

## Letter of Objection – Tahmoor South Coal Project SSD8845

### Sterilisation of Bargo township: Undisclosed Government Department considerations, undisclosed intention to mine additional seams and excessive non-conventional movements

Attn: Commissioners Professor Richard Mackay AM and Professor Chris Fell AO

Date: 24<sup>th</sup> February 2021

1. Growth potential for Bargo is impaired due to the Tahmoor South Coal Project proposal.

Wollondilly Shire Council have previously advised the intention under their Local Environment Planning 2011 to enable 2,000 homes to be built within the Bargo region.

Development within this area has ready access to established infrastructure regarding existing transport, in an established rail system, and ready access to a Freeway corridor to Sydney metropolitan area and Canberra.

Development within this precinct has been identified as appropriate and preferred because no public money is required to expand local infrastructure. Many areas within the larger lot holdings across Bargo are already earmarked for subdivision.

The EIS document does not reveal the full extent of sterilisation other than incremental development to follow the Tahmoor South Proposal. Please refer to **Attachment (i)** Map showing locations of additional houses included as part of simulation exercise. This map was sourced from [Appendix B - Subsidence assessment](#) of the Tahmoor South Coal Project Second Amendment Report.

2. The Tahmoor South Coal Project proposal has attempted to block/sterilise proposed developments that are external to the existing mine plan citing “*medium term*” mining aspirations. This is demonstrated in consideration of the [Tylers Rd Bargo Planning Proposal](#).

With properties marked for residential development outside the proposed mine footprint sterilised due to either “medium or longer term” aspirations, it is evident there is intention for the mine to expand beyond its proposed plan.

Such declaration has not been made in the EIS. Only a prediction that coal seam extraction will affect Bargo’s ability to develop for approximately thirteen (13) years.

3. Tahmoor Coal management have recently advised via their Tahmoor Coal Community Consultative Committee (TCCCC) [minutes](#) dated 3<sup>rd</sup> Sept 2020 that SIMEC has intentions to mine additional domains within Tahmoor South Project. Please refer to the highlighted statements of **Attachment (ii)**.
4. The NSW Department of Planning, Industry and Environment (DPIE) advise via recent correspondence that the earlier consideration of multiple coal seam extraction has influenced decisions not to approve any current and any future development proposals – which subsequently has the potential to sterilise development for a beyond the indicated 13 years. Please refer to the highlighted section of **Attachment (iii)**.

5. The concept of development sterilising future coal resources was reiterated by DPIE Deputy Secretary Brett Whitworth. Please refer to **Attachment (iv)**.
6. The relevance of the decisions of Subsidence Advisory NSW (SA NSW) and DPIE about future resource extraction regarding the Tahmoor South Proposal is that SA NSW have advised that due to excessive non-conventional movement risks (i.e. unpredicted subsidence impacts) being so extreme, current and development is unable to be approved.

This is because construction design for new homes is unable to mitigate against non-conventional movement assumptions.

7. It is imperative that SA NSW's own advice that predicted subsidence impacts across the residential region of Bargo fall within their own construction guidelines ([Surface Development Guideline 4: Active mining areas - high predicted subsidence impact](#)) is made known to the public.

Guideline 4 applies to properties within mine subsidence districts assessed by SA NSW as likely to be undermined in the future with subsidence-induced ground movements up to and including:

- Maximum horizontal ground strain: 5mm/m tensile or compressive
- Maximum Tilt: 7mm/m, Maximum Radius of Curvature: 3km (hogging and sagging).

Most of the subsidence predictions for the residential areas of Bargo are within the Guideline 4 predictions.

8. With SA NSW and SIMEC saying that threats of non-conventional movements (NCM) are so extreme they will prevent new home construction in areas subject to Guideline 4 subsidence parameters, the declaration of an excessive NCM threat needs to be quantified and assessed in the EIS.

Such study of excessive NCM threat has not been undertaken. There has been no seismic study across the proposed residential and mine plan areas.

Expert parties have established that NCM is so threatening that all areas across Bargo township above the Second Amended Mine Plan have now been sterilised. Such sterilisation impacts landowners who are entitled to subdivide their own properties as per previous Wollondilly Shire Council determination and planning instruments.

It is a matter of necessity that the impact threats to development sterilisation are made available for assessment according to the requirements of EP&A Act – Section 4.15 (e) Public Interest.

9. SIMEC, SA NSW, and DPIE's ideas of potential subsidence impacts at Tahmoor South is uncertain and remains unclarified.

DPIE also note any new planning proposals compromise future resource extraction from Tahmoor South.

If, however, SA NSW and SIMEC confirm that the predicted subsidence for the Tahmoor South Project do in fact fall within the acceptable limits for Guideline 4, DPIE's concern of sterilising future resource extraction, as seen in **Attachment (iv)**, does not/ought not apply.

10. The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) identified in a [report](#) that considering studies of subsidence impacts across the entire Southern Coalfield, *"such anomalous movement [non-conventional movements] have been found to occur in approximately one percent of the observed subsidence movements."*
11. In relation to [Modification 5 of the Tahmoor North mine](#), which was approved on 3<sup>rd</sup> November 2020, DPIE's reasons for decision:

*The key reasons for granting the modification are as follows:*

- *the modification would allow for the continued extraction of an approved coal resource which could be achieved with minimal incremental environmental impacts;*
- *the modification is permissible with consent, and is consistent with NSW Government policies;*
- *the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and weighing all relevant considerations, the modification is in the public interest".*

12. The [Development Consent for Modification 4 of Tahmoor North](#) outlines permissible subsidence impact limits for structures, contrary to Tahmoor South.

Tahmoor South provides excessive NCM predictions which vastly contrast any Tahmoor North consent conditions. It is subsequently impossible to understand how the Tahmoor South Coal Project proposal can be considered as consistent with NSW Government policies.

13. In a [decision](#) made by the Independent Planning Commission to approve Tahmoor North Modification 4 (DA 67/98), one of the reasons provided by the Department's Environment Assessment Report was that the development proposal *"is unlikely to result in any significant subsidence-related impacts"*.

Considering the decision was made just over two (2) years ago on 15<sup>th</sup> October 2018, the question needs to be asked – why is there such an extreme variation of the predicted subsidence-related impacts between Tahmoor North and Tahmoor South proposals?

And why has DPIE's position changed so drastically such that it now permits the same mine operator to potentially cause excessive subsidence on another area with built residential structures?

14. In relation to the IPC decision outlined in point 13 of this submission, the [Conditions of Consent](#) reference subsidence allowances for structural damage.

Part 6.ii) of Limit of approval (page 5 of the document) states that:

The Applicant must not:

(ii) cause moderate, severe or very severe structural damage to houses, sheds or pools within the DA area in excess of the percentages of such structures shown in the relevant column of Figure 3 without obtaining either an approval under Part 4 of the Act or a modification of consent under Part 4 of the Act.

Appendix 2 – Structural damage impacts

Damage Assessment Category	Houses		Sheds		Pools		Total	
	Number (1998)	Equiv't percent						
0 (Negligible)	756	83.17	389	95.34	63	96.92	1208	87.41
1 (Very Slight)	104	11.44	16	3.92	2	3.08	122	8.83
2 (Slight)	36	3.96	2	0.49	<1	<1.54	38	2.75
3 (Moderate)	13	1.43	<1	<0.25	0	0	13	0.94
4 (Severe)	<1	<0.11	0	0	0	0	<1	<0.07
5 (Very Severe)	0	0	0	0	0	0	0	0

**Figure 3:** Structural damage impacts associated with subsidence within the DA area as predicted in the EIS dated March 1998 (numbers only) and equivalent percentages (see condition 6(ii)).

15. Where the district average of NCM impacts is so miniscule in comparison to the evaluation that NCM risk in Bargo (where it effectively blocks all present and future constructions of homes), deprives residents of the potential to maximise their property investments.

What this decision infers is that regardless of what subsidence prediction models provide based on mine layout design, potential NCM overrides it as a determining factor. NCM does not need to be evaluated within an EIS to be applied to an Environmental Impact Assessment even though it is a State Significant Development.

