

MT ARTHUR COAL COMMUNITY CONSULTATIVE COMMITTEE

Minutes of Meeting (16)

- Location:** Mt Arthur Coal Boardroom
- Date:** Thursday 8 September 2011
- Present:** Martin Rush (MR) Chairperson, Jennifer Lecky (JL) Deputy Chairperson, Craig Flemming (CF) Muswellbrook Shire Council, John Bancroft (JB) Resident, Graham Guest (GG) Resident, Bruce MacPherson (BM) Resident, Shelley Masterson (SHM) Mt Arthur Coal, Steve Perkins (SP) Mt Arthur Coal, Scott Mitchell (SM) Mt Arthur Coal, Donna McLaughlin (DM) Mt Arthur Coal, Julie McNaughton (JM) Mt Arthur Coal, Rebecca Smith (RS) Mt Arthur Coal, Moussa Taouk (MT) Mt Arthur Coal.
- Apologies:** Michael White (MW) Mt Arthur Coal.
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Meeting Commenced: 4:05pm

1. WELCOME AND APOLOGIES

MR welcomed everyone to the Mt Arthur Coal Community Consultative Committee (CCC) Extraordinary meeting and apologies were received.

2. HOUSEKEEPING AND SAFETY

JM provided information on general housekeeping and safety at Mt Arthur Coal, this included:

- Entry/Exit
- Emergency Procedure
- Muster Area
- Amenities

3. DECLARATION OF PECUNIARY INTEREST

No pecuniary interests were declared.

4. OTHER CONSULTATION UNDERTAKEN TO DATE

JM and SP gave an overview of consultation undertaken to date with Department of Trade and Investment, Mineral Regional Infrastructure and Services, Muswellbrook Shire Council (MSC) and Department of Planning and Infrastructure (DoPI).

Mt Arthur Coal has provided the proposed Rehabilitation Strategy document to all members of the CCC, NSW Office of Water, Mineral Resources and Office of Environment and Heritage for review and comment by 16 September 2011.

Mineral Resources provided Mt Arthur Coal with some good feedback and requested that domains be incorporated in the proposed Rehabilitation Strategy. Minerals resources also confirmed that the Rehabilitation Strategy should act as a high level overarching document.

MR questioned when the final land use map would likely be completed.

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JM responded that work will commence on the final map tomorrow and that the map will be circulated upon completion.

ACTION ITEM 1 – Provide the final land use map to CCC members upon completion.

5. PRESENTATION – OVERVIEW OF THE PROPOSED REHABILITATION STRATEGY DOCUMENT

SP presented an overview of the proposed Rehabilitation Strategy. The overview included information on the following:

The key objectives of the Rehabilitation Strategy:

- To provide a transparent overarching framework document that ties into the detailed Rehabilitation Management Plan.
- To provide information needed for the longer term planning and assessment process which relates to mine closure.

Goals underpinning the Rehabilitation Strategy:

- Successful design and rehabilitation of landforms to ensure structural stability, revegetation success and containment of material wastes.
- Create a post-mining land use compatible with surrounding land uses that provides optimal environmental and community benefits.

The project team that prepared the Rehabilitation Strategy was approved by DoPI and included suitably qualified and experienced persons with a variety of expertise. The coordination of the document was primarily undertaken by Dee Murdoch from AECOM Australia Pty Ltd.

The Rehabilitation Strategy was identified as an overarching document that would guide development of the Rehabilitation Management Plan. The management plan will be a more comprehensive and detailed document that will take into consideration the Draft MSC Rehabilitation Policy, Synoptic Plan, MOP, Mt Arthur Coal Closure Plan, stakeholder consultation, Biodiversity Management Plan, Biodiversity Offset Strategy, industry studies and previous Mt Arthur Coal rehabilitation and management plans.

As requested by Mineral Resources, the site was divided into a range of domains based on final land use including active mining areas, overburden emplacements, final void, infrastructure areas, water management, tailings storage facility, post mined lands (pasture and woodlands), offset areas and non operational lands. Each domain requires a different rehabilitation methodology to achieve the intended post-mining land use.

Design alternatives for the final void will continually be evaluated and prepared as part of the closure planning process. Key components of the final void include:

- Slope of the walls to be around 18 degrees,
- Rehabilitated with vegetation species and diversity that are appropriate for the complex landform,

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- The highwall will also be rehabilitated using the best reasonable and feasible rehabilitation technologies available.

JB questioned whether the slope of the visual bund that you can see along Thomas Mitchell Drive is at 18 degrees?

