AUSCRIPT AUSTRALASIA PTY LIMITED
ACN 110 028 825

T: 1800 AUSCRIPT (1800 287 274)
E: clientservices@auscript.com.au
W: www.auscript.com.au

TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1216090

MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

RE: VICKERY EXTENSION PROJECT

PANEL:	**JOHN HANN (CHAIR)** **PROF CHRIS FELL AM** **PROF ZADA LIPMAN**
ASSISTING PANEL:	**STEPHEN BARRY** **BRAD JAMES**
DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT	**MIKE YOUNG** **STEPHEN O'DONOGHUE** **PHIL NEVILL**
LOCATION:	**VIA VIDEOCONFERENCE**
DATE:	**12.05 PM, THURSDAY, 18 JUNE 2020**

MR J. HANN: Well, look, thanks very much Mike, Stephen and Phil. Look, as you know I will just go through the procedural stuff first, and then we will kick off with sort of the detailed material thereafter so before we begin I would like to acknowledge the traditional owners of the land on which we meet, and I would also like to pay my respects to their elders, past and present, and to the elders from the other communities who might be here today.

So welcome to today's meeting. Vickery Coal Proprietary Limited, a subsidiary of Whitehaven Coal Proprietary Limited, the applicant, is seeking development consent to extend the Vickery approved project, and develop a new CHPP, and train load-out facility at the Vickery Coal Mine. The project also proposes to develop a rail spur across the Namoi River floodplain, and includes a water supply borefield, and some ..... infrastructure. The project is located in both Narrabri and Gunnedah Local Government areas.

My name is John Hann, I am the chair of this IPC Panel, and joining me are my fellow Commissioners, Professor Zada Lipman, and Professor Chris Fell. Steve Barry and Brad James from the Office of the Commissioner are also here in attendance. Look, in the interests of openness and transparency, and to ensure the full capture of the information today's meeting will be recorded, and a full transcript will be produced, and made available on the Commission's website.

This meeting is one part of the Commission's decision-making process, and it's taking place at the preliminary stage of our process and will form just one of several sources of information upon which we will, as a Commission, base our decision. So it's important for the Commissioners to ask questions of those attending, and to clarify issues whenever we consider it appropriate. If you're asked a question, and you're not in a position to answer it, if you could feel free to take that on notice, and provide the Commission with any additional information in writing, and we will then put that up on our website.

And look, given that this is an electronic forum, could you please introduce yourselves each time you speak? Normally when we're face to face it's just the first time but if you wouldn't mind just introducing yourself each time, and then just try and avoid if we cannot speak over the top of each other so we've got the accuracy of the transcript. So having said that, if we could commence the discussion, and the briefing proper.

At the outset, look, the assessment report is – it has been incredibly helpful for us; we're very, very comfortable with it. Mike and the team, Stephen and Phil, we're particularly happy. It's rigorous, it's dealt with what is a complex project in comprehensive detail, and look, I guess the most important thing is for this afternoon is really just to clarify a number of issues that are primarily residual from when the Commission provided its issues report, I think, back in April 2019, so much of what we're seeking clarification on is something that you're intimately familiar with anyway.

So look, we forwarded a note earlier in the week, Mike, which just laid out some high level issues; is it helpful if you just take us through your responses to those, and then we can go from there, is that the best way to do it?

MR M. YOUNG: Yes. It's Mike Young here. I'm the executive director of Energy Resources and Compliance at the Department of Planning, Industry, and the Environment. Yes, John, I think – and hello to everyone online, and Zada and Chris, and Brad and Steve. Yes, look, thanks for the opportunity to present today, John, and Commissioners. We – I think it probably is best just to go through those clarification questions but just, I guess, by way of introduction, thank you for those comments on our report.

We've certainly – the approach that we took was to rather than re-hash, you know, material from the original assessment report, and we sought to particularly target our comments, and analysis, and indeed the analysis of the various experts that we had engaged on the residual matters that were identified by the Commission in its report following the initial public hearings. And I think rather than, you know, go through the whole of the assessment process, and changes to the project etcetera, we will probably do that in some detail at the public hearings coming up in early July.

So I think I agree, John, in the interest of our focusing on those sort of residual matters, I think we're certainly prepared to go through each of those matters that you've raised where you're seeking clarification, and Steve and Phil, in particular, will be across the intimate detail of the project so to speak; they're probably best placed to go through each of those so happy to do that.

MR HANN: All right, Mike. John Hann here. Look, thanks, very much. I think that will be an efficient way to deal with it. Certainly, we're familiar with the – the nature of your assessment report is such that we're familiar with all of the context of it, and the detail of all of the issues, and it's just these ones, we think, would be helpful for us, Mike, so over to you and your team, thank you.

MR YOUNG: Mike Young here, so Steve, and Phil, I will hand over to you if that's okay, and I will just chime in if I think anything needs to be clarified.

MR S. O'DONOGHUE: Thanks, Mike. Steve O'Donoghue, director of Resource Assessments so I will just step into the question 1, which is about the noise, and the application of the VLAMP in relation to the noise conditions with reference to table 1. I guess the assessment identified – the noise assessment identified in respect in table 1 that there is two properties with three residences that have noise limits set in table 1 which are above the 35 decibels where there was slight exceedances of the .....

These are properties 131, with two residences on there, and 132 where there's a one to two DB evening and night time above the 35 so the noise limits are 36 on two of the residences, and 37 on one residence. So in relation to how that works with the VLAMP, the VLAMP in September 2018 version of the VLAMP which is applied

here identifies that for a zip to zero 2 decibel increase above the noise trigger level is considered a negligible impact under the VLAMP, and that potential treatments or how to deal with that.

There is no ..... base treatments or mitigation in that instance so in this instance we've applied the VLAMP for those two properties; that's after Whitehaven demonstrating that they had applied all reasonable and feasible noise mitigation prior to that, and the consideration of the submissions through the process on that as well.

There's probably just one other thing to add, not – there's another condition which I will refer to which is D1 in the conditions which is more about the acquisition upon request, so there was one other receiver, 127 – there's three residences in that property. One of the residences triggered the significant impact where acquisition which triggered – afforded acquisition rights to that residence; it covers the whole land holding so all three residences under that land holding have acquisition for that entire land holding.

In that instance noise limits aren't set but the – there's an acquisition process there, subject to the negotiated ..... outcome between the landowner and the company in that instance, and, you know, we understand that there have been discussions, and negotiations between the parties but at this point we understand there has been no agreement reached at this point in time, unless that has changed in the last month.

