

Meeting Minutes
Duralie Coal Community Consultative Committee Meeting
via video/teleconferencing
Wednesday 5 August 2020

Attendees:

Ms Margaret MacDonald-Hill	CCC Chairperson	Brian Eastoe	CCC Member
Mike Plain	Duralie Coal Pty Ltd		
Ryan Fenning	MidCoast Council	Thomas Kirkwood	Duralie Coal Pty Ltd

Guests:

Gavin May	Yancoal Australia Ltd
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1. Site Tour

No Site Inspection was undertaken at this meeting due to Covid19 restrictions.

2. Welcome and Apologies

The Chair opened the meeting at 12:30pm.

Apologies: Paul De Szell (MCC), Lyndie Hepple (MCC), Rod Williams, Noel Smith and John Cullen (SCPL). Cr Karen Hutchinson (MCC)

3. Declaration of Pecuniary and Non-Pecuniary Interests

Ms MacDonald-Hill declared that she is the Independent Chair, approved by the Secretary of the Department of Planning, Industry & Environment.

The declarations of the Duralie CCC members remain current.

4. Confirmation of Minutes of Previous Meeting

The Minutes of the Meeting held on Wednesday 5th February 2020 were confirmed.

Moved: Brian Eastoe; Seconded: Tom Kirkwood.

5. Business Arising from Previous Meeting

1. **Action Item 1:** Ryan Fenning (MidCoast Council) to advise the CCC the best avenues to encourage and support water access for Council at Duralie.

Mr Fenning explained the current issues being faced with water sharing between Stratford Coal Mine and Council and the progress of an application with the EPA to permit this usage. Mr Fenning outlined that all water to potentially be supplied from the Duralie Coal Mine would be classed as liquid waste under the POEA Act and would require specific approval by the EPA for an exemption for use by a public authority. Mr Plain suggested the outcome of the application for the use of water at the Stratford Mining Complex would set precedent for a similar application at Duralie.

Mr Eastoe asked if this would affect access to the water supply by the RFS or emergency services. Mr Plain advised that Rural Fires Act includes provision for the access of this water by emergency services, i.e. RFS, and this remains unchanged.

2. **Annual Action Item:** MidCoast Council to provide an annual report each August on the spending of the Gloucester and Great Lakes components of the Duralie contributions made to Council.

Mr De Szell and Ms Hepple (MidCoast Council) were unable to attend the CCC meeting. The Chair requested a copy of the annual financial report to be provided prior the February meeting to allow time for the Committee members to review and provide comment at the next meeting.

***New Action Item 1:** MidCoast Council to provide an annual report prior to the February 2021 CCC meeting, on the spending of the Duralie Coal community enhancement contributions made to Council.*

3. **Ongoing Action Item:** DCPL to include updates and progress on the potential final land use options and mine closure and rehabilitation plans in the reports to the CCC.

Mr May and Mr Plain presented section 3e. of the Duralie Coal CCC meeting presentation. Mr May outlined the completed rehabilitation at Duralie during 2020 including Auxiliary Dam 1 decommissioning and the completed portion of the Duralie PAF rehandle. Mr Plain discussed future rehabilitation works including ongoing yearly PAF rehandling works, Auxiliary Dam 2 dewatering and progressive rehabilitation.

Mr Plain advised the new Mining Operations & Rehabilitation Management Plan was approved by the Resources Regulator in February 2020.

4. **Ongoing Action Item:** The CCC's print media to be drafted following each CCC meeting and provided to the committee for comment prior to finalising and submission by DCPL.

The CCC's print media from the February meeting was postponed. The Chair stated given the disappearance of many local newspapers and the distraction with the Covid19, this should be reviewed by the CCC at a later date.

5. Yancoal's response to presentation by Mr Eastoe at February 2020 meeting – Corporate Citizenship Initiatives. A community request to:
- Place Yancoal's Biodiversity Conservation Area under the new Biodiversity Conservation Trust Voluntary Conservation Agreement program, and
 - Encourage a number of workers operating on Yancoal lands to join a local RFS Brigade, become trained, and be released with pay to operate along side volunteer "firies" in their brigades in times of bushfire crisis.

Mr Plain's (DCPL) response to Mr Eastoe's presentation from February meeting; Duralie Coal is very supportive of local volunteer emergency services and acknowledges their contribution to the local community. Duralie Coal also acknowledges there are many valuable volunteer organisations within the local community and it is at the discretion of individuals to take part in these organisations. Yancoal provides community service leave for employees who are members of a volunteer emergency organisation and are called on during an emergency situation.

Regarding the security mechanisms for the Duralie Biodiversity Offset Area; Duralie Coal confirms the current mechanism utilising a PPC and Restriction on the Use of Land meets the objectives of the biodiversity area and the requirements of the Project Approval for the Duralie Coal Mine. Duralie Coal will not at this time implement an additional security mechanism under the Biodiversity Conservation Act as DCPL is of the opinion this would be redundant. The existing biodiversity security mechanism is held in perpetuity and a secondary mechanism is not necessary under current legislation and approvals.

