



PROF MACKAY: Good morning and welcome to day 2 of the Independent Planning Commission's electronic public hearing into state significant development of the Tahmoor South Coal Project SSD8445. I am Professor Richard Mackay AM and I am the chair of the Independent Planning Commission panel. Joining me is my  
5 fellow Commissioner, Professor Chris Fell AO. We also have Richard Beasley SC as counsel assisting the Commission at this public hearing. Before we begin, I would like to acknowledge the traditional custodians of the land on which we variously meet and pay my respects to their elders past, present and emerging, and extend those respects to elders and Indigenous people from other communities who may be  
10 participating today.

Tahmoor Coal Proprietary Limited, the applicant, owns and operates the Tahmoor Coal Mine located between the townships of Tahmoor and Bargo approximately 75 kilometres southwest of Sydney. It is seeking planning approval for the expansion of  
15 underground longwall mining to the south of the existing mine workings. Under its proposal, up to 33 million tonnes of run-of-mine coal would be extracted from seven longwall panels over a 10 year period. The application has come to the Commission for determination because it received more than 50 unique public objections.

I note that the Department of Planning, Industry and Environment assessment report has concluded that the application is approvable subject to conditions. The Minister for Planning and Public Spaces has directed the Commission to hold a public hearing into the application. He has asked the Commission to determine the application  
20 within 12 weeks of receiving the final whole of government assessment report from the department. However, this timeframe has been extended to account for the  
25 holiday shutdown period and the revised target date is 19 April 2021.

In line with regulations introduced in response to the ongoing COVID-19 pandemic, this public hearing will be held online with registered speakers provided with the  
30 opportunity to present to the panel via telephone and video conference. In the interests of openness and transparency we are livestreaming proceedings on the Commission's website. A full transcript of the three-day hearing will also be published in coming days. Following the public hearing we will endeavour to determine the development application as soon as possible noting that there may be a  
35 delay if we find that additional information is needed.

Written submissions on this matter will be accepted by the Commission up to 5 pm on Wednesday 24 February 2021. You can make a submission using the Have Your Say portal on the Commission website or by email or post. We have many speakers  
40 on today's schedule. As such, I would ask that everyone presenting today to please try and keep to your allocated speaking time. As chair, I will maintain these timeframes to ensure everyone receives their fair share of time. However, I do reserve the right to allow for extra time for the panel and counsel assisting to ask questions or to hear new information.  
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I would encourage presenters to avoid repeating or restating submissions previously made on the application noting that we will be particularly assisted by hearing your

views on the department's assessment report and/or the recommended conditions of consent. Thank you. It's now time to call our first speaker. Mr Beasley.

5 MR BEASLEY: The first speaker this morning is Wayne Cook. Mr Cook, are you there?

MR W. COOK: Yes. Good morning.

10 MR BEASLEY: Good morning. We can hear you. So please go ahead.

MR COOK: All right. Good morning and thank you for the opportunity to speak in support of the Tahmoor South Project. My name is Wayne Cook and these are my daughters, Jemma and Rochelle. I've worked at Tahmoor Colliery for 37 years and my role over the years has included supervisory and leading hand electrical work  
15 underground and in the last six years as a surface electrician. I've also been a member of the Southern Mines Rescue Brigade team for 25 years. I have lived in the local area for over 40 years and raised our family here. I completed my electrical apprenticeship whilst working in the Burratorang Valley and then started at Tahmoor Colliery in 1984.

20 The Wollondilly Shire is a well-known coal mine area and Tahmoor Coal has been part of the community for over 40 years. Anyone who builds in the mining district must build it to a standard that could withstand mine subsidence. This has been the case since 1975 prior to the change in legislation. If any mine subsidence caused  
25 damage to any structure it would be repaired from the funds coming from Mine Subsidence Board into which all the coal mine owners pay into. With that being said, Tahmoor Colliery's longwall 26 was mined under our property in Tahmoor in 2012. We did have some subsidence issues which were pretty much cosmetic and, by nature and through the Mine Subsidence Board, they were repaired by a builder.

30 I note the process changed in 2018 and the Subsidence Advisory New South Wales now manages the mine subsidence claims compensation process. I have confidence, through my own experience, that the process available will assist anybody who may need – may experience subsidence impacts. Thank you.

35 MS R. COOK: Good morning. My name is Rochelle and this will be my ninth year working at Tahmoor Coal. I originally started here at reception on a business admin traineeship straight out of high school and since then have worked in a project contract admin role followed by an accounting admin role in the commercial team to  
40 now my current role as a commercial specialist. I originally got into university after finishing high school but decided not to go and have a year off and then possibly go back to uni the next year.

45 It was just good timing that my sister, who worked at the mine, suggested to me the admin traineeship was being offered at the time. She also had had been through the traineeship program herself a few years early. I felt comfortable and confident going to a workplace where both my sister and dad worked as they were both happy with

their workplace and their jobs. This opportunity gave me a stable job close to home and a qualification and a decent wage for an 18 year old at the time. So I couldn't have asked for more.

5 Working here has given me a lot of job experience, as I have done a number of different roles while working here, so I have had exposure to different departments and fields. One of the main things that has kept me at the mine for so long is all the people I work with. I have learnt so much off my colleagues over the years and can easily say I wouldn't have been here as long as I have if it wasn't for those I work  
10 with every day. The thing I like most of all is how close I am to my workplace, which is a 10 minute drive for me. It allows me to have a great work life balance and not have to spend half my day wasting hours and money commuting into the city like a lot of other people I know.

15 I have just built a house in the local area which is in the mine subsidence district. This didn't affect my decision at all to purchase land and build because I'm confident in the process to solve any issues that could arise as subsidence. My partner also works here at the mine with Austar which is a contracting company. If the extension isn't granted it means both of us would lose our income and then the snowball effect  
20 would occur. It would mean us probably needing to relocate somewhere else to find work which means none of our time or money would be given back to the local community. It makes me sad to think what Tahmoor and the surrounding areas would look like in a year or two after if the mine were to close.

25 MS J. COOK: Good morning, I'm Jemma, and I've worked here at Tahmoor for 11 years. I have been lucky enough to move through different roles onsite starting as an admin trainee moving into payroll, accounts, HR assistant, personal assistant to our ops and production manager, injury management coordinator and, most currently, training coordinator. I started at the mine completing a traineeship straight after  
30 finishing my HSC. Given I didn't know what I wanted to do after high school this was a great opportunity. Being able to complete a diploma whilst working a full-time job, close to home, and working at the same place as my dad made it less daunting as I already knew quite a few people working here as they were dad's workmates.

35 I love working at Tahmoor for many different reasons. The main reason would be the people. I have made so many friends working here. I also really appreciate the opportunities I've been given during my time here. Tahmoor is a very friendly and fair place to work. Everyone on site respects each other which, I believe, is a very  
40 positive attribute when working in the mining environment. If the mine extension is not approved this will be a huge impact for my family and I. If I were to lose my job, all my hard work and dedication over the 11 years working here, to help my husband and I get to where we are in our lives now, would feel like a waste having to start over.

45 Not only would I lose my job but so would my dad, sister and brother-in-law. Many local businesses would be affected if this expansion does not go ahead. My uncle is

the owner of Tahmoor Newsagency. So this would be a huge impact for him. He would lose a lot of customers passing through on their way to and from work, not to mention the account Tahmoor Colliery has had with him for over 20 years. It's really sad to think about the mine possibly closing. This mine has been a huge part of our family's life for a very long time and I would like to see this extension approved so that myself and others can continue working here at Tahmoor for as long as we can securing our futures. Thank you for your time.

MR COOK: Just in closing, it is a well-known that the mine has and continues to give to the local community. Given this, I still find it hard to believe that there is a minority group of people so against the Tahmoor South expansion. When you choose to live in a mine subsidence district, you are aware of the potential mining that may occur and the associated risks that come with it. Furthermore, Tahmoor Colliery engages the services of so many Wollondilly, Illawarra and Shoalhaven, Southern Highlands businesses and the flow-on effect to these businesses in the community would be felt for so many years.

Tahmoor Coal is part of this community. It is part of our family and provides a living for so many, including my girls and I. This expansion must go ahead to keep the community and local jobs thriving. Thank you very much for your time today.

MR BEASLEY: Thank you, all of you. The next speaker is Simon Landow. Mr Landow. Are you there, Mr Landow?

MR S. LANDOW: Yes, good morning. Can you hear me?

MR BEASLEY: Yes, we can. Please go ahead, sir. We can see you as well.

MR LANDOW: Very good. Just firstly I would just like to declare that I am a current councillor of Wollondilly Shire Council. I just want to make that well-known. And I am definitely today speaking on myself as a personal matter. It's no way related to council. So I just want to make that very clear to everyone that's watching today. I just want to talk mainly about the social impact and my experience with myself being 12 years as a coal miner that has just recently been made redundant. SIMEC Mining is one of the largest employers in Wollondilly and I can't really explain just how critical that is to you. It's our third largest employer and, you know, that definitely just needs to be right at the forefront here.

45 per cent of the Tahmoor Coal workforce, they do reside in Wollondilly, and that includes contractors. I have asked a few of the contractors if they – just for their permission just to be – to be named because it's just important. So we've got the 400 employees at SIMEC, we've also got Rstar Mining, which that company is located in Bargo, that has 200 employees, we have got Southern Mine Hire, they are located in Bargo, they have 11 employees, we have Redback Engineering, they are located in Picton, and the company has seven employees, RX-Precision is another engineering company and they have 12 full-time employees and they are based in Picton.

Just one key note – so we do note that 45 per cent is an average but some of these Wollondilly local businesses, they have 100 per cent employment that reside in Wollondilly. Just alone, Redback Engineering, everyone there works in Wollondilly and they are solely – most of their work is based solely at SIMEC Mining. Another  
5 note as well: the figures – the job figures don't actually represent the jobs that are outside of Wollondilly. So if you're a company and you don't actually – your company is not registered in Wollondilly, well, those figures aren't included. And on SIMEC's books there's 1200 employers that can employ in Wollondilly and I do know of several that are currently working onsite at the moment but they are not  
10 named in Wollondilly and I know personally that people in that company actually reside in Wollondilly.

So you physically just can't turn the jobs tap off and turn it back on. And I'm very much in favour of the expansion of Tahmoor Coal for that very reason. It is the  
15 largest employer in Wollondilly and without it, potentially, we would lose hundreds and hundreds of jobs because the 400 that is just quoted throughout the report and on the community is – it's not factually correct because, you know, without getting the exact figure, potentially, you've got probably close to 1000 jobs that rely on this mine.

20 One key note too is also worth noting is 66 per cent of Wollondilly residents actually travel outside of the shire for work each day and where we've got one of the largest employers here isn't it critical that we can, just for the family life balance, is to be able to have employment close to home and I know some speakers have already  
25 spoken about that yesterday and one just previously. They live locally, they work locally, they're raising families locally, they have a mortgage and they're raising a family. You know, in this current pandemic of COVID as well, you know, why would we want to risk one of the largest employers in Wollondilly closing? It's extremely difficult and I can tell you that from firsthand being made redundant from  
30 a coal mine. It's not that difficult – it's extremely difficult to find more employment.

Just on more of the social side about what SIMEC provides, they have a community grants program. There has been many community organisations that have benefited from donations from SIMEC. You know, they're extremely, extremely generous.  
35 The \$250,000 – what the company gave to the bushfire victims and also, as well, it's really – it's really great of the employees that actually work there. You know, they passed around their hat and each person put in \$50 of their own money and they were – they were able to raise \$30,000 for the fire victims as well. They're all – everyone that works there, they're all community-minded. They only want what's best for  
40 their town. They want employment. And it's just – they're there because they love the area.

Recently – it's worth noting too: recently, I conducted a statistically valid poll result about whether or not mining is actually supported in Wollondilly itself and the  
45 results were staggering. 66 per cent of respondents actually support mining in Wollondilly. That's worth noting there. Just from my experience as well – and we can talk about the Burragorang Coal Mines when they closed down in Oakdale.

When the mines left the area there, Oakdale, itself, was basically a ghost town. The Workers Club, once a thriving little area, all the shops, there was expansions there for a service station and more shops and that all just stopped. Oakdale currently has still got footings and a large concrete slab where the continuation of the local shopping centre never eventuated. The Workers Club today is still closed - - -

PROF MACKAY: Mr Landow - - -

MR LANDOW: - - - the takeaway shop - - -

PROF MACKAY: Mr Landow, you're well over time. So it would be appreciated if you could conclude fairly quickly, please.

MR LANDOW: Yes, sorry. Okay. Well, I will just – I just want to close by just saying that SIMEC is one of the largest employers in the region and also to just very, very quickly, just for all the powers to be that are listening today, what we need is reform within the Subsidence Advisory Board. You know, appoint an ombudsman so they can listen to the claims of the residence and then the residence don't have to go through the process of going to the Land and Environment Court. Thank you.

MR BEASLEY: Thank you, Mr Landow. The next speaker is Geoff Johnston.

MR G. JOHNSTON: Hi, my name is - - -

MR BEASLEY: Yes. Go ahead, Geoff.

MR JOHNSTON: My name is Geoff Johnston. I submit my total objection to the granting of any approval to undermine Bargo and its environment. I've studied in detail the Department of Planning and Environment's planning secretary's environmental assessment report on the Tahmoor South Coal Project. My overall assessment of this assessment report is that there are areas which appear to be more aspirational rather than being based on past and existing experiences of the operation of coal mining in the Tahmoor Mine currently owned by SIMEC.

A number of academic studies have been done which reveal that water contamination levels in the Bargo River are significantly higher downstream of the mine's wastewater discharge point compared to upstream levels. These contaminants include heavy metal and vastly increased salinity. Of particular concern is the treatment of surface water runoff from the existing and future mining of the area. Section 6.4 titled Surface Water, paragraph 3.26, states in part:

*The Bargo River has intermittent flow ..... region with perennial flow downstream of the Tahmoor North due to licensed discharges from the mine.*

I do not have confidence in the ability of the existing mine to treat this considerable and constant water discharge to an environmentally acceptable standard. Section titled Aquatic Ecology, paragraphs 510, 511, 512 relate:

*Given the volume of water being constantly discharged by the mine into the Bargo River, environmentally satisfactory equipment would, of necessity, be on a huge scale with commensurate cost. The existing volume of discharge has presumably continued over the years of the lifetime of the current mine. Any extension of the mine would result in this discharge into the Bargo River being continued for at least another 10 years.*

Another concern I have is that a large school is located directly opposite the mine entrance. Daily I see coal being discharged from an elevated style conveyor belt - piles of coal awaiting loading for transportation. The elevated conveyor belt releases coal which drops freely through the atmosphere and mounds up into large surface piles. Any wind movement from east to west must result in air polluted by coal dust being carried into the school grounds approximately 150 to 200 metres to the west of the coal storage dumps. I am confident that if appropriate technical measures of both air quality and surface contamination were undertaken they would reveal significant risk to the 1200 children attending the school daily. The school is for children from kindergarten to year 12.

My view is that the department's assessment report does not contain concrete measures that adequately address the issues of quality of water discharge into the Bargo River or any air contamination from the mine's existing coal storage and loading facility. Both of these matters are..... I could not locate, however, any current, or, more importantly, independent ongoing technical evaluations of either in the report.

MR BEASLEY: Sorry, does that mean, sir, you're dissatisfied with the proposed conditions from the department?

MR JOHNSTON: Precisely.

MR BEASLEY: Right.

MR JOHNSTON: Other risks are mentioned – I should mention that I'm a retired management analyst. So I bring a quasi-professional mind to this.

MR BEASLEY: Right.

MR JOHNSTON: Other risks are – other risks are mentioned in the assessment report. I regard the report's treatment of some of these risks as being, in part, aspirational rather than definitive. In this light, I make the following general comment: it is clear both from the assessment, and other published academic papers, that there are many inherent risks inherent in both the existing mine working and the proposed mine extension. These risks are to existing built environments and extend to features such as roads, rail, creek, river and dam beds, lakes and undeveloped rural habitats and air quality. In addition, I'm aware of possibility threats to Aboriginal heritage sites and native flora and fauna.

Tahmoor Bargo is not the only site in New South Wales or Australia of quality coking coal. The assessment report appears to make a positive benefit of a reduction in cost because the extension is part of an existing mine. Frankly, I do not see this type of comment as being impartial. Costs are entirely a matter for the miner and I believe that New South Wales Planning should have no input regarding an applicant miner's projected costs. A brief examination of the results of earlier local undermining...with such damage as the cracking of creek, river, lake and dam beds which have proven difficult, if not impossible, to restore. Promised plans for rehabilitation must be measured against past efforts by this mine. Anything less is aspirational and should form no part of [assessment (?)]Coal is an environmental hazard. It is a hazard that we, to a necessity – and, until more recently ..... have accepted in the past. Coking coal is mostly used to produce steel. The assessment report includes an observation that coking coal is essential for producing steel. While this may once have been the case, there are existing technologies that can replace coking coal as a means of producing high quality steel. Examples include hydrogen technology and electricity technology.

MR BEASLEY: Just try and wrap if you can, Mr Johnston, because you've gone over time.

MR JOHNSTON: I'm into my - - -

MR BEASLEY: Yes.

MR JOHNSTON: I'm into my last sentence.

MR BEASLEY: Good.

MR JOHNSTON: Australia was blessed with cheap access to these resources without consequent environmental damage. I suggest that SIMEC be required to address these alternatives before any approval is given to further damage our environment by extending the mining of coking coal. I thank the Commission for hearing my submission.

MR BEASLEY: Thank you very much, Mr Johnston. Next speaker is Bonnie Curtis.

MS B. CURTIS: Good morning.

MR BEASLEY: Good morning.

MS CURTIS: My name is Bonnie Curtis and I'm a resident of Bargo. After years of saving, my partner and I purchased our first home in Hawthorne Road late last year. My partner worked two jobs seven days a week to save the deposit for our first home in Bargo. The impact of this on our day-to-day lives was incredibly stressful but it was worth it in the end when we could have our own place to call our own.

Getting a foot in the door of homeownership in Sydney is a near impossible feat and we actually did it. The rest of our lives is only beginning. We had plans to renovate our home, start a family and live our lives in Bargo.

5 A month after we moved in we received a letter telling us about the Tahmoor Mine expansion. We actually had no idea before that – before we bought the house. And we were told that our house would be impacted by 95 centimetres of subsidence. This is from a coal mine. That’s their information. Not two centimetres or something minimal but one metre pretty much. The damage that will happen to our  
10 home will take years to resolve, if it can even be resolved. It’s not an easy path to getting compensation and the stress of living in a damaged home for years will impact our health and our relationship unbelievably.

15 You know, I feel like our sacrifices have been for nothing. Our place will become worthless and we will be trapped here. Who wants to buy a home that’s going to sink into the ground? I do not want to start a family knowing that our children will be impacted by the stress of losing their family home to mining subsidence. I’m in complete shock that this project was given the green light with such significant damage to people’s homes. I can’t believe the Department of Planning thinks that  
20 this is okay: destroying people’s homes and their lives. It feels like David versus Goliath and we’re the little person being crushed by the pursuit of coal and money.

What this says is it’s okay to destroy people’s homes and lives if there’s money to be made. Is this selfishness reflective of who Australians have become? Putting the  
25 dollar above a fair go and mateship. Letting this expansion go ahead spits in the face of every person who has poured their life savings into buying a home to live in. It feels like maybe we should have bought a coal mine or shares in a coal mine and lived in that. It’s really a kick in the guts to everything that my partner and I sacrificed to actually have our own home and I’m sure many other homeowners feel  
30 the same way. Thank you for your time today.

MR BEASLEY: When did you say you bought your house, Bonnie?

35 MS CURTIS: September and we moved in in December last year.

MR BEASLEY: Right. And who did you get your letter from about the subsidence? Was it from SIMEC or - - -

40 MS CURTIS: Nathaniel Smith.

MR BEASLEY: From - - -

MS CURTIS: The local - - -

45 MR BEASLEY: - - - your local member of parliament?

MS CURTIS: Yes.

MR BEASLEY: Have you received - - -

MS CURTIS: We had no idea.

5 MR BEASLEY: Have you received something from - - -

MS CURTIS: Pardon?

10 MR BEASLEY: Have you received something from the mining company? From SIMEC or something - - -

MS CURTIS: About two weeks later we did.

15 MR BEASLEY: I see. Okay. And did they – do you know what – where your house is, do you know what lot proposed longwall it's under?

MS CURTIS: I can't remember off the top of my head but - - -

MR BEASLEY: All right.

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MS CURTIS: - - - I do have the - - -

MR BEASLEY: You can put in a submission to the Commissioners about where exactly your house is so they know. Thank you for that.

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MS CURTIS: How do I do that?

MR BEASLEY: You can just - - -

30 MS CURTIS: How do I put in - - -

MR BEASLEY: - - - write or email. If you go to the Independent Planning Commission website, there will be some details up there about how you lodge a written submission, and I think you've got 10 days from the time – seven days, I'm sorry, after the public hearing finishes, and there's a portal on it.

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MS CURTIS: And I should include the lot number?

MR BEASLEY: Yes. Do everything to identify where exactly your house is. Thanks.

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MS CURTIS: Thank you.

MR BEASLEY: All right. Thank you very much. Next speaker is Raymond Moss. Mr Moss.

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MR R. MOSS: Good morning.

MR BEASLEY: Hello. We can hear you, sir. Please go ahead.

MR MOSS: Good morning. My name's Ray Moss and I'm speaking today as a concerned resident and ratepayer whose home will be affected by the proposed  
5 longwall mining by SIMEC. My family has lived in Bargo for 38 years, and I've  
been 21 years in Johnston Road, which is 380 metres from the longwall proposal to  
the west boundary. I'm on Lot 2 Johnston Road. We purchased this vacant property  
in 1999, and I built the family home, and I also looked at potential future growth  
because we were within a kilometre of the post office and a kilometre of the railway  
10 station, which looked like a good investment coming from the other side of Bargo,  
where I lived prior.

I find it also disappointing that our local councillors have supported the longwall  
mining operation without consultation with us, because I always thought that council  
15 was meant to support the residents and ratepayers in our shire. This mine also was  
constructed starting in 1974, and I know that because my father worked on the  
construction with Cementation, the mining contractor who sunk the first shaft there.  
For this longwall mining operation to be approved, the damage to homes and damage  
to property, for me, does not equate to a few years of employment for those working  
20 at SIMEC. Bear in mind that that mine has had a long history of changing  
companies.

I note that the only voice being heard in opposition prior to this meeting was from  
Nathaniel Smith, the member of Parliament. He was admonished by people, and I  
25 find the radio, the newspaper, the TV all supported the workers and their jobs. Fair  
enough for a labour component and the CFMEU to support the workers in their  
endeavours. However, no consideration is given to post and pillar [mining (?)] under  
this proposed longwall mining operation. I know what longwall mining does. I've  
been the son of a miner all my life.  
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MR BEASLEY: Sir, is your house going to be impacted by subsidence, is it?

MR MOSS: Absolutely.

35 MR BEASLEY: Right. Do you know what longwall is the one that's going to  
impact your house?

MR MOSS: The one directly to the west of my property on Johnston Road. I  
actually had to measure it on Nearmap, because the document handed out by the  
40 mining company almost looks like it's in code, and if you don't have access to the  
appropriate materials, you wouldn't be able to actually see where it does impact. It's  
380 metres to my west.

MR BEASLEY: Right. So you've got a letter from the mining company saying  
45 there's a potential for your house to be impacted by the subsidence, have you?

MR MOSS: That's right.

MR BEASLEY: Right. Okay. Sorry, I interrupted you.

MR MOSS: No, no. I've – that's all I've got to say today. Thank you for your time.

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MR BEASLEY: Thank you.

MR MOSS: And I hope we see sense. Thank you.

10 MR BEASLEY: Thank you. Next speaker is Mathew Davies.

MR M. DAVIES: Morning, all. You can hear me nice and clearly?

