

Build something great™



Berrima Colliery

Boral Cement Limited
ABN: 62 008 528 523



Terms of Reference

Closure Working Group

February 2019

Version 3

1. Introduction

The Berrima Colliery is an underground coal mine located at Medway in the NSW Southern Highlands. The mine operated continually from 1926 until October 2013, when it was placed on care and maintenance, pending full closure. Boral is preparing the mine for full closure and is responding to issues raised by regulators and the community before a final closure plan can be approved. The key long-term issues facing permanent closure are:

- the quantity and quality of groundwater collected in the mine workings and the impact of its drainage into the Wingecarribee River.
- possible re-pressurisation of the groundwater aquifer above the mine workings.
- the remote location and unknown condition of legacy underground mine workings (dating back to the late 1880's) which constrain holding back mine water.
- the sensitive receiving environment and water users downstream of the colliery.
- the highly regulated water catchment upstream from the colliery and the many land uses that influence water quality.

Throughout the closure process, Boral has been engaging with the Department of Planning & Environment – Resources Regulator, the Environment Protection Authority (EPA), the Department of Primary Industries – Water (DPI-Water), WaterNSW and Dr Ian Wright from Western Sydney University (hereafter referred to as the Closure Working Group (CWG)).

The CWG has been meeting periodically to guide and assess the closure process before ultimate approval for permanent closure of the mine.

The CWG sought greater input from the community and invited members of the local Southern Highlands community to put forward Expressions of Interest (EOI) to be involved in the CWG. EOIs were received by Boral on 31 May 2018. The first CWG including members of the community was held on 13 August 2018.

These Terms of Reference have been prepared to outline the role of the CWG, its members and other stakeholders, and how the CWG will function over time.

2. Role of the CWG

The role of the local community in the CWG is to ensure the views of the local community are raised and considered as part of the closure process. The local community representatives will provide advice and feedback as a member of the general public on the long-term issues that are faced with the options presented for final closure of the mine.

The CWG is an advisory committee. The Resource Regulator, EPA and other government agencies themselves are responsible for ensuring that Boral complies with relevant approvals and statutory requirements.

Please note that the CWG will not be the only way Boral will be engaging with the community. Boral will develop a communication plan and communicate to the community as per the plan. Should Boral release any Media Release relating to the mine closure or reference to the CWG, all members will be notified of the Media Release and provided a copy at the same time as Media outlets.

3. Role of the Chairperson

The role of the chairperson is to be a convener, facilitator, mediator and advisor for the committee. They must undertake their role in an independent manner, and refrain from perceptions of bias either for or against Boral or any individual or group of representatives on the committee.

The chairperson will be appointed by the Resource Regulator after consulting with the existing CWG. In selecting the chairperson, preference will be given to a candidate who can manage and represent the concerns of a variety of interest groups.

Selection criteria are:

- ability to convene and manage stakeholder committees in an independent manner;
- experience in community relations, facilitation, mediation or public advocacy; and
- understanding of the mining industry and awareness of local issues.

4. Appointment of Alternate Members

Committee members are encouraged to appoint alternate members in the event that they are unable to attend a meeting of the CWG. Alternate members must be approved by the CWG in line with the selection criteria outlined below.

5. Structure of the CWG

It is proposed that the CWG be comprised of:

- 5 members of the local community with a direct interest in the environmental management and/or directly impacted by the final closure of the Berrima Colliery;
- 2 members each from the Resources Regulator, EPA, DPI-Water and WaterNSW;
- Dr Ian Wright from the Western Sydney University;
- one representative from Wingecarribee Shire Council; and
- 3 representatives from Boral, including the person responsible for environmental management.

It is proposed that the CWG be chaired by an independent chairperson. The existing CWG will approve the appointment of the Chairperson in discussion with the current CWG.

Government agency representation on the CWG, such as technical experts or representatives of other government agencies will be by invitation of the Independent Chairperson and on an as needs basis.

As stated above, only community representatives with a direct interest in the environmental management of Berrima Colliery will be eligible to sit on the CWG.