Mr Eastoe's submission contains information contrary to the suggestion by DCPL, that the Biodiversity Conservation Act security is "redundant" under these circumstances and the suggestion that the mechanism is "not necessary".

Mr Eastoe responded by explaining to the Committee that the CCC guidelines state that all content shared with the committee meetings should be made public so that the community can read it. Mr Eastoe requested that his presentation be made available on the Duralie Coal website. Mr Plain confirmed that Mr Eastoe's presentation and Yancoal's response would be added to the meeting minutes.

New Action Item 2: DCPL to add Mr Eastoe's presentation on Corporate Citizenship Initiatives to the CCC Meeting Minutes and update this on the Duralie Coal website.

6. Correspondence

Correspondence is listed in the CCC meeting agenda.

7. Company Reports and Overview of Activities

DCPL presented the Company Reports and Overview of Activities.

1. Progress at the Mine: Mr May provide an update on progress and the Duralie Mine. Progress at the mine outlined in the ongoing action item 3.
2. Environment & community activities including monitoring and community programs: (*refer to CCC presentation available on website for further detail*). Items discussed by exception.

Mr Eastoe requested that additional information be added to the table in section 3g mine closure planning. Mr Plain confirmed this information would be added progressively.

Mr Eastoe queried whether contributions to Council from Duralie Coal had ceased. Mr Plain advised that contributions to MidCoast Council under the Duralie Coal Mine Project Approval have ceased in 2019. The Council contributions are required to be paid during periods where Duralie Coal is actively undertaking Mining Operations and as such this has now ceased. MidCoast Council has been informed of this change. Mr Plain advised contributions from the Stratford mining operations would continue.

8. General Business

1. The Chair confirmed the resignation of Mr Alan Fisher-Webster from the Duralie Coal CCC. Mr Eastoe proposed that the Chair send Mr Fisher-Webster a letter of thanks endorsed by the Committee for his service as a member of the Duralie CCC. Mr Plain informed the Committee that Mr Fisher-Webster was one the longest standing members on the Committee and had made significant contribution during this term. The Committee acknowledged Mr Fisher-Webster's contribution since the commencement of the CCC. The Chair advised she had previously written to Mr Fisher-Webster but would certainly do so again in acknowledgement of his significant contribution.
2. The Chair advised that there would not be a call for new nominations for Duralie Coal CCC for the immediate future due to current restrictions of Covid-19. The Chair suggested this could be discussed at the next CCC meeting.

Next Meeting date: TBA.

Meeting closed at 1:06pm.

Summary of Action Items from this meeting

1. ***New Action Item 1:*** MidCoast Council to provide an annual report prior to the February 2021 CCC meeting, on the spending of the Duralie Coal community enhancement contributions made to Council.
2. ***New Action Item 2:*** DCPL to add Mr Eastoe's presentation on Corporate Citizenship Initiatives to the CCC Meeting Minutes and update this on the Duralie Coal website.
3. ***Ongoing Action Item:*** DCPL to include updates and progress on the potential final land use options and mine closure and rehabilitation plans in the reports to the CCC.
4. ***Ongoing Action Item:*** The CCC's print media to be reviewed by the committee at the February 2021 meeting.

Corporate Citizenship



Corporate Citizenship



The generous provision to the RFS of water from Yancoal's Duralie and Stratford Mine Water Dams during the recent bushfire crisis is a good example of the **spirit** of Corporate Citizenship in action by Yancoal.

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- Despite drought, many farms that surrounded this season's extreme fires donated scarce and valuable dam and river water to the crisis.
- Yancoal's donations meant it acted like other rural landowners within its community!!!

Corporate Citizenship



- Corporate Citizenship can be something like Yancoal's own half-yearly community project funding program.
- Corporate Citizenship can be something imposed by negotiated consent conditions, like road, bridge, Karuah River catchment funding and donations to Council for its community project opportunities.

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- Corporate Citizenship can also be responding to specific community requests, either **direct**, or through the Community Consultation **Committee** forums.

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An example of a **direct community request** would be the provision of dam water for RFS use during the bushfires.

Corporate Citizenship



Community Consultation Guideline No.6. says:-

“Work together towards social, environmental and economic outcomes that benefit immediate neighbours, the local and regional community, and the development.”

Consequently, examples of Community Consultation **Committee requests** could be:-

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- A. Maintaining RFS-trained firefighters within Yancoal's employ that can be called out/released in crisis times like this summer.
- B. Increasing the commercial attractiveness and security for Yancoal's Biodiversity Conservation Area to ensure its general future locational benefit within the local Community.

