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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1216093

INDEPENDENT PLANNING COMMISSION

MEETING WITH GUNNEDAH SHIRE COUNCIL

RE: VICKERY EXTENSION PROJECT

PANEL: **JOHN HANN
CHRIS FELL
ZADA LIPMAN**

ASSISTING PANEL: **STEPHEN BARRY
BRAD JAMES**

COUNCIL: **ANDREW JOHNS
OWEN HASLER
JOHN CAMPBELL
COLLEEN FULLER
DAVID MOSES
WADE HUDSON
DAN NOBLE
ANN LUKE
TIM MULDOON**

LOCATION: **VIA VIDEOCONFERENCE**

DATE: **12.01 PM, FRIDAY, 19 JUNE 2020**

MR HANN: Well, look, welcome and thank you very much for making yourselves available. Before we begin I'd like to acknowledge the traditional owners on the land on which we meet, and I'd also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome
5 to the meeting today. Vickery Coal Pty Ltd, the subsidiary of Whitehaven Coal Pty Ltd, 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 our water supply borefield and associated infrastructure. The
10 project is located in both Narrabri and Gunnedah local government areas.

My name is John Hann. I'm 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 are also in attendance from the office of the commission. In the
15 interests of openness and transparency and to ensure full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the commission's website. The meeting is one part of the commission's decision-making process. It's taking place at the early stages and will form one of several sources of information upon which the commission will base its decision.
20 It's important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate.

If you are asked a question and you're not in a position to answer, please feel free to take it on notice, and if you could provide that additional information to us in
25 writing. And of course we will put that up on the website. And, finally, look, with the electronic meetings, I'd ask if you could introduce yourself each time you speak. Normally if we have face-to-face meetings that's not necessary, it's just the first time, but so we get an accurate record of who's speaking, if you wouldn't mind just introducing yourself each time. And of course we've got to avoid as far as possible
30 speaking over the top of each other because that makes it very difficult to create an accurate transcript. So having said that, we are ready to begin. And I thought if you're an agreement, you've made a number of submissions – documented submissions on this particular application, and so it would be helpful for us if you'd be able to take us through the key areas – key issues that you'd like us to take into
35 account in our consideration.

MR A. JOHNS: Chris – sorry, John, would you like us to introduce the people in the room first so that - - -

40 MR HANN: I'm sorry. I should have mentioned that earlier. Yes, indeed.

MR JOHNS: Okay. Well, I might – I'll start off with Councillor Hasler. He can introduce himself and then I'll let the councillors introduce themselves and then start
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MR HANN: Thank you.

MR O. HASLER: Well, I'm Owen Hasler, a councillor and just about to enter my 24th year here with Gunnedah Shire, my continuance to have a long history of involvement with mining through the Mining and Energy Related Council for which I'm the Deputy Chair at the moment.

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MR J. CAMPBELL: Councillor John Campbell. I'm an interested bystander.

MS C. FULLER: Sorry. Councillor Colleen Fuller. Interested in mining. Husband was employee at the Vickery Mine, and been on council for 16 years. Thank you.

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MR D. MOSES: Councillor David Moses. I'm always interested in employment in Gunnedah Shire.

15 MR A. JOHNS: And I'm Andrew Johns. I'm the Director Planning and Environmental Services.

MR W. HUDSON: Wade Hudson. Senior Development Officer in our Development Assessment Team.

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MR D. NOBLE: And then you've obviously got Dan Noble. I'm the Chief Engineer. Are you able to hear us okay? We do have microphones in the room which we could use if you're having trouble hearing us.

25 MR HANN: I can hear just fine. I'll just ask Chris and Zada. Are you okay with the audio?

PROF FELL: Yes.

30 MR HANN: Zada?

PROF LIPMAN: The video doesn't include everybody, but the audio is fine.

35 MR HANN: That's true. I should mention that the screen for us, we can't see all of the participants in your council chambers there.

PROF LIPMAN: That's better now. Yes.