15 MR BEASLEY: Yes, we can, thank you. And we can see you as well.

MR DAVIES: Yes. That's a good head .... Firstly, thanks for the opportunity to have my say, and I am showing my support for the Tahmoor South Coal Project and why I believe it should be approved to go ahead. My name's Mathew Davies. I'm a local resident and also a local mineworker at the Tahmoor Colliery. I'm a third-generation miner who was born and bred in the town of Tahmoor and couldn't be prouder. My father, Brian, worked alongside his father in the Nadi and Burragorang Valley mines until my dad transferred across to Tahmoor in June 1980, where he served 35 years and retired in July 2014 after a long and safe career in the industry. Along with my mother, they raised myself, my brother and sister, all of whom attended local schools in the Wollondilly and represented sporting teams and now either work at the mine or run local businesses in the area, which, in turn, supports and provides for other locals.

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30 I myself married a local girl and set up camp in Tahmoor and who I've been fortunate enough to have raised three young men, all of whom also attended local schools, represented local sporting teams, and now work in the local businesses. For the past 17 years I've been employed at Tahmoor Mine, where I've been given the opportunity to work alongside my father, my uncles, brother, brother-in-laws, and many, many friends, those that I grew up with as a young child living in the area, the sons and daughters of the coal miners, and for most of us, we still do live about town. We still do live and support the local area. All our kids are sent to the local schools. Some of our schools our partners teach at. We spend our money in the local shops and businesses, many of whom are owned by the son or daughter of a miner. Most of our wives and partners are either employed local or have their own business locally. We live local and pay local. Our council rates and that provides for us all.

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45 We volunteer in local teams, bush fire brigades, sporting teams as coaches and managers, etcetera. If you live local and don't work in the mine, you sure as hell have asked someone for a job at some stage or tried to get in, find out what goes on behind the big brick gate and the wide fence, which, for many years, has provided local families with job security and a financial future very close to their doorstep. All the aforementioned has been afforded to me by the opportunity given to my

father at the start of his mining career at Tahmoor and, in turn, opportunities for myself and my family. I've been fortunate enough to live in the area since 1975. It has always been known that mining under your home is a possibility. This was never hidden from anybody. It's part of the deal. This, in fact, happened to me in 2016,  
5 when longwall 30 mined under my home in Moorland Road. The mining process, nor the subsidence, has had any adverse effects at all on my home. You would never have known. I do know of others that did suffer some damage in my area, and they assure me that their issues were rectified swiftly and professionally with no ongoing effects.

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If the Tahmoor South Coal Project was not to go ahead, it could be crucial to the local area. The many local businesses that these men and women support will no longer be around. The closure of the mine would force most of us to leave the area and seek employment from the industry in other parts of the state or country. Who  
15 will coach the kids at footy, spend the money with local businesses, fight the fires or sponsor local teams? Who's still going to be left around to live in the new housing? It's all well and good when the community needs something and our employed men and women spring into gear and act in the best interests of others. It's now time we need others to see the good in us and support us.

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Let me take you back to what I remember about how Tahmoor looked in the late 70s, early 80s, when mining commenced, and you think about what it has become today. There was a BP service station owned by Jimmy Trainor, where you could still get the windscreen cleaned, and the mower fuel was premixed, ready to go. There were  
25 no glorified lolly shops that sometimes sold petrol. One Foodmaster supermarket, the only shop in town for general supplies and groceries. This provided many local kids, including myself, our first employment, working after school hours. Thanks, Mr Cadwell. He always knew if the miners were not making much money, as nor was he. Black and Gold spaghetti and baked beans around the clock. The local  
30 paper shop, which even though has had a makeover, is in the same location that it is today. The local meeting point to catch up and find out what's going on in the world. No internet, no Facebook. .... Corner Store. Great place to pull up and get your local bread.

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Malcolm Smith butcher shop. Local killed, local sold. And Ingham's turkey factory, another local business that's the backbone of this community, a place where many a miner's wife worked. And there was one little old country school, somewhere for the next generation of Wollondilly residents to start their journey into the big, bad world, and where most of us learned the community spirit became ingrained. We're  
40 a coal mining town and we like it that way. There were no big supermarkets and fast food joints. They all sensed the opportunity to branch out here because the mine is here.

45

The story goes that things are built from the ground up. Not at Tahmoor. The luxuries that we all have today didn't just happen. They were built from the underground up. Many men's blood, sweat and tears built this town. I ask that those who are in the opposition of this development take a long look behind you to see

where you came from. Thanks, guys. Thanks for the opportunity. I hope and I trust that for the betterment of the area, the correct decision will be made. Good on you.

MR BEASLEY: Thank you, Mr Davies. The next speaker is Michael Banasik.

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MR M. BANASIK: Yes, good morning, Commissioners. Can you hear me and see me okay?

MR BEASLEY: We can. Thank you, sir. Go ahead.

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MR BANASIK: Yes, thank you. Firstly, I would like to declare I am also a local councillor at Wollondilly Council and currently deputy mayor of Wollondilly Shire, but I'm speaking on this matter in a personal capacity, if you like, Commissioners. First of all, I would like to acknowledge the local Dharawal People, the traditional owners of the land, and pay respects to their elders, past and present.

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Commissioners, I speak in favour of this extension, but I do have a few concerns and a suggested amendment, which I will come to later. Obviously, the main issue for support is the local jobs. I know people are debating what the exact figures are, but they're well over 400 jobs for miners. There's also the contractors, which is a few hundred jobs, and there's also about 50 to 60 small businesses that benefit from it.

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The SIMEC or the Tahmoor Coal Mine, as the locals call it, is obviously one of Wollondilly's biggest local employers, probably in the Tahmoor region, with Ingham's, is – they're the two things that people do. So I show support in that way. I do recall, Commissioners, over 20 years ago – it's a bit of déjà vu, if you like – when I was debating in my role as a councillor the Tahmoor North development, okay? And the same issues that were raised then are raised now, and I do understand that, okay? I have – two of my previous homes were in mining areas, one at Thirlmere and one at Picton, so I understand the concern from residents.

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Look, Wollondilly is a mining area. We've had mining in most of our towns. We've got Appin – or mining affected most of our towns, I should say. Appin, Buxton, Couridjah, Picton, Tahmoor, Thirlmere ..... Oakdale, Wilton. We only have the two operating today, SIMEC and South32. Sadly, the Burragorang Valley mines closed a number of years ago. So our community is made up of small towns, as you would be aware, so the spin-off effects to local business, etcetera, is massive with the mines. I know, talking to a local plumber's family only a couple of days ago, a-third of their business is with the local mine, and that has been happening for probably 20 years. I know as a past owner of Bargo Newsagent in the early 2000, if you like, I witnessed myself the benefits that small business have. And when the mine was closed, whether it be production issues or strikes, you know, you'd be looking at a – sales would be down by a-third. The takeaways, cafes, etcetera, would suffer more.

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Another important issue with this mine, which not a lot of people raise, is all the coal is transported by rail, okay? So that is a very good thing locally. Roads are a big issue in Wollondilly, because we're very spread out, so obviously, the miners drive to work, so there is some effect, but the heavy B-doubles, if you like, don't have that

- effect. I would now like to talk about a couple of concerns, Commissioners. Obviously, the mine subsidence – we had the Mine Subsidence Board up to 2018, I believe is the date, and it was recently changed to the Mine Subsidence Advisory Committee. There’s a few horror stories. I think you will hear them later today and  
5 tomorrow, and I think the powers that be need to change that. Okay? The way I understand it, this extension of Bargo won’t happen for quite a few years, so there’s plenty of time for the State Government to get off their butt and make it more friendly for residents.
- 10 As has previously been stated, if you go – currently, if you have a claim and you query it, the same person that did the claim decides it. That, to me, doesn’t meet the pub test, so I think there needs to be changes. The last resort is go to the Land and Environment Court. I said before I had a perceived conflict, and I stated that, but I would like to support council’s submission in relation to Dog Trap Creek and the  
15 Bargo waste facility, and, of course, the main issue is the effect on the 140-odd homes. Okay? I do have one suggestion, Commissioners. Forgive me for not knowing the number of the longwall, but the very – the longest longwall, if you like, on the map that goes from .....
- 20 MR BEASLEY: What direction? Are you talking east, north, south, west?
- MR BANASIK: Yes. Coming from Wellers Road, it goes all the way down to River Road. That really long one.
- 25 MR BEASLEY: Is that 106B?
- MR BANASIK: Yes, I haven’t got the number. Forgive me. I’m in the .....
- MR BEASLEY: Is it the one that’s furthest south and that stretches furthest to the  
30 east?
- MR BANASIK: Yes, yes. Correct. It’s the longest longwall, okay?
- MR BEASLEY: Yes, okay. That looks like 106B, yes.
- 35 MR BANASIK: Yes. So forgive me for not having the numbers.
- MR BEASLEY: That’s all right. It’s right at the bottom of the plan – mine plan.
- 40 MR BANASIK: Yes, yes, right. It’s the closest one to the town, if you like, okay. So - - -
- MR BEASLEY: I see.
- 45 MR BANASIK: Okay. So my main concern with that one, Commissioners, is - - -

MR BEASLEY: I may have misled you about directions. Apparently the map I've got has got north at the bottom. But - - -

MR BANASIK: Yes, okay. Yes, yes. I thought it was .....

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MR BEASLEY: Anyway, I think it is – 106B looks as though it's easily the longest.

MR BANASIK: Yes, yes. It goes from Wellers Road all the way – yes. So that – as you're coming from Tahmoor, if you like, there is a bridge there that crosses there, and people call it the bridge to go to the tip, right? I – when Tahmoor North was happening, the bridge between Tahmoor and Thirlmere, if you like, on Thirlmere Way, was closed for quite a period, so it created a lot of angst in the community and a lot of inconvenience for business and locals, school bus, etcetera. So I have some concern with that bridge, and I've mentioned that to a few people. It would be great if that longwall was shortened not to go under that bridge, okay, and there would be three - - -

MR BEASLEY: Well, I think it is actually – I think it is the furthest south one that heads the furthest east. I think I was right the first time. I got the dodgy directions, but I think you got it right, yes.

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MR BANASIK: That's all right. I'm not going to argue with a Commissioner. Okay. So - - -

MR BEASLEY: You're not arguing with a Commissioner at the moment, but it's probably worse to argue with me, based on temperament, but - - -

25

MR BANASIK: Yes, okay. Yes. No worries. We depend on Google Maps too much these days.

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MR BEASLEY: Yes .....

MR BANASIK: Okay.

MR BEASLEY: So you think that one should be shortened a bit, do you?

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MR BANASIK: Yes, yes. I just think that should be short for three – the main reason is on either side of that bridge, particularly on the west side, if you like, if you're looking at – you've got Claremont Drive, Wellers Road, Hogans Road – you have quite a number of residential homes, okay, and then you have some on – just on the Great Southern Road.

40

MR BEASLEY: Right.

MR BANASIK: And you have the Kalinya Gardens, which is quite a large complex. I was in there recently. It's a tourism ..... it's – the CEO of Destination New South Wales was there, so that's quite a large building that would be greatly

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affected by mining. I know when Tahmoor North happened 20-odd years ago, there was concern about a lot of buildings, and the rulings kept them away from high school, shopping centres, large buildings. So that would be good if that was shorter. And I think that's small fry in the overall map, if you like, of what the mine wants to do, and it would be a good concession. It would cut the 143 down by a fair bit. I don't have those exact figures, but I think you would be looking at quite a few homes along there, and perhaps even that longwall could be made a little bit thinner to have less effect on those properties nearby. But – yes, that's my main concern, that and the mine subsidence. But I stress I am in support of the mine, but I would like, seriously, that amendment to be looked at and that longwall to be shortened a bit to safeguard some of the local homes – more of the local homes. And - - -

MR BEASLEY: Is that shortened at both ends or - - -

MR BANASIK: No, shortened at the top end of the map, if you like.

MR BEASLEY: I see, yes. Right in the middle there.

MR BANASIK: Yes.

20

MR BEASLEY: Yes.

MR BANASIK: Yes.

MR BEASLEY: Okay.

MR BANASIK: If you look at it, it's where the bridge goes over. If that bridge is closed, there is only one other bridge right down the bottom, if you like, or in the middle of the town, and that has already got some strong challenges, so it would be absolute chaos. I know the argument is that the mine would rebuild the bridge, you know, but I think that would be a big inconvenience to locals and everybody. But the main issue – it would also – if that longwall was shortened, it would mean on the west side, no homes would be mined under by the mine. So that's my main reason for raising that, and, of course, the inconvenience of the bridge and, of course, the Kalinya Gardens complex, which is a massive tourism complex. So that's about all I have to say.

MR BEASLEY: Thank you.

MR BANASIK: I stress I'm in support of it. I thank the Commissioners, and I .....

MR BEASLEY: Sir, it would probably just help the Commissioners if, in relation to your submission about the longwall 106B, which it looks like it is, that in terms of shortening and making it slightly less narrow, if you send in a sketch indicating - - -

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MR BANASIK: Yes, yes.

MR BEASLEY: - - - exactly what you're talking about.

MR BANASIK: Yes, yes. Sure. I – yes. I meant to say that. I've got it written down. I will put in a written submission before close.

5

MR BEASLEY: That can all be done from looking at the website. Thank you.

MR BANASIK: Yes. Thank you very much. Have a good day.

10 MR BEASLEY: Thank you. Next speaker is Ian Wright.

DR I. WRIGHT: Thank you very much, Commissioners.

15 MR BEASLEY: Dr Wright. Yes, we can see you and hear you, sir, so please go ahead.

DR WRIGHT: Terrific. I'm just looking for the "share screen" button. I have a PowerPoint presentation. I can't locate that at this time.

20 MR BEASLEY: It's all right. Just take a moment to find it.

DR WRIGHT: Can you see my presentation?

25 MR BEASLEY: Not quite yet.

DR WRIGHT: Okay. Well, I'm not going to hold it up. I'm just going to talk through my presentation. Can you hear me okay?

30 MR BEASLEY: We can. Your presentation can always be submitted in afterwards.

DR WRIGHT: Yes. Terrific. Okay. So I'll start now. So in my opinion, this coal mine is having several major impacts on regional waterways, and it's also my view that the EIS for the Tahmoor South Project, including the amendments, give a grossly incomplete description of the mine's many environmental impacts on waterways. The failure of the EIS to adequately describe the mine's current and historic environmental impact questions the validity of its EIS predictions. At Western Sydney University, I've been leading a research team, and we've been examining the environmental impact of this colliery and several others. We've been looking at seven other mines across the Sydney basin for a decade now. All parts of our research have been peer reviewed and published, so our research on this mine, on Tahmoor, has concentrated on the impact of mine subsidence on Redbank Creek, and it's also concentrated, secondly, on the impact of the colliery waste on Bargo River. And after my presentation, two of my team's researchers, research co-authors, will be presenting a little bit more detail on those two aspects.

45

But as I say, we've published so far six papers. We've just had another one accepted in the peer-reviewed scientific literature. There actually is very little on this topic,

and when I say that, I particularly mean the impact of subsidence and channel fracturing from longwall mining and the impact on surface waterways. So we've been studying Redbank Creek in particular, because it's relatively easy to access and there's a whole series of issues and basically a data gap, and we think that is relevant  
5 for the management of the future mine, if it goes ahead. But also, we've looked at the water quality impact, and we've just had our most recent publication accepted, and that's looked at 14 months – a 14 month investigation of the coalmine waste on the Bargo River. I'll be sharing details of these references and publications in my written submission that will be coming as well.

10 There is a plume of pollution extending from the mine waste at Tahmoor into the Bargo River, and it extends for more than nine kilometres. We – to begin with, our first studies, we just looked at the immediate impact, and when I say that, the mine waste comes out of a small waterway called Teatree Hollow, and we just studied it to  
15 begin with from Bargo River at that entrance point at Teatree Hollow down to Rockford Bridge, a very, very popular area. We have since followed it further down into the gorge. The Bargo gorge extends about another five kilometres below Rockford Bridge into the Nepean River, and at each step, we find that the plume does not dissipate as much as we had anticipated, so we've monitored that plume all the  
20 way down into the Nepean River, and our latest research has been accepted on that.

So I just give one example. The whole periodic table of elements light up when you look at the contaminants that are in this coal mine waste. One of them is arsenic. This coal mine waste actually has the highest concentration of arsenic that we've  
25 measured in any of the coal mines across Sydney. On average, over 14 months, we measured an arsenic concentration – and that's total arsenic – of a mean level of 60 micrograms per litre, and that's creating a plume in the river. At the reference sites, arsenic is generally not detectable, so that's something that's unique, that's introduced to the river from this coal mine. We measured it at approximately 25 to  
30 30 micrograms per litre in the stretch between Teatree Hollow and Rockford Bridge, and we also measure an increase in arsenic down in the Nepean River where the Bargo River enters.

We had the arsenic tested once to look at what form. Not all arsenics are the same.  
35 And it's actually arsenic 5. That's a very dangerous form of arsenic, and the ANZECC guidelines are 13 micrograms per litre for protecting the aquatic ecosystem. So we're regularly getting levels in the Bargo River of about 30. Now, this mine is also very poorly regulated, in my view, and the EPA basically offer a licence to pollute. They're good people. They do their best. But it still allows waste  
40 from this mine to effectively be flushed down the Bargo River. Arsenic is authorised by the EPA to be discharged in mine waste at 200 micrograms per litre. So the mine is actually performing far better than its licence allows.

So the Bargo River at Rockford Bridge and then down Potholes reserve is an  
45 incredibly popular river. Again, looking at the EIS documents, I don't read have significance and value of this waterway. It's got incredible heritage value, it's got biodiversity value, and it effectively is the beach of Tahmoor and Bargo. I've been

there so many times. Even in the midst of winter, there's people there, but on hot summer's days, I've heard reports of up to 40 cars in the car park. The Bargo River is incredibly popular. But – and this is from the EIS – the mine waste contributes in median flow conditions about two-thirds of the flow of Bargo River. So if you jump  
5 into the Bargo River in Potholes reserve, you're swimming, on average, in about two-thirds mine waste. So we've been monitoring that mine waste at the point that it comes out of the mine, and that's right up beside the southern railway. It runs down an open drain into a small tributary called Teatree Hollow, and then we've followed that all the way down Bargo River, in fact, for the length of Bargo River, to the  
10 Nepean River and uncovered at each point the water quality.

Our most surprising finding to date is that we've got a lot of metals, there's a lot of salts, but it's also very high in nutrients and, in particular, nitrogen. We find this very puzzling, because all the way down the Hawkesbury-Nepean River, algae and  
15 nutrients are an absolute focus of the water industry, Sydney Water in particular, councils and the EPA. But prior to December last year, there were no regulations on nitrogen discharge from this plant, and we found nitrogen discharged at about two milligrams per litre. The safe level would be a fraction of one milligram.

20 We also have discovered metal such as nickel and zinc. Nickel, in particular – it's almost undetectable in the background and, when I say the background, I mean the Bargo River up above the mine discharge, but also in the Nepean River, upstream of Bargo River. It comes into the mine, the waste. It's about 60 micrograms per litre and, in the river, in the Bargo River below the waste entry, it's between 30 and 40  
25 micrograms per litre. The ANZECC guideline for nickel, for protection of ecosystems, is 11. So it's roughly three to three and a half times above the safe level for the ecosystem.

And, sadly, it actually creates a plume right down into the Nepean River, still above  
30 the guideline. So one of my points – and I'm making a written submission as well. It's not just looking at what comes out that pipe, because the EPA do have an end of pipe focus, but they should also look and regulate the water pollution in the river. This is very little dilution and, particularly in drought time, both waterways can almost cease to flow, so the concentration is much higher. Now, in terms of  
35 ecosystem damage, one of the things we have done is look at: well, what of the contaminants might be bio-accumulating? So one of the experiments we did and published, we actually grew willow cuttings as a laboratory bioassay, in water from the Bargo River above the mine, so the background water, and we grew cuttings as well in the mine waste, collecting samples from Teatree Hollow.

40 And we found this signature of three metals which we associate with this mine, and that's barium, strontium, and lithium. They are at enormously high levels relative to other mines in the literature, barium in particular. But when we grew cuttings in the waste, a lot of these metals are actually moving up and getting taken up by the plant  
45 and incorporated into the leaf tissue. We grew the cuttings for about six weeks and then we harvested the leaves and dried them out, pulverised them, sent them to an

analytical lab to look at the metals. So question: what is the environmental impact of the contaminants created from this mine?

5 We don't know, but I think there's form for moving and mobilising into plants and possibly into the broader ecosystem. The EPA do license this. They have an Environment Protection Licence, which everyone in the industry calls a licence to pollute, so this specifies the concentration of pollutants that the mine is able to discharge. Currently, I would regard this as a poor example. It does not protect the Bargo River. The EPA are always – again, good people, I send them my results, I  
10 talk to them, but they're always fighting a rear guard action. They can only issue a licence that is in – that lines up with the approval under the planning system.

15 And, at the moment, this licence enables them to release highly saline affluent, very high fecal bacteria – enterococci of 1700 colony-forming units. I'm glad to see they have got that, because people are swimming in it in the river. It has very high levels of nickel and zinc, sometimes up to 30 times higher than the safe level. I don't believe that and the very small amount of dilutant.

20 MR BEASLEY: Sorry, but is that allowed under the EPA licence to do that?

DR WRIGHT: Yes, that's correct. So I will detail this in my submission.

MR BEASLEY: Yes.

25 DR WRIGHT: But the current [licence (?)] has these pollutant discharge limits and, again, my – the two worst for me are nickel and zinc and nitrogen, and all are at levels that I believe are dangerous for the ecosystem. I will add that EPA reissued licence 1389. That specifies the discharge conditions [for the (?)] mine. They have reissued one in December, and it is anticipation of the new waste treatment that they  
30 require the Colliery to build. I'm expecting that that will be a reverse osmosis plant, and it's basically signalling that, in future, when they're treating the waste, it will be at much, much lower levels. That's basically in terms of salinity, aluminium, barium, copper, nickel, et cetera.

35 I'm satisfied with that. But what I'm concerned with – when will this apply? Because, in 2011, the EPA, through their licence, issued a notice requiring Tahmoor Colliery to install new waste treatment, and they had similar conditions that they anticipated would apply in the future, and they went ahead with interim conditions until that plant was built. Those interim conditions are still enforced today. We're  
40 actually getting pretty close to nine years later. So my - - -

45 MR BEASLEY: Dr Wright, would you mind if I just asked you a question about this? Where this is dealt with in the Department's assessment report, having discussed water quality issues and the licence you've been talking about and the water treatment plant, the Department talks about Tahmoor Coal being issued a penalty notice in September 2020 and it talks very briefly, without much detail, about

aluminium, arsenic, barium, copper, nickel, etcetera. It then – the Department then expresses the view that – I will read it directly:

5           *The Department considers that the operation of a new reverse osmosis base  
WTP would ensure the quality of the water discharge by LDPI into Teatree  
Hollow from the project would improve significantly.*

Is that something you agree with or do you have a view about that, or - - -

10 DR WRIGHT: Yes, I do. Yes. Look, thanks for clarifying that.

MR BEASLEY: Yes.

15 DR WRIGHT: I absolutely support that, and I think that will lead to an  
improvement. But I've got a couple of questions. Firstly, the EPA actually required  
that in 2011.

MR BEASLEY: Right.

20 DR WRIGHT: And what was delivered didn't work to specifications.

MR BEASLEY: I see.

25 DR WRIGHT: And the conditions. The pollution has basically remained ever  
since. So I don't see a firm - - -

MR BEASLEY: That's an enforcement problem, is it?

30 DR WRIGHT: Yes, it is. Absolutely.

MR BEASLEY: Yes.

35 DR WRIGHT: And I think it's to be a condition of consent. And – but there's also  
– we've got to look at the whole environmental impact.

MR BEASLEY: Yes.

40 DR WRIGHT: [Where (?)] will the wastes from that plant go? Because another  
mine that I've looked at, the Appin mine, its reverse osmosis waste is actually  
dumped into a waterway going into the Port Kembla Estuary. So who is going to get  
the waste from this? That [is (?)] part of the [question (?)].

MR BEASLEY:

45 PROF FELL: Perhaps I can help a little. We've questioned these aspects as we've  
been through the various speakers. Firstly, the water treatment plan is not part of this  
proposal, but we've been assured by the EPA it is going ahead. And we've also

asked the question about the quality of the permeate, and they have assured us that the permeate will [meet] ANZECC guidelines for discharge. So, that being the case, I think the concerns you've expressed will, in fact, disappear, because the [ANZECC] levels were very low. The other issue you've raised of the concentrate from the [RO] plant is again something we've asked questions about, and I direct you to the transcripts to get some guidance on that. They're actively looking at disposing of those in a way that will not, from my understanding, cause pollution. Though I think what you've had to say is very relevant at the moment, but I believe, separate to this application, the EPA is working quite closely with the company to clean up the discharge to Teatree Hollow discharge point.

