely disrupted and the full impact has been minimised by people being silenced due to gag clauses. So you can't really tell how many people have been affected and how badly. Thank you. I will eat into Alistair's time for 30 seconds. So, in conclusion, we believe that the mine should not be approved because it will cause irreversible damage to the agricultural heritage, social, scenic and biophysical values of the Bylong Valley. I believe that Bylong Valley is of National Heritage significance. The threats to water are real and have not been adequately investigated. Approval of the mine would also be a refusal by the New South Wales Government to take action to reduce global carbon emissions. Thank you.

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MR KIRKBY: Thanks, Warwick.

DR A. DAVEY: My name is Dr Alistair Davey and I'm from Pegasus Economics. We're a small consultancy firm from Canberra. And we've been engaged by the Bylong Valley Protection Alliance to review the various parts of the economic assessment that have been provided by the proponent for the Bylong Valley coal project. We've got two fundamental problems in the review that we undertook. Firstly, the results are not transparent and open to scrutiny. In particular, a lot of the inputs that have gone into the economic assessment are basically secret, commercial in confidence, based on proprietary information. The other main problem we have is that the economic assessment is actually based on redundant coal price forecasts,

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forecasts that are at least four years old, as well as forecasts that are based on, once again, secret information that still hasn't seen the light of day four years after the event.

5 Based on our analysis, trying to replicate what's publicly available in terms of the production, the proposed production output from the project and adjusting for the quality of coal that will be coming from the project, we believe that the value of the coal production will be much less than the \$3.2 billion in production costs inferring that the net present value to New South Wales from the project proceeding will
10 actually be negative. Turning now to the review specifically of the economic assessment, as well as the issue of the lack of transparency, you don't have to take my word for the fact that the economic impact assessment has been clouded in secrecy. You can see that point is acknowledged on several occasions by the expert reviewers appointed by the Department of Planning and the Environment and I've
15 included a couple of choice quotes from their report, the Centre for International Economics.

However, there are a couple of other instances in the report where they also highlight the lack of transparency. This lack of transparency has been justified on the basis
20 that coal prices are proprietary. I find it a little difficulty to accept that at least four years after the event the coal forecasts that form the basis of the economic impact assessment are still somehow proprietary and also that other key crucial inputs are commercial in confidence.

25 The problem with this particular approach is that essentially the economic impact assessment and all the various updates that have been provided as a result basically fail to meet the guidelines for the economic assessment of mining and coal seam gas proposals as required by the New South Wales Department of Planning and Environment and I've included also a couple of key quotes from those particular
30 guidelines. Because the economic assessments that have been done and the various updates are not transparent, the results are difficult to understand and not open to scrutiny and in particular, the inability to replicate fragile results is that essentially what has been presented will escape scrutiny and sunlight to see basically how rigorous they are at the end of the day.

35 Turning now to the coal itself that will come from the project, I think it's important to note, based on the mine justification report that the quality of coal is much lower than the Newcastle thermal coal benchmark or at least one third of the open cut coal are quite a bit lower, in terms of its energy content. And this is something that needs
40 to be taken into account in the – or should have been taken into account during the economic impact assessment. Essentially, the project coal will attract a much lower price than the two commonly accepted Newcastle thermal coal benchmarks. The project coal is actually much closer to another particular coal specification, which is the 5500 kilo calorie per kilogram net as received Newcastle price specification,
45 rather than the benchmark.

And historically, as you can see on the chart up on the screen, the Newcastle benchmark actually is some 20 per cent higher in value than the coal that will be coming from the project mine. If you were adjust for the quality of the coal that actually comes from the project and based on the latest coal price forecasts that are available. One from the reserve – sorry. One from the World Bank that was just released last week, as well as a regular quarterly publication by KPMG and based on what one can infer at the production schedule of the project, then you can see that the present value of coal, based on the World Bank as well as the KPMG price forecast, is actually much less than the 3.2 billion dollar production costs associated with the project.

On that basis, the project shouldn't actually go ahead because the costs actually outweigh the associated benefits. I should also add even if you assumed that the project coal itself is actually at the Newcastle standard, based on the World Bank forecasts that go out to 2030, that the project would still fail on a cost benefit analysis. Finally, to reiterate the points I've made. I don't believe the economic assessment that has been provided so far should be relied upon and it fails the New South Wales' guidelines of basically having to abide by rigorous transparent and accountable evidence that is open to scrutiny. It's basically not open to scrutiny as it has been presented so far. And, finally, if you adjust the quality of the coal from the project you're most likely to find that the net present of the project for New South Wales is negative. Thank you.

MR KIRKBY: Thank you, Alistair. Our next speaker is Greg Dowker.

MR G. DOWKER: Thank you. My name is Greg Dowker. I own the Winning Post Motor Inn in Mudgee in Church Street. I employ 34 staff. My major customers are coal related seven days a week. I was able to have a tour of the Bylong coal project yesterday and I was very impressed with KEPCO and the way they've embraced an agribusiness in the Bylong Valley. Employing a farm manager and several farmers, the manager has an ongoing plan for the agribusiness over many years to come. We also, on the tour, saw the renovation of Tarwyn Park, the house having a builder and his crew working full-time on this.

The house is a mess, which will be restored to its original glory. The coal project does not utilise Tarwyn Park at all for mining. 400 people to be employed. That means the region would get a great economic boost. A boost which is needed in Kandos, Rylstone and other small communities. The sectors that will get a boost is housing sector and all the suppliers to this industry. Friends and family of the workers would also inject money into the wineries, retailers, accommodation providers and hospitality outlets. This would then create the flow on as people that have visited talk to friends who then visit the region, which would boost tourism to the region. Just – I – most of the comments – all the comments from the people that want the mine to go ahead I agree with, so I won't go all over them again, so I thank you for your time.

MR KIRKBY: Thank you, Greg. The next speaker is Haydn Washington from

MR H. WASHINGTON: Thank you very much for – thank you very much for letting me speak today. I am actually a local living on Nullo Mountain, 24 – okay. If we can move on. Perhaps I could say, in terms of the first slide is, as I say, I am a local. Also I'm an environmental scientist. I have been for 38 years and I've been
5 assessing the environmental impact of coal mines. Also the honourable secretary of the Colo Committee, which has been working since 1980 with coal mines, mainly in the southern part of the western coal fields, so I've attended PACs on coal PAC Springvale, Airlie, Cullen Valley and other proposals and I'm a former member of the Greater Blue Mountains World Heritage advisory committee.

10 Now, there's five issues I'm going to consider here. One is the poor track record of coal companies the supposed facts in regard to the western coal fields. In other words, they get it wrong. The unacceptable impact of the subsidence that's being proposed of 3.3 metres. I'm also going to touch on climate impact, as an
15 environmental scientist, and I'm going to look at again having long involvement with the World Heritage area of impact that's likely to happen on the Great Blue Mountains World Heritage area and the visual pollution aspect.

20 So, as I say, I've been involved since 1980. I've heard many promises, statements and supposed facts that turned out to be simply wrong. The Angus Place mine, it was stated that major cliff collapses when they originally occurred were just natural. In fact, they were caused by longwall mining, which was acknowledged by the Department of Mineral Resources. In the 1992 Airly Commission and Inquiry it noted that over two to three years Angus Place Colliery caused 55 cliff collapses and
25 Baal Bone mining – mine caused 124. Now, some of those cliff collapses – just two or three – were over 10,000 cubic metres. So very large.

30 Again, Baal Bone Colliery claimed longwall mining would not affect the swamps in Long Swamp Cree, which is the headwater of the Coxs River. In fact, these have dried out. I will show you a picture shortly. Springvale Colliery has claimed that longwall mining, under the important endangered community of the swamps on Newnes Plateau would not affect swamps. In fact, they are drying out. Centennial Coal promises that only half the mine would – half the coal would be mined in
35 Mount Airly – in fact, they're now mining two-thirds – and claims that open cuts will be easily rehabilitated have been proven to be false.

40 So, as a scientist, I can only say that many of the statements that have been made by coal companies over almost four decades are not correct and cannot be trusted. So, looking in the southern part of the Western Coalfields, we've got issues of cliff falls, rocked by swamp, swamp death, stream death, stream pollution, and the problems of unsightly infrastructure. So cliff collapse. That's actually a fairly small one. Remember, I go back to 1980. A lot of my best slides are on slides that I didn't have time to scan. Again, major damage. This is in Baal Bone Colliery, which the surface was only dropped one and a half meters. At Bylong they're planning to drop it by
45 3.3 metres.

So, you get gaping crevasses and splits through rock formations in the area. You also get the death of swamps. Now, that's an endanger to ecological community under both State and Federal legislation. In fact, that is – there are now a number of dead patches upstream of a crack on Newnes Plateau – in East Wolgan Swamp on Newnes Plateau. This is also partly due to salinity from water release. There's stream death. That was a flowing stream once. It's not flowing now. OR the one on the left is flowing. That's because mine water is being discharged at that point. It goes down the crack when the discharge gets stopped. There's no – again, no – no water in the creek, because it's disappearing into the crack. And there has also been major stream pollution from hypersaline water which has killed areas on the creek.

So, that's part of the history that we've had in the southern part of the Western Coalfields that I think should ring a warning bell in terms of what's proposed for Bylong. Now, I notice that the Bylong PAC noted that 41 cliffs occur in the subsidence of areas. 30 of them are going to experience 3.3 metre subsidence. Rock falls over 20 per cent of cliffs. Cracking over 50 to 70 per cent of cliffs. And this has been described as minor. In some part of the Western Coalfields, such major cliff collapse has been of 3.3 metres has been deemed unacceptable for at least 10 years, perhaps longer. Why? Because of the incredible mess that it has created and the fact that the community has opposed it. So it has now been reduced.

In fact, an Airly coal project – the maximum amount of subsidence is .2 metres that is deemed acceptable. So why is it considered acceptable in this area of great scenic grandeur that we can have 3.3 meter subsidence? Now, I know we've talked about climate change. In fact, we probably – as a society many of us tend to deny the problem of climate change. In fact, I wrote a book on this problem myself. And you've heard about the recent report that has been raised basically saying we need to get out of coal within 22 years if we're going to save the Great Barrier Reef and other sensitive areas. And the fact is, you know, Australia is actually one of the countries at major risk: longer more intensive heatwaves, harsher droughts, coastal flooding, worse bushfires – and there's already one to the east of me has happened already on Nullo Mountain. The Murray may stop flowing and some parts of Australia may become uninhabitable.

So, I know the IPC may consider that it's outside of its jurisdiction, but the IPCC, the International Panel of Climate Change is basically pointing out – and, remember, these guys are very conservative scientists. They don't like to come out – and they're certainly not activists by any means. And for them to come out is because basically they are desperate. They can see that the future, unless we change our way, is really very difficult. The other thing, of course, is renewable energy is now cheaper than coal fired electricity for new build sites. There's a reference there to that. We don't actually need to mine another 6.5 million tonnes of coal for 25 years when, in fact, it's actually going to make the future of Australians and our unique natural heritage worse. We can actually move to 100 per cent renewable energy by 2030 are some of the latest reports that are coming out, and there's at least a dozen reports that have considered that.

So, the impact of coal is the elephant in the room, but I don't think the IPC or any planning assessment can afford to ignore. It poses a risk to both society and a sustainable future. The other one is on ground water. It has been raised before today that the Hunter Subregion Bioregional Assessment pointed out the 137 square kilometres of the Greater Blue Mountains World Heritage area is likely to be subject to drawdown. So, in other words, it's going to be losing groundwater that was there previously. And that is a real problem when this is one of the best areas in the world that has been acknowledged as World Heritage area. It's already under stress from climate change, because, hey, we're burning too much coal, and to actually draw down the water table and take water out of that area – in fact, I believe you have received a submission today from the Greater Blue Mountains World Heritage Advisory Committee pointing out that there are, in fact, three particular plant communities that may be at risk.

As I say, the World Heritage area is superlative area of global significance. So New South Wales should not actually be permitting a project to damage one of the World Heritage sites that the Australian Government has committed to protect. Finally, destruction of scenic grandeur. A lot of people have been pointing out how pretty and beautiful this valley is. It is an area of great scenic grandeur. Adjoining Wollemi National Park and the Bylong Labyrinth just upstream between the mine site and where I live on Nullo Mountain is an example of this. So, really, we're talking about major visual pollution on the edge of what is a World Heritage site.

So, in summary, the coal – going back to look at the southern part of the Coal Fields, we've had very bad proposals down there. The Coalpac proposal was one. Now, in 2013, the Coalpac had, in fact, decided that the proposed open cut, that the negatives outweighed the positives. That proposal was stopped. Now, the Bylong PAC concluded similarly that doubts persist about the benefits and impacts of this project. So, all I can say is, after 38 years involved with coal mines as an environmental scientist, I refute proponents' claims that the environmental impact will be minimal or acceptable. It is both going to be extensive, and I believe, if we actually care for the natural heritage of New South Wales and care about what the future will be in a climate change world, it is unacceptable. Hence, I urge that the KEPCO Bylong Project should be refused. Thank you.

MR KIRKBY: Thank you, Haydn. Our next speaker is Nathan Davis.

MR N. DAVIS: Chairperson, panel members, fellow speakers, ladies and gentlemen here today, my name is Nathan Davis. As a business owner here with a significant investment in the Township of Mudgee, I felt today it was critical that I spoke at this hearing to offer my support to the Bylong Coal Project. In the last six years, my business partners and I have thrown significant resources behind the economic development of Mudgee, with the rezoning of the nearby farmland of over 300 hectares, which represents the next 10 to 15 years of concentrated, and significant residential growth that is needed for Mudgee. The rezoning of this land, now known as Caerleon Estate, has a possibility to provide for over 200 future homes within Mudgee over the coming years. With our combined experience

developing throughout Australia, my partners and I have identified the huge potential for growth that Mudgee has in front of it right now, growth that other regional towns in New South Wales can only ever dream of.

5 The expansion of coal mines in recent years around Mudgee should not be taken for granted. While other coal mines around the country have been contracting, or even closing down, in recent years, the mines around Mudgee are proving the most profitable in the country. These are fortunate times for this town and these plans for growth and expansion should be embraced by Mudgee, not rejected. Furthermore, 10 they should be embraced by all of New South Wales, as we as a state benefit from the ongoing royalties that these mines generate. It is our intention with the confirmation of Bylong's approval, to throw further, even more significant resources, into Mudgee over the next 10 years, with the potential to spend even of \$100 million-plus as we look to provide homes for Mudgee's growing population, and a master-planned estate that will provide community facilities and amenities, including a 15 childcare centre, retail shops, cafes and significant open space and parklands.

The further commitment of such resources by us and business owners in general over the next decade or so is critical on the continued growth of this township. Without 20 surety of commitment from mining companies such as KEPCO and the employment that their projects bring, no business owner can invest in the expansion of the town without significant risks to the downside. It is projects such as the development of the Bylong mine that are critical to Mudgee's future economic success. We have seen in recent times that the drought can have devastating effects on the local 25 farming population, and this, then, has flow-on effects to employment within the region. The approval and construction of Bylong gives a local population employment options.

