

Boggabri - Tarrawonga - Maules Creek Joint Mines Community Consultative Committee

2024

Meeting Held: Thursday 16 May 2024 at the Boggabri Golf Club commencing at 2.00 pm.

Present: Alex Williams (AW) – BCOP, Elizabeth O’Hara (EOH) – Boggabri, Tarrawong, Maules Creek Coal CCCs, Libby Laird (LL) – Maules Creek Coal CCC, Darren Swain (DS) – WHC, Emma Bulkeley (EB) – MCCM, Susie Pym (SP) – BCOP, Madeleine Wright (MW) - WHC, Richard Gillham (RGi) – Boggabri Coal CCC, Robyn Grover (RG) – Maules Creek CCC, Mitchum Neave (MN) – Boggabri Coal CCC, Roselyn Druce (RD) – Boggabri Coal CCC, Phil Lancaster (PL) – Boggabri Coal CCC, Matt Hollis (MH) -TCM, Jayben De Keizer (JDK) – WHC, Wade Hudson – Gunnedah Shire Council.

Guests: Lindsay Fulloon (LF) – EPA, Brendon Loyd (BL) – EPA, Pria Nair (PN) – EPA, Kirsten Browne (KB) – TSA, Ben Bowman (BB) – TSA, Sandra Scalisia (SS) – TSA.

Apologies: Cr Rob Hooke (RH) – Gunnedah Shire Council, Colleen Fuller (CF) – Tarrawonga CCC, Cr Brett Dickinson (BD), Steve Eather (SE) – Maules Creek CCC, Stewart Dunlop (SD) – Boggabri Coal, Cr Cathy Redding (CR) – Narrabri Shire Council, Mark Hathaway (MHa) – Tarrawonga CCC, Lloyd Finlay (LF) – Tarrawonga CCC.

Chair: Michael J. Silver OAM (MJS)

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the Joint CCC meeting. He particularly welcomed the representatives of the Environmental Protection Authority (EPA) and Tyre Stewardship Australia (TSA).

2 Welcome to Country

The Chair invited Mitchum Neave to provide a Welcome to Country. Mr Neave extended the Welcome to Country: Yaama - I acknowledge the Kamilaroi people, Traditional Custodians of the land on which we meet today and pay my respects to their Elders past, present and emerging. Welcome, Welcome, Welcome.

3 Declaration of Pecuniary or Non-Pecuniary Interests

RGi, LF, RG – Have properties that have been acquired or fall into the ‘Zone of Affectation’ for acquisition or have family members at one of the mines. EOH has shares in one of the companies. MJS’s expenses are borne by the mining companies.

3 Acceptance of Previous Minutes and Business Arising

The minutes for the May 2023 Joint CCC meeting were accepted by all present as an appropriate reflection on what was discussed. It was also noted that the October 2023 meeting of the Joint CCC took the form of a general discussion with no minutes taken.

4 Actions from Previous Meeting

MJS sought clarification on finalisation of two actions:

- TB to provide a graph over 3 months of any alarms. Also provide slides with the changeover in shifts and how employees cope with that constant back and forth change.
- Mines to provide map of all offsets.

MJS to follow up.

5 Tyre Management and Recycling

Copies of the presentations of the EPA and TSA are attached to the minutes.

MJS noted that tyre management and disposal had been an issue raised by community representatives at all three CCCs. He extended a welcome to the representatives of the EPA and TSA and looked forward to their presentations. MJS invited Lindsay Fulloon and Brendon Lloyd to deliver the EPA presentation.

- **EPA Presentation**

Lindsay Fulloon led the EPA presentation.

LF noted that tyre management and disposal at coal mines had attracted community attention over the last few years. He provided a historical overview of tyre management and uncertainty regarding the provisions within consent conditions for mining developments. The outcome was implementation of variations to mining licences to permit the burial of tyres. He advised considerable collaboration had been undertaken with the Department of Planning Housing and Infrastructure (DPHI) to unpick where burial was occurring and inconsistencies in consent conditions. He noted Whitehaven had sought consent for onsite tyre disposal in 2019.

LF detailed the extensive research undertaken on tyre disposal across Australia particularly by TSA.

