

MEETING MINUTES



ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE

MEETING: # 36

LOCATION: Douglas Park Community Hall

DATE: 31 July 2018

ATTENDEES:

Phillip Costa (PC - Chair)
Danny Stewart (DS)
Sharyn Cullis (SC)
Peter Chaffer (PCh)
Barry Durham (BD)
Noel Lowry (NL)
Sam Davis (SD)
Peter McMillan (PM – South32 Environment)
Amanda Blunt (AB – South32 Community)
Christine Ambs (CA – SA NSW)
Linda Phillips (LP – SA NSW)

APOLOGIES:

Michael McGrath (MM)

ABSENT:

DRAFT

1	PURPOSE
	The purpose of the Community Consultative Committee is to facilitate and maintain two-way communication between Illawarra Metallurgical Coal, key stakeholders and local residents. It is to promote open discussion on the activities of Illawarra Coal's Bulli Seam Operations, including underground mining and surface operations of Appin; environmental performance and community relations; and to keep all stakeholders informed on these matters.
2	AGENDA
	<ul style="list-style-type: none"> • Welcome / apologies • Declaration of Interests • Acceptance of Previous Meeting Minutes / Business Arising from previous Meeting Minutes • Questions of Notice Tracker • Subsidence Advisory NSW presentation • Biobanking presentation • Update from South32 Illawarra Coal • LW901 End of Panel Report • General Business • Meeting close
3	WELCOME / APOLOGIES
	<ul style="list-style-type: none"> • Phillip Costa Independent Chair welcomed all attendees to the meeting. Apologies received from MM. • Welcome to Subsidence Advisory NSW (SA NSW) representative Christine Ambs, Acting Claims and Community Manger, and Linda Phillips, Senior Case Advisor.
4	DECLARATION OF INTERESTS / CORRESPONDENCE
	Phillip Costa declared he receives payment from South32 to fulfil the role of Independent Chair. It is a requirement of the Government CCC Guidelines that this be noted and stated in the minutes at every meeting.
5	PREVIOUS MEETING MINUTES AND BUSINESS ARISING

Previous meeting minutes (May 2018) were approved by DS and seconded by SD.
Changes to the March 2018 meeting were noted. Minutes approved by DS and seconded by SC.

Actions from previous meeting (May 2018):

- PC advised he had contacted Campbelltown Shire Council for a representative on the CCC. It has not responded with a representative to date. PC is yet to contact Brad regarding his membership and this will remain in the action items.
- PC advised he wrote thank you letters to Illawarra Coal former employees Lee Perry and Joanne Page. Both replied with thanks.
- PC and AB completed request to have Subsidence Advisory NSW attend the July meeting.
- AB advised she is yet to investigate the Tri-Cities Plan and any impact on Illawarra Coal's potential mining in the area. To remain as an action.
- AB advised previous meeting minutes (March 2018) were amended as requested.
- PM advised a Biobanking presentation was included in update materials for this meeting, including a map of the areas as requested.

Business arising from previous meeting minutes included:

- SC requested it be minuted that the recent minutes have been more detailed and it is appreciated.
- SC requested updates be provided at each meeting on the existing exploration licence covering the Mt Gilead area. She is keen to understand if the licence will remain with the proposed development in the area.
- BD expanded on the Mount Gilead request – he had had discussions with the Department of Planning and Environment about the development and received advice from them that contradicted information shared by Illawarra Coal. AB indicated that the exploration licence remains in place and South32 Illawarra Coal remains in discussion with the Department of Planning and Environment. The details of the discussions remain confidential. SC noted that the outcome from discussions will set a precedence for how the Department of Planning and Environment manage future development areas where there is existing exploration or mining licences.
- PC questioned how Mine Subsidence Districts are determined and how they cease. CA advised the Districts are controlled by SA NSW and reviewed every few years in conjunction with the collieries. Exploration activities occur within the District. SC questioned if the Districts were publicly available and LP confirmed they are available on the SA NSW website.
- BD questioned if Mine Subsidence Districts are included on the property Deed. CA advised all building plans must be designed as per the subsidence specs.

Action: AB to provide an update, if available, on the exploration licence covering the Mount Gilead area at the next meeting.

Action: AB to clarify the relationship between a Mine Subsidence District, Exploration and Mine Lease.

