

## WATERMARK COAL MINE COMMUNITY CONSULTATIVE COMMITTEE Meeting No 7

**Date:** Wednesday 15 July 2020  
**Time:** 10.00am  
**Location:** Shenhua Conference Room, Gunnedah

**Attendance:** Independent Chairperson  
Garry West

Council Representative  
Councillor Andrew Hope (Liverpool Plains Shire Council)  
Ms Joanne Sangster (LPSC - Observer)

Community Members  
Mark Kesby (Environment Representative)  
Patricia Duddy - Telephone  
Malcolm Heath  
Ron Fuller  
Greg Griffiths (Indigenous Representative)

Shenhua Watermark Representatives  
Cornelis Vlok (Project Manager)  
Debbie Watson (Community Liaison Officer)  
John Trotter (Environment Manager)

**Meeting Opened:** 10.00am

### 1. **Opening of Meeting by the Chairperson**

The Chair declared the meeting open and thanked everyone for their attendance. The Chair acknowledged the Traditional Owners of the land and recognised their continuing connection to land, waters and culture, paying respects to their Elders past, present and emerging.

The Chair advised that he was in contact with the Company to ensure the meeting would be compliant under the auspices of NSW Health ie one person every 4m<sup>2</sup>, 1.5m social distancing and hand sanitizing. A register was kept noting names and contact phone numbers of those attending the meeting.

Cr Hope introduced Joanne Sangster, the new General Manager of Liverpool Plains Shire Council who is attending the meeting as an Observer. Ms Sangster gave a brief overview of her previous history working in local government.

The Chair invited the CCC members to introduce themselves and their role on the Committee.

### 2. **Apologies**

Councillor Murray O'Keefe (Gunnedah Shire Council)

### 3. **Declarations of Pecuniary or Other Interests**

The Chair asked if there were any Pecuniary and Non-Pecuniary Interests to declare. The Chair reminded the members that Shenhua does pay his expenses for chairing the CCC meetings of which he has previously advised.

*None were declared.*

**4. Business Arising from Previous Minutes – 11 March 2020**

The Minutes of the previous meeting were circulated to members and any comments from the Committee were requested to be forwarded to the Chair. No comments were received from the members so the Minutes were adopted as a true and accurate record. There was no business arising from the previous minutes.

**5. Correspondence**

- Nil

**6. Shenhua Watermark Coal (SWC) Project Report**

**C Vlok (Project Manager)**

C Vlok provided a general update noting that progress has been made on the 11 Environmental Management Plans (EMPs) that require approval with nine approved by the State Government.

The Water Management Plan (WMP) currently requires both State and Federal approval whilst the Koala Plan of Management (KPoM) requires State approval. The Biodiversity Management Plan (BMP) requires Federal approval and has received State approval. The Rehabilitation Management Plan (RMP) requires both State and Federal approval, has received acceptance at the State level but the Federal approval of this Plan is only anticipated in the early years of life of mine.

Mining Lease Application

- An application by SWC for the granting of a Mining Lease (ML) was submitted on 26 June 2020. The application has been allocated the reference number MLA589. The Department (Regional NSW – Mining, Exploration and Geoscience, previously DRG) is currently reviewing the application. Acknowledgement has been received that they have all the required documentation to progress the application. The indicative timeframe for the Department providing a recommendation to the Minister is 85 business days from the application lodgment date.

M Kesby asked if the BMP and WMP need to be approved prior to the ML approval. J Trotter advised that the Management Plans do not need to be approved before we can apply for a ML but we cannot commence mine construction until they are approved.

EL Program

The EL program was completed at the end of April and the Company has tendered for the rehabilitation work. A contractor has been selected to do the rehabilitation work and the work will commence within the next month.

The Chair noted that we should acknowledge that most of the issues that have been played out in the media and felt that it was appropriate for the CCC to hear from the Company's perspective on what they are doing rather than just through the media outlets.

C Vlok commented that there has been some incorrect information presented in the media such as the implication that there was a condition that the Company was

required to apply for the ML by the 30 June 2020 or the licence would be revoked. This information is incorrect.