40 MR HANN: And I appreciate social distancing is probably a good reason for that. All right. I think – so thank you very much for the introductions. And just to reiterate again, when you're speaking if you could just introduce yourself. So would you be able to take us through the key issues that you've raised in your submissions. And I also note, thank you, I think we did receive an email with a number of points that you might also like to talk us through. So we're familiar with that and we've
45 discussed that this morning.

MR HUDSON: So Wade Hudson. So the two submissions the council prepared to the development really outlined the matters within the environmental impact statement that potentially could have been lacking with the development which potentially should – could be satisfied or provided before the determination of the
5 development to ensure that there was limited environmental or social impacts upon the development. So some of those key matters were the construction designs for the CHPP and the rail spur link. There was also concerns around flooding, social impacts that were addressed with the original submissions report – report to
10 submissions. There were concerns around the preparation of management reports post determination rather than prior to the determination of the development.

MR JOHNS: Yes, sorry, I'll just let you know that for the record Mr Tim Muldoon has just entered the room. He's our Director of Corporate and Community Services.

15 MR HANN: Thank you.

MR JOHNS: And he's off camera as well, sorry.

MR HANN: That's okay.
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MR JOHNS: Yes. I think the concerns that we raised, as Wade outlined initially, many of those concerns were addressed in the response to submissions by the deponent. And we believe that most of the concerns that come from that have now been dealt with by the department's assessment report, and there's a number of
25 conditions that give us some satisfaction that our concerns are being heard. I think, Wade, you want to say something.

MR HUDSON: Yes. Including the voluntary planning agreement between council and Whitehaven.
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MR JOHNS: Yes, so just on the voluntary planning agreement, I'll let you know that this council has authorised our general manager to execute that document which we have done, and that's now in the hands of Whitehaven, and I'm told that's – will be – it's imminent we'll receive that in the next couple of days, their executed
35 version of that. So this council is satisfied with the voluntary planning agreement that's been made.

MR B. JAMES: Sorry, apologies for interruption. We have an Ann Luke in the waiting room. Is she a representative of council?
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MR JOHNS: She is a councillor. Apologies. I wasn't aware that she was – she wasn't coming, in fact.

MR JAMES: Okay.
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MR JOHNS: She's one of our councillors, yes.

MR JAMES: Not a problem. John, you're happy?

MR HANN: I am. We just needed to check from a security point of view that we have clearance from the council that that's appropriate.

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MR JAMES: Okay. Great. Thank you. Here we go.

MR HANN: Councillor Luke.

10 MS A. LUKE: Good morning.

MR HANN: Good morning. It's John Hann. I'm the Chair of this panel, and welcome. We just had, just for your benefit, an introduction to the process today. So it's fully transcribed, it's recorded, and we'll put it on our website. If you wish to speak, Councillor, please identify yourself before you speak just so we have the record correct and accurate on the transcript. Otherwise, what I've done is I introduced Professor Chris Fell and Professor Zada Lipman as my fellow commissioners, and we've asked council to just run us through the key issues that you raised previously and then talk us through perhaps any residual issues.

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MS LUKE: Thank you, and sorry I'm late.

MR JOHNS: Andrew Johns again. There was in the email that Wade sent through to Brad last evening there was a point that was made there in relation to a condition around blasting and heritage items. We just want to point out that Kurrumbede, while valuable to this community, isn't actually a heritage item yet. But I do understand that there is – there is – there is that plan at the moment to seek state listing for it. So I guess this council – I guess I can speak for the councillors in the room, would support heritage listing of that item. But in fact some years ago there was a heritage study done and for various reasons that wasn't converted into the LEP such that it was a local item. But there is, as I said, moves at foot to make it a state heritage item. So we just wanted to clarify that point. I didn't want there to be in relation to that.

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35 MR HANN: Okay. I understand. This is your third bullet point in your email to us.

MR HUDSON: That's correct, yes.