SM responded in saying the slope of the visual bund is closer to 10 degrees and therefore not as steep.

JM provided clarification on the definition of the 'final void', stating that the final void refers to the last pit area (hole that is remaining) after mining. JM also confirmed that the highwall will be laid back and stabilised to around 18 degrees which will be steeper than our current rehabilitation.

A conceptual final landform design for overburden emplacements was developed as part of the Environmental Assessment. Initial pasture and cover crop sowings will temporarily stabilise steep slopes prior to tree planting and sowing. Woody native ecosystems will focus on the establishment of specific communities in accordance with Project Approval Condition 38 (a) and (b) and Commitment 15 (Appendix 3 - Statement of Commitments) which focus on the establishment of significantly threatened plant species.

All surface infrastructure (including buildings, roads, coal handling and preparation plant and rail loading facility) where a post mining use cannot be identified will be removed from the site.

The drainage pattern of the final landform will be designed to integrate with the surrounding catchments and will be revegetated to achieve long term stability and erosion control.

The rehabilitated tailings dam will be integrated into the total mine landform and revegetation strategy. The capping layer will focus on both sealing the underlying material and creating suitable conditions for sustainable vegetation. These areas will be protected from incompatible land use.

New proposed vegetated areas for the project total approximately 3,000 hectares and will be provided through the following areas: Mount Arthur Coal Conservation Area, Saddlers Creek Conservation Area, Thomas Mitchell Drive Off-site Offset Area, Thomas Mitchell Drive Onsite Offset Area, Roxburgh Road 'Constable' Offset Area, Additional Off-site Offset and Rehabilitation Area 2.

Mt Arthur Coal has specifically agreed to the minimum establishment of 30 per cent woodland and to the re-establishment of 500 hectares of White box, Yellow box, Blakely's red gum woodland.

Completion criteria are provided as a guide to aid in the direction of rehabilitation and enhancement measures. It should be noted that the criteria is not used for determining compliance but as an objective target level that can be measured to quantitatively monitor progress and success. Criteria may change over time with advances in research and technology.

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6. DISCUSSION AND FEEDBACK REGARDING THE STRATEGY

MR asked for any clarifying question arising from the information presented in the overview of the proposed Rehabilitation Strategy presentation.

BM stated that some areas on the mine site including the old Bayswater area have already been rehabilitated and questioned whether these areas will be returned back to their pre-mining state. BM also questioned how Mt Arthur Coal intends to restock these areas with the same amount of livestock equivalent to pre-mining times.

JM responded in saying that these areas are not yet back to their pre-mining state and noted that in some cases it would be difficult to return the land exactly back to what it was before mining. Mt Arthur Coal would continue to monitor areas for the life of the mine, however feel that they have enough information from other sites to determine that restocking is feasible. JM also noted that some areas will be rehabilitated to forests for native vegetation and will not be suitable for agriculture. Currently, Mt Arthur Coal has no rehabilitated land that is completely fenced with a reliable water supply suitable for grazing.

JB noted that in the previous CCC meeting (August 2011) it was suggested that Mt Arthur Coal contact DoPI for an extension to the completion date for the Rehabilitation Strategy. JB questioned whether this action was undertaken.

JM responded in saying that the motion was raised in the previous meeting that the Chairperson would contact the Director General of the DoPI requesting an extension to the due date not Mt Arthur Coal. JM confirmed that to this date Mt Arthur Coal had not received any confirmation from DoPI on the extension and as a result, Mt Arthur Coal will still be expected to meet the 30 September 2011 deadline as stipulated in the Project Approval.

MR also confirmed that the Chairperson had not yet received any confirmation from DoPI on the extension to the due date for the Rehabilitation Strategy.

JB expressed concern that Mt Arthur Coal should have given progressive updates on the Rehabilitation Strategy before now and that the CCC members were not given options for future land uses. JB also expressed concern on behalf of the CCC that appropriate consultation was not undertaken and therefore does not comply with the project approval.

MR acknowledged the concerns of JB but requested that the meeting time be used to provide Mt Arthur Coal with feedback on the proposed Rehabilitation Strategy prepared.

CF questioned whether the domains specified in the strategy were set by the Department and if they matched the final land uses.

SP confirmed that the domains were conceptual and not specified by the Department.

JM responded in saying that the domains were consistent with the REMP guidelines and Mt Arthur Coal will take the idea on board in order to match more closely with final land use.