P Duddy queried which management plan would be approved once the mine has commenced. C Vlok advised that it was the Rehabilitation Management Plan and it will require approval by the Federal Government.

#### Other Matters

- J Trotter noted that it is a requirement for the Company to provide an Annual Review (the first of which covered the period October to December 2019) to the Department of Planning, Industry and Environment (DPIE). The Review has been lodged and approved, and is available on the Company website.
- J Trotter advised that it was previously noted that the Company had commenced planting for Koala Corridor Number 8 which links Long Mountain to the Breeza State Forest. The corridor is located outside the mine footprint. The Company has just issued a contract for the next stage of planting of the corridor.
- J Trotter noted that the Company has an obligation to protect offset areas in perpetuity to the satisfaction of the Secretary of the Department. A meeting was held with the Biodiversity Conservation Trust (BCT) and their recommendation was to complete a baseline ecological assessment of the offset areas. The survey will take approximately six months to complete. P Duddy asked if this was on private land. J Trotter advised that this only involved Shenhua owned land. M Kesby asked how these properties will be managed. J Trotter stated that it will be managed in accordance with the Biodiversity Management Plan. G Griffiths noted that this is an area that the indigenous people should be involved in as it is important to their culture to manage the land. M Kesby asked what was the success rate of the plantings noting the recent drought conditions? J Trotter stated that there was not an observable significant loss of planting however the contractor has guaranteed Shenhua a 90% survival rate (at the end of the year).

#### **J Trotter (Environment Manager)**

John tabled a screenshot of the website that lists all the approved Environmental Management Plans that have been approved by government. The plans are:

- Environmental Management Strategy
- Noise Management Plan
- Traffic Management Plan
- Blast Management Plan
- Air Quality Management Plan
- Heritage Management Plan
- Interim Koala Habitat Plan
- Pre-Construction Works Management Plan

John also tabled a screenshot showing CCC member's contact details listed on the Shenhua website, for the information of Committee members.

#### Heritage Management Plan (HMP)

- The HMP was approved by DPIE on 27 March 2020. The approved HMP is available on the SWC website. The HMP was prepared to satisfy Development Consent SSD-4975 Schedule 3, Condition 42.
- SWC has obligations to fully implement the HMP (as is the case with all approved EMPs).

- The HMP calls for fencing to delineate and protect heritage items – both Aboriginal and European. SWC is currently seeking tenders for a contractor to do this work.
- There were applications in 2015 and 2016 under the Aboriginal and Torres Strait Islander Heritage Protection Act on behalf of the Gomeroi Traditional Custodians for both emergency and permanent declarations to protect a number of important areas, including Mount Watermark, two grinding grooves areas and an alleged sacred men's site. These applications were rejected by the Federal Environment Minister, Sussan Ley, in 2019, stating that the benefits of the Watermark Coal Mine outweighed the impact upon Aboriginal heritage.
- The Minister is currently subject of a Federal Court legal action with respect to her decision. A judicial decision is pending.

Greg Griffiths made comment on the Section 10 claim. He is aware of the process and has made two representations to Minister Sussan Ley. The HMP is developed under a legislation process and through a consultation and engagement process with RAPs and then approved by government. Everyone is afforded the opportunity to comment and engage on the Plan and to make decisions on their culture. The removal of artefacts will be undertaken under the approved HMP requirements.

Greg noted that he personally believes that there has been some misrepresentation of culture, which is evident through recent media, and he personally feels that it is disrespectful to the Gomeroi People.

Greg noted his support of the mine acknowledging that the Company has a commitment to employ a 10% indigenous workforce and that is why he is in support of the Watermark Project. The most important part of protecting his culture and heritage is to support his people through employment and engaging with Companies.

The Chair and J Trotter thanked him for his indigenous input to the meeting to assist the Committee in understanding the cultural and heritage issues and passed on their respect for him speaking to the Committee.

Cr Hope thanked G Griffiths and that to hear from a traditional owner was great to enable members of the Committee to gain an understanding of Aboriginal culture and to hear firsthand of the emotion and history attached to their culture.