Mining creates diversity of industry within the region. It brings in significant 30 investment dollars and creates further sub-industries with even more employment options and continued growth. The coal mines located around the region have proven over the years to work hand in glove with the town and its community. The mines have been successful in providing a large number of jobs to the local workforce, increasing the population by bringing outside workers and their families 35 to the town and giving back to the community with grants and sponsorship. The opportunity to have another mine operating in the Mudgee area is something that should be embraced with both hands by the town. It will create further employment opportunities, increase the region's population, which in turn will create further employment opportunities and increase the economic standing of Mudgee and the 40 surrounding area immeasurably.

As regional areas and country towns around New South Wales and, in fact, all of Australia face economic hardship as populations decline, young people move away and socioeconomic problems start to rise, not decline, Mudgee has an incredible 45 opportunity to buck the trend with the approval of the Bylong Coal Project. This new mine presents the town with a chance to continue to grow and get stronger, creating more jobs for the current population, plus the future residents that are

attracted to the Mudgee area. Based on research that says one mining job creates two or more new jobs, maybe even more in some supporting industries, the approval of this mine stands to benefit even those that don't work in the mining industry within the township.

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More people in town means you will see more people employed at places like restaurants and cafes, more retail shops, more cars sold, and more people in general shopping and being employed while local businesses to keep up with the increasing demand a growing population creates. All these things are a huge boost for the local economy and an incredible opportunity for the town of Mudgee and its people. Mudgee has a diverse history and first grew on the back of potential gold mines, and then wool and agriculture, tourism and viticulture.

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We all know this, and we are all proud of what a thriving and diverse community we have here; however, the continued long-term growth of the time will come from the construction and expansion of the nearby coal mines, denying further access to some of the most efficient coal seams in the state, in fact maybe the country, seems to me, crazy. As a business owner with a large investment in this town, as a rate payer in this region, I for one fully support the approval of the Bylong Coal Project. If this mine project is approved, more and more people will stand to benefit from the positive flow-on effects that this surety of growth and expansion will bring to town. Now, I know there are many people that have travelled long distances to present their case that maybe take a negative view on the project. However, a person who has been here for 10 years and will be here for many more years – I know this mine is a great thing for the region.

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MR KIRKBY: If you could wrap up.

MR DAVIS: I would like to thank you all for the opportunity to speak today. I trust the opportunities for the construction of the Bylong Coal Project that we are presented with today are not wasted now or in the future. It is time to continue the Mid-Western record as one of the fastest growing regions of New South Wales. The Bylong Coal Project must be approved. Thank you.

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MR KIRKBY: Thank you, Nathan. Our next speaker is Bryden Perry.

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MR B. PERRY: My name is Bryden Perry. I've been an owner of property in the Bylong Valley for 40 years and raised a family there and we've basically always had water problems in the Bylong Valley. A few years ago when they sort of said that there was going to be a mine come to the valley, it just put more pressure on us than we had ever had before, and the first thing we think, well, that's what's going to happen, more trouble. There were times in the past when I've only been able to pump for three hours, twice a day, and when you get down to that it's getting fairly ordinary. Irrigators in the valley, they used to have to work together, talk to each other and walk out whether, "You can pump today and I can pump tomorrow," and if nothing much lives without water. I see you've got it on the table in front of you.

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There is people in the valley that can probably talk about this situation a lot more than I can, but they've had their hands tied or been gagged by KEPCO because of some deal they've got going on with them. We've had water during this drought, which I know a lot of other people in other districts have been without water, and the
5 main reason for that is the fact that we haven't had the irrigation and the water hasn't been pulled out of the valley like it normally does because so much company – now owned by KEPCO and that's not happening, but if a mine goes ahead, we will all be in dreadful trouble down there, and the years are getting drier. And some months ago there were four representatives from KEPCO came to see us at our place. The
10 first thing they did when they hopped out of the vehicle, they said, "What a beautiful place you have here. Isn't it lovely up this valley. Isn't it? We've never been up here before." And I bit my tongue severely at this stage and, "Well, if you've come to me with an agreement to replace our water if we run out," well, it's starting to make you worry about propositions you put to everybody.

15 The other subject I would like to touch on as well is the community. We had a lovely little community once. We had a school. That no longer exists since KEPCO arrived. We had the mouse races for 25 years. We kept the mouse races going. They brought a lot of money into a small country town and we donated a lot of
20 money from that into Kandos, Rylstone and Mudgee. Nowhere near of course what KEPCO can do, but for a small village we would raise up to 100,000 at a race day, which is quite substantial, and have 2000 people come through the gate. That has long gone. Since we've had KEPCO as a neighbour, I think the community has gone backwards.

25 They're talking about making communities but we find that there is no community left now, and the reason the mouse races finished up is there was no one left to run them. The glossy little magazine, or brochure, that KEPCO put out once a month, it's all about self-praise, and I've never found self-praise any recommendation. They
30 don't put in there that we don't spray our weeds. The amount of hay they make is very minimal to what used to come out of the valley and they prefer now to plant trees than and their paddocks have a lot of grass as this time of the year – will be a major fire danger.

35 The mine has destroyed a very peaceful quiet valley, or will destroy a very peaceful and quiet valley. Dust, noise and light. All really we can hear the dozers from Wilpinjong, which is a lot further away from us than this mine will be, and we can't see any major advantage. The coal trains echo up the valley, and it has destroyed a beautiful – already it's destroying a beautiful, quiet, peaceful place. There is only
40 one thing left driving this forward to go on, and that is greed and stupidity – greed by KEPCO and stupidity by Australian Government. Thank you.

MR KIRKBY: Thank you, Bryden. Our next speaker is Rodney Pryor.

45 MR R. PRYOR: Have to lower it for me. That should be fine. Thank you. My name is Rod Pryor. I would first like to acknowledge the traditional owners of the country on which we speak, the Wiradjuri people, and pay respect to the Elders past

and present and extend that respect to any other First Nations people that might be here. I'm a local. I've been here – I think I'm a local. I've been here 42 going on 43 years now. I have a property approximately 20 kilometres north of Wollar and about 26 kilometres west of the Bylong coal project. I have addressed this meeting to strongly oppose this project.

As a person sharing the same road, I am concerned about the safety of drivers and wildlife, Munghorn gap corridor. The amount of roadkill because of existing mine traffic is already very high. If this project goes ahead, I suggest to minimise those safety risks, a little bus would be mandatory, not as required. But what I really want to elaborate on, as all other things have been covered that I wanted to talk about as well, the environmental impacts, the climate change, the hydrology, the water. They have been, I think, adequately covered by other people.

But what I want to elaborate on is the social impacts of this project that may have been identified by KEPCO but not necessarily addressed, starting with the impacts on accommodation. We're looking at possibly 600 construction workers at the very beginning. In year 3, we're looking at 400 new residents. Coming up to year 9 of the project, we're looking at 900 new residents. Mudgee, you're looking at anything up to possibly another 400 households. A detailed workforce accommodation strategy will be developed, says KEPCO, by KEPCO post-approval. So they're going to do it after. So we have to take it on trust that these issues will be worked out after approval.

KEPCO states that there will be a moderate but certain reduction in rentals for incoming non-mining residents. I challenge this statement. Rentals are already getting very hard to find and more unaffordable, especially for average income earners. Weekly rents are already travelling north of \$450 per week for an average house. If you have a larger family you're going to pay considerably more. They also state that there will be a certain and major effect on housing affordability. House prices are consistently rising. The mean average is approximately 380,000 k. The reality is most houses in the three to four bedroom category in Mudgee are 450,000 and going higher, well above the reach of average income earners.

In table 32, KEPCO states it will prepare a detailed project work accommodation strategy premised on the deleting of the earlier workers' accommodation facility proposal, and that they say in table 13 that they demonstrate how accommodation demand will be managed during periods of high demand, during peak regional events, and they also state that they will enable the coordination and placement of the workforce in tourist accommodation throughout the local area as well. This has to have an impact on Mudgee's ability to accommodate visitors to our region with a detrimental impact on the economic outcomes for tourist related industries and tarnish our reputation with future adverse consequences.

There will be significant detrimental impact in the Mudgee area on housing affordability and availability if this project proceeds. The SIMP, the social impact management plan, states – indicates that the impacts on child care places will be

certain and major. Mudgee has already experienced stress on its child care, its pre-school. We have a situation where children are failing to get a minimum of one year of early childhood education before school, something that is recommended for better education outcomes in the future, with many disappointed parents.

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Mudgee Preschool has just 80 places and a waiting list in excess of 150 children. An increase in population from this project will exacerbate an existing problem and no action to alleviate the problem has been proposed. Mudgee needs another pre-school, and with additional residents, a large one. It states there will be moderate stress on health services and I challenge that. It's getting harder and harder to see a doctor and heaven forbid a dentist. You can wait not just days but weeks.

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It may be argued the workforce will be spread across the area with some residing in the towns of Kandos and Rylstone. I doubt this will be the case as those towns have limited housing stock and are not the type of housing required by mining families. There is a lack of infrastructure service like day care and pre-schools in Kandos and Rylestone. There is no guarantee that the local youth will gain employment from the proposed project, and the increased stress on housing costs in those town where lower income earners tend to reside will become worse and they will probably end up leaving.

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As the Commission may appreciate, there are other stresses on the community, such as parking, etcetera. I have to question why the workers – if you will allow me just a couple more minutes or one more minute – I have to question why the workers' accommodation facility at Bylong was created by the Midwestern Regional Council to be removed from the proposal when an increased population in the area will put so much pressure on community infrastructure and services that are suffering already. Okay. I will wind it up there and I will submit what I have written because there was a lot more. I was actually told I would have 10 minutes yesterday and I just discovered I would have five. Thank you very much.

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MR KIRKBY: Thank you, Rodney. Our next speaker is Cilla Kinross from the Central West Environment Council.

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DR C. KINROSS: My name is Dr Cilla Kinross. I'm a lecturer and Charles Sturt University in environmental management. I'm an ecologist with a specialisation in restoration and rehabilitation for particularly flora and fauna in agricultural areas. I'm here today representing the Central West Environment Council, which I'm going to refer to as CWEC. I'm the president of that organisation. CWEC is an umbrella organisation representing district environment and conservation groups and individuals in the whole of the Central West of New South Wales, and our group's aim is to work to protect the local environment for future generations.

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We welcome the opportunity to discuss our objections to the Bylong Mine with the Independent Commissioners here today who are charged with making a final determination on the new coal project. This submission will outline a number of

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experiences we have had with previous decisions on coal mines in the Central West, and the lack of independent consideration of the cumulative impacts of these large and significant changes for land use in the region. We are particularly concerned by one among the many statements made in the Department of Planning and
5 Environment final assessment report. In the discussion of the economic evaluation and cost benefit analysis of the project on page 18, DPE states that, and I quote:

10 *Ultimately, the precise financial viability of the project is a matter for the applicant and is not relevant to the assessment of the merits of the project under the EP&A Act. If the project is likely to be unviable, it will not proceed.*

Well, we strongly agree with this position and we note that the very first three objects of the EP&A Act all refer to economic merit in the decision-making process, so it can't be ignored. CWEC considers it imperative that the Independent
15 Commission consider the financial viability of the project as part of the merit assessment, and particularly now that the size of the open cut mine and coal production has been reduced through a revised mine plan, for reasons I will outline later. There are three other areas of uncertainty about the production predictions for this mine. The first relates to water availability for the mining operations. The draft
20 conditions at schedule 4, condition 23, states that:

25 *The applicant must ensure that it has sufficient water for all stages of the development and, if necessary, adjust the scale of the mining operations to match its water supply.*

Now, this is a key threat to the viability of the project and I will be addressing water issues later. In regard to the subsidence impact, of which we've just hear from Haydn Washington, the DPI – DPE final report outlines that long wall panels near cliff lines have been shortened and a set back off 150 metres has been included in
30 conditions for two important cliff lines. However, if subsidence impacts are greater than predicted, then other measures must be taken that all add to the cost for producing the coal, so the cost has gone up.

These possible constraints to production levels have not been taken into account in
35 the economic analysis and finally, there is a proposal to inject surplus water from the open cut operations into the underground mine to prevent the need to discharge mine water. But there is no detail provided on how this will operate, how it might interfere with underground operations nor how mining will be impacted if the pits fill up with water during an extreme storm event. And there are many impacts on the
40 viability of the proposal that have not been included in the economic assessment. The DPE final report states on page 16 that:

45 *The department is assessing the merits of the proposed project on the land identified in the development application. If the project was approved the development consent would be tied to the land and like any development, the proponent could change over the life of the consent.*

This is really important because this statement puts the applicant out of the picture. The project could be owned by anyone. It is essential that the independent commission, as the final determining body, closely considers the economic viability of the project in regard to a significant change in land use. We have a number of
5 examples in the central west where decision making on this matter has been highly inadequate and caused major social and environment disruption and well beyond the assessed predictions. I'm going to give you three cases. The first case is the Cobbora coal project owned by the New South Wales Government between Gulgong and Dunedoo to the north west.

10 The community invested in a detailed economic – independent economic analysis that demonstrated that the Cobbora mine was an unviable project but the PAC, Planning Assessment Commission, in their final determination ignored that advice and approved the project. This resulted in ongoing cumulative social impacts in the
15 region as the state owned corporation continued to purchase property for biodiversity offsets, to purchase water licences, pipeline easements and started to demolish some of the heritage homesteads. But eventually the New South Wales Government could not find a buyer for the unviable project and began the process of selling the land back.

20 Well, this has been a very painful and unforgettable experience for the regional community but it considers that it would be in the interest of the future of biodiversity, water sources, agricultural production, heritage values and the social fabric of the Bylong Valley for the project to be rejected on economic, as well as the
25 environment and social grounds. So that the sale of land back to agricultural production could commence forthwith and the Bylong farming community could start to re-build again and there are several more examples in the region where the applicant sold the project immediately on approval so the likely unviability of the project is not necessarily a matter for the applicant, as long as they can make it
30 through and they can make a profit on their investment by shepherding the project through to approval and then they get rid of it.

The Wilpinjong coal mine, a second example, is almost directly to the west of the proposed iron ore project was approved with a key justification of providing
35 domestic coal to the Bayswater Power Station in the upper Hunter. But immediately after approval the mine was purchased by Peabody Energy, who discovered that, you guessed it, the fixed contract of \$32.90 per tonne of coal over 19 years from the approved mine was unviable. This decision should have been made by the determining body at the time much earlier. Peabody commenced to apply for
40 modifications and expansions to it to increase production for the export coal market.

The result has been a very large mine footprint many, many times larger than the original proposal with a significant loss of biodiversity, Aboriginal cultural heritage, water resources and the demise of the Walla community, the cumulative impact of
45 six modifications and a major extension of the Wilpinjong Mine has not been independently assessed and moreover not included in the assessment of the proposed Bylong project. The last case is the Moolarben mine adjacent to Wilpinjong. It

gained approval under an Australian applicant and then was sold to Yancoal, a company controlled by the Chinese Government but even before this sale a second stage of mine expansion has been lodged for approval.