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SUBSIDENCE ADVISORY NSW (SA NSW) PRESENTATION

Welcome

- CA and LP thanked the committee for the opportunity to present and completed introductions.
- They noted SA NSW was open to feedback and is looking to better educate the community on their role in subsidence and claim management.

SA NSW

- SA NSW is a NSW Government agency set up to support communities in areas with mine subsidence risks from underground mining.
- Mine subsidence is the lowering, movement, or settlement of the ground after underground coal mining.
- SA NSW formerly known as the Mine Subsidence Board, is funded by a levy on the coal mining industry (not by Treasury).

- CA advised SA NSW manage safety, claims and development in relation to subsidence. Information on each is available on the SA NSW website.
- CA shared a diagram of longwall mining to highlight how subsidence occurs.

Lodging a claim

- Claims can be lodged in person, by post or online. The hardcopy form was shared and it was noted this is in the process of being updated.
- To lodge a claim online, users must have a Service NSW login. Users that do not already have a log in are prompted to create one.
- CA stepped through the process of lodging a claim online via the portal. Screen shots of the information required to lodge a claim were shared. CA advised they were working to pull together information on mine subsidence and how to claim to share with the community.
- SD questioned in SA NSW send out notices to landholders when mine subsidence is expected. CA clarified the role of SA NSW which was to act for the community and educate about mine subsidence. It did not notify landholders when to expect mine subsidence. This was the role of the colliery. AB confirmed Illawarra Coal sends notice to landholders prior to the active subsidence period.
- It was noted under the new Act claims must be lodged within 12 months of becoming aware of damage that was caused by subsidence. LP noted there are compassionate grounds and other explanations that are considered for any claim lodged after 12 months. Approval is required from the CEO to accept a claim where damage is noticed more than 12 months prior to the claim.
- Guidelines, requirements and information is available on the SA NSW website www.subsidenceadvisory.nsw.gov.au. This includes explanation of SA NSW and colliery roles, claims process explanation, compliance, emergency claims, ongoing subsidence and ground movement, dispute and appeals process and timeframes to be expected when a claim is lodged.
- DS questioned if a landholder had the option to choose between a repair and property purchase. CA noted SA NSW prefer to provide a cash settlement so the homeowner can complete repairs by a tradesman of their choice and in a timely manner. SA NSW may project manage repairs where circumstances warrant this but it is not preferable, and this is determined by the CEO. The cash settlement is based on the report of the independent engineer. The same report can be used to put forward a case to purchase a property where circumstances warrant, with the decision being made by the CEO.
- SD asked what happens to the properties if they are purchased. CA advised that under the old Act the property falls to SA NSW and they would repair it to a saleable condition and sell. Under the new Act the property becomes the collieries. Property purchase is dependent on the damage to the home. The purchase price is based on what the property is worth if it had not been damaged, and subdivision potential is also considered.
- BD questioned the settlement amount, and what happens if the repairs are more than the amount provided. CA advised homeowners usually get quotes for the repairs required prior to agreeing to the settlement figure – it is similar to valuing a property before you sell/purchase.

The claims process

- SA NSW will assign a Case Advisor to manage a claim from start to finish, and provides a single point of contact throughout the process.
- After a claim is lodged, the Case Advisor will contact the homeowner to explain the process
 - The claim will be assessed by an independent engineer (civil/structural)
 - The assessment process may include inspection of the damage engineering investigation and consideration of whether there has been mining near your property.
- The independent engineer provides SA NSW a draft report and scope of work. They are unable to advise homeowners on their assessment at the time of inspection, with all feedback included in the report only.
- SA NSW will determine if the property is in the zone of a non-active coal mine of an active operation. If the claim is the result of active mining, SA NSW will involve the relevant colliery at key stages including payment of the compensation. Full assessment of claims in active mining

areas may be deferred until subsidence is complete, as it is possible the property may sustain further damage as the ground settles.

- NL raised safety as a concern if claims are put on hold. CA advised an early assessment is completed when safety is of concern, and emergency or temporary works can be carried out to rectify the issue.
- CA shared a diagram of the claims process for active mining areas.
 1. Property damage
 2. Claim lodged
 3. Preliminary assessment completed
 4. Notification to colliery
 5. Claim on hold until subsidence ceases
 6. Independent expert assessment
 7. Review of report
 8. Claim determination
 9. Claimant notified
 10. Claim settles
 11. (review and appeals process if required).