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BM made reference to page 18 of the Rehabilitation Strategy and questioned whether the use and sale of millable timber is considered during land clearing especially around the Macleans Hill area.

MR responded by stating that this was dealt with and addressed in the Rehabilitation Strategy document.

7. MSC DRAFT MINING REHABILITATION POLICY

MR presented the Muswellbrook Shire Council draft Mining Rehabilitation Policy. It was noted that the document had not been provided to the CCC members prior to this meeting.

The objective of the policy was to provide consistency in Council's submissions regarding coal mining rehabilitation, encourage best practice and continual improvement in rehabilitation and to ensure that the resolution of issues relating to mine rehabilitation are undertaken within the context of cumulative land use planning.

MR stated that the draft Mining Rehabilitation Policy has been endorsed by MSC but not yet adopted. MR also stated that MSC are expecting to adopt the policy in the next week and acknowledged that there had been some oversights in the development of the document and some changes would need to be made.

The policy states that revegetation across the whole disturbance area is to be 70 per cent woody vegetation in respect of any consolidated mining approval.

BM raised concern that the 70 per cent of woody vegetation desired by the council will greatly reduce the agricultural usability of the land.

MR recognised this as a valid concern, however feels that Mt Arthur Coal already has around 30 per cent of rehabilitated woody vegetation.

MR also noted that a Soil Amelioration Plan is another document that will come out of the draft Mining Rehabilitation Policy and that MSC will work closely with Mt Arthur Coal on this.

BM questioned whether waste management was considered by MSC in the draft Mining Rehabilitation Policy.

MR acknowledged that this was an oversight in the preparation of the document and that the use of final voids as landfills would be encouraged under certain circumstances. MR also noted that in some circumstances the best use may also be for further mining.

8. DISCUSSION ON KEY RECOMMENDATIONS

MR requested that Figure 3 from the Rehabilitation Strategy be shown to aid with the discussion of domains.

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Conservation/Offset Areas – including the area behind and adjacent to the Thomas Mitchell Drive Industrial Area, area at the top of Mount Arthur and area along Saddlers Creek.

MR stated that the MSC did provide comment on the area opposite to the Thomas Mitchell Drive Industrial Area. Given that the land is relatively flat, close to infrastructure and noting the land use in the shire, MSC thought the best use of this land would be for industrial use. MR also indicated that the MSC will not be joining in a submission that requires offset immediately.

BM questioned whether there was land near Liddell being considered for industrial use.

MR responded in saying that the only other industrial land was near Denman and that the Macquarie Generation buffer land was zoned for more hazardous and offensive industry.

JL requested clarification of the area concerned.

JM responded stating that it was the area opposite to the current industrial area along Thomas Mitchell Drive. JM also stated that the area has been approved as an offset area and Mt Arthur Coal would need to seek approval from the Department before allowing the land to be used as critical infrastructure or industrial use. Mt Arthur Coal would not be permitted to reduce the size of the offset area but would need to replace the area with another offset area. Currently, Mt Arthur Coal is required to acquire an additional 165 hectares of offset area.

JL commented that she always saw this area as providing connectivity for flora and fauna and thought this area could be turned into botanical gardens with walking paths for the community.

JM noted the conflict around the final use of this area and proposed that the wording of the document be changed so that Mt Arthur Coal would consider changing the final land use if in the future industrial use is determined to be the best land use for this area.

North-facing bund – including Macleans Hill

MR stated that the MSC agrees with Mt Arthur Coal that the best land use for this area would be high density tree planting due to the steepness of the slopes and difficult access. The native vegetation would also allow connectivity throughout the area.

BM raised concern that the area should not be used for high density tree planting but returned back to grazing land. BM also stated that Mt Arthur Coal should have undertaken an audit of the livestock carrying capacity before mining so that the land could be returned to the same capacity.

JM acknowledged that it would be possible for the land to be grazed but from visual amenity perspective high density tree planting would be the best final land use.

MR also responded by saying that the land could be returned to grazing but due to damage of the soils it would not be returned to the same capacity.

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BM questioned whether trees in the Macleans Hill area carry the Tiger Orchid.

JM confirmed that the Tiger Orchid was not in the area of concern but had been identified in an area further south. Prior to clearing, all areas are inspected by an ecologist and a member of the Environment and Community Team. Mt Arthur Coal have committed to relocating the Tiger Orchid if found. JM also noted that the Donkey Orchid can be found on the southern visual bund however this area will not be disturbed.

BM stated that the relocation would require the tree to be relocated also as otherwise the orchid will die.