DR WRIGHT: Look, thank you for that, and I totally agree and support what you say. I've just got a couple more points I would like to make. My - - -

15 PROF FELL: Yes. Please.

DR WRIGHT: ..... will have – will follow in more detail. But I believe, in the interim, this – the waste is going to continue to be disposed for quite a period of time, and I can see, from previous presentations, the Colliery does care about the community, and I believe that they should be open and transparent about the impacts of their waste, particularly for a river where people swim in large numbers. I believe that they should take some responsibility, given that two thirds of the water comes from their waste, and they should give weekly updates on the Bargo River water quality, and they should compare upstream and downstream as well as their waste. So it's a triangle. This has been done before. It's ..... being done at the moment by Clarence Colliery in the Wollangambe River. I believe this perhaps should be in partnership with Wollondilly Council so that people can make some judgment about whether it's safe or not, particularly under low flow.

30 MR BEASLEY: Dr Wright, it would certainly be, I think, helpful to the Commissioners if – I mean, this will only be relevant if there's an approval, but that the draft conditions in relation to water treatment, water discharges, water management performances – if you passed on your views in relation to those, the conditions that the Department have proposed, I think that would help the Commissioners.

PROF MACKAY: Dr Wright, it's - - -

40 DR WRIGHT: Thank you.

PROF MACKAY: It's Richard Mackay. Could I also ask directly, you know, whether you believe that this bundle of issues can be successfully addressed through meeting the ANZECC guidelines and through a bundle of conditions including, perhaps, the weekly reporting or others that you might suggest? Is this an issue that is resolvable in a satisfactory way through the condition process, please?

DR WRIGHT: Thank you very much for the question. Yes, I believe it can, and I've actually been heartened by the Coal Industry at Clarence, so that's up in the – right on the edge of the World Heritage Area beside Lithgow, and I've seen a, you know, quite ambitious program of works similar to this with a fairly rigorous EPA  
5 licence, and I've actually been really impressed by how the industry has responded, and I'm seeing that sort of improvement. So, yes, I believe it is feasible and workable, and I think what's different is that this river – this is essentially the river of Bargo and Tahmoor. A lot of people interact with it and, at the moment, it would be just good to, you know, keep the community informed about process of  
10 improvement.

PROF MACKAY: Yes. I would just also emphasise that the Commission has not formed a view about approval or refusal of this application at all but, with that qualification, we would invite you to make specific comment on the conditions in  
15 your written submission. We would welcome that advice.

DR WRIGHT: Look, thank you very much for that, and my other co-authors will speak shortly. I'm less convinced about the impacts of subsidence on creek channels, but I will hand over to my co-authors to talk more about that.  
20

MR BEASLEY: Thank you.

DR WRIGHT: Okay. Thank you very much.

25 MR BEASLEY: All right. The next speaker is Katherine Morrison.

MS MORRISON: Yes. Good morning.

30 MR BEASLEY: Good morning. We can hear you and see you, so please go ahead, Ms Morrison.

MS MORRISON: Beautiful. I'm just going to share my screen because I also have a presentation. Can you see that?

35 MR BEASLEY: Yes.

MS MORRISON: Perfect.

40 MR BEASLEY: Yes.

MS MORRISON: So I'm an aquatic ecologist and a current PhD candidate with Western Sydney University. Excuse me. I was first introduced to Redbank Creek back in the late 2017 and that was when me and my research team went down to start looking at the problems of subsidence in Redbank Creek. Since then I have  
45 published, along with my team, the research in a peer reviewed journal article, and I've also presented this data at the ninth Australian Stream Management Conference down in Hobart, back in 2019. With this study, we looked at a number of sites

along Redbank Creek. We started with a site located up in the Thirlmere township, which was above the longwalls and above any point of subsidence.

5 We also looked at three sites that occurred over the point of subsidence, so above these longwalls. Two of those are vents and a third one was just a pool of water. We also looked at a site downstream, just under 1.5 kilometres downstream, near the Picton township. What we found was that there was flow upstream. In our reference site, there was flow downstream. In our – 1.4 kilometres downstream of these longwalls. But we had intermittent flow and pooling over the longwall, and this is  
10 due largely in part to the fracturing of the bedrock known as subsidence. So what we found – that, as they undermined the area, the bedrock actually fractured.

15 The water that used to sit in the creek that fell through the cracks, it's what we believe has mixed with water under the ground, so in aquifers, and then has actually been pushed back up to the surface, and this has resulted in high electrical conductivity, low oxygen in the water – as it reaches the surface, it actually oxidises, so it removes the oxygen from the water – and we've also found a cocktail of metals, and this is significantly increasing of metals such as, you know, iron, manganese, aluminium, strontium, barium, zinc, nickel, cobalt. Just a complete cocktail of  
20 metals. And, as a result, this reduces the biodiversity and has a severe impact on the habitat quality, and it really is not an area that's conducive to life for the – basically for the ecology of Australia.

25 So the picture that you can see on the left hand side is what I took back in 2018 when we were sampling there. There was actually no flow at this point, except for those two vent areas and a pooling area, and you can see that this bedrock is actually quite fractured, and it's clear that no water could flow through here at this point without going underground. So last year, in 2020, the government ordered Tahmoor Colliery to actually try to rectify this situation with a remediation process, so my colleague,  
30 Ian Wright, and I actually went and visited Redbank Creek just last weekend during the rain event, because we wanted to see if increased rain would have – increased rain mixed with the grouting and the remediation by Tahmoor Colliery would have any impact on the flow of Redbank Creek.

35 And what we did find was minimal flow had returned to Redbank Creek. There was a little bit of flow but, just like what we predicted back in 2018, this flow fell below the surface level. It went through the cracks and it would pop out at various channels, creating these pooling events. We also noticed that the water contamination – so the impact on the water quality that I mentioned earlier – had  
40 actually continued. So this red stained water that we found back in 2017/2018 is actually still present. So this is actually the ..... this is vent 2 that you're looking at here, one of our sites. This is the vent back in 2018, and you can see that the colour and the contamination has actually continued up until last weekend.

45 So what we're seeing is, because the flow hasn't completely returned, because it's still dipping below the surface, that there's actually no dilution happening to kind of alleviate that contamination of water, and so it kind of begs the question of how long

will this water contamination actually [continue (?)] and is remediation even possible at this site? So I would put to the panel, as you guys sort of make your considerations, the – just the kind of consequences of any kind of damage to Redbank Creek in terms of its worth. So, you know, is the damage to Redbank  
5 Creek irreversible? We're sort of yet to see any kind of successful remediation attempt, and there's still no independent report that has been put out to kind of allude to its success or un-success. I would also question how long the water quality contamination will continue or whether or not it will dissipate as time goes on, and I would also question as to whether or not the flow would continue to come through  
10 Redbank Creek, or if this creek is now permanently just a series of pools.

MR BEASLEY: Sure. Ms Morrison, Professor Mackay just has a question for you.

15 MS MORRISON: Yes, absolutely.

PROF MACKAY: Thank you for that presentation. I would just like to observe – as far as we're aware, the remediation works in Redbank Creek are a work in progress so, presumably, there is a program to monitor the results of that program on an ongoing basis. And so, my question – again, without pre-empting any decision  
20 that the Commission may make – if the Commission were of a mind to approve, would there be some appropriate conditions that might facilitate that kind of monitoring process with respect to the Tahmoor South? Obviously, it's not Redbank Creek. It would be Dog Trap Creek that's affected and, I guess related to that, have you turned your mind to the potential similar issues that might arise from this  
25 proposal before the Commission? Specifically, Dog Trap Creek.

MS MORRISON: Yes. Yes. And that's an absolutely great question, so thank you for putting it to me. We did actually see some grouting lines while we were there on the weekend, and what we found was that there was still intermittent pooling around  
30 those grout lines. So, from what I can see, it's not yet successful. So there's – that's still that question of, if it's a work in progress, can it get to that point of success.

I would highly recommend that there is a completely independent report put forward with regards to any success of remediation of Redbank Creek because, as we would  
35 expect, that what has happened in Redbank Creek will happen – you could almost guarantee it will happen in Dog Trap Creek, and so I would put it to the panel to really consider the value of Dog Trap Creek and if the remediation is possible, or whether there are ways that we could avoid the damage altogether. Because what I have seen of Redbank Creek is quite confronting. There's a lot of damage there, and  
40 I wonder if it is possible to remediate, and that's certainly something that should be questioned before any expansion goes ahead.

MR BEASLEY: Thank you for that.

45 MS MORRISON: My pleasure.

MR BEASLEY: Next speaker is Callum Fleming.

MR FLEMING: Good day. Are you able to hear me?

MR BEASLEY: We can, and we can see you as well, sir. Go ahead.

5 MR FLEMING: Cool. I've got a presentation to share with you guys. Are you able to see that okay?

MR BEASLEY: Yes. It has just come up now.

10 MR FLEMING: Cool. So I'm going to be presenting some of my research findings investigating the impact of Tahmoor Collier's wastewater on the Bargo River. I did this as a part of my Master of Research at Western Sydney University and, just before I go into the results of my research, I would like to say that this river is very heavily valued by the local community. I've swum in the river myself for many  
15 years and it is heavily valued as a recreational spot. In particular, Mermaid Pools, which is a very, very popular swimming destination for not just Bargo and Tahmoor, but Sydney as a whole. People will travel in great distances for this location. This is a map of my sampling sites throughout the study. I've measured water quality of the mine discharge itself from Tahmoor Colliery in the Teatree Hollow, before it enters  
20 the Bargo River. I've measured the reference conditions of the Bargo River and the Nepean River and - - -

MR BEASLEY: Mr Fleming, just – we can see your map, but it may have been that you've zoomed in a bit too much. We can see it, but just wondering whether you can  
25 zoom out a little bit. There we go. That's good. Thanks.

MR FLEMING: Is this okay now?

MR BEASLEY: Yes. Thank you.  
30

MR FLEMING: All right. Yes. So, basically, the sampling sites contain reference conditions before the mine waste and impacted conditions in the river after the mine waste enters the river, and the results from our research have shown that there are three key water quality issues in the Bargo River as a result of the mine waste. These  
35 include increases in salts – salinity – increases in various metals – arsenic, nickel, zinc, barium, strontium, lithium, a whole cocktail of metals – and, most notably, nitrogen. This graph here shows the levels of salinity in the river in the mine waste. This first bar here shows reference conditions in the Bargo River and the Nepean River at low salinity levels.

40  
This second, large red bar shows salinity levels of the mine waste itself being far exceeded over the ANZECC guidelines, which is this black dotted line. These last two bars are the salinity levels in the Bargo River downstream, the first bar being 100 metres after the discharge to 2 kilometres in the river, and the last bar being up  
45 to 9 kilometres downstream in the river, into the Nepean River. So, from that, you can see that the coal mine wastewater from Tahmoor Colliery is elevating the level of salinity in the Bargo River and the Nepean River to levels above ANZECC

guidelines. This graph shows metal composition of the mine waste and the rivers, and it shows that the metal composition in the river has shifted completely as a result of the mine waste discharge.

5 This first bar shows the reference conditions of the Bargo River and the Nepean River, being very low in metals. Iron is the dominant metal, and this changes when the waste comes into the river. The waste is full of these metals that have been talked about – barium, lithium, strontium – and that changes the composition of metals in the river dramatically, as you can see from these two bar graphs that  
10 represent the downstream water quality conditions. This is a photo that I took while water sampling, and it shows the coal mine discharge flowing from Teatree Hollow into the Bargo River. And one of the things that was surprising to me, while I was conducting water sampling, was the levels of nitrogen present in the mine waste.

15 This graph shows the levels of nitrogen; the cross-reference conditions, the first bar; the waste, the second bar; extremely high levels of nitrogen that persist in the river elevating the concentrations quite dramatically. And the impact of nitrogen on river systems is quite well known to promote eutrication and algal blooms, and this is something that I witnessed myself while water sampling in the Bargo River. This  
20 photo was taken downstream in the Bargo Gorge past Mermaid Pools and, likewise, this is another photo that I had taken in the Bargo River before entering the Nepean River. This is down in the Bargo Gorge past Mermaid Pools. So, from my research, I can say that the flow of coalmine waste water from Tahmoor Colliery - - -

25 MR BEASLEY: Sorry. Just going back to your photo with the algae that you just showed us, that's very toxic, isn't it?

MR FLEMING: Yes. We haven't scientifically quantified the toxicity of this.

30 MR BEASLEY: Right.

MR FLEMING: We have only measured the levels of nitrogen and, as you can see from that graph, they elevate quite dramatically from reference conditions. And I can say, or I believe that this algal growth is influenced by those nitrogen levels.

35 MR BEASLEY: All right.

MR FLEMING: Yes.

40 MR BEASLEY: Sorry. Professor Fell is just going to ask you a question about this.

PROF FELL: Yes. Thank you for that. I was just interested whether you believe this comes from surface water runoff or mine water runoff.

45 MR FLEMING: I believe this comes from the mine discharge as quantified through the water sampling that we've done measuring the nitrogen levels. I would say that

those nitrogen levels have influenced the growth of algae but, like I said earlier, we haven't done any investigations into anything like toxicity or anything like that.

5 PROF FELL: Yes. I was just interested in the very high nitrogen levels that you reported, which would be characteristic of surface water runoff.

MR FLEMING: ..... Yes. With surface water runoff, there are, from my knowledge, no tributaries or anything like that bringing in runoff from, say, agricultural land or anything like that. I would say that this is most likely a result of  
10 the mine waste. Does that answer your question?

PROF FELL: I will leave it at that.

MR BEASLEY: Yes. Thank you.  
15

MR FLEMING: Thanks for the question. And that's – all I have to say is that, from my research, I can say that there is a negative water quality impact on the Bargo River from the discharge of Tahmoor Collieries waste.

20 MR BEASLEY: All right. Well, thank you very much for that presentation, which we would invite you to send in.

MR FLEMING: Yes. Thanks for listening. Have a good day.

25 MR BEASLEY: Thank you.

PROF MACKAY: I would like to thank all of those who have taken the time and trouble to present to the Commission this morning. This concludes our initial session on day 2 of the hearing. We will now take a morning break, and we will reconvene  
30 online at 8.45 am. That's Sydney time. So I shall look forward to - - -

MR BEASLEY: I think you mean – do you mean - - -

PROF MACKAY: Sorry. 11.45 am Sydney time. Thank you.  
35

MR BEASLEY: 8.45 in Perth, I think, if anyone is - - -

40 **VIDEO SHOWN**

**ADJOURNED** [11.27 am]

45 **RESUMED** [11.46 am]

PROF MACKAY: Welcome back to the second session on day 2 of the Independent Planning Commission's online public hearing into State Significant Development application for the Tahmoor South Coal Project SSD 8445. Mr Beasley.

5

MR BEASLEY: Our next speaker is Scott Groom. Mr Groom.

MR S. GROOM: Good morning. Thank you for allowing me to voice my opinion today. I guess to start off with just brief into my history. I've lived in the local area for roughly 25 years. I've worked locally. I support local business. I bought my first house in Bargo six months ago in what is now set out to be in the plans probably one of the most heavily affected streets in the mine expansion. I work two jobs seven days a week. I have been saving for five years to buy this house and over the past six months I've been renovating it heavily. I'm not a developer. I'm a homeowner. I don't want my property undermined nor would anyone in the local area. I guess my biggest concern into the future of the mine is its profitability. If this is the only plan that they have to go forward with future mining and that everything that's going around saying that if this plan doesn't go through the mine's more than likely to close, then I ask the question well what happens when they're done with this expansion?

20

For a Mining Subsidence Board to be able to pay out people in the future for any claims, there has to be a profit coming out of that mine. If there's no profit, there's no money to go to the Mining Subsidence Board. I mean, we can look at previous claims where Thirlmere Lakes has irreversible damage and the local rivers and streams not to mention homeowners in the Thirlmere, Picton, Tahmoor area. As far as Thirlmere Lakes goes, it was well-publicised that the mine blamed climate – climate change and drought when in actual fact it's very unlikely that a mine would – sorry – a – a lake would empty out within a couple of weeks due to climate change, coal being the biggest form of climate. Now, I guess another big concern of mine is also the lack of confidence in the Mining Subsidence Board in itself and its questionable past with financial management.

25

30

Anyone can go back and look into the details on that. I don't want to go into it too much. The mine's operated for around 50 years already and if this is the last option that they have, it's basically going to leave the homeowners without any claim in the future because once they're done in Bargo, as they said, this is the last option they have to mine. So I don't think that they should be allowed to undermine my home or anyone else's. Thanks very much.

40

MR BEASLEY: Thank you very much. Our next speaker is Bjarne Hunter.

MR B. HUNTER: Hello.

45

MR BEASLEY: Please go ahead, sir. We can see and hear you.

MR HUNTER: Firstly, I'd like to thank the Commission giving me to time address this meeting today. My name Bjarne, as said. I am a resident and a homeowner in Bargo. My property is situated on one of the proposed longwalls. I am a father of four young children who attend local schools. I run my own company which is  
5 based out of my property. I am opposed to this proposal. My concerns are that living above an active mine that is causing your home and retirement plan to shift under your feet would be extremely stressful. We shouldn't have this impact on our family's health and wellbeing. We've already gone through this, being flooded just after the fires came through which we have been actively engaged with for over the  
10 past 12 months. Homes that are impacted in the Bargo area will not have an easy path to compensation. Householders will be left on hold for years, living in damaged homes, waiting for the Subsidence Advisory New South Wales to deem the subsidence finished.

15 In summarising my points of concern and issues that stress me and my family on a daily basis, please consider the following: the mine from what I understand allocated a compensation fund of 3.9 million. Considering 143 homes will be affected directly, this clearly is not enough to compensate in the event subsidence occurs which is highly likely. Speaking of compensation availability, would it more – not  
20 be more mutual beneficial for the mine to reduce payments promised to government bodies and parks and facilities enhancements to be reduced a little, allocated as future compensation for the homeowners effected as they are whose lives will be affected directly with devastating impact. We as part [of (?)] the Bargo community are really disappointed that in this proposal process we feel we are overlooked.

25 Our properties and families don't matter and we can't believe in this day and age that companies are still waiting – wanting to mine under people's homes, community infrastructure and main arterial roads and waterways because when the mine is gone we residents of the community of Bargo will have to live with the destruction. It  
30 seems that big business wins over the Aussie battler, so to speak. We have previously stated – been through fire, then for our family home to be inundated with floodwater, devastating our family for – of four young children, throwing their lives into turmoil for over 12 months. This proposal is just adding to the complications of us simply living life in the home that we purchase an everyday taxpayer and putting  
35 our life and plans on hold to an unknown future.

2017 we had to follow protocols in applying for a DA for a garage on our property. We did our due diligence and contacted the Mine Subsidence Board in relation to this build and we were told that the mine did not have a proposal to extend under our  
40 property and the future plans were unlikely as it was unknown – it was known that the land in Bargo is already unstable. We have been told that our property's subsidence levels would be around 1.2 metres and I do not know anyone that could think that is acceptable on the land let alone someone's home and my neighbours' are considerably more. It is highly concerning to us that the level of transparency  
45 and open communication from the mine is kept to minimum details and we are left in the dark. We deserve to know. It's our little piece of Australia that we have worked just as hard as anyone else to afford.

In finishing, again, thank you for your time and I trust that my concerns, causing stress on my family and scary uncertainties not only on me but my fellow locals alike will be considered and addressed with the utmost emotion, passion and respect they deserve. Thank you.

5

MR BEASLEY: Thank you very much. Next speaker is Karen Robinson. Are you there, Ms Robinson?

10 MS K. ROBINSON: Hello. Yes. Good morning, Commissioners. I hope you can hear me .....

MR BEASLEY: We can.

15 MS ROBINSON: Okay. My name is Karen Robinson. I'm a resident of Hawthorne Road, Bargo and live in the proposed impacted mine subsidence area. My husband and I have lived here for over 33 years. Our sons were born and raised here. I am 60 years old and am due to retire in the next three years. I understand the current anxiety experienced by the miners with the thought of losing their jobs, their livelihoods. We all know someone who has lived through redundancy and there's  
20 significant anxiety associated with that. I get it. But please understand this: this longwall – the longwall mines will impact our lives for the life of the mine and beyond. 143 families. Apparently, an insignificant number.

25 I was not fully aware of what was happening until three weeks ago when my [member (?)] told me. I thought the longwalls into Bargo had been stopped. At first I was in disbelief. Naively, I thought that surely a private enterprise run by a multinational business with no relationship to me or my family would not be allowed to disrupt my life and my home. Naively, I thought that given our very recent  
30 experiences with loss of homes due to natural disaster people were well-aware of the impacts. Surely, they would not allow a multinational company to cause the loss of 22 houses and impact to over 143 houses. My disbelief turned into shock, then anger, but overwhelmingly anxiety. 143 families. Apparently an insignificant number.

35 I'm not on Facebook. I like facts and data. I've based my thoughts solely on reports prepared by Subsidence Advisory or the Department of Planning. Factual reports available for public viewing. I read about the proposed subsidence levels of less than 20 mm to 1.5 metres. Hold on. That can't be right. I read the 2016 study into the coexistence of urban development and longwall mining at Tahmoor Colliery and,  
40 yes, that was a fun read and I learnt that only 40 per cent of properties directly above the longwalls made successful claims and 30 per cent of properties located within 35 degree angle of draw line would make successful claims. I then tried to find reports detailing the impact on the wellbeing or mental health of those impacted by mine subsidence. I couldn't find any. All I could find was a reference to social impact on  
45 page 49 and 50 of another fun read, the preliminary issues report released in June 2019.

Whilst it mentioned the significant social impacts for communities effected by mine subsidence, it also noted that there has been no analysis of social impacts. 143 families. Apparently, an insignificant number. This is not like a natural disaster which is swift and catastrophic and devastating. No. It is like sitting on a ticking  
5 time bomb for 10 years or more, always thinking and worrying. Are we going to be one of the 40 per cent? What is that crack? What is that noise? Can I make a claim? What happens if that claim is rejected? Living with the damage. How can I sell my home? What is going to be the impact on our property value? Tick, tick, tick.

10 We've heard the stories from Tahmoor. We know what happened there and still continues to occur and what is coming for us. The damage, the heartbreak. I was hoping that after 40 years of public service in a stressful job, long days, long commute that I could rest and enjoy the life my husband and I have built here, my garden and my home. Our homes are our refuge, our sanctuary from life. How do  
15 we cope when that is taken away from us? My husband and I will be retired. We won't be financially able to pay for legal representation to fight for us should a claim be rejected. Apparently, we are all collateral damage. We feel abandoned. The council, our federal member, a powerful union and a big multinational company. Everyone is against us and, again, I ask the question: how can a private enterprise  
20 linked to a multinational business that has no relationship to me or my family be allowed to significantly impact our lives for the next 10 years? 143 families. Not an insignificant number to us. Thank you very much.

25 MR BEASLEY: Thank you. Do you know, Ms Robinson, whereabouts your house is in relation to the mine plan?

MS ROBINSON: I think it's under 106 - - -

30 MR BEASLEY: Right.

MS ROBINSON: - - - B.

MR BEASLEY: 106B.

35 MS ROBINSON: Yes.

MR BEASLEY: And would that be towards the middle of the mine plan or is it at the - - -

40 MS ROBINSON: The end.

MR BEASLEY: - - - eastern end?

45 MS ROBINSON: It's the end.

MR BEASLEY: Right.

MS ROBINSON: So we'll have to wait. We'll be the last long – under the last longwall.

MR BEASLEY: All right. Thank you for that.

5

MS ROBINSON: Okay.

MR BEASLEY: Next speaker is Kelly Pietraszkiewicz and I apologise if I mispronounced that.

10

MS K. PIETRASZKIEWICZ: No. That's okay. Good afternoon, Commissioners. I'm a resident of Bargo and have been a homeowner here for over 20 years. I've lived in this area my whole life. So has my husband. We are very concerned for our home as well as our parents' homes and our local environment. I'm an accountant in the construction industry. I have spent significant time analysing construction costs and do not believe the \$13.8 million allowed is adequate considering the potential damage. Fixing homes damaged by subsidence is not simple and restoring them to pre-mining condition, as mentioned in the mine's handouts, without rebuilding just isn't possible except where there's only very minor subsidence.