- 5 The Moolarben mine now has approval for four large open cuts and three separate underground mines producing 17 million tonnes of coal per annum. The modelled predictions of water impacts for this large operation were more than 500 per cent under estimated. 500 per cent. It's not trivial. The Moolarben model was peer reviewed by the same consultant the DPE uses on most large coal mine proposals, including the Bylong project. The neighbouring Ulan mine has also intercepted much larger volumes of water than predicted in the models use for the assessment process. CWEC, that's us, has absolutely no confidence in this water modelling and peer review process conducted for this Bylong proposal.
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- 15 The real time monitoring of water inflows into the Moolarben and Ulan mines demonstrates a critical failure in the assessment and approvals process for these mines. We have no reason to expect anything different with the predictions for this Bylong project, so we strongly urge the IPC to commission an independent water modelling analysis that reviews all the assumptions, not just the fit for purpose criteria. The cumulative impacts of the three large coal mining operations to the west of the Bylong Valley have not been assessed in the context of the additionality of impacts from a fourth major coal project in the same region.
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We particularly object to the cumulative loss of the critically endangered box gum woodland in this region. This rare and endangered woodland ecosystem is a major habitat for the critically endangered regent honeyeater and other threatened woodland species. This region has been identified as an important bird area and provides critical food and nesting habitat for a broad range of native species, many of which are declining. The remnant patches of woodland in the Bylong Valley should not be approved to be destroyed in the same manner as thousands of hectares of vegetation loss approved across the three existing mines to the west.

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The risk of successful re-establishment of these complex ecological systems is very high and unproven and through my own PhD work I can back that up as it's extremely difficult to bring back living ecosystems in the same way as they were. So the aim to re-establish 64 hectares of critically endangered woodland species on mine rehabilitation at the end of the Bylong Mine life is untested and causes more questions on the validity of the cost benefit analysis conducted for the project. The high level of failure of the assessment and approvals process for existing mines in the region must be taken into account. Particularly the assessment of water impacts.

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The viability of the Bylong project should be an essential consideration in the final determination, as well as the key areas of merit under the EP&A Act. There is no confidence that the Bylong project, once approved, will not be subject to ongoing modifications and expansions as has happened with the other three mines in the area and this is particularly because, as I said earlier, the applicant has now agreed to put in a smaller mine plan just to get the approval across the line and then okay guys,

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here we go. We have seen time and time again once a mine is approved it will get larger. The impacts will increase and the assessment of cumulative impact is conveniently ignored.

5 So is there is to be any face at all in a planning system in New South Wales we depend on you, the commissioners, to demonstrate your independence and take particular notice of the economic viability, the lack of integrity of the water models and the lack of rigorous assessment of cumulative long term environment and social
10 impacts. In this context, you really cannot approve a coal mine that would be providing carbon to the global atmosphere until 2044 and there's enough said on the climate effects I think. The Korean Government can purchase high grade coal from existing operations without destroying the Bylong Valley and Korea, along with other OECD countries, is commencing to move away from coal fired power production and we should commend that. And that's all. Thank you.

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MR KIRKBY: Thank you, Cilla. Our next speaker is John Krey.

MR J. KREY: Good afternoon, Commissioners. Good afternoon, Commissioners. Firstly, listening – and this is not part of my original spiel but I've been listening
20 today to the forecast where everything is going to be wonderful and rosy. Well, let me take you down to the township of Bulga and Singleton, which is – exactly this position was in four years ago. So reality versus modelling – basically, Bulga is bugged. And if you put Bylong through this, it will be basically Bylong is bugged, too, because our property values in the past three years have plummeted.
25 We can't sell property there. We've got dust alarms. There have been three gone off in this past two days. That is the mine directly across the road from me and you will see the dust being produced there by the drag line. There's not even a truck there producing dust. It's simply one machine. The Singleton business area is having a bad time and yet this mine was supposed to provide wonderful things.

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So my suggestion is if anyone has any doubts or want to know where Bylong will be shortly, you go to Bulga and you will find out it's not a good scene. The social impact is enormous, so – and I invite the PAC to come and meet us at Bulga and do a post-approval review. So going back to my piece of paper, Commissioners, I live in
35 Bulga and you will understand my view that I have no confidence in the assessment process you are part of – and that's not being unkind to you, blokes. Subsequent to the Land and Environment Court and the Supreme Court rejecting the Warkworth mine expansion in 2013, the State Government worked closely with the Minerals Council, altered policies and regulations to reduce the standards of protections for
40 communities. Also, as a result of those court decisions, the Government has removed our merit-based appeals to prevent the courts from hearing our arguments. However, I think the time is coming when the community will be looking to the courts again on these matters.

45 Commissioner Haynes of the Royal Banking – sorry, the Banking Royal Commission – they're not royal banks any more – the Banking Royal Commission says legitimacy and authority cannot survive without trust. Commissioners, the

Government and the local coal industry in this Hunter Valley area are not trusted and the mines have lost their social licence to operate. Justice Preston – Chief Justice Preston of the Land and Environment Court noted in The Financial Review just in the last few days that:

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Constitutions or statutes may provide certain rights, such as the right to life or the right to a clean and healthy environment. Such rights may provide a basis for climate change litigation.

10 Clearly, the community has had enough and it is only the courts who can be trusted. The courts may decide the future of some of these basic right issues and protect us from local impacts and global change. In the past, and particularly on the Bulga issue, I've commented on the technical issues that in the EIS and put a lot of
15 time, a lot of money into our consultants, however, we found that the PAC at the time basically ignored all that we put forward. It was a waste of time and money. The environmental impact statement that had been prepared for the mining company is prepared by consultants who only have one role and that is get this mine approved. The Department of Planning is compromised because they take instructions from the
20 State Government to get mines approved and many of their officers are ex-mining executives and it is these people that the PAC, or IPC now, looks to for advice.

Air pollution and health. Go to that – I'm not sure if you can see that there but that section from the last – from the five year report by the EPA says that the

25 *...the five year review of pollution in the Hunter Valley shows that the Hunter Valley –*

and this is becoming part of it –

30 *has the highest pollution levels in the state –*

you can see where I've marked the three red pieces there. You can see where they are. Those are the Hunter Valley. And that's the EPAs own figures. We have the
35 worst polluted areas in the state, the PM10s. So the pollution of our air is not just an issue of complying with rules. This is a health issue, particularly for children. If you approve this mine, you are continuing to contribute to shortening the life of the residents of the Hunter Valley. Reports from the Government's own Health Department are saying these things, these mines, should not proceed. Ruth Colagiuri, from the department of Public Health at the University of Sydney, and
40 many others, including the Doctors for the Environment say this is crazy, this can't go on. The research papers, including the World Health Organisation, says there is no safe level of dust. If we can go to that other one.

45 So if you then go down to no – there is another one there. If you go to this bloke – could you rotate that for me – save me lying on my side. So, in conclusion, with the deterioration of our planet and health, actions will soon be taken to hold these organisations to account and people through their actions or inactions are ignoring

the warning of the scientists. Justice Preston's warning not only applies to business but to governments. Now, if you look at those charts there, those very high levels on the right of each of those – and these are townships in the upper Hunter – that is the current pollution levels that we are experiencing. And we are now looking at
5 opening another open cut to add to those figures. Those figures are blowing the dust – well, I wish they would blow it off the planet. But those figures are showing you cannot afford to have another open cut coal mine producing pollution. Those are unacceptable. So in the end, Commissioners, you have the chance to slow down the destruction of the valley, to start the reduction of the pollution in our air and you
10 cannot approve this mine. So thank you for the opportunity.

MR KIRKBY: Thank you, John. Our next speaker is Bruce Hughes of the Wollar Process Association.

15 MR B. HUGHES: Thank you, Commissioners. My name is Bruce Hughes. I have been a resident of Wollar community for most of my life and am currently the president of the Wollar Progress Association. Our community has nearly been destroyed by the Wilpinjong coal mine directly to the west of the village, therefore we are very concerned about ongoing impacts of mining in our area, particularly the
20 impacts of the proposed new mine at Bylong. We do not think the assessment of the Bylong mine has considered the ongoing social and economical disadvantages to the remaining Wollar people. This has been caused by mining operations emptying the countryside out, getting rid of our neighbours and long term friends and threatening our safety. The loss of goods and services have caused economical stress. The key
25 issues I want to talk about today is additional mine traffic through the Wollar village and onto the Wollar Road, additional coal trains blocking our access at level crossing and the ongoing risk through loss of emergency services in our region, especially at times like this when high bushfire danger.

30 Firstly, on the roads and increased mine traffic, the draft condition of approval for the Bylong mine shows that Wollar Road is the only route for heavy vehicle access to the mine. Draft condition 51 states that the Bylong Valley from the Golden Highway and from the Castlereagh Highway is restricted for heavy vehicles to the mine, also the Ulan-Wollar Road. So this leaves only the Wollar Road to Mudgee
35 and it is almost likely that the majority of mine traffic at shift change will use the Wollar Road if most of the workers live in Mudgee. We believe our safety is at risk if all over-mass, over-sized vehicles have to come through Wollar village across the narrow, dangerous road through the Munghorn Gap Nature Reserve.

40 Some funding has been given from the New South Wales Government and some additional money has come from KEPCO to straighten out some of the bends in the road and a few other safety measures whole length of the road is very narrow through the Munghorn Nature Reserve and all the way through to where the new work has started on the Bylong Road. When Wilpinjong coal mine was approved,
45 the original attempt was to have the main access on the Wollar Road but after much detailed road condition and road safety audit was conducted in 2006, the approval

was altered so that all mine traffic was redirected to the Ulan Road and Ulan-Wollar Road.

5 The audit had advised that the Wollar Road pavement is generally in poor condition and would require massive remediation and reconstruction to cope with the mine traffic – with mine-related traffic and that the Wollar Road should not be utilised as the main access road to the project during the construction period. I will table a copy of the available report done for Wilpinjong Mine. We note that the council supported the changed access route to Wilpinjong Mine with the following comment:

10 *In relation to change in access arrangements, it would appear that the proposed access would have less impact on the Munghorn Gap Nature Reserve and council would encourage any modification that would reduce the impact on the reserve.*

15 We don't believe the proposed work on this stretch of road will improve the safety when it comes to large oversized, heavy trucks coming through carrying big pieces of machinery and mining equipment. There will be nowhere to pull off the road. The entire length of the road would have to be closed until the trucks got through. This long holdup when using the road has not been assessed. Our main worry is that Wollar people now have to drive to Mudgee more often for goods and services, because these have disappeared from the Wollar village.

25 Social impacts of mining in the area will be made worse if we have to dodge very large trucks, two shift changes a day, when travelling into Mudgee to buy things that used to be available in Wollar. The types of essential goods and services I'm talking about is mechanical repairs on vehicles and farm machinery: all gone from Wollar. Purchase of gas and hardware, building materials, stockfeed, all gone from Wollar. All medical check-ups now have to happen in Mudgee, because the regular health clinic in Wollar has closed down. All these impacts are directly related to the expansion of Wilpinjong Coal Mine over time.

35 We do not want to put our lives at risk every time we have to drive into Mudgee because of more mine traffic, or have to wait for road closures for over 30 minutes or longer while big heavy trucks come through, because there's nowhere to pull off the road safely. All road conditions should be completed before mine construction commences. This is a condition for the Wollar Bylong upgrade; it should be a condition for the Wollar-Mudgee upgrade. This is a school bus route where all works should be completed before big vehicles come – start coming through.

40 We also note that other mines in the state have a condition that requires 90 per cent of mine workers to be taken to mine site in shuttle buses. This would be much better for Wollar people to have mine traffic to Bylong minimised. It would also be consistent with other remote mines in rural areas like Maules Creek Mine. We know – we now know what it's like to have mine traffic through the Wollar village. In 45 2016, Moolarben Mine had a high wall collapse that threatened safety of the users of

the Ulan-Wollar Road. For over six weeks, we had all of Wilpinjong's shift change and heavy vehicles through Wollar.

5 The damage done to the road surface through Wollar and the Munghorn Gap with just six weeks of mine traffic was incredible. It has left us still with poor road conditions. There are major potholes; the sides are crumbling; falling apart; a general mess. I hope the commissioners took note of the condition of the road from Bylong after the field trip yesterday. This must be fixed for the whole length of the road. Our lives depend on it and, also, it's becoming a popular tourist drive to
10 Mudgee from the Hunter.

There are other major problems in Wollar. The other major problems we have in Wollar is coal trains stopping across level crossings and blocking our road access. We've had a long-running dispute with the ARTC over this matter, particularly when
15 volunteer firefighters have had their access blocked while trying to attend fire emergencies. The ARTC have told us in writing that:

*Unfortunately, as the level crossing is on high demand portion of track with large volume of trains, from time to time, there will be cases where trains may
20 occupy Mogo Road, but we will try to minimise as best we can.*

They also said:

*This is the section of track with large volume of trains and occasionally they
25 will need to occupy the level crossing for short periods of time.*

There has been no assessment on the impacts on the Wollar community, or anyone living there, for rail line access issues to their properties. Trains are often cause of the fires in high fire danger days and this is added pressure for us, because we have
30 lost so many trained volunteers from the Wollar brigade and the Bylong brigade as well. The initial Social Impact Management Plan mentions the close relationship between our two communities; that the Bylong brigade assisted us with the catastrophic fire we had threatening the village in February last year. Well, two of the people who brought the Bylong fire truck over to Wollar have now been bought
35 out by KEPCO and have moved out of the district.

Our safety during major emergency events has been threatened because of the increasing isolation; the sheer area of mine-owned land between Ulan and Bylong where barely anyone lives any more. It has been a social tragedy for all of us who
40 remain in the area. The Social Impact Management Plan basically ignores our problems, which will only get worse if the Bylong Mine goes ahead. We do not support the Bylong Mine or believe that the impacts are not being properly assessed, especially the social and environmental impacts of four large coal mines in our area. We are stuck in the middle with stranded assets, economically disadvantaged, that no
45 one seems to care about. Our question is why are the lives of local people remaining in Wollar and Bylong less important than other people's in the district?

Wollar Progress Association is asking the commission to consider four key things:
(1) that a transparent assessment of traffic movement constraints caused by
oversized, over-mass trucks on the whole length of the Wollar Road be conducted
before a final decision is made; (2) that a transparent assessment of the conditions
and capacity of the Sandy Hollow Railway Line be conducted before the final
5 decision is made; (3) that, if approved, no mine construction can commence until the
whole length of the Wollar Road, the main access route for heavy vehicles, have
been suitably upgraded; and (4) that, if approved, the condition requires that 90 per
cent of mineworkers be shuttled to work. Thank you.

10 MR KIRKBY: Thank you, Bruce. The next speaker is Jolieske Lips from Rylstone
District Environment Society.

MS J. LIPS: Is that clear? Yes. Okay. Rylstone District Environment Society
15 thanks you for the opportunity to address this public meeting, but, first, we would
like to acknowledge the Wiradjuri people, the traditional owners and custodians of
the land upon which we are meeting today. We would also like to pay our respects
to the elders past and present and to the elders from other communities who may be
here today. RDES is totally opposed to this coal mine in the Bylong Valley. The
20 reasons are many and cover issues relating to nature and biodiversity, water and
agriculture, cultural heritage, both indigenous and European, and unacceptable
impacts of subsidence. There's also other things like climate change, but that has
been well-addressed.