Coal Mine Subsidence Compensation Act 2017

- The 2017 Act, like the 1961 Act, requires SA NSW approval for building improvements and alterations of improvements and subdivisions in mine subsidence districts – section 21.
- If something required approval but was erected or altered without approval or not in accordance with an approval, it will be 'contravening development' under section 23 of the Act and therefore ineligible for compensation. SA NSW can apply discretion under Section 23 (2) of the Act.
- BD questioned if SA NSW receive building plans from Council, or if homeowners are required to submit the plans to SA NSW as well. LP advised it a requirement of Council that the Development Application has SA NSW approval and the landholder will be requested to present this. LP presented a list of items that do not require SA NSW approvals and noted this is available on the SA NSW website.

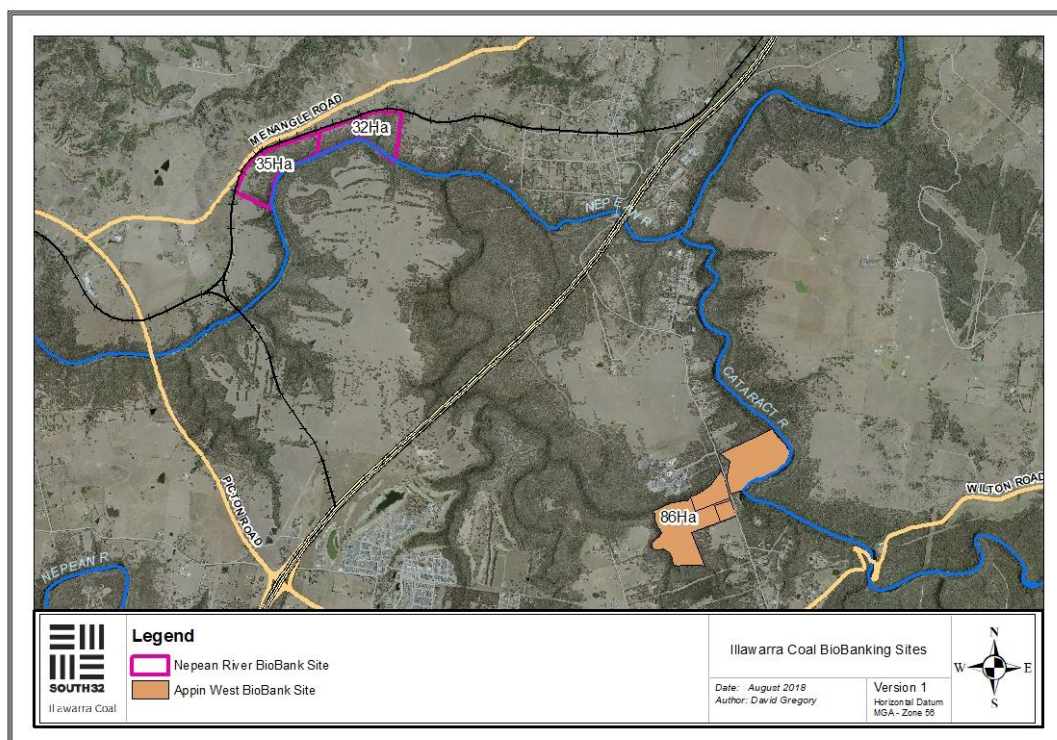
Safety and serviceability

- If a homeowner is concerned about the safety or security of their property as a result of mine subsidence, they should report it to SA NSW's 24-Hour Emergency Hotline 1800 248 083.
- Once notified of a subsidence safety issue, SA NSW coordinates an immediate response to ensure the affected area is made safe.
- Safety and security concerns may include, but are not limited to, the closing and locking of doors and windows or the locking of pool gates.
- SA NSW offers temporary repairs to ensure buildings and structures that are impacted by mine subsidence stay safe and serviceable while the claim is assessed.

Douglas Park, Appin, Razorback and Menangle Claims

- An overview of number of claims in the area under the former and new Act were presented. Under the new Act 14 claims are being managed in the system - 2 claims were under preliminary assessment, 11 on hold due to active subsidence and 1 claimant review requested.
- SD requested a map showing the location of the claims so future impacts could be indicated. CA advised SA NSW could not accommodate given privacy concerns. Claims lodged correspond to the longwalls so the mine plans could be used to indicate future impacted areas.
- SD questioned if SA NSW check in with homeowners to ask if they have seen any damage and lodged a claim. CA advised not all homeowners will experience damage from subsidence due to the nature of building materials and structures.
- SC wished to be provided data on subsidence damage per building material in a percentage, and then the CCC could consider how this data could be useful to the committee. AB noted the data could cause more angst than support. CA advised the SA NSW website includes information on house types and building materials.

