

**Meeting Minutes**  
**Duralie Coal Community Consultative Committee Meeting**  
**Wednesday 5 February 2020**

**Attendees:**

Margaret MacDonald-Hill	CCC Chairperson	Alarna Bristow	Duralie Coal Pty Ltd
Brian Eastoe	CCC Member	Gavin May	Duralie Coal Pty Ltd
Noel Smith	CCC Member	Tom Kirkwood	Duralie Coal Pty Ltd
Phoebe Hodge	MidCoast Council	John Cullen	Duralie Coal Pty Ltd
Ryan Fenning	MidCoast Council		

**Guests:**

Nil

**1. Site Tour**

A site tour was undertaken prior to the meeting. The site tour included the rehabilitation works completed in February 2020.

**2. Welcome and Apologies**

The Chair opened the meeting at 13:03pm.

Apologies: Cr Karen Hutchinson, Paul De Szell, Lyndie Hepple and Rod Williams.

**3. Declaration of Pecuniary and Non-Pecuniary Interests**

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

Mr Eastoe declared an interest at Item 8.

**4. Confirmation of Minutes of Previous Meeting**

The Minutes of the Meeting held on Wednesday 7 August 2019 were confirmed.

Moved: Noel Smith; Seconded: Brian Eastoe.

## **5. Business Arising from Previous Meeting**

1. **Action Item 1:** *SCPL to provide details of the conditions included in the PPC and Restriction on the Use of Land instruments.*

Completed 30/10/2020, MP sent email to CCC With PPL information.

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

Annual Report received with potential errors. Revised Report will be distributed once received.

3. **Ongoing Action Item:** *DCPL to include updates and progress on the potential final land use options and mine closure and rehabilitation plans in the quarterly reports to the CCC.*
4. **Ongoing Action Item:** *The CCC's print media to be drafted following each CCC meeting and provided to the committee for comment prior to finalising and submission by DCPL.*

## **6. Correspondence**

Correspondence is listed in the CCC meeting agenda.

Chair noted one additional item request of 4/2/20 from Mr Eastoe.

## **7. Company Reports and Overview of Activities**

DCPL presented the Company Reports and Overview of Activities.

1. Progress at the Mine: DCPL advised rehabilitation operations were in the final stages at Rodgers Road and AD1 expected completion during Q1 2020. PAF re-handling to be commenced Q1 2020.
  - a) The Committee discussed the recent nearby bushfire and its impact.
2. Environment & community activities including monitoring and community programs: (*refer to CCC presentation available on website for further detail*). Items discussed by exception.
  - a. A statement was received from Mr Williams via Ms MacDonald-Hill expressing concern about the delay in DCPL Biodiversity offset area controlled burns. The delay in the approval process to conduct hazard reduction is not adequate and needs to be sped up.
3. The Committee discussed the Stratford Mine Water Access Modification. *The Committee projected support of Duralie Coal Mine Water being used by the MidCoast Council in a similar manner to be implemented at the Stratford Coal Mine. It was agreed MidCoast Council representative Ryan Fenning would discuss with Graeme Watkins and David Bowland (staff involved with the Stratford project) the possibility of implementing such a project at Duralie.*

**New Action Item 1:** *Ryan Fenning/MidCoast Council to advise the CCC the best avenues to encourage and support the project.*

## **8. General Business**

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

No further business.

Next Meeting date: Proposed 12:30pm on Wednesday 12<sup>th</sup> August 2020 at the Duralie Mine Site.

Meeting closed at 2:34pm.

### **Summary of Action Items from this meeting**

5. ***New Action Item 1:*** Ryan Fenning/MidCoast Council to advise the CCC the best avenues to encourage and support the project.
6. ***Annual Action Item:*** MidCoast Council to provide an annual report each August on the spending of the Gloucester and Great Lakes components of the Duralie contributions made to Council.
7. ***Ongoing Action Item:*** DCPL to include updates and progress on the potential final land use options and mine closure and rehabilitation plans in the quarterly reports to the CCC.
8. ***Ongoing Action Item:*** The CCC's print media to be drafted following each CCC meeting and provided to the committee for comment prior to finalising and submission by DCPL.

# Corporate Citizenship



# Corporate Citizenship



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

# Corporate Citizenship



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

# Corporate Citizenship



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

# Corporate Citizenship



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

# Corporate Citizenship



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

# Corporate Citizenship



Community Consultation Guideline No.6. says:-

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

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

# Corporate Citizenship



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

# Corporate Citizenship



## A. RFS Trained Fire Fighters

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

# Corporate Citizenship



## A. RFS Trained Fire Fighters

### **A Proposal....**

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

# Corporate Citizenship



## B. Biodiversity Conservation Areas

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

By 2011 Duralie's commitment had changed to:-

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

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

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## B. Biodiversity Conservation Areas

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

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## B. Biodiversity Conservation Areas

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

# Corporate Citizenship



## B. Biodiversity Conservation Areas

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

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

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## B. Biodiversity Conservation Areas

### What will be funded?

The following activities are supported:

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

# Corporate Citizenship



## B. Biodiversity Conservation Areas

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

# Corporate Citizenship



## B. Biodiversity Conservation Areas

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

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## B. Biodiversity Conservation Areas

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

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

# Corporate Citizenship



## B. Biodiversity Conservation Areas

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

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

# Corporate Citizenship



## A Community Request

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

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