

# Minutes of the Boggabri – Tarrawonga – Maules Creek Community Consultative Committee

**Meeting Held:** Thursday 13 May 2021 from 2:00pm

**Venue:** Boggabri Golf Club

## 1 Welcome, Introductions and Apologies

DR welcomed everyone to the Joint CCC meeting and noted that the agenda would be changed around a little to allow MNn and MQ to present first.

**Present:** Cr Lloyd Finlay (LF), Danielle Nieuwenhuis (DN) – Boggabri Coal, Darren Swain (DS) – WHC, Emma Bulkeley (EB) – MCCM, Geoff Eather (GE) – Boggabri Coal CCC, Hamish Russell (HR) – BCOPL, Jack Warnock (JW) – Maules Creek, Libby Laird (LL) – Maules Creek, Lyndall Crowley (LC) – Maules Creek CCC, Mitchum Neave (MN) – Boggabri Coal CCC, Pat Murphy (PM) – (Boggabri CCC), Ray Balks (RB) – Idemitsu, Richard Gillham (RGi) – Boggabri Coal CCC, Robyn Grover (RG) – Maules Creek CCC, Roselyn Druce (RD) – Boggabri Coal CCC, Sebastien Moreno (SM) – Tarrawonga Coal, Stewart Dunlop (SD) – Boggabri Coal, Ross Wilson (RW) – MCCM, Tian Oosthuizen (TO) – Tarrawonga Coal, Wade Hudson (WH) – Gunnedah Shire Council

**Guests:** Matthew Newton (MNn) – Resources Regulator, Matt Quinn (MQ) – Resources Regulator

**Apologies:** Colleen Fuller (CF) – Tarrawonga CCC, Robert Kneale (RK) – Narrabri Shire Council, Simone Moodie (SMo) – Maules Creek CCC, Steve Eather (SE) – Maules Creek CCC

**Independent Chair:** David Ross (DR)

**Independent Secretary:** Debbie Corlet (DC)

## 2 Resources Regulator Presentation by Matthew Newton

MNn introduced the work that the Resources Regulator undertakes with respect to rehabilitation, playing a short video <https://www.youtube.com/watch?v=VyFYlot5F8Q>. Compliance and enforcement actions are driven by a risk-based approach. Supported self-regulation is where they prefer to be but do move up the ladder to strong active enforcement, if required. They have around 40 inspectors, conducting inspections, audits and investigations. A key focus is Section 240 Directions; namely, to ensure that a risk is being addressed, that land is being rehabilitated or performance improved. They are able to take enforcement action, such as issuing Official Cautions.

MNn also observed that Targeted Assessment Program (TAPs) proactively assess how effectively a mine is controlling risks and managing compliance with the preventative and mitigating controls that are critical in planning for and implementing mine site rehabilitation. Each TAP focuses on the implementation of a specific critical control or compliance priority like decommissioning, materials and soils management, landform establishment, revegetation, surface and groundwater management as well as tailings facilities storage management.

A rehabilitation security bond must be provided before exploration and mining activities begin. As of January 2021, the NSW Government held around \$3.3 billion in security bonds for rehabilitation of exploration and mining impacts. The security deposit covers the full cost of all rehabilitation and closure activities required if a mining company defaults on their rehabilitation obligations. Mining companies must demonstrate they have met their rehabilitation objectives and completion criteria to have their security bond released.

LL – How much do you need to rehabilitate each mine?

MNn – This is a cumulative amount. Rehabilitation \$280 million dollars.

LL – So in this region – we would like to know that please?

Mine	Assessed Security Deposit
Maules Creek	\$112,076,000
Tarrawonga Coal Mine	\$49,375,000
Boggabri Coal Mine	\$70,713,000

Current reforms within the Regulator are to address two key Auditor-General recommendations which are to improve the quality of rehabilitation and closure plans and to also enhance oversight of mine rehabilitation.

With regards to rehabilitation reform objectives, the lease holder must achieve final land use, plan and rehabilitate progressively, report on progress, approach standardised rehabilitation obligations for all mining leases. This will result in streamlined title instruments, reduction in red tape for lease holders and government and greater transparency for the community.

The intent of the policy is to provide clarity about what the lease holder must achieve to demonstrate that rehabilitation of land and water disturbed by mining is safe and stable and meets the rehabilitation obligations of the development consent.