MR YOUNG: Mike Young here. Steve, my understanding is that particular property is a relatively large property with a number of dwellings on it but it's right to say that the original assessment for the approved Vickery Coal Project indicated that there would be significant exceedances of the relevant noise criteria at that property, and the current conditions for the existing approval afford acquisition rights to that property as well so there's actually no change in terms of the regulatory treatment of those impacts; is that correct?

MR O'DONOGHUE: That's correct. The Mirrabinda property, under the improved project, does have acquisition rights currently which haven't been, you know, triggered yet, and the – so that they are retained for the current, you know, for the proposed recommended conditions for that property.

MR HANN: All right. John Hann here. Thanks, Stephen, thanks Mike. Just for further clarification, so in the approved project, and now as proposed for the project, so it's intended that there wouldn't be noise limits set so table 13, I think, confirms that further on in the conditions if I'm right, so in a practical sense so there wouldn't be EPL licence, if you like, wouldn't have criteria for that particular property; would that be correct?

MR O'DONOGHUE: Yes, that's correct. Where acquisition rights are afforded – I mean the EPA's position on that is not setting noise limits where it exceeds more than 5 DB for that night time and evening period, and there's acquisition rights afforded so they won't regulate on the basis of noise limits. I guess it's fair to say

that given that there's other residences around there that require – that have noise limits on them for the 35, 37 which are, you know, reasonably close from the same proximal area as the – as on the Mirrabinda property – that in meeting those noise limits there's some – there is protection for those properties anyway in mitigating noise to achieve noise limits more broadly

MR YOUNG: It's Mike Young here. It's a fair question, John. It would be fair to say also that of all the various acquisition rights that have been afforded to various properties associated with or in the vicinity of mining projects around New South Wales, there has been a longstanding and consistent policy approach by both the department and the EPA not to apply specific noise levels.

That's because we're indicating that the impacts on those properties are significant but as Steve has indicated it's not a blank cheque to create whatever noise, you know, that the mining company likes; there's still a whole range of other checks and balances, and monitoring that needs to be undertaken to ensure that the impacts are no greater, and in fact our experience has been usually less than what is predicted in the EIS because the EIS is usually based on conservative noise assumptions, and noise modelling.

So that has been the approach for all the – essentially all the mines in New South Wales to date in terms of where there's a significant impact. That, of course, as Steve has said, is only after, you know, the EPA and the department are satisfied that all reasonable and feasible mitigation measures have been put in place to minimise that noise before we would even consider what additional mitigation, and or acquisition may be appropriate in the circumstances.

MR HANN: John Hann here. Thanks, very much, Mike. Look, that satisfies my question. Sorry, Steve, you wanted to mention something?

MR O'DONOGHUE: I was just going to say too that, like in conjunction with that, that, you know, the operating – those noise operating conditions, and the noise management plan have a whole lot of requirements for minimising noise, just adding on what Mike said, including deployment of, you know, real time noise monitoring and monitors during operations to that the – directly back to the company to take actions to ensure they comply with the noise limits.

And generally, in this situation where you've got a number of residents in that south, sort of western quadrant, that would be the sort of area you would deploy a real time noise monitoring unit to feedback into ongoing management at the site, in conjunction with the attendant monitoring that's undertaken for compliance.

MR HANN: John Hann here. Thanks, very much, Steve. Zada and Chris; do you have any further comment or questions on this?

PROF Z. LIPMAN: No, that clarifies it, thank you.

MR HANN: Chris?

PROF C. FELL: No, that's fine, thanks, John.

MR HANN: All right. Thank you. Over to you, Steve.

MR O'DONOGHUE: Okay. The next one is just on the question 2 on the final land form, particularly around the expert advice from Mr Hugh Middlemiss on the node, the void option, whether the no new void option or the current one with the pit lake developing and acting as a sink, and how we considered that. So I guess the key is, Mr Middlemiss, I guess, through his review was concerned about the justification or information provided by Whitehaven on options other than a pit developing, and he did request further analysis on a filling in the pit, and I guess, costs and issues around that; that was also brought through the IPC review questions as well.

Whitehaven did undertake some further analysis of a back-fill – completely back-filled void, and looked at the implications of that through potential for lead shape from waste implacements to, I guess, reverse from the current approved final void situation which is a sink, to and analysed what the implications were for it through closed void ..... or potential for lead shape to get out from the void.

They did that analysis, and showed that there would be ground water mounding, and saline water that would flow towards the alluvium under that situation which could potentially create potential issues with the movement of that saline water, including potentially a reversal from the ..... placement areas which we will talk about later as one of the questions. Mr Middlemiss did look at that additional information, and he still had concerns about whether there was a sufficiency of the geochemical analysis that was available, noting that it was done really looking at saline water quality.

I guess there was other, you know, potential heavy metals that could be mobilised as well but there was, I guess, there was a lack of some information that fed into that analysis, however, he was comfortable that that could be looked at as a post-approval issue in terms of further collection of geochemical data as the mine progressed with looking at analysis of the lead shape quality coming from ..... placements in the final void. And also, further review of the final land form as it progresses, and looking at potential options, and particularly in the first 10 years of, you know, doing some further work on other final void options apart from the final pit lake.

I guess, as a result of that, how we considered that was in which Mr Middlemiss had input into looking at the conditions, and developing recommendations on the conditions was to include in the rehabilitation strategy a five yearly review of the final void, looking at the final land form. What Whitehaven also committed to doing this in their response to Mr Middlemiss so an ongoing review of the final land form, election of geochemical data to feed into that every five years with consultation with the department, and key stakeholders in terms of the potential for minimising the final void in the land form.

In saying that I guess the approved mine does have two final voids in it. The project is moving to one final void so it's consistent with the approved project in that respect, and in terms of rehab objectives, consistently we apply a potential for minimising the void, and the catchment area to the void in particular so that as minimal water is directed to the final void as possible but put back to the environmental .....

MR YOUNG: Mike Young here, Steve. So obviously, you've touched on a lot about the – a lot of issues, and analysis of the ground water behaviour associated with having a final void or not having a final void, essentially being a ground water sink versus not being a ground water sink, and the implications for therefore transportation of saline water to other areas if you didn't have the ground water sink, but what about the side of things where, in terms of either the cost or the time taken, or other implications of – if we're looking at the costs associated with filling the final void?

MR O'DONOGHUE: Whitehaven did provide some conservative estimates on the back-filling which they cited as around $600 million to do that so there is a – I guess, associated with that depending on the process for doing that, if it's part of it is there might be some progressive rehab, and that there's costs and impacts associated with transferring more dirt around through the site, and back into its final void over a number of years so there are extended impacts.