20

Department of Fair Trading guides and tolerances provides that a 20 mil deviation over a slab footprint is considered defective in the construction of homes. The mine has quoted a subsidence range of 20 mil to 1600 mil. This is an enormous range. Significant damage would be apparent at subsidence of even 50 mil in a slab. It would be rare that your home would purely subside vertically and evenly across the whole slab area. It's near impossible to bring a slab back to level even with underpinning on low level subsidence. A 50 mm deviation could result in the slab breaking up and upon repairing the slab, it's then a matter of pulling down brickwork, reframing, reroofing and – and – and the difficulty of finding suitable materials to match these existing dwellings.

30

You know, bricks and roof tiles of these designs just aren't available any more. The – you know, the damage to homes also becomes more problematic due to the time delay in repairing the defects. The longer the structure's sitting out of plumb, you know, the more adverse the impact. Home construction is very stressful. Builders are becoming more risk adverse and do not want to put their warranty behind rebuilds on unstable sites. But the fact is you actually have to get to the rebuilding point. Subsidence Advisory can defer claims for years till subsidence is complete. There's a range of reasons they can deny claims. Reactive soil, nearby trees, poor building practices and this is a real conundrum that homeowners face in Bargo.

40

Bargo does have moderately reactive soil. Does this mean that every homeowner needs to engage a geotech to see if a claim is even available to them? Poor building practices shouldn't occur because mine subsidence approves plans as do council. Council's engineers and certifiers sign off on building work at physical inspection points during construction. So, like, the piling and then they come out and they review the slab setup. So all the steel and the pods, etcetera prior to the concrete

45

pour. So poor workmanship, to me, doesn't sound like a plausible excuse in a mine subsidence area but these are the kind of things that homeowners are going to be up against, you know, should they not fall into the standard category. If you're unhappy with the compensation, you have to provide a position statement and accompany expert reports at your own cost that will not be reimbursed.

This subsidence advisory system is for competent professionals, not for lay people to navigate. Ordinary [people (?)] are at an extreme disadvantage in this process unless you have resources to call upon. Many older residents will not. I work from home two days a week on a permanent basis as many others do. My home is my sanctuary and I could not stand to live in a damaged home for years. This project only has a five to 10 year lifespan. The time homeowners could be waiting for repairs. I do not think this is fair. Lastly, I want to mention the damage to our waterways and I hope that they're considered.

Tahmoor Coal was ordered by the State Government to do remediation work on Redbank Creek. They weren't proactive in their responsibility to the environment. What will this mean for the creeks being affected if this extension goes ahead? I don't think the mental and physical health impacts of this project on homeowners is fair and worth the – the short time gain for the mine. Thank you for your time.

MR BEASLEY: Thank you. Kelly, do you know what area of the mine plan your house is on top of?

MS PIETRASZKIEWICZ: I don't know exactly but my – I – my mum and dad are directly over it and I'm within the 250 metre range.

MR BEASLEY: Right. I see. Okay.

MS PIETRASZKIEWICZ: .....

MR BEASLEY: Thank you. The next speaker is Mal Morgan.

MR SCHONDELMAIER: When they're ready.

MR BEASLEY: Hello, Mr Morgan. Can you hear me?

MR M. SCHONDELMAIER: Sorry?

MR M. MORGAN: Yes, I can.

MR BEASLEY: Go ahead, sir.

MR SCHONDELMAIER: You there?

MR MORGAN: Good afternoon to the Commission and thank you for today. I speak from experience. My name is Mal Morgan. My wife Jan and I have been

- residents of 115 Stilton Lane, Picton since we purchased the property in 1988, 33 years. Today I'm going to speak on the effect and involvement of Tahmoor Coal and the removal of coal from under property. There were three longwalls involved in this proceed: longwall 30, longwall 31 and longwall 32. Each longwall had a spacing or a gate road between them. The coal extracted which occurred was roughly 450 metres under the property and went from approximately June 2016 to August 2019. The size of the property is 12 acres. We run a wholesale production nursery on the site and have a dam approximately 7.3 megalitres in holding capacity.
- Our next door neighbour, John and Margaret Farrell, had a larger dam situated on lot 41 and 42 Stilton Lane. The dam was built in the 1970s and legally approved and had a wall height near our boundary fence of approximately eight metres. Having the two dams close together created a unique situation for both myself, my family and the coal mines situated in the Wollondilly area. This situation was that we owned and operate the production nurseey and employ approximately 12 people who can be present on the property. Family also reside on the property seven days a week. The Farrell's dam had a holding capacity of between 25 and 35 megalitres of water, a large dam by today's standard. Combine this with the volume of water held in our dam, should Farrell's dam have breached during the removal of coal, it had potential to not only effect our property domestically and commercially, it had the potential to effect traffic and residential property on Remembrance Drive further down from us.
- Farrells used the dam for irrigation so the dam had varying degrees of holding capacity depending on their irrigation needs and weather conditions. The surface area of the catchment was 22 hectares which ran into Farrell's dam and then ultimately into ours. I'll give you an example. In the 2016 Picton flood there was 330 mil of rain observed over that event. The Farrell's dam was full. Approximately 72 megalitres of water in run-off would have occurred and this is based on the assumption one mm per square metre equals one litre. 330 mm over a hectare of 10,000 square metres equates to 72,600,000 litres which is where I get my 72 megalitres from. Breaching with heavy rain would have increased the potential for significant property damage and potential loss of life.
- I understand that it was a condition of licence by the New South Wales Government that for longwall 31 to go ahead which was directly below both dams and one of the favoured options was the entire removal at Farrell's dam. Ultimately, this was what was to eventuate. I believe that Tahmoor Coal met the criteria as set out by the New South Wales Government which was ultimately signed off by the Minister. For the period of mining the three longwalls Tahmoor Coal appointed a liaison officer to deal with us through this unique challenge or challenges that we were confronted with for the removal of coal as well as the removal of the dam while we continued to operate, live on the property and run a commercial business.
- The business turns over well in excess of \$3 million. So it's – it's – there are reasonable things to consider. Tahmoor Coal put down 42 marker survey pegs in and around the nurseey. There are also six marker pegs in Stilton Lane itself. Very well

prepared to take measurements. They measured subsidence ongoing: monthly well into 2020. This is four years after they started. There were regularly inspections by approved personnel for all structures on the property to make sure that they remain in a safe condition and didn't suffer any significant damage during subsidence. A – this is significant. The drop in height of the ground went from just under 600 mm – I believe it 585 mm at the entrance to our property – to just under 300 mm at the small dam on the left-hand side of the property.

Tahmoor Coal gave us regular updates on the drop in ground level. Tahmoor Coal also worked with us on the Farrell – on the following: emptying, returning all water in Farrell's dam through our dam back to the creek and into the river system, setting it up in such a way to avoid turbulence without our dam and any potential silt loss from our dam to the creek and the river. When the water was low enough any wildlife such as turtles, eels were still in the volume of water left in Farrell's dam were then caught and transferred into our dam. With the completion and removal of Farrell's dam we were then faced with the following: large volumes of water coming off 22 hectares in heavy downpour directly into our dam. Tahmoor Coal vegetatively seeded the paddock next door which is Farrell's property, laid turf to minimum erosion and silt loss.

They also put in a boulder and concrete what I call speed hump to slow the water down and reduce the effect of any long-term erosion at the entrance of the dam. They put a concrete pathway across the entrance to the dam to avoid erosion and silt entering the dam. With more water coming into dam than any time since we owned the property, the water had to return to the creek via a council approved spillway. Tahmoor Coal put in a concrete driveway over the spillway to avoid erosion and silt being picked up by any traffic through the business as it went across the face of the dam and this – to where the water was ultimately transferred back to the creek and the river. Our – over approximately four years of involvement with the Tahmoor Coal, I found that they had put my family and business interests as well as the interests of the community alongside their actions in all their decision making and this has been done on more than one occasion.

They kept me duly informed of any consequences that the disruption would have to my family and my business. I believe that through their involvement I'm in a sound position to speak on behalf of their ability to mine coal in the Wollondilly area. Striking a balance between the commercial outcome such as the removal of the coal, the needs of the community and providing long-term employment directly and indirectly throughout the community. I have a second nursery near Ingleburn and regularly travel at all times of the day including peak hour and have found that since 1988 the number of people that are living in our community has increased but not necessarily proportionately to employment opportunities within our local area.

I regularly get applications from ..... Picton, Tahmoor, Thirlmere and Bargo at our Ingleburn site. I believe with the mechanisms in place we have been – which has been demonstrated to me by the unique situation I found myself in with the removal of Farrell's dam and the extraction of coal through longwall 30, 31 and 32 the coal

mine can be successful into the future in Wollondilly area. The coal mine still regularly contact me in regards to the numerous structures that we have on the property. I would also like to note to the Commission that I have no financial interest in Tahmoor Coal or benefit financially from any extraction of coal and I have  
5 no relatives that I know of that work within the colliery. I thank you for the opportunity today and I would welcome any questions that you might have to ask me on the submissions that I've just put in.

10 MR BEASLEY: Thank you very much, Mr Morgan. Next speaker is Marcelle Schondelmaier.

MR SCHONDELMAIER: Yes. I'm here.

15 MR BEASLEY: Please go ahead, sir.

MR SCHONDELMAIER: My name is Marcelle Schondelmaier. I'm 81 years old. I live in Bargo together with my wife and pets. I will be directly affected by the undermining. Although SIMEC has removed two panels in the western side of Remembrance Drive in their latest application, we are on top of the next panel. I'm  
20 a retired postmaster and previous chamber of commerce president of Bargo and I know a lot of the local residents and business owners personally. This undermining proposal has caused a lot of angst and despair in the local community. I wish to state here that we are not against coal mining. As a matter of fact, we have investments in Clutha Coal who used to mine in the Burratorang Valley.

25 The land values. Millions of dollars have already been lost in land values and this will continue until the land has completely settled in approximately five years after mining has ceased. Selling one's property is not going to be easy. As an example, my neighbour who is directly above the proposed mining has lost her husband  
30 recently, had her valuation on her one acre property reduced from \$1.2 million to \$800,000. That's one-third of the total assets she owns. As she can no longer maintain and manage a one acre property on her own, she has no choice to sell at a considerable loss. There will be dozens and dozens of similar cases in Bargo. We have an elderly population and it'll probably be ourselves that will suffer the same  
35 thing.

Residents of western side of Remembrance Drive and the Kalinya Resort would welcome Councillor Banasik's suggestion. He was on ..... early on today of cutting off the most northern part of panel 106B. This would also remove the impact on the  
40 bridge across the railway track into East Bargo. Affected assets. After and during the undermining the subsidence will not only affect above properties but the subsidence will continue outwards and for a considerable distance. The directly affected assets are the main Sydney to Melbourne railway track, the main access bridge across the railway track east – to East Bargo, the main communications link, a  
45 fibre optic cable between Sydney and Melbourne. The sewer pipeline from Bargo to Tahmoor. The gas main into the town and residents' properties. The main water

supply into the town and properties. Any underground electrical cables on private property.

5 These disruptions and repairs may take many days or months under the present legislation to be fixed. Other coking coal. There are ample supplies of coking coal adjacent to the proposed areas. How do I know that? When running my electrical contracting business I hired out my son Andre who has an explosive licence to BHP a few years ago to do seismic underground testing. SIMEC has chosen to undermine Bargo because it is the cheapest and quickest solution to mine more coal for its  
10 Whyalla steel mill and before its present coking supply runs out at Tahmoor. It is clearly a lack of planning and Bargo residents are impacted by its planning provisions. The disharmony. SIMEC has used its workforce to cause disharmony amongst the local community by published so-called facts which are not entirely correct.

15 They even stole my posters off my fence that says do not undermine Bargo. I can't prove this. It happened during the night. One is unable to access information in regards to the previous claims for repairs and demolition in areas the miners undermine. So therefore we are unable to believe the numbers they claim will be  
20 affected by undermining Bargo. The miners are claiming that the opposition to undermine Bargo comes from developers. They don't seem to care about the local residents as most of them don't actually live in Bargo. So far I have not heard one person who's in firm favour of the proposal state that they actually live in Bargo. Therefore I have to assume that they don't care about us.

25 The state law. This is my final thing. We find it inconceivable that New South Wales state legislation allows a foreign or Australian company and the State Government by receiving royalties which enrich themselves by damaging or destroying its own residents' properties. That's all I have to say. Thank you. I'm  
30 open to questions. I would like to talk to the lawyer there. I think he gave the wrong information online.

MR BEASLEY: What did - - -

35 MR SCHONDELMAIER: Mr Beasley.

MR BEASLEY: What – please correct – feel free to correct me of I gave – what did I do wrong?

40 MR SCHONDELMAIER: Yes. When you were – when you were talking to Councillor Banasik or Banasik - - -

MR BEASLEY: Yes.

45 MR SCHONDELMAIER: - - - you mentioned that the panel that you were talking about, 106B - - -

MR BEASLEY: Yes.

MR SCHONDELMAIER: - - - is to the east but it's actually on the western side of the railway track.

5

MR BEASLEY: 106B?

MR SCHONDELMAIER: Yes.

10 MR BEASLEY: Just let me look at my mine plan. Just bear with me a second. You say 106B is - - -

MR SCHONDELMAIER: That's the longest panel they're proposing to mine.

15 MR BEASLEY: On mine it's – the bottom of 106B, I would describe that as being south-east.

MR SCHONDELMAIER: Well, I don't know if we're looking at the same map.

20 MR BEASLEY: I've got – I'm looking at the assessment report and I'm looking at the proposed mine plan and panel 106B if you're heading from east to west is – the bottom bit of it is south-east and the top bit of it is north-west.

25 MR SCHONDELMAIER: Yes. And it's on the western side of the main railway track .....

MR BEASLEY: It may well – it may have a bit of that but - - -

MR SCHONDELMAIER: Yes.

30

MR BEASLEY: - - - but the - - -

MR SCHONDELMAIER: That's the one I mean.

35 MR BEASLEY: Yes.

MR SCHONDELMAIER: So I'd just call it on the western side. I don't know why you say - - -

40 MR BEASLEY: Well - - -

MR SCHONDELMAIER: - - - it's on the east.

45 MR BEASLEY: - - - if you are looking at the mine plan, it's certainly on the eastern section of the mine plan. I don't think there's any doubt about that but, look, if you think I've got it wrong, please say so in a submission.

MR SCHONDELMAIER: Yes. Well, it's just that that's the – that's the part that Councillor Banasik wants to cut short.

5 MR BEASLEY: Yes, yes. I can see. Well, he didn't nominate 106B.

MR SCHONDELMAIER: No.

MR BEASLEY: We were guessing that that's what he was referring to.

10 MR SCHONDELMAIER: Yes. Because the mine plan I have doesn't number the panels.

MR BEASLEY: Okay. Well - - -

15 MR SCHONDELMAIER: So .....

MR BEASLEY: In the panels that are in the assessment report there's a photograph or a depiction of the mine plan and there's no doubt that 106B is in the western section of the mine plan with its – and it's on a – it's a crossway section - - -

20 MR SCHONDELMAIER: It's the longest panel.

MR BEASLEY: - - - but it goes – starts at the south-east and goes up to the south-west or vice versa depending on where you're starting from.

25 MR SCHONDELMAIER: Okay. Sorry to - - -

MR BEASLEY: That's all right.

30 MR SCHONDELMAIER: - - - have questioned that.

MR BEASLEY: No, no problems. Thank you for your submission.

35 MR SCHONDELMAIER: Okay. Thank you.

MR BEASLEY: Next speaker we have is Steven Ockers.

MR S. OCKERS: Yes. Good afternoon.

40 MR BEASLEY: Go ahead.

MR OCKERS: My name's Steven Ockers. I'm a 53 year old coal miner who's worked all but five years of my working life in the coal industry. I'm currently employed by SIMEC as an operator at Tahmoor Coking Coal's Tahmoor Colliery.  
45 I've been employed at the colliery since 2002 and am a proud member of the Wollondilly community. I've also lived the majority of my life within the boundaries of the Wollondilly Shire. I grew up in the township of Appin at the

north-eastern end of the shire and I've also lived in the shire towns of Theresa Park and The Oaks before finally settling with my family in Thirlmere after gaining full-time employment at the Tahmoor Mine.

5 I've also worked at Nattai North, Oakdale, Brimstone 1 and Nattai-Bulli Collieries all within the boundaries of the Wollondilly Shire. Over these years I've witnessed firsthand the benefits of coal mining and their value to those employed by the mines and the communities in which they operate. If SIMEC were not to get approval for the Tahmoor South Project, the effect on the local community would be devastating.  
10 There would be an immediate downsizing of workforce with the remainder of the jobs to be gone within 18 months. In excess of 400 men and women, the majority of who do actually really live within the Wollondilly Shire would be without income. Many of the projects opponents claim that we would all be able to find new jobs but I must ask the question as to where these jobs will come from and how I, a man of 53  
15 years with limited skills, would find a job that I would be suitable to perform for money anywhere near what I currently earn.

I earn my wages in the shire and I spend the vast majority of this within the shire. I buy my groceries from local shops, petrol from local garages, my tyres from the local  
20 tires shops and I get my car serviced and repaired locally. I get my hair cut locally, buy my takeaway meals locally. I buy shoes locally and clothes locally. I buy my garden fertilisers, potting mix and plants locally. I buy bulk dog food, chicken food and other pet supplies from local produce stores. I buy building products from local hardware and soil businesses. In this I am certainly not alone. All of us local  
25 employees do this. The employees from outside of the local area spend plenty of money locally as well.

They stop at the local bakeries and takeaways on their way to work on their way home. They fill their petrol tanks at local garages and stop at newsagents for their  
30 papers and lottery tickets. Many of them drop their cars in to local mechanics on their way to work and pick them up on the way home. After shift, many of those who live in the Camden area will stop at Tahmoor or Picton to get groceries for their dinner as this saves them having to go into Camden town centre. Those who live in Wollongong or Highlands will do likewise in Bargo on their way through. The  
35 amount of money that we miners spend individually within the Wollondilly Shire is vast.

Tahmoor Coking Coal also spends a lot of money within the local shire. They use several local engineering firms for supply and repair of all manner of heavy  
40 industrial equipment and there would be a sharp downturn in the finances of those businesses should the colliery be forced to close. They also use local shops for catering and training days and get their fleet or road going vehicles repaired and serviced locally. As the Commission have already heard, Tahmoor Colliery are also very generous with their support of local community groups and schools as well as  
45 sponsorship and financial support for multiple local sporting organisations. They provide financial support for the Tahmoor Men's Shed and Riding for the Disabled and are heavily involved in the local food pantry.

After the devastating 2019 bushfires SIMEC immediately donated in excess of \$200,000 toward the local relief fund. Every SIMEC employee also donated \$50 towards the relief fund as a token of appreciation and thanks and support. Many Tahmoor Colliery employees also served in local bushfire brigades during the crisis.

5 Tahmoor Coking Coal and its employees are indeed active members of the local community and were proud to be so. The company put a huge emphasis on involving young apprentices in community projects and many of the mine's employees are active members of local sporting clubs both as players, trainers, mentors, coaches and administrators. The members of the CFMEU at the colliery

10 provide support for the Burragorang Retired Miners Association by way of an annual donation and also paying a mortality levy when a retired member of the association or their wife or widow passes.

The union members also pay a mortality levy whenever an active member of the United Mine Workers South-Western District dies. I'd like to add that when the mine suffered an incident at the number 3 shaft in 2018 that forced them to not be able to mine coal for a period of months they showed that they are indeed community-minded. The Tahmoor site enterprise agreement had a clause in it that would have allowed the company to stand down all SIMEC employees within five

15 days of the incident. They chose at enormous expense to themselves to not enact this clause. Instead, they allowed any employee who wanted to take leave to take it. Any employee who did not want to take leave was allowed to stay at work. This included all contractor employees who the company had no financial obligations to.

Most of the employees were then deployed into the community to provide assistance to a number of worthwhile projects including work at the Bargo Sports Oval and Thirlmere National Park. The act of providing this maintained employment and a level of community support that is unprecedented by a mining company. These are true community values. Many of the submissions that have been lodged with the IPC

25 are opposed to the project and they claim that they – from people who have moved into Bargo since 1975. They state that they had no idea that there would ever be coal mining activity beneath Bargo. Bargo has been designated as a subsidence area since 1975 and as such there should be no doubt as to what this would mean. Mining has been an integral part of the Wollondilly Shire since the 1930s and a part of Tahmoor

30 since the 1970s.

During this time many thousands of houses have been successfully mined beneath. The home that I was raised in at Appin was mined under and the house that I now live in in Thirlmere has also been mined under both without suffering any impacts

40 from subsidence. When subsidence does occur, there is a clear legislative process for dealing with the assessment, repair and compensation for affected households as is recognised in section 3.4 of the planning secretary's environmental assessment report of December 2020. SIMEC listened to the concerns of Bargo residents that were raised following the first submission and completely abandoned two longwall blocks

45 directly beneath the town that if mined would have generated tens if not hundreds of millions of dollars for the company and provided in excess of another two years of life for the colliery.

For opponents to the latest south project propose to label the company as uncaring of community concern is extremely harsh and totally unjustified. Some of the vitriol and hatred aimed at SIMEC by opponents to the project in the submissions is absolutely appalling. One of the submitted objections claim that SIMEC are a billion  
5 dollar company who rapes Australian resources. I must express my concern at this and state that I trust that the IPC will fact check all submissions and base their ultimate decision on truth and facts alone. Property value appears to be a major concern to the opponents of the project with many stating that nobody wants to buy in Bargo due to the prospect of mining taking place.

10 These concerns were also raised when the Tahmoor North Project headed under Tahmoor and Thirlmere. Both these areas are now experiencing enormous growth in the housing market with many hundreds of houses being built in these towns after the mining has gone through. Appin in the east of the shire is also a town that has been  
15 mined beneath and is another town experiencing a housing boom. Bargo will endure if mining happens beneath it. People will still want to live there and the town will not disappear. Recently, Dendrobium Mine Extension was rejected by the IPC. The loss of Tahmoor Colliery, another mine that produces premium hard coking coal, would be a devastating blow to not only Wollondilly but also Illawarra and  
20 Australian manufacturing in general.

Coking coal is a vital part of the steel making process and without steel – without steel life as we know it would come to a halt. Without steel there'd be no equipment to manufacture or transport goods. There would be no steel to build the trucks and  
25 trains that bring products to market. Without steel there would be no clothes, shoes, food, housing, hospitals, medicine, sporting goods, planes, cars, bikes or schools. As I speak today, I'm looking out over the newly commissioned Lerida South Wind Farm also known as the Collector Wind Farm. In the distance I can see the Cullerin Wind Farm and further in the distance is the Grabben Gullen Wind Farm. I  
30 appreciate that renewable energy is the future but without coking coal to make the steel there will be no renewable energy.

It is a cold hard fact that without coking coal life would be impossible. I sincerely hope that when the IPC read through those submissions that they take into account  
35 that Tahmoor Coking Coal produce coking coal not thermal coal. To sum up, I'd like to say that all of us at Tahmoor Colliery are part of the Wollondilly community and without us the shire will suffer as will Australian industry. We employees are already anxious about our futures as are our partners and families. The mental stress we are undergoing is taking a massive toll on us and this will continue to grow if the  
40 project is not approved. I ask that the Commission look at all submissions with great care and separate the false heads and innuendo from fact and truth. Sincere thanks to the Commission for allowing me to talk today.

45 MR BEASLEY: Thank you, Mr Ockers. Next speakers are Shane and Emily Wilton.

MR S. WILTON: Yes. We're here.

MR BEASLEY: We can see you and hear you so go ahead.

MR WILTON: Good afternoon, Commissioners. My name is Shane Wilton and I am a control room officer and deputy with Tahmoor Coal. This is my daughter  
5 Emily who also works here with me. I have lived in Picton and have worked at Tahmoor Mine for the last 20 years with a total of 40 years in the coal mining industry. My older brother secured an electrical apprenticeship with Clutha Development, the then owner of Tahmoor, in 1980. Like most siblings, I wanted to do what my big brother did. I finished by HSC and applied for an electrical  
10 apprenticeship at various companies. I did not gain acceptance at Tahmoor but was given an apprenticeship at Appin Colliery. I watched and listened as my brother spoke of his friends and local sporting teammates working together. I myself was employed away from anyone I knew. So when the opportunity came to apply at Tahmoor I jumped at the chance.