- PM presented on Illawarra Coal BioBanking sites which are aligned with the NSW BioBanking Scheme.
- The NSW BioBanking Scheme is a market-based scheme that provides a streamlined biodiversity assessment process for development and a credible offsetting scheme, as well as an opportunity for landholders to generate income by managing land for conservation.
- Under the Scheme, there is a significant opportunity to trade biodiversity values (credits) for a profit as an alternative to land divestment. Landholders with land that contains biodiversity values such as native vegetation and fauna habitat may enter into a formal BioBanking Agreement with the NSW Government to develop a BioBank site. Once that site is registered, the site owner may commence selling those credits to developers who need them to offset impacts from projects.
- South32 completed a Strategic Land Assessment to investigate the biodiversity values on land held by Illawarra Coal to identify opportunities to develop BioBank sites.
- Two sites have been established to date, and a map showing these is included below:
 1. Appin West. 86 hectares and covers both sides of Douglas Park Drive (boarded by Cataract River to the east and Clements Creek to the west. Main vegetation type is Shale Sandstone Transition Forest which is an endangered ecological community. The site has koalas and several threatened species.
 2. Nepean River. 65 hectares and is along Menangle Road between Nepean River and the main rail line. The site has very good quality Shale Sandstone Transition Forest and Cumberland Plain Woodland.
- Landcare Australia is engaged to manage the bush regeneration works at both approved sites. Recently Landcare Australian and Illawarra Coal invited Douglas Park Public School for an informative planting day at the Appin West site. It included the planting of 250 seedlings to cover the gap in the canopy.
A video of the day can be viewed here: <https://www.youtube.com/watch?v=ubr8OSdJPpo>
- *The BioBank site remains on the Deed of Property in the event that the land is sold (this information was not available at the meeting and is included in the minutes in response to a question).*



South32 business update

- Item was not discussed due to time constraints.

Illawarra Metallurgical Coal business update

- Item was not discussed due to time constraints.

Appin Area 7 Update

- Longwall 707B was completed in June 2018.
- Operations remain focused on Appin Area 9 Longwall 902.
- SC questioned if damage done to the Upper Canal was repaired, and if there was any damage to the gas pipeline. PM advised bracing was implemented on the upper canal and trenching completed alongside the canal. The area around the gas pipeline was excavated to mitigate any potential movements caused by subsidence.

Appin Area 9 Update

- 413m has been completed of Longwall 902.
- DS noted the maps are not to scale. AB will rectify this for all future maps.
- DS requested the width of the long wall blocks, and a determination of the measuring points, i.e. Roadway to roadway. This was taken on notice and logged in the Questions on Notice Tracker.

Action: AB update the scaling on all future maps.

Impacts and Environment Update

- One new gas release identified about 960m from the active mining area, with 12 previously identified zones active and 14 previously active zones inactive.
- There are no impacts reported on the Rail Line and weekly monitoring of the Rail Line is occurring in Area 9.
- There are no new impacts on the Hume Highway since the last meeting. Key impact areas have been repaired, and a larger section of rehabilitation is currently scheduled by RMS for October 2018.

Community Complaints

- One complaint received since the last meeting.
- A resident advised their internet and phone had been interrupted and believed it was a result of Appin mine operations. Illawarra Coal investigations identified Appin mine operations were not the cause of the interruption (Telstra were working on the fibre optic cable). The resident was dissatisfied with Illawarra Coal operations, proximity to their property to Vent Shaft 6 and subsidence impacts. Illawarra Coal noted mining had not occurred in the area of the landholder's property and advised to notify Illawarra Coal of any issues with the shaft at the time of the event to ensure an investigation and appropriate action could be taken.

Action: AB to update the colouring of the graph presented at the meeting (currently difficult to read for some).

