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## TRANSCRIPT OF PROCEEDINGS

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TRANSCRIPT IN CONFIDENCE

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O/N H-1655474

### INDEPENDENT PLANNING COMMISSION

### MEETING WITH NARRABRI COUNCIL

### RE: NARRABRI UNDERGROUND MINE STAGE 3 EXTENSION PROJECT

**PANEL:**                                   **PROF MARY O’KANE AC**  
**PROF CHRIS FELL AO**  
**PROF SNOW BARLOW**

**ASSISTING PANEL:**                   **STEPHEN BARRY**  
**BRAD JAMES**  
**PHOEBE JARVIS**

**NARRABRI**                                  **DONNA AUSLING**  
**COUNCIL:**                               **ANDREW BROWN**

**LOCATION:**                               **VIA VIDEO CONFERENCE**

**DATE:**                                   **11.01 AM, FRIDAY, 4 FEBRUARY 2022**

PROF M. O’KANE: So before we begin, I’d like to acknowledgment the traditionally owners of the lands that we’re variously on and pay my respects to their elders past, present and emerging, and I’m speaking to you from Gadigal land. Welcome to the meeting today to discuss the Narrabri Underground Mine Stage 3  
5 Extension Project SSD-10269, which is currently before the commission for determination. Narrabri Coal Operations Pty Ltd, the applicant, is the operator of the Narrabri Mine, and existing coal mine located approximately 25 kilometres southeast of Narrabri and approximately 60 kilometres northwest of Gunnedah. The mine is located within the Narrabri Shire Local Government Area and in the northwest  
10 slopes and plains region of New South Wales.

The applicant is seeking development consent to continue long wall mining in a major southern extension area until 2044. The project also involves the continued use of existing underground and surface infrastructure, including use of the existing  
15 coal handling and preparation plant at its approved 11 million tonnes per annum capacity. My name is Mary O’Kane. I’m the chair of the Independent Planning Commission and of this Panel. I’m joined by my fellow commissioners Professor Snow Barlow and Chris Fell. Also in attendance are Stephen Barry, Brad James and Phoebe Jarvis from the Office of the Independent Planning Commission.

20 In the interests of openness and transparency and to ensure the full capture of information today’s meeting is being recorded and a complete transcript will be produced and made available on the commission’s website. This meeting is one part of the commission’s consideration for this matter and will form one of several  
25 sources of information upon which the commission will base its determination. It is important for commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you’re asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I  
30 request that all those here today introduce themselves before speaking for the first time and that we all ensure we do not speak over the top of each other to ensure accuracy of the transcript.

35 So let’s now begin, and thank you both for coming in and we got the message that the deputy mayor isn’t able to join us. So thanks for letting us know. Can I throw over the council. I don’t know, Donna, Andrew, which of you is going to speak, but are there any general comments you’d like to make before we get into any specifics? We’ve noted the material in the – you know, in the material that, sort of, came with the assessment report to us, so we’ve read all of that, but we’re very interested to  
40 hear of anything you want to raise.

MS D. AUSLING: Thank you. Donna Ausling. I’m the manager of strategic planning at Narrabri Shire Council, and I am responsible for providing organisational comments on major projects, including mines. No major issues to raise. Some  
45 significant – I’m sorry, some insignificant-type suggestions around the suggested conditions of consent and tightening up some of those conditions, particularly in

respect to the VPA, waste management and traffic management. Shall I provide that commentary now or later in the - - -

PROF O'KANE: No, now would be fine.

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MS AUSLING: Yes. No problem. We've had the opportunity to read the draft assessment report, which seems to have addressed the majority of council's concerns. There is some elements that we believe could do with a little bit of tightening. That relates to waste management plans for the operation. Just noting that that's an issue that's of increasing community interest and concern. It's considered that a waste management plan, if it was introduced into the terms of consent would also assist council in planning its – or strategically planning its waste management operations moving forward, essentially, being aligned – able to align that strategic focus, so we'd like to request that a waste management plan might be considered for inclusion in the consent if the proposal is approved.

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The second element relates to traffic management, and there is a condition in the approval which suggests – or two conditions in the approval which suggest that road maintenance agreements be entered into with council. They're draft conditions B67 and B68 respectfully. We'd like to recommend that there's a greater line of sight to the proposed traffic management plan, which is included in draft condition B72. The rationale for that suggestion is that we'd like to remove any potential uncertainty around the agreement and just making sure that's necessarily tight, and that we don't get into a situation which we have done historically, and I'm sure the commission has seen that we – that those types of potential agreements end up in dispute and they're unable to be resolved. So we'd like to ensure that there's a mechanism to ensure that those agreements are in place and responsibility or the risk doesn't form on the – fall on the Local Government authority.

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The final element relates to the voluntary planning agreement. Unfortunately, that VPA process has fallen over, essentially, two very different councils. We commenced negotiations with the proponent last year. We've had since then a significantly new council come on board with seven new councillors out of the nine. Unfortunately, we haven't been able to reach agreement on the scope of the VPA as yet, and with the timeframes around the panel hearing, we've not had the opportunity to put the latest offer, which is considered outside of our – the general manager's delegated authority to council for further consideration.