A lease holder is required to submit an Annual Rehabilitation Report and Forward Program (this outlines the tactical approach to achieving the Rehabilitation Outcomes in a progressive manner) and the Annual Rehabilitation Report outlines progress towards achieving the Forward Program. There is a Mine Rehabilitation Portal (GIS spatial data) that will provide greater transparency in tracking rehabilitation progress, which will be available to the public via NSW Government’s SEED Portal.

Reforms are designed to shift Regulator’s approach to a higher proportion of proactive work. The lease holder must take all reasonable measures to prevent or, if that is not reasonably practicable, to minimise, harm to the environment, rehabilitate as soon as reasonably practicable, implement a 3-year forward program of progressive rehab, achieve final landform and final land use and report on progress.

Lease holder to prepare and achieve rehabilitation outcomes by submitting the Rehabilitation Objectives, Rehabilitation Completion Criteria and Final Landform and Rehabilitation Plan for approval by the Regulator. Rehabilitation outcomes must be consistent with any relevant development consent. The Rehabilitation Management Plan (replaces the MOP) – lease holder will be required to develop, implement and publish a RMP and not lodged with or approved by the Resources Regulator.

RD – Regarding the Rehabilitation Management Plan – so no MOP anymore?

MN – It (the current MOP) includes everything at the moment with how they are going to do everything. The components of the MOP are disappearing, but the mine will have the requirement to implement with how they are going to do this and how they are going to manage risk.

RD – Will that keep evolving?

MNn – It will be become more static as it comes to closure and it becomes more robust. MOP used to be everything – noise, dust etc but this will only be focusing on rehab now. Dust etc will be in their own Management Plan. This is only about the Rehabilitation Plan.

LL – Maules Creek Modification 7 – Is that the final landform? I have been trying to understand if this is the response to the MCCM having to submit a draft void closure plan by 28 December 2020 and then having until the middle of 2025 or something to come up with a final plan? Or is there another modification?

MNn – Consent where reasonably feasible looks at ways to fill that void. There are options for analysis and for more additional advice to be provided. Why is there a void? Can you partially fill it – can you avoid impacts. How will you make it stable etc. We try to flesh out as much as we can. We want it rehabilitated as much as possible. Final void will be left with that and what they do with that final void. It needs to be rehabilitated with high water treatment / low water. What Planning try to do with the mining company involvement is look at the opportunities but under the Dept of Planning. Our role is to make sure it is rehabilitated. In terms of what is in front of Government at the moment, all has to go through the approval process. Then that Mod 7 will be the final one.

Exploration and mining report is updated every 6 months on the website. There are numerous Rehabilitation Information Releases published. Mine Rehabilitation News can be found here – <https://www.resourcesregulator.nsw.gov.au/news/mine-rehabilitation-news>

DS – What’s the timing of the implementation from the MOP to the new system?

MNn – Hoping within weeks but mines will have 12 months to get everything together. Records on site, management systems onsite. So, then we can come out and start the process.

MNn – Legacy mines have had very limited regulation in the past with limited rehabilitation. Risk is now a lot less. After the lease is finished, we have had a mining company have to come back to fix something.

LL – The rehabilitation bond is a very political issue. There’s a huge risk that some organisations may go broke. Who do you go after if the mine is not there? What happens with that rehab then?

MNn – Security is held but they have an obligation to fill that void. We have that as a bank guarantee, and we have that money to spend if necessary. It is specified in the consent and we have calculated for the rehabilitation to fulfil these obligations.

LL – Who rehabilitates it?

MNn – We will exhaust all avenues to make sure the lease holder does it. If that doesn’t happen, then at the end we’ll organise all the rehabilitation to happen.

PM – How much pressure can you apply to fill that void? There are a lot of voids out there.

MN – If there’s an obligation in their consent, then they have to demonstrate that’ll it get done.

DR – Thanked both MNn and MQ for coming along to the Joint CCC and for the presentation.

### **3 Declaration of Pecuniary or Non-Pecuniary Interests**

RGI, LF, MN – Have properties that have been acquired or fall into the ‘Zone of Affectation’ for acquisition or have family members at one of the mines. DR gets paid for chairing these meetings as does DC for typing the minutes. RG has a family member at Boggabri Coal and another at Tarrawonga Coal.

### **4 Acceptance of Previous Minutes and Business Arising**

The minutes for the May 2020 Joint CCC meeting were accepted by all present as an appropriate reflection on what was discussed.

David observed that all actions had now been completed.

