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**MINUTES OF THE ASHTON COAL PROJECT  
COMMUNITY CONSULTATIVE COMMITTEE  
THURSDAY 09 JUNE 2011  
2.45PM - ASHTON COAL PROJECT SITE OFFICE**

**ATTENDEES:**

Steve Ernst	(SE)	Community Representative
John McNerney	(JMc)	Community Representative
Michael Bestic	(MB)	Community Representative
Tracey Vollebreght	(TV)	Alternative Community Representative
Godfrey Adamwaithe	(GA)	Singleton Council (Chairperson)
Brian Wesley	(PB)	Company Rep (General Manager)
Lisa Richards	(LR)	Company Rep (Environment & Community Relations Mgr)
Cassandra Ferguson	(CF)	Minute Taker

**1. OPENING OF THE MEETING BY THE CHAIRPERSON**

The Chairman opened the meeting at 2:45pm.

**2. APOLOGIES**

Apologies were received from Sarah Roberts (SR), Brian Thomas (BT) and Scotney Moore (SM).

**3. DECLARATION OF PECUNIARY INTEREST BY COMMUNITY REPRESENTATIVES**

MB arrived at the meeting at 2.50pm. MB declared he acts on behalf of clients who have working relationships with ACOL.

**4. MINUTES FROM PREVIOUS MEETING**

Minutes from the meeting held on 4 March 2011 were accepted as a true and accurate record:

**Moved:** Steve Ernst                      **Seconded:** Lisa Richards

**5. BUSINESS ARISING FROM PREVIOUS MINUTES**

Section 94 – Town signage – GA spoke to Kim Horn from the Parks department at Singleton Shire Council (SSC). KH advised the town signage has been held up due to the funds not being released by the Council's finance department to the parks section. GA advised this should be done shortly. KH will organise funds transfer with the Council's finance department.

CF is also to work with KH to complete the Statement of Environmental Effects (SOEE) to accompany the Development Application. CCC members expressed their frustration at the delay in installing the town signage. JMc advised if no progress on the issue had

been made by the next CCC meeting he would go in and see SSC to discuss it with them himself.

New CCC member – Michael Bestic had been appointed by SSC as the new CCC member. GA welcomed MB to the committee and introduced Michael to other CCC members.

## **6. REPORTS AND OVERVIEW OF ACTIVITIES**

### **6.1 OVERVIEW OF OPERATIONS**

#### **Underground & Bowmans Creek Diversion Project**

BW advised that the longwall had been stood down. Longwall mining had commenced in Longwall 7A, however due to subordinate approvals not being received for the Bowmans Creek Diversion (BCD) project mining ceased prior to the creek diversion area. ACOL were advised in late 2010 that the development application modification related to the BCD project would require an Aboriginal Heritage Impact Permit from the Office of Environment & Heritage (formally DECCW) and works approvals from NSW Office of Water (NOW). When ACOL found out the subordinate approvals were required work commenced on gaining these subordinate approvals. ACOL are continuing to work through the approval process with the associated government agencies.

JMC asked in what timelines ACOL are anticipating the subordinate approvals to come through LR advised the AHIP approval process normally takes 60 days. After this time if it is assumed as a deemed refusal. The application was submitted in late January 2011. After the 60 days lapsed the proponent has 21 days to lodge an appeal. If an appeal is not lodged the proponent loses all rights to appeal the decision to someone else. On the 19<sup>th</sup> day ACOL lodged for the court process to occur. ACOL are currently working through the process in the Land and Environment with the Commissioners. The next court date is scheduled for Wednesday 15 June.

MB asked who constitutes and AHIP LR replied the OEH. MB asked LR if they delegate to Aboriginal groups. LR replied no. MB asked had the AHIP been processed normally when would have the AHIP been received LR replied the end of March 2011. MB & JMC both asked why the OEH are refusing the AHIP application. LR replied there is a lot of political pressure from some elements of the Aboriginal community. ACOL have 32 registered Aboriginal stakeholder parties listed on the register for the BCD project. These groups have been involved in consultation on the project since August 2009 and a particular element of the community opposes the project. BW advised ACOL & OEH are going to the court with a consent order in favor of granting the AHIP.