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So that's a matter that we're unable to, sort of, comment on or provide feedback on today, as we haven't received guidance of the elected body; however, we would request that the panel consider the introduction of an additional condition which allows some, I guess, again, tightening of that planning agreement process, similar to the Vickery Extension, which was condition A21 for Vickery Extension Project SSD7480, which, essentially, provides a safety net, where if the applicant and council don't enter into a planning agreement within a prescribed timeframe or a specific period, then a contribution is payable to – by section 7.12 of the EP&A Act,

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and, as I mentioned, that would provide a safety net for council if we're unable to reach agreement.

5 So other than those three elements, the staff that have reviewed the reports are comfortable with the proposal generally and the proposed mitigation measures, and I might hand over to my director, Mr Andrew Brown to add any additional comments from a council perspective, if that's okay.

10 PROF O'KANE: Great, Donna, thank you.

PROF C. FELL: ..... before you go there, Donna. I want to stop to ask when you say waste management, that's waste that goes offsite?

15 MS AUSLING: It could be both. We've had interest expressed from the community around especially waste hire management. I know that this is a very operation – different operation to an open cut, but there still is some vehicles that are operating from that site, so it's both, really. It's offsite and onsite waste management.

20 PROF FELL: But it wouldn't apply to the reject material from the coal washing, for example?

MS AUSLING: That's correct.

25 PROF FELL: All right. Thank you.

30 PROF S. BARLOW: And it wouldn't apply, also – Snow Barlow. It wouldn't apply, also, Donna, to the brine that, you know, is the concentrated mine water that has been removed from the mine, which will be – is proposed to be disposed on the mine – in the mine?

MS AUSLING: That's correct, Commissioner. It's mainly just the general-type waste.

35 PROF BARLOW: Yes. Thank you.

40 MR A. BROWN: Good morning, Commissioners, thank you, Donna. Andrew Brown, director of cleaning strategy and people for Narrabri Shire Council. I don't think there's much I can add on top of what Donna has already said there. The only thing would be that we would be very keen to ensure that additional condition be applied in relation to the planning agreement. At this stage negotiations are outside the delegation that council – or the offer that has been put to us by the proponent is outside the delegation and granted to us by council, therefore, we're unable to enter into any agreement at the moment, so that fallback, or that safety net, we feel is very important, similar to the one that was put in the Vickery Extension Project, in a sense. So that's certainly a matter that council would see is very serious and needs to be included.

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PROF O’KANE: Thank you. Any other issues out of – anything at all. I mean, I think we’ve covered the matters that we’ve put on our dot point, but we’re happy to talk about anything else you wanted to raise, too, but also I suspect we might have covered it, because you had sent a very clear couple of letters and this has been clear.

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MR BROWN: Nothing from me, Commissioner.

PROF O’KANE: Thank you. Donna, anything?

10 MS AUSLING: No, nothing from me, Commissioner. As I mentioned, I think the issues that have been identified in council’s two submissions have been generally adequately addressed in the report and the draft terms of consent. Thank you.

15 PROF O’KANE: Thank you. And, Snow, Chris, anything else we should be asking?

PROF BARLOW: Could I just ask, Andrew and Donna, is the hold-up with the current consideration of a VPA offer, that lies with the elected council. It doesn’t lie with the company; is that correct?

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MR BROWN: So our position was put to council by the proponent, that was put to the councillors as the official councillors as the official council body. They delegated the general manager’s certain negotiation terms, which the general manager could enter into. The councillors have concern in relation to Gunnedah Shire Council’s involvement in a planning agreement, given previous decisions have been made purely based on location of the mine. This mine is 100 per cent within the Narrabri Local Government Area, so the councillors had raised concerns with the staff in relation to Gunnedah Shire Council’s input or them also seeking a planning agreement. The councillors granted a delegation to the general manager to enter further negotiations, putting, obviously, conditions on that delegation. We’ve only received back correspondence from the proponent – I’m sorry, I’ve been on leave, so I think only last week, Donna?

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35 MS AUSLING: Yes. 27th of last month.

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MR BROWN: 27th of January. That position is yet to be put to the newly elected council who will, obviously, need to be briefed on the previous council’s decision and the history behind the previous council’s decision, and then they will either allow the general manager or bring delegations to the general manager or not amend the delegation. So at this stage, that’s where it’s sitting.

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PROF BARLOW: Thank you.

PROF O’KANE: Chris, anything?

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PROF FELL: No, I’m happy.

PROF O'KANE: All right. Well, you know, if we get further developments, we'll hear from you on it, but thank you very much, both of you. It's always a pleasure dealing with Narrabri Shire Council and we'll look forward to the next time we see you.

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MR BROWN: Thank you, Commissioner.

PROF O'KANE: Bye.

10 MR BROWN: Bye.

MS AUSLING: Thank you, Commissioners.

PROF FELL: Bye.

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**RECORDING CONCLUDED**

**[11.15 am]**