

LAND COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: MRA428-14, EPA429-14
MRA430-14, EPA431-14
MRA432-14, EPA433-14

Applicant: ADANI MINING PTY LTD
AND
First Respondent: LAND SERVICES OF COAST AND COUNTRY INC.
AND
Second Respondent: CONSERVATION ACTION TRUST
AND
Statutory Party: CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

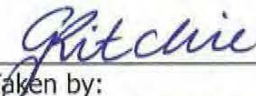
AFFIDAVIT OF NOEL PATRICK MERRICK

I, Noel Patrick Merrick, Hydrogeologist, Heritage Computing Pty Ltd, Gerringong, in the State of New South Wales, affirm as follows:

- 1 I am the director and Senior Principal Hydrogeologist of Heritage Computing Pty Ltd, trading as HydroSimulations.
- 2 I am a hydrogeologist with over 40 years' experience in groundwater modelling, assessment and management. I hold the following qualifications:
 - (a) PhD in Groundwater Management from the University of Technology, Sydney;
 - (b) Graduate Diploma in Data Processing from the New South Wales Institute of Technology;
 - (c) MSc Research in Geophysics from the University of Sydney; and

Page 1


Deponent


Taken by:
Solicitor / ~~Justice of the Peace~~

Affidavit
Filed on behalf of the Applicant
Form 46 R.431

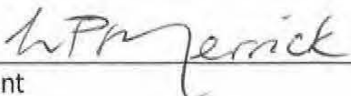
McCullough Robertson Lawyers
Level 11 Central Plaza Two 66 Eagle Street
BRISBANE QLD 4000
Phone: (07) 3233 8888 Fax: (07) 3229 9949
GPO Box 1855, BRISBANE QLD 4001
Ref: GMR:PWS:TMH:159359-00022

(d) BSc from the University of Sydney.

3 I have been engaged by McCullough Robertson, on behalf of the Applicant, to appear as an expert witness in these proceedings in relation to issues raised in the objections to the Applicant's mining lease applications and environmental authority applications for the Carmichael Coal Mine project (**Objections**).

4 My curriculum vitae is attached to the individual expert report referred to below. I refer to my curriculum vitae and say that I have provided expert evidence to a number of matters of dispute relating to groundwater management issues and policies. These include:

- (a) expert evidence on behalf of Rocla Materials Pty Ltd in relation to the effect of a sand quarry on a water resource and ecosystems (New South Wales Land Environment Court proceeding *Rocla Materials Pty Ltd & Anor ats The Trustee for the Gerald and Catherine Barnard Family Trust trading as Australian Walkabout Wildlife Park Pty Ltd* [2014]);
- (b) expert evidence on behalf of Glencore Coal Queensland Pty Ltd in relation to the effect of open cut coal mining on a water supply dam (*Endocoal Limited v Glencore Coal Queensland Pty Ltd and Department of Environment and Heritage Protection* [2014] QLC 54);
- (c) expert evidence on behalf of Helensburgh Coal Pty Limited in relation to the water impacts of longwall coal mining (*Rivers SOS Inc v Minister for Planning* [2009] NSWLEC 213);
- (d) expert evidence on behalf of Stockland Development Pty Limited in relation to the ecological impacts of residential development (*Carriage v Stockland Development Pty Limited & Ors* [No 10][2005] NSWLEC 272);
- (e) expert evidence on behalf of the Appleton family in relation to a contaminated farm compensation claim (*Appleton v Attorney-General* [2003] BCL 48); and





(f) expert evidence on behalf of the Cox family in relation to a resumption compensation claim (*Cox & Ors v Department of Natural Resources*, 17 November 1998).

5 I have previously prepared a joint report with John Webb, Adrian Werner, and John Bradley in relation to groundwater issues relating to the Carmichael Coal Project (**Groundwater Joint Report**).

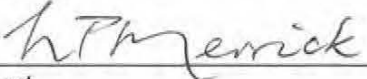
6 I have been further asked to prepare an individual report in relation to whether, from a hydrogeology and groundwater assessment and management perspective, good reason exists to favourably recommend the Application for this mining lease, and to address any issues raised within my area of expertise by points of difference between experts. Exhibited to my Affidavit and marked '**NPM-1**' is a true copy of my report dated 9 February 2015 (**Individual Report**).


7 In producing the Individual Report, among other matters, I relied upon:

(a) an independent review by Hugh Middlemis in 2014 entitled 'Carmichael Coal Project Groundwater Flow Model Independent Review'. This review is referred to at paragraph (i) on page 3 of the Individual Report. Exhibited to my affidavit and marked '**NPM-2**' is a true copy of the Middlemis review;

(b) a report written by me dated 3 February 2015 entitled 'Carmichael Coal Project: Assessment of Potential Reduction in Spring Flow'. This report is referred to at paragraph (d) on page 4 of the Individual Report. Exhibited to my affidavit and marked '**NPM-3**' is a true copy of my report dated 3 February 2015 (**Spring Flow Report**); and

(c) a report written by me dated 20 December 2014 entitled 'Adani – Carmichael Coal Project: Assessment of Fracturing in the Groundwater Model'. This report is referred to at paragraph (c) on page 4 of the Individual Report. Exhibited to my affidavit and marked '**NPM-4**' is a true copy of my report dated 20 December 2014.


Deponent


Taken by:
Solicitor / ~~Justice of the Peace~~

8 Pursuant to rule 428(3) *Uniform Civil Procedure Rules 1999* (Qld), I confirm that:

- (a) the factual matters stated by me in the Joint Report, Individual Report and Spring Flow Report are, as far as I know, true;
- (b) I have made all enquiries considered appropriate;
- (c) I genuinely hold the opinions stated by me in the Joint Report and in my Individual Report;
- (d) my Individual Report contains reference to all matters that I considered significant; and
- (e) I understand my duty to the court and I have complied with this duty.

9 All the facts and circumstances deposed to in this affidavit are within my own knowledge except those stated to be on information and belief. I have, as required, set out the basis and source of my knowledge or information and belief.

Affirmed by Noel Patrick Merrick

at Brisbane, Queensland

this 11th day of March 2015

Before me:


^ _____
Noel Patrick Merrick


^ _____
A Justice of the Peace/Solicitor

LAND COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: MRA428-14, EPA429-14
MRA430-14, EPA431-14
MRA432-14, EPA433-14


Applicant: ADANI MINING PTY LTD
AND
First Respondent: LAND SERVICES OF COAST AND COUNTRY INC.
AND
Second Respondent: CONSERVATION ACTION TRUST
AND
Statutory Party: CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

CERTIFICATE OF EXHIBITS

Bound and marked '**NPM-1**' to '**NPM-4**' are the exhibits to the affidavit of Noel Patrick Merrick affirmed 11 March 2015.



Signed:
Deponent



Taken by:
Solicitor / ~~Justice of the Peace~~ /
~~Commissioner for Declarations~~