

**Report of the Duralie Coal Mine Community Consultative Committee
Held Thursday 1 May 2008**

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Present: Mr J Chadban, Mr G Handford, Mr T Tersteeg, Mr A Fisher-Webster, Mr D Lanham, Ms H Gillard, Mr T Hutchings, Mr J Trotter.
Guest: Mr J Benson (Duralie Coal)
Apologies: Nil

Confirmation of Minutes Of Previous Meeting Held 7 February 2008:

Minutes of the last meeting were confirmed and accepted by the Committee.

Business Arising from the Previous Minutes:

Proposed Duralie Mine Extension

Mr T Tersteeg stated that he believed the Committee was opposed to the proposed mine extension and that this position was not correctly recorded in the minutes of the previous meeting. The Chairman stated that this was not the case.

General Business:

Report on Environmental Monitoring

(comments applicable to results tabled since last meeting)

Mr J Trotter advised the Committee of the following regarding monitoring:

pH – all sites behaved similarly and were neutral to marginally alkaline.

Electrical conductivity (EC) – ranged from approximately 100 to 900 uS/cm across sampled sites. Highest EC result from upstream Coal Shaft Creek location (March 2008). Site SW6 produced the second highest EC result for the three month period. Mr Tersteeg again stated his concern regarding Site SW6 being elevated due to irrigation.

Total suspended solids (TSS) – ranged from approximately nil to 60 mg/l. Highest values recorded were within the Karuah River (Sites SW1 and 9).

Dust deposition – results all low relative to the EPA limit for all sites. Highest recording was less than 2 g/m³/month at Site D3. Rolling average dust deposition for Site D4 is elevated as a consequence of previous high monthly results - all of which are considered to have been significantly affected by sample contamination.

High volume dust – recent results all appreciably less than the applicable EPA limit. Rolling average results indicate an appreciable decreasing trend towards the end of the data set (February).

Rainfall – above historical average rainfall during three of the first four months of the year. April 2008 was the wettest month since the mine commenced. 315mm received during April – more than three times the historical average.

Blasting – data on 22 blasts presented. A blast on 27 March caused an exceedance of the 120dB_L overpressure limit (EPA Licence). An investigation of the incident found the likely cause of the exceedance was failure of stemming gravel to prevent vertical energy ejection. This was thought to be as a result of clay contamination within stemming gravel or a rock(s) accidentally falling into the blast hole, resulting in insufficient stemming. The EPA have been notified and provided with an investigation report.

Complaints – one tabled and one verbal (more recent). Both noise related and from a single complainant. This matter was deferred by the Chairman until later in the meeting.

Noise Survey Report (January 2008) and Biological Monitoring Report (February 2008) was circulated to the CCC members with the agenda. There was no specific comment on the January 2008 Noise Survey. The Chair asked that discussion on the Biological Monitoring Report be deferred until the next meeting to allow members to consider its content.

Mr D Lanham requested that members of the Committee receive an aerial photo showing surface water and noise monitoring locations. It was further requested by Ms H Gillard that the photo indicate roads, creeks, rail lines etc.

Mine Progress

Mr T Hutchings advised the Committee that:

- Short hauling had been employed for waste movement;
- There had been no recent out of pit hauling of waste; Blasting had occurred on a 2 to 3 blast per week frequency;
- There were currently no areas available for rehabilitation (apart from shaped south-western corner of out-of-pit dump);
- Leighton Mining had completed an Enterprise Bargaining Agreement (EBA) with their workforce; and that
- Production had stopped between Wednesday 23 April and Monday 28 April due to adverse weather conditions (and ANZAC day public holiday)

Part 3A Application Preparation

Mr Trotter advised the following:

- High volume air samplers (PM10) had been installed on the Hattam and Zulumovski properties; and a
- Aboriginal archaeological survey was conducted over two days last week in areas anticipated to be impacted by potential future mining operations.

Mr Hutchings also advised that the proposed future pit footprints had been decided.

Mr Tersteeg asked whether any Aboriginal persons involved in the archaeological survey were authorised. Mr Trotter advised that the Aboriginal person utilised in the survey was on a DECC register as required under prevailing DECC protocols.

Ms Gillard asked at the previous Committee meeting whether “background” monitoring included or excluded the existing mine noise. Mr Trotter sought clarification from Mr G Thomas (Richard Heggie &

Associates) whose firm is preparing the Part 3A noise assessment. The advice from Mr Thomas was provided to the Committee (a copy of which is attached).