MR HASLER: Owen Hasler. Councillor Owen Hasler speaking again. If I can just add to what Mr Johns has said, we are aware the listing has been considered by council previously, and the report which recommended such, at the time the council didn't proceed, but we are also aware that the Dorothea Mackellar Memorial Society in Gunnedah which is a very active organisation is in ongoing negotiations with Whitehaven and also has been involved with the Heritage making application for that property to be listed as heritage and the implications involved in that. And we would hope that that decision is made in the foreseeable future so that there's some

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surety in regard to the buildings on the property for future generations. So that's – the council I think is aware of that and understands the reasons for it.

5 MR HANN: Thank you. John Hann here. So just to clarify – I don't want to put words in your mouth – but are you satisfied with the conditions in the – that have been proposed by the department in relation to this matter on the Kurrumbede Homestead?

10 MR JOHNS: Andrews Johns from the council. Yes, we are.

MR HANN: Thank you. John Hann here. So are there other matters you'd like to draw to our attention at this point in terms of any residual issues particularly that you'd like us to take on board?

15 MR JOHNS: Andrew Johns from council. In relation to the email that was sent last evening, the other two dot points that were included are largely things that – ways that council would do things slightly differently. With a development of this magnitude we'd be getting elevations and things like that of the actual structures that were proposed. We do acknowledge, though, that these structures are proposed in an
20 urban – sorry, rural landscape on a very large, you know, expanse of land. So we acknowledge that potentially there's not a huge amount of impact on the final design of these buildings. It's rather just to point out that if council were assessing this application we would have that information prior to determination. But we accept that the department may do things slightly differently.

25 MR HANN: Understood. Any other matters in particular?

MR HASLER: Could I – Councillor Owen Hasler just again. I'd just like to raise the fact that the recent drought in this area and in other areas of the state
30 obviously highlights the issue of water security and the implications. So we'd just like to bring to your attention this fact if you're not already aware, which I doubt that you aren't, but the sensitivity to water was very concerning for many of our community both rural, in particular, and town, and so those issues careful consideration.

35 MR HANN: Thank you. Understood. I note in your original – in your earlier submission you put some emphasis particularly on the – I guess, the demand upon services within Gunnedah Shire. I think examples of hospital waiting lists and schools and so on. Would you – now, I know – I also take account of the fact that
40 you've been satisfied with the response to submissions and the assessment report by the department, but I just wondered whether you had any comment on that at this point.

45 MR JOHNS: Andrew Johns again. I guess in relation to that point, particularly in relation to hospital waiting times and such, I guess since our first submission the State Government has announced more than \$50 million dollars for a new hospital which we would assume would have some positive impacts on healthcare in the

shire. Other things we believe are able to mitigated largely with the voluntary planning agreement that has been worked out between the two parties. I don't know whether any councillors wish to add to that.

5 MR HANN: No? And so you mentioned earlier the VPA and the terms that the council is now satisfied with, and we understand you've just said it, it's now with the applicant. Road maintenance is obviously always an issue, an I assume that the fact that you – the VPA and the terms that you're now satisfied with addresses that satisfactorily together with presumably the conditions of consent as proposed by the
10 department.

MR NOBLE: I can speak to that, Professor. Essentially, for clarity, council has a maintenance agreement with Whitehaven essentially where Whitehaven fund 100 per cent of the maintenance costs of their current haul route which includes Blue Vale
15 Road and some sections of Braymont Road and Shannon Harbour Road. Under the proposed development with all that heavy vehicle traffic essentially going off Blue Vale Road at the point in time when the rail spur is completed, the conditions of consent from recollection have some commentary in there about that – sorry, that maintenance agreement being reviewed with the developer. So from our point of
20 view in infrastructure, we found that to be satisfactory. One of our concerns initially was the staging of the ramp up in production from the current sealing of 3.5 million tons per annum to 4.5 tonnes requiring the road – sorry, the road overpass and then the eventual ramp up of production to 10 million tonnes per annum. But upon review of the department's suggested conditions, I'm pretty comfortable that those
25 concerns of ours will be addressed.