JMC asked when ACOL are expecting a resolution, BW advised in court next Wednesday (15 June) one Aboriginal group has asked to be joined to the hearing. The time frame of the outcome of the court case is dependent upon this decision. JMC asked once a decision is reached how long it will be until operations recommence? BW advised 3 months. This will allow for the BCD works to be completed and the longwall to start up again. LR advised the meeting that the earthmoving equipment is still located on site. GA asked BW if the longwall can be restarted prior to a final decision coming from the courts? BW replied the longwall could go into another area however this will sterilize a lot of coal if the associated subordinate approvals are not gained by ACOL.

JMc asked how long ACOL will be waiting for the subordinate approvals before making a decision on production plans? BW it depends, if coal is sterilised ACOL will lose a production life of 6 months and there would be ongoing delays.

MB asked if all of this has come about because of the Native Title claim? LR advised it is separate to the Native Title claim however it is the same group. The Native Title claim has no influence in the BCD project area. MB asked LR if any of the Aboriginal stakeholder groups could oppose the project? LR advised yes however they have chosen not too and ACOL have a good working relationship with the majority of the registered Aboriginal stakeholders.

SE asked who funds the legal fees for the groups to oppose the court case LR replied the group have enlisted the assistance of Aboriginal activist Al Oshlack. SE asked if the group opposing the BCD project is a local group? LR replied the representatives of the group live in Sydney. LR added the claims made by this group regarding the project and who has the right to speak on behalf of country has significantly fractured the community. MB asked if ACOL could get any of the groups who support the project involved? LR replied ACOL could however has chosen not to do so.

### **North East Open Cut**

BW advised no operations are being conducted in the North East Open Cut. ACOL have retained their open cut workforce and personnel are currently conducting weed works and fencing on other locations around site. ACOL are still awaiting development application modification approval to mine the Hebden pit and are hoping this was approved by now, however have been advised by the Department of Planning (DoP) the modification will be sent to the independent Planning and Assessment Commission for assessment due to a policy change. LR advised the project once approved, will then receive independent sign off not sign off by the Minister.

LR advised that due to a change in state government policy a lot of approvals are now being sent to the PAC. The Hebden Pit is only a minor modification however it is of significant concern to the company as it would provide enough work for open cut production personnel for approximately 3 months. SE asked BW if ACOL are having to by coal in yet? BW replied no.

### **South East Open Cut (SEOC)**

LR provided an updated on the SEOC project. The powerline relocation is for the 132 & 66kV lines. The original design submitted to the DoP for the relocation ran through the Voluntary Conservation Area (VCA) – Aboriginal offset area. The ground disturbance required for the powerline relocation is minimal and there is already an existing powerline within the VCA area however the DoP have recently raised concerns with relocating the powerline within the VCA area. ACOL have since put forward another design which moves the powerline corridor outside of the VCA footprint. Energy Australia have reviewed the designs and have advised the powerline can be relocated within the new area.

JMc asked if this was the only issue holding up the SEOC approval? LR replied yes and ACOL are awaiting a letter from NOW regarding water licensing. ACOL was advised by DoP last week that the letter from NOW was required. MB asked if Energy Australia had an issue with the original location? LR replied no, the DoP compliance officer wanted to move the powerlines out of the VCA Aboriginal offset area.

SE asked if the common issues had been resolved? LR replied no it is running concurrently to the BCD case. In regards to the Native Title Claim over Lot 7004/ DP 93630 the Futures Act determination is occurring at the moment. The Mining Lease application triggered Native Title hence if the project receives DoP approval once the Native Title Claim is resolved, ACOL can then be issues a Mining Lease. MB asked if the Native Title Claimant group was the same group opposing the BCD project? LR replied yes. SE asked if the Native Title Claimant group will receive compensation? LR explained the Native Title process.

LR highlighted that ACOL have an existing Native Title claim over the current operations, including the North East Open cut and underground mining operations. It was negotiated in 2001 and ACOL have been working with the Aboriginal community from this date.

LR provided the group with information regarding the Environmental Defenders Office case in regards to Lot 7004/ DP 93630 (formerly known as the South Common). BW replied ACOL are currently working through process. LR also advised an Aboriginal Land Claim has also been lodged over the same parcel of land.