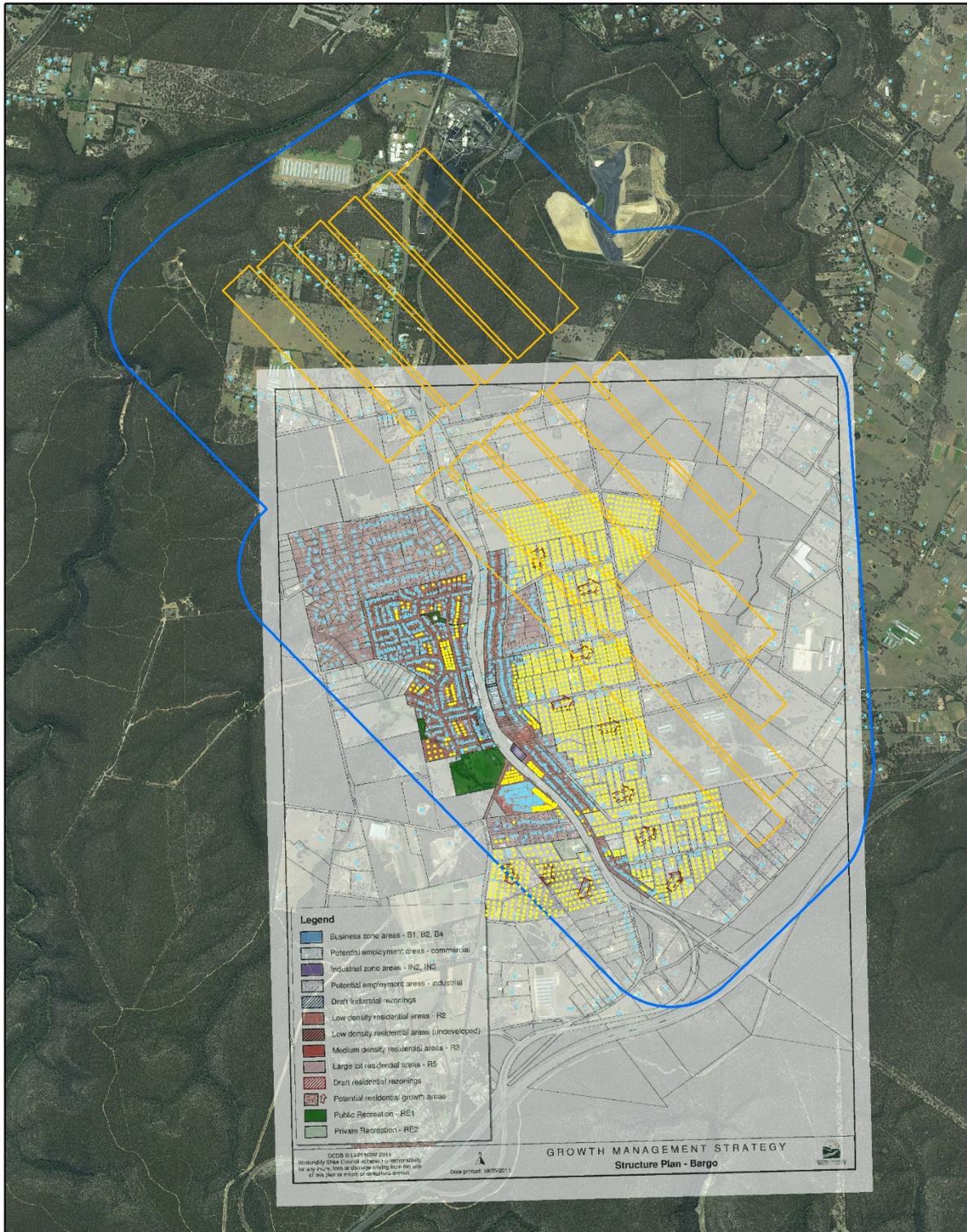
16. The DPIE and SA NSW confirmed that future coal extraction of multiple coal seams will impact a region that was formerly permitted to be developed. Both government agencies also advise the potential excessive NCM threats of an indetermined nature under Bargo.

Both the DPIE and SA NSW need to separate the explanation about how excessive NCM (relevant to mining only the Bulli Coal Seam) will solely impact the Tahmoor South proposal, noting that SIMEC's intention in the EIS is to only the Bulli coal seam for a thirteen (13) year period.

Yours Sincerely,



Phil Purnell



Photograph courtesy Tahmoor Coal

Note: Additional houses are shown as yellow dots on the above image.

**Fig. 11.16** Map showing locations of additional houses included as part of simulation exercise

## Attachment (ii)

Tahmoor Colliery Community Consultative Committee  
Minutes of Meeting – Microsoft Teams (COVID 19)  
Thursday 3 September 2020



Name	Role
<b>Attendees</b>	
Michael Muston (MM)	Independent Chairperson
David Auchterlonie (DA)	Community Representative
Bob Clayton (BC)	Community Representative
Ana Gracanin (AG)	Community Representative (attended via Teams online)
Col Mitchell (CM)	Community Representative
David Henry (DH)	Wollondilly Shire Council Representative (attended via Teams online)
Peter Vale (PV)	Tahmoor Coal Representative
Zina Ainsworth (ZA)	Tahmoor Coal Representative (attended via Teams online)
<b>Invitees</b>	
David Talbert (DT)	Tahmoor Coal Representative (attended via Teams online)
April Hudson (AH)	Tahmoor Coal Representative (attended via Teams online)
Andrew Stuart (AS)	Tahmoor Coal Representative (attended via Teams online)
Alex Parro (AP)	Tahmoor Coal Representative (attended via Teams online)
Natalie Brumby (NB)	Tahmoor Coal Representative (attended via Teams online)
Charlie Wheatley (CW)	Tahmoor Coal Representative (attended via Teams online)
Amanda Francis (AF)	Tahmoor Coal Representative
<b>Apologies</b>	
Greg Kininmonth (GK)	Resources Regulator
Robert Khan (RK)	Wollondilly Shire Council Representative
Virginia Fairley (VF)	Community Representative
James Johnson (JJ)	Community Representative
Matt Montgomery (MMt)	Subsidence Advisory NSW

Tahmoor Colliery Community Consultative Committee  
 Minutes of Meeting – Microsoft Teams (COVID 19)  
 Thursday 3 September 2020



Time Location Date	5.00pm to 6.30pm (approx.) Teams Meeting (COVID -19) 3 September 2020	Minute Taker		AF
		Who	When Req'd	Date Raised
<b>1. Welcome and Introductions</b>				
1.1.	Michael Muston is the Independent Chairperson. He would like to acknowledge the Traditional Owners of the land on which we are meeting and pay respects to their Elders, past and present.	NOTE		03/09/20
<b>2. Declarations of Interest</b>				
2.1.	Michael Muston is paid by Tahmoor Coal.	NOTE		03/09/20
2.2.	VF is a member of the Shafted Action Group.			
2.3.	Tahmoor Coal Apprentice Engagement Program purchase barbeque items from Khan Supa IGA Picton, which is owned and operated by RK.			
<b>3. Apologies</b>				
3.1.	As per list above.	NOTE		03/09/20
<b>4. Confirmation of Minutes of Previous Meeting</b>				
4.1.	Confirmation of Minutes from 4 June 2020 accepted. Note: Q2 minutes have been added to the Tahmoor Website	NOTE		03/09/20
<b>5. Business Arising from Previous Minutes</b>				
5.1.	No outstanding actions from the previous minutes.	NOTE		03/09/20
<b>6. Correspondence - update as per the agenda</b>				
6.1.	James Johnson advising action on No Mine in Bargo Facebook Page – Emailed by James Johnson 8 May 2020	NOTE		03/09/20
6.2.	Tahmoor LW W1-W2 Six Monthly Subsidence Impact Report – Emailed by April Hudson 15 May 2020			
6.3.	Notification of new Community Liaison Specialist – Emailed by Amanda Fitzgerald 5 June 2020			
6.4.	BC report from the March 2020 TCCCC – Emailed by Michael Muston 6 June 2020			
6.5.	TCCCC Q2 Meeting Minutes and Finalised TOR – Emailed by Michael Muston 23 June 2020			
6.6.	TCCCC Q3 Meeting Request – Emailed by Amanda Fitzgerald 27 July 2020			
6.7.	DPIE report from CCC Chairperson training – Emailed by Michael Muston 27 July 2020			
6.8.	SMP approval notification for MILL HILL – Emailed by Amanda Francis 28 July 2020			
6.9.	SIMEC Mining – Tahmoor South Media Release – Emailed by Amanda Francis 4 August 2020			
6.10.	SIMEC Mining - Tahmoor South Mine Plan – Emailed by Amanda Francis 7 August 2020			
6.11.	Tahmoor Coal Mine Independent Environmental Audit Consultation Requirements – Emailed by Michael Muston to committee 26 August 2020			
<b>7. Committee Members Reports</b>				
7.1.	<b>David Auchterlonie</b> <ul style="list-style-type: none"> <li>DA asked if mine plans have been pulled back from west of Bargo.</li> <li>PV advised that further information on Tahmoor South will be provided in the Mine Operations presentation. If Tahmoor Coal seeks to mine further west of the proposed plan, a new approval process will be required.</li> </ul>	DA		03/09/20



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7.2. Col Mitchell	<ul style="list-style-type: none"> <li>CM asked if the new mine plan submitted includes the removal of the longwalls.</li> <li>PV confirmed that it does include removal of two longwalls and more information will be provided.</li> <li>CM queried the application to rezone Tesrol Clearview being on hold until after mining.</li> <li>PV advised of the potential to start early prep works is in discussion with groups.</li> </ul>	CM		03/09/20
7.3. David Henry	<ul style="list-style-type: none"> <li>DH advised he would wait for the Tahmoor South presentation update.</li> </ul>	DH		03/09/20
7.4. Virginia Fairley	<ul style="list-style-type: none"> <li>Apologies.</li> </ul>	VF		03/09/20
7.5. Robert Khan	<ul style="list-style-type: none"> <li>Apologies.</li> </ul>	RK		03/09/20
7.6. Bob Clayton	<ul style="list-style-type: none"> <li>BC advised he would wait for the Tahmoor South presentation update.</li> </ul>	BC		03/09/20
7.7. Ana Gracanin	<ul style="list-style-type: none"> <li>AG advised she would wait for the Tahmoor South presentation update.</li> </ul>	AG		03/09/20
7.8. James Johnson	<ul style="list-style-type: none"> <li>Apologies.</li> </ul>	JJ		03/09/20
<b>8. Mining Operations Update – Mine Update (presented by Peter Vale)</b>				
8.1. Mine Update:	<ul style="list-style-type: none"> <li>Covid-19 situation is fairly stable. Continue to monitor available information and respond accordingly. The recent Picton Hotel incident was responded to promptly following Tahmoor Coal's trigger action response plan (TARP) and controls in place.</li> <li>LW W1 production consistent, recent performance on par with best.</li> <li>Longwall relocation planned for November/December to commence LW W2 in December 2020.</li> <li>Coking Coal price continues to be challenged by Covid-19 related global effects. Tahmoor Coal is running at a loss. A plan is being put in place to ensure recovery from this.</li> </ul>			
8.2. Tahmoor South:	<ul style="list-style-type: none"> <li>Second amended Tahmoor South mine plan submitted on 3 August 2020, including the removal of two longwalls from beneath the township of Bargo. Original plan was submitted in January 2019.</li> <li>Very positive outcome for the local community and people of Bargo.</li> <li>Reduced the number of homes located directly above the longwalls from 751 to 143.</li> <li>The removal of the longwalls has shortened proposed mining by 3 years.</li> <li>Without project approval, Tahmoor Coal will cease mining in 2 years.</li> <li>Next step in the approval process is for Department of Planning to review our submission and provide a recommendation to the Independent Planning Commission (IPC). There will likely be a public hearing on the project, with a determination made early next year.</li> </ul>	NOTE		03/09/20



