

Boggabri - Tarrawonga - Maules Creek Joint Mines Community Consultative Committee

2024

- Meeting Held:** Thursday 14 November 2024 at the Boggabri Golf Club commencing at 2.04 pm.
- Present:** Alex Williams (AW) – BCOP, Steve Eather (SE) – Maules Creek CCC, Elizabeth O’Hara (EOH) – Boggabri, Tarrawong, Maules Creek Coal CCCs, Darren Swain (DS) – WHC, Madeleine Wright (MW) - WHC, Robyn Grover (RG) – Maules Creek CCC, Roselyn Druce (RD) – Boggabri Coal CCC, Matt Hollis (MH) -TCM, James Crowe (JC) – BCOP.
- Guest:** Stephen O’Donoghue (SOD) – NSW Department of Planning infrastructure and Environment [DPHI]
- Apologies:** Libby Laird (LL) – Maules Creek Coal CCC, Phil Lancaster (PL) – Boggabri Coal CCC, Mitchum Neave (MN) – Boggabri Coal CCC, Richard Gillham (RGi) – Boggabri Coal CCC, Colleen Fuller (CF) – Tarrawonga CCC, Stewart Dunlop (SD) – Boggabri Coal, Mark Hathaway (MHa) – Tarrawonga CCC, Lloyd Finlay (LF) – Tarrawonga CCC, Emma Bulkeley (EB) – MCCM, Susie Pym (SP) – BCOP, Wade Hudson – Gunnedah Shire Council.
- Chair:** Michael J. Silver OAM (MJS)

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the Joint CCC meeting. He particularly welcomed Stephen O’Donoghue, Director - Resource Assessments, NSW Planning Housing and Infrastructure to the meeting.

2 Acknowledgement of Country

The Chair acknowledged the Traditional Owners of the land on which the meeting is being held and their continuing connection to land, water, and culture, paying respects to their Elders past, present and emerging.

3 Declaration of Pecuniary or Non-Pecuniary Interests

EOH has shares in one of the companies. MJS’s expenses are borne by the mining companies.

3 Acceptance of Previous Minutes and Business Arising

The minutes for the May 2024 Joint CCC meeting were approved on 7 June 2024.

AW reported that Boggabri Coal has recently recycled 42 HV tyres though Carroll Engineering Services Pty Ltd of Stapylton, Queensland and would be attending the Tyre Stewardship Australia OTR (Off The Road) Mining Tyre and Conveyor Belt Forum in Sydney next week.

4 Actions from Previous Meetings

MJS noted that two actions remain unresolved:

- TB to provide a graph over 3 months of any alarms. Also provide slides with the changeover in shifts and how employees cope with that constant back and forth change.
- Mines to provide map of all offsets.

MJS to follow up.

5 NSW Planning Housing and Infrastructure – Mr Stephen O’Donoghue

MJS introduced Stephen O’Donoghue to the meeting and outlined several areas that have caused concern to community members of the three Community Consultative Committees including but not limited to:

- Air Quality monitoring and standards
- Compliance and enforcement
- Consultation
- Offsets
- Tyre Disposal/Recycling

SOD thanked the Joint Mines CCC for the opportunity to attend its meeting.

In response to the issues highlighted, SOD provided the following comments and responded to questions.

Air Quality – assessment of a proposal is made against the relevant guidelines with an important component being consideration of impacts on humans. Regional air quality monitoring undertaken by the EPA and supplemented by the mining companies monitoring is an important base line to understand the impacts of mining locally particularly on population centres. The requirement for compliance monitoring is critical to ensuring standards are met and impacts minimised, and where necessary mitigated. Management Plans need to be reviewed to ensure they meet an effective standard such as the introduction of PM2.5 monitoring.

EOH advised that there is considerable concern that air quality monitoring data is assessed using an averaging method over time. When a day is a “white out”, the community feels disempowered as this day becomes almost irrelevant in the averaging process.

SOD acknowledged the community concerns. However, he noted that ambient standards are legal limits for the concentration of pollutants in the air that are set to protect human health and the environment. The annual average is a component of this standard, whilst there are also 24-hour average requirements to minimise local impacts. He also indicated other information should be used, such as the visual aspect particularly where it relates to dust that can be controlled.