**Action Item – Notify CCC members when ACOL receive approval for each modification via email. Email addresses of each member were collected on the day.**

GA asked if the proposed realignment of Lemington Road by Ravensworth (Xstrata) would affect ACOL? LR advised ACOL and Ravensworth have agreed to a working arrangement regarding the realignment. GA advised the meeting that another councillor claimed the road realignment would have great potential to impact ACOL as he did not want to alignment to go ahead so GA wanted some more information on where ACOL stand with the realignment. BW advised the ACOL Development application modification related to the BCD project specifically lists details on the management and ongoing monitoring of the road. JMc asked if ACOL did object? LR replied initially yes however Ravensworth, ACOL & DoP consulted and came to an agreement. SE asked who owns the land? LR replied Macquarie Generation. JMc asked is ACOL have mined the ROM area of the existing Open Cut? BW replied yes however the open cut has been idled since May. SE asked about the rehabilitation program?

LR replied rehabilitation works conducted during the quarter included galenia area was reseeded to a heavy pasture. Once the pasture builds up over the next couple of years some more tree blocks will be planted in these areas. Sections of the top of dump was rehabilitated, the laydown area is still to be done and there is still some topsoil stockpiles on top. Once the magazine is pulled out the area will be rehabilitated completely. JMc asked if the dam built on top holds water? LR yes it is holding water in the base however the dams are not going to be 100% sealed. The dam was recompacted 18 months to two years ago. LR also advised galenia weed spraying trials were being conducted in partnership with the Department of Industry & Investment (DII).

**Action Item – Once the galenia trials area finalised send a copy of the final report to CCC members**

LR advised a small amount of drainage works and a cover crop and spray seal is still to be completed on the rehabilitation works program. BW advised the Hebden material once mined will go back into the Arties then placed in the lower levels for a buttress. This previously stopped the cracking on Glennies Creek Road. MB asked if long term the open cut void would disappear? BW replied yes it would as the void will be filled with

rejects. SE asked if the current void would be sufficient for the SEOC rejects as well as UG? LR replied yes and the tailings dam located at Macquarie Generation will also be utilised. Any excess underground tailings will be stored in the SEOC void once completed.

## **6.1 PROJECTS OVERVIEW**

### **PROPOSED GAS DRAINAGE NETWORK & VENTILATION DEVELOPMENT CONSENT MODIFICATION**

LR did a presentation on the proposed underground ventilation surface fan shaft and gas drainage network. Progression of mining operations to the Upper Liddell seam will require an update to the mine ventilation system. To deliver necessary ventilation to allow mining to proceed, ACOL are planning to apply for a DA modification to construct a new main ventilation shaft and install two new surface centrifugal fans, as well as a new back road vent shaft.

LR advised ACOL are seeking feedback from CCC members on the design concepts. JMC asked if the gas drainage network will burn off gas or will it put it into a grid? LR and BW advised higher gas levels have been experienced than was predicted. LR advised a Development Application modification is currently being put together and is scheduled to be submitted to the Department of Planning and Infrastructure (formerly Department of Planning) in July 2011. BW advised installation is planned to commence in August 2012. If ACOL have to sterilize coal due to delays in gaining subordinate approvals the fans will be required earlier. JMc asked how much noise the fans will make? CF replied initial discussions with design engineers had indicated sound suppression can be included into the design to ensure minimal noise impacts to Camberwell Village.

## **6.3 ENVIRONMENTAL**

### **DUST MONITORING**

LR provided an overview of the dust monitoring sites and results for the three month period. Ashton Coal did not exceed their PM<sub>10</sub> criteria during the quarter.

### **BLASTING**

A total of 73 blasts were conducted during for reporting year to date. ACOL are currently not exceeding blasting criteria.

### **WATER MONITORING**

LR provided an overview of the surface and ground water monitoring results for the three month period.

### **NOISE MONITORING**

Statutory noise monitoring was undertaken in May and there were no exceedences of the Ashton criteria.

## **7. GENERAL BUSINESS**

LR advised ACOL staff had been actively participating in the NSW Minerals Council Upper Hunter Mining Dialogue. Scotney Moore (SM) is part of the rehabilitation committee and has recently attended consultation sessions held with local stakeholders in Muswellbrook and Singleton. SM has advised the committee's focus is to look at

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landscape design throughout the Hunter Valley, and not specific mine site/ tree and grass species focus. Further feedback from this and other committees associated with the Upper Hunter Mining Dialogue will be provided in future CCC meetings.

**MEETING CLOSE 4:44 PM**

**8. DATE FOR NEXT MEETING**

Tuesday 6 September 2011 @ 2.30PM

**9. SITE INSPECTION OF THE OPERATIONS – Not conducted**

**ACTION ITEMS**