25 These issues – the issues I've mentioned above have not been adequately addressed
by the revised mine plan. Regarding nature and biodiversity, there are 691 hectares
of native vegetation, including critically endangered woodland that will be cleared by
this mine. What is the point of recognising ecosystems as critically endangered if
mines are still allowed to clear them. Mine rehabilitation does not replace such
30 ecosystems and to suggest it does, shows no understanding of how ecosystems work.
Disturb them and it can take decades to centuries for them to return to original
condition and, in the interim, species are lost.

Our region has lost hundreds of hectares of critically endangered ecological
35 communities and regent honeyeater habitat due to coal mining, yet there is no – there
has been no assessment of this cumulative loss – why this omission? The planning
system is seriously flawed in that it does not take in the whole picture by insisting
cumulative impacts be addressed. Cliffs will collapse due to mine subsidence and
this will lead to permanent loss and threaten species' habitat. Biodiversity offsets are
40 always problematical and, in this case, KEPCOs largest biodiversity offset area is
over the underground mine, which means it will be subject to subsidence, so it's
hardly a true offset.

The proposed Bylong mine is on the edge of the greater Blue Mountains World
45 Heritage area, and that issue has already been well-covered. It's largely about the
groundwater draw-down that will be caused which, of course, will affect large areas.
We've had a lot of talk about water and the local farmers are seriously concerned

about the impact on the Bylong river and rightly so – and I think it has been so well-covered, I won't cover that. But such compromise of the Bylong river – it affects the rich agricultural land that relies on this water source and it's commonly know that the Bylong valley is well-watered country; it's a comment you will often hear and if you affect this you affect the livelihood of all the farmers who live there and we've heard from many who are very concerned.

Another issue is regarding the Aquifer Interference Policy for both productive groundwater drawdown and salinity. This has minimum impact criteria which should not be exceeded, yet this mine proposal is likely to substantially exceed this criteria. How can this be allowed? What's the point of having such a policy? And already we've have comments about the water model and how the community has no confidence in this and it is imperative that there should be an independent review that tests the assumptions in the water model before the project is finally determined. There's impacts on agriculture – the amended mine plan will still result in the direct loss of mapped biophysical strategic agricultural land – about 400 hectares of it.

Promises to rehabilitate land are hard to accept, given the very limited success of much smaller – about one-sixth the size of the trial in the Hunter Valley. Again, that has already been referred to. So we can really have no confidence that high-value agricultural land will be returned to the same condition. In addition, in terms of testing the success of rehabilitation, there are two crucial elements that have not been included. One is the criteria of water availability and the other is landscape function. These criteria were rejected by the Department of Planning and KEPCO even though previously the planning commission has suggested that they should be considered and in condition to the land, there's about 600 hectares of land mapped as part of the critical industry plus the thoroughbred breeding industry, and this will also be lost.

The industry has already been reduced by KEPCO when a thoroughbred horse stud, instead of going ahead with a proposed expansion, relocated away from the valley as soon as KEPCO gained the exploration licence. Heritage is another issue that RDS is concerned about, and we are concerned that the independent report commissioned by the Heritage Council was not reflected – that the findings and advice was not reflected in the advice given to the Heritage Council – to the Department of Planning and are not found in the department's final assessment.

Independent experts found that both Tarwyn Park and the broader Bylong scenic landscape qualified for state Heritage listing, but the Heritage Council did not adopt this recommendation in its advice to the Department of Planning. The expected impacts on Aboriginal culture and heritage have not been properly investigated, despite the Commission's reviews stating that such further investigation remains to be completed before properly assessing the expected impact on Aboriginal and cultural heritage. Why does this remain undone?

And we have mentioned before about the Department of Planning and KEPCOs disregard for cumulative impact. I note again that the cumulative impact of the loss

of Aboriginal heritage, which has happened because of all the other coal mines in the area. So once again, we're not looking at cumulative impact and this should not be ignored. There has been some talk already about subsidence and we note that predicted subsidence from the long wall mining will be up to three metres, which is greater than in any other western coal field underground mine. Why is this considered acceptable?

The proposed condition to repair or remediate subsidence damage is meaningless when you talk about cliff collapse. And we note that the Commission review raises this issue when it says that irreversible damage to the cliff lines will be resolved if there is greater than anticipated change due to subsidence. You simply can't put a cliff back once it has collapsed. So this high level of risk of permanent irreparable damage must be considered. The loss of cliff lines and the associated habitat cannot be compensated and the proposed condition to provide additional offsets in the event of impacts or consequences are greater than originally that this is just not acceptable. It just shouldn't happen.

In conclusion, RDS believes the revised mine plan and further information provided by KEPCO do not adequately alleviate the problems raised by the Planning Assessment Commission review. We've mentioned before the concern regarding Tarwyn Park, which is the birthplace of natural sequence farming. This is all about raising and maintaining the level of groundwater in the landscape. The open does exactly the opposite; it creates drawdown on the groundwater. So simply the open a little further away does not remove the impact. Tarwyn Park will still be subject to the worst of the water drawdown and this will undo 40 years of landscape work.

On top of this, KEPCO proposes to surround Tarwyn with pits and paths. The State Heritage significance of Tarwyn Park is bound up both with the availability of water and the ongoing process of natural sequence farming and it is also bound up in the broader Bylong scenic landscape. Concerns regarding the mine's impact on the Bylong River through both drawdown and mine water requirements have not really been allayed by the revised mine plan and we've heard a lot about this already today. These crucial water issues remain unaddressed. We note that the Bylong Valley is valuable agricultural land. Starting a coal mine here will fundamentally change the valley. As the Commission stated, any approval of the project would represent a fundamental shift in the valley in favour of mining as opposed to agricultural or pastoral pursuits.

And that the water security on which agricultural activities depend may be jeopardised, particularly during extended dry periods. We note that the final assessment report that this mine was approvable was released on the same days at the IPCC report on the need to reduce coal dependency. As the chief executive of Farmers For Climate Action recently stated, farmers are beyond frustrated and devastated by mining projects that directly impact agricultural land. Furthermore, the department's assessment that the Bylong mine was approvable released on the

day the world's climate scientists warned that coal consumption had to be phased out by 2050 – displays an almost staggering disconnect from reality.

5 It just doesn't make sense, at a time when the world is turning away from coal, to start a greenfield coal mine in this beautiful, productive valley. RDS further asks the Commission to look to the future when it makes its final recommendation. This mine should not go ahead. I thank you for the opportunity to address this meeting on an individual level, and I would also by acknowledging, again, the traditional owners and custodians of the land on which we are meeting today. I felt compelled to make
10 an individual submission as I feel so strongly how wrong it would be for a greenfield coal mine to open in the beautiful Bylong Valley. I also feel compelled to speak on behalf of the many who have been gagged. Those past residents of Bylong, some with a long family history in the area who, after years of fighting this mine, were worn out, worn down and, for their own health, were forced to move on.

15 But in selling their land to KEPCO, they also had to sign away their right to speak. They no longer have a voice and so I speak for them as well as myself and I actually speak for a few others who are still there but have also been gagged. People who know an incredible amount about the Bylong Valley, but they are not able to speak to
20 the Commission today, and I think that is an incredibly bad situation.

There are many reasons why the mine should not go ahead. It doesn't make sense to start this industry in such good agricultural land. We see the pollution in the Hunter Valley and the impact of coal mining there. Why expanded into this valuable
25 agricultural land? We talk about the expansion of Australia's population, but how will we feed that growing population if we keep trashing our best agricultural land. Australia is a vast country, but the percentage of high value agricultural land is small. Why do we keep destroying it? And for a non-essential industry, at that. Coal is no longer the only source of energy. It is not essential.

30 What is essential is that we phase out coal, as the recent IPCC report has stated. It appears more than cynical that the final VPA assessment report saying this mine was approvable was released on the same day as the IPCC report on the need to reduce coal dependency. Another reason not to destroy the Bylong Valley with this coal
35 mine is because of its stunning landscape. The drive through the Bylong Valley has rightly been named one of the best scenic drives in Australia. I have worked in the tourism industry all my life, nearly 40 years, and have been enormously privileged to have travelled all over this extraordinary and magnificent country.

40 And I can assure you that the Bylong Valley is right up there with iconic places such as the Red Centre, the Kimberleys, the rainforests, the reef. Why are we even contemplating putting a dirty coal mine in? The argument is always jobs, and is this. Our experience in this region is that the job numbers are always inflated, and then comes a drop in coal prices, and the jobs quickly diminish even further. But
45 there's only jobs for some 20 years, and no one ever talks about or balances these new jobs against jobs lost. Jobs in agriculture that have been in the Bylong Valley for over 150 years and can continue for decades and decades, not just 20 years.

No one balances these new jobs against the economic opportunities lost, for example, the relocation of a horse breeding enterprise, the demise of tourist accommodation business, to name just two. Both are businesses with potential for future expansion, but not with a coal mine here. And no one has talked about the decline of at least 30
5 per cent of the agricultural production on the land brought by There is hope that all these new jobs will bring many more people into Rylstone and Kandos. But I seriously doubt it. Some of the new jobs will probably go to people already living at Kandos and Rylstone who would seek work closer to home in place of a long commute to Ulan and other coal mines past Mudgee.

10 Workers new to the area are more likely to choose the equally distant Denman with its closer access to the major urban centre of Newcastle and the coast. There's no – and, I mean, already we're talking about the economic benefit. Well, is it for Mudgee or is it for Rylstone or Kandos. It can't be both. And Mudgee is a long
15 further from the Bylong mine than Rylstone and Kandos. So all that economic benefit flowing through to Mudgee from workers living there is questionable. And, similarly, the economic benefit for Kandos and Rylstone is questionable. I suggest that probably Denman will benefit much more than this side. And while there is talk of all the new jobs and the money brought into the community, there is no talk of the
20 cost to the environment and the social cost, although some recent people have talked about the demise of a really healthy, vibrant community, its school, the loss of the quintessentially Australian fundraising day, the legendary Bylong Mouse Races, that brought man tourists and their dollars to the region and raised hundreds of thousands of dollars over the years to improve the Bylong community.

25 But the community has already been bought off and the mouse races finished years ago when there was no longer enough people left to run the day. KEPCO talks about the 700 million it has spent so far on this project as if that is a reason alone for the mine to be given approval. To pay 400 million for its expiration licence and then to
30 spend millions buying out landholders before it has approval is its own commercial risk and has nothing to do whatever whether this mine should be approved or not. There are many reasons this mine should not be approved, and others will talk in more detail about the unacceptable impact on the water resources, the biodiversities, the Greater Blue Mountains Heritage area so I will conclude with a plea for the
35 preservation of Indigenous cultural heritage.

This is something that affects us all – all Australians, not just Indigenous Australians. I think the Office of Environment and Heritage is concerned regarding the impact of
40 this mine on Wiradjuri heritage have already been quoted. The cumulative impact of this mine on Wiradjuri heritage was raised as an issue by the Commission, but has not been addressed or treated seriously by the Department of Planning or KEPCO. Just over a year ago, I saw the film Gurrumul about the blind Aboriginal singer. There was a line there that struck me and has stayed with me ever since.

45 As Australians, we are all proud of our Sydney Opera House – as the recent demonstrated – and, to paraphrase a line from the film, if tiles were to start falling off the Opera House and nothing was being done, there would be outrage. But every day

we lose tiles from our Indigenous heritage and no one says anything. No one protests. But today I protest. It is time we stopped losing the tiles from our Indigenous heritage. There's sixty-some thousand years of heritage. It belongs to all us Australians. And the country will be so much poorer as this extraordinary heritage is diminished. This mine cannot go ahead. Thank you.

MR KIRKBY: Thank you. Our next speaker is Debbie Reid.

MS D. REID: Good afternoon, members of the Commission panel and members of the public. My name is Debbie Reid. I grew up at St Marys and relocated to Kandos in 2005. I'm here today to speak to you about my sorry – coal mine in Bylong. I have three children, aged 19, 14 and 13. All three attended local schools in Kandos. My eldest daughter played netball for the local association up until 2010. My youngest played – sorry. I'm hopeless. My youngest played only for one year, as there were no teams registered in 2011. I played, coached and was also a secretary for the association until the end. It was also secretary for Kandos Rylstone Street Machine Club for two years, radio presenter for the community radio for 12 months, and I've just put my hand up to be secretary for Kandos Rylstone Little Athletics so they are able to carry on.

Kandos has been a great place to raise my kids and I always thought when I moved here there would be career opportunities for them here, as well, as there was a few industries operating. That was until 2011 when the local Cement Australia plant was closed down, which was ultimately due to the government's climate change policy. All this meant was Australia would now be importing cement instead of utilising our own resources. This was the first blow to Kandos. Just a few years later, Centennial Coal announced that they would be shutting down their underground mine at Charbon on March 7th 2014. And the open cut, which was contracted to Big Rim, would also cease operation in 2015.

There was nothing for most of the workforce in our local area. All three of these companies donated to numerous charities and supporting organisations. KEPCO sponsored a number of community organisations and events in our two towns, including the Rylstone Street Feast annually since 2011, Rylstone Kandos Men's Shed annually since 2012, Kandos High School, Kandos Public School, Community Charity Shop Kandos, Rylstone Kandos Show Society annually since 2014, the Rylstone Health One, Rylstone Public School P&C, Rylstone Pony Club and the Volunteer Rescue Association, and a few others.

Data from the 2011 and 2016 shows that the highest employment in the area was mining. 2006 doesn't list what sections. It also shows that Kandos in 2006, 54.4 per cent of the people employed were employed full time, dropping to 51.4 in 2011 and – in 2011, and again dropping to 42.7 in 2016. The census in 2006 also shows that the medium age was 44 years, 45 in 2011 and a massive increase to 52 in 2016. My partner, who was one of the employees who was employed at Big Rim was offered an opportunity at Mount Arthur Coal at Muswellbrook.

That, unfortunately, wasn't viable due to us living in Kandos. He later secured a position at Malabar Coal and is still employed there. However, he has to travel a great distance to and from work each day. Both my partner and I fully support the KEPCO project in Bylong, as we are hoping he can obtain employment there, which would take approximately one hour off his travelling time. Thank you for listening.

MR KIRKBY: Thank you, Debbie. Our next speaker is Barry Hadaway, and then we might have a 10-minute break.

MR B. HADAWAY: My name is Barry Hadaway. I'm a local resident from Budgee Budgee and I thank you for the opportunity to address the Commission today. I wish to object to the Bylong Valley Coal Mine because I feel it is not an ecologically sustainable development. ESD is defined in the New South Wales Protection of the Environment Act, and the Act requires that the precautionary principles should be applied, that irreversible damage to the environment should be avoided, but the present generation should ensure the health, diversity and productivity of the environment are maintained for the benefit of future generations, and those who generate pollution and waste should bear the cost of containment, avoidance or abatement.

