



# Australian Pacific Coal

## MINUTES OF THE DARTBROOK COMMUNITY CONSULTATIVE COMMITTEE MEETING HELD AT DARTBROOK – 13<sup>th</sup> November 2019

### PRESENT:

Cnr Kiwa Fisher	KF	CCC Chair and Upper Hunter Shire Council Representative
Sharon Pope	SP	Muswellbrook Shire Council Representative
James Bailey	JB	AQC Environmental Consultant
Dorian Walsh	DW	AQC Acting Dartbrook Environmental Officer

### APOLOGY:

Annette Rahn	AR	Local Community Representative
Tony Lonergan	TL	Local Community Representative
John Robinson	JR	AQC Representative

### VISITORS:

Nil		
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### 1. INTRODUCTION & APOLOGIES:

- 1.1 The meeting was opened by KF at 10:00 am.
- 1.2 Apologies as per above list.

### 2. DECLARATION OF PECUNIARY INTERESTS

- 2.1 Nil

### 3. CORRESPONDENCE

- 3.1 Nil

### 4. PREVIOUS MINUTES

- 4.1 Confirmation of previous minutes from August 2019 meeting as true and correct.

### 5. BUSINESS ARISING FROM PREVIOUS MINUTES

- 5.1 The responses from AQC to the questions tabled by KF at the last CCC meeting were discussed. This included confirmation of:
  - AQC reporting of its financial position quarterly to the ASX;
  - Continued support of cornerstone shareholder (Trepang) to AQC and broad terms of the agreement;
  - Confidentiality arrangements between AQC and Anglo American on agreements between the two parties;

**MINUTES OF THE DARTBROOK COMMUNITY CONSULTATIVE COMMITTEE  
MEETING HELD AT DARTBROOK – 13<sup>th</sup> November 2019**

- AQC announcement of an appeal against the determination of DA 231-07-2000 Modification 7 (MOD7) on 4 November 2019; and
- Release of the AQC Company Annual Report on 19 August 2019. KF confirmed he had a copy of this report.

**6. COMPLAINTS SUMMARY**

- 6.1 DW confirmed that no environmental complaints or incidents had been recorded since the previous CCC meeting.

**7. BUSINESS ARISING**

- 7.1 The status of the MOD7 determination was discussed. This included the following:
- A general update on MOD7 process from JB, confirming the AQC announcement of an appeal against the determination of DA 231-07-2000 Modification 7 (MOD7) on 4 November 2019;
  - KF requesting clarification on the appeal process. JB noted that this would be a 'Class 1' appeal to the NSW Land and Environment Court (LAEC). It was suggested that if the appeal was successful, the MOD7 determination would be referred back to the Independent Planning Commission (IPCN). KF noted that if the appeal was successful in the LAEC, then there would be opportunity for another party to appeal the decision in a higher court. JB reiterated that the extension to the life of the development consent sought by MOD7 was critical to the viable recommencement of operations on site;
  - SP noted that based on the IPCN determination of MOD7, any other major changes to site operations would likely need to be fully assessed under a new State Significant Development (SSD) Application;
- 7.2 KF sought an update regarding the potential for an application to further modify DA 231-07-2000 (MOD8) that AQC had raised in recent public documents. JB confirmed that Hansen Bailey has not been in discussions with AQC over the scope of any further modification, however it was noted that an extension to the life of the development consent would likely be the subject of any application for MOD8. This extension to the mine life would likely be needed to justify any investment that would be necessary to recommence mining operations on site.
- 7.3 KF also asked whether MOD8 would include an open cut, referring to questions raised in the local community. JB indicated the final scope for any MOD8 application would be up to AQC, however based on his experience it would be highly unlikely that the existing Dartbrook development consent would be able to be modified to include an open cut. SP agreed that a new SSD approval would be required to allow open cut mining at Dartbrook.
- 7.4 DW provided an update on environmental management and monitoring at site since the previous CCC meeting. This update included a summary of the elevated air quality monitoring results during the period, including results from depositional dust gauge 885. DW confirmed that these results were not a result of care and maintenance activities on site.
- DW also noted that the three-yearly Independent Environmental Audit required under the conditions of the site development consent had been completed. The draft audit report and AQC action plan was sent to the Department of Planning, Industry and Environment for comment in October and will be published once the department has reviewed and accepted the report.



## Australian Pacific Coal

### MINUTES OF THE DARTBROOK COMMUNITY CONSULTATIVE COMMITTEE MEETING HELD AT DARTBROOK – 13<sup>th</sup> November 2019

- 7.5 KF questioned whether AQC had considered divestment of its landholdings for use as an agricultural venture if further mining was not to take place. JB noted that key investors in AQC did have expansive agricultural holdings however it was speculation only, as to what AQC would do with the asset in the event that the appeal is unsuccessful.
- 7.6 It was noted that the Dartbrook Mine land holdings and water licences had considerable agricultural value and potential and that there was a bond in place with the NSW Government to fully rehabilitate the mine site if a decision was made not to progress any further mining.
- 7.7 JB noted that the post-mining land use and rehabilitation options would be assessed in the detailed Mine Closure Plan document process due to be completed by mid 2020. Input from the CCC would be sought to review potential post-mining land use options for the site. This would be discussed further at the next CCC meeting.
- 7.8 JB noted that updates on the MOD7 appeal and any proposal for MOD8 would continue to be made public on the Dartbrook website and via AQC announcements to the ASX.

#### **8. MEETING CLOSED**

- 8.1 Next meeting schedule for 12 February 2020.
- 8.2 The meeting closed at 10:45 am.
- 8.3 DW to send out copy of the meeting presentation slides to all CCC representatives.