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MR S. O'CONNOR: Welcome to this stakeholder meeting preceding the  
5 Independent Planning Commission's electronic public hearing into the State  
significant development for the Dendrobium extension project. I'm Steve O'Connor  
and I'm the chair of this panel. Joining me is my fellow commissioner, John Hann.  
John and I are being assisted by Stephen Barry and Julian Ardas. Before we begin, I  
10 would like to acknowledge the traditional custodians of the land on which we  
variously meet and pay my respect to their elders past, present and emerging and to  
the elders from other communities who may be participating with us today.

South32 Limited, the applicant owns and operates the Dendrobium Mine, an  
15 underground coal mine located approximately eight kilometres west of Wollongong  
in the southern coal fields of New South Wales. The mine produces metallurgical  
coal for steel making in Australia and overseas. The applicant is seeking  
development consent to allow the extraction of an additional 78 million tonnes of  
run-of-mine coal from two new mining areas, Area 5 and Area 6, and to extend the  
20 life of the mine until the 31<sup>st</sup> of December 2048. The application has come to the  
Commission for determination because it received more than 50 unique public  
objections.

I note the Department of Planning, Industry and Environment has provided its  
assessment report and has recommended approval for the project. The Minister for  
25 Planning and Public Spaces has directed the Commission to hold a public hearing  
into the application. He has also asked the Commission to determine the application  
within 12 weeks from the date of the referral from the Department of Planning,  
Industry and Environment. In line with regulations introduced in response to the  
ongoing COVID-19 pandemic, this meeting will be conducted online. A full  
30 transcript of the meeting will also be published in the next few days. Thank you. So  
I might begin by just asking everyone to introduce themselves. That will assist in the  
transcribing, that they hear a voice and then can put a name to that voice. I've  
introduced myself. I'll ask John, please, to introduce himself.

35 MR J. HANN: I'm John Hann, commissioner with the Independent Planning  
Commission.

MR O'CONNOR: Thank you. And Stephen Barry.

40 MR S. BARRY: Stephen Barry, I'm the planning director at the office of the  
Independent Planning Commission.

MR O'CONNOR: And Julian Ardas.

45 MR J. ARDAS: I'm Julian Ardas and I'm a consultant planner working with the  
Independent Planning Commission.

MR O'CONNOR: Thank you. We might ask you, Michael, if you could introduce yourself, please.

5 MR M. BANASIK: Yes, sure. Michael Banasik, deputy mayor of Wollondilly Shire Council.

MR O'CONNOR: Perfect. And the council staff. Could each of you introduce yourself, please?

10 MS A. STENGL: I'm Alex Stengl, the manager of environmental outcomes.

MS B. KLEIN: I'm Bianca Klein, the team leader of environmental services.

15 MR D. HENRY: David Henry, environmental assessment planner.

MR O'CONNOR: Good. Thank you very much, everyone. That should help. Is there anything that – we do have one or two questions for Council but is there anything you'd like to say, either Councillor or council staff, just before we get into a couple of questions?

20 MR BANASIK: No. Not really. Obviously, Council's very concerned about anything that's going to affect the Sydney Water catchment area. You know, I think that's a taken, you know. So we're not an anti-mining council, you know, but we are very concerned about mining that can affect Sydney Water.

25 MR O'CONNOR: Okay. Thank you. The last submission from Council that we're aware of is dated the 27<sup>th</sup> of September 2019, so it's over 12 months old now, and in that submission Council made it clear it was opposed to the project because of its concerns, as you've just outlined, in relation to potential impacts on Sydney Water catchment and/or wanted to see any of those potential issues addressed to the satisfaction of WaterNSW. Can we just ask if that's still Council's position? Has there been any review of that, given that that's over 12 months old?

30 MR HENRY: No. That's the resolution but it is until issues are addressed to the satisfaction of WaterNSW. That's the resolution.

MR O'CONNOR: Right. So that still stands as .....

40 MR HENRY: It still stands, yes.

MR O'CONNOR: - - - more recent than that. Okay. So if WaterNSW was happy with it, then Council, presumably, would be also happy with the project. Do I understand that correctly?

45 MS STENGL: Yes. Unless any alternate resolutions come in supporting otherwise, that's our understanding as well.

MR O'CONNOR: Yes. Okay.

MR BANASIK: Yes. That's correct. Yes.

5 MR O'CONNOR: Yes. Now, I understand that the West Cliff Wash Emplacement Area is within your local government area?

MS STENGL: Yes, it is. Yes.