Now, as we've heard from many speakers today, the most serious and urgent environmental issue we face is climate change, and climate change is very much an issue of intergenerational equity. We're told that projects such as this are good because they will create some short-term jobs. Now, I don't argue with that, but, however, whatever benefits are claimed will come at an enormous cost to future generations. The New South Wales Planning Process appears to pay lip service to the principles of ESD while acting in a way that ignores climate change and intergenerational equity.

We cannot ignore these issues if we want our children to have a future. The proponent's air quality and greenhouse gas assessment report tells us the mine will produce 124 million tonnes of coal and close to 200 million tonnes of greenhouse gases, and the report uses the tired old argument that this mine alone won't have much of an impact on global warming, but at the same time, the latest IPECC report tells us if we want to maintain a liveable environment and limit warming to one and a-half degrees, emissions need to be reduced by 45 per cent on 2010 levels by 2030, and emissions need to be reduced to net zero by 2050.

Rather than falling, Australia's emissions have increased in each of the last three years. Australia needs to rapidly reduce its emissions. Opening another coal mine makes as much sense as hosing a bush fire with petrol. We've already seen the effect of one degree of global warming. We experience increased temperatures, lower rainfall, longer and more serious droughts. We're seeing storms of increasing ferocity. Sea levels are rising and will inundate coastal areas.

The great river deltas, the most fertile and productive food-growing areas of the world, will be inundated and destroyed. Just one of these deltas, the Ganges-

Brahmaputra Delta, which makes up much of Bangladesh, is home to some 143 million people. Parts of the delta are already being affected by salt water intrusion, and a sea level rise of only half a metre will displace an estimated 6 million people. This is one delta of many that will be destroyed around the world by rising sea levels.
5 Hundreds of millions of people would be displaced and could face starvation.

This isn't science fiction and it isn't a theory. It isn't something in the distant future; it's happening now, and climate change is starting to have a disastrous impact now. We all depend on the natural world for our survival. Our children and grandchildren need a healthy environment. What will our legacy be? We have to
10 take action on climate change now. We have to make a start.

I understand that members of the Independent Planning Commission are required to consider social and economic factors as well as environmental factors. The so-called
15 triple bottom line. However, in practice, this concept is fatally flawed. Time and again, a so-called balance is achieved by condoning environmental damage in exchange for short-term profit and short-duration jobs. We have to stop sacrificing the environment. Continuing to sacrifice the environment is directly counter to the principle of intergenerational equity. There's no way the proponent of this
20 development can mitigate or offset the damage the project will do in terms of greenhouse gas emissions.

Approving this proposal would be counter to the principle of polluter pays. The proposed project, through greenhouse gas emissions, would cause irreversible
25 damage to the environment, and the precautionary principle should be applied. It's absolutely crystal clear that objection 1.3 of the Environmental Planning and Assessment Act is not met by this proposal. Approval of this proposal would be directly counter to the principles of ESD, as stated in the Protection of the Environment Administration Act, and I urge members of the Independent Planning
30 Commission to adopt the principles of ESD, to apply it – sorry – to acknowledge the extreme environmental damage done by coal mining through its effect on our climate, and to reject the proposal.

MR KIRKBY: Thank you, Barry. We might just have a 10-minute break for
35 everyone to stretch their legs. After the break, our first speaker will be Peggy Fisher. Thank you.

RECORDING SUSPENDED [3.37 pm]
40

RECORDING RESUMED [3.56 pm]

45 MR KIRKBY: So our next speaker is Peggy Fisher.

MS P. FISHER: Thank you for the opportunity to speak to you. I am speaking on behalf of myself and also of the Lane Cove Coal and Gas Watch. I am from the city and one of those people who – I drove myself – sorry, is that – straight into it? Okay. I am from the city but I do care very, very much about what happens in coal mining in areas. I care about our environment. I care about our World Heritage sites and I care about farming communities. I also care about how the process of approving mine goes – approving mining is going. I have been to a number of PAC things now and I am – I do get really angry – I’m really angry that the Warkworth mine was approved, contrary to two court case findings.

I’m really angry that rivers in the Blue Mountains World Heritage Area have had their flows cut because the mining assessment said that there would be minimal impact to the high swamps and there was major impact – they have all dried out. These things were known to anybody who really knew, but they didn’t come across in the EIS from the companies and it’s just not right that these things are accepted by PAC, by the Planning Department as correct when it is well-known they are not correct, so yes, I am angry. I do care a lot about global warming.

A lot has been said about that, but – so I won’t go into the whole of that, but it does seem stupid in the midst of a drought in an era when droughts are going to become worse and worse in a pristine area, you want to mine the stuff that is going to make them even worse. The impacts of that should be known. The impacts of the droughts – the water impacts have been discussed at length, but the impacts of increased weather events, so it seems from listening to other speakers, that – also the increased floods will impact the local area.

One other thing I really – last week, New South Wales government released a plan to phase out the majority of our coal-fired power stations over the next 12 years, and I understand how hard this is – I understand how hard it is for communities to relocate jobs, to change jobs, and it must be done very carefully. You can’t just cut off. We’ve seen that happen in Victoria. We’ve seen that happen sometimes. It has to be phased out very carefully and with the community in mind. Therefore – and Korea will inevitably be doing the same; it will close down its coal-fired power station. I note that the impact for coal to continue to be – will continue to help power Korea, but it will change; it will turn away from coal-fired power stations too.

If it’s because of the local pollution and there are much better ways of doing it now. In 2015, when this mine was assessed, wind power and solar power were not as good as they are. They are good now, so we must move away from – so they will probably move away from coal-fired power too. They have to by 2030. So with the huge redeployment that will happen from our existing coal mines and from our existing coal-fired power stations, this is a huge job for the State Government. It makes absolutely no sense to bring in a new coal mine in an area that has the other jobs already. It hasn’t.

It has already sold some of the land, so it’s not – the community is fractured, but it makes no sense to boom and bust this community as well because it will have to

eventually phase out coal-fired power jobs. It will have to phase and then you're left with a community with nothing to do. There are enough communities already involved in coal mining where this phase out will have to happen. It makes no sense to ruin a new valley that has other opportunities to diversity its workforce back into the coal thing where it will have to be diversified again very soon. I'm sorry, I seem to have run out of time. Is that right? I've got a lot more I could say. But it's – it's just crazy to put more workers through that boom and bust thing. We should be looking at better jobs for those workers now, not employing more to come into the area.

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MR KIRKBY: Thank you, Peggy. Our next speaker is Rosemary Hadaway.

MS R. HADAWAY: Do a test for someone short. Thank you. My name is Rosemary Hadaway and I thank the commissioners for the opportunity to speak today. Wow. The evidence we have heard today just clearly indicates that the major negative impacts of this project completely outweigh any short-term gains. We've heard it all. This is the wrong mine in the wrong place. If approved, there will be irreversible changes: the climate, biodiversity, water, landscape, landform, agriculture, heritage, culture, community. The list goes on. It's the wrong mine in the wrong place. The items I have just listed are very significant. But on a local level, I live on Wollar Road, the major artery for all of the transport going to and from this location.

A co-speaker told us that Wollar Road was not suitable for the Wilpinjong Mine. "No, no, we will use Ulan Road." Well, excuse me, why is it suddenly suitable for Bylong? Now, where that short section of Wollar Road is being paved, the B doubles go past my place thundering, changing gears, grinding up and down the hills and round the narrow bends, and they rattle and bang and clatter through the causeways on the way back. Come for dinner, look out at the string of lights when the Wilpinjong and Ulan and other mines change shift. I have visitors say, "What's going on, Rosemary? What's all that?" "It's just change of shift at the mine".

When the worker accommodation facility was taken out of this project, our mayor graciously offered Mudgee as the location for those workers, "Yes, they can come and live here." Yeah, great. Sure. They will drive past my place. I have a perspective on this, certainly, but what about the traffic and noise and light impacts for my fellow residents. Right? We have things such as the light, the noise, the vibration, the fumes, the exhaust braking. Where is the assessment of the impact for that now that there's no worker accommodation facility? Of course, our council has agreed to and supported that, but don't confuse council support with community support.

It might be said that some of our councillors own local businesses which would benefit from the short-term gain. I'm sure the pubs will do very well. That seems to me, actually, the only positive that we have heard from any speakers today is a financial gain. I don't deny them that right and that desire. We all have that. But at what cost? Our generation may require some financial and growth industries. Yes,

we all want to succeed financially and economically. But this is bigger than us. Remember those number of items I highlighted as I opened: biodiversity, water, climate, landscape, landform. They are bigger than us. They will exist beyond the short-term financial gain that this such project will offer to those involved.

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And, of course, the short-term financial gain may, in fact, not roll on to everyone within our community. A key feature of the recommended conditions in your report is the presentation of a traffic management plan, which must be approved by the planning secretary. This has the potential – the potential – to reduce the impact on Wollar Road. It’s a good start. But it must contain measurable objectives. They must give the employees an opportunity to be part of reducing the impact and becoming a positive part of their new community. Why not? KEPCO can do this. They require their employees to live within a one hour commute of the sit. Why can’t they require their employees to bus it?

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Let’s keep everyone safe. Rural vehicle movements, property entrances, intersections, pull-off areas for heavy and oversize mass vehicles that we’ve heard. Your recommendations must be taken seriously and we assume from all of the negative impacts you have heard that you will, in fact, deny approval of this development. If you pass it, you must show respect for the residents and communities impacted. Thank you.

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MR KIRKBY: We’ve just had a couple of requests to shuffle things because people have to get away. So the next speaker will be Peter Andrews.

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MR P. ANDREWS: Thank you, commissioners, for the opportunity to just bring what I think are just simple facts to this meeting. It sounds corny, but I had the best scientist I could find in the world come out, look at this landscape and declare that our Australian land managers could lead the world. One of the real fundamentals – plants made the land habitable. They’re the solar powered solution to almost everything humans are having trouble dealing with today. There’s a photograph taken in the Mount Isa region. That was just an indicator of the animals that were there, the way the system worked, before humans and that includes Aborigines. We’ve all had an impact. And I’ve had plenty of meetings with him and they’ve said to me, “We all better fix it,” and I believe that’s true.

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Now, I need to go through simply the history of Australia and then a little bit of and, well, particularly the planet. The continent of Australia broke away from three big rivers and it was then desertified for many years, thousands of years. Gradually, it improved a number of plant species because it then evolved the singing birds, two-thirds of the fish species, and the flowering plants. So it was unique on the planet, this continent. And by Bylong was overstocked by 1900 with the biggest herd of short-horn cattle. A whole range of plants were brought in because a horse stud started in 1915. And it’s now being lorded as a great example of landscapes because the plants have maintained it for us.

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It is a comeback king from desertification and we've got a quarter of the world's plant deserts. This is possible from understanding that we have the very best scientist minds looking at the practical evidence in this landscape. We can recover desert because there was a process here that was automatic, powered by sunlight,
5 managed by plants and gravity. Now, it has frustrated me for 40 years that that seems a simple message and I still believe it, still know it's a fact. And a wise old man who was Billy McMahon's brother once said to me:

10 *You won't be able to get anyone to believe in this until you've got the practical examples, supported by the most rigorous science, and then you deliver it so that people will be seen to be stupid if we don't take some care in understanding how that worked.*

15 We a duty of care and a fiduciary duty when we're dealing with public funds. It is now a time when those two processes can be easily taken to our current decision-makers. It would be a shame if we don't work through, and – you will see the situation has been, and this is just to try and give you a simple perspective, we've got a heavily vegetated landscape which is then cooler than a desert landscape, and if we were to do a very careful analysis, this condition has, against that one, a 97 per cent
20 impact on the thermal energies everyday compared to that one.

And therefore when we don't manage the heat as is shown in this all the other things that we are having problems with rain going from where it's cool – from where it's hot, I mean, to where it's cool, to condense, not recorded, hasn't been
25 mentioned today. I'm just here to sort of say, let's understand there's a lot of common sense. There is a massive amount of science. And there is nothing, as I've looked through, to say let's – there's nothing to say, and I have got people working on the fact that there is the capacity to grow plants in systems, and then put into a situation like that today.

30 There's 170,000 people unemployed in our country towns. If we were to grow plants, put them back to create that situation which we've done, it's come from a desert land we could put one tonne into that system, first rain end up with two tonnes – three tonnes probably – move it to where we could manage agriculture
35 effectively and people would need to be advised, and end up with nine tonnes. That's just an example of why I get a little upset and wonder why, when all this information is available, when it's all able to be delivered and measured from satellite today or any drones or whatever technical ability, and we could do these things so everybody knows, why we're not doing them. Thank you.

40 MR KIRKBY: Thank you, Peter. Our next speakers will be Beatrice Ludwig and Peter Dowson.

45 MR P. DOWSON: We would like to acknowledge the Mudgee people and the people of the Wiradjuri nation, the traditional owners of this land. They were not just custodians of the land. They understand that we all belong to a living landscape.

And thank you, Commissioners, department staff, the venue, and everyone else here for bringing unique perspectives.

MS B. LUDWIG:

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Schweizer Gletscher sind nicht zu retten.

10 This headline says Swiss glaciers are beyond repair. Earlier this year, I visited my mother for her 75th birthday in Winterthur, the town in Switzerland I grew up in. I was shocked to learn that the Mattenbach, the stream running through Winterthur, had dried out completely for the first time ever. Two days ago the Sydney Morning Herald reported that the mighty river Rhine, Germany's commercial lifeblood, is running dry. People showing up for cruises are being put onto buses. This year we all know that New South Wales has hit 100 per cent drought levels and the Murray-Darling is dying. Europe is drying out. Australia is drying out. The whole world is drying out. We are all in big trouble. Beautiful Bylong Valley holds the secret to rehydrating Australia and the world, and Tarwyn Park is the key.

20 MR DOWSON: Tarwyn Park, as many of you would know, is Peter Andrews' living laboratory developed over 40 years to observe, understand and gain a deep appreciation for the Australian landscape science. Tarwyn Park connects Tal Tal Mountain to the Bylong River which rises in a rich and unique catchment deep in the UNESCO World Heritage area and flows through the Bylong Valley. This is on Tarwyn Park. The United Nations has recognised Peter Andrews' methods as one of 25 only five methods in the world for sustainable agriculture. Indeed, the UN is about to declare the next 10 years the decade of landscape restoration. Meanwhile, a few weeks ago, the Australian Government put aside \$5 billion dollars to drought proof Australia, and I quote the Deputy Prime Minister when he met with Peter Andrews:

30 *This nation needs to be –*

sorry:

35 *This needs to be replicated right around our nation. It's a model for everyone.*

Rehydrating Australia, using a whole of landscape approach, has the potential to be the major infrastructure project of our times. Any serious commercial cost-benefit analysis regarding the future of Bylong Valley must take this golden opportunity into account.

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MS LUDWIG: Imagine Bylong Valley as a hub for restorative agriculture, attracting students from all around the world to study the whole of landscape approach, creating thousands of jobs for Mudgee and beyond, and generating opportunities for export, not just to South Korea, but to the whole world. We ask 45 that the mine application be rejected so we can move forward for a better vision for Bylong. Thank you.

MR DOWSON: Thank you.