MR HANN: Thank you very much. I might ask, Chris and Zada, have you got any particular issues you wanted to raise?

30 PROF FELL: Well, I'd follow up, John – Chris Fell speaking. I'd follow up, John, on the water question. I know it's a vexed one, but the draft conditions by the department says that the mine has to match its production to the available water. So if there's a scarcity of water they'll produce less coal and not use so much water. Does that seem reasonable in your terms as far as the landholders go?
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MR HUDSON: Wade Hudson here. So we did note that there was conditions of that sort within the draft conditions. I also noted that there were conditions in there that there's an obligation to the developer that if there is any draw down or loss of water supply to the adjoining neighbours they have the right to request the provision
40 of water from the developer. And I believe the condition refers to various methods of provision of that water so that in that sort of circumstance would in my opinion satisfy those requirements to ensure that water services to the surrounding area also being reserved, and then obviously reduction in extraction limits and processing may be a result of reduction in water servicing.
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PROF FELL: Thank you.

MR HASLER: Councillor Owen Hasler again. I just might talk to what Wade has to enunciated. As I alluded to earlier, the issue of water is a sensitive one, and understandably so in any community which relies on a lot of underground water as well as the river water from the Namoi. And that was earlier and there was a
5 proposal to have the mine go closer to the river then we've got as they have now submitted. And that caused a great degree of concern. I think there would be much more support for what has now been proposed by the Department of Planning as referred to by Mr James, and I think that addresses for a lot of people those issues or concerns about water.

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PROF FELL: Thank you.

MR HANN: Chris, any other questions you might have on any other of the matters that have been raised or any other matter for that?

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PROF FELL: I'm right for the moment. Thanks, John.

MR HANN: Zada.

20 PROF LIPMAN: Yes, I just wondered, you raised the question of screening of the rail. Have you any issues still with that, or are you satisfied with what has been done?

25 MR HUDSON: Wade Hudson again. So that was one of the matters that was put to Bradley in the email sent by myself last night. So one of the questions that we've got in regards to, I believe it's condition B27 – oh, no, sorry, that's the current deed – condition 90 is whether the intention of that condition is to satisfy those questions around the visual amenity of the CHPP and the rail spur by council. So with regards to aiming to reduce the visual impact of any new buildings or structures and blend
30 them in with the existing environment. So there is also conditions referring to vegetation and earth bunds. So potential that those would have the ability to satisfy those temporary screening measures as well as also providing further landscaping visual buffers as well.

35 PROF LIPMAN: Thank you.

40 MR HANN: It's John Hann. In your earlier submission, I think back in 2018, you raised the matter of noise amenity at a number of the residences that potentially may be affected by the rail spur and the noise generated by the rail spur. We'd appreciate your comments on that in relation to the response to submissions and the department's assessment report and also the proposed conditions. If you could just give us some guidance on your views on that now. Thank you.

45 MR HUDSON: Yes. So Wade Hudson. So conditions of consent again have been put forward that have restrictions on noise levels measured at nearby receivers. I also note that there are conditions of consent that do allow if there is an agreement between the applicant and a private landowner that they have the ability to be exempt

from those provisions. That would allow for the necessary noise limits to be adhered to as long as the conditions are being satisfied. And I believe that there are conditions in place as well for monitoring and reporting if those noise levels are exceeded. So as long as those conditions of consent are being satisfied and they're
5 being monitored for compliance, then that should then satisfy the potential noise implications on those residents.

10 MR HANN: John Hann here. Thank you very much. Chris and Zada, do you have any particular comments further to either that or any other matter?

PROF FELL: Chris Fell here. I'm conscious that the air quality criteria particularly for PM2.5 have been tightened. Obviously that would appear to be a good step. It's in line with the new standards that are being set. How do you respond to that?

15 MR HUDSON: Wade Hudson. Unfortunately, council doesn't really have anyone on staff that is an expert in particular matter or air quality. So council would more than likely rely on the EPA as the expert at matters to satisfy those requirements.