And I guess the conditions that Mr Middlemiss, sort of, recommended was really there's opportunity in that first 10 years in particular to that ..... the mine plan about how you might rehandle dirt, you know, to get to a final land form design so I guess the critical period is really that first five and 10 years to ..... in the mine plan, and how the final land form might develop.

MR HANN: It's John Hann here. Thanks, Stephen, and thanks Mike. So essentially the conditions that are attached to the application are, in your view, reflect Hugh Middlemiss's intent that you've got a period of time over, say, the first 10 years with which to continue to feedback in the monitoring results, and the mine planning as it progresses?

MR O'DONOGHUE: That's correct, and like I said, we've got advice from – and we ran the conditions by Mr Middlemiss, and he provided advice on that through internal developing ..... I guess the key conditions are really B53 which is the ground water management plan, B101 which is the final void rehab objectives, and B104 which is the rehab strategy so that's sort of worked together in terms of informing or feeding in Mr Middlemiss's recommendations.

MR HANN: John Hann here. Look, thanks, very much, Steve. I don't have any other questions or comments in relation to that. Zada, and Chris?

PROF FELL: Sorry, a very minor one really but do you think the draft condition does point to a necessity of actually meeting Mr Middlemiss's suggestions when you come to look at that in five year's time?

MR O'DONOGHUE: They do because they're quite explicit in that, both the rehab strategy; 104N explicitly refers to an ongoing review of the final land form, and final void outcomes every five years, yet in consultation with the resources regulator, and councils to meet the rehab objectives. And there's rehab objectives for the final void which is, I guess, the key one here is the first one; it's designed as a long-term ground water sink to prevent the release of polluting water into the surrounding environment unless further mine planning, and final land form design processes identify a more suitable outcome for the final void so it's linked in.

So I guess the starting point is a sink but through that – through those reviews, and additional information coming through the geochemical analysis, which is tied up in the ground water management plan condition in terms of getting more data around that, but that covers off really what Hugh's recommendation was, and in his – his key one being, you know, get that information, you know, within that first 10 years.

PROF LIPMAN: Zada Lipman. Could I just ask is there any suggestion, possibly in Hugh Middlemiss's report, that he may have thought that apart from the actual land form being worked out over the next five years that the actual existence of a final void could also be subject to consideration or reconsideration with progressive tests and development?

MR O'DONOGHUE: Well, I guess that's the – I mean the nub of it, and the conditioning is that – is really looking at a final void issue so that the final land form – the final void is a key component to the final land form. Mr Middlemiss's concerns was centred mainly around that final void, and certainly, the conditions in terms of those reviews is having a harder look at that final void as the mine progresses.

MR YOUNG: I guess, would it be fair to say, Steve, that I guess our view is that the – whilst final voids are, you know, we would seek to encourage mining companies to develop mine plans that either don't have final voids or minimise the size and the number of voids, and that Whitehaven or Vickery Coal has taken that on board in the design by taking it from two in the existing approval to one, and that on balance, that the final void, in terms of how it functions as a hydrological, in terms of ground water flow and so forth, that the better outcome for the environment, notwithstanding the fact that there's still potentially a final void in the landscape, but the better course of action, at this stage, based on the evidence that we have in terms of the behavioural ground water is to have it as a ground water sink to avoid saline ground water migrating to other areas but that – and also adding to that, I guess, you know, from Whitehaven's perspective, the significant costs associated with filling or rehandling over burden to fill that, and also the time and, you know, extension potentially of dust and noise impacts involved in actually refilling that void but that there is an opportunity, over the initial years of the mine, to progressively – if the

evidence is different to that – that there would be an opportunity to amend the mine plan over time such that you could result in either a smaller or a partially filled or a filled final void; is that kind of the summary of our analysis at this stage, Steve?

MR O'DONOGHUE: That's right, Mike. That's the – the starting point is the, you know, the final void acting as a sink which is fairly common, I guess, in land forms for these sort of – in the Gunnedah area, in the Hunter. But certainly, in lieu of Mr Middlemiss's advice we are, you know, requiring further analysis so that as the mine progresses, which is over that first 10 years, so that's a reasonable approach.

MR YOUNG: And Mike Young here again. Zada, it's a good question, and I guess your question, as I understand it, is would that process potentially result in a land form that a void is a final void so to speak, and I think the answer is the evidence that we have at the moment would suggest that's probably not going to be the outcome but that the conditions do allow that, and we would certainly consider that in detail in consultation with relevant experts to – and that's overlay, and with the fact that obviously the department would be keen, subject to those other environmental constraints, obviously keen to reduce or eliminate final voids in the landscape because clearly, as a legacy issue, you know, that's something that's an issue for the mining industry as a whole, including for this project.

So we would certainly be taking those conditions seriously, and looking to put a spotlight on that justification, looking at the evidence as it comes to hand, as to what is the best outcome, and I guess, you know, subject to your review, we think the conditions can potentially provide, you know, the opportunity and the requirement for that analysis, and potentially result in a different outcome than what Whitehaven is currently proposing.

PROF LIPMAN: Thanks, very much.

PROF FELL: Chris Fell. Look, what you're suggesting sounds very sensible. I will just ask one question; is there any action to be taken by the mining company in those first five years to include the possibility of a no void solution?

MR O'DONOGHUE: Well, I mean there is, and it is tied up into the rehab strategy in terms of examining that as that mine develops over the first five years. I guess the first few years would be that construction stage so probably in that first five years there's a limited opportunity because they're really getting into the, you know, just the initial development of the mine but certainly, you know, after that 10 year period there's an opportunity to look further at the mine plan.

MR YOUNG: Mike Young here. Chris, it's a good question, and what it would require is to take that information that we're requiring under the conditions, to analyse that to – and then to work with the company to – they would actually have to alter the way in which they were emplacing over burden, and managing the progressive rehabilitation.

PROF FELL: Yes.

MR YOUNG: So if – decisions would have to be made at that kind of very early stage, probably in between years 5 and 10, otherwise you would be in a situation where you would have to double-handle and rehandle, and that would obviously be opposed by the mining company, I suspect.

PROF FELL: And I'm very conscious – Chris Fell, again – that your department and the resources regulator, I guess, have the carriage of where a void is acceptable or not acceptable which is totally reasonable.

MR YOUNG: Yes. It's Mike Young here. I mean I guess we have issued – we published a discussion paper on rehabilitation of mining projects – it's probably 18 months or two years ago now – and one of the elements of that discussion paper was in regard to final voids, and it's clear that, you know, there is significant community concern about these holes in the landscape, particularly in the Hunter Valley where there's something in the order of 30 approved final voids, you know, in the landscape under current approvals, and clearly, you know, there's a desire to either eliminate or minimise those final voids.