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<b>9. Mining Operations Update - PIA Update</b> (presented by David Talbert)				
<b>9.1. Picton Industrial Area update</b> <ul style="list-style-type: none"> <li>31 of 102 business/properties have lodged a subsidence claim with SA NSW.</li> <li>Assessment of properties in the PIA carried out as per SA NSW guidelines.</li> <li>Inspection of properties by independent engineers for damage to structures, overhead cranes, mechanical hoists and sensitive equipment.</li> <li>As of August 2020: 65% of the properties have been inspected for structural damage, remaining properties to be inspected and assessed in September 2020.</li> <li>10 claim determinations have been issued to date with one claim accepted and finalised.</li> </ul>				
<b>10. Mining Operations Update - Western Domain Update</b> (presented by David Talbert and April Hudson)				
<b>10.1. Western Domain update - LW W1 Progress:</b> <ul style="list-style-type: none"> <li>LW W1 mining commenced 15 November 2019.</li> <li>1439.2m extracted as of 30 August 2020.</li> <li>474m to completion of longwall.</li> <li>Longwall approaching Attunga Close in Stonequarry Estate.</li> </ul> <b>10.2. Subsidence Monitoring Observations</b> <ul style="list-style-type: none"> <li>Observed subsidence movements less than predicted.</li> <li>198 mm maximum observed vertical subsidence along the Picton-Mittagong Loop Line.</li> <li>Observed ground strains are generally small.</li> <li>Observed GNSS unit movements are at the lower end of the observed range in the survey database for the Southern Coalfields at similar depths of cover.</li> <li>GNSS units above or close to LW W1 are generally moving towards the extracted panel.</li> </ul> <b>10.3. Monitoring of Environmental Features</b> <ul style="list-style-type: none"> <li>No observed subsidence-related impacts to dams, cliffs, steep slopes, agricultural land, ecology, or Aboriginal and historical heritage.</li> <li>Surface water:               <ul style="list-style-type: none"> <li>No mining-related impacts to creeks such as creek bed cracking or increased iron hydroxide precipitation.</li> <li>Dissolved zinc levels higher than usual in one pool – under observation.</li> <li>Slight water level reduction in one pool – under observation.</li> <li>Previously reported gas bubbling has ceased at MR45.</li> </ul> </li> <li>Groundwater:               <ul style="list-style-type: none"> <li>Water level in the deeper intakes of two groundwater bores (P12 &amp; TNC36) have recorded a reduced water level below baseline range (less than 5m), however remain within predictions.</li> <li>Level 3 TARP triggered, discussed at ERG – agreement that no additional monitoring required. <i>TARP stands for Triggered Action Response Plan.</i></li> <li>Likely to be attributed to mining induced regional depressurization of deeper aquifers.</li> <li>No influence to shallower aquifers or surface water system.</li> </ul> </li> </ul> <b>10.4. Monitoring of Built Features</b> <ul style="list-style-type: none"> <li>Weekly ground surveys and visual inspections being conducted along Stonequarry Creek Road, Booyong Close, Attunga Close, and Carramar Close.</li> <li>Weekly surveys and inspections have been conducted around Sewage Pumping Stations.</li> </ul>		NOTE		03/09/20



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	<ul style="list-style-type: none"> <li>No impacts observed to date for gas, electrical, telecommunications, potable water or sewer infrastructure.</li> <li>Local roads:               <ul style="list-style-type: none"> <li>Small cracks have been observed at a stormwater drain location at the northern end of Stonequarry Creek Rd.</li> <li>Loose concrete has been broken out and patched.</li> </ul> </li> </ul> <p><b>10.5. Heritage Rail Update</b></p> <ul style="list-style-type: none"> <li>LW W1 has now passed directly beneath the Loop-line Railway and continues to move away.</li> <li>Subsidence half of predicted, no impacts to operations.</li> <li>New drains installed to improve track drainage.</li> </ul> <p><b>10.6. Rail Possession Work (Far Field)</b></p> <ul style="list-style-type: none"> <li>Picton Tunnel – installation of inclinometer at top of Tunnel. Internal inspection by structural engineer.</li> <li>Picton Viaduct – installation of laser distance meters.</li> </ul> <p><b>10.7. Adaptive Management Report</b></p> <ul style="list-style-type: none"> <li>Determination whether additional setbacks of the commencing end of LW W2 is required in light of the current subsidence monitoring observations for LW W1.</li> <li>Modification of the starting position of LW W2 not proposed.</li> <li>Approval of report required prior to commencement of LW W2.</li> <li>Report currently being reviewed by DPIE.</li> </ul> <p><b>10.8. Modification 5 for DA 67/98:</b></p> <ul style="list-style-type: none"> <li>Seeking a modification of DA 67/98 for low level subsidence within rail corridor under Section 4.55 (2) of EP&amp;A Act.</li> <li>Public exhibition period has finished.</li> <li>Six submissions received from Government Agencies, with no objections.</li> <li>DPIE preparing conditions of consent.</li> </ul> <p><b>10.9. LW W3-W4 Extraction Plan:</b></p> <ul style="list-style-type: none"> <li>Document preparation has commenced:               <ul style="list-style-type: none"> <li>Extraction Plan main document</li> <li>Water Management Plan</li> <li>Land Management Plan</li> <li>Biodiversity Management Plan</li> <li>Heritage Management Plan</li> <li>Built Features Management Plan</li> <li>Public Safety Management Plan</li> <li>Subsidence Monitoring Program</li> </ul> </li> <li>Government Agency consultation commencing soon.</li> <li>Letter to community next week.</li> <li>Submission of LW W3-W4 Extraction Plan following modification approval (anticipated December 2020).</li> </ul>			
<b>11. Environment Update</b> (presented by Natalie Brumby)				



Time Location Date	5.00pm to 6.30pm (approx.) Teams Meeting (COVID -19) 3 September 2020	Minute Taker		AF								
		Who	When Req'd	Date Raised								
<b>11.1. Environmental Incidents</b> <ul style="list-style-type: none"> <li>There were no Environmental Incidents reported since the previous meeting.</li> </ul> <table border="1"> <thead> <tr> <th>Month</th> <th>Environmental Incidents</th> </tr> </thead> <tbody> <tr> <td>June 2020</td> <td>0</td> </tr> <tr> <td>July 2020</td> <td>0</td> </tr> <tr> <td>August 2020</td> <td>0</td> </tr> </tbody> </table>		Month	Environmental Incidents	June 2020	0	July 2020	0	August 2020	0	NOTE		03/09/20
Month	Environmental Incidents											
June 2020	0											
July 2020	0											
August 2020	0											
<b>11.2. Community Complaints</b> <ul style="list-style-type: none"> <li>There were three (3) community complaints reported since the previous meeting.</li> </ul> <table border="1"> <thead> <tr> <th>Month</th> <th>Community Complaints</th> </tr> </thead> <tbody> <tr> <td>June 2020</td> <td>1</td> </tr> <tr> <td>July 2020</td> <td>0</td> </tr> <tr> <td>August 2020</td> <td>2</td> </tr> </tbody> </table>		Month	Community Complaints	June 2020	1	July 2020	0	August 2020	2	NOTE		03/09/20
Month	Community Complaints											
June 2020	1											
July 2020	0											
August 2020	2											
<b>11.3. Depositional Dust</b> <ul style="list-style-type: none"> <li>Deposited dust levels continue to be well below EPA target levels of 4mg/m<sup>2</sup> per month.</li> </ul>		NOTE		03/09/20								
<b>11.4. Water – License Discharge Point 1</b> <ul style="list-style-type: none"> <li>There were nil exceedances since the last meeting.</li> </ul>		NOTE		03/09/20								
<b>11.5. Waste Water Treatment Plant</b> <ul style="list-style-type: none"> <li>RO Plant Tender complete.</li> <li>RO Plant Tenders have been short-listed to three.</li> <li>Proposal for pilot plant prior to installation.</li> <li>RO Plant is designed to treat EC, Ni, As, Zn, Cu, N, Al to ANZECC Guidelines.</li> <li>Presentations from tenders underway.</li> <li>Further bench-testing being undertaken.</li> <li>Assigned a Project Manager – Lou Lingurovski.</li> </ul>		NOTE		03/09/20								
<b>11.6. Questions regarding RO Plant</b> <ul style="list-style-type: none"> <li>DH asked when will the pilot plant take place?               <ul style="list-style-type: none"> <li>ZA advised the pilot plant is planned for early next year.</li> </ul> </li> <li>MM asked what is planned for the brine?               <ul style="list-style-type: none"> <li>ZA advised the current proposal is for brine to be trucked away.</li> </ul> </li> </ul>		NOTE		03/09/20								
<b>12. Myrtle and Redbank Creek Remediation Plan Update</b> (presented by Andrew Stuart)												
<b>12.1. Success at Pool 23</b> <ul style="list-style-type: none"> <li>The Polyurethane Resin (PUR) grout curtain wall at Pool 23 has been observed to be successful in returning pool holding capacity.</li> <li>Since rain in January and February Pool 23 has filled and continuously overflowed its rock bar – no decrease in pool height.</li> <li>Long term monitoring ongoing.</li> </ul>		NOTE		03/09/20								
<b>12.2. Myrtle Creek Stage 2:</b> <ul style="list-style-type: none"> <li>Works plan was attached to the Mining Operations Plan following approval from the Resources Regulator.</li> <li>Works include:               <ul style="list-style-type: none"> <li>Investigation drilling to determine grout curtain using sand and colloidal silica.</li> </ul> </li> </ul>												