Corporate Citizenship



A. RFS Trained Fire Fighters

- November 2019 - 40 RFS trucks involved in fighting fires on 13 properties.
- One of those properties is owned Yancoal.
- Crews came from Stroud Road, Stroud, Booral, Wards River, Limeburners, Dungog, Monkerai and from within Mid Coast and neighbouring shires.
- Firies either give up their own time to fight the fires, or were given time off on full pay by their employers, that therefore subsidised the fire fighting effort.

Corporate Citizenship



A. RFS Trained Fire Fighters

A Proposal....

- Yancoal select a number of its paid employees to receive the required RFS training, so that they can become members of a local Brigade.
- Yancoal would release the employees on full pay to attend the fire with their chosen brigade.
- Yancoal would be making a community contribution that is not just financial, by demonstrative of a Corporate Community Approach to them being a local landowner.

Corporate Citizenship



B. Biodiversity Conservation Areas

In 2010 Duralie through it's EA made a commitment to *“to conserving the proposed offset areas in perpetuity through a voluntary conservation agreement”*.

By 2011 Duralie's commitment had changed to:-

(a) Enter a conservation agreement....., or

(b) Cause to be registered.....a public positive covenant...”

Corporate Citizenship



B. Biodiversity Conservation Areas

- In May 2015 Duralie placed a restrictive covenant and a public positive covenant on its Biodiversity Conservation lands.
- In doing so, Duralie complied with the **letter** of it's consent.
- The **spirit** of Duralie's 2010 EA Commitment can still be achieved.

Corporate Citizenship



B. Biodiversity Conservation Areas

- In 2016 the Biodiversity Conservation Act (BCA) came into force.
- The BCA provides enhanced attributes to Voluntary Conservation Agreements.
- The Act is administered by the Biodiversity Conservation Trust.

Corporate Citizenship



B. Biodiversity Conservation Areas

“The BCT’s conservation partners grants provide financial assistance to landholders in managing their conservation area, allowing them to improve the biodiversity value of their properties.”

“They are available under the BCT’s Conservation Partners Program”.

Corporate Citizenship



B. Biodiversity Conservation Areas

What will be funded?

The following activities are supported:

- fencing—installation, repairs or replacement of wildlife-friendly conservation-related fencing (to control stock access)
- weed control
- introduced pest animal control
- supplementary planting, revegetation or vegetation enhancement
- habitat restoration—such as nest boxes, addition of ground layer including logs, rocks
- other maintenance—such as tracks or erosion control needed to maintain conservation value

Corporate Citizenship



B. Biodiversity Conservation Areas

- A BCT sponsored Conservation Agreement also provides greater security for the investment by Duralie in its Biodiversity Conservation Area.
- BCT Conservation Agreement usage is subject to State Government control that is superior to the ability of Local Government to modify or remove covenant restrictions.

Corporate Citizenship



B. Biodiversity Conservation Areas

- The Environmental Law Handbook 4th Edition 2006 – Page 21 addresses modifying or removing restrictions through an EPI (LEP).
- *“A developer can apply to the Supreme Court...for an order to modify or extinguish a restriction imposed by a covenant.”*
- *“grounds on which the court can make an order include.....that if the restriction was to continue it would prevent the reasonable use of the land”.*

Corporate Citizenship



B. Biodiversity Conservation Areas

A future Council may be asked to consider granting consent to “*intensive livestock agriculture*” on selected parts of the Biodiversity Conservation Area on the basis that:-

- “*intensive livestock agriculture*” is not only a use permitted with consent on land zoned RU2 under the Great Lakes LEP 2014, but that
- “*intensive livestock agriculture*” is considered by the Council of the day to be “*reasonable use of the land*”, or at least for part of the land, say the flatter land close to road and the waters of Mammy Johnson’s River.

Corporate Citizenship



B. Biodiversity Conservation Areas

So, while Duralie has acted properly in regard to the **letter** of its consents, an opportunity has arisen since Duralie's 2015 imposition of covenants, that is:-

- voluntary, and
- will not cost, and
- will make the land more valuable for sale because of the new accessibility of conservation funding, and
- will ensure Yancoal's substantial investment in the Biodiversity Conservation Area is protected to a greater extent than currently exists, and
- Would deliver on the **spirit** of the 2010 EA Commitment by Duralie.

Corporate Citizenship



A Community Request

This presentation seeks to encourage Yancoal to adopt two *“social, environmental and economic outcomes that benefit immediate neighbours, the local and regional community, and the development”* by :

- Activating a no-cost invitation to the Biodiversity Conservation Trust to place Yancoal’s Biodiversity Conservation Area under the new BCT Voluntary Conservation Agreement program, and
- Encouraging a number of workers operating on Yancoal lands to join a local RFS Brigade, become trained, and be released with pay to operate along side volunteer *“firies”* in their brigades in times of bushfire crisis.