And certainly, it does depend on the geology, the depth of mining, the type of mining, and the surrounding environment, and the groundwater situation as to whether, on balance, a final void is justified or not so there have been some projects recently, because of the shallowness of the mining, and the type of mining that's going to be undertaken, you know, and also in combination with underground where you can actually have opportunities to fill those final voids, and eliminate them from the final land form.

In regard to Vickery, we've obviously looked at that, and there's quite a lot of information in the EIS from the company, and since the previous public hearings where they're seeking to, I guess, justify that on balance it would be very difficult for them to achieve a no void outcome, and I guess at this stage, you know, we accept that as one of the trade-offs and one of the legacy issues, and impacts that if this mine does proceed and is approved, would be an impact in the landscape going forward.

That being said, we think that, you know, they can potentially improve that, and that's why we've set up some conditions to go through a ..... process with the company, and with the regulators to try and get a better outcome if the evidence supports that. So we are taking it seriously; it's not something that we take lightly, and as I say, there has been policy statements to the effect that, you know, where possible we do like to, you know, minimise or avoid final voids where possible.

PROF FELL: Chris Fell. Thank you, that's a very helpful explanation.

MR HANN: John Hann here. Look, yes, thanks, Mike, and thanks, Steve; that's comprehensive clarification from us so we appreciate that. So if there's nothing further from the panel then we can move onto the next issue.

MR O'DONOGHUE: Okay. So question 3 emplacement over burden; how the impacts on emplacement over burden on the clay dominated alluvium were considered and would be monitored ..... the views of DPI Water. So this is a small area within the Namoi region where the western over burden emplacement area; it's about 200 hectare, it goes over a small embayment in the alluvium which is a shallower – it's a shallower area from the ..... It's a shallower area of the alluvium, and a higher post in the area to that one compared to the deeper alluvium close to the Namoi River. It's also an area where the Canyon Mine impacted to some degree by the Canyon Mine, including that final work associated with the Canyon Mine.

So one of the concerns from DPI Water was really, you know, a potential compaction of the aquifer but also water quality issues of the potential to cause the seepage and lead shape from that emplacement to – down to the embayment or that the alluvium there, and affect the beneficial use of that in that area of the Namoi alluvium.

And so I guess how we've looked at that, the company provided more advice on that area, and ..... data. We also asked Mr Middlemiss to look at the information provided by the company, and I guess, form a view on that. This is also documented as appendices in the report; I think from Mr Middlemiss's G4 that's 4 in terms of his advice on that one.

Well, I guess his conclusion was that while there was a residual risk of lead shape from the emplacement it was quite low. It comes back to that issue with the final void acting as a sink where water from the emplacement areas would preferentially flow towards the final void rather than towards the embayment area; that is one aspect.

The other aspect is really that the materials we're looking at that are a problem, like the potentially acid forming or saline or sodiate materials. In terms of emplacement there's a preferential placement for those sort of materials to be at depth or further away from the embayment ..... placement as a preference but certainly encapsulated with sort of ..... materials where you wouldn't be generating acid materials; that's another mechanism or mitigation that the company proposes.

With what – what we have – to address the concerns, and DPI Water, while they did have concerns that they – one of the recommendations that TARPs be included ..... TARPs and objectives about protecting the alluvia – the Namoi alluvium water quality in particular. So in condition B51 we have a number of water management performance measures; one for – a couple for the alluvial aquifers where there's a requirement that in accordance with their predictions in the assessment that there be negligible impacts to alluvial aquifers caused by the development in terms of water quality, and also, to comply with the minimal impact consideration under the AIP for

water quality in there which sets, you know, that it doesn't move to a different beneficial use category, it doesn't affect the current beneficiary use category. So they're clear objectives that the company has to meet in terms of how managing emplacement within the – how to fit emplacement areas ..... emplacement to ensure that they've met that.

There's also one of those B51 ..... emplacement. There's performance measures for encapsulating, and preventing the migration of those ..... materials, and the design, installation and maintenance that we put in place must – to prevent or manage long-term saline sinkage – so there's peak performance measures that they have to meet in there, and that's then wrapped up into – through the action response plans in the water management plan that they have to incorporate into that plan. It's monitored to show that they can meet those performance measures, and that will be done in consultation with DPI Water, and ..... terms of the development ..... So that's sort of how – that's how the comments from DPI Water were addressed so they will be involved in inputting of the TARPs and ongoing monitoring around that.

MR HANN: John Hann here. Look, thanks, Steve. I don't have any further questions on that. Zada and Chris, do you have any comment?

PROF LIPMAN: Zada; none from me.

PROF FELL: None from me, John.

MR HANN: Okay. Thanks, very much, Steve. Steve, I think the next one is just around the water licensing.

MR O'DONOGHUE: Okay. A question for water licences, that it's a clarification of operational consequences when water availability is restricted. I guess this is centred mainly around B39 which is a standard function for mining consents which is really that there's an obligation on the company to adjust its scale of development to match their available water entitlement. That's a general obligation on all companies so really generally for water balance assessments, water supply assessments – and this is undertaken for the Vickery project – it's looking at a very wide range of likelihood based on over a hundred years of climate data through droughts, through wet periods, through average periods to get a band of the likelihood of having a deficit in the water supply.

So I guess in undertaking that assessment they looked at a number of water sources from off-site as the – from the Namoi River through ..... security licences and general security licences. Also, from the borefield but also from water running onto the mine site through ..... and captured into sediment dams or the contact water which is used up for mine operational purposes so I looked at that.

I guess this is – this became an issue, you know, given the extent of drought we've had over the last 10 years. It was a key community concern about water supply, and it still remains that even though there has been, you know, some better rainfall within

the last three or four months, but we recognise it's a key concern for the assessment in terms of that availability towards climate.

And certainly, if you look at the key part here in getting that water supply, particularly from river sources, if you look at the last year the available water determination, there was no allocations from that from the river, from a surface water source so it was a real issue for mining companies not only in ..... Basin but around the State as well over the last six months.

So I guess the onus is on the company. They have taken a risk based approach in having a number of sources from groundwater, from surface water in terms of managing that. Ultimately the obligation is still if the water – if the surface water supply is not available, and they get to the point where they don't have that entitlement for ground water, then there's obligations on them to change their operations to match their available water supply.

It's not a question of continuing to operate with minimising the dust question or water ..... penalty plan; there's obligations there to, you know, make changes if they can't get that water or potentially look at alternative water supply as has been the case in operations around the State.