10 MR O'CONNOR: Okay. And that's part of this current proposal. They're proposing to take some of the wash coal to that emplacement area. Does Council have a concern about the ongoing use of that facility? I understand it's already approved and in operation but this will, presumably, extend the life of the operation of that particular facility. Does – given that's within your LGA, does Council have  
15 any issues or concerns about the emplacement area?

MS STENGL: I'll - if you don't mind - - -

MR BANASIK: Yes.

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MS STENGL: - - - I'll just say, I'm not sure if Counsellor Banasik wants to jump in but we did have hesitance about the amount of traffic and road use and impacts.

MR BANASIK: Yes.

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MS STENGL: And also the impacts to the Georges River through the Brennans Creek discharge point so there has been ongoing salinity issues. So, yes, I suspect we would do. Counsellor Banasik, did you - - -

30 MR BANASIK: Yes. Well, that's spot on, Alex. Well said. Look - yes. The traffic along – the growing amount of traffic along Appin Road is a major concern. South West Sydney is growing a lot and it's fair to say most trucks these days will be B-doubles, etcetera, so we are concerned about the extra traffic on Appin Road and we've been lobbying for many long years to get Appin Road upgraded. You know,  
35 Picton Road is getting upgraded at the moment, which is great, but, obviously, with developments like this Appin Road needs to be upgraded more.

MR O'CONNOR: So my understanding is that it won't actually generate additional traffic on Appin Road because there's already traffic from the mine being generated  
40 on that road which has approval, as I said, but it will extend the life of the operation in that emplacement area so, therefore, traffic will be travelling along that road over a longer period of time. It won't actually be increased traffic but just beyond which it would, otherwise, have had traffic on that road. So does Council understand that?

45 MR BANASIK: Yes. I think that's a fair call, Steve. But, clearly, if you're going along Appin Road it's – interestingly, it's one of those few roads that's 90 kilometres. It's not 100, 110, so to speak, and one of the main reasons is because of

the heavy trucks that come out of the mine along there. So the more traffic that's coming because of other reasons, right - - -

MR O'CONNOR: Yes.

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MR BANASIK: - - - obviously increases the safety concerns because you have those heavy vehicles coming along that Appin Road. So - - -

MR O'CONNOR: I understand.

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MR BANASIK: Yes.

MR O'CONNOR: Thank you. You made a comment about Georges River. Can you just explain the issues there? We have yet to visit the site so please excuse our ignorance if we're not familiar exactly where it is.

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MS STENGL: There is currently a licenced discharge point from Brennans Creek which then runs into the head waters – what is the head waters of the Georges River and the area has an approval and the emplacement has an approval so we respect and appreciate that. But, I guess, the question would be if this volume of emplacement material is above and beyond the previous agreed amount and there's already issues of salinity impact and it's quite apparent from the monitoring that gets undertaken that there is a salinity impact in the river from that discharge point and the EPA are aware and they've been working with South32 on that particular aspect but we haven't seen any real improvement in that impact. So, I guess, locally, residents are quite concerned. Yes. And, I mean, we're obviously concerned on behalf of them with the impacts into that river and, I guess, long term what that means for the Georges River. Because it is quite clean with the exception of that discharge point.

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MR O'CONNOR: And is it just salinity? Was that your concern or are there others, you know, erosion and sediment issues, etcetera?

MS STENGL: Yes. There's a couple of concerns that we've had. There's different – off the top of my head I can't recall all the different analytes that have issues but there are a few ..... predominantly .....potassium carbonate, calcium carbonate, and there are issues with, I think, some of the flocculant components – like, the components in flocculant that get put in there and it's mainly the salinity. The impact for us is that it's sedimentary rock, like, sandstone creek line and there are Aboriginal ..... sites and things like that along that river and if you look at the scouring from the salt, it actually starts to breakdown the sandstone over time. So, effectively, you've got a couple of issues with, not only the sediment and the actual chemicals being released over time degrading the water, but there is actually some, you can almost call it, like, chemical scouring, I guess, you could say, from the salinity impact on the actual sandstone bedrock in some locations. And, I think, long term, you may see a deterioration of some of the Aboriginal ..... sites and things like that. So there's a couple of things there. Yes.

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MR O'CONNOR: Thanks for explaining that. That's been very useful.

MR BANASIK: Just a supplementary to that, the area too, in the past and further upstream, if you like, is known for platypus, right, so, obviously, any effect on the  
5 water will affect that habitat as well.