15 MS E. WILTON: Hi. My name's Emily. I'm 17 years of age. So my whole life I've watched Dad go to work at Tahmoor. Being the youngest of five kids by a few years I was daddy's little girl and was very interested in what Dad did at the coal mine. On occasions I would come to work with Dad and ask him, "What's that for?  
20 Why are you doing that?" and, of course, "When can I go underground?" When I was nine Tahmoor held a family open day and conducted visits underground for members' families. We went to pit bottom on the dolly car and I was hooked and needed to experience more. As soon as I was old enough I applied for an electrical apprenticeship at Tahmoor to follow in my dad's footsteps.

25 I was so excited the day I found out that I was successful and I'm now a second year apprentice and thoroughly love my job. I'm a fifth generation coal miner. My great-great grandfather started at Muswellbrook number 1 Colliery in 1909 so therefore a Wilton has worked underground mining coal continuous for 112 years, a fact that I  
30 know my father and, of course, myself are very, very proud of. To continue my family legacy is something important and really special to me.

MR WILTON: Walking into work with Emily is a wonderful feeling and the thrill of being side by side at the coalface is extraordinary. We're the newest and add to a  
35 long list of parent/child working relationships at Tahmoor Coal. Living in the local area for 55 years and having five children, our family has been involved in many school, community and sports activities. As the chairman of Tahmoor Health Safety Environment and Community Committee for 12 years and member of the Community Consultative Committee I have been witness to the many contributions  
40 and assistances given by Tahmoor Colliery to schools, charities, clubs, groups and members of the community over a considerable number of years. Being able to live 15 minutes from work is invaluable when considering the amount of quality time I can spend with my family.

45 Having to travel long distance or moving would have a significant effect on this amazing work-life balance that we would love to maintain. If the mine extension is not granted, the effect it will have on myself, my daughter and the rest of my family

would be devastating but more important, the far-reaching and crippling effect to the community, local businesses, suppliers and the workforce that have been helped, rely on or employed by Tahmoor would be felt now and well into the future. I want to finish my career at Tahmoor and also love my daughter Emily to be able to have a long and successful career in mining and not cut short her ability to maybe one day be the first female mine manager or even government mining official.

MS WILTON: I've been honoured to have worked at Tahmoor for just over year now and couldn't ask for a better workplace. Unfortunately, if this mine plan is to be disapproved, I would not be able to see the end of my apprenticeship due to our current mine plan projecting to be completed in 18 months leaving me only halfway through my third year.

MR WILTON: I'm not yet near retirement myself and mining is all I have done. If the mine closes, then I don't know what I will do. Emily could have her apprenticeship cut short and be without a trade qualification. If this happens, we'll have to pull together as a family and deal with it best we can. We both proudly support the Tahmoor Coal South Project and thank you, Commissioners, for your time.

20

MR BEASLEY: Thank you, both of you, for that. Next speaker is Adam Walker. Mr Walker. We can see you, sir. So - - -

MR A. WALKER: Good afternoon. How are you?

25

MR BEASLEY: Good. We can hear you too.

MR WALKER: Terrific. Thank you. Good afternoon, Commissioners. I'd like to thank you firstly for the opportunity and begin with a short personal introduction. As you know, my name is Adam Walker. I am 50 years old, married with two children and am a very proud local of the Wollondilly Shire. My family and I reside within minutes of previously mined areas and are, in fact, over a future planned mining site as the majority of Wollondilly members are. My qualifications are as follows: I'm a qualified carpenter and joiner. I'm licensed builder and I am an accredited building consultant through the Master Builders Association. My experience with mine-specific matters began with South32 as a consultant in 2013.

Since 2015 I have and still carry out inspections and minor building repairs for Subsidence Advisory New South Wales. The vast majority of my current employment, however, is with SIMEC, known locally as Tahmoor Coal, which commenced in November 2016. During this period I have gained mine-specific experience relating to effects on the ground surface and structures. My role conducting weekly inspections has allowed me to interact with many members of the public and, importantly, homeowners. I can honestly claim that the vast majority of the landowners understand the importance of mining to our area and are grateful for the service the colliery allows me to provide despite the odd disruption.

45

Many landowners have 24/7 access to me via my mobile phone to ensure any concerns are quickly attended to which reflects on how seriously I take my role. My position in this close-knit team is very well supported with open lines of communication daily with the colliery and a weekly review of my findings  
5 conducted via teleconference with a host of engineers, surveyors and mine-specific technical experts. Tahmoor Coal's focus on maintaining serviceability and identifying any safety hazards is of the utmost priority and with their ongoing support combined with my trade experience allows unrivalled support to our community. For the first time in my working career my wife and I recently found  
10 ourselves in a position to purchase an investment property which is again located in the Wollondilly Shire.

This is a prime example of how employment with the colliery has a direct flow on to our community. The local real estate agent, conveyancer and government agencies  
15 have all benefited from this one element. My wife and I have grave concerns for our economic future should the mine close. We would almost certainly have to sell our recently acquired house and carry forward that debt. From a more holistic view, it is my opinion that hundreds of direct employees of the mine, contractors and local businesses would similarly find themselves in economic stress to one degree or  
20 another. The entire community would therefore suffer from this flow-on effect. Many local people such as I would be forced to leave the area to find employment as local opportunities are limited.

For me personally, this would have a heavy impact on my family life and certainly  
25 mean treasured family time would be significantly reduced. The possibility of the mine closing has already caused many sleepless nights for me. The economic stress and concerns for my family's wellbeing is palpable. I strongly suggest that I am only one of many feeling this way. For these reasons, I strongly support the Tahmoor Coal South Project and the benefits it will provide our Wollondilly Shire. Thank you  
30 very much for your time. That's all.

MR BEASLEY: Thank you, Mr Walker.

PROF MACKAY: Well, on behalf of the Commission, could I thank all of those  
35 who have presented this morning. We shall now take a lunch break and the second day of the hearing into the Tahmoor South Coal Project will recommence online at 2 pm Sydney time. Thank you.

40 **ADJOURNED** [12.46 pm]

**RESUMED** [1.57 pm]

45 PROF MACKAY: Good afternoon and welcome to the afternoon sessions of day 2 of the Independent Planning Commission's online public hearing into the State

Significant Development application for the Tahmoor South Coal Project SSD 8445.  
Mr Beasley.

5 MR BEASLEY: Yes. Our first speaker is Brian Mathiasch. I apologise if I've pronounced that incorrectly.

10 MR B. MATHIASCH: That's fine. Firstly, as an individual who has lived in the Wollondilly Shire for over 40 years, as a parent who has chosen to raise three kids in the Wollondilly Shire and as a homeowner that would be directly affected by Tahmoor South Coal Expansion, I thank you for the opportunity to speak at this hearing. As a homeowner, I am strongly opposed to the Tahmoor South Coal Expansion. I am opposed to the physical impacts to homes and I am opposed to the effects that it will cause on the mental wellbeing of homeowners and their families. I found out about this expansion proposal from my local MP about four weeks ago and since that time it has absorbed my mind day and night. The impact to me personally has been overwhelming with my emotions ranging from anger to sadness to disbelief that this proposal has been submitted.

20 I'm not looking forward to a potential 10 year plus emotional rollercoaster. If nothing else, as a homeowner who will be affected by this proposal, I would have expected the duty and common courtesy from the mine to be contacted and informed of their intentions considering the direct impact they intend to have on my home, my life and the lives of my family members for many years to come. Keeping your own home in mind, this is what I can expect to happen to my home according to the SIMEC proposal if it goes ahead. During longwall 2A scheduled to start in April 25 2023 my home and my property will enter into the draw zone and I have been told from a mine employee that I will experience damage from this point onward. As the longwalls pass directly underneath my home, I can expect, according to the subsidence predictions and impact assessment, to see a subsidence drop of 1.35 metres and a tilt of 7.5 millimetres per metre. As recently as October 2020 I submitted plans for an extension which were approved by Subsidence Authority New South Wales. The engineering approved on these plans states that my foundations can withstand a tilt of up to 7 millimetres per metre yet according to Tahmoor Mine's own predictions I can expect a tilt over this at 7.5 millimetres per metre.

35 It seems that mining approval has been under-engineered which makes me question how many other homes have had engineering approved with inadequate foundations. According to this proposal, my home is amongst the highest predicted probability for an R5 impact. I can't help but wonder if my home is one of the 22 homes predicted to be damaged beyond repair requiring a rebuild or acquisition. With mining activity scheduled to end in April 2032, I will be affected by active mining for a 10 year period. Over that 10 year period, to the best of my understanding, as long as my front door opens, the toilet flushes and I can have a shower my home is deemed to be serviceable dwelling. I am expected to live with all of the physical damages to my home and to my property including cracks in walls – thankfully, in my case, non-asbestos walls – cracks in brickwork and a 170 millimetre height variation from one

end of my home to the other, distortion of retaining walls, subsidence of driveways, just to mention a few.

5 Then I'm expected to wait up to five years ground settlement period before any repair work is carried out assuming my claim is accepted in the first place. The expectation that anyone may have that this will have no effect on my mental health is unreasonable and unrealistic. I'm also expected for this 10 year period to accept that the life choices that I currently have the freedom to make will be taken away from me and my family to a very large degree. If opportunities arise for career  
10 advancement involving me to move or responsibilities to care for family members requiring me to move at the moment this is an uncompromised choice but if I'm within this 10 year active mining period, the choice to sell and move becomes compromised. An active mine beneath you is not a desirable selling point.

15 I doubt that anyone can argue that a home with damages holds the same value as a home without damages. I would expect a substantial devaluation of my major asset placed on the market during active subsidence which therefore in my case takes away my choice to move. It seems that my freedom in this regard will be governed by the mine until 2032. Other concerns which I have which have come to my attention  
20 during researching this proposal includes, firstly, that \$13.8 million compensation fund nominated for all repairs and up to 22 potential property acquisitions. I recently had my property valued by an accredited valuer to be at \$1.15 million. The 30-odd properties surrounding me hold a similar value if not more. Considering acquisitions only, should my property be acquired by the mine along with 21 surrounding  
25 properties with a similar value, this \$13.8 million fund only accommodates for an average of \$630,000 each. Approximately half their market worth. \$13.8 million is grossly inadequate.

30 Secondly, I would like to raise this as a major concern. The consequences if Tahmoor Mine ever goes into administration and question whether that that fund is even still available for repairs. Thirdly, the noise levels from the increased traffic directly passing my property of 190 vehicles per weekday and from the proposal ventilation shafts put my home in a nominated noise catchment zone outlined on 121 of the planning secretary's environmental assessment report. Not the peaceful rural  
35 atmosphere I currently enjoy. Lastly, I would like to raise my concerns with the term "rebuttable presumption". Currently, legislation to my understanding is if my home has shown no physical damages for its 20 plus year lifespan then it is directly exposed to mining activities and my home show physical damages as such at the moment the rebuttable presumption is that the damages are not due to the mining  
40 activities.

So then me as a homeowner may be put into a position of having to prove that mining was, in fact, the cause. To me, I feel this existing legislation takes away a great deal of protection from the homeowner and needs to be properly addressed. To  
45 finish off, I would like to make comment to the employees of Tahmoor Coal Mine. Even though we have opposing opinions we are in a similar position, defending what is important to each of us. I appreciate that you are defending your jobs as I hope

you can appreciate that we are defending our homes, our families, our peace of mind. I'm not against the mining industry but at the present time with the level of concerns I have I need to oppose this extension proposal in its current format. Thank you for your time.

5

MR BEASLEY: Thank you, sir, and feel free to put in a submission where you can confidentially indicate where your property is in relation to the mine plan.

10

MR MATHIASCH: Yes. I most certainly can and I will do. Thank you very much.

MR BEASLEY: Good on you. Thank you.

MR MATHIASCH: Thank you.

15

MR BEASLEY: Next speakers are Jenny Webb with Carolyn Walton. Are you there, Ms Webb? You might be on mute. I think you have put your video off and not unmuted then. There we go. I can see you again. If you can find the mute button.

20

MS J. WEBB: We have. We've unmuted it. My husband's here with me.

MR BEASLEY: All right. And we can hear you now so it's all loud and clear now so go ahead.

25

MS WEBB: Yes. We're residents of Bargo and thank you for taking the time to listen to our story. We're residents of Bargo and we're obviously concerned about the mines going under our home. Now, in 2019 in the bushfires we lost our home and everything – I can't talk – everything we owned and we haven't even rebuilt yet. Now, the mine - - -

30

MR BEASLEY: You're planning to rebuild in the same area, are you? Same spot?

MS WEBB: Yes, yes. Yes. A little bit over to where we were but on the same block of land. Yes.

35

MR BEASLEY: And is that - - -

MS WEBB: And - - -

40

MR BEASLEY: That's where the – on top of where the mine plan is, is it?

MS WEBB: Yes.

45

MR BEASLEY: All right.

MS WEBB: Yes.

MR BEASLEY: Do you know what longwall?

MS WEBB: Yes, I do. It's – it's 103A.

5 MR BEASLEY: All right. Thank you.

MS WEBB: And it's supposed to be located directly – our property's directly above it.

10 MR BEASLEY: All right. Sorry. I interrupted you. You go ahead.

MS WEBB: And with all the stress of everything – we do have a family that live with us. We've – there is six of us and my husband is actually at retiring age but with all the new restrictions that we've had to actually build, our money is short. To  
15 put the story short, if something happens to our home and the mines take – do not accept responsibility, we do not have the money to fight and we are in a catch 22 because where we are we cannot sell because nobody will buy it and we have no choice but to live there and our family – we want to have something for our family. It's drawn a lot of division in the community which concerns me as well and we've  
20 had a little bit of a backfall because we are against it.

We've had a little bit of people giving us a bit of a hard time and I wasn't even going to talk today because I just felt a bit apprehensive and it's really concerning me because we have been through a lot and my mental state – I just don't think I can do  
25 it again. I can't lose my home again and all the other residents, well, I feel for them but I feel for the miners too. I mean, it's hard for them and it's hard for us so I just want you to take into consideration that we have been through a lot and, as I said before, we're certainly not young and we just can't pack up and move and my husband is still working because of the extra expense of the home so we have to  
30 build. That's not even started yet and – yes. That's about all - - -

MR BEASLEY: All right.

MS WEBB: - - - I can ..... without – I'm sorry I got upset.  
35

MR BEASLEY: No, no. That's fine. Thank you for that and don't forget you can put in a written submission where you might have time to think about some extra things if you want to.

40 MS WEBB: Yes. My mind is pretty blank at the moment but - - -

MR BEASLEY: All right.

MS WEBB: Yes. Thank you so much.  
45

PROF MACKAY: Could the Commission also invite you, should you wish, when you make the submission to us to identify your house by its address so we can relate this presentation directly to a particular property above longwall 103A.

5 MS WEBB: Okay. I can do that.

MR WEBB: Well, we're very close. We're probably the second closest house to the mine.

10 MS WEBB: Yes.

MR WEBB: The – there's the mine. Then there's the 3085 which our next door neighbour, then we're 3090 and then, of course, there's now the Australian Wildlife Sanctuary so we are that close – it's extremely close but - - -

15

MR BEASLEY: Sure.

MR WEBB: - - - we didn't expect – admittedly, when we bought the place we didn't expect to have to worry about this and it was something we never really  
20 expected to have to worry about a fire but that's what's happened and now we've got to spend extra money to make sure our foundations are strong enough to compensate for maybe what might happen and if it does happen because we're actually ..... and our house is up to 37 metres long we could suddenly find half our house disappearing in a hole. Who knows? Because we've been given estimations of anything up to one  
25 and a half metres in fall. It might not fall equally. It might fall in one-half only. It might suddenly disappear, one back half of the house. Who knows? We don't know. We can never know but - - -

MS WEBB: And will they blame the builder? You know, it comes down to - - -  
30

MR WEBB: We are hoping, obviously, the builder has got enough nous in building. They have been building in this area for well over 20 years.

MR BEASLEY: Yes.  
35

MR WEBB: Do have enough nous in knowing that the strength that they've got to put our foundations in is going to hopefully withstand anything down the track. But even if the foundation's fine, it doesn't mean that the land under the foundation's not going to disappear and it makes it pretty hard to fix a house that's cracked in half  
40 - - -

MR BEASLEY: Yes.

MR WEBB: - - - no matter what. Thank you very much anyway.  
45

MR BEASLEY: All right.

MS WEBB: Thank you.

MR BEASLEY: Thank you.

5 MR WEBB: Bye.

MS WEBB: Bye.

10 MR BEASLEY: I'm not sure if we're going to Ms Walton or Neil – I see. Are you there, Ms Walton? Perhaps.

MS C. WALTON: Sorry. I'm here

15 MR BEASLEY: Okay.

MS WALTON: I'm not used to this. I've never done it before.

MR BEASLEY: All right. We can see you and we can hear you so go ahead.

20 MS WALTON: Okay. It's with sincere concern for the wellbeing of the residents of Bargo and their properties that I'm speaking today. I moved to Bargo in 1967 at 18 years old. I was married in '71 and have lived on our block of land for 49 and a half years. In that time I've seen a lot of changes but the most devastating effect I have seen in the Wollondilly Shire has been the mine's effect on people's lives and  
25 the environment. We swam at the Potholes and water skied at Thirlmere Lakes. The Potholes were so badly polluted at one stage it looked like sludge. Disgusting. There isn't any water last time I visited Thirlmere Lakes. The stories of people's homes being destroyed by subsidence not to mention the effect on their families and life is incredible and trying to obtain justice from the mines is like extracting blood  
30 from stone.

We have heard every excuse under the sun why it's not subsidence and it seems anybody with morals who work for the mines seem to disappear after about six months. We have seen houses rebuilt only to have structure damage again. We've  
35 heard of ceilings collapsing. I could go on. What would allow this to – would you allow it to happen to your home? You have to remember that a lot of these homes' foundations were not built to withstand subsidence. They were there before the mines. The mines are dishonest and liars. My husband and I have been to most meetings regarding the mines since their inception. I remember Councillor Ambrose  
40 Dwyer assuring me personally that Appin was going to sink evenly without damaging anybody's homes and we know how true that was. I don't know if he was brainwashed or just naïve. Every meeting has been the same. There will be minimal damage and the mines will cover the costs.

45 I did ask at one meeting what if the mines ran out of money. The fellow explained to me the money was unlimited just like the coal. Why would anybody mine under an existing town when we have a mine head out near Daisy Lane you might ask. Well,

we had friends out there and during that time the mines conducted tests and the water table rose and I personally walked out there on the road. It was like walking on a sponge. It moved under your feet. Our friends moved. We live – we do live on geological anomaly, the Nepean Fault Zone. The Aborigines call it – I hope I’ve got it right – Narrogorang which means shaky ground.

We have the Moomba to Sydney gas pipeline, the Main Southern Railway line. I cannot believe after the damage experienced in this shire that SIMEC be given the opportunity to expand. You should talk to the locals about Woolworths. None of us park underneath there. We don’t trust it. We live in the lucky country. Everyone has the right to own their own home if they wish which takes most of us most of our lives to pay off. We have the right to live in peace and safety. After all, isn’t that what our uncles and father and grandfathers fought for? How can the government allow our homes and peace of mind to be destroyed by an enemy of greed and corruption? It’s not even Australian-owned. The money goes to UK not to mention what they’re doing to our environment.

If you allow this mine to expand, you’re allowing our land to be raped and pillaged for profit and for work for some for a short period of time, heartache and devastation for others for life. Nobody wants to buy a house that is cracking and moving. You are ultimately destroying people’s whole lives mentally and financially and once again what about the environment? It just shows how underhanded the mines are, releasing 166 page report in the middle of the night just before Christmas. Whatever happened to a fair go, honesty, integrity and justice for all? In all fairness – pardon – you should come and talk to some of these people. Talk to them of how their lives have altered. Honestly, would you allow it to happen under your home, your castle? Remember, do unto others as you would have them do to you. The mines will finish up or be stopped because of other sources for energy.

They will leave the mess they have created and Bargo will have to live with it. There’ll be no compensation for all that they’ve caused, only heartache, broken lives and dreams. It’s very stressful lying bed of a night listen to your house creak and groan knowing that it’s moving. People have told me this. Example. I’ve heard just the fellow a while ago say they’ve allowed \$14 million that’s really not enough to even begin. The last thing I read 43 homes cosmetic, 19 structural, five might need rebuilding. That’s 67 out of 143 homes. That’s unconscionable. That’s disgusting. In all conscience, you can’t allow this to expand for a short time with the heartache and misery for the residents of the Wollondilly Shire forever. It’s like – people have said to me, it’s like going up against Goliath. You’ve got no hope because they’re big and they’re miners. I do hope there’s some justice in this land. I do hope we have a fair go. Thank you.

MR BEASLEY: Thank you. Next speaker is Neil Purnell. Mr Purnell. Go ahead, Mr Purnell. We can see you.

MR N. PURNELL: Good afternoon, gentlemen. Are you able to hear me? Good afternoon, gentlemen. Can you hear me?

MR BEASLEY: Yes. But you need to turn the streaming off, sir, because we're on delay.

MR PURNELL: I'm sorry? I have some background noise here.

5

MR BEASLEY: Yes. You're on the stream. That's better, I think. All right. You're good to go, sir.

MR PURNELL: Thank you, gentlemen. Can you hear me?

10

MR BEASLEY: We can. We can also see the top of your head.

MR PURNELL: I'm sorry. I'm having some technical issues here.

15

MR BEASLEY: Anyway, we can certainly hear you.

MR PURNELL: Okay. I'm sorry that I can't actually hear you over the background noise. Okay. Gentlemen, can you hear me and see me?

20

MR BEASLEY: Yes. We can hear you and we can still see the top of your head.

MR PURNELL: Okay. Thank you, gentlemen. I appreciate your time, Commissioners. My name is Neil Purnell. I'm a resident of the Wollondilly Shire for 50 years. I am neither – okay.

25

MR BEASLEY: All right. I'm being told in very clear terms that you need to shut your streaming down. Close the browser which has got the streaming on. Yes. You need to shut the live feed down.

30

MR PURNELL: Okay. Thank you, gentlemen. Can you hear me and see me now?

MR BEASLEY: Same – the transcript's going to look very repetitive. We can certainly hear you. You're a bit out of shot but it doesn't matter unless you've got a presentation.

35

MR PURNELL: Okay. My - - -

MR BEASLEY: We can see your – well, that's better. Now we've got all of you. Well, from the shoulders up.

40

MR PURNELL: Can you see my presentation?

MR BEASLEY: Yes.

45

MR PURNELL: Gentlemen, can see my second presentation scrolling?

MR BEASLEY: Not yet but we will see what happens. Are you sharing it with us?

MR PURNELL: I attempted to share it with you. Yes. And - - -

MR BEASLEY: It's not - - -

5 MR PURNELL: - - - I hit the share screen button.

MR BEASLEY: It's not working at the moment.

MR PURNELL: I see. Is that better now?

10

MR BEASLEY: Here we go. No. It's come good now. We've got it.

MR PURNELL: Okay. Not sure what's going on there, gentlemen, but I do apologise.

15

MR BEASLEY: Yes. We've got a heading Reasons to Object with three points.

MR PURNELL: I'd like to be able to scroll through the presentation, but at the moment I'm not able to scroll for some reason. Okay.

20

MR BEASLEY: No. Well, that's changed to another slide now and it's going really quick for me.

MR PURNELL: Okay. I'm not sure what's going on here, gentlemen, but I will try this again. Gentlemen, I have basically three - - -

25

MR BEASLEY: We know you're objecting.

MR PURNELL: Sorry?

30

MR BEASLEY: We know you're objecting.

MR PURNELL: Okay. I have three opposition points basically that is about water pollution, lack of adequate EPA regulations and, in particular, to those elements around recreational waters, non-conventional movements and the lack of adequate assessment, particularly, at faults that lie at and about residential areas and the third point is in terms of significant undisclosed bore and aquifer impacts and each of my points of objection relate to assessment requirements under section 4.15 of the EPA Act and that is basically about point B environment and point E public interest and in respect to water pollution itself – I don't know what's going on with ..... gentlemen, but I am losing the continuity of my presentation.