LF drew attention to the Waste Hierarchy:

- Avoidance
- Resource Recovery
- Disposal

LF indicated it is essential to drive waste up the tree and build this hierarchy into conditions regarding recycling and reuse, thus building an industry to manage the problem. This will also involve regulatory control such as extent of stockpiling and reporting requirements. LF noted that at this point the recycling industry does not have the capacity to manage the volume of tyres.

LF advised that in terms of consent modification applications the EPA recommends condition to DPHI to permit tyre burial. This includes limits on the number of tyres to be buried, stockpiling and burial regimes, reporting requirements (recording serial numbers) and two-year approvals subject to a biannual review. He noted the rigorous review standards being applied.

LF indicated that the EPA recognises that this management regime is a first step and there is a need to do more. He advised that follow up work to address this issue is occurring – “a lot is going

on in the background.” He added that when and how the current regulatory settings are amended is under review.

Brendon Lloyd then provided the strategic context on the Carbon Recycling and Abatement Fund (CRAF). <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/strategic-direction-for-waste-in-nsw/carbon-recycling-and-abatement>

BF indicated that it is proposed that a circular economy will be in place by 2030 with an average recovery of 80% and a consequential increase in recycling. He noted that \$7 million has been allocated to the program with the focus on three key waste streams:

- Coal combustion products in cement production
- Crumb rubber from waste tyres in roadmaking
- Increased use of reclaimed asphalt pavement

BL then provided an outline of the OTR (Off the Road) Tyre Program Design. He noted three key aspects:

- Research
- Test and Scale Approach for Processing
- Encouraging government and industry in procurement

BL also highlighted the EPA’s involvement in ‘The Hub’ recycling event in association with TSA which drew a strong attendance giving rise to positive interactions and outcomes.

BL said that beyond regulatory requirements and licensing standards there is a need for other tools to build end markets and deliver meaningful outcomes from recycling and reuse activities. He advised there will be greater community interaction sought on the issue. He went on to explain the ‘Testing and Scale Approach’ through grants to establish recycling operations, support for consolidated multi-faceted programs and initiating tyre recycling trials. He noted Boggabri Coal is currently undertaking a 20% tyre recycling trial whilst Whitehaven is examining a program to breakup tyres on site.

MJS opened the meeting to questions.

LL asked how many tyres are buried in the Hunter Valley. LF advised he does not have those statistics.

RD questioned the number of tyres able to be buried at the mines, suggesting the number of tyres is increasing not decreasing. LF advised that Maules Creek Coal Mine is approved for up to four hundred annually whilst Boggabri is approved to bury three hundred annually. He indicated the annual number is based on the scale of the mine.

RD questioned whether these numbers would increase? LF responded that this would be a decision for the DPHI through a modification of the consent – the EPA provide advice on these matters.

EOH asked whether changes to the consents and licence standards was based on community action and advice to the EPA? She added that a fee should be applied to each OTR tyre for its

disposal like car tyres. LF acknowledged there had been community concern over tyre disposal at coal mines. He indicated a tyre disposal fee is a consideration and could be applied, by regulation. He advised that EPA was aware of the tyre disposal issue at the Maules Creek Mine and had written to the Whitehaven seeking a resolution of the matter, culminating in the lodgement of a modification application in 2021 (MOD 8).

MJS then invited Tyre Steward Ship Australia to provide its presentation to the CCC.

- ***Tyre Stewardship Australia***

Sandra Scalisia led the TSA presentation.

SS provided an overview of the current situation regarding the management and disposal of tyres in Australia. She also provided background on the role TSA is playing in addressing the issues of tyre management. SS advised that TSA is a not-for-profit organisation funded by contributions from tyre importers with a focus on solving the problem. TSA presently receive \$0.25 for each car tyre and \$50 for each mining tyre. Its primary role is to stimulate the market to get tyres recycled.

SS highlighted that less than 2% of OTR tyres are recycled with the balance disposed of by burial, to landfill or stockpiling. She noted there are no regulations regarding tyre management and disposal whilst there are permits granted to store or bury.

SS posed the question – “How do you reduce these barriers?”