6. Appointing community members of the CWG

During early May 2018, Boral placed a notice in the public notices section of a local newspapers and wrote to certain members of the local community seeking their interest in serving as members of a CWG for Berrima Colliery. Those members of the community notified in writing were people who live in close proximity to Berrima Colliery, participated in previous Colliery community

reference groups and/or showed an interest in the environmental performance of the quarry during previous development applications for the site.

Interested community members were requested to respond in writing to Boral by 31 May 2018.

Wingecarribee Shire Council were invited in order to represent the interests of the wider community.

All responses received by Boral were forwarded onto Resources Regulator. Appointment of community representatives were made by Resources Regulator in consultation with other Agency members on the CWG and Boral.

7. Selection Criteria

Community representatives will only be appointed on the Berrima Colliery CWG if they:

- reside or work within close proximity to the colliery; or
- have a direct interest or relationship with the colliery; or
- are committed to providing a representative view of their local community; or
- are a known representative of a local interest group; and
- are able to demonstrate that they can positively contribute to the CWG and be a representative of their immediate or broader Southern Highlands community.

To ensure that the CWG operates efficiently, the total number of community representatives on the CWG will be limited to 5 people.

In its selection of community representatives, the existing CWG will make every effort to ensure a representative cross section of the community are involved in the CWG.

8. Responsibility of Boral

It will be Boral's responsibility to:

- ensure that at least three of its representatives attend CWG meetings, including the person responsible for the environmental management of the colliery;
- provide the CWG with regular information on the environmental performance of the colliery;
- provide the CWG with the results of environmental monitoring;
- provide the CWG with the results of environmental audit reports;
- provide meeting facilities for the CWG;
- arrange site inspections for members of the CWG when required;
- cover the costs of holding meetings and of the Independent Chairperson;
- keep up to date information in relation the CWG on its website; and
- take minutes of the CWG's meetings;

9. Meeting Frequency

The CWG will initially meet 4 (every 3 months) times per calendar year leading up to the lodgement of a Stage 2 Final Closure Plan with the preferred option for mine closure or as otherwise agreed by the CWG. Once a Final Closure Plan is lodged, the CWG will meet at least twice each calendar year.

The first meeting of the CWG was held on 13 August 2018. Subsequent meetings are agreed at each meeting.

10. Notice of Meetings

Boral will give four weeks' notice to members of a meeting of the CWG and the date and time of the next meeting shall be determined at each meeting. Two weeks' notice will be given for the first meeting or extraordinary meetings following confirmation from the Chairperson.

11. Attendance at Meetings

Only members of the CWG, representatives from government agencies and presenters are permitted to participate at a meeting. Appointed replacements, representatives from government agencies and presenters must be approved by the chairperson at least 24 hours prior to attendance at the meeting.

Members of the public wishing to attend CWG meetings can do so but are to be observers only and not participate in discussion unless invited to do so by the chairperson. Members of the public who wish to attend meetings should notify the chairperson at 7 days before the meeting so that catering and accommodation can be arranged. A maximum of 5 members of the public will be allowed to attend the meeting.

12. Acceptance of Minutes of Meeting

Minutes of the CWG's meetings will be uploaded to the Boral website in draft within 1 month of the meeting after review by the Chairperson. Minutes will be endorsed by the CWG at the following meeting. If the minutes are amended by the committee, then the amended version will be posted on the Boral website.

13. Conduct of CWG Members

Members of the CWG, including appointed alternates, shall:

- act properly, honestly and in accordance with an open and transparent process;
- perform their functions impartially and in the best interests of the local and broader communities;
- refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment;
- be respectful to fellow members and not engage in threatening or intimidating behaviour;
- refrain from saying or doing anything which is inconsistent with maintaining order at the meeting; and
- allow time for other participants of the meeting to have a fair and reasonable say.

In addition, it should be noted that due to the commercially sensitive nature of some of the material presented and discussed at meetings of the CWG, members may be requested to sign a confidentiality agreement.

14. Tenure of membership and resignation

Community membership on the CWG will be for a period of 2 years or until a final closure option has been implemented in accordance with an approved Stage 2 Closure Plan. Any community member wishing to resign from the CWG can do so in writing to the chairperson. Replacement of community members of the CWG will be by invitation from the chairperson, following receipt of advice from the CWG.