35

40

So I'll just have to work with what I've got in front of me, I'm afraid. In terms of water pollution, the incomplete – there is incomplete social assessment of public interest and value about recreational waters, in particular, the Potholes and Mermaid Pools. There is a lack of safeguards for human welfare in the EIS and there are no provisions for a best practice public warning system for polluted waters and to

45

highlight for exceedances. The impact – sorry – the inadequate EPA licence regulations limitations carry over to the proposed Tahmoor South Project as they did from the Tahmoor North licensing. There has been no change to the turbidity limits or the limits for total suspended solids. Those limits have been existing for more  
5 than 20 years. They applied to the original EPA licence for Tahmoor Quarry before they had any wastewater treatment plant and that goes back to about the year 2000 in terms of the application.

10 In terms of the impacts to recreational waters, the Potholes was established in August 1921 and it is a very noteworthy recreational area. It's an area where we take our kids and we let our kids play. It's an area where we take our families. This is an image taken on Australia Day this year. It's an area that's occupied throughout school holidays and it has enormous appeal in terms of natural clarity. These  
15 photographs are both taken from the Rockford Bridge at the Potholes and it shows what the natural water should ordinarily look like. These rivers represent longstanding high value archaeological significance for the peoples – for the country's First Peoples, the Dharawal community, and it is also a location that is highly valued both historically and recreationally and has done so for over a century.

20 Now, this particular shot is taken of both the Bargo Rivers – sorry – this shot is the Bargo River and the images are taken three kilometres apart. The one on the right-hand side shows the upstream location and the Bargo River Reserve. The downstream location is on the left-hand side of Potholes which is a swimming  
25 location. Both of these shots were taken on the 5<sup>th</sup> of January and the photographs were taken 20 minutes apart and they highlight the aspect of turbidity impact that occurs as a consequence of disturbance that is introduced to the Potholes via the mine waste discharge at Teatree Hollow. This is the same – so this is the same day, the 5<sup>th</sup> of January, and it shows the impact of the discharge of Teatree Hollow at the location point which is 800 metres below the mine discharge from the colliery itself.

30 The significance is that even though the backwater is a little turbid, you can see the degree of impacts from the mine waste discharge. This happened on the 5<sup>th</sup> of January. It was there again on the 31<sup>st</sup> of January and this impact is significant in this photograph because the turbid waters of the Bargo River had been heavily  
35 impacted by very recent and heavy rainfall and yet there's nothing in comparison to the degree of impact imposed by the mine wastewater discharge at Teatree Hollow. It's not as if that people don't use these waters. There are no public alarm systems to alert of mine contamination. Visitors who come to this area are likely to have no idea of the cocktail of contaminants that they're actually swimming in and in terms  
40 of regular occurrence, this is a turbidity shot that was shown by a drone on the 5<sup>th</sup> of April and this is a shot at the 29<sup>th</sup> of April that shows turbidity at licence discharge 1. This is 800 metres upstream.

45 This is the same location on the 13<sup>th</sup> of May. The water is that grey it's almost black. On the 23<sup>rd</sup> the water is, in fact, almost black and it's not as if this stuff doesn't have a downstream impact. This is a photograph taken the day after this impact was reported to the EPA by Dr Wright. It continued for a long series of days. It was

never self-reported. It was relied upon Dr Wright to actually bring it to the attention of the EPA. We first noticed the water contamination on the 7<sup>th</sup> of March. We actually took samples on the 8<sup>th</sup> of March and had them analysed by an independent lab and they proved that the EPA licence had exceeded its total suspended solids by  
5 67 per cent. It was not reported to the EPA. It was present again on the 20<sup>th</sup> of March when we visited. It was there on the 29<sup>th</sup> of March. It continued on the 4<sup>th</sup> of April and it continued until Dr Wright stumbled across it during his studies of the Bargo River.

10 Now, in terms of impact, this self-reporting is a complete farce. The EPA limits need to protect humans too above aquatic ecology. There is no study undertaken in the EIS documentation that has been providing for human welfare or a study of social impacts here at these recreational waters and the EPA licence regulations needs to reflect community interests and effectively protect humans within these  
15 recreational waters. We are entitled to know what is in the water. The correct guidelines that apply to recreational waters is the NHMRC Guideline and it's called Managing Risk in Recreational Waters and the NHMRC Guideline provides that there are much tighter restrictions about impacts to persons in primary contact, that is, swimming as opposed to those guidelines provided under ANZECC 2000.

20 As a comparison, ANZECC 2000 is a measure that's designed to protect aquatic ecology and in terms of human exposure at primary contact they consider an exposure of two litres per person. The comparison to the guidelines recommended for recreational waters allows for an exposure of 100 ml to 200 ml per person.  
25 That's 10 times less the level of exposure than what's actually applied by ANZECC 2000 which applies also to the assessment to Tahmoor South. My second objection relates to the excessive non-conventional movement impacts that are proposed for the Tahmoor – the Bargo township. There is a lack of studies for non-conventional movements at known undisclosed geological faults, in particular, the faults that exist  
30 at longwall 16.

There is a lack of inclusion or undertaking of seismic studies at the known fault intersection at longwall 16 and in August 2015 the Independent Expert Scientific Committee provided a study of longwall impacts across the Southern Coalfield. The  
35 IESC identified that non-conventional movement – anonymous ground movement occurs at a approximate – occurs at approximately one per cent of all subsidence areas in the Southern Coalfield and in terms of identifying the risk Professors Pells, both Steven and Philip Pells, identified during the lake study 2011/2012 that there is a significant major fault called the T1 fault and it's confused in the EIS between the  
40 termination T1 and T2. But regardless, that major fault surfaces at longwall 16 and it actually shows the surface impression in the Bargo gorge at Bargo River.

SIMECs mine plans confirm that flow extends into the Tahmoor South mine plan. The preliminary issues report that was provided to the DPIE flagged this undeclared  
45 fault as a major concern and the Independent Expert Scientific Committee flagged it also as a concern to the DPIE in 2019 and the question begs to be asked where does the longwall 16 fault extend to across the Bargo township. So we have shown in

blue on this image the location of the undisclosed longwall 16 fault. It cuts through from longwall 14. It surfaces in the Bargo River within the Bargo gorge. It extends across the gorge through the old workings and it actually aligns with the abutment of the Tahmoor South proposal.

5

Now, SIMECs amendment report shows that when they changed the mine plan they removed the coal barrier that exists between the historical workings and the proposed mine layout. The Independent Expert Scientific Committee provided advice to the DPIE that there was a possibility of destabilising that particular fault. In terms of the position of the faults, HydroSimulations provided the geological faults in Tahmoor South area but as you can see that there is no inclusion at the area within the Tahmoor South proposal that indicates the extension of that fault – what they call here the 22 fault – which is at longwall 16 and it crosses the residential area at North Bargo.

15

It then crosses the actual southern area of the Bargo proposal and there is no study in this area to provide a seismic assessment of that particular declaration and for the purpose of interest there are two stars indicating here. Those two stars represent cliff collapses. I've added this particular information. There is a significant cliff collapse here at longwall 16 within the Bargo gorge. There is second cliff collapse here annexed to the actual extension of the central fault and neither of those were disclosed in the environmental impact statements for assessment. Those cliff collapses have not been disclosed, have not been studied and they represent very significant surface impressions. The reality is that those two faults both at longwalls and 19 should have been disclosed in the EIS studies and the faults and their influence around those cliff collapses should also have been discussed.

20

In reality, what is also not revealed is that these particular impacts have occurred in a location that blocks very significant fire trails. These fire trails were impacted by a road closure because the rock fall was so extensive you couldn't get any vehicle through. We spoke with the DPI Lands Division area manager. He identified that Bargo gorge fire trail was a critical fire trail and it ran behind the villages of both Couridjah, Buxton and Balmoral. Now, that fire trail was entirely closed between the periods of the fire event from the ..... fire between December 2019 to January 2020. You could not get a vehicle through that fire trail whatsoever. There was a huge rock mass that was actually displaced and it occurred directly at the historical ..... location. This is a image of the dry river bed in January 2020. The dry river bed resurfaced about the drought period. There was plenty of water observed above longwall 19 through to the Picton ..... and there was also loads of water available from the Bargo reserve ..... down.

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35

40

So it's not as if this particular point of impact is not known. It was well-disclosed and studied in the coal operators' conference of 2006. Now, in terms of surfacing expression, this longwall 16 fault has appeared not only as a rock fall but 30 metres from this location you can see the extent that the subsidence impact through a rock face – a rock face in the cliff line and as a point of scale, those can circle [?] to 300 millimetres and that ladder is a three and a half metre ladder. You can see the extent.

45

I took you through that area. It's very significant and that should have been disclosed and studied and I have no idea it has the significant impact upon the proposal in regards to non-conventional movement.

5 Those non-conventional movements predicted need to be closely assessed in detail. There needs to be a public disclosure about the seismic studies to the longwall 16 fault before any mining commences and not after as been suggested by SIMEC in the EIS. An explanation needs to be given as to why the Bargo township would experience non-conventional movement way above the district average, that the  
10 IESC determined is one per cent. Details of these faults and studies relevant to them need to be disclosed for public interest. There are 266 homes in the mine zone. There are 143 directly above the mine – directly above the long wall areas.

The original consent conditions for Tahmoor Colliery provided in regards to  
15 subsidence impact to structures that for moderate impact category 3 there was an allowance of impact for 1.43 per cent of the structures. The severe R4 or category 4 there was an allowance of less than 0.11 per cent and for R5, the most severe category, there was a zero per cent allocation given for permission to impact homes. In this submission, subsidence is impacted or predicted to impact to such an extent at  
20 category 5, the worst level, 22 homes will be impacted. The executive director of resources when we spoke to him declared that there was less than 25 per cent of Tahmoor Colliery's permanent workforce are local residents.

We determined thereafter by independent advice that there was 93 employees but  
25 there is little likelihood that they all live in Bargo and it won't be their homes that are impacted and in terms - - -

PROF MACKAY: Mr Purnell.

30 MR PURNELL: - - - of the third point of opposition - - -

PROF MACKAY: Mr Purnell, it's Richard Mackay here, the Chair of the Panel. Can I just say that you're over time already and, obviously, we'll make some allowance for the technical difficulties at the start but it would – we would be  
35 grateful if you could move reasonably expeditiously and wrap up reasonably quickly, please.

MR PURNELL: I shall do. The third point of concern is the lack of disclosure about significant bore and aquifer impacts. They have not been released for study in  
40 the EIS. There's no consideration given for the impacts that were caused across longwalls 1 to 21 and the really concerning point about that is the use of a deterministic scenario allows for an allocation of ..... bores in a given area assuming a consumption of those bores and it's used to actually – it's actually used in the groundwater modelling at Thirlmere Lakes and that deterministic scenario has been  
45 advised by SIMECs experts that there is a risk in using questionable data and it's unfair to consider that bores that are so horrendously damaged can be used as a

means of reflecting the true impact that has occurred at Tahmoor Colliery as a consequence for Thirlmere Lakes impact.

5 That degradation continues for years. It will continue well after SIMEC are out of the area and it's continuing an area where Wollondilly Shire Council is actually attracting people to this area to create a food bowl to service the metropolitan Sydney region and the reason they do that is our area's classified as having high value, high quality aquifers by the New South Wales Department of Water. The reality is far different. That shows the extent of water here is so heavily impacted. It has 10 worrying levels of zinc. It has dangerous levels of copper. It has massive levels of iron. All of these three items need to be disclosed fully in the EIS assessment under the EPA Act – EPA Act requirement at 4.15 for environmental impacts and public disclosure. Thank you for your time, gentlemen.

15 MR BEASLEY: Mr Purnell, a couple of times you were referring to “we”. Who were you – else were you referring to - - -

MR PURNELL: Well - - -

20 MR BEASLEY: - - - when you were using - - -

MR PURNELL: We is just a general aspect of the community aspect.

25 MR BEASLEY: I see. Right. Okay. Thank you. Thank you for that. Next speaker is Martin Sawyer. Mr Sawyer.

MR M. SAWYER: Hello there. Can you hear me?

30 MR BEASLEY: Thank you. Go ahead, sir.

MR SAWYER: Thank you. Commissioners, I have no presentation. I'll be using notes.

35 MR BEASLEY: Sure.

MR SAWYER: Good afternoon, Commissioners. Thank you for your opportunity to be speaking in support of the Tahmoor South Coal Project. My name is Martin Sawyer but everyone knows me here at the pit as Marty. I've been married for 28 years and I have four amazing kids. My job role I currently hold is the electrical 40 supervisor at the Tahmoor Coal Coal Mine prep plant. I've been a part of the mining community here at Tahmoor for 34 years. I have a long history with Tahmoor. My mother was born and raised here. I grew up visiting Tahmoor with my grandparents. I can remember the day when the main street of Tahmoor was the highlight ..... my grandparents owned the local Tahmoor general store and the produce store. Their 45 concerns also served the ..... mine workers and their families. They were well respected in the community and liked by everybody.

PROF MACKAY: Mr Sawyer.

MR SAWYER: I visited the mine - - -

5 PROF MACKAY: Mr Sawyer.

MR SAWYER: - - - when I was younger with my grandfather.

PROF MACKAY: Mr Sawyer, it's - - -

10 MR SAWYER: It was during a period of the time when it was being built.

PROF MACKAY: Mr Sawyer - - -

15 MR SAWYER: Yes.

PROF MACKAY: - - - could you – could I suggest - - -

MR SAWYER: Hello?

20 PROF MACKAY: Could I suggest you turn off the - - -

MR SAWYER: Hello?

25 PROF MACKAY: - - - video. Could I suggest that you turn off the video as it is – obviously, there's a bandwidth issue and we'll be much more able to hear you – we will be able to hear you much more easily, I think, if you turn off your video, please.

MR SAWYER: Okay.

30 PROF MACKAY: Thank you.

MR SAWYER: How's that now, sirs?

35 PROF MACKAY: Much better. Thank you.

MR SAWYER: I can't hear - - -

PROF MACKAY: We - - -

40 MR BEASLEY: Yes. If you can hear me, Mr Sawyer, we might come back to you because we're having some trouble with hearing you so we're going to have Mr Clifford Connor next if Mr Connor's there. Are you there, Mr Connor?

45 MR C. CONNOR: Yes, yes. I'm here. Are you there?

MR BEASLEY: I think I am.

MR CONNOR: You're here.

MR BEASLEY: We can hear you.

5 MR CONNOR: Hello, are you there?

MR BEASLEY: Go right ahead, sir.

10 MR CONNOR: All right. Thank you. This technology's all new to me. I've just got notes I wrote and I'm just going to read it out for you.

MR BEASLEY: That's fine. Go ahead.

15 MR CONNOR: How I feel. My name is Clifford Connor and I oppose the Tahmoor South Coal Project which if approved will cause the imminent destruction of Bargo homes due to the predicted 1,650 millimetres drop caused by this project. This is nearly 21 per cent worse than the Tahmoor North maximum subsidence for the long wall 25 which was 1,365 millimetres. The other concern was the tilt and strains from this project exceed those levels outlined in the Subsidence Advisory  
20 New South Wales guideline 4 for the surface development. The prediction SIMEC is 23.3 per cent of all homes in their plan will be damaged. The best case scenario is damage to 340 homes.

25 This effects approximately 1,200 if there's four people in every house with 106 homes will be substantially or extensively damaged. We all know the devastation families went through losing their homes to the bushfires of 2019 and 2020 but at least those families will be able to rebuild within a year or two or move on. If the Tahmoor South Coal Project is approved, families of Bargo will endure continuous mental anguish as they sit and watch their homes, their biggest asset, sustain damage  
30 for 10 to 15 years with no repairs until the subsidence stops. The stress caused by mine subsidence will go – will be ongoing: mental, physical, health problems to Bargo residents which will be far worse than the stress caused by the fires.

35 For example, a Tahmoor family whose home was demolished and rebuilt ..... once again their property had more mine subsidence and they will suffer the continued stress until this is finished. We can only imagine their mental and physical health problems this family has gone through but nobody is talking about the stress of having the most valuable asset destroyed. It appears mining jobs are the only concern. If that's not bad enough, the introduction of the new cash payment system  
40 under Subsidence Advisory New South Wales denied 43 per cent of claims between August 2016 and May 2017. After attending a public meeting arranged by our local member, Nathaniel Smithers – Smith – a lawyer explained homeowners have to prove the damage was caused by mine subsidence even though the mines were digging under their homes.

45

If this is the case, I believe legislation needs to be changed to the burden of proof being placed solely on the mining company to prove they did not cause the damage

to homes needing repair seeing as they are the ones digging under the homes and on top of it, if the mine goes broke the family will not receive compensation damage. It should be legislated if the mining company goes broke the State Government should be responsible for the repairs to homes see as it's the government who approved  
5 these mines in the first place. In summary, I do not understand why a government would consider approving the Tahmoor South Coal Project when it is going to cause so much misery for Bargo families. Surely, with so much coal in this country the mining companies could mine in areas which do not destroy family homes and lives. My question for you to consider, would you approve this type of project for your  
10 residential area? Thanks for your time.

MR BEASLEY: Thank you. I think we're still trying to get Mr Sawyer back so we're going to move to, I think, Glenn Mitchell. Mr Mitchell, are you there? Yes. Go ahead, sir. We can see you.

15 MR G. MITCHELL: You there? Yes. Guys, got you.

MR BEASLEY: Yes. We can hear so you so go ahead.

20 MR MITCHELL: Okay. Thanks for the opportunity to speak to the panel. I'll introduce myself. I'm Glenn Mitchell. I'm the property owner of area that was previously mined at Picton and I just wanted to relay some of the experiences that I've had to the residents of Bargo and what they can expect under the current  
25 legislation. We were approached by the representatives of SIMEC approximately three and a half years ago. They arrived at our premises unannounced, uninvited, without appointment. So they caught me by surprise quite a bit. They went through everything that was going to happen. They – and when I asked them how much subsidence we would expect I was informed that it would be three millimetres. I would later on find out a couple of years later that they were referring to the tilt.

30 But when I did ask the question of how much subsidence the response was three millimetres. I took that as an out and out lie from the representatives of SIMEC at the time. Moving on, we – during the course of the mining we had three main issues that affected our property. One was the external car park. In their pre-mining report  
35 the engineers stated that the damage – level of impact on our car park would be medium. They also stated that the bitumen seal may experience racking or buckling as a result of the mine subsidence and that going on ..... more coking coal operations, we'll coordinate repairs. Also stated in their pre-mining report that potential development of trip hazards on the external pavements would occur. Their  
40 post-mining report regarding the car park stated that there is pot holes and cracks in the flexible bitumen yard surfaces. That the thin nature of the bitumen surface was generally founded on soil rather than a base course of granular fill.

45 Now, that's a guess. I built that premises and there's 100 of road base underneath that bitumen, sir. If this – there was no core samples taken by the engineers. They've purely had a guess at that one. Absolute guess. There was no core samples taken whatsoever. At the end of it when it was all said and done the mines have .....

passed. Our car park crumbled. The asphalt – I've just had to have it replaced last week at a cost of \$15,000 of my own money. The Subsidence Advisory have denied the claim. They've said that the cracks in the car park and the degradation of the car park was due to dry weather despite their pre-mining report that said it was going to happen anyway.

The other issue we had was our internal concrete slab. There was no pre-mining report regarding that. The post-mining report says there is cracks in the internal office areas and south-west areas and cracks through. They've admitted to that. They've offered me \$4500 compensation to have that work repaired. I obtained two quotations off – one off local company and one off a Sydney company and both quotes were \$16,000. It can be fixed for a four and a half thousand dollars. Subsidence Advisory's advice to me was if I don't like it, take it to Land and Environment Court and that was the next step. Hardly passes the test when I got two quotes for 16,000, they've only offered me four and a half. I can't get the problem fixed for four and a half thousand.

Moving on, the next problem we had was retaining walls. Their pre-mining report stated:

*The block wall will typically be more vulnerable to impacts than other structures. If mine damage occurs, we'll fix it.*

Post-mining report regarding the retaining wall:

*There is observed defects in the concrete retaining walls.*

And that there is no record of irregularity in this wall pre-mining. Subsidence Advisory has denied that claim to have that wall repaired. If I don't like it, I take it to Land and Environment Court. The engineer that did the post-mining report, as lovely a lady as she was, was on her first day of employment since graduating from university. Hardly what you'd call an experienced person in that field. In summary about the whole situation of having dealings with Mine Subsidence and – and having – dealings with the mines when it does happen to you, I've got plenty of friends and neighbours involved in the mining industry and the last thing I want to see them is lose their job and it's great for the area, great for employment, great for the other businesses that subside at the side of it. I don't believe that SIMECs intention is to avoid compensation responsibilities.

Whenever I've spoken to them, they've always indicated that they were prepared to pay for compensation. I believe the fault lies in the inconsistencies of the engineers' opinions. We had two different engineers assess the property. One engineering company the pre-mining. Another one did it post-mining. They had differing views on what happened. It is only their opinions. They're not facts. I also believe that there needs to be another step in the procedure between Subsidence Advisory's assessment and the next step of proceeding to Land and Environment Court because

I've got a disagreement with Subsidence Advisory, my only course of action now is to go to Land and Environment Court.

5 It's hardly fair on a resident to impose that on them and it – you know, I really think  
some sort of mediation process between all parties involved would be appropriate.  
There's an in-between between those two steps. Certainly, to save the residents a lot  
of grief and of that prospect of going to Land and Environment Court. I don't  
believe that SIMEC should be given permission to proceed with any further mining  
10 until the legislation's been rectified to allow people to solve the issue without having  
to go to Land and Environment Court. The process over the last three years for me  
has been a very draining experience – been both emotionally and financially. I'm a  
self-funded retiree and I'm actually now digging into my retirement savings to repair  
the property.

15 It's had a bit of an effect on me. It is too late for anything to be done for me. My  
time to appeal the matter has passed. All I can do is put it down as being a bad  
experience and move on. But it's not too late to save the residents of Bargo of the  
same fate because I certainly wish what happened to me to happen to anyone else  
and that's about all I have for you, gentlemen.

20 MR BEASLEY: Thank you, Mr Mitchell. The next speaker we have is Phillip  
Costa. Mr Costa.

25 MR P. COSTA: Good afternoon, gentlemen. Can you hear me?

MR BEASLEY: Yes, we can. Thank you. Go ahead.

[Note – the transcription of Mr Costa has missing words due to poor audio quality.  
Any speaking notes received will be made available on the Commission's website]

30 MR COSTA: I can see you clearly. Thank you for the opportunity ..... I would like  
to begin by my ..... that there may be some degree of confidence in what I'm about to  
say. I have lived in the Wollondilly Shire for 40 years, 25 of those years as a local  
councillor, and I have held the positions including that of mayor. I was also the local  
35 state member for Wollondilly and also the Minister for Water in the New South  
Wales Parliament. I am now retired. And I have also a vested interest in property  
..... Bargo, directly above ..... the reason behind my introduction is to highlight .....  
appreciation of the issues related to mining in Wollondilly.

40 What I am going to recommend comes from many years of working with the  
community, many of which have been ..... I have also worked with the mining  
industry itself to ..... best practice. And despite all the good intentions ..... many  
people are negatively impacted by the effects of mining to the benefit of those who  
either directly or indirectly receive financial reward. This should not be the norm.  
45 Our experience is in ..... and Tahmoor demonstrated that subsidence and its effects  
environmentally, economically and socially are major concerns. The current system  
burdens those who gain no benefit from mining ..... both financially and socially for  
the benefit of others. I ask the Commission to take ..... placing appropriate  
conditions of ..... achieve a more equitable outcome for all. Condition C5 mentions  
50 .....

applicant must ensure that the development meets the performance measures. Those measures, in my view, lack detail. There is no mention - - -

5 MR BEASLEY: Mr Costa.

MR COSTA: .....

MR BEASLEY: Mr Costa.

10 MR COSTA: Yes.

MR BEASLEY: Sorry. Can you hear me? We're - - -

15 MR COSTA: I can.

MR BEASLEY: We're – each sentence, a few words are dropping out, so it may not be a great connection. What we might do is, if you don't have a video presentation, we're going to go to the next speaker and get you on the phone, which will probably be clearer.