## 5 Company Reports

### BCOPL Report by Hamish

*Housing VPA* – Reviewing options for construction of housing in 2022. BCO currently own 13 blocks in Boggabri. Architect currently being engaged to develop initial design proposals for discussion with Council. Target is to have a plan in place for 2022 budget cycle. Construction and internal fit out of the Early Learning Facility is now complete. Senior staff roles filled. Opening late May (subject to licence).

*2021 Completed Tree Clearing* – 15.91 ha completed clearing (mining) and 2.72 ha completed clearing (exploration).

Proposed Modification – The mine is seeking to modify its existing Project Approval. This will include:

- increasing the approved maximum depth of mining down to the Templemore Coal Seam
- recovering an additional 61.6 million tonnes (ROM) coal resource within the currently approved mine Disturbance Boundary and extending the mine life by 6 years to 2039
- constructing a specifically designed fauna movement crossing across the existing haul road between the Southern Rehabilitation Area and the western side of the biodiversity corridor.

HR and RB discussed that environmental specialist studies are complete for the modification. The document is anticipated to go on public exhibition around July 2021.

An update was then given on the 10 *Tree Troffs* installed by the mine. These are frequented by birds, possums and goannas. Furthermore, offset tree planting to commence in winter on Merriendi, Braefield and Nioka North. Approx. 86,000 tubestock to be planted.

### Maules Creek Mine Report by Darren

*Employment* – Continued focus on local, indigenous, and female employment. 571 WHC people are employed on site. 26% of the WHC workforce at MCC are women.

*Air Quality Monitoring* – Annual rolling average for TEOM 1 is 12.7 ug/m<sup>3</sup> at 31 March 2021 (criteria 30ug/m<sup>3</sup>). Progressive overburden emplacement and bulk shaping on the northern dump, with some topsoil spreading and seeding in progress.

#### *Biodiversity Management*

With respect to MCCM's management of biodiversity. DS noted that:

- During the most recent routine Whitehaven Offset Area Feral Animal Control program (March 2021) the results included: 51 out of total 75 pigs trapped were from the Maules offset properties. 420 out of total 659 baits (1080) taken were from the Maules offsets properties.
- *Threatened Flora* – Quarterly inspections undertaken for Tylophora and Pomaderris sites. Some flowering Tylophora found in March but unfortunately no follicles / seed developed.
- *Fire Management* – Currently planning 2021 Ecological burn Program.

#### *AHS Movement to Date*

DS noted that 17 EH5000s are now converted for autonomous operation. ANC fleet installations continue – AHS enabled equipment list expanding. >47,000 loads hauled autonomously. >6,220,000 cubic metres of waste moved. >180 personnel trained to work with AHS so far.

DS also discussed two modifications with the Joint CCC members. *PA Modification 7* – Application to modify the final landform was submitted to DPIE and placed on public exhibition 18 February to 3 March. Response to Submissions report was submitted to DPIE in April. 22 submissions were received from agencies and the public. DPIE are currently assessing the Response to Submissions report.

*PA Modification 8* – An application will be submitted to DPIE to modify the MCCM Project Approval, for the disposal of end-of-life used mining equipment tyres. The application will include commitments to manage the location of burial, pre-task risk assessment, implementing a disposal procedure, maintenance of a register, monitoring and continuing to investigate feasible opportunities for recycling heavy vehicle tyres.

## **Tarrawonga Mine Report by Sebastian**

*Environment* – rehabilitation, tree clearing campaign 2021, Annual Report submitted March 2021, Ongoing environmental monitoring programs (GW, SW, Air, Noise, Blast, Fauna and Flora, pest and weeds). Modification (MOD7) approved in February 2021 and Modification (MOD9) was submitted in March 2021.

*Looking ahead – Environment* – Rehabilitation, Annual Reporting, Monitoring Programs, Review and Implementation of Environmental Management Plans and BTM Complex Strategies, Environmental Improvement and Approvals.

LL – Re Modification 9 – tyres in the pit. The Tarrawonga Mine Annual Reviews for 2013-14 and 2014-15 reports that the mine has already been “disposing of tyres in the pit” since at least 2013. Do you have approval to do this? Do you have an EPA licence? Why are you seeking approval for this?

SM – In the Annual Reviews in 2013 and 2014 – it is stated that tyres were stored before disposal in pits. This aligns with the Environmental Assessment Report conducted in 2011 where there is a statement that end of life tyres will be disposed of in pit. I wasn't around at that time, but my understanding is from 2014 onwards it was never mentioned in-pit disposal in Annual Reviews.