MR KIRKBY: Thank you. Our next speaker is Peter Endacott.

5 MR P. ENDACOTT: Good afternoon. My name is Peter Endacott. I operate a
small carpentry and building maintenance business in the district. We've heard that
the Bylong project will provide jobs for the district. Well, it is already doing so for
myself and my local crew. I've worked continuously for KEPCO for nearly three
10 years and there is potentially plenty to do in my line of work if the project is
approved. At times KEPCO have been pessimistic about the progress and my future
work prospects have looked quite short.

As KEPCO has been encouraged that the project will proceed, my workload has
rapidly grown. I have prospects of growing my local crew if the project is approved.
15 As well as employing builders and carpenters, there is the potential to employ young
trainees from the local area and pass on the skills and knowledge to them. We will
also bring in local electricians, plumbers and other specialist contractors as
necessary. KEPCO has had us working on a large number of houses, but most of my
work has been on local icons, such as Bylong Station, Bylong General Store and
20 Tarwyn Park.

For most people it would be hard to imagine just what poor shape Tarwyn Park
homestead was in; even I had no idea until I started work. The grand external
experience is that the appearance is supported by falling foundations and most of the
25 internal structure is falling apart. It contained a large amount of asbestos which had
to be dealt with. The electrical wiring was dangerous. A sewerage system was
added. It hadn't been maintained for a long time until I was given access and
KEPCO took possession.

30 Some of you will have – yesterday will have seen many of the failings that have been
addressed but the repair and restoration process has a long way to go. As a carpenter
I enjoy challenges and I appreciate being able to do quality work. That has been
KEPCO's position. If we're going to do it, we're going to do it right. If you
appreciate Tarwyn Park, back the project; if you believe the reinvestment in general
35 – Highland General Store is a good thing, back the project. The same goes for the
substantial works on lots of other houses in the district. If the project proceeds I
expect to bring these houses up to a high standard and there will be homes when
people come back to the valley. If that opportunity arises, we will be employing
locals with the trades and labour skills necessary.

40 I don't drive big trucks; I don't do mining things; but I do get to repair and restore
important local landmarks in a quality way and to pass my skills onto my local team.
I understand that the last boom environment was when the rail was being built and
the workers were passing through. How much better when the work is permanent
45 and the workers can live in the houses that we have brought up to KEPCO's high
standard. I am local; I support the project.

MR KIRKBY: Thank you, Peter. Our next speaker is Andrew Palmer from the Mudgee Chamber of Commerce.

5 MR A. PALMER: Thank you, Commissioners. I appreciate the opportunity to speak today. Thanks very much for your patience. Welcome to Mudgee, all those people who have travelled a long way, and a particular thank you to those of you who might have brought the rain with you. We desperately need it so I appreciate that. As indicated, I'm speaking on behalf of the Mudgee Chamber of Commerce. We're a local business organisation. We have a hundred – in the vicinity of 190 to 10 200 members – businesses in our organisation now and they range from sole operators through to larger businesses across the district.

We are, of course, being in support of the application for the KEPCO Bylong Coal Project and I have to submit to you a small submission that we distributed last week 15 among some of our members and obviously there's quite a few pages there that have been signed just to provide some support to the – from the local business community of our support for this project. We have engaged with KEPCO representatives quite considerably over the past several years and I have always found them to be particularly good corporate citizens. They are showing a willingness to listen to and 20 respond to the concerns of the community as they have gone through the application process including, I would submit, that they've listened largely to our concerns in regard to operating a mine camp or an accommodation camp as part of their development.

25 This was a particular concern to our business community because experience is that where there is an accommodation camp attached to a mine, obviously those workers tend to reside whilst they're on shift in that facility and then leave the district so the district, whilst it absorbs a lot of the negative impact, misses out on a lot of the economic benefits. So KEPCO have amended their plan and now expecting the 30 majority of the – of their workforce to reside in and around the mine. And, of course, that does extend areas like Denman; there's no argument.

But, of course, at the end of the day if another regional area like – a regional community like Denman is benefitting from this proposal then you can – there's 35 going to be no complaints there. As any other region as ours is, we all need the support and we all need investment into our regional areas. I've had a bit of a look at some comparisons. I'm sure if you've taken the opportunity to take a look around the Mudgee or Midwestern regional area you will see that it's a very, very prosperous regional centre. We are the envy of many regional areas across our State 40 and, indeed, across the country. The township is thriving; the region largely is thriving; but the reality is it is a little bit divided.

We have some very, very successful mining operations here at the moment. They 45 have integrated well into our region; they're very, very responsible in the way their employees and their contractors engage with the community and, indeed, live here. But it is split. Those mines are obviously located around about 50 kilometres up there to the north. Mudgee is the key centre for those – the majority of those workers

and a lot of those people live here. But Gulgong, just 25 kilometres to the east of that mining complex, also benefits greatly. It's a town of similar size to Kandos so when I was starting to look at some of the comparisons that are there, there are 2000 people living in Gulgong.

5

I just had a bit of a look – Gulgong's average wage, according to the ABS figures from 2016 – I can assure things have improved remarkably since then with the rise again in coal prices but the ABS figures state in 2016 Gulgong's average salary was a bit over \$800; Kandos 600. Unemployment figures in Gulgong at that time – 8 per cent; Kandos 16.7. And the population – which is the large one for us – the population – percentage of population aged between 19 and 35 in Gulgong was 5 per cent against the State average of 7; in Kandos it was 3. So what that tells us is the future of our children – the people that are growing up in areas like Kandos, they're 70 kilometres down the road – but their children have to leave the district to get work.

15

The family unit is broken up and when they leave they rarely come back. A project like this gives an area like Kandos the opportunity to retain for their children to be able to stay in the town they grew up in with their family and begin a career. Now, we've heard about people here speaking about 25 years is not a long time for jobs. I think that's a career. It's certainly a good start to a career. So projects like this should not be pushed away. It's an opportunity for our region to grow, our region to develop, and the only way we're going to get additional services into our town is if we continue to grow. There aren't too many State governments lining up to hand money out to regions and towns that are in decline.

20

25

We're benefitting now from a brand new hospital; a \$80 million is being built in Mudgee. That's because we're growing. We've got a brand new preschool that is being built. We've got two more day care centres – one came online earlier this year; there's another one about to come online now. That's because we're growing. There's development going on in Gulgong but if you take a drive down Kandos' main street it's peaceful. We need this into our area. Any region that has the opportunity to get the type of investment that this company is prepared to put into the district should grab it with both hands.

30

35

I've listened to the concerns of the people here this morning and I do get it but many of them are established and a lot of the people that have come up here and spoken and perhaps have had – worked there their working life and have some real concerns about the environment; they're being listened to. But our children need the opportunity to set – if they wish a career here as well and I would like to think that they can do that in the home town that they grew up in. We certainly do as an organisation – the Mudgee Chamber of Commerce supports this application and we hope you do too. Thank you.

40

45

MR KIRKBY: Thank you, Andrew. Our next speaker is Geoffrey Miell.

MR G. MIELL: I thank the Independent Planning Commission of New South Wales members for the opportunity to speak here today. My name is Geoff Miell. I have no political affiliations. I'm a resident and ratepayer in the Lithgow Local Government area. I think key issues are being deliberately ignored; they're very
5 difficult to deal with. Well-funded, powerful vested interests are resisting. We're in a fool's paradise. Climate change and energy from now on will be the key drivers of our society and economy. The drivers are interconnected.

On 11 May 2017, I made a presentation as a registered speaker 23 at the New South
10 Wales PAC public hearing concerning the Bylong coal project. My slides and script are still publicly available on the IPCM website. Following the PAC public hearing Hansen Bailey produced a document titled – dated 19 May 2017:

*To respond to queries from the PAC during the site inspection on 10 May 2017
15 and subsequent queries and the public hearing on 11 May 2017.*

This document did not respond at all to any of the issues and objections raised by me at the PAC public hearing and, in my opinion, this is an example of deliberately
20 ignoring key issues. This presentation today highlights more recent and compelling evidence of the growing risks to our energy security and prosperity, and why the Bylong coal project is highly likely to be a stranded asset. I oppose the coal project. I strongly urge you to do so too.

In KEPCOs supplementary information appendix M, response to IEEFAs
25 submission, prepared by Gillespie's Economics in July 2018, it falsely asserts that the IEA forecasts coal demand will increase as indicated by the select quotes on this slide. The IEA, in its World Energy Outlook 2017, clearly says otherwise, as indicated by the select quote also shown on this slide. I ask was Gillespie Economics
30 false representation due to incompetence or was it deliberately intentional?

Global coal production and consumption both peaked in year 2013, as indicated in the graph shown on this slide. OECD demand fell for the fourth year in a row, minus
35 4 million tonnes oil equivalent. That means Australia, Canada, Japan, South Korea and USA are some of the OECD members. At a glance, this table shows that the global coal industry is heavily concentrated among only a few key countries, and China's reserves to production estimate of 39 years suggests that the current enormous coal production rates cannot be sustained in China for much longer, and also for the rest of the world.

40 According to CoalSwarm's latest coal – Global Coal Plant Tracker results completed in July 2018, it confirms that the global coal plan sector is amidst rapid change. From January through to June 2018, nearly 20 gigawatts of new coal capacity was commissioned; 12 gigawatts in China, eight gigawatts in India, and three gigawatts
45 in the rest of the world. This was nearly matched by the amount retired – 16 gigawatts – for a net increase of just four gigawatts. The slowest rate of growth on record. If the slow-down continues, global coal capacity should peak by 2022, if not

sooner. In the first six months of 2018, 43 coal fired generating units were added and 52 units retired, meaning the global coal fleet shrank by nine units.

5 The Global Coal Plant Tracker is an online database that identifies maps, describes and categories every known coal fire generating unit and every new unit proposed since 1 January 2010, 30 megawatts and larger. I have annotated the Monash Flora and Fact Sheet 1 to updated it with the more recent CoalSwarm data to July 2018 to highlight the significant changes that have occurred during the first six months of this year.

10 In the USA, unsubsidised new renewable energy electricity generation technologies are now decisively cheaper than new nuclear, gas and coal technologies. Australian National University Researchers Professor Andrew Blakers, Dr Matthew Stoxx and Bin Lu won this year's New South Wales Office of the Environmental and Heritage
15 Eureka Prize for Environmental Research for their work on modelling 100 per cent renewable energy future.

This slide shows Blakers' opening statement sourced from the committee transcript. His key points were the number 1 new generation technology being installed around
20 the world is solar PV, number 2 is wind, and coal is a distance third. PV and wind are decisively cheaper than coal. If you want cheap electricity, you push renewables as hard as we can. This chart shows how long it takes to deploy a range of different types of electricity supply technologies. Renewables can be deployed substantially quicker than coal and nuclear.

25 MR KIRKBY: You can wrap things up.

MR MIELL: Concentrating solar power is an emerging dispatchable solar energy
30 technology that offers emissions-free affordable, reliable capacity supply to replace base low generators like coal fired power plants and operate at high capacity factor. Climate change is an existential threat to humanity. Current pledges are not on track to limiting global warming to 1.5 degrees C above preindustrial levels. Approving the Bylong coal project contributes to increasing an existential risk to humanity. Why risk our families' futures, our lives? If Australia does nothing to reduce
35 emissions, why should anyone else do anything? The IPCM has a fiduciary duty to protect New South Wales citizens. Rising fuel costs will increase production - - -

MR KIRKBY: Geoffrey, I think we need to wrap up. Everyone has had a time
40 limit. I've let you go over for a bit. If you could wrap it up in the next - - -

MR MIELL: Yes, I've noticed you've also allowed other people to go over.

MR KIRKBY: I have and I've allowed you to go over for a bit now, so if you could
45 just wrap it up.

MR MIELL: Scarce and disrupted and/or increasing unaffordable petroleum based global fuel supplies are likely to amplify the Bylong coal project becoming a

stranded asset. This issue was raised in my PAC presentation last year and it seems to have been conveniently ignored. Will the IPCM ignore this issue too or do their fiduciary duty? Similarly, global fossil natural gas production is unlikely to be sustainable.

5

MR KIRKBY: Geoffrey, how long is this going to be?

MR MIELL: I'm just coming up to the last slide.

10 MR KIRKBY: Okay. Thank you.

MR MIELL: Humanity must leave petroleum oil before oil leaves us. This creates an enormous challenge for the mining and transport sectors, including the production and transport of coal. Humanity must leave fossil natural gas before gas leaves us.

15 The IPCC SR 1.5 degree C warns that climate change is an existential threat to humanity. A world that is consistent with holding warming to 1.5 degrees C would see greenhouse gas emissions rapidly decline in the coming decades, 2020. We must leave petroleum oil, fossil natural gas and coal before 2050 to mitigate dangerous climate change. These are humanity's energy security and climate change
20 challenges. Why start new mines like Bylong coal project?

New South Wales needs a plan, orderly, just, fair extant exit from coal extraction and consumption. New thinking is required that is informed by evidence, science and economics. The Independent Planning Commission New South Wales has a
25 fiduciary duty to protect New South Wales citizens. Proposed Bylong coal project is highly unlikely to remain viable with this merging realities and challenges highlighted here in my presentation. I strongly urge the IPCM to stop this project before more damage is done. Thank you for your attention and there are further things to look at. Hopefully you do not put your head in the sand.

30

MR KIRKBY: Thank you, Geoffrey. Our next speaker is Judy Smith from the Blue Mountains Conservation Society.

35 DR J. SMITH: Thank you. I am Judy Smith. I have PhD in Terrestrial Ecology. I have worked as an ecologist for over 30 years and was a member of the Greater Blue Mountains World Heritage Advisory Committee for 10 years. Today I speak as a member of the Blue Mountains Conservation Society, a community organisation with over 800 metres – members. Not meters, members. The society's area of interest encompass the Greater Blue Mountains world heritage area which, as
40 discussed today, adjoins the Bylong coal project.

The society opposes the proposed revised coal mine. The society does not agree with the Department of Planning's finding in their final assessment that the revised mine plan is in keeping with certain relevant objectives of the New South Wales
45 Environment Planning and Conservation Act, particularly, as already discussed, 1.3(b):

To facilitate ecologically sustainable development.

And 1.3(e):

- 5 *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.*

10 The Bylong Valley is an area of outstanding natural values. The EIS prepared on behalf of Pepco found that the Bylong coal project site contained three threatened plant communities, of which the critically endangered box gum plant has been discussed at length. For South Eastern Australia, it's estimated that 95 per cent of this community is already cleared. The area also contains four threatened plant species, three plants listed as endangered populations. Three potential new plant
15 species were found during the course of plant survey work for the EIS. The department's final assessment does not address the significance of these three plants at all. Also, the site contains 23 threatened fauna species and an additional 17 threatened fauna species which are likely to occur in the area.

20 Today greenhouse gas emissions have been well discussed. Obviously the conversation society has great concerns about any new mine in a greenfield site. I would just like to highlight that we talk about global warming and global warming is happening and it's happening at a local level. This year a paper was published in the Australian Journal of Zoology which documented the decline of one of our iconic
25 species, the greater glider in the Blue Mountains. This species used to be, 10 years ago, quite common in the lower Blue Mountains at lower elevations. It's now extremely hard to find. The decline has been related to rising temperatures already being experienced in the Blue Mountains region.