Ms Gillard asked whether “raw data” was used to build noise models. The Duralie Coal Mine EIS states that “The assessment of environmental noise emissions from mining projects involves the establishment of acceptable noise planning levels based on existing background levels which are determined prior to construction.”

Mr Hutchings advised the Committee that he had viewed mine haul trucks as part of consideration of trucks which could be used at an extended mining operation. Truck noise was an active consideration. He stated that DCPL does take into consideration the concerns of the community (and those expressed by the Committee delegates).

Mine Water Storage

Mr Trotter advised the Committee that DCPL were presently evaluating options to address mine water storage capacity on site. The sudden reduction in storage capacity had been brought about by a combination of factors including a wet summer which prevented worthwhile irrigation and increased water received via rainfall together with a very wet April. More than three times the historical average rainfall for the month of April was received – also the wettest month since mine construction commenced in mid 2002. It was proposed that an extraordinary meeting of the Committee would be called if and when options to address water storage capacity were likely to be implemented.

Ms Gillard’s Noise Reports

Ms Gillard provided Committee members with copies of Spectrum Acoustics reports dated 4 July 2006 and 12 September 2007. Ms Gillard spoke to the Committee about content of the 12 September report.

Liaison with EPA

The Chairman advised the Committee that he had been in contact with a Mr Hewitt of the Sydney Office of the EPA to facilitate EPA technical advice to the Committee in dealing with two long standing issues debated by the Committee. These issues relate to noise and surface water / irrigation. The Chairman has sought this assistance in order for the Committee to evaluate mine performance in terms of the Development Consent. The Committee did not raise any objections to the Chairman’s motion to refer these two matters to the EPA.

Wisemantels Inn

The Chairman advised that Council had sought a report from Heritage Consultant, Mr Garry Smith, who had verbally advised that the building was unlikely to be of State significance but certainly of local significance. Mr Smith also advised that from his enquiries with the Company that there was no intention to demolish or affect the building.

The Chairman advised Mr Smith had completed a heritage assessment of Wisemantels Inn and the assessment had been given to the Heritage Council. Council has paid for the assessment. The owner of Wisemantels Inn (Gloucester Coal) would be able to provide comment.

Correspondence from Johnsons Creek Conservation Council

Correspondence from Johnsons Creek Conservation Council (JCCC) to the Committee tabled at the February meeting (dated 18/1/08) called for the Duralie Coal Mine CCC to carry a motion of no confidence in the management of Duralie Coal. The correspondence also addressed alleged irrigation impacts and discharge to Mammy Johnsons River, mine use of Duralie Road, the death of a vulnerable species (Squirrel Glider) and noise.

The Chairman provided the Committee with DCPL's written response (dated 28/2/08) to the JCCC correspondence.

In relation to the water and noise issues, the Chairman advised that he intended to refer these to the EPA for comment (see above).

With regard to use of Duralie Road, Mr Tersteeg restated his belief that exploration is part mining. Mr Trotter stated he did not concur. The Chairman has sought written advice from the Council's Director of Engineering regarding conditions of use for Duralie Road and an engineering assessment of the current physical condition of the road. In relation to the death of the squirrel glider, Mr Tersteeg stated that he felt the incident should not have occurred. Mr Trotter again referred Mr Tersteeg to DCPL correspondence already supplied addressing this matter. The Chairman stated that the Committee made no recommendation on this issue.

The Chairman asked that the JCCC advise their written response (to the DCPL correspondence) to DCPL.

Addressing the proposal for a no confidence motion, the Chairman said such an action was outside the role of the Committee – in terms of entitlement – and beyond the Committee's professional expertise.

The Chairman also reminded members of the Committee that meetings should be cordial and non-political. He also informed the Committee of the actual terms of the Consultative Committee.

Mr T Tersteeg stated that he was concerned about those in the community affected by noise and dust and that he was representing those people. He also stated he believed that DCPL was employing minimalist endeavours.

Ms Gillard stated that Mr Trotter did not acknowledge that DCPL were exceeding their noise limit. She also stated we had monitored ¼ kilometre from her house. She asked whether DCPL was interested in compliance or satisfying complaints?

Mines and Coal Dust Emissions

The Chairman briefly showed the Committee a newspaper article which dealt with mines and coal dust emissions. He considered that the NSW State Government would have responsibility in this area.

Meeting commenced at 10am with a site inspection and closed at 1 pm.

Next Meeting: Thursday 7th August 2008 at 10.00 am.