Top of the overburden mound

MR stated that the MSC agrees with Mt Arthur Coal that the best land use for this area would be high density tree planting due to the visibility, difficult access and the fact that water would drain away from these areas.

BM stated that he believes these areas should be returned to grazing. BM raised concern that areas have not been returned to grazing in the past, so how do we bring about change. BM also raised concern that we are seeing more trees and scrub, more kangaroos, more wild dogs, less fences and less stock.

SM responded in saying that Mt Arthur Coal need to be mindful of the complementary land use. Mt Arthur Coal has recently conducted wild dog baiting and plan to continue the baiting. Mt Arthur Coal is also in the process of obtaining a permit to cull kangaroos on site. SM believes this process will help us to reach a stage where Mt Arthur Coal will be able to reintroduce stock.

Corner of Denman and Edderton Roads

MR stated that the MSC agrees with Mt Arthur Coal that the best land use for this area would be grazing due to the land being relatively flat and availability of a water source.

JB questioned whether this was the area where Mt Arthur Coal would be cutting into the water table, could this be avoided and whether there is a better option.

JM responded in saying that if Mt Arthur Coal were to step back the 150 metres, then the angle of the high wall would mean you would lose a substantial coal resources and create stability issues due to the shape. JM acknowledged the concern from JB and suggested that it be discussed in the next meeting.

ACTION ITEM 2 – Discuss the implications of cutting into the water table along Denman Road at the next CCC meeting (October).

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JB questioned whether the final void would be 4 kilometres wide by 4 kilometres long, equalling 16 square kilometres in size.

JM responded that the 16 square kilometres refers to the entire catchment, not the hole as such.

Highwall Areas

MR stated that the MSC suspects that the best land use for these areas would be to continue mining, in which case grassy vegetation as opposed to high density tree planting would be suitable. MR also noted that the land use policy needs to be permissive for further mining.

BM raised concern over the neighbouring vineyards if mining was to continue.

MR stated that it was not an issue for this document as Mt Arthur Coal did not have consent to mine into those areas and if they did then the MSC would definitely be opposed.

Synoptic Connectivity – including the Drayton Sublease

MR stated that the MSC is supportive of the connectivity through the Drayton sublease.

JM noted that there were some minor variations in regards to the areas to be planted in comparison to the synoptic corridors shown on the map (areas in pink), however the corridor of connectivity will still be maintained.

Tailings Dam

JM stated that to ensure the long term stability of the tailing dam the area would be capped, topsoiled and grassed. The area cannot be returned to high density tree planting as the tree roots would penetrate the capping material and cause issues with spontaneous combustion and the leakage of tailings.

MR acknowledged that the MSC supported this land use and recognised that some land is sterilised at the cost of mining.

JB questioned whether there were other tailings dams on site and how Mt Arthur Coal intended to control and secure the area.

JM confirmed that there are other smaller tailings dams on site and that security measures including bunds and security fencing as suggested in the Closure Plan would be used. JM also acknowledged that some of the information provided in the Closure Plan regarding security measures should be reiterated in the Rehabilitation Strategy.

ACTION ITEM 3 – Include security mechanisms for the tailings dam in the Rehabilitation Strategy consistent with the Closure Plan.

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Drayton Areas

MR stated that the MSC did not consider the Drayton areas shown on the map as these were only provided to show the linkages.

Proposed Underground Area - second final void

JM stated that this area may be subject to further mining by open cut or underground methods in the future.

Edderton Road

MR stated that the MSC agrees with Mt Arthur Coal that the best land use for this area would be high density tree planting as the area provides reasonable connectivity between Mount Arthur and Mount Ogilvie.

North-western Offset Area – area along Roxburgh Road

JM noted that the land was surrounded by privately owned land. It was noted that there were no objections to the use of this land as an offset area.

9. AGREEMENT ON KEY RECOMMENDATIONS

GG raised concern over how long it took before the CCC members could review the proposed Rehabilitation Strategy. GG stated that he had no further constructive comments to add.

MR stated that the CCC had no value if Mt Arthur Coal employees were allowed to vote, given that half of the people in attendance at the meeting were Mt Arthur Coal employees.

JM acknowledged this concern and agreed that Mt Arthur Coal employees would not vote but still need to have the ability to speak and raise motions.

BM commented that the timeframe and delivery of the Rehabilitation Strategy was ok however he would have liked to have seen the comments from the MSC prior to the meeting. BM requested to see the minutes from this meeting and the proposed changes to the draft Rehabilitation Strategy.