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		Who	When Req'd	Date Raised
	<ul style="list-style-type: none"> <li>○ 5 more grout curtain walls.</li> <li>• Currently out to tender.</li> <li>• Works anticipated to commence October 2020.</li> </ul> <p><b>12.3. Redbank Creek – Pool 26 / Weir 27, 28 and 29</b></p> <ul style="list-style-type: none"> <li>• Grout curtain wall at Pool 26 / Weir using PUR to 12m. Approximately 40m wide but varies with pools.</li> <li>• Results show improvements and look promising.</li> <li>• A camera is inserted into boreholes to determine fractures in pool.</li> <li>• Pattern grouting to 1m at Pools 27, 28 and 29</li> <li>• Works are due for completion in October 2020.</li> <li>• The Resources Regulator visited the creeks recently and positive feedback was received.</li> </ul>			
	<p><b>12.4. Questions regarding creeks</b></p> <ul style="list-style-type: none"> <li>• DH commented that aquatic ecology was done for Pool 23 but not at Pool 26.               <ul style="list-style-type: none"> <li>○ <b>AH to provide feedback on creek ecology at next meeting.</b></li> </ul> </li> </ul>	<b>NOTE / AH</b>	<b>03/12/20</b>	03/09/20
<b>13. Tahmoor South Project</b> (presented by Charlie Wheatley)				
	<p><b>13.1. Tahmoor South revised mine plan submitted</b></p> <ul style="list-style-type: none"> <li>• Longwalls 107B &amp; 108B have been removed from the proposed plan.</li> <li>• This equates to an 80% reduction in properties directly mined beneath.</li> <li>• It has reduced the mine plan timeframe from 13 years to 10 years.</li> <li>• Completely eliminated the REA extension footprint. Initially 43 hectares was required to be cleared. No extension is now required as the height of the existing footprint has been increased by a maximum of 10m.</li> </ul>	NOTE		03/09/20
	<p><b>13.2. Questions/comments regarding Tahmoor South Project</b></p> <ul style="list-style-type: none"> <li>• MM asked if the increase in height at the REA proposes any risk for combustion?               <ul style="list-style-type: none"> <li>○ CW advised that as the refuse is mainly stone, the risk doesn't change.</li> </ul> </li> <li>• DA asked where the mining lease is for Bargo?               <ul style="list-style-type: none"> <li>○ PV demonstrated the lease boundaries on the mine plan image.</li> <li>○ <b>CW to show the three Tahmoor South mining domains at the next meeting.</b></li> </ul> </li> <li>• <b>MM asked is there intention to mine the other domains in the future?</b> <ul style="list-style-type: none"> <li>○ <b>PV confirmed there will be.</b></li> </ul> </li> <li>• MM asked has there been any feedback on the revised EIS yet?               <ul style="list-style-type: none"> <li>○ PV advised not at this stage. DPIE send it to their own experts and we work with them to address any concerns. IPC has 12 weeks to decide on the revised EIS. The IPC hearing is expected to take place Nov/Dec 2020.</li> </ul> </li> <li>• DH made the following comments regarding the revised mine plan:               <ul style="list-style-type: none"> <li>○ The mine plan has been considered at council level.</li> <li>○ Council recognise the amendments, welcome the REA change and thank SIMEC for the meeting.</li> <li>○ Council has raised waterway concerns to be investigated as part of the IPC review.</li> <li>○ Council has lodged a letter seeking further clarification on the process for managing potential subsidence impacts to the Bargo Waste Management Centre (to be mined beneath).</li> </ul> </li> </ul>	<b>NOTE / CW</b>	<b>03/12/20</b>	03/09/20



Time Location Date	5.00pm to 6.30pm (approx.) Teams Meeting (COVID -19) 3 September 2020	Minute Taker		AF																																								
		Who	When Req'd	Date Raised																																								
	<ul style="list-style-type: none"> <li>ZA advised Tahmoor Coal is working with both Department of Planning and Wollondilly Council on this.</li> </ul>																																											
<b>14. Community Update</b> (Presented by Amanda Francis)																																												
<b>14.1. Community Investment – Buxton RFS – Memorial Park</b>		NOTE		03/09/20																																								
<ul style="list-style-type: none"> <li>Tahmoor Coal committed \$25K to assist with a \$240k park upgrade at Telopea Park Buxton in July 2020.</li> <li>Buxton RFS worked hard to gain local business and community donations to honour Mr Andrew O'Dwyer and Mr Geoffrey Keaton of Horsley Park RFB who lost their lives protecting the area in the Bushfires late last year.</li> <li>The park is due for completion late October 2020.</li> <li>There will be a private viewing for the families in early November 2020.</li> <li>Pending Covid-19 restrictions, there is a planned televised media event for the Grand Opening on 5 December 2020.</li> </ul>																																												
<b>14.2. Community – Western Domain Newsletter 6</b>																																												
<ul style="list-style-type: none"> <li>Distributed to landowners in the LWW1 and LWW2 area.</li> <li>72% of residents had PMIs completed.</li> <li>Resident survey marker installation completed.</li> </ul>																																												
<b>14.3. Community – Resident Information Pack LW W3 &amp; W4</b>																																												
<ul style="list-style-type: none"> <li>To be distributed next week to landowners in the LW W3 &amp; W4 area.</li> <li>Notification letter of proposed extraction will also be distributed.</li> </ul>																																												
<b>14.4. Community – Tahmoor South Flyer</b>		NOTE		03/09/20																																								
<ul style="list-style-type: none"> <li>Letter box drop in Bargo and Tahmoor area August 2020.</li> <li>Met with most business owners in Bargo to discuss new proposed mine plan.</li> <li>Positive feedback received to date.</li> <li>No feedback received from the Bargo Action Group to date.</li> </ul>																																												
<b>15. Subsidence Advisory NSW Update</b>																																												
<b>15.1. Residential Claim Status</b>					NOTE		03/09/20																																					
	<table border="1"> <thead> <tr> <th>Residential Claim Status</th> <th>1961 Act claims (pre-2018)</th> <th>Non-Active mining claims (SA NSW)</th> <th>Active mining claims (TCCO)</th> </tr> </thead> <tbody> <tr> <td>Claims being determined</td> <td>0</td> <td>3</td> <td>2</td> </tr> <tr> <td>Claims finalised - with claimant for response</td> <td>10</td> <td>12</td> <td>4</td> </tr> <tr> <td>Review requested by claimant:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Review by Determining Body</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>• Review by DCS Secretary</td> <td>0</td> <td>1</td> <td>1</td> </tr> <tr> <td>• Review by L&amp;EC</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Repairs being managed by SA NSW</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>On hold - active subsidence</td> <td>0</td> <td>2</td> <td>2</td> </tr> <tr> <td>Claims finalised since 1/1/2020</td> <td>4</td> <td>13</td> <td>4</td> </tr> </tbody> </table>							Residential Claim Status	1961 Act claims (pre-2018)	Non-Active mining claims (SA NSW)	Active mining claims (TCCO)	Claims being determined	0	3	2	Claims finalised - with claimant for response	10	12	4	Review requested by claimant:				• Review by Determining Body	1	1	2	• Review by DCS Secretary	0	1	1	• Review by L&EC	0	0	0	Repairs being managed by SA NSW	0	1	0	On hold - active subsidence	0	2	2	Claims finalised since 1/1/2020
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Claims finalised since 1/1/2020	4	13	4																																									

Tahmoor Colliery Community Consultative Committee  
 Minutes of Meeting – Microsoft Teams (COVID 19)  
 Thursday 3 September 2020



Time Location Date	5.00pm to 6.30pm (approx.) Teams Meeting (COVID -19) 3 September 2020				Minute Taker		AF																																								
					Who	When Req'd	Date Raised																																								
<b>15.2. Picton Industrial Area</b>																																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="8" style="text-align: center; background-color: #800000; color: white;">Picton Light Industrial Area</td> </tr> <tr> <td colspan="4" style="background-color: #800000; color: white;">Number of claims</td> <td style="background-color: #e0e0e0; text-align: center;">31</td> <td colspan="3"></td> </tr> <tr> <td colspan="4" style="background-color: #800000; color: white;">Structural Investigations carried out to date</td> <td style="background-color: #e0e0e0; text-align: center;">19</td> <td colspan="3"></td> </tr> <tr> <td colspan="4" style="background-color: #800000; color: white;">Equipment inspections carried out to date</td> <td style="background-color: #e0e0e0; text-align: center;">10</td> <td colspan="3"></td> </tr> <tr> <td colspan="4" style="background-color: #800000; color: white;">Claim accepted and finalised</td> <td style="background-color: #e0e0e0; text-align: center;">1</td> <td colspan="3"></td> </tr> </table>								Picton Light Industrial Area								Number of claims				31				Structural Investigations carried out to date				19				Equipment inspections carried out to date				10				Claim accepted and finalised				1			
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<b>16. TCCCC Finance</b>																																															
16.1. The TCCCC bank balance is currently \$27,004.12, statement end 31 July 2020					NOTE		03/09/20																																								
<b>17. General Business</b>																																															
17.1. MM raised the Tahmoor Coal Mine Independent Environmental Audit consultation requirements. <ul style="list-style-type: none"> <li>• The audit occurs every three years.</li> <li>• Please email through any items or issues that the committee wants the auditors to investigate.</li> <li>• <b>AP to provide Audit Report update at next meeting.</b></li> </ul>					NOTE / AP	03/12/20	03/09/20																																								
17.2. MM formally acknowledged Amanda Francis to be added as a member of the TCCCC.					MM		03/09/20																																								
17.3. MM advised that the bank account signatures still need to be updated.					NOTE		03/09/20																																								
17.4. MM advised that the annual payment is due to be processed soon.																																															
17.5. DH raised concerns about the tip truck pathway to the REA. <ul style="list-style-type: none"> <li>• Under current consent, the mine can truck refuse offsite up to a certain amount.</li> <li>• <b>NB to investigate truck pathway options to REA.</b></li> </ul>					NOTE / NB	03/12/20	03/09/20																																								
Meeting Closed	6:30 pm	Next Meeting	<i>Thursday 3 December 2020</i>	Time	5:00pm	Location	<i>Tahmoor Coal/Teams Online - TBC</i>																																								

## Greater Sydney, Place and Infrastructure

IRF18/3815

### Plan finalisation report

Local government area: Wollondilly

#### 1. SITE DESCRIPTION

The planning proposal (**Attachment A**) applies to Lot 1 DP 996286, 95 Great Southern Road, Bargo (**Figure 1**). The lot has frontage to Great Southern Road to the west, Government Road to the east and adjoins an unformed Crown road (known as Anthony Road), which runs along the northern boundary of the site (**Figure 2**).