30 The greater glider, it was not clear whether greenhouse gas emissions come from scope 1, 2 or 3 emissions. Society is concerned about the inadequacy of proposed biodiversity offsetting. The project will result in a substantial net loss of native vegetation, including almost 250 hectares of critically endangered box gum land and habitats for threatened and other species. The society believes that if the project goes
35 ahead, it is not correct to claim, as the Department of Environment – Planning, sorry, claims regarding this project and I quote:

...that biodiversity would be enhanced or maintained over the medium to long term.

40 There will be a net loss of biodiversity. The short term prospects of threatened species and other biodiversity are not even considered. The society does not believe – does not agree with the department's assessment in that the risks associated with the proposed rehabilitation of the woodland community are acceptable. This has
45 already been covered by previous speakers, only to mention that in 2012 the Planning Assessment Commission for the Coalpac consolidation project and open cut coal mine proposal in the nearby western coal fields considered these same

issues. The Planning Assessment Commission at that time concluded that, and again I quote:

5 *Rehabilitation cannot restore the existing vegetation associations or ecological balance of the area –*

and:

10 *Rehabilitation of mature woodland is unproven for open cut mines in New South Wales.*

I would particularly like to talk about impacts on the greater Blue Mountains world heritage area. The society believes – is concerned that likely impacts of the proposal on the biodiversity of the adjoining Blue Mountains world heritage area has not been
15 adequately considered. The world heritage listed area is listed solely for its natural values, including its biodiversity and its threatened species. Any actions that degrade the biodiversity of the adjoining world heritage area, that is Wollemi National Park, threatens to degrade the outstanding universal values of the world heritage area. The
20 known and threatened fauna that were identified by the EIS in the coal project site includes many of the threatened species that have been recorded in the adjacent world heritage area.

23 of a total of 33 threatened birds in the world heritage area, that is two thirds, 14 of the total threatened mammals, one half and two of the three threatened reptiles, that
25 is two thirds of the entire greater Blue Mountains world heritage area, an area of over one million hectares, have been recorded or are likely to occur in the area for the proposed mine. The EIS for the project states that:

30 *The project will remove large areas of known and potential habitat for a suite of threatened species.*

The majority of threatened species known or with potential to occur within the study area are mobile and considered likely to utilise habitat resources throughout the locality and with adjacent conservation reserves. The vast majority of the species
35 associated with the Bylong site are species associated with relatively fertile soils and landscapes. They are threatened because most fertile landscapes have already been cleared. The generally infertile landscapes or reserves, such as the Wollemi National Park within the greater Blue Mountains world heritage area remains largely forested.

40 However, it is infertile land. While threatened species in the Bylong site would range into the world heritage area, it is unlikely that they would survive in the world heritage area without continued access to habitat in the few remaining unreserved fertile areas, such as in the Bylong Valley. Likewise many of the threatened fauna species of the world heritage area are mobile and depend for their survival on
45 resources both within and outside of the greater Blue Mountains world heritage area. It is imperative for species in the world heritage area and to maintain our internationally recognised biodiversity and world heritage listing that adjacent

habitats, particularly those remaining on fertile soils, such as in the Bylong Valley, be conserved.

5 The fauna of the world heritage area is a matter of international and national significant. The impacts on water resources and hence the fauna of the world heritage area are another concern that has not been adequately addressed in the department's final assessment. These issues have been discussed greatly today. However, there has been little consideration by, or little or no consideration of the department of the water resources in the adjacent world heritage area. I understand
10 that a condition of the project is that should water resources be compromised on private lands then the owners of the private lands will have to be adequately compensated.

15 However, any possible loss of water supply from adjoining or nearby public lands is not considered. I urge that the bioregional assessment for the northern Sydney basin and Hunter sub-region be considered. On site biodiversity will come in our written submission and just to conclude on a more personal note. Today there has been some talk about locals and non-locals. I think we all care. I would hope that in the
20 next 25 years there are many, many jobs for Mudgee – wider Mudgee district's youth. Jobs that are ecologically sustainable in a clean environment. The children of the Mudgee district deserve such jobs. These children include my grandchildren. Thank you.

25 MR KIRKBY: Thank you. And the next speaker is Grant Gjessing.

MR G. GJESSING: Good afternoon, Commissioners and ladies and gentlemen. I'm a local. My name is Grant Gjessing. I own and operate a crane company here in Mudgee. I've spoken in front of PAC a couple of times previously. It's hard for a
30 small crane company such as mine in a town like Mudgee. We're always very competitive with our rates and so forth. People think I'm a good person. Competitive with rates and so forth. I employ currently eight people full-time and two part timers. Finding work for them is not always an easy task. We benefit being the main supply of crane age to coal operations at the moment.

35 We were there for their shut down work. When people say that KEPCO is only going to have a short term work period for a local crane company such as mine, I find this is false for the simple fact that we intend to supply cranes for their ongoing maintenance and machinery breakdowns. Yes. Other companies around town also benefit from investment such as KEPCO opening a mine here. I know that there's a
40 private industrial development about to kick off here in Mudgee.

45 It's going to have a spend of about \$4.6 million. It will service hopefully different companies that come and support the coal mines here in Mudgee as well as other companies. I reinvest in local people, training, a small amount in real estate. I have two rental properties that I'm trying to put forth at the moment, get through council. That's originally how I found a little bit of money to invest in a crane here in

Mudgee. I moved here in 2009 after living overseas for a short time – found my wife.

5 We decided to come back to Mudgee. I ended up working on the coal build project at Moolarben Coal and that's where we got involved in real estate here in Mudgee. We sold a couple of houses and my wife managed to give me half my investment from that to spend \$200,000 on a local company. I bought into it and the – still only worth about \$200,000, unfortunately, but that's just the way – tough times have been over the last 10 years – last eight years here in Mudgee. I try and sponsor
10 different charitable events. In the Rural Fire Service, people tell me I'm a good bloke, so I hope to keep that image up. I'm in full support of the KEPCO Bylong project and I hope you commissioners can see the advantages to a small company such as mine that a project like this would bring to me. Thank you very much.

15 MR KIRKBY: Thank you, Grant. The next speaker is Michael Lipari. I understand he has given a statement for somebody to read out. Warwick.

MR PEARSE: Hello. For those of you who missed my presentation this morning, my name is Warwick Pearse, but I've had a request from Michael Lipari who
20 unfortunately could not get here and only at short notice did he know that, so he has asked me to read out a letter that he would like the panel to hear. It's a very interesting letter and short, you will be pleased to know, so this is Michael Lipari:

*I moved to Bylong when I was 11 and I remained there for about 10 years. My
25 family and I lived on the property Hillview on the end of the Upper Bylong Road. It was an idyllic upbringing. Our property was bordered by other farms and the national park. We had views across grazing paddocks and the sandstone cliff faces. I spent countless hours after school and during school holidays exploring the surrounding bushland. I've returned over the years and
30 the memories of mateship and my sense of belonging are so strong that I've recently persuaded my wife after many years of trying to buy a 50-acre bush block at Growee on the southern end of Bylong.*

*I attended Bylong Public School which marked its hundredth anniversary in
35 2012 and the school is now closed. During my early high school years, the Bylong community held mouse races and the mouse races celebrated its 25th anniversary in 2013. Over those 25 years, events raised in excess of \$500,000 which went into providing for the Bylong community. The event was cancelled in 2014 after KEPCO started buying up the surrounding lands. My first job for
40 Jane Thompson at Kingston Stud thoroughbred horse stud – at the time Kingston Stud was one of the three horse studs in the valley.*

*Each of those studs has now closed and KEPCO owns the land. The Bylong
45 Valley has had some of the largest pastoral operations in the Hunter. Those operations consisted of enormous land sizes up to many thousand acres held by single land holders. Those properties were highly productive again lands. They had significant water holdings. They included historic cattle studs. They*

5 included prototype natural sequence farming. Those lands are all owned by
KEPCO. Most importantly, prior to the time when KEPCO started buying up
the land in this close-knit community of Bylong, a weekly get together on
Friday of great camaraderie and true mateship – since then, we’ve seen
friendships fracture as a result of probable non-disclosure agreements and gag
orders and the result of those bought out, fleeing the valley in droves.

10 You might think I’m totally opposed to mining. You might be surprised to
discover that I worked as an open-cut mining operator, ironically a previous
employee of the mining company that sold the licence to KEPCO – a previous
employee because I lost my job as a result of PAC decision rejecting an
application for an extension – I along with 500 of my colleagues. Those 500
jobs were no less important than those that KEPCO is apparently offering.
15 Now, like then, jobs and economics are not and cannot be the most important
consideration. I’ve seen the impact of mining on the land, the enormous hole
dug in the earth, the dust that floods the air, the water that is no longer suitable
for irrigation.

20 Thought I would be quicker than that. Sorry. Nearly finished:

25 *I speak regularly to my mining colleagues, and even amongst us, there seems to
be a general consensus that coal mining does not belong in the Bylong Valley.
Aside from the environmental impacts, I’ve seen the impact of mining on the
community. Coal mining has its place and it’s not in the Bylong Valley. Thank
you.*

MR KIRKBY: Thank you. Our next speaker is Sally Dryburgh.

30 MS S. DRYBURGH: Hi Wendy, Steve and Gordon. My name is Sally. Thank you
for the opportunity to speak here today. I am an architect from Sydney. I moved up
from Sydney about 15 years ago to this area with my young family and we love
Mudgee and we want to stay here forever. So what I’m asking is if you could please
consider approval of this mine so that my children and my grandchildren can live in
35 an economically strong region. We already have mining in this area, so it’s not a
new phenomenon so we are used to it and surviving with the other mines quite well.
The economic gain from this mine is long-term for the region, so it’s not a fly by
night project.

40 I’m a committee member in the chamber of commerce and KEPCO are very
supportive of our chamber. I am also a coach for a group called Max Potential which
trains up local youth and this is also sponsored by KEPCO. The world is
transitioning away from coal so let’s make the most of this possibly last opportunity
to allow economic benefit to our area. This is incident a pristine area. KEPCO is
committed to keeping the farmland that way. Water preservation is crucial. KEPCO
45 have to adhere to strict regulations in this respect. So KEPCO are simply not
allowed to do the wrong thing environmentally. They have to adhere to strict
regulations, yet the economic benefits to our area are undeniable. Thank you.

MR KIRKBY: Thank you. Our next speaker is Shaun Mace.

MR S. MACE: Mr Chairman, ladies and gentlemen, I'm Shaun Mace. I'm the director of Maceco Engineering. We're located between the towns of Rylstone and Kandos. We have a large workshop which caters from light to heavy industry. I would like to state that I am in full support of the Bylong coal project proposal by KEPCO. The Rylstone district has been in economic decline since November 2008 when the GFC hit. This was followed by the announcement from Cement Australia in July 2011 that their Kandos plant would be closed which it did then in September of the same year. More recently, in 2014, the mine at Charbon operated by Centennial Coal has closed. Sibelco, a multinational producer of mine products, was a major player in the area, however, have recently closed their Excelsior quarry and Tallawang magnetite mine.

Now, I stated some 18 months ago at the PAC hearing that I had it on good authority that Sibelco's lime processing plan at Charbon would likely close within the next 12 to 18 months so that has now happened with their announcement of closure in the past few weeks. They're in the process now of running out their current stocks and have laid off almost all of their workers. Coupled to all this the decline of the wider mining economy over the last few years and I can say that it has been extremely tough going for us at Maceco and every other business in the local area. We simply can't survive on our agriculture and tourism alone. Some years ago we employed 15 full time tradesmen as well as part time and casual workers and apprentices.

Today we are down to three full time employees and only casuals as required and haven't put on an apprentice in the last couple of years. All, without exception, of the employees we've had to let go have left the area to secure work in our busier times. In our busier times it's really difficult to find local trades as it really is non-existent. Make no mistake, all of us in the local business community are screaming out for big businesses such as KEPCO Bylong to come to our area. In my opinion and experience we now require it to happen. Tourism is great but only projects such as this can provide the baseload of employment opportunities that would allow our area to grow and prosper.

The youth of our community need to have more employment choices to keep them here and to give them viable options to return once they have completed their tertiary studies. KEPCO Bylong – they have already shown a sustained commitment to the local community. For the sake of our community we must consider the serious negative economic and social impacts on our region if this project does not go ahead. Thank you for your time.

MR KIRKBY: Thank you. Our next speaker is Fiona Davis – Farmers for Climate Action. Fiona, are you – okay, we will move on to Karen Macpherson.

MS K. MACPHERSON: Good afternoon everyone and good afternoon Commissioners. I think it's a testament to the level of interest in this project that so many people are still here at the end of a very long day. Through relatives in the

Upper Hunter Valley I have been fortunate to be able to visit this region all my life. For most of my career I've been an educator and I have done quite of a bit of postdoctoral research in critical thinking and decision-making over the years. About an hour ago I cut back quite a lot of my prepared comments because I'm delighted to say that through the course of today's long proceedings many of them have already been made.

It has been very interesting to observe how so many people from such a wide variety of special interests and viewpoints have, through their own pathways, identified very similar key issues in this mine development and I, like many others here, are strongly against it. My reasons are many but I will keep them simple this afternoon, of course. The first is costs and benefits of the mine; the numbers just don't stack up. The second reason is one you've heard many times today – water. No one, not even KEPCOs own water experts are sure about the amount of water that the mine will use. That's not good when you're talking about the lifeblood of an entire valley.

Firstly, costs and benefits, because, to be clear, this project is all about money. So what's in it for KEPCO. Its profit after costs and royalties will be about \$3.6 billion – a return on investment of at least 12 per cent; a nice little earner for KEPCO. What about benefits for Australia. The Federal Government will get in total about 300 million in company tax – not a huge amount over 25 years. The New South Wales Government will also get about 300 million in royalties but that works out to about only 1.2 per cent of the State's coal royalties for last year; so, again, it's not a lot in context. What about the Midwestern Regional Council, local government area. The council is in favour of the mine. Of course the mine will be good for business overall in Mudgee but how good.

Recent local advertising by Wilpinjong coalmine with twice the employees and double the mining output of the proposed Bylong mine had a local business spend last year of 26 million – a lot less than the 600 million that KEPCO estimates for their coal mine. Jobs are, of course, an important part of the benefit of the mine and we're told that that will be good for local unemployment but let's look at the numbers. It is important to realise that KEPCO plans to source at least 85 per cent of its construction and operational workforce outside the local government area. That means only about 65 local construction jobs in the peak year of construction which is one year out of 25 and about a similar number for peak operational year. Claims that the mine will soak up unemployed in Kandos and Rylstone, for example, are therefore doubtful.

My second main point is about water. KEPCO by its own calculations will be using up to 1835 million litres of water per year over the life of the mine, we're told. It's hard to comprehend how much water that is so let me put it this way – an Olympic swimming pool contains about 2.5 million litres of water. The mine will be using up to two Olympic size swimming pools of water every day 365 days per year for at least 25 years. Will this water take be too much for the Valley; will it interfere with crucial water entitlements for local farmers. Unfortunately, no one knows for sure; even KEPCOs own water experts don't know.