DR – How many tyres are stored onsite?

SM – Roughly there are 250 tyres stored onsite.

LL – It does not say storing. It says disposal in the void.

SM – The mine stores and stockpiles tyres at the moment, pending approval for disposal.

RGi – What happens if you aren't allowed to store them in the pit?

HR – They are put on a truck and put into landfill somewhere else. Technology will become advanced in the future, but it isn't there at the moment. Below a certain diameter – they get landfilled and tracked.

RGi – So they'll go in the ground at some time anyway?

SM – In pit burial is common practice across the industry.

LL – Tony Dywer from WHC yesterday at the MCCM CCC meeting told the community about the hierarchy of waste management for tyres. Avoid, Minimise, recycle – the bottom of the rung is to bury them. The technology does exist. There is a huge amount of resource in this. There are a lot of resources – there's oil, steel, stacks of carbon. So can be put on roads. Robert Kneale talked about this happening in the past from his experience on roads.

And as the environmental rep for MCCM researched and put to the MCCM meeting yesterday via DR, the tyres leach pollution into the water source.

Not saying WHC or BC do this, but another standard mining practice the community have become aware of is that other things can be stored in the very big cavity of the buried tyres such as old oil barrels. There's a lot of potential for our water to be contaminated and that is a lot of pollution going into our water.

**ACTION:** Mines to investigate tyre recycling opportunities

LL – Giving approval to bury all these tyres doesn't make sense, if they could be stored for 2 years or so and in that time a recycling facility can be built only next door. Other places are taking responsibility. Our world is bigger than this room- you are telling people in here that there are no options. This is not correct. BHP are taking responsibility for their waste. They are partnering with a tyre recycling facility in Nebo and paying to build the facility themselves.

## **6 General Business**

RGi – I'm the President of the Lions Club and just wanted to thank the mines for their support. The butcher shop (as well as other businesses) wouldn't be doing so well if it wasn't about support.

On another note, though, on Monday 3 May, there was a group of miners who had a BBQ at the lagoon. I don't mind if they have a beer and fire there, but I picked up 85 beer bottles and I was disgusted with the mess left behind as there was bottles thrown in the fire and all broken. Going to send photos to Emma to distribute.

ACTION: EB – The Maules Creek crew would have been bussed in and out. I'll bring it up with production. 85% are on buses and sent back to Gunnedah. This is not acceptable.

HR – To also discuss with Production and make sure everyone is aware.

MN – Requested that all mines come together and get a business of the ground for a recycling plant for the used / old tyres. Why can't you organise a recycling plant here? We don't want a handout but a hand up. They could run that as their own business. There are obviously enough tyres here to establish a business.

MN – Richard has land here at Boggabri – how are you going with your management for drivers being fatigued?

HR – We do have technology in our trucks which can detect when drivers are nodding off or getting fatigued. We have a test they do to see if they can continue operating or if they need to take a break.

DN – We are expanding that equipment but haven't had any fatigued incidents as yet.

RW – We will also have cameras in our vehicles to recognise driver fatigue etc.

MNn – We can provide information about how this is regulated as well.

MN – Regarding cultural burn. There will be a flyer if interested, please contact David if you want more information.

DR – Quick update on the Environmental Trust. We are open and very keen to receive any applications between the May and October meetings. The Trust has been going for a while now and I've been involved for the last 5 years. The preference is for revegetation or habitat / tree troffs type applications but even projects like solar panels or water tanks will be considered. Please get the information out to your networks. There's still plenty of money available.

Meeting closed at 4:20 pm

## 7 Next Joint CCC Meeting – 28 October 2021.

### Appendix 1

#### Action List

Page No	Action No	Action to be completed	Action Owner
2	1	How much do you need to rehabilitate each mine	Matthew Newton
5	2	All 3 mines to consider options for how to recycle or have tyres taken somewhere else	All Mines
5	3	Who had the party at the lagoon and left all mess and smashed bottles / threw them into the fire etc.? Bring it up with the Production team(s).	Emma Bulkeley Hamish Russell
5	4	What was written in the Annual Review about disposal of tyres. Please check and report back to the CCC.	Sebastien Moreno
6	5	MNn to provide information about driver fatigue regulations.	Matthew Newton Matthew Quinn