MR HANN: John Hann here. Thanks, Steve. Yes, look, can you just – if you look – as you mentioned condition B39, you know, adjusting the scale of the development, I think, is the sort of terminology, and given that I understand that, you know, you're talking around 75 per cent of the water is consumed in dust control related haul roads and so on, which is ..... so I'm assuming, in practice, that's what that would mean; you would be scaling back the amount of material you're transporting in order to control it because we accept, you know, that they – all the licences and so on appear to be able to – in – when the water is available to be able to provide sufficient water for the operation, the scale of it, it's simply when it's not available so it's really just the application of B39, and is that what you would expect in terms of how the operator would adjust?

MR YOUNG: It's Mike Young here. Yes, I think this is, as Steve has indicated, this is an issue for all mining and extractive industry projects around New South Wales, and particularly it has been a challenge in recent months and years with allocations under irrelevant water licences being restricted just like they are for other water users.

So what we've found is that in most circumstances mining companies will seek to obtain additional licences from other areas etcetera to enable them to continue to operate but there have been circumstances where things have had to be scaled down, and obviously we wouldn't expect, you know, the lack of water to be an excuse for not complying with relevant criteria, and obviously the monitoring in regard to real time air quality, and so forth would pick up, you know, if there was a systemic failure of, you know, implementing those standards, sort of dust suppression activities on the site.

So it's probably a hypothetical in this case because – to some extent – because I think that the analysis, Steve, and correct me if I'm wrong, shows that the risk of a lack of – a significant lack of allocation is probably relatively low because there's a number of sources that they can get the necessary water from; is that right?

MR O'DONOGHUE: Look, that's correct. There is a number of sources. I guess the key really is during extended drought periods the key would be the available water from surface water sources, extracted from the Namoi River, with the, you know, releases from the dams. That will be the one that drives available water as seen in the, you know, in the last five years in particular through that extended drought period.

MR HANN: John Hann here. Thanks, very much, Steve. I don't have any further comments. Zada, Chris, do you?

PROF FELL: No, I'm happy.

MR HANN: Okay. Thanks, very much, Mike and Steve. Road transport?

MR O'DONOGHUE: Okay. Since this is a – this clarification of the timing in reduction in the road transport of coal from the site back to Gunnedah CHPP, which is the current case, I guess one of the key aspects of the development is the relocation of the CHPP back to the mine site, and I guess the benefits associated with that in reducing, you know, road transport between the current approved mine, the commencement from Tarrawonga Mine, and up until recently Rocglen Mine which is now not operating, and going to the closure stage.

So I guess based on the information provided in the recent clarification from Whitehaven, once the project kicks off, commences, it's looking that the commissioning of the CHPP in rail load out and rail spur would be undertaking approximately 12 months from commencement.

The rail spur and rail loop are supposed to be constructed in year 1, take 12 months to complete so we're looking at probably a 12 month period before the commissioning of those facilities commence but they've taken that – they've also taken a conservative look at it, and that – and assume that some ROM coal would be transported through the second year of the project in case there are delays ..... so it could be up to, you know, a two year period while they would still be transporting coal back to the Gunnedah CHPP depending on construction, and commission in timeframes but that sort of order.

MR HANN: John Hann. Thanks, Steve. Look, we will put that to the applicant as well. So our understanding is, and from the condition, the only residual road transport then would be the 150,000 tonnes per year which is the domestic market; is that correct?

MR O'DONOGHUE: Look, there's that component; that would be coming from the CHPP. The other road haulage too though for a period of time would still be from the Tarrawonga Mine back to the mine site so there would still be road haulage, you know, for part of that length. Most of that is through private haul roads, you know, just in private haul roads. While Tarrawonga is still operating there would be the – once the Gunnedah CHPP closes there would be haulage of coal to the CHPP.

MR HANN: John Hann. Thanks, Steve. Actually, you've – yes, of course, the Tarrawonga had around three million tonne a year, we will still be transporting through the life of that – through to this – the proposed new CHPP, and I forgot to mention earlier we completed our site visit yesterday which was particularly instructive. While Chris and I had viewed it, as you know, in the preliminary hearing stage, Zada had not had that opportunity so we spent the better part of yesterday on-site, and we did look at the haul route from Tarrawonga back through to the proposed CHPP.

MR O'DONOGHUE: So there is a small section of the Rangari Road where they go from the private haul road onto Rangari Road, and then back on a private haul road.

MR HANN: Yes.

MR O'DONOGHUE: And then when the road realignment is done for – around the mine site when the pit closes off to the Canyon Mine and the ..... private haul road, there will be, you know, some changes through that section as well.

MR HANN: John Hann. Thanks, very much, Steve. I don't have any other comment; that has clarified it from my point of view. Zada and Chris?

PROF LIPMAN: None for me.

PROF FELL: I'm fine.

MR HANN: Thank you. So the rehabilitation?

MR O'DONOGHUE: Yes. So this is about the ecological rehabilitation linked to offsets. So I guess the way this is set up is that the company is seeking ecological rehab credits for eco system credits only, not ..... credits so it's more about the ..... community types in rehabilitating back to the best ..... planned community types that are reflective by the development, and having some component of rehab credits in that – in the final land form.

I guess the key – there's a couple of conditions here that are relevant, and I guess the key one is table 12 of the recommended consents that's rehab objectives for eco system establishment which are broad objectives for the mine site; this is regardless of being able to achieve credits. This is an obligation just for rehabilitation in general for no ..... system which is really establishing self-sustaining with land on the

site, and establish those local community types. This is fairly standard rehab objectives where you're trying to get native vegetation back on the site.

In conjunction with that though, in the rehab management plan on the 106 condition F, there's a requirement in the rehab management plan to include aspects of the framework by a biodiversity assessment which sets out requirements for completion criteria, and the sort of information needed to be able to retire the ecological credits. So there's a link here that the rehab management plan will set the completion criteria, set the PCTs that are required for that, and the other information is applied under the FBA to claim those credits so this is in consultation with BCD and the department in developing that.

This links back to the biodiversity conditions; condition B60 which talks about ecological rehab eco system credits where they can retire those eco system credits subject to meeting the objectives, and performance targets in the rehab management plan. If the monitoring and the triggers from the rehab show that they're not meeting that, then within 12 months of that occurring through the mine life, if the rehab is not going to, you know, is not sort of sustaining trajectory for those PCTs and the decision is made that they would need to retire the credits using an alternate mechanism under the BC Act. So I guess the options there are find alternative land base offsets, and retire the credits, namely into the Biodiversity Conservation Fund or potentially giving biodiversity conservation actions that are proved under the BC Act as well so there are options for that.

