



## **APPIN MINE**

### **COMMUNITY CONSULTATIVE COMMITTEE**

**(ASSOCIATED WITH ILLAWARRA METTALURGICAL COAL'S BULLI SEAM  
MINING OPERATIONS)**

## **TERMS OF REFERENCE**

## TABLE OF CONTENTS

1. BACKGROUND	3
2. PURPOSE	4
3. MEMBERSHIP OF THE COMMITTEE	4
3.1 COMMITTEE COMPOSITION	5
3.2 COMMITTEE MEMBER SELECTION	5
3.3 MEMBER RESPONSIBILITIES	7
3.4 MEETING ATTENDANCE	7
3.5 TERMINATION OF MEMBERSHIP	7
4. MEETING PROTOCOLS	7
4.1 TIMING AND LOCATION	7
4.2 MEETING AGENDAS	7
4.3 MEETING MINUTES	8
5. SITE INSPECTIONS	10
5.1 TIMING AND LOCATION	10
5.2 RESPONSIBILITIES OF CCC MEMBERS	10
5.3 RESPONSIBILITIES OF ILLAWARRA METALLURGICAL COAL	10
6. EXTERNAL COMMUNICATIONS	11
7. DISPUTE RESOLUTION	12
8. TERMS OF REFERENCE REVIEW	12

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## **1.BACKGROUND**

The Bulli Seam Operations Project (BSOP) is the current mining domain for Illawarra Metallurgical Coal within the Wollondilly region, and incorporates all existing operations and activities associated with Appin Mine. Generally, the operational boundary covers the surrounds of Appin, Douglas Park, Menangle, Razorback, Wedderburn, Wilton, Mount Hunter, Cawdor and Picton. Illawarra Metallurgical Coal has been granted approval to conduct mining within a specified project area for a 30 year term concluding in 2041.

Illawarra Coal commenced formal and on-going community consultation programs with the establishment of the West Cliff Community Forum in 1998. This forum became the Appin Area Community Working Group in 2002, leading into the formation of the Illawarra Community Consultative Committee (CCC) in September 2012.

This Committee is an advisory Committee established under the requirements of the BSOP Consent (dated 22 December 2011). It is a mechanism to support communication processes and effective working relationships between Appin Mine, local councils and the local community including environmental groups.

### **The scope of the CCC covers the Bulli Seam Operations area, including:**

- pit top and underground operations at Appin East, Appin West and Appin North
- Coal wash emplacement located at Appin North
- construction activities on the surface
- the land surface above where mining takes place
- impacts to the surface (subsidence issues, infrastructure placement, etc)
- transport of materials
- overall environmental management, including water, air, noise and waste.
- the scope of the CCC does NOT cover matters that are considered material to the proponent's commercial viability, investment decisions, and stock exchange listing.

The Appin CCC provides a community forum for the issues that have the potential to impact the local community and its surrounds.

These may include concerns relating to (but not limited to) the environment (eg. noise, dust, water, flora/fauna); operational matters (eg. subsidence, gas management, traffic and transport impacts); and community (eg. support of local business, local employment, community initiatives).

The Appin CCC is not a decision-making or regulatory body; it performs an advisory and consultative role. Government agencies will remain responsible for ensuring proponents comply with any statutory obligations.

The CCC provides representation for the areas which have the potential to be impacted by the Bulli Seam Operations Project. The areas are defined as:

- the townships of Appin, Douglas Park, Menangle, Razorback, Wedderburn and Wilton
- transport routes within the project area, including transport of clean coal to Port Kembla and transport of coal wash to the emplacement area
- Waterways of both local and regional importance (including Georges River and Nepean River).

Where not expressly covered by this Terms of Reference, the “Community Consultative Committees Guidelines for State Significant Projects”, dated January 2019, shall apply. This document is available on the Department of Planning, Industry and Environment website at <https://majorprojects.affinitylive.com/public/6a094307c3096397106b93f58d1322af/Community%20Consultative%20Committee%20Guidelines.pdf>

## **2. PURPOSE**

A Community Consultative Committee performs an advisory and consultative role.

The purpose of the 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 Illawarra Metallurgical Coal’s activities, including mining operations, subsidence impacts, environmental performance, remediation and community relations, and to keep all stakeholders informed on these matters.