SOD noted that spikes in dust levels do occur. He also noted that from a compliance perspective, compliance is based on meeting the standards for the relevant particulate matter annual average 24-hour output.

Boggabri - Tarrawonga - Maules Creek Joint Mines Community Consultative Committee

2024

RD commented that at her property adjacent to Maules Creek Mine she can't grow vegetables due to dust – "its coal dust". The dust infiltrates into the house. She commented that the extent and accuracy of monitoring depends on where the air quality monitors are located.

Compliance – SOD provided a general overview of the enforcement of conditions of consent and compliance monitoring. He advised that conditions of consent take precedence over guidelines.

EOH highlighted that the conditions of consent for the Maules Creek Mine requires an Aboriginal stakeholder representative to be a member of the Community Consultative Committee. She also noted that this committee does not have an environmental representative. She asked if it would be possible to pay the Aboriginal stakeholder representative to ensure consent conditions were observed. SOD acknowledged the comments and understood that the DPHI Compliance Unit was examining the matter. He was also aware that the mining company had been advertising for an Aboriginal representative.

Management Plan Consultation – SOD noted that companies are required, as a general requirement, to consult with and provide copies of draft Management Plans to CCCs. The company should also keep the CCC informed of the development of and finalisation of the new Management Plan.

EOH questioned the status of the draft Management Plan particularly as it is marked 'Confidential' and is not publicly available on the company's website. She made mention of the process associated with the draft Maules Creek Biodiversity Management Plan which she suggested restricted external technical comment/advice to CCC members as the document was deemed confidential.

SOD noted that draft documents are often deemed confidential as not all aspects of the document have been finalised or confirmed. He felt there was still an opportunity to provide comment. He noted EOH's concerns and took the matter on notice. EOH reiterated that the link was not publicly available.

Risk Rating: EPA Licences – RD questioned how the risk rating on EPA licenses operates. SOD advised this matter needs to be taken up with the EPA.

Legislation – AW sought advice and direction on the likely changes to legislation that will affect the mining industry soon.

SOD noted that there were a number of legislative changes anticipated over the coming twelve months that will have implications for mining:

- Green House Gas legislation
 - NSW Climate Change Adaptation Action Plan 2025-2029
 - Amendments to the Biodiversity Conservation Act 2016 to reform the biodiversity offsets scheme; and to make consequential amendments to the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Chair's note: Assented on 2 December 2024 - Act No 96 of 2024 - Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Act 2024**
- Changes to Biodiversity Offsetting guidance advice for Irreversible Impacts.
 - Amendments to Commonwealth environmental legislation – likely consequential changes to NSW legislation
 - Cultural Heritage reforms

Tyre Management – EOH highlighted the ongoing concern regarding the burial of HV tyres and the need for a more definitive approach to tyre recycling and disposal in management plans.

Through RD, Mitchem Neave (MN) tendered the following question:

“Why aren’t the NSW Government planning and environmental agencies pushing hard to protect the environment from tyres being buried when there is a company that is willing to undertake this recycling. Boggabri Coal is doing something about it – thank you. But why aren’t the government agencies pushing the rest of the mines in the area to do the same thing. If this Queensland company did all the tyres from the mines in this area it would be a pleasurable business. Or don’t the agencies care about the environment or mess that is left behind for our great-great-grandchildren to clean up?”

SOD responded that there are initiatives happening in the tyre management and recycling area. Conditioning on EPA licences is being amended to include tyre management processes, viz. a review of processes approach over a two-year period. From an agency perspective there is strong support for the setting up of recycling facilities to support management of HV tyres.

RD enquired whether Whitehaven would engage in a tyre recycling program? MH advised that discussions and evaluation of management processes regarding the disposal of tyres is being undertaken. Recycling is being examined as an option – this may not be suitable for all tyres. MH added that it is important that the tyre recycling option is economically viable.

MJS noted that a tyre recycling scheme must be environmentally sustainable with a beneficial outcome that does not transfer the problem elsewhere.