Just on this too, there are, in terms of rehab credits, there are examples around mines in New South Wales with ..... and Newland Mine more recently in allowing rehabilitation credits towards retiring those – retiring the eco system credits, and species credits in some instances. There's also, under the BC Act, sort of broader framework, there's ancillary rules being developed for ecological rehab which are still being prepared. They are close to being finalised, I understand, and that will also provide, you know, some guidance to mining companies seeking rehab credits so it is a – the ecological rehab is a policy that has – an approach that has been adopted, and the BC Act is an option for retirement credits.

MR YOUNG: It's Mike Young here. I think that's right, Steve. It's important to recognise the background to the policy position. I think a number of years ago, you know, mining projects were routinely rehabilitated to, you know, something akin to grazing or grassland with suitable land forms etcetera but over time it became apparent that, you know, sometimes the best balance of final land use, and land form included biodiversity outcomes, and obviously, that is a significant undertaking to recreate, you know, functioning eco systems on mine sites.

And it was recognised that that ought to be able to be undertaken but that the mining companies, it was reasonable to allow them to retire some of the impact credits as part of their overall biodiversity offset strategy to – given the additional requirements, expenditure, time and so forth associated with recreating those values, and also the fact that those sites were strategic in some instances to create, you know,

biodiversity corridors or habitat corridors that if managed properly could really enhance the biodiversity values in the landscape, and go some way to offsetting or compensating for the impacts of the project.

Now, of course, that needs to be balanced with agricultural outcomes, and obviously, that's a matter that is of relevance to the Vickery Project as to, you know, what is best to be put back to woodland versus agricultural activities etcetera, and we've discussed that, I think, in our report, and the company has, in its EIS, what that balance was, and I think we've changed that balance since the project was first approved a number of years ago. The other thing to say, as Steve has said, there are a number of examples where similar conditions have been imposed. There's also a policy and allowance under the Biodiversity Conservation Act for these types of additional offsets to be counted for retiring credits.

Now, the question is how do you ensure that this occurs, how do you monitor it over time, and obviously, that detail needs to be clearly articulated by the company, and also checked and monitored by the resource regulator and the Biodiversity Conservation Division which is why there's a number of requirements to set that out, and to monitor that over time, and have trigger action plans, and remedial responses. And ultimately, if the company is unable to demonstrate that these rehabilitated areas are not – if they're not generating the values for which they're seeking to retire credits, then they would have to find another mechanism available under the legislation to retire those credits in time.

The other thing to say is – that's often asked – is well, what about the Rehabilitation Bond under the mining lease, and the Mining Act, and I can confirm that that is calculated progressively, and regularly, and recalculated in accordance with the guidelines, and the calculator developed by the resource regulator, and that includes the full cost of rehabilitation so it's not just, you know, restoring the land form, and the soils and putting some grass on it, so to speak.

It also includes all those other actions that are necessary to achieve the performance objectives or the rehabilitation objectives as set out in the development consent if it's approved but also in the mining lease, and the resource regulator and BCD and the department, from the planning side, would be monitoring that trajectory towards achieving those outcomes. So there are a number of incentives, checks and balances and safeguards and contingencies there that are designed to, I guess, support that outcome and ensure that it's achieved in the medium to long-term. So hopefully that clarifies, I guess, the regulatory arrangements around that approach.

MR HANN: Yes, thanks. John Hann. Thanks very much, Mike and Steve. Yes, look, that's a comprehensive response and we appreciate that. I don't have any other comments or questions on it, but Zada and Chris, you may have.

PROF FELL: No.

PROF LIPMAN: Well, I would just like to say that I found it a very good response as well and very helpful, as I did the comprehensive discussion of offsets in the assessment report. But just one or two points that I wanted to ask about. In your experience, how successful are these types of rehabilitation to, sort of, natural woodland, self-sustaining woodland, particularly where you've got poor-quality soil and drought conditions?

MR YOUNG: Thanks, Zada. It's Mike Young speaking. So it's fair to say that the examples that we've cited in terms of allowing mining companies to retire credits – ecosystem or species credits through the rehabilitation of mine sites is in its infancy in terms of the credit – being able to retire the credit liabilities. So that is something for which we can't, at this stage, point to specific examples. However, the Wilpinjong Mine, for example, has had those conditions now for a number of years, so it may be that there is demonstrable progress on some of those progressive rehabilitated areas there that are trending towards woodland.

But I think the important thing to say there, Zada, is that we have been requiring rehabilitated areas to be put back to woodland regardless of the – historically, for probably getting close to 20 years now, regardless of whether or not the company has been able to make use of credits, you know, to be able to retire those credits. So long before there was that incentive in place, we were directly requiring woodland corridors and woodland to be restored on mine sites for the reasons I've outlined. So there are many examples around New South Wales of coal mines in areas where the soils are similar to what we're talking about here at Vickery, where there has been successful rehabilitation, and certainly it may be worth, you know, in due course – because it is a question that keeps coming up on these assessments for mining projects. It would probably be an advantage for the Commission and relevant Commissioners to possibly visit some of those sites.

So there's some excellent examples in the Hunter. There's some excellent examples in the Western Coalfields where there's been very sustained effort to recreate woodland on rehabilitated mine sites, and there's been research been undertaken by Newcastle University and other institutions looking at the success and the ecological functioning over time of those particular rehabilitated landscapes. So one particular project that jumps to mind is the Mount Owen coal project in the Hunter Valley, where there's been probably in excess of 20 years now of establishment of trees and functioning ecosystems on rehabilitated landscapes. So I do think that whilst that particularly regulatory approach in terms of using it to retire credits is relatively recent, there is a long history of successful establishment of woodland and functioning ecosystems in those areas.

The thing that I would say has progressed particularly over the last few years is a very careful analysis of the types of species that ought to be established to recreate the relevant ecosystems and/or provide the habitat for the species that we're looking to encourage, you know, onto those areas. So there has been further work – and the conditions will require this of Vickery if it's approved – to develop some of those detailed criteria and those detailed endemic species, etcetera, to ensure that those

kind of values are recreated rather than just some sort of generic woodland value. So hopefully that kind of answers your question, but I really would encourage key members of the Commission to – you know, obviously, when COVID is over, or what have you, to visit some of those sites, because I think there are some success stories there that the industry is probably willing to – or is keen to demonstrate.

PROF LIPMAN: Zada Lipman. Thank you very much, Mike. It was extremely helpful – and Steve.

MR HANN: John Hann here. Chris, do you have any - - -

PROF FELL: No, John.

MR HANN: - - - further comment or question on that?

PROF FELL: That was a very thorough analysis, thanks.

MR HANN: Thank you, Mike. Thank you, Steve. So that just leaves the last point in our note.