In response SS referred to a map of NSW focussed on the Hunter and Northern NSW showing locations of about 10,000 tonnes of tyres. She suggested this provided adequate logistics to undertake recycling in the region. SS also indicated there has been interest from potential recyclers. She outlined the role of TSA in facilitating potential recyclers to become involved through establishing connections, stimulating policy change, investment, smoothing pathways, facilitating market development and expansion of research.

SS detailed the primary roles of TSA:

- ❖ Focus – establishing connections: Miners to Recyclers. Currently happening in WA and NSW and soon to occur in Queensland.
- ❖ Facilitation – establishing relationships with recyclers, Boggabri Coal and Whitehaven Coal are examples of this action.
- ❖ End Markets – seeking funding from various sources. Interacting with organisations with similar goals.
- ❖ Advocacy – making representations to government. Placing tyre management and recycling on Minister’s priority list. Developing standards for regulations.
- ❖ Market Development – stimulation of markets. Want markets to be there: progress over perfection.

MJS thanks SS for the presentation and opened the meeting to questions.

MN noted the potential commercial opportunities associated with recycling tyres from the mines in the area. He suggested that Boggabri was ideally located to host such a facility. A tyre shredding

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station at Boggabri may be an opportunity for the Red Chief Land Council. LF advised that there are government grants for carbon recycling, whilst not all funding is available for OTR tyres recycling some money could go into such a proposal. He noted TSA do have a grants program and suggested engagement with them. SS commented that such ideas need to be evaluated by preliminary funding to determine viability. She made the point that not all tyres are the same, with some requiring specialized equipment, particularly the larger tyres.

SS advised that there are processors in Sydney, Newcastle, and Brisbane. KB explained that there needs to be an appetite to take the product. To garner this interest there needs to be solid and accurate tyre numbers and a solid business case – she indicated there is a return to be made but there needs to be sound business planning.

LL question whether buried tyres can be dug up and recovered? She commented that the tyres are not environmentally beneficial in a water source. LL also questioned at the end of a lease “who owns the tyres?” such as in a State Forest. In response, LF indicated they become the property of who holds the site following the relinquishment of the lease. He added that it could be possible to remove them if the economics stack up. The position taken to date is a trade-off between final landform and other issues which may impact on or interact with the tyres. Clearly these issues and others moving forward need to be thought through.

LL noted that the number of tyres is a large and potentially valuable resource in NSW. She suggested that before the final landform is completed buried tyres could be recovered. She questioned whether the composition of the tyres is known. LF advised that tyres are buried above the ground water level. He acknowledged that research is sparse on implications for the environment from buried tyres. At the time there were no better alternatives in tyre disposal than burial – currently examining other alternatives that provide a better outcome. LL suggested that stockpiling in bunks (not above ground) as an alternative could be considered for later recovery.

LL sought advice on future regulatory standards for tyre management. LF indicated that the focus is on not burying tyres in the future. In terms of storing tyres, he noted that by storing at a shallow depth there is a risk no one will do anything with them. The current burial approach is to ensure they are placed in a situation where they can be managed – it was a compromise. The present review is looking to transition to recycling, in lieu of burial. SS added that tyres need to be buried at a specific depth otherwise they float. The current approach is the lesser of the evils – shall depth burial/storage raises the risk of vermin and fires.

In response to the question on tyre composition, SS advised that a report on this matter is available. She indicated that mine tyres are of a higher quality. More toxic chemicals are released from the tyres when the vehicle is being driven. Leaching is unlikely to occur from a whole tyre. LL questioned how long a tyre lasts when buried. SS advised an exceedingly long time – probably several hundred years. KB noted that mining tyres have an elevated level of natural rubber permitting various recycling options. RD questioned whether oil and steel can be recovered. KB noted that steel is recoverable and is a valuable resource. SS confirmed that oil in the form of a bunker oil can be recovered.

MJS thanked the guests for their presentations and response to questions.

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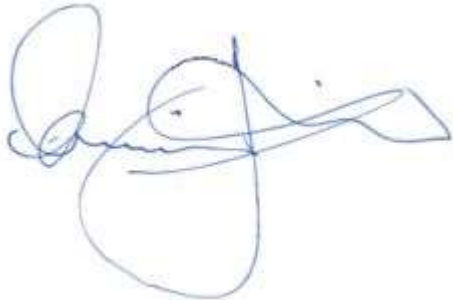
6 General Business

Nil

7 Next Joint CCC Meeting – End of October 2024. MJS to provide date.

Meeting closed at 3:35 pm.