Scientifically it's just not possible to say more than because the project is a greenfields site there is limited or, at best, medium evidence on the likely impacts. This coal project is, of course, all about money. There is some certainties about it for KEPCO, for Federal and State Governments but, on the other hand, there are many
5 uncertainties and these are all risks to the Mudgee region. And as for the beautiful Bylong Valley, well, it will never be the same again.

The valley and its people are being thrown under the bus, even by its local government, for a coalmine project riddled with uncertainty. What are we thinking?
10 The mine should not proceed. Thank you.

MR KIRKBY: Thank you. The next speaker is Mitchell Clapham from the New South Wales Farmers Association.

15 MR M. CLAPHAM: Thank you. Good afternoon, ladies and gentlemen. Thank you for the opportunity to speak today. I'm a local farmer born and bred. I'm a member of the New South Wales Farmers Association and I'm a member of the Conservation and Resource Management Committee of that association and I speak
20 on their behalf here today. New South Wales Farmers is Australia's largest farming organisation with members growing food and fibre for the domestic and export markets from beef, dairy, sheep and goat meat to wool, grains, cotton, horticulture, poultry, oysters, eggs, pork, winegrowers as well as thoroughbred breeders.

We support public policy and technical innovation aimed and growing agriculture's
25 contribution to the Australian economy; a sustainable, natural environment reflecting the dedicated stewardship of our farmers and the world's best production and marketing practices joining and science and the practical expertise of the farmers.

30 We are well-placed to be a strong voice on behalf of our members when it comes to highlighting issues that threaten to affect the agricultural industry in this state. To be clear, New South Wales Farmers is not opposed to mining, but we insist that these developments must occur strategically and not at the expense of productive agricultural land, water resources and important existing industries.

35 This said, I would also like to emphasise that there are regions where mining activities are completely inappropriate and incompatible with farming activities. New South Wales Farmers' position on extractive industries is clear. We are calling for a scientific, evidence-based and transparent approach to approvals. That
40 incorporates a properly regulated industry with appropriate separations of power in approvals and compliance. We are also calling for independent benchmarking of air and water quality and other health and environmental data prior to exploration and/or mining licences being granted.

45 It is with this in mind that we are here today to place on record our concerns regarding the KEPCO Bylong underground coal mining project. Impacts on agricultural land. We have numerous members in the area that undertake a range of agricultural

activities who are likely to be affected by water issues, dust and noise impacts, visual impacts, as well as significant impacts to property values. The state-significant development assessment report for the project displays an inherent bias towards downplaying the agricultural significance of the Bylong Valley area throughout the agricultural impact statement – AIS. For example, the proponent quotes 2011 cattle prices which are 40 per cent below the current value.

We consider there to be unacceptable impacts on the biophysical strategic agricultural land land, which is a finite and special agricultural resource unable, in our view, to be reproduced and there are glaring issues with the additional impact of the equine critical industry cluster – CIC – and rehabilitation the AIS methodology and the proponent’s response neither requires nor has adequately addressed the future agricultural potential of the area. The Bylong Valley has some of the country’s best soils. It is close to the Hunter Valley horse and wine industries and the wine industry in Mudgee. It has good access to this positive agricultural future is not considered in any way throughout the planning process.

This comes at a time when governments on both state and federal level are recognising the structural decline of the mining industry and the huge potential that the agricultural industry plays in the future prosperity of this country. If we are serious about empowering the farm section – part of the economic future – economic growth, then we must protect and safeguard special and strategic assets such as the Bylong Valley. This project represented one of the first of its time to undergo scrutiny by the gateway panel. The fact that the gateway panel powers to stop a project represents a serious flaw and failing of government. Why have a gateway with no gate?

The fact that project can proceed through a flawed gateway process to a second round of determinations is a damning criticism of a process that was intended to provide upfront, scientific and independent advice to government and to provide protection to highly sensitive, strategic agricultural land. This process also facilitates enormous financial with the affected agricultural sector who are required to engage experts to assess these projects and carry out work that the government and department should have done in the first instance. Nevertheless, the experts on this panel did identify a number of issues that had failed to address in assessing the impact – agricultural land and water.

In their executive summary, the panel stated that the project would have direct and significant impacts on the agricultural productivity of verified BSAL within the project boundary area. Indirect impacts on verified BSAL within the project boundary area have not been assessed and are potentially significant and indirect impacts on potential BSAL adjacent to the project boundary area have not been assessed and are potentially significant. Panel also rejected the proponent’s assertion that the requirements associated with operating within the equine CIC should not apply and further concluded that the proponent’s application to the panel was noncompliant with respect to its assessment of the equine CIC and lacked proper assessment of the potential impact.

Panel's report goes on to consider all of these issues in detail. Ultimately, the only choice left to the panel was to issue a conditional gateway certificate that identified no less than 11 significant issues that the proponent did not adequately address. One of the main reasons for the failure of the proponent to meet the criteria sent by the panel was the inability to provide and describe precedence and process for the restoration BSAL. The proponent must be asked to explicitly and in detail address issues that the panel raised in their gateway report. It needs to be made clear to the community how these issues have been addressed and mitigation and the AIS, nor the Environmental Impact Statement, EIS, attempt to do this.

The Department of Planning and Environment described BSAL as land with high quality soil and water resources capable of sustaining high levels of productivity. DPE also point out the critical role of sustaining the state's 12 billion agricultural industry. In the case of the Bylong Valley, the location of this BSAL is also critically important to protect a strategic state agricultural asset for near to market fresh produce to Sydney into the future.

In addition to the BSAL identified, the AIS also identifies large areas of highly productive agricultural land that may not have been – that may not have quite met the verification requirements of BSAL, however, are still an important agricultural asset. It is clear that the project represents an unacceptable and large impact on the state's BSAL asset base as a result of direct impact of the mining project. In addition, the proponent proposes to tie up large areas of BSAL via their offset strategy with 486 hectares of verified BSAL to be managed in the future to primarily deliver biodiversity conservation outcomes. It is acknowledged that 109 hectares of the BSAL is currently cultivated.

The proponent has stated that these lands will continue to be managed as agricultural activity; however, the main objective and requirement of an offset is to deliver biodiversity outcomes. It is therefore disingenuous to state that some BSAL areas will be used for agriculture when it is well known that this cannot be the prior purpose of that offset land. New South Wales Farmers believe that productive agricultural land, including BSAL, should not be locked up as an offset for mining and energy companies. The proponents also contends that within the project disturbance footprint, all land within areas to be temporarily disturbed either indirectly or directly will be returned to its pre-mining capability, and in the case of BSAL, to the extent of 100 per cent.

With the greatest of respect, when you are talking about BSAL, we find it very hard to believe. You cannot unscramble the egg. This disbelief is further expounded by the fact that the proponent has not included in the AIS any detailed description at all of how this is to occur, the costs of undertaking this rehab and the risk associated with these activities. There is also no alternative rehabilitation strategy proposed. Given that the merit of this project rests heavily on the credibility of the proponents' claim to return and make this out, we strongly contend that much more scrutiny should be given to this process. The proponent refers to their rehabilitation and decommissioning strategy of 2015; however, upon reviewing this document, it still

remains very unclear as to the actual activities that need to be undertaken to reinstate BSAL.

5 Furthermore, the risk management section of this document is just over one page. It
is not a comprehensive description of what is to occur if the strategy fails. Whilst
New South Wales Farmers does not generally focus on specific mineral, coal or coal
seam gas projects, the proximity of KEPCO mining project to the prime agricultural
land and wineries, the scale of the project and the absolute appalling process for
10 approval have all commanded the association's attention. The impacts on individual
landholders as a result of the approval of this mine cannot be overstated. We have
highlighted some of these already, and no doubt you have heard many of those
concerns over the course of the hearing – planning and policy concerns.

15 For New South Wales Farmers, the main and overarching reason we are here today
presenting at this hearing in relation to this specific project is because this project
demonstrates, in the clearest possible terms, the complete and abject failure of
government planning process when it comes to extractive industries development or
state significant projects. The policy settings have created this perverse process that
20 are clearly not working. The fact that this room was packed with both sides at
loggerheads is a clear example of a continued failure of these processes. It is
inexcusable to think that it should ever have come to this. Without a doubt, or state
and Federal and planning policy is failing. It is failing to provide rigorous
framework for planning decisions and failing to place agriculture as a priority on the
government's agenda.

25 Our members have been highlighting planning policy deficiencies across a number of
different areas for some time; however, we stand here today and present the
concerns around a project that has raised so much concern, the issue has really been
brought home. We feel it is worth taking the opportunity to point out a number of
30 severe deficiencies within the current policy – government policies, and indeed, quite
shocking examples of abuse of government power in order to achieve favourable
outcomes for resource development. In September 2013, the government under the
direction of the then Minister for Planning, the Honourable Brad Hazzard,
unilaterally and singlehandedly changed the policy framework by which decision on
35 approvals for state significant development are made to make the value of coal the
principal consideration for decision-makers to take into account when assessing
projects. This is the process under which this project was considered.

40 New South Wales Farmers expressed alarm at the amendments contained within the
State Environmental Planning Policy (Mining, Petroleum, Production and Extractive
Industries) Amendment (Resource Significance) 2013 and proposed amendments,
which were enacted and became part of the generally for a number of reasons,
with the main concern being the removal of a triple bottom line approach to
45 approvals. Our association as well as thousands of other interested stakeholders were
shocked at these amendments. I am not overstating that. Upon further questioning
by us, the government alluded to the fact that this was an intentional and completely

unapologetic attempt at shoring up framework for a number of mining projects to proceed.

5 In fact, a Ministerial minute obtained by the New South Wales Farmers through the GIPA process states that the majority of submissions, around 85 per cent, received in the short exhibition time of two weeks objected to the changes or had strong concerns about this implementation. The same minute also, wrongly in our opinion, concluded that the change to this regulation should not be subject to the government's own self-imposed guide to better regulation. I will not spend too much
10 time getting into the detail, but the take home message is this. The government was changing policy on the run to try and pre-empt a favourable outcome for mining applications. In 2015, with a new minister and a new premier, this policy was changed back to what it originally was.

15 The government clearly identified they had made a mistake. Other criticisms of planning process include the lack of real regulatory on the supposed gateway process and the lack of enforceable interference regulation. There are solutions that would provide certainty to titleholders and landholders alike. The solutions certain on the need for proper upfront planning in order to identify areas that are suitable for
20 mines and areas that are not. There are current existing policies in place that can also provide solutions, as long as the political will is there to use them for what they were intended for: the protection of agricultural land. I am talking specifically about Rural Lands SEPP. This SEPP was introduced in 2008 in an attempt to recognise and safeguard the contribution of agriculture to the state. The planning circular that
25 was released at the time that the SEPP was introduced speaks of the importance of ongoing orderly and economic development of rural lands in New South Wales.

A key part of that SEPP was the introduction of a notion of state significant agricultural land. The provision was included to give the relevant Minister the
30 opportunity to protect important land that has state or regional significance and that may be under pressure is not compatible with the current agricultural use and where its protection will result in a public benefit. And at the time of its implementation and to date, there are no lands listed under this SEPP – are state significant. One would argue, however, that the intention to protect these areas was
35 always there and has been greatly overshadowed in recent times by the pursuit of the mineral resources that lie under them – lie under some of these lands at any and all cost. These areas still need and deserve protection.

They should be listed on the SEPP as a matter of urgency. In conclusion, I want to
40 make it absolutely clear, New South Wales Farmers Association is not an anti-mining group. It never has been. We are, however, increasingly frustrated and very disillusioned with government policy that fails to recognise and protect the importance of our key agricultural land. Agriculture is a sustainable industry that will be here forever producing wealth for this reason. It is not a once only boom then
45 bust with a footprint that survives a millennia. It's time the government started to get real about protecting it, and in doing so, you should not support this application for this project and destroy our vibrant agricultural industries within the Bylong Valley,

the business, the people, the lives, indeed, communities that rely upon them for the potential for the future. Thank you.

MR KIRKBY: Thank you, Mitchell. Our final speaker today is Ken Hopkins.

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MR K. HOPKINS: Good afternoon. My name is Ken Hopkins and my wife and I moved to Kandos about 10 years ago and opened up a successful business which we both work seven days a week. We also employ casual staff and have many young people from Kandos hired doing work experience with us. Kandos was built early last century as an industrial town and had a thriving community with plenty of employment and opportunities for apprentices and training. Unfortunately, the downward spiral of Kandos and its flow-on for the other local towns began with the closure of the cement works followed closely by the closure of the underground mine at Charbon, then closure of the aboveground section of that mine.

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A few days ago the final staff were laid off in Sibelco – our last major industry. This closure also meant the end of Excelsior quarry and Kandos quarry. Fortunately, Kandos quarry was taken over by another company but only a couple of locals are working there. As a result of all this, our own business has now closed as is one of the two supermarkets and many other small businesses in town. As an industrial town Kandos has no through traffic and, as such, tourism is virtually non-existent so our town's only hope of survival is with new industry and the KEPCO Bylong project would create the economy boost that is so badly needed.

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Until recently I ran a motor mechanics training course in conjunction with local police, the PCYC, and Kandos High School. The simple fact that some of these kids felt that this course may give them a bit of chance to find work in the area made that all worthwhile. The kids felt that they would need to move away from home just to find work. Then, when the talk of a local mine opening up came, the local economy came – opening up the local economy, they saw some hope. When I first heard about the KEPCO project, to form an opinion I made a lot of inquiries about such matters as water supply, visual impact, traffic impact, regeneration and had all these points answered in detail by different members of KEPCO management.

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I feel comfortable with my decision to support the mine and, with expert management of the site and the amount of money it will bring to local communities, the benefits will far outweigh the perceived inconveniences. With the new style low emission thermal power station being built I feel coal is still one of the best forms of reliable power and will be for quite a few years; not just a win for local communities but also a win for the Australian economy. The Bylong Way is the most direct route from Newcastle to Bathurst, Orange and many more parts of the central west.

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My question on road upkeep to KEPCO was answered by the fact that 3.7 million has already been committed to Midwestern Regional Council for road maintenance. I ask that members of the Independent Planning Authority reviewing the project hear the voices in support of Kandos and Rylstone and approve the Bylong project and

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give our community a prosperous industry to look forward to. Thank you very much.

5 MR KIRKBY: Thank you, Ken. That concludes the speakers for today. I would like to thank everybody for coming along – those that spoke and those that came along to listen. It has been a very valuable exercise for the panel. A lot of issues have been raised both for and against and we will go through all the written submissions. The proceedings have been recorded and there will be a transcript put up on our website of today's proceedings generally within about a week so you can go on there and see what was said.

10 We will go from here and consider everything raised today along with all the other information we've received prior to making our determination. There may be things that came out of today for which we might need further information or clarification so I can't give you an exact timeframe on when our decision will be. We will, obviously, have to seriously consider a lot of the matters raised today. Once again, thank you for coming along.

20 **RECORDING CONCLUDED**

[5.30 pm]