J Trotter also advised that the HMP is reviewed annually and modified if necessary. If there is a need for change there is an approval process that is undertaken.

P Duddy queried if G Griffiths stated that the indigenous people already have ownership of the HMP? J Trotter advised that ownership of the HMP is held by the Company but the Registered Aboriginal Parties (RAPs) that have been listed through the invitation process will be consulted and engaged with during the HMP implementation process. There is an approved mechanism to engage with this stakeholder group. G Griffiths noted that the RAPs were involved in the development of the HMP through a consultation process and the content of the engagement is noted in the HMP. With any new indigenous finds the RAPs will be engaged and consulted with as part of the process.

Greg also requested SWC to be pro-active and responsive to obligations in the HMP as this project will bring about generational changes to Aboriginal families.

### Water Management Plan (WMP)

J Trotter noted that both the WMP and KPoM are still in preparation.

The WMP Revision 3 has been reviewed by Department Agriculture, Water and the Environment (DAWE - Federal) and DPIE (State). It is also currently being reviewed by other State agencies and Gunnedah Shire Council.

The WMP timeline is as follows:

- Respond to Revision 3 comments received in the preparation of Revision 4. Provide Revision 4, once complete, to DAWE and DPIE. Anticipated submission date for Revision 4 is August 2020. DAWE will provide the WMP to the Independent Expert Scientific Committee (IESC) once it believes the document is ready for assessment by this group.

### Koala Plan of Management

The KPoM Revision 4 has been provided to the Koala Technical Working Group (KTWG), DPIE and the Biodiversity Conservation Department (BCD).

The KPoM timeline is as follows:

- A meeting will be held with the KTWG on Monday 20 July 2020 for the committee to provide comments on the KPoM Revision 4.
- Respond to KTWG Revision 4 comments in the preparation of Revision 5. Preparation of Revision 5 is anticipated to occur in August 2020.
- The independent peer reviewer (Dr Steve Phillips) will review the Revision 5 draft document. Once Revision 5 satisfies Dr Phillips it will be submitted to DPIE for review and if deemed satisfactory, approval. If further augmentation is required, Revision 6 will be produced. This work is anticipated to occur in August and September 2020.
- The Chair noted that the minutes of the KTWG meetings are available on the Company website.

R Fuller asked if any recent studies have been undertaken on the population of the koalas? J Trotter advised that the Company was required to undertake a population survey but the methodology and extrapolation is very varied which gives a range of uncertainty. In terms of the numbers in the last survey which was undertaken by 6 experienced people and was held in February 2020, it was found that the extrapolated figure was 49 koalas across the site (7 koalas found over 14% of mapped koala habitat within the Project Boundary) which indicated that there has been a decline in the koala numbers since the last survey. The Company will undertake a more detailed koala population study prior to mine construction.

P Duddy asked that in light of the fact that there has been no further destruction of koala habitat and the new canopy that has developed due to the recent rain was any information taken on the age or sex of these koalas in the survey and has the population now increased? J Trotter advised that this information was not collected as the survey methodology only involved koala visual sightings and no further survey work has been undertaken since February this year.

Cr Hope noted that he has seen fewer koalas in the district and that koalas have been seen in locations further north so they seem to be moving.

G Griffiths noted that the aboriginal people should have been involved in the survey work due to their cultural relationship with not only the koala but all native animals. He noted that cleared sites need to be factored into their decline and asked how do we

take control of this? The offset lands and rehabilitation of these properties should be managed by indigenous people so they can care for their totemic animals.

M Heath noted his involvement with koala management in the area for many years and noted that controlled clearing can result in healthier trees that provide better feed for koalas in drought times. He noted that healthy trees are also providing seed for regeneration.

M Kesby commented that in the minutes of the last KTWG it is obvious that there will not be a consensus from the individual members. How does this work then with the development of the KPoM? J Trotter noted that they are an advisory group and the Company is obligated to consider their comments through the Company's specialist consultants. C Vlok noted that we have a peer reviewer that considers the KTWG comments and assesses whether these have been addressed adequately by the consultant in preparing the KPoM.