### **The CCC provides a forum:**

- To establish good working relationships between the company, the community and other stakeholders in relation to Appin Mine Operations
- To provide information and facilitate discussion relating to Illawarra Metallurgical Coal’s operations and performance across a wide variety of areas within the business
- To discuss community concerns and review the resolution of community complaints
- To discuss communication of relevant information on the mine and its environmental performance to the wider community, including the results of environmental monitoring, Environmental Reports and the results of audits
- To work together towards outcomes of benefit to the mine, immediate neighbours and the local and regional community.
- To inform and update, where required, the CCC on its approval and legislative requirements
- To consult and involve the CCC on the Rehabilitation Management Plan (formerly Mine Operations Plan) as required.
- As a mechanism for community questions to be answered by the company in a complete and timely manner.

## **3. MEMBERSHIP OF THE COMMITTEE**

### **3.1 Committee Composition**

The CCC is a forum of members representing the broader community, with membership consisting of representatives from the local area. The membership of the CCC shall comprise:

- An Independent Chairperson
- Up to seven (7) members of the local community [which also includes members representing the local and wider community]
- One (1) representative of local/affected Councils
- Up to four (4) representatives of Illawarra Metallurgical Coal, including Operations, Environment and Corporate External Affairs.

Other representatives of Appin Mine and Illawarra Metallurgical Coal. NSW Government and regulatory agencies may attend meetings as guests or as observers as required by members of the CCC.

Campbelltown City Council, Wollondilly Shire Council and Wollongong City Council are invited to provide representation at CCC meetings. State Government agencies shall be invited to attend meetings based on members' requests.

Observers may be invited to the meeting on request. Requests are to be approved by the Independent Chairperson prior to the meeting.

Community members are appointed to the CCC for a period of three years.

Each member's position will be reviewed at the end of the term and current members invited to reapply and re-sign the Terms of Reference and Code of Conduct.

Should a Community member not seek re-appointment, a subsequent call for nominations will be enacted (see Section 3.2).

#### **Unavailability of Independent Chairperson:**

- Where the unavailability is planned and known ahead of time, attempts shall be made by Illawarra Metallurgical Coal to secure the services of an alternative Independent Chairperson.
- In the instance where an alternative Independent Chairperson cannot be sourced, or the Independent Chairperson becomes unavailable (unplanned and/or emergency), then a representative from within the CCC membership will be nominated as the Acting Chairperson for the meeting, and supported by a representative from Illawarra Metallurgical Coal's Community team.

### **3.2 Committee Member Selection**

#### **The Process for Application will be as follows:**

The independent chairperson is to oversee the selection process for the community representatives of the CCC.

After consulting with the Independent Chairperson, the proponent will call for applications to join the CCC, which is required to include advertising in local newspapers, email and shopfront notices for no less than 28 days. Applications would be emailed or mailed to the Independent Chairperson.

Potential members would be requested to submit an application that would address the following criteria:

- ability to constructively represent and convey the interests of residents and/or constructively engage in matters of environmental concern;
- demonstrated interest in and awareness of local and other current issues related to Illawarra Metallurgical Coal's operations;
- experience and ability to provide feedback to the community and stakeholder groups;
- reside in the geographic area that may be affected by works associated with the Appin Mine Operations;
- links with the wider community; and
- willingness to be identified as a contact person for the wider community.
- applications are to be sent to the Independent Chairperson.

Within two weeks of the end of the advertising period, the Independent Chairperson must:

- Review the applications against the relevant criteria
- Send a copy of all the applications to the Department of Planning, Industry and Environment
- Make a recommendation to the Department on who should be appointed to the committee, including any alternative representatives for the local community members, and provide reasons why they should be appointed.
- Within two weeks of receiving the recommendations from the Independent Chairperson, the Department will appoint the community representatives to the Committee, and formally notifies the successful and unsuccessful applicants, the Independent Chairperson and Illawarra Metallurgical Coal of the decision.

As a part of this process, individuals interested in joining the CCC will be provided with a copy of the Terms of Reference and a nominated contact within the CCC membership should questions arise.

Successful applicants will be advised in writing or email by the Independent Chairperson of the next meeting details.