MR O'CONNOR: That's upstream of .....

MR BANASIK: Yes.  
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MR O'CONNOR: Upstream.

MR BANASIK: Yes.

MR O'CONNOR: Thank you. Look, I don't have any further questions. Is there  
15 anything you'd like to ask, John?

MR HANN: Just two things. With regard to WaterNSW, have you had any  
20 dialogue with them in regard to your concerns and, I guess, follow up in terms of your letter of late last year? You'll need to unmute.

MS STENGL: Yes. There we go. Perfect.

MR HANN: I'm sorry, we missed that, Alexandra. Yes.  
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MR HENRY: Can you hear me?

MR HANN: I can now.

MR HENRY: Okay. Good. Yes. So Council's resolve is to offer any assistance –  
30 well, offer assistance that it provides to WaterNSW because, I mean, putting the speech together I noticed that there is ..... those ..... Council. We did have a preliminary discussion earlier – we had a discussion earlier this year and then a subsequent one, I think, a couple of months later when they just informed us what the  
35 process they were going through, in terms of – there was ..... to develop a response of the Government to the findings of the independent expert panel. So that's been going along. We haven't had any discussions since then, although we are proposing a..... discussion in the next week or so, if that can be arranged.

MR HANN: Right. Okay. And do you expect – is that a result of some further  
40 work WaterNSW have done or is that just an ongoing line of communication that you have with WaterNSW?

MR HENRY: .....Ongoing line of communication.  
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MR HANN: Okay. All right. No, thank you. Look, the other question I had really relates to the conditions that are proposed by the Department and whether you've got any particular comment on any of those?

5 MS STENGL: I'll take one for the team.

MR HENRY: I can add to it .....

10 MS STENGL: Yes. Look, in general, obviously, the conditions themselves are they're quite fine, as far as conditions are concerned. Although, we do have some concerns around a couple of them where, for example, like – sorry, I'm just trying to get my notes. One of the ones, anyway, further down that you referred to the applicant preparing, I think it was B29 and B30, the applicant preparing a water management plan and I was wondering whether Council would have the opportunity  
15 of reviewing that plan prior to it being, I guess, a done deal. Like, one of the concerns that we have is the strength of those documents and if Council can't have the opportunity of reviewing them, if they would be peer reviewed at all by an expert. That's another question.

20 I guess, to give us some assurance that those documents will be able to have the appropriate thresholds and for any impacts in them and, also, I think, the compliance component of the conditions, I guess, you know, once that plan's commissioned it meets that condition but what if there's a ..... in behalf. I guess, Council's main concern really has been around the impact to the upper drinking water catchment  
25 dam. So, I guess, we would like to see some comfort in the quality of the reports to ensure that any issues, should they arise, are adequately mitigated and managed so that we don't have any impacts in those drinking water supplies. So I think that's really our focus on that. And, similarly, that goes for the other plans like the biodiversity plan. The same things. It's just, you know, the same kind of concerns  
30 are around that. What quality ..... reports and the thresholds in there and the compliance measures taken if it's a failure, or something, that it doesn't happen.

MR HENRY: So, yes, having the ..... to look at it, I've had a brief ..... with Alex. So, yes, one thing is the performance measures I think need to be quite a bit more  
35 descriptive and more defined. For example, defining negligible impact and also ..... one says no more than as recommended by the EIS. So ..... that EIS just says the impacts on the water course within the catchment are going to be temporary – should be temporary and so I think that if that's something where they could seem to be – could be strengthened, in particular, is more defined, more specifically defined  
40 performance measures and also better reflection of all that detail about a specialist's advice that's received in. Because, as you recognise, we're certainly not the experts and we were happy for all these other experts around, such as the panel of WaterNSW to give their advice as ..... so it would be good for the ..... better for them  
45 as well.

MR O'CONNOR: Anything else, David?

MR HENRY: No. Look, I'm sure – the only other ..... the proposal by the South32  
to – where was it – make annual payments for the permits ..... water tanks so it's just  
– well, there's just questions over the adequacy of that. If the panel is able to  
investigate, you know, how effective that will be in ..... the water supply. I'm not  
5 sure if Counsellor Banasik has got anything to add to that?

MR BANASIK: No. Not really, David. I think you've covered it there.

MR HANN: All right. No, David, Alexandra, that's particularly helpful for us.  
10 Steve, was there anything else on the conditions that you felt we could benefit from?