The site is at the northern end of Bargo township. The site adjoins residential land at part of its southern boundary, while the remainder of the site adjoins rural-zoned land (Figure 2, overleaf).

The site is a rectangular-shaped lot with an area of 28.23ha and contains riparian vegetation corridor running south/north.



Figure 1: Aerial view of site (red outline)

Under the Wollondilly Local Environmental Plan (LEP) 2011, the following planning controls apply to the site:

- zoned RU2 Rural Landscape (Figure 2 below);
- a minimum lot size of 16ha; and
- partially identified as bushfire prone land (Category 2 and Buffer).

The north-western portion of the site contains a local heritage item known as the "Old Coomeroo Homestead, Silo and Slab Shed" (local item i20). The site is also situated within the Bargo Mine Subsidence District.

The site adjoins land zoned R2 Low Density Residential, RU4 Primary Production Small Lots, RU1 Primary Production and RU2 Rural Landscape (**Figure 2**).

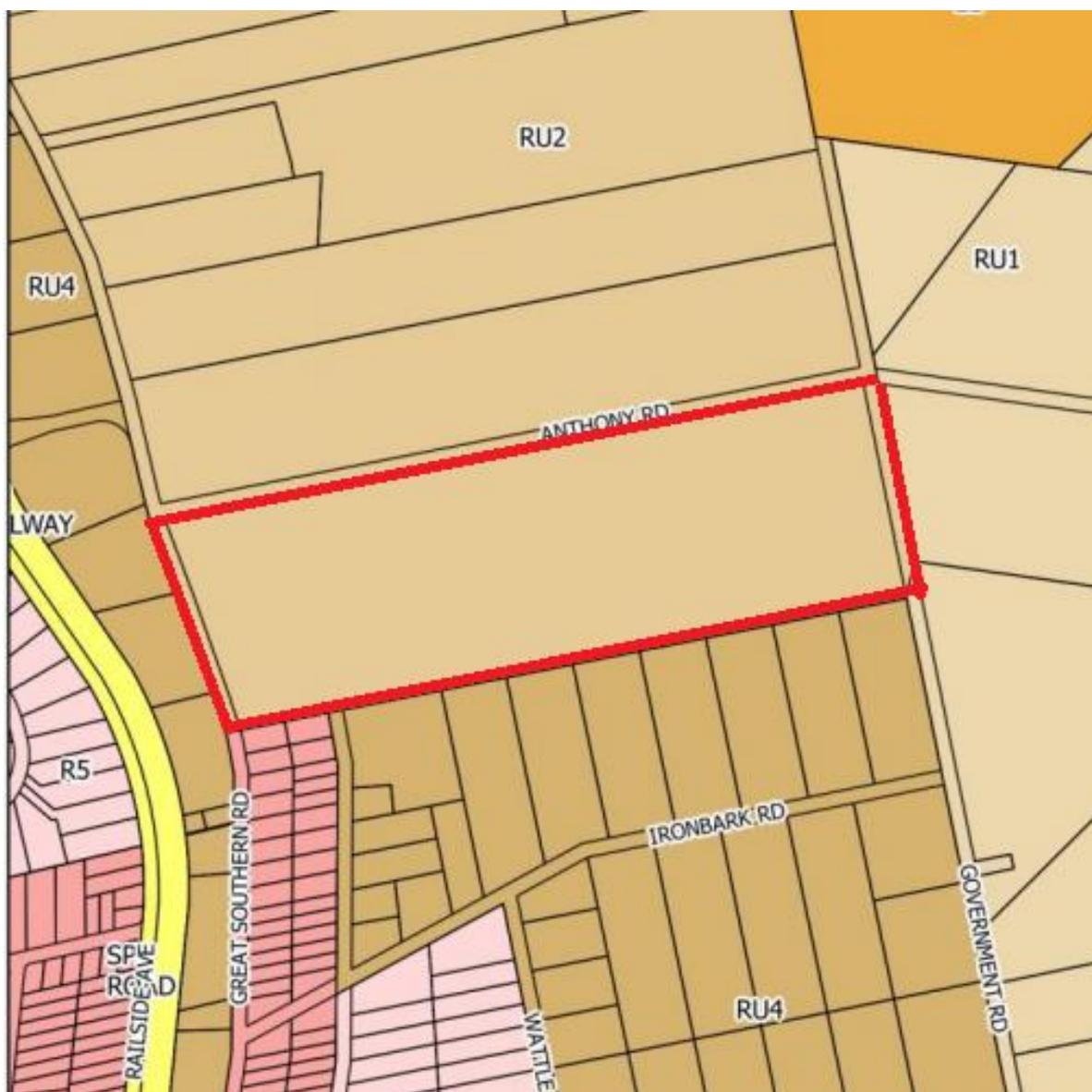


Figure 2: Current land zoning map with approximate site boundary

## 2. PURPOSE OF THE PROPOSAL

The planning proposal seeks to amend the Wollondilly LEP 2011 to:

- rezone the site from RU2 Rural Landscape to part E2 Environmental Conservation, part R5 Large Lot Residential and part R2 Low Density Residential (**Figure 3**);
- amend the minimum lot size to permit for a variety of minimum lot sizes;
- to apply a maximum building height of 9m across the site; and
- identify certain land on the Natural Resources – Biodiversity Map.

In conjunction with this planning proposal, Council proposes to include site-specific provisions in the Wollondilly Development Control Plan (DCP) 2016 to control future development on the site – see Section 7 of this report for more detail.

It is anticipated that the proposal would facilitate the development of approximately 120-200 residential lots on the site.

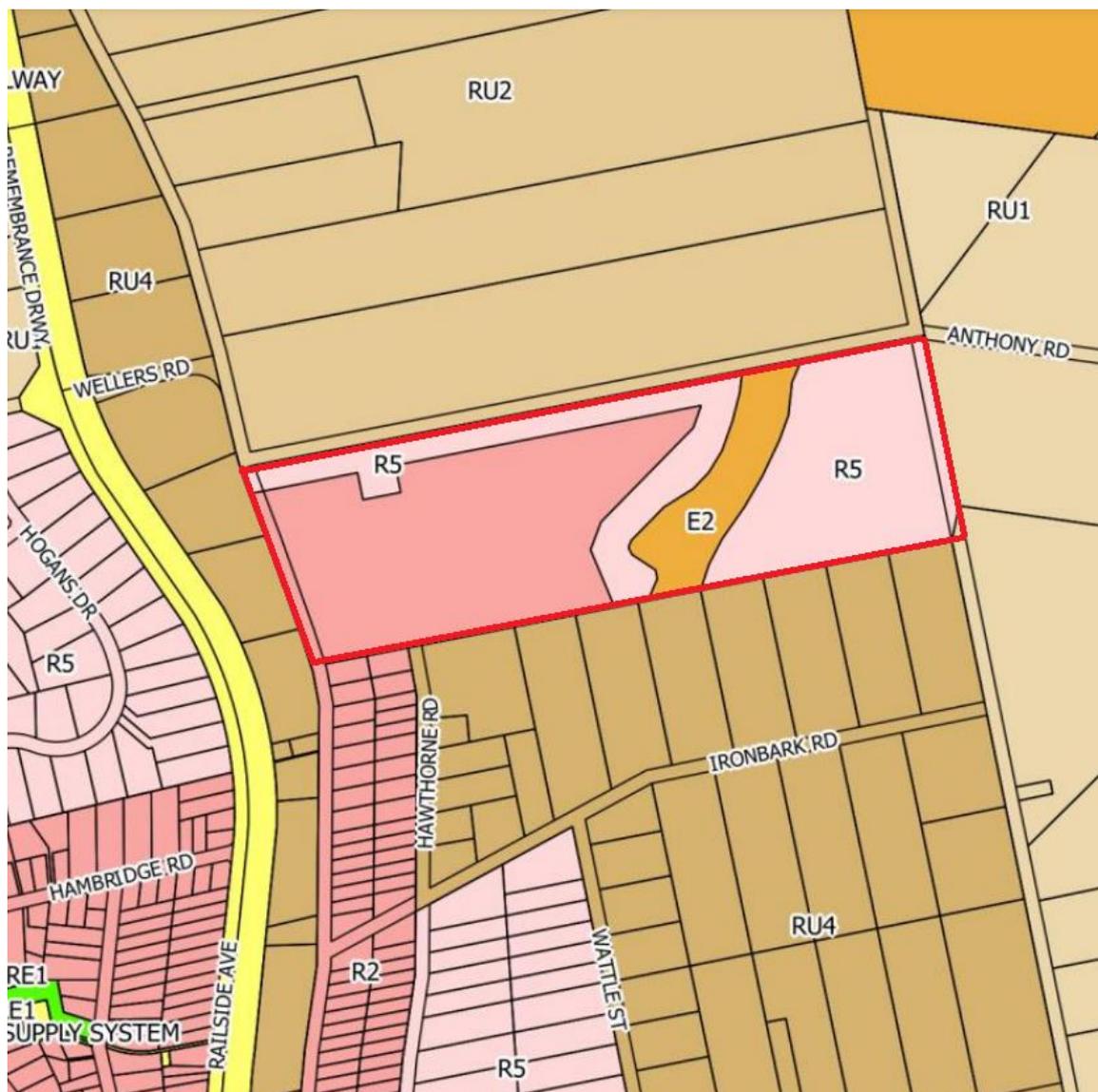


Figure 3: Rezoning plan with approximate site boundary (red) from the planning proposal

### 3. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Wollondilly State Electorate. Mr Nathaniel Smith MP is the State Member for Wollondilly.