Approved:

A handwritten signature in blue ink, appearing to be 'Michael J. Silver', written in a cursive style.

**Michael J. Silver OAM
Independent Chair**

7 June 2024

Boggabri - Tarrawonga - Maules Creek Joint Mines Community Consultative Committee

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- Meeting Held:** Thursday 14 November 2024 at the Boggabri Golf Club commencing at 2.04 pm.
- Present:** Alex Williams (AW) – BCOP, Steve Eather (SE) – Maules Creek CCC, Elizabeth O’Hara (EOH) – Boggabri, Tarrawong, Maules Creek Coal CCCs, Darren Swain (DS) – WHC, Madeleine Wright (MW) - WHC, Robyn Grover (RG) – Maules Creek CCC, Roselyn Druce (RD) – Boggabri Coal CCC, Matt Hollis (MH) -TCM, James Crowe (JC) – BCOP.
- Guest:** Stephen O’Donoghue (SOD) – NSW Department of Planning infrastructure and Environment [DPHI]
- Apologies:** Libby Laird (LL) – Maules Creek Coal CCC, Phil Lancaster (PL) – Boggabri Coal CCC, Mitchum Neave (MN) – Boggabri Coal CCC, Richard Gillham (RGi) – Boggabri Coal CCC, Colleen Fuller (CF) – Tarrawonga CCC, Stewart Dunlop (SD) – Boggabri Coal, Mark Hathaway (MHa) – Tarrawonga CCC, Lloyd Finlay (LF) – Tarrawonga CCC, Emma Bulkeley (EB) – MCCM, Susie Pym (SP) – BCOP, Wade Hudson – Gunnedah Shire Council.
- Chair:** Michael J. Silver OAM (MJS)

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the Joint CCC meeting. He particularly welcomed Stephen O’Donoghue, Director - Resource Assessments, NSW Planning Housing and Infrastructure to the meeting.

2 Acknowledgement of Country

The Chair acknowledged the Traditional Owners of the land on which the meeting is being held and their continuing connection to land, water, and culture, paying respects to their Elders past, present and emerging.

3 Declaration of Pecuniary or Non-Pecuniary Interests

EOH has shares in one of the companies. MJS’s expenses are borne by the mining companies.

3 Acceptance of Previous Minutes and Business Arising

The minutes for the May 2024 Joint CCC meeting were approved on 7 June 2024.

AW reported that Boggabri Coal has recently recycled 42 HV tyres though Carroll Engineering Services Pty Ltd of Stapylton, Queensland and would be attending the Tyre Stewardship Australia OTR (Off The Road) Mining Tyre and Conveyor Belt Forum in Sydney next week.

4 Actions from Previous Meetings

MJS noted that two actions remain unresolved:

- TB to provide a graph over 3 months of any alarms. Also provide slides with the changeover in shifts and how employees cope with that constant back and forth change.
- Mines to provide map of all offsets.

MJS to follow up.

5 NSW Planning Housing and Infrastructure – Mr Stephen O’Donoghue

MJS introduced Stephen O’Donoghue to the meeting and outlined several areas that have caused concern to community members of the three Community Consultative Committees including but not limited to:

- Air Quality monitoring and standards
- Compliance and enforcement
- Consultation
- Offsets
- Tyre Disposal/Recycling

SOD thanked the Joint Mines CCC for the opportunity to attend its meeting.

In response to the issues highlighted, SOD provided the following comments and responded to questions.

Air Quality – assessment of a proposal is made against the relevant guidelines with an important component being consideration of impacts on humans. Regional air quality monitoring undertaken by the EPA and supplemented by the mining companies monitoring is an important base line to understand the impacts of mining locally particularly on population centres. The requirement for compliance monitoring is critical to ensuring standards are met and impacts minimised, and where necessary mitigated. Management Plans need to be reviewed to ensure they meet an effective standard such as the introduction of PM2.5 monitoring.