In accepting membership, new members will be required to attend a meeting as an observer and undertake an induction meeting with the Independent Chairperson.

The induction meeting will also include representatives from Illawarra Metallurgical Coal and provide operational overview, including the opportunity to visit Appin operational sites, meet with some key personnel (subject to availability), and an update on current issues and discussions raised by existing members of the Appin CCC.

#### **The Department may review the performance of community representatives at any time.**

If the Independent Chairperson has concerns about the conduct of a member of the committee, they may refer the matter to the Department. The Department will examine these concerns and determine what, if any, action should be taken.

If the Department decides to replace a community representative on the committee or a community representative resigns from the committee, the Planning Secretary of the Department (or a nominated representative) will appoint a new representative in consultation with the Independent Chairperson.

#### **Company and Local Government representatives**

Vacancies created by the cessation of employment (Illawarra Coal employees, or Council employees) or end of office term (councillors at local Councils), would be filled either through the organisation's employee recruitment process for the position vacated, or via confirmation of the Local Government election process and subsequent allocation of Councillors to community groups.

Both Illawarra Metallurgical Coal and local government may also change their representatives on the basis of the organisational structure, roles and responsibilities held by the person(s) in attendance.

### **3.3 Member Responsibilities**

#### **Members of the Appin Mine CCC agree to:**

- abide by the CCC Terms of Reference and Code of Conduct
- attend a minimum number of meetings
- follow the processes for information dissemination
- contribute to achieve the purpose of the CCC
- the Company will prepare a Rehabilitation Management Plan for the project in consultation and involvement with the CCC.
- where the Company is required to consult the CCC on matters, they will do so openly, and in a timely manner during the decision process and formulation of documents to which such matters apply.
- Apologies are to be submitted to the Independent Chairperson prior to the meeting. Where the apology is sent to the Independent Chairperson in advance for a planned absence, an Illawarra Metallurgical Coal representative should also be advised.

### **3.4 Meeting Attendance**

Members are required to attend a minimum of four meetings within a 12-month period.

It is recognised that community members willingly volunteer their own time to participate in the CCC, and that other work, home or family commitments may interrupt member's participation from time to time. However, if a member's participation is interrupted on an ongoing basis without reasonable explanation, the Independent Chairperson may refer the matter to the Department.

## **4. MEETING PROTOCOLS**

### **4.1 Timing and Location**

Unless advised otherwise, meetings of the CCC are held every two (2) months, and generally on the second Tuesday of every second month starting in January of each calendar year.

Meetings will be held at varying venues throughout the BSOP area, typically from 4pm – 6pm. Venues typically used for community meetings include the Douglas Park Community Hall, Menangle Fire Station and Appin mine site meeting rooms.

An extraordinary meeting may be convened to discuss any matter warranting urgent consideration. Requests are to be made to the Independent Chairperson who will determine whether the extraordinary meeting is warranted and, if warranted, four (4) weeks, notice should apply.

### **4.2 Meeting Agendas**

A call for agenda items shall be distributed to CCC members prior to the scheduled meeting. The final agenda developed will be distributed to members approximately one (1) week prior to the meeting. Agenda items and questions on notice received after the deadline may be held over until the next available meeting.

A typical agenda, in accordance with the Department of Planning Guidelines, is to generally include:

- Acknowledgement of country
- Apologies
- Declaration of pecuniary or other interests

- Acceptance of and business arising from previous minutes – response to issues raised or provision of additional information requests
- Correspondence
- Proponent reports and overview of activities:
  - Progress of the project;
  - Issues arising from site visits;
  - Monitoring and environmental performance;
  - Community complaints and response to these complaints; and
  - Information provided to the community and any feedback.
  - Questions on Notice Tracker
- Other agenda items
- General business
- Next meeting.

While Company reports are expected, as a minimum, to focus on mining operations, environmental performance and community relations outcomes, Illawarra Metallurgical Coal will seek to provide CCC members a holistic understanding of the BSOP/Appin operations.

Items to be incorporated into the meeting agenda also include community development outcomes/initiatives (eg updates from the Illawarra Metallurgical Coal Community Partnerships Program), local business support and procurement, HR/employment updates, safety, and other active projects/programs/initiatives.