The site falls within the Hume Federal Electorate. The Hon Angus Taylor MP is the Federal Member for Hume.

To the Department's knowledge, neither MP has made any written representations regarding the proposal.

Representations were made in relation to mine subsidence in the Bargo area by Mr Nathaniel Smith MP to the Minister for Planning and Public Spaces. This planning proposal was not discussed directly and there was no outcome related to this planning proposal.

<b>NSW Government Lobbyist Code of Conduct:</b> There have been no meetings or communications with registered lobbyists with respect to this proposal.
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<b>NSW Government reportable political donation:</b> There are no donations or gifts to disclose and a political donation disclosure is not required.
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### 4. GATEWAY DETERMINATION AND ALTERATIONS

#### 4.1 Gateway Determination

The Gateway determination issued on 2 October 2014 (**Attachment B**) determined that the planning proposal should proceed subject to conditions requiring Council to amend the planning proposal as follows:

- the eastern part of the site is to be rezoned R5 Large Lot Residential (rather than R2 Low Density Residential) with accompanying changes to the minimum lot size;
  - the western part of the site to include 1,500m<sup>2</sup> lot size adjoining the watercourse;
  - 700m<sup>2</sup> lots fronting Anthony and Great Southern Roads; and
  - 450m<sup>2</sup> for the remainder of the site, except for the area around the locally heritage-listed homestead in the north-western corner of the site, which would require larger lots with appropriate curtilage.

#### 4.2 Gateway Alterations

There have been 5 Gateway alterations (**Attachment B**) issued as follows:

- On 22 May 2015, the Gateway determination was altered to:
  - increase the minimum lot size west of the natural watercourse to 700m<sup>2</sup>; and
  - insert a condition requiring an on-site effluent disposal report to be prepared to demonstrate the minimum lot size capable of on-site effluent disposal. The report was to be used to demonstrate an appropriate minimum lot size.
- On 12 November 2015, the Gateway determination was altered to extend the time frame for completion to 9 February 2017.
- On 3 February 2017, the Gateway determination was altered to:
  - amend the proposed land zoning to:
    - E2 Environmental Conservation for the riparian corridor;

- R5 Large Lot Residential on the eastern side of the riparian corridor and for 50m west of the E2 zone boundary;
  - R5 Large Lot Residential for a depth of 40m along the Anthony Road frontage west of the riparian corridor; and
  - R2 Low Density Residential for the remainder of the site.
- o amend the proposed minimum lot size to:
    - 5000m<sup>2</sup> for the land to the east of the riparian corridor on the site;
    - 2000m<sup>2</sup> for the land proposed to be zoned R5 to the west of the riparian corridor;
    - 700m<sup>2</sup> for the land proposed to be zoned R2; and
    - no minimum lot size for the land proposed to be zoned E2;
  - o amend the proposed maximum height of buildings to 9m across the site; and
  - o amend the planning proposal to include certain land on the site on the Natural Resources – Biodiversity Map.
- on 5 April 2017, the Gateway determination was altered to extend the time frame for completion to 31 December 2017; and
  - on 11 January 2018, the Gateway determination was altered to extend the time frame for completion to 31 March 2018.

On 6 April 2018, Council requested that the period to complete the LEP be extended until 24 September 2018. However, as the planning proposal was forwarded to the Department for finalisation on 21 February 2018 (prior to the Gateway finalisation deadline), Council was advised that an extension of time was not required.

## 5. PUBLIC EXHIBITION

### 5.1 Exhibited proposal

The planning proposal was publicly exhibited by Council for 34 days from 31 August 2017 to 3 October 2017.

### 5.2 Community submissions

Council's post-exhibition report (**Attachment F1**) notes Council received 3 submissions from community members objecting to the planning proposal. The main issues raised by the community submissions were:

- Intensification of dwellings in rural areas;
- Servicing and infrastructure;
- Site hazards;
- Mine subsidence;
- Impacts on amenity; and
- Protection of the environment.

### 5.3 Council resolution

At its meeting of 11 December 2017, Council resolved (**Attachment F2**) to forward the proposal to the Department for finalisation with a request to "develop an appropriate mechanism for ensuring the site does not conflict with any future underground coal mining operations in response to the advice received from Glencore Coal (now SIMEC)".

### Letter from Glencore Coal (Tahmoor Coal now owned by SIMEC)

During the exhibition period, Council consulted Tahmoor Coal, which advised that the property is located within a mid-term mining area and recommended postponing development until after 2035 (**Attachment G**).

As a result, Council wrote to the Department on 21 February 2018 (**Attachment C**), as Delegate of the Minister, requesting the planning proposal be made and that the Department resolve matters relating to mining co-existence as part of the plan finalisation process. Delegation to finalise the planning proposal was not issued to Council by the Department.

## 6. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with public agencies in accordance with the Gateway determination and received 11 submissions from the following agencies: NSW Department of Education; Greater Sydney Local Land Services; NSW Department of Health; Office of Environment and Heritage; Mine Subsidence Board; DPI Trade and Investment; NSW Rural Fire Service; Roads and Maritime Services; Sydney Water; Endeavour Energy; and Transport for NSW.

Council addressed the public agency comments in its post exhibition report and final council report at **Attachments F1**.

Several submissions regarding mining and land-use coexistence have been made by Mining, Exploration and Geoscience - Department of Regional NSW (GSNSW) and Subsidence Advisory NSW (SA NSW) during the assessment of the planning proposal. **Table 1** provides a summary of mining and land-use coexistence agency comments.

Table 1: Summary of mining and land-use coexistence agency comments

State agency	Comment
Mine Subsidence Board (now SANSW) 1 November 2013 <b>(Attachment H1)</b>	<ul style="list-style-type: none"><li>• Advised that site is within a proclaimed Mine Subsidence District and Board approval is required for future subdivision.</li><li>• The Board advised it does not object to the proposal and provided a copy of the relevant surface development guidelines for future development on-site.</li></ul>
NSW Trade and Investment – Resources and Energy (now GSNSW) 27 February 2015 <b>(Attachment I1)</b>	<ul style="list-style-type: none"><li>• The Bulli Coal Seam is below the site and Consolidated Coal Lease CCL747 held by Tahmoor Coal affects the land.</li><li>• Tahmoor Coal has received Director General Requirements (DGRs) [now known as SEARs] for the extraction of high-value Bulli Seam coking coal by longwall mining beneath this site.</li><li>• NSW Trade and Investment raises serious concerns with the planning proposal and does not support the rezoning due to current mining leases and the likely future coking coal extraction by longwall mining below the site.</li></ul>

State agency	Comment
<p>NSW Trade and Investment – Resources and Energy (now GSNSW) 10 November 2016 <b>(Attachment I2)</b></p>	<ul style="list-style-type: none"> <li>• NSW Trade and Investment (NSW T&amp;I) withdrew opposition to rezoning land on the basis that the Tahmoor South Project was understood to not be proceeding.</li> <li>• NSW T&amp;I noted that the Southern Coalfield contains the highest-quality coking coal resources in NSW and it remains its preference that wherever possible, staged development should occur that allows the effective use of these resources (particularly where they are covered by existing coal titles).</li> </ul>
<p>Division of Resources and Geosciences (now GSNSW) 18 October 2017 <b>(Attachment I3)</b></p>	<ul style="list-style-type: none"> <li>• Division of Resources and Geosciences (DRG) advised that in response to new Secretary Environmental Assessment Requirements (SEARS) for Tahmoor Coal to mine beneath the site, it supports urban development at the site after the completion of longwall mining of underground coal seams.</li> <li>• DRG re-iterated the strategic importance of the Southern Coalfield and the remaining resources within the Tahmoor Mine holdings due to their continued use in steelmaking.</li> </ul>
<p>SA NSW 23 October 2017 <b>(Attachment H2)</b></p>	<ul style="list-style-type: none"> <li>• SA NSW re-confirmed the site is within the Bargo Mine Subsidence District and an active coal mine lease is held by Tahmoor Coal.</li> <li>• Potential subsidence impacts of co-existence with urban development and mining should urban development occur prior to coal extraction.</li> <li>• Recent legislative reforms will require the mine operator (Tahmoor Coal) to be financially liable for subsidence damage to urban development from 1 January 2018.</li> <li>• SA NSW supports a “staged development” where urban development occurs after mining is completed.</li> </ul>
<p>SA NSW 21 May 2018 <b>(Attachment H3)</b></p>	<ul style="list-style-type: none"> <li>• SA NSW re-confirmed its position for staged development where urban development occurs after mining is completed.</li> <li>• SA NSW advise that future buyers of the subdivided land are “highly likely” to be adversely impacted when coal extraction occurs. 40% of properties in the Tahmoor/Picton area have an average repair cost of \$75,000 from coal mine-induced subsidence.</li> </ul>

State agency	Comment
<p>SA NSW 20 May 2020 Tahmoor South Coal Project - Impacts on future surface development comments <b>(Attachment H4)</b></p>	<ul style="list-style-type: none"> <li>• SA NSW advise that additional surface development within proposed mining area will have impacts on community.</li> <li>• SA NSW advise it is not possible to mitigate predicted subsidence impacts through practical engineering design and prevent further impact on the community.</li> <li>• SA NSW advise that future referrals for urban development within the proposed mining area are likely to be refused should the Tahmoor Coal project be approved.</li> </ul>
<p>SA NSW 15 September 2020 <b>(Attachment H5)</b></p>	<ul style="list-style-type: none"> <li>• SA NSW re-confirms that proposed rezoning directly overlies planned longwall panels as per the amended documentation submitted in support of the Tahmoor South project.</li> <li>• SA NSW advise that the proposed rezoning is not considered compatible with the positioning of the longwall extraction panels.</li> <li>• SA NSW's opposition to the proposal remains unchanged.</li> </ul>
<p>Mineral Exploration and Geoscience – Geological Survey NSW (GSNSW) 2 October 2020 <b>(Attachment I4)</b></p>	<ul style="list-style-type: none"> <li>• GSNSW confirmed that the site is covered by Consolidated Coal Lease (CCL) 747 held by Bargo Collieries.</li> <li>• The subject areas are within the Bargo Mine Subsidence District.</li> <li>• GSNSW advised that with recent changes to Mine Subsidence legislation, the subsequent cost of property repairs potentially represents a significant financial disincentive to mining companies seeking to operate in areas that will be subject to further intensification of urban development.</li> <li>• Coal extraction from the Bulli Seam directly beneath the subject lands is scheduled to occur around 2025 through to completion by end of 2030. There is future potential for the Wongawilli Coal Seam which sits beneath the currently targeted Bulli Coal Seam.</li> <li>• GSNSW continues to prefer rezoning of surface lands for urban development to occur after completion of longwall mining despite amendments to the Tahmoor South Coal project.</li> </ul>

Subsequent SA NSW and GSNSW submissions received since 2013 are reflective of the extent of detail available on possible subsidence impacts and resource conflict at the time and are a product of time lapsed and the progress of the mining project assessment.