EOH advised that there is considerable concern that air quality monitoring data is assessed using an averaging method over time. When a day is a “white out”, the community feels disempowered as this day becomes almost irrelevant in the averaging process.

SOD acknowledged the community concerns. However, he noted that ambient standards are legal limits for the concentration of pollutants in the air that are set to protect human health and the environment. The annual average is a component of this standard, whilst there are also 24-hour average requirements to minimise local impacts. He also indicated other information should be used, such as the visual aspect particularly where it relates to dust that can be controlled.

SOD noted that spikes in dust levels do occur. He also noted that from a compliance perspective, compliance is based on meeting the standards for the relevant particulate matter annual average 24-hour output.

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RD commented that at her property adjacent to Maules Creek Mine she can't grow vegetables due to dust – "its coal dust". The dust infiltrates into the house. She commented that the extent and accuracy of monitoring depends on where the air quality monitors are located.

Compliance – SOD provided a general overview of the enforcement of conditions of consent and compliance monitoring. He advised that conditions of consent take precedence over guidelines.

EOH highlighted that the conditions of consent for the Maules Creek Mine requires an Aboriginal stakeholder representative to be a member of the Community Consultative Committee. She also noted that this committee does not have an environmental representative. She asked if it would be possible to pay the Aboriginal stakeholder representative to ensure consent conditions were observed. SOD acknowledged the comments and understood that the DPHI Compliance Unit was examining the matter. He was also aware that the mining company had been advertising for an Aboriginal representative.

Management Plan Consultation – SOD noted that companies are required, as a general requirement, to consult with and provide copies of draft Management Plans to CCCs. The company should also keep the CCC informed of the development of and finalisation of the new Management Plan.

EOH questioned the status of the draft Management Plan particularly as it is marked 'Confidential' and is not publicly available on the company's website. She made mention of the process associated with the draft Maules Creek Biodiversity Management Plan which she suggested restricted external technical comment/advice to CCC members as the document was deemed confidential.

SOD noted that draft documents are often deemed confidential as not all aspects of the document have been finalised or confirmed. He felt there was still an opportunity to provide comment. He noted EOH's concerns and took the matter on notice. EOH reiterated that the link was not publicly available.

Risk Rating: EPA Licences – RD questioned how the risk rating on EPA licenses operates. SOD advised this matter needs to be taken up with the EPA.

Legislation – AW sought advice and direction on the likely changes to legislation that will affect the mining industry soon.

SOD noted that there were a number of legislative changes anticipated over the coming twelve months that will have implications for mining:

- Green House Gas legislation
- NSW Climate Change Adaptation Action Plan 2025-2029
- Amendments to the Biodiversity Conservation Act 2016 to reform the biodiversity offsets scheme; and to make consequential amendments to the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
Chair's note: Assented on 2 December 2024 - Act No 96 of 2024 - Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Act 2024
- Changes to Biodiversity Offsetting guidance advice for Irreversible Impacts.
- Amendments to Commonwealth environmental legislation – likely consequential changes to NSW legislation
- Cultural Heritage reforms

Tyre Management – EOH highlighted the ongoing concern regarding the burial of HV tyres and the need for a more definitive approach to tyre recycling and disposal in management plans.

Through RD, Mitchem Neave (MN) tendered the following question:

“Why aren’t the NSW Government planning and environmental agencies pushing hard to protect the environment from tyres being buried when there is a company that is willing to undertake this recycling. Boggabri Coal is doing something about it – thank you. But why aren’t the government agencies pushing the rest of the mines in the area to do the same thing. If this Queensland company did all the tyres from the mines in this area it would be a pleasurable business. Or don’t the agencies care about the environment or mess that is left behind for our great-great-grandchildren to clean up?”

SOD responded that there are initiatives happening in the tyre management and recycling area. Conditioning on EPA licences is being amended to include tyre management processes, viz. a review of processes approach over a two-year period. From an agency perspective there is strong support for the setting up of recycling facilities to support management of HV tyres.

RD enquired whether Whitehaven would engage in a tyre recycling program? MH advised that discussions and evaluation of management processes regarding the disposal of tyres is being undertaken. Recycling is being examined as an option – this may not be suitable for all tyres. MH added that it is important that the tyre recycling option is economically viable.