ACTION ITEM 4 – Provide meeting minutes and proposed changes to the draft Rehabilitation Strategy to CCC members.

MR asked the CCC members if they would like more time to consider and make comments on the draft Rehabilitation Strategy.

JM responded by saying that Mt Arthur Coal are expecting comments by 16 September 2011.

MR requested an extension to this date until the end of the month.

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JM responded by saying that Mt Arthur Coal would need to allow time to review and incorporate the comments in to the strategy.

MR requested an extension until the 26 September 2011.

JL commented that there is a council meeting on the 26 September 2011 and proposed to extend the date until 23 September 2011 (Friday before).

JM stated that Mt Arthur Coal intend to communicate material the week of 12 September, as early in the week as possible.

ACTION ITEM 5 – Communicate material (meeting minutes and changes to the draft Rehabilitation Strategy) to CCC members the week of 12 September 2011.

The CCC agreed to provide comments on the draft Rehabilitation Strategy to Mt Arthur Coal by Friday 23 September 2011. The CCC agreed to hold another meeting on Friday 23 September 2011 to discuss comments on the draft Rehabilitation Strategy.

ACTION ITEM 6 – Hold another extraordinary meeting on Friday 23 September to discuss comments from the CCC on the draft Rehabilitation Strategy.

MR raised the question of what the CCC would like to see on the bund facing towards the township.

JL replied that she would have liked to have seen trees but the community comment for Bengalla reflected that the community would rather see a rural landscape.

GG noted that a rural landscape was preferred.

JM stated that the area is listed as part of the offset strategy, so there may be little room to move due to existing consents.

JB noted that tree planting was preferred.

MR noted that the general feel from the CCC was for a rural landscape on the bund facing towards the township.

MR raised the question of what the CCC would like to see on top of the bund.

JL stated that she would not like to see straight lines of trees and a natural look is important.

JB agreed that having a grazing area in the middle of a forest makes no sense and that tree planting was preferred.

JL noted that tree planting was preferred.

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GG noted that tree planting was preferred.

MR noted that the general feel from the CCC was for trees on top of the bund.

MR raised the question of what the CCC would like to see on the corner of Denman and Edderton Roads.

MR noted that the general feel from the CCC was for grasslands and grazing on the corner of Denman and Edderton Roads.

MR asked for any further questions regarding advice or feedback on the Rehabilitation Strategy.

CF requested the domains be mapped on the plans.

ACTION ITEM 7 – Domains to be mapped on the plans.

MR requested that the body of the document contain more text on why different types of rehabilitation were chosen for the mix of land uses available.

ACTION ITEM 8 – Rehabilitation Strategy to contain more text on why different types of rehabilitation were chosen for the mix of land uses available.

MR raised the question of whether the CCC would like to see part of the offset area along Thomas Mitchell Drive turned into industrial area. MR noted that the MSC will ask for a review after the Offset Strategy has been prepared and the further 165 hectares of offset land has been identified.

BM noted that he was not qualified to give an opinion.

GG noted that industrial was preferred.

JB noted that industrial was preferred.

MR noted that industrial was preferred.

JL noted that ecological was preferred.

MR noted that the general feel from the CCC was for industrial use along the offset area along Thomas Mitchell Drive.

10. NEXT MEETING DATE

The next Mt Arthur Coal Community Consultative Committee meeting is proposed to be held on Friday 23 September 2011. The purpose of this meeting is to predominately to discuss comments on the draft Rehabilitation Strategy.

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Meeting Closed: 5:57 pm

ACTION ITEM NO.	ITEM	ACTIONED BY
1	Provide the final land use map to CCC members upon completion.	SP & SM
2	Discuss the implications of cutting into the water table along Denman Road at the next CCC meeting (October).	JM
3	Include security mechanisms for the tailings dam in the Rehabilitation Strategy consistent with the Closure Plan.	SP & SM
4	Provide meeting minutes and proposed changes to the draft Rehabilitation Strategy to CCC members.	MAC
5	Communicate material (meeting minutes and changes to the draft Rehabilitation Strategy) to CCC members the week of 12 September 2011.	MAC
6	Hold another extraordinary meeting on Friday 23 September to discuss comments from the CCC on the draft Rehabilitation Strategy.	MAC
7	Domains to be mapped on the plans.	SP & SM
8	Rehabilitation Strategy to contain more text on why different types of rehabilitation were chosen for the mix of land uses available.	SP & SM