Any items raised during the meeting not included on the agenda may be deferred to the following meeting if information needs to be obtained or those present are unable to provide an informed response.

The Independent Chairperson, with agreement of the CCC, may vary agenda items.

The Independent Chairperson must seek CCC endorsement to extend the meeting past the scheduled finish time.

### **4.3 Meeting Minutes**

Minutes are to be kept of all CCC meetings.

The Independent Chairperson will be responsible for the preparation and circulation of the minutes of each CCC meeting. The Independent Chairperson may request that an Illawarra Metallurgical Coal representative assist with taking notes during meetings for the preparation of minutes. The proponent is responsible for any fees associated with a note-taker, should the Chairperson wish to engage an independent person.

These minutes must:

- Provide an accurate summary of the matters that were discussed at the meeting, including committee concerns and inquiries made,
- Record dissenting views of members on a matter
- Clearly identify the actions to be taken before the next meeting and who is responsible for those actions

Committee members are required to provide feedback by email to the Independent Chairperson on the minutes within one (1) week of receiving the draft copy.

Within two (2) weeks of receiving feedback, the Independent Chairperson will distribute the finalised minutes to all committee members. Illawarra Coal will post the final minutes on the South32



Regulatory Information webpage (<http://www.south32.net/our-operations/australia/illawarracoal/regulatory-document>)

The minutes will be endorsed at the following CCC meeting and the final version updated on the website to reflect any edits made.

In the event there are disagreements between members on the minutes, the Independent Chairperson will have the final say.

#### **4.3.1 Questions on Notice**

Members are encouraged to submit questions on notice to Illawarra Metallurgical Coal relating to Company operations. Generally, Illawarra Coal will follow these principles in responding:

- When a question is asked during meeting business, Illawarra Metallurgical Coal representatives will endeavour to respond at the time.
- However, any items raised during the meeting not included on the agenda may be deferred to the following meeting if information needs to be obtained or those present are unable to provide an informed response.
- Illawarra Metallurgical Coal would then respond either through the Questions on Notice Tracker Database, or at the next CCC Meeting.
- Members may also submit questions to Illawarra Metallurgical Coal in advance of the CCC meeting (eg in response to the draft agenda). In this instance, Illawarra Metallurgical Coal will endeavour to respond at the meeting and/or request the subject matter expert to attend. Illawarra Metallurgical Coal would appreciate a minimum two weeks, notice to advise the subject matter expert and gauge their ability to attend.
- In the instance that the representative cannot attend, Illawarra Metallurgical Coal will aim to provide a response to the question at the meeting (ie two weeks).

#### **4.3.2 Tracker database**

To assist in administering the volume of information for the CCC, an internal working document will be maintained by Illawarra Metallurgical Coal for the purpose of recording questions and answers, glossary of terms and acronyms, and a list of management plans and reports associated with the Appin Mine Operations Project.

This tracker database will remain internal for the members of the CCC, with names noted against each question recorded.

This tracker will be updated progressively, and sent out with the Minutes. It will also serve to track questions are being answered in a timely manner, and serve as an information repository throughout the course of the Committee.

#### **4.3.3 Names and comments attribution**

The following is to provide clarity on where members shall be named in relation to comments made within the meeting:

- Members have the right to be named or not named in association with any comment. Members can advise during the meeting or prior to the Minutes being made public whether they wish for their name to be recorded with any question or comment.
- With respect to a member tabling correspondence, the name of the person shall be attributed to the particular correspondence, and a copy of the correspondence attached to the minutes.

- With respect to Illawarra Metallurgical Coal and Council representatives, names of these representatives shall be attributed to comments where the person has the assigned authority to make comment on behalf of their organisation.
- The person's initials will be used in the meeting minutes.

## **5. SITE INSPECTIONS**

### **5.1 Timing and Location**

Where appropriate and relevant, site inspections will be planned throughout the year, and would likely include the following areas:

- Appin pit top facilities
- Coal Preparation Plant and Coal Wash Emplacement rehabilitation site at Appin North
- Other surface facilities relevant to the BSO (egs Ventilation Shaft No. 6 at Douglas Park, Mine Safety Gas Drainage site)
- Sites affected by mining impacts (natural and built) relevant to the BSO.
- Underground operations relevant to the BSO.