Offsets – SE expressed concern as to how offsets are managed and noted changes to legislation to address this problem. He questioned whether the use of ‘hot burning’ as a means of reducing the potential for bushfire from offsets.

SOD advised that there are exemptions for cultural and hazard reduction burning. MH commented on the management options available but expressed caution regarding the use of burning given the potential emissions.

EOH questioned what ‘in perpetuity’ in relation to biodiversity offsets actually means. She suggested that there are instances where offsets are no longer in perpetuity and are being opened for mining. She advised that the community does not have access to the information regarding the status of offsets linked to a mine – there is a power imbalance. “It seems that ‘in perpetuity doesn’t mean what it means in common usage.”

SOD responded that ‘in perpetuity’ means placing restriction on the title that it is held in perpetuity. But ‘in perpetuity’ may be extinguished and removed under certain circumstances - examples include transmission lines through offset areas and State Significant Infrastructure Projects. Notwithstanding this, the more recent preferred method for management of offsets is a Biodiversity Stewardship Agreement. A Biodiversity Stewardship Agreement is a legal agreement between the owner of the land and the Minister responsible for the Biodiversity Conservation Act 2016 (NSW). The agreement establishes the biodiversity stewardship site and creates biodiversity credits. Even if on the title of the land a Biodiversity Stewardship Agreement can be removed – these agreements provide for better and more flexible controls.

Boggabri - Tarrawonga - Maules Creek Joint Mines Community Consultative Committee

2024

<https://www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about/how-scheme-works/biodiversity-stewardship-agreements>

RD requested clarification as to whether land that was set aside as a biodiversity offset can be recovered and mined.

SOD indicated that it depends on the evaluation of the merit of the project. This would require offsetting the offset to replace the lost biodiversity asset. DS enquired whether when offsetting an offset, it is one for one replacement. SOD indicated its generally 'like for like'. MH commented on the offset requirements and standards to be achieved.

EOH observed that it's not 'like for like' but 'potentially like for like'. SOD noted the proposed amendments to the Biodiversity Conservation Act 2016 before the NSW Parliament are seeking improvements in biodiversity offset outcomes, that is, getting a higher return from the offset. RD commented, "can't replace immediately what it will be like in 20 years - it takes many years before there's a hollow for birds and bats'. This is a significant issue.

Rainwater Tank Testing – RD advised of the detection of heavy metals in water tests from rainwater tanks in the area. She indicated that the test results would be forwarded to relevant government agencies for review. RD said the community was being made aware of the rainwater tank results and added that loss of bores was aggravating the issue of water security in the area.

Modification Proposals – SOD provided a brief overview of the various Modification proposals currently before DPHI. He anticipated the Modifications will be determined in the first half of 2025. He indicated a prime consideration in assessment of the proposals will be cumulative impact and would be pleased to discuss these proposals with the relevant CCCs.

EOH commented on the Modification proposal for a pipeline between the mines. In particular she expressed concern that water from the Maules Creek Coal high security water licence will be fed into the pipeline for use by other mines. MH noted that Maules Creek Coal owns the licence and the water is metered. The proposed pipeline from Tarrawonga mine to Maules Creek mine is to permit transfer of water between mines. SE commented that water can be traded. MH further explained the water transfer arrangement.

MJS thanked Mr O'Donoghue for his responses to members' questions.

6 General Business

Nil

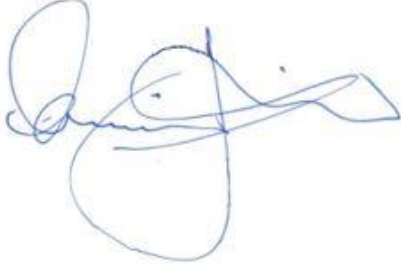
7 Next Joint CCC Meeting – 15 May 2025

Meeting closed at 3:35 pm.

**Boggabri - Tarrawonga - Maules Creek
Joint Mines Community Consultative
Committee**

2024

Approved:

A handwritten signature in blue ink, appearing to read 'Michael J. Silver', with a large, stylized flourish at the end.

**Michael J. Silver OAM
Independent Chair**

17 December 2024