M Kesby asked how many koalas are located in the disturbance area and how many are located in the offset areas? J Trotter said that there is no evidence of koalas in the Barraba offset property and no deemed koala habitat. The Tambar Springs offset property has had some koala sightings and there is koala habitat located on the site. The KPoM (in preparation) does not currently propose to translocate any koalas to the Tambar Springs offset area but some koalas may be relocated to Area 6 offset area but detailed work needs to be completed to determine if the offset area is suitable for the introduction of koalas ie how many are koalas are located there, is there Chlamydia in that local population, is there suitable habitat etc?

Cr Hope asked if there is some advice from any departments on what areas are suitable for the relocation of koalas away from the proposed mine site area? J Trotter stated that this could be a good mechanism for the survival of the species but was not currently under consideration in the KPoM (in preparation).

J Trotter noted that the mine will have a significant benefit to the local koala population with the additional enhancement of habitat, heat refugia, drinking stations and veterinary care. A consideration is that by the time the mine commences the local koala population may have declined further.

G Griffiths noted that if you look at overview maps of the Murray Darling Basin over the last 40 years you will notice the amount of clearing of land and with clearing of land weeds grow and native vegetation declines, hence the destruction of koala habitat. In indigenous culture all aspects are important - soil, vegetation and animals. How do we help our totemic species survive into the future? We need to find the right balance to ensure that extinction does not happen.

M Kesby noted that there is a move to change koalas to endangered species and how will this affect the mine? J Trotter noted the recent Koala Enquiry Report Recommendation 9 (NSW Upper House) stated "*That the NSW Government ensure the protection of the Koala colony and habitat before allowing any further development at the Shenhua Watermark mine site.*" Shenhua is of the opinion that this recommendation has no legal force and that it is a decision for the NSW Government as to whether it would adopt this recommendation, or any other Report recommendations, and if it chose to adopt recommendations and the means by which it may seek to do this. The Company advised the Committee that it considered Recommendation 9 would not affect the proposed Watermark Coal Mine since the approval to operate the mine was via the Development Consent issued in 2015 (requiring the mine to be operated in accordance with the EIS).

The Chair noted that the KTWG may not come to a consensus but the recommendations from each member will be considered by the peer reviewer and the consultant.

P Duddy enquired in regard to the Maules Creek operation in terms of the koala population was it assessed prior to the mine's construction and has the KTWG had any discussion on this? J Trotter advised that it has not been raised in any meetings but Deborah Tabart (who is a member of the KTWG) from the Australian Koala Foundation would be expected to be aware of koala related aspects of the Maules Creek Mine, if relevant.

The Chair asked what is the role of Dr Phillips and the consultant after the approval of the KPoM? J Trotter advised that the KTWG has involvement over the life of the mine but unsure of the peer reviewer and consultant continued roles. There are monitoring requirements in the KPoM to continually assess any issues.

M Heath commented on the relocation of koalas that the real issue for the decline is the effects of the drought on the habitat and would they not be better off in a fresh offset area?

G Griffiths stated that the ecologists working on site were aware of how to apply their trade and that they consider all animals with the same respect.

## 7. General Business

- M Heath queried if it may be possible to assist members how to appropriately handle issues should some controversy arise. The Chair advised that this could be looked at, but it was a requirement of DPIE to list the members contact details on the website and approval was sought by each member prior to them being listed. The Chair also noted that the purpose of the CCC was available on the website to provide information on the role of the Committee. The Chair advised that he will develop a guideline that can be used to respond to any enquiries.
- Cr Hope noted that this will be his last meeting at the CCC due to him retiring from Liverpool Plains Shire Council. He took the opportunity to thank all the members and the Company for their respect over his term on the CCC. J Trotter thanked him on behalf of the Company for his role on the committee and his input over the years and members conveyed their thanks by acclamation.

## 8. Next Meeting

The next meetings are scheduled for:

- Wednesday, 9 September 2020
  - Wednesday, 9 December 2020
- but these will be determined by the Chair in discussion with the Company.

**Meeting Closed:** 12.10pm