20 MR COSTA: What if I remove the headphones and see if that works?

MR BEASLEY: You're probably asking the wrong person in terms of what the outcome of that might be.

25 MR COSTA: Jason, are you listening? Let me pull it out and see what happens.

MR BEASLEY: You can try it for sure. Yes.

30 MR COSTA: ..... can you see me?

MR BEASLEY: We can see you. Now start talking again and - - -

35 MR COSTA: Can you hear me?

MR BEASLEY: - - - we will see how we go.

MR COSTA: Can you hear me?

40 MR BEASLEY: Yes.

MR COSTA: Okay. You can hear me? Is that clearer?

45 MR BEASLEY: Yes. At the moment, we can hear you. Yes.

MR COSTA: All right. I will talk slower ..... Cataract, Douglas Park and Tahmoor have demonstrated that subsidence ..... effects environmentally, economically and

socially are major concerns, as was raised by many people today. The current system burdens those who gain no benefit from the mining and ..... both financially and socially for the benefit of others. I ask the Commission to take a creative approach to placing appropriate conditions of consent to achieve a more equitable outcome for all, which I will outline in a moment.

Condition C5 mentioned that the applicant must ensure that the development meets the performance measures. Those measures, in my view, lack detail. There is no mention of a timeframe for remediation, an agreed process. There is no mention of other impacts, such as devaluation of property. It may be picked up in the features and public safety plan that I have not been able to find. There is a degree of uncertainty and ..... for those people in 170 homes which may be impacted can rely upon once the mining commences. Historically, making good the damages has placed great stress and anxiety upon homeowners, who have seen me many times, and it can take considerable time to address their concerns, as was mentioned by the previous speaker.

I, therefore, recommend the Commission consider the following: that any impact, which would include damages to buildings, driveways ..... cars and other assets, will receive a timely remediation or compensation, and the reason for that is ..... considered; that any repairs be made good within six months of the agreed impact damage irrespective if there is an assessment that further damage may occur, so you have to come back , you have to come back; mining management ..... resource compulsory pre-mining inspections on all properties by an independent assessor on a yearly basis, in other words, they get visited on a regular basis to see what's going on; and this one might be fairly controversial, but the company adequately compensates those who are impacted through the mine subsidence by establishing a trust over and above their responsibility to resourcing those findings by the Mine Subsidence Advisory Board.

Yesterday ..... into resourcing a long-term trust managed by trustees from the local community. The trust would ..... and consider the applications ..... the Mine Subsidence Advisory Board ..... address some of those matters that the lady mentioned a few minutes ago. And they will not be constrained by regulations that government agencies impose and will be more flexible. A distrust ..... Bargo community for at least 20 years ..... planned that the mine might end in 10 – for at least 20 years and compensate for proven adverse effects of mining operations. This could also include devaluation of assets if it can be proven. The terms of reference ..... surplus funds after 20 years are to be returned to the company. And in terms of the environment, place greater restrictions on the water – base water levels of the Bargo River ..... least meet the ANZECC guidelines ..... reduced length of width – length and width of ..... to protect value assets as outlined by Mr Michael Banasik this morning.

So the social impact goes directly ..... stress that's, in my view, related to the uncertainty of the financial ..... plans to have made for the future. By placing stronger and fairer conditions ..... burden may alleviate some of those concerns. And

a second layer of financial ..... may give a degree of confidence ..... subsidence and the ..... resource ..... received many presentations about the environmental ..... despite all the remedial work conducted on our rivers and streams over the years, I have witnessed that they are still damaged ..... and subsidence both horizontal and vertical  
5 cannot be remediated completely. Hence, I guess, all parties, government, the planning department and industry, have accepted that there will be an unavoidable ..... damage to our natural environmental to the benefit of profiting others ..... reasonable.

10 Now, as the minister ..... former minister ..... New South Wales Water, I was encouraged by the Dendrobium decision ..... resources are very precious, our water resources are very precious and there is no doubt that longwall mining will impact negatively ..... this will be the same for the local streams that flow into the Bargo River ..... and I fully support the comments made by Dr Ian Wright and his team this  
15 morning to protect the quality of water from the treatment tank. Conditions of contempt should be made quite ..... that continued ..... water into the Bargo River should meet a strict level of water quality guidelines, at least the ANZECC guidelines. The EPA can then licence ..... to meet those increasing levels of protection to the river and the streams.

20 When I was the Minister for Water years ago, the problem was ..... and the company were directed to find solutions. One of those solutions which they brought to me was to release water from the Nepean Dam to dilute levels of contaminants. This was quickly dismissed. At that time, many through a reverse osmosis plant was the  
25 solution. Then the company continued to look for solutions and have, from my understanding, not yet been successful ..... it appears that little progress has been made ion this area. Hiding behind a licence from the EPA which does not have strict conditions upon which to work is not a solution. Give the EPA conditions so that they can ..... as highlighted by the speakers from this morning ..... I do not envy you,  
30 gentlemen.

Just like you, I have also had to make some hard decisions in relation to weighing up the pros and cons of a project. Mining is important to Wollondilly ..... families that are impacted by it. Also, it's important ..... families that have ..... damaged and  
35 waiting for at least a decade for some of them to get some kind of relief. The area, I believe, that I've raised can make a difference by placing appropriate ..... protect streams and 140 families that will be most affected by the development at no fault of their own. Thank you for the opportunity to speak. I thought my public life was over until 106B was presented and ..... retirement and it was nice to come out and  
40 have an opportunity to speak.

MR BEASLEY: Thank you, Mr Costa. Would you mind, if you could, if you could send your notes into the Commission? Because, as I said, some of the words  
45 dropped out, so it would be good to have a written record of what you had to say today.

MR COSTA: More than happy to do that.

MR BEASLEY: Thank you.

MR COSTA: ..... grammar.

5 MR BEASLEY: Thanks very much. I think we have managed to get Mr Sawyer back.

MR SAWYER: Yes. Good afternoon.

10 MR BEASLEY: Go ahead now, Mr Sawyer. We can hear you.

MR SAWYER: Apologies for whatever happened before, but your IT people have rung and said the best ..... was through a phone call.

15 MR BEASLEY: Yes. We can hear you.

MR SAWYER: That's all good, and I've got a head for radio anyway. Good afternoon, Commissioners. Thank you for the opportunity to speak in support of the Tahmoor South Coal Project. My name is Martin Sawyer, but everyone knows me  
20 as Marty. I've been married for 28 years ..... my job that I currently hold as the electrical supervisor at the Tahmoor Mine coal prep plant. I've been parts of the mining community here at Tahmoor for 34 years. I have a long history with Tahmoor. My mother was born and raised here. I grew up visiting Tahmoor often to see my grandparents. I can remember back when the main street was in the day the  
25 main highway to Melbourne. My grandparents owned a Tahmoor produce store and a general store. Their concerns also served the mine workers and their families of the Burratorang Valley. They were well-respected people within Tahmoor and the surrounding districts.

30 I visited the mine when I was younger with my grandfather. It was during a period when it was being built. He was awarded the contract for planting trees along the front of the mine. I can recall my grandfather saying the mine would serve the township and the community well, which was because the Burratorang Valley mines were closing and the freeway was almost completed, which would see Tahmoor and  
35 the surrounding districts bypassed. I started my apprenticeship in 1984 with Clutha Developments, the same company that built the mine. I never would have imagined that I was embarking on a mining career that spanned over more than three decades at the same mine. It is an achievement that I am extremely proud of, and I wish to continue it for many more years. I hope to remain here and be afforded the  
40 opportunity for transition to retirement.

The mine is more than just a place to work. It is where strong friendships have been made. It is where many a laugh has been had and many a tear has been shed. It provides a social atmosphere and a support network. The people at Tahmoor Mine  
45 are my work family. Local and district businesses have supported and welcomingly relied on the mine since it began its operations. In return, the mine has supported them and put back into the local and wider community and continues to do so. We

are reliant on each other. Mining has provided my family a happy and safety lifestyle. Mining is my livelihood. I'm proud to be a miner. Mining has given my children an opportunity to ..... way to be successful in their own rights. They work in roles such as primary school teacher, occupational therapy with cerebral palsy kids, childcare and medical science. My mum would always say, "Thank goodness for mining."

In 2016, I turned 50, and my mum was diagnosed with terminal cancer, and the mine owner at the time announced the mine was to close. There was nothing worth celebrating that year. I found myself in a very low and dark place for some time, and I did get help. I questioned my self-worth, and I was faced with an uncertain future. Mental health, broken families, people moving away were all legacies of that decision. It was a tragic period in Tahmoor's history. I would hate to think that it could happen again if the Tahmoor South Project does not proceed.

I understand members of the IPC paid a visit to the mine and would have seen the shirts out along the front fence. Each shirt has the name of a real person that works here at the mine. They are real people all playing their part in the mine's operation. They are real people I have worked closely with over many years. They are real people who are part of my team at the coal prep plant. There a lot of young men and women employed at the mine. They are the next generation of miners. They are embarking on their chosen mining career path and planning their futures. That opportunity will cease if the Tahmoor South Project does not proceed.

Mining is a profession. I am a professional miner. We are highly trained and skilled with what we do. Just like a teacher, a lawyer or a doctor, my hardhat and my hi-vis clothing is to them my collar and tie. Just like all other professionals, we have the same common work plan, to be the best version of ourselves, to do the job well to the best of our capabilities and return home to our families safely. There will be a bleak future for 400 professional people if the Tahmoor South Project does not proceed. But I'm more than just an electrical supervisor. I'm also a site first aider, a fire fighter, a fire warden. I'm a trainer assessor. I'm entrusted with decision-making and planning. Every day at Tahmoor brings something new. Self-promotion is both encouraged and supported. The mine offers a large diversity of roles and opportunities. I love my work and I believe I am good at it. Mining is my life.

In the early years, I saw Tahmoor's transition from mechanisation to automation. The mine has always been on the front foot with innovation and safety. Tahmoor Mine has a diverse demographic of people that bring to the table a lot of experience and knowledge. That and with our infrastructure, in my opinion, is why we continue to be a viable mine and continue to provide our customers with a good product. The recent pandemic saw the government determine mining to be an essential service. Tahmoor Mine is an essential service. Our COVID practice plan was described by our industry health and safety representative as setting an industry standard. No one had to join the long queues for Centrelink just to receive JobKeeper. It brought everybody great relief to still be working through a difficult period, something none of us has not taken lightly or for granted.

As a senior employee of the mine, I would like to personally thank our entire team of people behind our application for the south extension. I understand the process was complex and lengthy, but we maintain our 100 per cent focus and commitment with a vision to secure Tahmoor Mine's future. When SIMEC took ownership of Tahmoor Mine, they brought with them some core values. Two of those values are integrity and respect. I believe during this process myself, my work family and the supportive community have shown this. SIMEC also support the belief of family and community and have shown this on many occasions. Our family and supporting community stand as one in support of the Tahmoor South Coal Project.

In closing, I wish to ask the Commission for the sake of the livelihoods of the workmates and myself and for the support and the economic benefit Tahmoor Mine provides to the local community, I urge the Commission to approve this project and allow a continuation of mining in Tahmoor North into Tahmoor South. Thank you for your time this afternoon, Commissioners. It has been a privilege.

MR BEASLEY: Thank you, sir.

PROF MACKAY: Well, I would like to extend the Commission's thanks to all who have presented in that session, particularly those who have persisted despite some technical difficulties. We will now take a break in the hearing, and we will resume at 3.35 pm – that's 3.35 pm Sydney time – for the final session on today, day 2 of this public hearing. Thank you.

**ADJOURNED** [3.14 pm]

**RESUMED** [3.37 pm]

PROF MACKAY: Well, good afternoon, and welcome back to this final session of day 2 of the Independent Planning Commission's online public hearing into the State Significant Development application for the Tahmoor South Coal Project, SSD 8445. Mr Beasley.

PROF MACKAY: Yes. I think our first speaker now is Helen Fenning. Ms Fenning.

MS H. FENNING: Firstly, I would like to thank everyone for the opportunity for myself as a community member, a resident of the Wollondilly area. So I would like to mention that in 1972, my husband, Peter, and I chose to make Wollondilly our home to raise a family as there were numerous government and large private businesses at the time in the Picton area. There was the Department of Main Roads, the railways, Nepean River County Council, electricity supplier, Wollondilly Shire Council, Blue Circle cement works at Maldon and the coal industry in the Burragorang area, the Burragorang coalmines. And there were countless job

opportunities at that time trades and administration, including apprenticeships for the young people of the district.

5 The Hume Highway was still running through the towns of Camden, Picton,  
Tahmoor and Bargo, and the economy of the local area was healthy, providing the  
ideal area to build a home and raise a family. We have some wonderful local public  
and independent schools which have given the parents the option for preferred  
education in a range of settings for students of all abilities. Picton High School is  
10 currently undergoing a major rebuild and will provide a facility to cater for the needs  
of all students, preparing them for life beyond secondary education.

15 So in 1972, it was quite exciting with the construction of Tahmoor Colliery, and it  
was a bit of a talking point in the early 70s, which – that meant that travel time for  
many coalminers would be reduced as employment was offered to work locally,  
meaning more family time. And over the years from 1975 down to 2018, there have  
been numerous owners of Tahmoor Colliery as well, and I have to say each one of  
those has contributed greatly to our local community. And Tahmoor Coal is  
committed to delivering positive and lasting social and economic benefits within the  
20 Wollondilly community through to a comprehensive community investment  
program, supporting a range of organisations and delivering services and initiatives  
in key investment areas of health, environment, capacity building, education and  
training and also the additional needs identified in community planning or at local  
regional level.

25 So coalmining in the Wollondilly LGA has supported families and businesses and  
community groups for decades by providing support in a wide range of initiatives  
across the local community, including – and if I can mention just a few – a Cystic  
Fibrosis Swimathon. To have that huge event in Picton was massive. The World's  
30 Greatest Shave. Picton, Tahmoor and Bargo chambers of commerce have also  
benefited from Tahmoor Coal and the initiatives – the funding initiatives. Men's  
Shed, Focus on Families, sporting groups, rural fire brigades have benefited greatly  
through the funding opportunities through Tahmoor Coal. Just recently, a huge fire  
fighter memorial playground in Buxton of which Tahmoor Coal were one of our  
major sponsors. Wollondilly Riding for the Disabled.

35 So we're looking at all our – we are – it has all been very inclusive, contributions and  
support toward our local communities. And they are just a few of the community  
groups that I'm familiar with, and there are many more. Community event  
sponsorships. We must understand that without that major sponsorship, a lot of our  
40 community events can't go ahead, and I'm thinking at the moment of Thirlmere  
Festival of Steam. A major sponsorship throughout New South Wales and it also  
goes into other states, the people who come to the Festival of Steam. Wollondilly  
Anglican College, the sponsorship for their spring fair as well.

45 And in Tahmoor Uniting Men's Shed, I am familiar with apprentices who have  
showed their commitment to the local community through their partnership with the  
Tahmoor Uniting Men's Shed, where the young apprentices came in and built new

pathways, retaining walls and an awning for the Men's Shed group area. But they also showed off their skills by completing plumbing and electrical works. They didn't just stop there with the work. It was also that social connectedness within our community. And also Picton High School, the business week sponsorship, which  
5 gives, again, that opportunity for our students in our schools to connect with our local businesses and our major industries whereby they are able to see what they – what chances and what opportunities are out there for our young people. And another initiative - - -

10 PROF MACKAY: Ms Fenning. Ms Fenning.

MS FENNING: Sorry. Yes.

15 PROF MACKAY: Ms Fenning, it's Richard Mackay, the chair of the panel. You're a little over time already, so it would be great if you could move reasonably expeditiously and thereby enable us to make sure we have the time promised to other speakers as well, please.

20 MS FENNING: By all means. By all means. Look, I think I can say without the community financial support through large industry, many community groups will not be able to provide subsidised insurance membership fees, for equipment, assets, etcetera. The success of sponsored community events could be compromised by the lack of funding. Need for not-for-profit would struggle to provide their members with up-to-date equipment needed to ensure volunteer safety and ability to provide a  
25 service equal to groups within a more affluent LGA.

30 So in summary, if the Tahmoor South Project does not proceed, the effect on the local economy will be quite devastating, resulting in families being forced to leave the area in search of employment and opportunity for family lifestyles. Many local businesses are small mum and dad run, offering independent and small business services. These businesses rely on the support of employees of not only the large scale industry – of the only large scale industry remaining in the Wollondilly area, and that would be Tahmoor Coal. So I thank you for this opportunity as a mum, a  
35 grandmother, a resident and also a volunteer of community groups. Thank you.

MR BEASLEY: Thank you for that. I think our next speakers together or at least on the same phone call are Cheryl Skinner and Jeff Skinner.

40 MS C. SKINNER: That's correct. Yes.

MR BEASLEY: All right. We can hear you, Mrs Skinner, so please go ahead.

45 MS C. SKINNER: Okay. Thank you. I would also like to thank you for this opportunity. And what Helen was saying, it all sounds wonderful. I know they help the community. But I'm more concerned with our future for our grandchildren. I think we should be looking at renewables, not going back into coal again and expanding what they've already done. They might expand again. Who knows? Plus

the damage it might cause to a lot of the homes around here. In Bargo, we've got some really old, lovely, you know, historical homes that might be damaged by the mining. I know we've bought a lovely old 100 year old house that we spent a lot of time and money in renovating, and we would hate to see that ruined.

5

But I'm more concerned in all of Australia looking at renewables and not looking back into coal. And I realise that jobs will be lost, but there will be new jobs available with the renewables sector. I think we've just got to start, you know, looking into the future and not just taking from the soil, like coal that – I know it's there for us, but there's a better way, and we've just got to look into that. So I will just pass you over to my husband. He would also like to speak. Thank you.

10

MR J. SKINNER: Yes. Good afternoon, ladies and gentlemen. I would like to reiterate what my wife has said, along with the previous speakers, who have raised many, many valid arguments. The one which I think is most relevant at the moment is the fact that renewables is a growing industry where coal isn't. It's more than likely in its last moments. I think that if the efforts were put into an industry which would be growing instead of on its last legs, it would be much more beneficial for the whole of the community, the whole of industry.

15

I think also, too, the biggest risk that goes down with this pathway of extending the coal would be poisoning the entire catchment area of Sydney for water. Now, that's something that may or may not happen, but the best-laid plans of mice and men will go down the track of if it can, it probably will, and you would think that a way of solving such a dilemma if it was to happen would be catastrophic. And that's really all I have to say, and I hope and I know for a fact that the people listening and the people that have spoken before us and after us decisions will be made in the best possible interests. But I think at the present moment, renewables are the way to go, and I thank you for your time.

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MR BEASLEY: Thank you very much, Mr Skinner. Next speaker is Bryan Flaxman. Mr Flaxman.

25

MR B. FLAXMAN: Yes. Thanks very much. First, let me just say that, in general, my wife and I are not opposed to coalmining or the jobs that it provides. However, when mining impacts the properties where people have made their homes and businesses, I believe that our governments and the mining companies should be more conscious of the personal and emotional effect it has on the lives of property owners. When we moved to Bargo in 1985, we anticipated that we would live our lives in a fairly quiet rural environment away from the problems of the big city, and for the most part, this has been the case up until now when we're told that proposals are being made to bring the mining even closer to our home.

30

We purchased the property in good faith, understanding from the inquiries made by our solicitor that any nearby mining would not affect our home. Our thoughts were that should we ever need to move to a retirement village or nursing home, we would have a simple process of selling our home and using the proceeds to secure that new

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accommodation. If this mining extension goes ahead, those plans will be in serious jeopardy. Properties here would certainly be greatly reduced in value, assuming there would even be buyers that would still be willing to invest here. If the buyers are not here, our homes would have no value.

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Most property owners have invested their life savings into their homes. Surely in a country where justice is so highly valued and relied on, the idea of extending mines that could severely affect the lives of many citizens and the value of their main asset must rank as a great injustice. I hate to think that everything we've worked so hard for over the years could be of little value at the time when we would need it most. I'm now 72, and should I die before my wife, I would be leaving her with all the uncertainty and associated stress to deal with on her own. That itself is a burden we should not have to contend with or leave our loved ones to face.

15 It's true that life at the best of times is uncertain. There's accidents, natural disasters, sicknesses. They're all pretty much inevitable. But to have these mining concerns deliberately forced on us is not the Australian way. It's like selling a car, giving a guarantee of seven years and then partway through that period advising the purchaser that the guarantee has been changed to two years, and that happened yesterday. Is that fair? Is that justice? Would the company get away with that? Surely there are other directions the mine can extend without it adversely impacting the lives of people in this area. If this was done, the miners would still be able to retain their jobs. Do they care if keeping their jobs endangers the lives and the property of others?

25

The mining companies have suggested that they are concerned about the welfare of the people of Bargo by contributing to the community economic, but after hearing what people have been saying throughout this hearing, I feel pretty sceptical about their motives. They say they will pay compensation for any damage caused. I suggest that there would be great efforts made to avoid such compensation if at all possible and that delays would occur which will further impact the lives of our people. Would a mining company make up the difference between what a property is sold for and what it might have sold for if the mine subsidence effect was not present? It's not likely to happen. Is money more important than human lives?

35

Mining is often stopped in Australia because of a potential impact on the environment and on native wildlife, and those things are important, but let me suggest that human beings are at least of equal importance, if not greater importance. So I would like to just ask that mining should not be allowed in populated areas anywhere that adversely affects those who have made their home in that area. That's all I have to say. Thanks for the opportunity.

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MR BEASLEY: Thank you. Next speaker is Michael Wiltshire. Mr Wiltshire. Are you there, Mr Wiltshire?

45

MR M. WILTSHIRE: Yes. Yes, I am.

MR BEASLEY: We can hear you.

MR WILTSHIRE: Thanks very much.

5 MR BEASLEY: We can hear you, so go ahead, sir.

MR WILTSHIRE: Yes. My name is Michael Wiltshire. I am a real estate agent and have been for 40 years for all the time I've lived in the Bargo area, so I know a huge number of people in this area. But let me first say I am totally in favour of  
10 coalmining in Australia and even Wollondilly. Most serious of all the things about mining under Bargo, which horrifies me – I'm absolutely against mining under the township of Bargo – the company has basically conceded that it's prepared to say that mine subsidence should be up to and over a metre. That means over 20 houses in the Bargo township will be destroyed. They've got no concept as to how much  
15 damage will happen to how many other houses.

It's just an amazing number of residences that are planning their future lives on living in Bargo. To me, it just seems that for 10 years, how can we ever put a price on real estate? How can we ever talk to people about their houses are worth?  
20 Because as an agent, we're obliged to advise people anything about the problems, and mine subsidence is massive. I have looked at houses in Tahmoor and Thirlmere and seen a huge amount of damage, but the subsidence wasn't nearly as bad as they're planning for Bargo.

25 To me, it just seems beyond belief that they would even consider mining under a township. In Australia, it just shouldn't be. There's vast amounts of possibilities of mining, but the cost of subsidence damage and the cost of even supporting or trying to fight with how much money is owed and has to be paid is just beyond belief. Sure, the mines are concerned about their employees, and I think everyone is. But  
30 significantly their planning was to be in areas – after they had finished Bargo, the planning was to be in another area.

Now, we're aware that the mine owns land and leases land to the west and southwest of Bargo. That land significantly obviously is prepared because the mine has had  
35 security staff patrolling the area to my knowledge for over 30 years and making sure no one travels on that, so if they weren't going to mine it, they would have sold it before now. If they mine under that area to the west and southwest of Bargo, most significantly, it won't hurt any residents, it won't hurt any wildlife, it won't hurt any native animals of any sort because basically the mining is underground. If they need  
40 to move coal, there is a railway line that runs to the west again, and that can be done. So there are a number of outlooks they can have, so I don't believe it will affect staff. I think it was convenient. The mine would like to do Bargo because it's very easy for them. But they have to consider the people and the future lives of people that live there.

45 So to me, I just feel it's time that we got support from all our – all the people that we vote for to rescue Bargo and save the people from what's going to happen. It's – to

me, I've got to say – I've got to speak in favour of our member of State Parliament, Nathaniel Smith. He has been a great supporter for the Bargo area and so have some of the councillors. I think it's time we looked to the future. Council has been promising subdivision in Bargo now for over 30 years, and whenever it gets close,  
5 straight away the mine suggests that maybe they might want to mine there. I think the time has come that we stand back and say no, you can't mine under a town anywhere in Australia, and Bargo is certainly included. Thank you very much for listening to me.