A summary of the outstanding key issues raised by the public agencies is provided below.

The public agency submissions are provided at **Attachment J**.

## 6.1 Mining Issues

As mentioned above, the site is in the Bargo Mine Subsidence District. Tahmoor Coal holds a Consolidated Coal Lease over the subject land and Secretary's Environmental Assessment Requirements (SEARs) were issued in June 2017 for the Tahmoor South project (Application No. SSD 17\_8445). The SEARs propose the development of an underground mining operation to extract up to five million tonnes of coal a year for up to 15 years from 2021.

The mine project completed exhibition in March 2019. Tahmoor Coal has revised the mine plan by removing 2 longwall panels from under Tahmoor, significantly reducing potential subsidence impacts on existing residential development. The revised project is now under assessment and is not expected to be determined until 2021.

### Subsidence issues from longwall mining and potential impacts to properties

SA NSW is responsible for regulating and administering the mine subsidence compensation system in NSW and has developed surface development guidelines, to mitigate or eliminate the risk of damage to surface structures from mine subsidence within proclaimed mine subsidence districts.

Development applications for housing within a mine subsidence district requires an integrated development approval from SA NSW in accordance with the *Coal Mine Subsidence Compensation Act 2017*. In areas within active mining leases, the development guidelines are intended to balance the interests of property owners and mine proprietors, providing mitigation measures against subsidence damage without imposing unreasonable costs and restrictions on the landowner or unreasonably sterilising resources.

In response to the amendments made to the mine project in August 2020, the Department sought updated advice from SA NSW which confirmed that the planning proposal directly overlies planned longwall panels of the mine. Accordingly, SA NSW advises that the proposed land use is not considered compatible with the positioning of the longwall extraction panels (**Attachment H5**).

### **Department Comment:**

The Department notes the intent of the development guidelines to provide engineering solutions for dwellings in mine subsidence areas.

As outlined above, SA NSW does not support the proposal, as future mining operations are likely to result in a high risk of land subsidence and damage to property.

While the mine project has been amended and there is a reduction in subsidence impacts, there would still be subsidence damage to future urban development which cannot be mitigated through engineering design.

If the rezoning were to occur, there is a high probability that future urban development would not be supported by SA NSW prior to 2030 at the earliest. Further, should dwellings be supported, it is highly likely such residential development would be impacted by subsidence regardless of any design criteria proposed and that the extent of damage cannot fully be predicted.

The Department considers permitting further housing in these higher risk areas should be avoided until mining activity is complete. The Department recommends the proposal should not proceed.

### Potential sterilisation of coal resources

Mineral Exploration and Geoscience – Geological Survey NSW (GSNSW) assesses mineral resources in NSW to assist government agencies and local government on land use planning and decision making. It aims to protect access to the mineral, petroleum and extractive resources of NSW, to allow for their current and future development.

As mentioned above, the subject land is within the Southern Coalfield, which has the highest-quality coking coal resources in NSW, and that the remaining resources within the Tahmoor Mine holdings would continue to hold strategic significance to the state due to their continued use in steel-making.

In response to the amendments made to the mine project in August 2020, the Department sought updated advice from GSNSW which re-confirmed its preference for urban development to occur after completion of longwall mining (**Attachment I4**).

#### **Department Comment:**

The Department notes the strategic significance to the state of the coal resource below the surface lands and potential sterilisation of these coal resources.

The proposed rezoning has not addressed the potential financial disincentive to mining companies seeking to operate in areas that will be subject to further intensification of urban development. To avoid the potential sterilisation of strategic coal resources, additional residential development at the site should only be permitted after the completion of longwall mining of underground coal seams.

### **6.2 Biodiversity Impacts**

The large area (4ha) of riparian vegetation on the site is identified as Alluvial Woodland Vegetation associated with river flat eucalypt forest on coastal floodplains which is identified as an endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act).

The site also contains some isolated patches (0.7ha) of Shale Sandstone Transition Forest (SSTF) - a critically endangered ecological community (CEEC) under the TSC Act and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 - and 2 small patches (1,000m<sup>2</sup>) of Shale Plains Woodland which is a component of Cumberland Plain Woodland (CPW) CEEC under the TSC Act. Potential Squirrel Glider habitat is also present on the site (**Figure 4**).

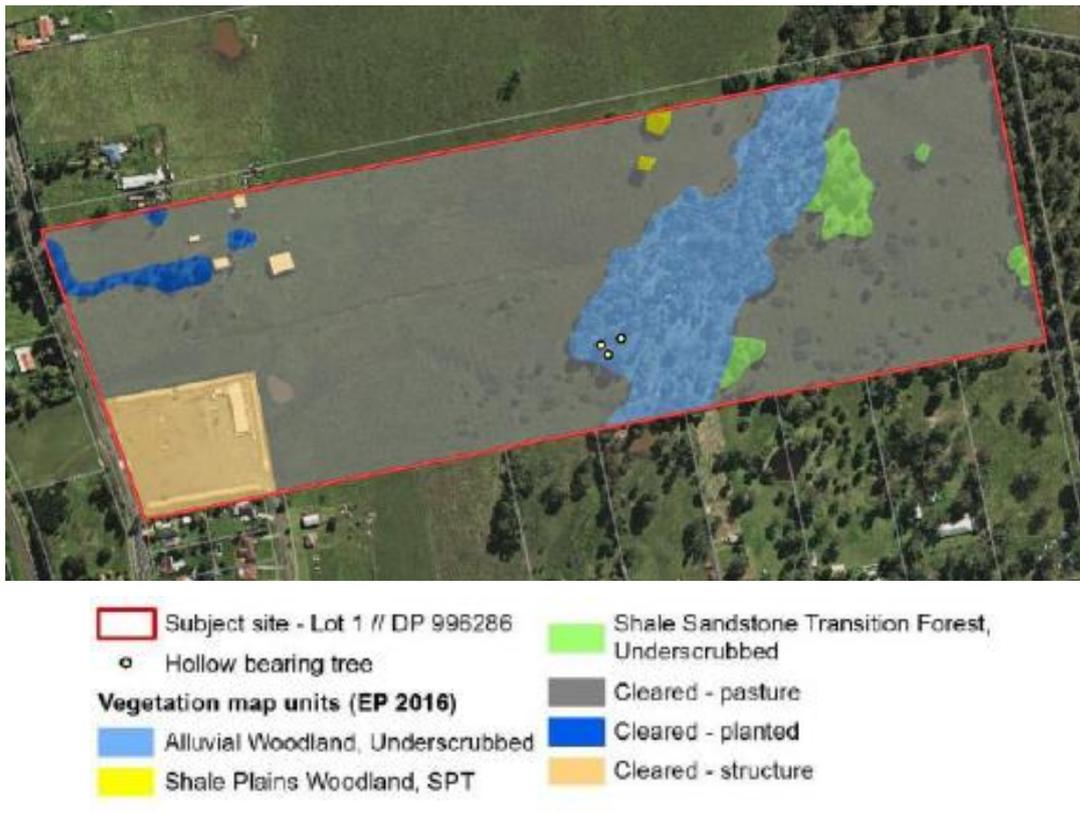


Figure 4: Significant vegetation areas and habitat (Source: Planning Proposal documentation)

An E2 Environmental Conservation Zone is proposed to be applied to the watercourse and riparian area and a larger area containing the three vegetation types listed above is intended to apply the Natural Resources Biodiversity map (Figure 5).

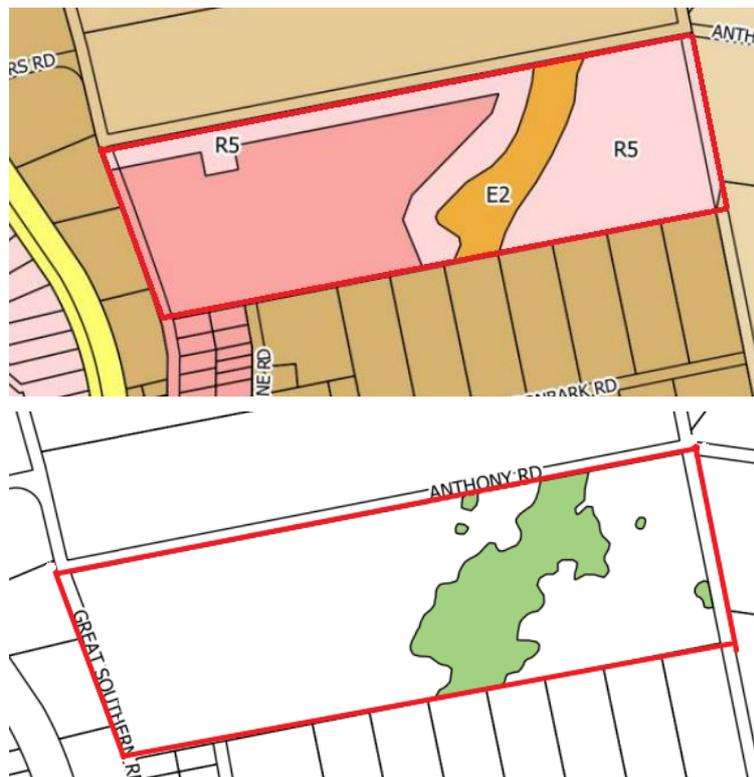


Figure 5: Comparison of proposed E2 zone (top) and Natural Resources Biodiversity map (bottom)

In its response to the exhibition, the former Office of Environment and Heritage (OEH) recommended extending the E2 zone to include all significant vegetation areas and habitat. OEH also recommended the retention of the E2 zoned land within public ownership (**Attachment K**).