Inspections will only be undertaken in accordance with Illawarra Metallurgical Coal's safety policies and procedures. Therefore, site visits may be postponed or rescheduled at short notice due to weather conditions or operational constraints.

Please note that there may be some aspects of Illawarra Metallurgical Coal operations where a request for inspection from members cannot be fulfilled due to Illawarra Metallurgical Coal's consideration that the level of risk is unacceptable given available controls.

### **5.2 Responsibilities of CCC Members**

Illawarra Coal's operational sites may feature rugged terrain (surface sites), industrialised complexes (pit tops, coal preparation plant) or confined spaces (underground workings). Therefore, members would be advised to:

- Wear appropriate clothing and sturdy footwear
- Follow the directions of the Illawarra Metallurgical Coal personnel
- Notify Illawarra Metallurgical Coal personnel of any medical or safety concerns which may be relevant to the safe conduct of the inspection
- Take due care to minimise risk to themselves and other CCC members.
- Seek permission from Illawarra Metallurgical Coal personnel prior to taking photographs while on site

### **5.3 Responsibilities of Illawarra Metallurgical Coal**

During site visits or tours Illawarra Metallurgical Coal personnel will:

- Advise CCC members of any safety considerations prior to the inspection
- Assess the risks associated with the inspection and implement controls to minimise these risks
- Provide personal protective equipment where required.

## **6. EXTERNAL COMMUNICATIONS**

### **6.1 Distribution of information**

Members of the Committee are encouraged to discuss issues and disseminate information associated with the Committee with the wider community, in accordance with Clause 6.4.

The following mechanisms are available for external communications:

- Illawarra Metallurgical Coal newsletters, produced regularly throughout the year and distributed to the residents in the project area
- General email correspondence provided by Illawarra Metallurgical Coal to members
- CCC meeting minutes distributed as per Section 4.3: email direct to members, and copies made available on the South32 website
- The Illawarra Metallurgical Coal CCC Stakeholder Email List.

### **6.2 Spokesperson**

The Independent Chairperson is the designated spokesperson for the CCC, and is the only person to speak publicly (to media and/or presentation engagements). Any public statements made by the Independent Chairperson, on behalf of the CCC are agreed to by the CCC as a collective, prior to those statements being made.

Individual committee members may make comments to the media or in public forums on behalf of themselves or the stakeholders that they represent, but not on behalf of the CCC. In making public statement, the CCC member must make it clear that they are not representing the CCC and actively seek to correct any information published/aired that implies otherwise.

### **6.3 Confidential Information**

While information presented in the CCC meeting is available to the community through public release of the minutes, any CCC member may request that particular information be kept confidential to the CCC and as such would not be included in public information. (For example, Commercial in Confidence information would be requested to be withheld).

### **6.4 Community information forum**

In fulfilling its role to provide information to the wider community, the Community Members of the CCC may propose that an open forum or meeting is required. Information could be of a general nature or on a specific topic.

The intent of this communications mechanism is to share information on Company operations and gain feedback from the general community, while providing opportunity for the Community Representatives of the CCC to be identified as such, and be recognised as a local point of contact [note that members would need to adhere to the position of the Committee stated above in 6.3 Spokesperson].

Any arrangements made on this basis will ensure collaboration between all CCC members (Chair, Community, Company, Councils), and have an event plan and agenda in place to ensure effective management.

Further, any opportunities managed by Illawarra Metallurgical Coal (such as Company Information Open Days etc) may also be used as a mechanism for the CCC to attend and represent the Committee and the community.

## **7. DISPUTE RESOLUTION**

In the event that an issue arises which is unable to be adequately resolved by negotiation with Illawarra Metallurgical Coal, the Independent Chairperson may approach the Department of Planning, Industry and Environment on behalf of the CCC to seek an opinion on the issue.

In the event of conflict between representatives within the Committee (community, Council, Company or Independent Chairperson), the Department of Planning, Industry and Environment Guidelines will apply.

## **8. TERMS OF REFERENCE REVIEW**

This CCC Terms of Reference will be reviewed following the completion of each membership term. It is expected that the next review of this document would occur in late 2024.