MJS noted that a tyre recycling scheme must be environmentally sustainable with a beneficial outcome that does not transfer the problem elsewhere.

Offsets – SE expressed concern as to how offsets are managed and noted changes to legislation to address this problem. He questioned whether the use of ‘hot burning’ as a means of reducing the potential for bushfire from offsets.

SOD advised that there are exemptions for cultural and hazard reduction burning. MH commented on the management options available but expressed caution regarding the use of burning given the potential emissions.

EOH questioned what ‘in perpetuity’ in relation to biodiversity offsets actually means. She suggested that there are instances where offsets are no longer in perpetuity and are being opened for mining. She advised that the community does not have access to the information regarding the status of offsets linked to a mine – there is a power imbalance. “It seems that ‘in perpetuity doesn’t mean what it means in common usage.”

SOD responded that ‘in perpetuity’ means placing restriction on the title that it is held in perpetuity. But ‘in perpetuity’ may be extinguished and removed under certain circumstances - examples include transmission lines through offset areas and State Significant Infrastructure Projects. Notwithstanding this, the more recent preferred method for management of offsets is a Biodiversity Stewardship Agreement. A Biodiversity Stewardship Agreement is a legal agreement between the owner of the land and the Minister responsible for the Biodiversity Conservation Act 2016 (NSW). The agreement establishes the biodiversity stewardship site and creates biodiversity credits. Even if on the title of the land a Biodiversity Stewardship Agreement can be removed – these agreements provide for better and more flexible controls.

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<https://www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about/how-scheme-works/biodiversity-stewardship-agreements>

RD requested clarification as to whether land that was set aside as a biodiversity offset can be recovered and mined.

SOD indicated that it depends on the evaluation of the merit of the project. This would require offsetting the offset to replace the lost biodiversity asset. DS enquired whether when offsetting an offset, it is one for one replacement. SOD indicated its generally 'like for like'. MH commented on the offset requirements and standards to be achieved.

EOH observed that it's not 'like for like' but 'potentially like for like'. SOD noted the proposed amendments to the Biodiversity Conservation Act 2016 before the NSW Parliament are seeking improvements in biodiversity offset outcomes, that is, getting a higher return from the offset. RD commented, "can't replace immediately what it will be like in 20 years - it takes many years before there's a hollow for birds and bats'. This is a significant issue.

Rainwater Tank Testing – RD advised of the detection of heavy metals in water tests from rainwater tanks in the area. She indicated that the test results would be forwarded to relevant government agencies for review. RD said the community was being made aware of the rainwater tank results and added that loss of bores was aggravating the issue of water security in the area.

Modification Proposals – SOD provided a brief overview of the various Modification proposals currently before DPHI. He anticipated the Modifications will be determined in the first half of 2025. He indicated a prime consideration in assessment of the proposals will be cumulative impact and would be pleased to discuss these proposals with the relevant CCCs.

EOH commented on the Modification proposal for a pipeline between the mines. In particular she expressed concern that water from the Maules Creek Coal high security water licence will be fed into the pipeline for use by other mines. MH noted that Maules Creek Coal owns the licence and the water is metered. The proposed pipeline from Tarrawonga mine to Maules Creek mine is to permit transfer of water between mines. SE commented that water can be traded. MH further explained the water transfer arrangement.

MJS thanked Mr O'Donoghue for his responses to members' questions.

6 General Business

Nil

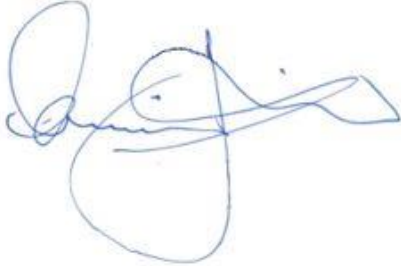
7 Next Joint CCC Meeting – 15 May 2025

Meeting closed at 3:35 pm.

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Approved:

A handwritten signature in blue ink, appearing to read 'Michael J. Silver', with a large, stylized flourish at the end.

**Michael J. Silver OAM
Independent Chair**

17 December 2024