Council responded by stating that site specific DCP controls and the proposed Natural Resources Biodiversity map would protect any clearing of vegetation outside the E2 zone.

**Department Comment:**

Detailed advice received from OEH identifies the importance of conserving significant vegetation areas and habitat on the site.

Without adequate measures to mitigate and offset impacts on threatened species, including SSTF and CPW (both CEECs) and potential squirrel glider habitat, the Department is not satisfied that there is an appropriate regulatory framework in place to offset biodiversity impacts and to ensure biodiversity offsets are achieved through the development application process and, where appropriate, measures taken to mitigate impact.

### **6.3 Aboriginal Cultural Heritage**

Site survey identified two sites of Aboriginal cultural significance and two new areas of Potential Archaeological Deposits (PAD) on the land.

In its response to the exhibition, OEH (**Attachment K**) noted that the protection of Aboriginal significance could include applying specific DCP provisions however recommended extending the E2 zone to include the two PAD areas.

Council responded by acknowledging that further investigation works would be required as part of a development application for areas potentially containing archaeological significance outside of the E2 zone. A site specific DCP control is also proposed to ensure that adequate investigation is carried out during any future subdivision application on the site.

**Department Comment:**

Detailed advice received from OEH identifies the importance of conserving Aboriginal cultural heritage on the site.

Without adequate measures to protect the 2 PAD areas on the land, the Department recommends the proposal should not proceed.

## **7. POST-EXHIBITION CHANGES**

On 11 December 2017 (**Attachment F2**) Council resolved to proceed with the planning proposal with the following post-exhibition changes:

- the development of “an appropriate mechanism for ensuring that the development of the site does not conflict with any future underground coal mining operations” by the local-plan making authority; and
- exhibition of a site-specific DCP which includes controls for:
  - sites identified as Urban Release Areas;
  - adequate servicing;
  - protection of biodiversity and Aboriginal cultural heritage;
  - internal road construction;

- stormwater drainage;
- noise controls; and
- requirement for a footpath to be constructed which connects the site to the existing footpath at the intersection of Great Southern Road and Dymond Street.

## **8. ASSESSMENT**

### **9.1 Section 9.1 Directions**

#### Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. This Direction applies to the proposal as the site is in the Bargo Mine Subsidence District and within the Tahmoor South Coal Project.

The proposal is inconsistent with this Direction as it has the potential to restrict the development of coal resources as it underlies the proposed longwall panels scheduled by the Tahmoor South Coal Project. Accordingly, GSNSW objected to the proposal and advised that the proposed development on the site may be subject to subsidence impacts from longwall extraction of coal.

The inconsistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries is unresolved.

#### Direction 2.1 Environmental Protection Zones

This Direction aims to protect and conserve environmentally sensitive areas. The site contains significant vegetation areas and habitat (**Figure 4**) therefore this Direction applies to the proposal.

The proposal seeks to remove areas of significant vegetation areas and habitat on the site to enable the development of the site for residential purposes. This is inconsistent with the requirement of the Direction to facilitate the protection and conservation of environmentally sensitive areas.

There are several issues raised by OEH that remain unresolved in relation to the removal of high-quality vegetation on the site and zoning the high ecological constraint vegetation along the watercourse and riparian area as E2 Environmental Conservation.

The inconsistency with Direction 2.1 Environmental Protection Zones is unresolved.

#### Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

In its current form the proposal is inconsistent with the Direction as the proposed residential zoning will overlay areas potentially containing archaeological significance.

The inconsistency with Direction 2.3 Heritage Conservation is unresolved as the proposal does not contain provisions that facilitate the conservation of the Potential Archaeological Deposits.

## Direction 4.2 Mine Subsidence and Unstable Land

This Direction aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence and applies to the site, as the site is in the Bargo Mine Subsidence District.

In accordance with this Direction, Council consulted the Mine Subsidence Board [now SA NSW]) to confirm if it has any objection to the proposal.

SA NSW has clearly indicated it does not support the proposal until subsidence is complete, as future mining operations are likely to result in a high risk of land subsidence and damage to property.

If the rezoning were to occur there is a high probability that future urban development would not be supported by SA NSW prior to 2030 at the earliest and that the extent of damage cannot fully be predicted.

The inconsistency with Direction 4.2 Mine Subsidence and Unstable Land is therefore unresolved as rezoning of the site would not guarantee that future urban development could proceed.

## **9.2 State environmental planning policies**

The planning proposal is not inconsistent with relevant State environmental planning policies.

## **9.3 State, regional and district plans**

### Former - A Plan for Growing Sydney and Draft South West Sub Regional Strategy

At the time of issuing the original Gateway determination the planning proposal was consistent with these strategies as it promoted opportunities for housing adjacent to existing urban areas. This plan has been superseded by a new region plan for Sydney - *The Greater Sydney Region Plan: A Metropolis of 3 Cities*. The Western City District Plan gives effect to the new region plan.

### Western City District Plan

While this planning proposal received a Gateway determination before the release of the *Western City District Plan*, the following assesses the proposal against the District Plan.

The site is identified within the Metropolitan Rural Area, which under the District Plan is sought to be conserved as rural land and is not to be rezoned for urban release purposes. For this reason, the proposal is inconsistent with the objective to safeguard rural land.

As raised by GSNSW and SA NSW, development in accordance with the proposal also places this development at potential risk of exposure to land subsidence and damage to property. Exposure to this risk is not supported by the District Plan.

The planning proposal does not give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (Act) as it does not provide effective planning to reduce the exposure of new urban development to urban hazards and permits incompatible urban development in a rural area.

## 9. RECOMMENDATION

The Department acknowledges the extensive work and time taken to attempt to address and resolve matters relating to the proposal. However, the Department is of the view that many of these matters as outlined in this report remain unresolved and therefore fail to demonstrate that the site is suitable for the proposed development that would be expected to result from the land being rezoned in accordance with the subject planning proposal.

Therefore, it is recommended that the Minister's delegate as the local plan-making authority determine to not proceed with the planning proposal under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* given that:

- the site is at high risk of land subsidence and has the potential for damage to property, until mining operations are complete;
- development resulting from the proposal could sterilise state significant reserves of coal and compromise future resource extraction;
- inadequate measures have been taken to protect biodiversity, including Shale Sandstone Transition Forest and Cumberland Plain Woodland (both Critically Endangered Ecological Communities) and potential squirrel glider habitat;
- inadequate measures have been taken to protect Aboriginal cultural heritage including areas of potential archaeological deposits on the land; and
- the proposal is inconsistency with Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, and 4.2 Mine Subsidence and Unstable Land, and hence all related matters remain unresolved.



**Sebastian Tauni**  
Senior Planning Officer, Western



**Adrian Hohenzollern**  
Director, Western

Contact Officer: Adrian Hohenzollern  
Director, Western  
Phone: 9860 1505



Mr Ben Taylor  
Chief Executive Officer  
Wollondilly Shire Council  
62-64 Menangle Street  
PICTON NSW 2571

via email: council@wollondilly.nsw.gov.au

A handwritten signature in blue ink that reads "Ben".

Dear Mr Taylor

**Planning proposal PP\_2014\_WOLLY\_005\_00 – 95 Great Southern Road, Bargo**

I refer to Wollondilly Council's request to finalise the above planning proposal and "develop an appropriate mechanism for ensuring the site does not conflict with any future underground coal mining operations in response to the advice received from Glencore Coal". The Department of Planning, Industry and Environment (the Department) has undertaken a detailed assessment of the planning proposal and considered issues raised by state agencies.

The Mining Exploration Geoscience and Geological Survey NSW (MEG-GS NSW) and Subsidence Advisory NSW (SA NSW) have both reconfirmed their concerns with the proposal, namely that the proposed residential zoning would be at high risk of subsidence damage and the conflict with the mineral resources beneath the site.

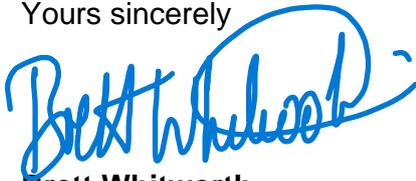
The former Office of Environment and Heritage has also provided advice which recommended extending the proposed E2 Environmental Conservation zone to include all significant vegetation areas, habitat and potential archaeological deposits on the site.

As these issues remain unresolved and support has not been obtained by GS NSW or SA NSW to proceed with this proposal, I have decided to amend the planning proposal to not proceed on the basis that:

- the site is at high risk of land subsidence and which has the potential for damage to property until mining operations are complete;
- development resulting from the proposal could sterilise state significant reserves of coal and compromise future resource extraction;
- inadequate measures have been taken to protect biodiversity, including Shale Sandstone Transition Forest and Cumberland Plain Woodland (both Critically Endangered Ecological Communities) and potential squirrel glider habitat;
- inadequate measures have been taken to protect Aboriginal cultural heritage including areas of potential archaeological deposits on the land; and
- the proposal is inconsistent with Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, and 4.2 Mine Subsidence and Unstable Land, and hence all related matters remain unresolved.

Should you have any enquiries about this matter, please contact Adrian Hohenzollern Director, Western at the Department on 9860 1505.

Yours sincerely



**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**

21 December 2020