MR O'DONOGHUE: Just on conditioning and consultation and ..... raised, I guess the focus or consultation on conditions is with the key government agencies, particularly the ones that have an ongoing regulatory role, where we want to get consistency with, you know, other instruments such as the Environment Protection Licence for the EPA, in terms of what they require, and also the mining leases ..... the two key ones from an ongoing point of view. But also with DPI Water in terms of their regulation under the Water Management Act, in particular, and also Biodiversity Conservation Division in terms of biodiversity conditions, making sure that they're consistent with policies and also the process for retiring credits under the – the provisions of the BC Act. So they're probably the focused areas of consultation. So they're probably the focus areas of consultation.

I guess the – I guess with other agencies, in particular, and the councils, they'd articulated pretty well their concerns, and we incorporated in the conditions – certainly considered the issues and concerns in terms of drafting up the conditions – the recommended conditions for renew. I guess a key one there was the planning agreement conditions around that one between Gunnedah and Narrabri. So we put a lot of thought, I guess, into conditioning there, mindful of concerns raised by council, and in some discussions with the Director of Environment and Planning there on that as well, in terms of the position we were going with that in terms of road maintenance and also the quantity of the ..... as well. So we put a lot of thought into that, in terms of drafting that. The rehab conditions were a key focus in terms of consultation with resources regulator - - -

MR YOUNG: Steve, it's Mike Young here. Steve, it may be just worthwhile just canvassing the outcome and the approach on the condition regarding VPAs, because I think that's a key thing.

MR HANN: Thank you. John Hann. Yes, that would be helpful, Mike.

MR O'DONOGHUE: Okay. I guess the – in this one, the – there's an existing – for the approved project, there's an existing planning agreement. For this issue here, it's split between Gunnedah and the Narrabri Council. So there's an issue there about the percentages that might go to one council or the other, which was an issue raised in submissions. The existing approved planning agreement has a split of 70-30 to Gunnedah, 30 – 70 to Gunnedah, 30 per cent of the VPA to Narrabri Shire Council. And the approach from Whitehaven was to pro rata that VPA using the same percentages to a level that exceeded, I guess – as a guide for quantum of the VPA, which is in the individual council's planning contributions as a one per cent of CIV. So I guess the point on that – Whitehaven put up as consistent or more than that one per cent of CIV that council would normally expect, and it maintained 70-30 split with the two councils.

I guess the main reasons behind that is the – most employees, or a large number of the employees are in Gunnedah Council. The main heavy vehicle route for taking supplies to the mine site is through Narrabri Shire Council. You know, apart from trucks from Tarrawonga, which is covered under the Tarrawonga consent.

MR YOUNG: Sorry, Mike Young here. Steve, did you mean to say through Gunnedah? Most of the heavy vehicles would go through Gunnedah? Is that what you meant?

MR O'DONOGHUE: From Gunnedah, yes.

MR YOUNG: Yes.

MR O'DONOGHUE: Yes, south from Gunnedah along the Blue Vale Road there.

MR YOUNG: Is it – Mike Young here also. Is it – my understanding is that the 70-30 split is also based on geography in terms of the aerial extent of the DA area, being roughly 70 per cent with - - -

MR O'DONOGHUE: Yes, to an extent, but the – that's correct, but also the – most of the infrastructure, in terms of the CHPP, the rail spur line and the – is in the Gunnedah Council area. So in terms of the capital, I guess, and the impacts from that, it's within the Gunnedah Council area and impacts on residents from Gunnedah.

MR YOUNG: And Mike Young here. Steve, can you explain how the condition would work in practice, in terms of implementation of the different VPAs with the two councils?

MR O'DONOGHUE: Well, Gunnedah and Whitehaven have agreed on the terms of the VPA, and they're in the terms of executing the VPA for that. The way that the conditions work is that there's terms of offer on the table that were put forward by Whitehaven. Our condition refers to those terms of offer and gives a timeframe to

execute a planning agreement. I'm just going to the wording. So within six months of the date of commencement of the development, Whitehaven have to enter into a planning agreement with Gunnedah Council and Narrabri Council, and it – consistent with the terms of offer that they've put forward.

In the case of Narrabri Shire Council, which hasn't accepted the offer, we have put a condition in there that if they don't take up the offer, then in accordance with provisions under the EP&A Act, we put in a fixed amount that would go to Narrabri Shire Council, which is adjusted at the time of the actual payment in accordance with the provisions of the fixed ..... contributions plan that Narrabri Shire Council has.

MR YOUNG: So that fixed amount, Steve. Can you clarify that?

MR O'DONOGHUE: It's 3.2 million.

MR YOUNG: And that, in turn - - -

MR HANN: John Hann here - - -

MR YOUNG: Sorry, Mike Young. Is that – that's – in terms of the section 7.12 of the Act in terms of the one per cent capital investment value, how does a 3.2 compare to the capital investment value of the project?

MR O'DONOGHUE: Well, the one per cent – I guess you've got to – you look at it across both council areas, so the Narrabri Shire and Gunnedah. The CIV for the project is about 600 million. So, you know, one per cent of that is about six million across both project areas. The – I guess the total amount that Whitehaven is offering across both councils is 10.7 million, which is well in excess of that one per cent, sort of, provision under the fixed levies that both councils – or most councils operate under.

MR HANN: John Hann here. Thanks, Mike and Steve. So if, in the timeframe that's contained in the conditions, there isn't a VPA that's agreed, in this case, with Narrabri Council, what – how does it actually work? How does the 3.2 million – what happens?

MR O'DONOGHUE: If they're not – if, within that six-month period, there's no agreement reached, they do not enter into an agreement within that timeframe, then the condition requires that within a three-month period, then the applicant has to make that contribution of 3.2 million to council. So it's a – you know, under their contributions plan – so that would be a direct contribution from the company to Narrabri Shire Council.

MR HANN: So that happens as a matter of course, regardless of whether there's agreement. Is that right, Mike and Steve?

MR O'DONOGHUE: That's right.

MR YOUNG: Yes. So Mike Young here. Yes. I think it's important to say a couple of things. One is we would be very hopeful, if the project is approved, that the various parties could come to an agreement like Whitehaven and Gunnedah Council have, noting that there's an existing VPA for the current project whereby Narrabri Council and Whitehaven agreed to the terms some years ago, and the terms of the proposed offer are very similar or prorated along the same lines. So firstly, we'd be hopeful there would be an agreement reached. But that's right, John. If there is no agreement reached within the time period, then we have directly conditioned – and that's a clear, enforceable obligation on Whitehaven to essentially make that contribution directly to council, so it wouldn't be a voluntary thing; it would be an obligation.