20 MR HASLER: I can add to that. We do have an air quality monitoring system up in Gunnedah to have a system similar to the Upper Hunter one Hunter Valley as a response to people's concerns about air quality in our – the region. So we have had a track record of being very vigilant and advocating the air quality monitoring to try and ensure that our residents both near town and on rural properties are protected from levels which are not consistent to normal expectations.

25 PROF FELL: Okay. Thanks for that.

MR HANN: Thank you. Zada, do you have any other comments?

30 PROF LIPMAN: No other comments, no.

MR HANN: So it's John Hann here. So is there anything else that you wanted to raise with us at this meeting before we close of?

35 MR JOHNS: Andrew Johns. I guess just a general statement that council has been supportive of this project, subject to some of concerns being met. But I think you'll find that based on today and also council will be addressing the IPC at the hearing on the 2nd or 3rd or July, whenever you're in Gunnedah. Obviously, Gunnedah has got a two-pillar economy of agriculture and mining. And agriculture is predominately
40 reliant on the gods in terms of providing us with water predominately. So I guess to have a second strong pillar of our economy is important for this shire. As I said, as long as the – you know, our concerns are being mitigated, I think generally speaking with the assessment report provided by the department and the draft conditions, we are generally satisfied that that is the case.

45 MR HANN: It's John Hann here. Thank you very much. Any other points you wanted to raise? I take that as we're – you're satisfied with the issues you've raised

with us, and, particularly, thank you for your recent email. I think it can it came in either this morning or late yesterday.

PROF FELL: John, I might ask one further one.

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MR HANN: Of course, Chris. Please.

PROF FELL: The proposal development drops a number of voids down, which on the surface is a good thing. Do you have any comments about voids generally in the rehabilitation site?

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MR HASLER: Councillor Hasler speaking again. I don't think we as a council have addressed that specifically, that issue, but the Mining and Energy Related Councils body of which are a member has in fact raised it the large of number of voids in various areas of the state where mining is taking place particularly area. And we recognise in America that they don't allow voids in So – but we think that it's a state issue, I guess, that needs to be addressed. It's not our – we say we didn't make a submission on that basis, but we certainly – I think of a position where there are no voids with the mining taking place. But whilst the present rules apply, we are, I guess, accepting any decision you make may include a void.

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PROF FELL: Thank you.

MR HUDSON: Wade Hudson here. We did note that the – based on the current Vickery approval that this consent would allow for a reduction in number of final voids and that there are conditions regarding the maintenance and the potential water contamination from that – from those voids.

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PROF FELL: Thank you.

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MR HANN: John Hann here. Thank you very much. So do we have any other questions for our panel, Zada and Chris, at this point?

PROF LIPMAN: None from me.

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MR HANN: Chris?

PROF FELL: No, I'm right. Thanks, John.

MR HANN: All right. And I'm assuming then that, council, you've got no further questions of us at this stage?

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MR HASLER: No. No, thank you, from my perspective.

UNIDENTIFIED MALE: No, thank you.

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UNIDENTIFIED MALE: No, thank you.

MR HANN: Thank you very much. Well, Councillors, I've got the list here, and I apologise in advance if I've got in wrong, but Eric and Andrew and Wade, Owen, Dan, and I'm not sure whether Jeremy is there, and John Fuller and David. So hopefully I've covered you all. But thank you very much for making your time
5 available to us. It's extremely valuable, and we appreciate the effort you've put in both in your submissions and making yourselves available today.

UNIDENTIFIED MALE: Thanks, Commissioners.

10 MR HASLER: I think we'd like to say we appreciate the opportunity to have input and have a direct meeting on the 2nd or the 3rd with you.

MR HANN: Thank you. So I'll declare the meeting closed.

15 UNIDENTIFIED MALE: Thank you.

UNIDENTIFIED MALE: Thank you.

PROF LIPMAN: Thank you.

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MR HANN: Thank you.

PROF FELL: Thank you

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[12.30 pm]