Community Support

- AB advised Illawarra Coal supports the Southwest Sydney Academy of Sport to the amount of \$20,000. The graduation dinner is 10 August 2018 and Illawarra Coal would be attending.
- AB advised the Illawarra Coal Community Partnerships Program recently approved \$19,930 to the Appin Public School for the purchase of a mobile computer lab. This received some local media coverage recently.
- Other groups the Illawarra Coal Community Partnerships Program supported recently included:
 - Menangle Church, \$20,000. New playground accessible to Menangle community.
 - Appin Church, \$1,380. Provision of one defibrillator, including training induction and

installation.

- Stewart House, \$1,560. Cover costs of an Appin Public School child that attended the 12-day program.

Cumberland Plain Project update

- AB provided an update on the project which was being reconsidered by South32.
- South32 reviewed options and determined to continue to focus its work on enhancing the environment at other sites, such as Appin West and Nepean River, and has taken the proposed Cumberland Plain area off the table. External influencing factors also influenced this decision.
- The committee noted it is a positive that the BioBanking areas have an immediate impact, but disapproved of the Cumberland Plain Project not going ahead. It noted the community will be disappointed of this result.
- Committee would like it minuted that it requests a compromise – to allocate the land for a future conservation project. The Committee also requested someone from management attend a meeting and share why it is not going ahead.
- It was commented that Illawarra Coal has handed Maddens Plains to the National Parks Association and this was received positively by the committee.
- SC questioned if Illawarra Coal invest in other environmental projects. PM advised it supports Persoonia Hirsute research with the University of Wollongong, Royal Botanic Gardens and Mount Annan Botanic Garden (previously presented on the propagation trials of the cuttings to the committee).

Action: AB to advise the business the CCC has requested a compromise on the project not going ahead – allocate the land for the project to occur in the future.

Action: AB to advise the business the CCC has requested someone from management attend the next CCC meeting and share reasons the project is not going ahead.

Mountbatten House update

- AB advised the remediation work required on the stable/church roof damaged during a storm last year has been approved by the business. It will be made safe and water tight.
- Items included in the approved scope of works include:
 - Stabilising and making safe the partially collapsed gable wall
 - Rebuilding the collapsed gable wall and repairing west gabled wall
 - Rebuilding the roof structure using existing and salvaged material where possible
 - Reroofing with new galvanised iron
 - Installing new barges, gutters, downpipes, fascia's and moulding
 - Installing new gable vents
 - Installing storm water pipes to direct water away from the building
- Work is now progressing with Niche and heritage builders to finalise quotes and appoint the successful builder.
- SC would like Illawarra Coal to consider holding a Community Open Day of Mountbatten House when the roof is complete. Her idea was to serve tea and scones. This was noted by Illawarra Coal.

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APPIN AREA 9 LONGWALL 901 END OF PANEL REPORT

- Item was held over to the next meeting due to time constraints.
- The Appin Area 9 Longwall 901 End of Panel Report is available on the South32 Illawarra Coal website: <https://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents>

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GENERAL BUSINESS

- SC asked for an update on any prohibition notices issues since the last meeting. PM advised one notice was issued for a pressure bump in May 2018. A pressure bump is a release of geological pressure underground. The event resulted in a slab of coal dislodging however it was contained by the surrounding rib mesh. The notice was lifted after the area was made safe and the Department was satisfied with controls in place.
- BD questioned if the Office of Environment and Heritage were presenting at a CCC meeting in the future. PC advised the report the Office of Environment and Heritage wish to present is pending internal approvals from the Office of Environment and Heritage before it is released. The presentation will happen when the approval is received.
- DS wished for an update on the Appin Deputies lock out. AB advised the lock out was in its second week and Enterprise Agreement negotiations continue.

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ACTIONS

- Action: PC to contact Brad regarding his representation on the Committee. This leaves two vacancies on the Committee.
- Action: AB to investigate if the Tri-Cities Plan would impact Illawarra Coal's potential mining in the area.
- Action: AB to provide update (if available) on exploration licence covering the Mount Gilead area.
- Action: AB to clarify the relationship between a Mine Subsidence District, Exploration and Mine Lease.
- Action: AB to include a copy of the BioBanking sites map in the minutes.
- Action: AB to update the scaling on all longwall update maps.

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CLOSE OF MEETING

Close of meeting at 6.42pm.
 Next meeting: Tuesday 9 October, 4.00pm – 6.00pm at Douglas Park Community Hall.
 DS noted his apology for the next meeting.