MR O'CONNOR: No. But I've noticed we've had two councillors join us.  
Councillor Noel Lowry and Councillor Matthew Deeth and I'd like to give those two  
councillors the opportunity to say something, if they wish. Perhaps, to you,  
15 Councillor Lowry, first. If you can unmute.

MR N. LOWRY: Thank you very much for the opportunity to talk and I'm sorry, I  
was late coming into the meeting so I've missed some of the preamble and the  
direction. Obviously, Wollondilly Council's position is one of in support of the  
20 position of WaterNSW and our major concern, of course, is water security. In line  
with the fact that climate change is going to put additional pressures on water for  
Greater Sydney into the future, particularly with regards to evaporation levels. I  
think, at the moment, it's about 4 or 5 per cent, or something like that, per annum,  
out of our systems generally and we saw in the last drought a more significant impact  
25 as a consequence. And, no doubt, this will happen again in the future and given the  
fact that only 3 per cent of the water on this earth is fresh water, suitable for drinking,  
the cost – the ongoing cost an ..... item of water lost out of our reservoirs through  
mining and the likes, obviously, is only going to add an infinite pressure for the  
future for Sydney and the likes.

30 And one of the things that irks me most of all, I'm not truly aware of your scope in  
terms of work and the way in which you assess the application, but given the fact we  
– the Planning Department has allowed the sterilisation of coal under Wilton for the  
purposes of urban development, indicates to me that they don't treasure coal in that  
35 sense. Yet, now we're not treasuring water over coal and this is a discussion which I  
just find intangible. I just cannot work out where we're coming from when we make  
these larger decisions. So from a political standpoint I know that the community is  
putting a lot more focus on water resources, water security, these days ..... about the  
promise, I really do respect where WaterNSW is coming from in this and I hope we  
40 lean towards that even more. I'm aware that the Minister can always override and  
once he's got all the advice he can make his own decisions and he will be judged in  
history for that and I'm sure you're conscious of that as well, and the likes, and I  
truly respect the fact that we've got two Commissioners here today. So thank you  
very much for your time.

45 MR O'CONNOR: Thank you, Councillor. Thanks for your comments.



MR LOWRY: Thank you.

MR O'CONNOR: I will just correct the record, though, the Minister is not the consent authority in this case. It is the Independent Planning Commission.

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MR LOWRY: .....

MR O'CONNOR: So the Minister, in fact, doesn't determine any State significant developments any longer.

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MR LOWRY: My ignorance. Thank you.

MR O'CONNOR: ..... some years. He leaves it entirely to the Independent Planning Commission to determine the controversial State significant projects, developments, and, obviously, if they're not controversial, the Department deals with them. So it .....

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MR LOWRY: But Wilton, of course, is a Minister's decision but not this. Thank you.

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MR O'CONNOR: Yes. Correct. That rezoning.

MR LOWRY: Thank you for the correction.

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MR O'CONNOR: Rezoning is a ministerial prerogative. Correct.

MR LOWRY: Thank you.

MR O'CONNOR: That's no problem. Thanks for your comments. Councillor Deeth, would you like to make any statements or ask any questions?

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MR M. DEETH: Thank you, Stephen. Only just briefly just to reiterate our support and hopefully that the panel can actually recognise that the governing body is here with three members but not only that, has united support around our Council submission and our staff's expert advice. And, certainly, I'd just like to reiterate to the panel from a community perspective just how significant the issue is for our Shire and for our residents here. We are the custodians of – well, we certainly consider ourselves the custodians of water supply for the Greater Sydney and we certainly put a lot of emphasis and value on that as a community. So we, certainly, watch this and, you know, will be watching the outcome of the panel's decision here, ensuring that we have, you know, proper protections in place for our water supply.

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MR O'CONNOR: Thanks very much. If there's no further comments from any of the council representatives, either staff or counsellors, are there any questions we can answer for you people before we call this session to an end?

45

MS STENGL: Our submission's notes or – yes, are we able to put in additional submission or – what's the process from here? I guess that's our question. Yes.

5 MR O'CONNOR: And, no, that's a good question. So currently the project is on the Commission's website and it's open, and Steve might or Julian might help me with the closing date, but it's open for submissions at the present time. They can be received, in fact, up until seven days post when we finish our public hearing. Our public hearing is scheduled to start on the 2<sup>nd</sup> of December and will, depending on how many people wish to address us, will run for several days. So I can't tell you  
10 when the last day of our public hearing is but when that last day occurs, which will be early December, there will be another seven days in which we can accept submissions. So it will be up to around the 10<sup>th</sup> of December.