MR HANN: No, thanks very much. John Hann here. Thanks for clarification of that, Mike. On the VPAs, Zada and Chris, increase, do you have any comment on that or any further questions?

PROF FELL: No, no problem.

MR HANN: All right. Thanks. So, look, back to you, Mike and Steve, just in regard to any other particular issues in relation to the conditions and, ultimately, where you've landed.

MR O'DONOGHUE: I think probably the only thing to add – we talked about biodiversity and rehab. With Water, you know, we consulted with the DPI Water and we talked earlier about the in-placement issue and how we've dealt with that in the conditioning. And again, we've integrated conditions about TARPs and ground water management plans and ongoing model calibration development, consistent with, you know, requirements of – or advice from DPI Water. Probably the other one to add is the IOC advice particularly in ongoing monitoring programs and TARPs. We haven't included specific conditions in the development of the water management plan incorporating IOCs recommendations in that regard, so that there's still further work to be done in the management plan about their recommendations and monitoring frequency parameters for service water and GDE, in particular.

With the EPA, again, their concerns about service water quality and discharges to be consistent with how they'd set up their EPLs has been incorporated into the conditions as well.

MR HANN: John Hann here. So just a question on that. In relation to the sediment dams, I recall that the EPA, which is probably a standard policy – it's in regard to the liners and the application of those, and I think the proposed conditions weren't consistent with what the EPA thought was appropriate, but maybe you'd like to just clarify that for us, our understanding of how you've landed where you have, versus the EPAs recommendations.

MR O'DONOGHUE: There's probably – probably need to split between sediment dams versus mine water storages. So I think EPAs - - -

MR HANN: Yes.

MR O'DONOGHUE: - - - comments were probably more about mine water storages than sediment dams in the short-term, sort of, capture of water – of the better quality – dirty water as opposed to coal-contact water or high – seawater, for example. So just on the mine water storages, we've got a condition in there, B47, which was put in there to address EPAs concerns. So it's really about prevention of migration of saline water from storages. So rather than be – put a prescriptive – you know, the liner must have ..... the mine's ..... leaves the second of the clay liner at depth, which is an option. It's more – there's a general obligation to put in place measures to prevent that migration of saline water. I guess one of the issues is that depending on the placement of where water storages are, if it's going – if it's migrating into the final void, for example, the need for a highly ..... liner of one metre thickness clay, for example, may not be required if there's no pathway to – or any leachates to go towards the alluvium, for example. So that's one aspect.

So the obligation is really – they want to – the company will want mine water storages anyway that retain water, because of the water supply issues It would be one factor. So they will be designing them to minimise leakage, of course. But we didn't want to be too prescriptive on how they do that, and I guess through the EPAs environment protection licence, they've got opportunity, if they want to for particular storages, to require that, but that's in the – also included in the EPL.

MR YOUNG: It's Mike Young. I think you're right, John, in the sense of it's a generic policy position and is probably usually – it – the EPA has, for some years now, been taking the guidelines for liners for putrescible waste landfills and using that as a proxy for providing advice on – particularly on tailings dams, which obviously, in this scenario, is not part of the project. But it could be that that policy has also been broadened to include, you know, water storages within the site as opposed to sediment dams. I guess our view is that if – as Steve has said, if – they will be placing those in a way that they don't lose water. If they do lose water, it would be very minimal, and any migration would be within the area that would report, ultimately, to the void or the void as it progresses, as the mine progresses. So ultimately, all the water is then contained onsite and is – ought not to be migrating.

However, if the Commission would like further clarification on that, we're happy to go back to the EPA and just seek some clarity around that, if you like.

MR HANN: John Hann. Thanks, Mike. Well, look, we'll consider that and come back to you if we feel that's necessary. But as I understand it, you deal with this on a case – site by site, case by case basis, rather than necessarily applying a generic position. Okay. No, thank you.

MR O'DONOGHUE: Just one thing to add with the condition B47, that recommended condition. There is still a requirement to design he water storages to the satisfaction of the EPA and the planning secretary. So ultimately, the EPA does have a buy-in through that process in terms of – Whitehaven will put an application

in for the environment protection licence, including, you know, where water storages are located, and the condition does require further buy-in in that process for consultation and development to the satisfaction of both the EPA and the planning secretary.

MR HANN: John Hann. Thanks, Steve. Thanks for clarifying that. That's a good point, yes. Zada and Chris.

PROF LIPMAN: I'm happy with the – yes .....

PROF FELL: I am satisfied, John.

MR HANN: All right. Are there any other matters that relate to the conditions that you would like to draw to our attention, Mike, Steve and Phil?

MR O'DONOGHUE: Not from my end.

MR YOUNG: No. I guess the only thing to say is that as a matter of course, we do consult with the company in regard to the practical implementation of the conditions, not as a negotiation, but to provide any feedback that may be material to the implementation and enforceability of those conditions, should the project be approved. And so in this case, as normal, we did consult with the proponent or the applicant in that regard, and my understanding is that they had no significant objections to – or concerns about the practical implementation of those conditions. Is that right, Steve? That's my understanding.

MR O'DONOGHUE: That's correct, yes.

MR HANN: I think that's important to say, and I know some community members have concerns about consultations with the proponent, but that is standard practice and, as I say, avoids issues with potential practical implementation if something is approved and/or, you know, non-compliances – you know, unforeseen or unexpected non-compliances down the track.

MR HANN: John Hann. Thanks very much, Mike. Thanks, Steve. Zada and Chris, do you have any other comments or questions of Mike, Steve and Phil?

PROF LIPMAN: None from me. Thanks very much for clarifying all those issues.

PROF FELL: I have none, John, and it has been very helpful and direct.

MR HANN: All right. John Hann. Mike, Steve and Phil, look, we have no further questions of you and greatly appreciate the time you've spent to consider the queries that we've put to you and the in-depth clarification for our benefit. Much appreciated.

MR YOUNG: You are very welcome, and I'll pass my thanks to Steve and Phil for all their detailed analysis, and the department looks forward to providing a full presentation of its assessment at the public hearings and any further clarification from the Commission as we go forward.

MR YOUNG: You are very welcome, and I'll pass my thanks to Steve and Phil for all their detailed analysis, and the department looks forward to providing a full presentation of its assessment at the public hearings and any further clarification from the Commission as we go forward.

MR HANN: Okay. Thank you very much. So at this point, then, I formally close the briefing. Thank you.

PROF LIPMAN: Thank you.

MR YOUNG: Thanks a lot. Thanks, everyone.

PROF FELL: Thank you.

RECORDING CONCLUDED **[1.31 pm]**