15 We're happy to receive submissions at any time up until that closing date and we take onboard all the information we've received, whether it's written submissions or when it comes to these briefing sessions or the public hearing itself from any member of the public or any community group or organisation that wants to make representations to us. Following the close of those submissions then we analyse everything we have before us, make our determination. And as I mentioned earlier,  
20 the Minister's given us a time frame within which to make that determination which means, I think it's around about the 22<sup>nd</sup> of January we have to deliver our verdict on whether this project gets approved or otherwise.

25 MR BARRY: Can I just add to that, Steve. It's Stephen Barry here from the office of the Commission. So Council is absolutely welcome to make a submission within that time frame but we'd also encourage Council to make submissions to the public hearing itself if you wish to do so. So I just wanted to underline that latter point.

30 MS STENGL: Thank you for that. Yes .....

MR HENRY: So just a couple of issues if I could just quickly touch on. So - - -

MR O'CONNOR: Go ahead, David. Yes.

35 MR HENRY: Yes. Firstly, I notice that the assessment report didn't look much at ..... from water courses. So ..... for water courses it means restricting impacts to the condition, ecological ..... waterways. There's a lot of discussion now on ..... but I didn't see much on ..... based on ..... if that can be looked at. The other one is also  
40 the economic analysis. If the adequacy of the analysis in identifying any environmental costs could also be looked at of the project.

MR O'CONNOR: Just repeat that for me again, David, please? The - - -

45 MR HENRY: If the adequacy of the economic analysis in identifying environmental costs for the project.

MS STENGL: It doesn't seem to include any remediation or - - -

MR HENRY: No.

MS STENGL: - - - impact costs.

5 MR HENRY: Yes.

MR O'CONNOR: Yes. The Department did commission an independent analysis  
- - -

10 MR HENRY: ..... yes.

MR O'CONNOR: Yes. Brian Fisher. Dr Brian Fisher looked at that. But, yes,  
we'll certainly give .....

15 MR HENRY: It does have a heavy – I there's a heavy focus on economic benefits,  
which of course needs to be considered, but also just talk about what the  
environmental costs are.

MR O'CONNOR: Yes. There are certainly guidelines that have to be followed in  
20 the way those are assessments are done so we'll be looking to make sure those  
guidelines had been adhered to.

MR HENRY: .....

25 MR O'CONNOR: If that's all the questions that we have, then I thank you all for  
your time this afternoon. Sorry, Noel, you want to go ahead and take that one?

MR LOWRY: Yes. I'll take it Stephen. Sorry to just interrupt. David actually  
30 reminded when he was talking there about the environmental impact that's difficult  
to measure. One of the other concerns, I suppose, that sort of relates to that is the  
fact that we know that the loss of water in not just the reservoirs but underground  
waters generally are causing problems to fires in the future. So the loss of ground  
water, generally, the drop of – not just related to environmental but, once again, to  
mining and so we're undermining the water supply.

35 Obviously, the impact on a potential fire coming through is going to be far more  
significant once we remove the canopy and the fight back of the environment. We're  
seeing at the moment where the fires reached into the Burragorang Valley. There are  
areas which have not covered from the fire yet 12 months later, even with the rainfall  
40 that we've had since. So that there is significant damage with the extra heat that's  
been generated with the amount of fuel on the ground made available. Undermining,  
of course, will create more problems and, of course, then we have run off and more  
sediment into the dams which reduces available water supply as well. And so there's  
another combined loss of water supply through environmental consequences and that  
45 will increase as we understand the science. So I just hope that you take that into  
consideration as well.

MR O'CONNOR: Thanks very much. We certainly will. As I said, if there's no further comments, I'll just ask Julian and Stephen if they have any questions they'd like to put?

5 MR HANN: Nothing further from me, thank you.

MR ARDAS: No further questions from me, thanks, Stephen.

10 MR O'CONNOR: Well, thank you again, everyone, for your time. As I said, a transcript of these proceedings will be placed on the Commission's website and as Steve has mentioned, you're welcome to not only make a submission to us but also appear at the public hearing starting on the 2<sup>nd</sup> of December if you choose to. Thanks very much. I'll end this transcribing of this meeting now. Thank you.

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**RECORDING CONCLUDED**

**[2.33 pm]**