10 MR BEASLEY: Thank you, Mr Wiltshire. Next speaker is David Scrimgeour. I'm sorry. I've absolutely butchered that, and I apologise, sir.

MR D. SCRIMGEOUR: ..... good enough. Firstly, I would wish to thank you for the opportunity to voice my objection to the new coalmining lease for Tahmoor  
15 South. I apologise if I will read, but it's the only way I will get it done on time.

MR BEASLEY: That's all right.

MR SCRIMGEOUR: Firstly, I'd like to acknowledge and rely on other submissions and particularly a well-written submission which for the benefit of time I won't  
20 repeat in full but I do endorse it. I will just read one or two of the headings which are identified for you. There's an extremely high risk of subsidence and significant damage to residential homes. The second one was despite removal of some longwalls, homes above longwall 106B along Hawthorne Road and Great South  
25 Road will suffer very bad effects from subsidence. I trust you can identify the written piece from that, and I won't repeat any more of it other than say I endorse what it says.

I would like to explain why all of this is relevant to my family. My wife and I  
30 purchased in Elvy Street, Bargo over 30 years ago. We had two children that were born there and educated in the area, and they both now live in Bargo with their respective partners, and they each have two children. So any negative impact on Bargo will directly impact on the 10 of us. About 20 years ago, I assisted my parents who were trying to come back from Queensland to New South Wales and, long story  
35 short, I now have two investment properties in Hambridge Road at Bargo and my parents have passed. My daughter did live in one of them until she was able to save up and buy her own house in Avon Dam Road, Bargo, and my son now lives in one of those houses.

40 So my original house and land, to give you some perspective, cost me about four and a half times an average salary, \$110,000 – that was 30 years ago – but now costs my daughter eleven and a half times an average salary to be able to purchase her home in Bargo. Now, this younger generation are far more vulnerable to any financial stresses, whether it be interest rates, the seventeen and a half per cent I paid, or the  
45 house values, and it will be severely impacted by anything that impacts on the equity. I know my daughter is mortgaged to the hilt to be able to afford her place. If anything changes, it will hurt them.

And I noticed there was a number of other young people writing in to say, “We’ve done everything in our power to buy.” I would ask you to consider that Bargo was and is an affordable area. Comparable house prices to the north, south, east are all greatly higher. So if someone is compensated with money, they still won’t be able to  
5 buy anything necessarily unless they still want to stay in the same mine subsidence area. I think it’s fair to say that with four houses in the area, my family and my retirement nest egg are vulnerable to any impacts on the property market, and, therefore, the quality of the prevention and the compensation systems are critical to us.

10 I would ask the Planning Commission to really consider the quality of the safety net that is provided by the relevant legislation, policy, practice and procedures that are in place. If this was happening to you and your family’s home, would you be satisfied? Because for me, that is the test that you’re being asked to determine on. The  
15 prevention strategies of the former Mine Subsidence Board with building codes and approval processes ..... I can give you firsthand in the side street beside me is a two storey brick veneer home. We all know that’s not allowed in the mine subsidence area, but it’s there, and it was built in modern times. How did that happen? I’m aware of the ICAC inquiry into the ..... Mine Subsidence Board, and that can draw  
20 its own conclusions as to whether it was corruption, incompetence, human error or whatever. I don’t know. But if that’s one example in my side street, what else is there?

25 My house has been built to the Mine Subsidence Code and I’ve had approved and engineered extensions, yet despite all of that, I’ve had tiles around my pool crack due to differing movement between the courtyard wall, which is in clay footing, and the pool itself, which sits on a sandstone floor just over a metre below ground level. My septic system, which I had to dig myself with a jackhammer, which is several metres  
30 down into the sandstone, has had the main sewerage treating pipe kink and have had to have it replaced due to the variance in movement between the clay and the rock and the sandstone underneath. I’ve had structural roof trusses that had collapsed on the garage extension, which held several other roof trusses, and they’ve had to have that reengineered. The usual, the cracks in the ceiling of the house, which I ended up  
35 putting an expansion joint in to reduce the repeating times that it cracked. And this is in a house that is built to mine subsidence and engineered for mine subsidence and yet supposedly not under the influence of mine subsidence. What will it be like when it might be impacted by it?

40 Now, I suspect – and it’s very hard to tell – that I won’t be directly impacted according to the engineer’s guidelines. How do you tell? How accurate and reliable is the science and regulation around mining, tunnelling and engineering standards for buildings? We’ve seen units fall into tunnels in modern history. We’ve seen  
45 residential units that have been built and then have to be condemned or require significant engineering. How and why do these things happen? We can always explain it in hindsight. There’s always usually someone to blame. But most of the time the science is right. I accept that. But there are so many variables that can and

does go wrong. I don't want that risk taken with my house and my retirement nest egg. I think it's fair to say that the prevention systems are far from fool proof.

5 So how good is the compensation system? Firstly, the legislation leaves the onus on the applicant to show that the mine subsidence caused the damage. That only should be on the mine to prove and not just on the balance of probabilities, but beyond a reasonable doubt that it was not the mine that cause the damage. That high onus is reasonable to put in place considering that you're actually undermining a person's house. If the compensation system is so good, why are the settled matters subject to  
10 secrecy clauses? Shouldn't it be transparent so that we can have confidence that, if we need it, we can be compensated appropriately? How many cases are being challenged before the courts with findings that the compensation offered was fair and equitable? I suspect very few. Why should people have to fight to be compensated? Why should they have to wait until the subsidence is over before they have a house  
15 that is fully functional both physically and aesthetically? You shouldn't have to put up with cracks in your walls.

I would argue that the amendments to the compensation system have created a greater risk to victims and that the funds are no longer stored in trust by what was the  
20 Mine Subsidence Board but now rely on the financial sustainability of the mine owner. Mining companies do go bankrupt, and even if SIMEC are financially secure and reputable now, who says its current management will remain or if they will continue to own this mine? It's a business and will make its decisions based on what is in the shareholders' interests, not the residents of Bargo. I would suggest the new  
25 legislation and systems around it are not well tested, and we cannot have confidence that it will look after the residents of Bargo appropriately. I would ask that the Commission decline this application for a new mining lease under the Bargo township and that mining is not supported under the areas that are predominantly residential.

30 Finally, I would compare the community benefit of this new lease in contrast to the community harms. When I bought in the area, I knew it was the mine subsidence due to mining at Tahmoor that had an existing lease that did not include Bargo. That's why I didn't buy in Tahmoor. I would argue that the residents of Bargo are  
35 entitled to have priority over the comparable good that will be done by this mine, which is predominantly financial and employment.

When SIMEC bought the mine, they knew what the lease was. When the miners took their employment, they knew what the lease was. Whilst employment is very  
40 important to the area, it does not justify the harm it will do to the township. I have heard a suggestion that the mine – and you can ..... the previous caller – that the mine should be extended under Crown land. Whilst I don't support this personally from environmental damage, it is a better alternative than destroying people's lifelong savings. That's the major focus that I would like the Commission to consider,  
45 please.

MR BEASLEY: Thank you very much, sir. I noticed you had some notes, so feel free to send them in as a written submission as well.

MR SCRIMGEOUR: I will do that. Thank you very much.

MR BEASLEY: Thank you. The next speaker we have is Narelle Stoker.

5 MS N. STOKER: Yes. Thank you. Good afternoon. As stated, my name is Narelle  
Stoker. We live at Douglas Park. We live on a small rural property and we have  
done so for the past 25 years. We are aware that this is the South32 mine area;  
however, the same rules apply for the Bargo/Tahmoor mines area as has applied for  
10 us under the new legislation. So I would like to begin with giving you a small  
synopsis over the past three years as to our story as to what the people in Bargo and  
Tahmoor may be facing. It is not possible to express all of the adverse effects on our  
physical and mental health, and that is also to our extended family.

15 Around August the 31<sup>st</sup> 2017, the extraction of coal from longwall 901 was  
completed, and this mine is directly underneath our property. Early 2018, we  
commenced procedures to put our property on the market by way of discussing it  
with various local real estate agents as to how we could move forwards. We have  
been wanting to relocate now for three years or more. Around this time, we noticed  
20 a number of cracks appearing internally and externally to our property and that the  
water level in our dam was falling. We attempted to fix the problems ourselves by  
engaging a number of local tradesmen at our expense, but after a few months, we  
realised that the damage was continuing and that mining subsidence was the possible  
cause.

25 March 2018, we contacted SA NSW and completed a claim form. We were of the  
understanding we were the first to claim for mine damage under the legislation.  
April 2018, a safety and serviceability assessment was carried out, which in  
summary stated that mitigation work was recommended to fix a number of cracks in  
the walls, floors and other fixtures within our dwelling. The mitigation work did not  
30 occur as the mine, South32, declined to do so. They did, however, commission a  
number of engineers to survey our property and report back to them. We were not  
provided with any results of these reports. April 2018 to April 2019, during the  
period, several more engineering reports were carried out by South32 and multitudes  
of correspondence was sent and received by us without any movement forward with  
35 regards to fixing any damage.

April 2019, after receiving very little assistance from SA NSW and South32, we  
contacted our local state member, Nathaniel Smith, who we are very grateful for  
hearing our story. We alerted him to the situation in Douglas Park and potential  
40 issues of mine subsidence that may occur in Tahmoor and Bargo, as we were  
currently going through these issues. We further advised that there were other  
people in the local Douglas Park community in similar situations caused by longwall  
mining in our area. September 2019, we received an offer finally from South32 for  
\$132,000 based on a ..... cost analysis of the damage to our home. Nothing was  
45 assessed for the external damage. That could be another story. This was manifestly  
insufficient to cover the repair costs. It was assessed on the various engineers'  
reports commissioned by South32 and was completed by a person who at no time

visited the site and, therefore, could not possibly understand the complexities and severity of the damage.

5 November 2019, our local MP, Nathaniel, arranged a meeting with the Minister for Better Regulation, Kevin Anderson. After telling our story to him, we were requested to write a note to our local member detailing our requirements and the requests to South32 to buy us out as it was unlikely that anyone would buy our property in its damaged state. Following this, the minister directed SA NSW to ask South32 to comply with our request. The request was subsequently rejected by 10 South32 as they stated to our local member that they are in the business of making money. November 2019, we submitted version 3 of the damage with over 100 items of damage to our property. July 2020, we received a second offer from South32 from the independent assessor; however, it is still insufficient to cover all the damage, repairs as the quotes for like replacement has been sought. This did not 15 include any allocation of funding for legal costs, which we have now had to fund ourselves to the tune of \$60,000.

The conditions included in the deed with South32 we were forced to sign have restricted our capacity to sell our property. The alternative would have been to go to 20 the Land and Environment Court at huge expense without any guarantees. December 2020, we have now completed phase 1 work; however, we cannot continue to complete phase 2 work to fix our deterioration as we have to wait for South32 to advise us that they have finished the subsidence in our area. Our present situation is that mining is current and will continue for several more years, making our property 25 virtually unsaleable unless we drastically reduce the selling price and consequently absorb a significant loss. We cannot by way of our legal agreement with South32 fix any more damage to our house until they advise us.

We have two questions to the mine. How old does one need to be before 30 consideration is given to buyout due to significant repairs? We are both ..... and question 2 is how unwell does one need to be before the mines buyout due to health reasons? We are both now suffering significant mental and health issues due to the stress of the mining subsidence and processes, having gone through three years of this process. We cannot sell our house. We cannot repair our house. We cannot 35 move on. It appears that under the new legislation, the determining body is the mine, and the same rules apply for Tahmoor and Bargo, that Dracula has been put in charge of this blood bank and the mines make all the decisions. SA NSW just administers the news to us as the local constituents with no responsibility taken.

40 MR BEASLEY: Thank you - - -

MS STOKER: .....

45 MR BEASLEY: - - - very much, Ms Stoker, for that. Feel free to send in your notes as a submission.

MS STOKER: Thank you very much. We will.

MR BEASLEY: Next speaker is Nicolet Westerhof.

MS N. WESTERHOF: Hi. Sorry. Basically, I will be reinforcing what the previous speaker has talked about in relation to my father has a home in Tahmoor  
5 and he is being severely impacted by mine subsidence to the point where – and he was on the old scheme, and he was moved out for what started off as 12 months and turned into about 18 months. And just the stress – and he – at the time he was moved out, he was 91 years old, so he wasn't a young man to be moved, to be put in a situation where he had to deal with people who had no respect for him. And he  
10 basically is still arguing. He's now back in his home. There's still issues that are ongoing.

And my concern is that what has been happening to my father and the house next door to him and the house across the road – so the house across the road from him  
15 was actually completely demolished and rebuilt. His next door neighbour, their house, they were bought out and their house has been demolished. So they after having been in that home, bought the home, raised their children in it and then had to be moved out of a home that they didn't want to leave, they had to relocate. Now, dad also ended up under the situation where the work that was done was contracted –  
20 the Mine Subsidence Board contracted it out to somebody, who then subcontracted to subcontract to subcontract. That actually meant the work was improperly done. The work has been done to a substandard and is still ongoing.

And I just think if we keep doing this to people and to reinforce what the previous speaker said, the anxiety that it places on homeowners – they've put a lot of work  
25 into their homes. They're not just a house where they live in and throw their hat and go to bed at night. They have raised families in there. They've raised their grandkids in there in some cases. And it's taking people's livelihood. It's taking something that's comfortable for these people and not having that comfort zone.  
30 And for it to occur under Bargo, my house may or may not be impacted depending on where it goes. I don't fancy being in that same situation. So my concern is for the impact to the homeowners, both those who already are being impacted in areas like Tahmoor and Douglas Park, as we heard, and for the residents of Bargo to end up going through that same thing. So that's all I've actually got to say at this point.  
35 Yes.

MR BEASLEY: Thank you very much for that, Ms Westerhof. The next speaker we have is James Chapman.

40 MR J. CHAPMAN: Good afternoon. Can you hear me?

MR BEASLEY: Yes, we can. Please go ahead, sir.

[Note – the transcription of Mr Chapman has missing words due to poor audio  
45 quality. Any speaking notes received will be made available on the Commission's website.]

MR CHAPMAN: Good afternoon, committee. I'm Jim Chapman, and I live in Remembrance Drive, Bargo ..... for those people. Anyway. Let's move on.

Thank you so much for your time. But we in Bargo are in a fight for our homes. The township of Bargo is a water supply for the people of Sydney ..... the Tahmoor South Coal Project. I'm left to believe that this longwall mining ..... would dig a 10 metre hole the size of Sydney Harbour under the township.

5

As ..... presentations ..... independent mining committee, I have great concerns ..... support for the residents and their homes that are going to be destroyed. There are many cases ..... which states ..... and refute any claims. So the mine will refute perhaps any claims ..... all these people. They've got expensive lawyers and engineers. We can't afford to fight them. We're pensioners, most of us ..... per cent of the houses in Bargo, so they're only going to do ..... I've recently received an email ..... meeting there is no intention. Their intent is to dig the entire Bargo area. So ..... probably will have a hole the size of Sydney Harbour fall into.

10

15

It's disappointing when ..... heard that Mr Taylor, the federal member of the Hume, was in support of this mine and found time to meet with them but ..... ask to meet with the residents or his constituency that live in the area ..... or concerns were. There's no doubt this is a very generous mine. They've donated to local schools, Men's Shed, Rural Fire Brigade, made political donations even to ..... there is no such thing as a free lunch, and it appears that many people that have been on today ..... from this. They're all rallying around now in support of .....

20

25

During the 2019 fires, we watched the flames from the back paddock ..... so we evacuated, but were stopped ..... by the RFS at ..... Road. So we ..... different route. They were setup ..... to defend the mine from the fire ..... reason is that there was grave concern. If the coal caught fire, they would never control it. And God forbid, if it got underground, it would burn forever ..... what happens if the gas caught alight ..... tied up in the mine. Should we have such a risk in town? During this debate, there was a statement on how they monitored subsidence ..... the first one ..... so they knew who to call, and they were called in the middle of the night to go out on the railway. Sounds really good. But what happens if they missed that call ..... just fall in a hole ..... wonder where they're ..... going. They come on to make these nice statements, but, in fact, they're opening more holes than closing them.

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They intend to build more exhaust fans for poisonous dust, chemicals and ..... from the mine ..... detrimental ..... livestock, crops, people downwind. We ..... large conveyor belts that only just a couple of hundred metres ..... constantly ..... they seem to be autonomous. I contacted the council and asked them, "What about the coal dust at the kids' school and their lungs and the rest of it? I've heard it's really bad."

40

But apparently there's no control ..... there's no control at all. We also ..... water pipes running through the area ..... southern railway line ..... through Bargo. Bargo is part of the Sydney basin water catchment area and sits between Avon Dam and Warragamba Dam. If this mine is approved – is that me done .....

45

MR BEASLEY: Yes, sir. If you can wrap up soon. Thanks.

MR CHAPMAN: Okay. Yes. I feel really sorry for the workers, but at the end of the day, these are our homes, and there doesn't seem to be any control on what this mine is doing or how they're running it. So I do thank you ..... I will follow this up

with a written submission with attachments to where things ..... and I really appreciate your time .....

5 MR BEASLEY: Thank you. Yes. please do send in your notes.

MR CHAPMAN: Thank you very much for your time.

MR BEASLEY: Thank you. Next speaker is Tim Emmett.

10 MR T. EMMETT: Yes. I - - -

MR BEASLEY: Yes. We can - - -

15 MR EMMETT: Good afternoon, Commissioners.

MR BEASLEY: We can see and hear you. go ahead.

MR EMMETT: Okay. Thank you. My name is Tim Emmett, and I currently work at Tahmoor Coal. I would like to endorse Tahmoor Coal's application for the  
20 Tahmoor South Project. My current role here is 'outbye' electrical lead, where I look after the coal clearance of the underground mine, water removal, communications and the underground high voltage network. I speak here today not only to thank Tahmoor Coal for the opportunity that it has given me, but also for the employment that it has provided my father and many others of the community over  
25 the last 40 years.

My father, Robert Emmett, was a coalminer of 35 years, where he started off working in the valley, then began working at Tahmoor in 1981. I'm a second generation coalminer with many family members employed by the coalmining  
30 industry in the area. Growing up in our small community in the 80s, it was very rare not to have a family member or not to know of someone who worked in the mines. The Wollondilly area is synonymous with coal, and Tahmoor Coal has throughout the years managed to share the wealth via employment, sponsorship and donations. Today, Tahmoor continues to provide employment for over 400 people directly and  
35 thousands indirectly. Tahmoor Coal provided my father with local employment and gave him the opportunity to provide for my family. I was fortunate enough to have the chance to work with him for his last five years before retirement.

The reason I came to Tahmoor Coal was to be able to extend my career. I came as a  
40 qualified electrician and wanted to study more, and Tahmoor gave me the ability to go back and complete my studies in electrical engineering. Working locally gave me the time and gave me the stability to do this. Tahmoor's apprenticeship program has provided young adults with the same opportunity, many of them local kids completing their trade with distinctions and going on also to complete further  
45 education in their field.

I have been in the mining industry at Tahmoor for 10 years and I have seen the mine run by three companies in this time, and I believe that SIMEC GFG has the values to operate in the Wollondilly community well into the future. SIMEC's three core values, change, family and stability, show they are willing to adapt to future  
5 innovation and value the community in which it operates and their employees. I have watched the IPC presentations across the last two days and firmly believe in the Tahmoor South expansion.

We are living in an exciting time with the innovation of new technologies to assist  
10 the production of cleaner steel. GFG is at the forefront with their green steel initiative, but we are still in the very early stages of this transitional time, and we need the likes of Tahmoor Coal to get us through this period. Being a born and bred local, I believe that Tahmoor has a 40 year proven record in the community, and I look forward to being part of the next era of Tahmoor Coal. Thank you for the  
15 opportunity to speak in support of the project today.

MR BEASLEY: Thank you very much, Mr Emmett.

MR EMMETT: Thank you.  
20

MR BEASLEY: Next speaker I think we have is Christopher Barnes. Sorry. We're going to Gwen Herring, who was at the bottom but has now been moved up the batting order. Ms Herring, are you there? We can see you, Ms Herring, but we can't hear you yet partly because you're not speaking, I think, but also – you're right to go,  
25 Ms Herring, if you can hear me. You might need to turn the live stream off, Mrs Herring, and maybe turn your microphone up or your volume up so you can hear me.

MS G. HERRING: Hello. Can you hear me?

30 MR BEASLEY: We can now. please go ahead.

PROF MACKAY: Thank you.

MS HERRING: Okay. Good afternoon. Thank you for the opportunity to speak.  
35 My husband and I live in Bargo. Nine years ago, we sold up everything in Sydney to purchase our dream home on six acres in rural Bargo and live out our retirement. On the 19<sup>th</sup> of December 2019, the bushfires went through our street from one end to the other and we were evacuated for three days, not knowing what we were going to find when we returned. Thanks to the fire services, all the homes in our street were saved  
40 that day, but there was still property damage to outbuildings and natural bushland throughout the street, and the stress to residents was enormous and still is for some. Our street has many elderly people, people suffering from cancer, depression and other illnesses. There are families with young children and families who have just renovated their homes, and all may suffer from subsidence.  
45

The mine has recently altered their plans to exclude longwalls under the Bargo township, but still 143 houses are in line for subsidence. In a leaflet received from SIMEC, if this project proceeds, 22 homes may be damaged to such an extent that they will require offers of acquisition. Is our home one of these 22? Our home is  
5 directly over longwall 104A, and we may be severely impacted by subsidence of up to 1.35 metres, which is no little amount. We have met people who have had subsidence damage to their homes and are still trying to get compensation for at least the last eight to 10 years, and during this time, they are living in damaged homes.

10 We wouldn't be able to sell our home today with the threat of mining under our property. If our home is damaged and repaired, it has to be stated when sold that there was mining subsidence damage, and we would be looking at losing hundreds of thousands of dollars trying to sell. If we need to downsize in the future, losing  
15 money on the sale of our home would possibly be a problem for us when trying to purchase somewhere else, and we would be financially ruined. We are retired and wouldn't be able to pay any legal fees or damage ..... getting a building to give warranty on repair work would be impossible as subsidence still continues for years after the mining is finished. In the meantime, if the mine closes down, what happens  
20 to the compensation for our home ..... Tahmoor South Coal Project proceeds ..... going through the stress of a damaged home would be detrimental to our health and wellbeing, our property value, our families and the environment and the waterways and would continue over many years to come.

We know that there are mining workers and their families ..... supporting the mines,  
25 but a high percentage of these don't live in the area and their homes will not be affected. Note that we are not against mining and we don't want to see people losing their jobs, but surely the mines could change their plans again to exclude the areas that these 143 houses are in. Would it be feasible for them to mine under Crown  
30 land in the area and vacant land where nothing would be damaged? This would mean that there will be no damage done to our homes and the miners would still have employment. We're not even sure if the money from the mining stays in the country. When considering the submissions, please consider the residents of these 143 homes. Thank you.

35 MR BEASLEY: Thank you. Our next speaker is Mr Barnes now. Do we have you, Mr Barnes?

MR C. BARNES: Yes. Can you hear me, Commissioners?

40 MR BEASLEY: We can see you and hear you, so please go ahead, sir.

MR BARNES: Excellent. Thanks for the opportunity to speak to the public hearing. For coming up to about 20 years, my wife and I have owned Kalinya Estate, which is located in Bargo. We live at the estate with our two children aged 11 and  
45 eight, who attend the local primary school. Having lived in Bargo for many, many years, we are very much part of the community. I'm speaking today because – well, about Kalinya Estate because our property is at risk as it is one of the 143 homes

scheduled to be undermined as part of this project, in our case not once, but twice. I would like to speak about the potential subsidence impacts on Kalinya Estate, the issues with the compensation scheme, some economic impacts, as well as some proposed solutions to these issues for consideration.

5

But before I get to that, let me first very briefly tell you a bit about us. Kalinya Estate basically provides luxury residential accommodation for one group at a time of between about 10 and 36 guests across our homestead, lodge and our barn for stays between two nights and two weeks at a time. So we're basically an accommodation venue. It's set over five acres of manicured, heritage listed gardens in Bargo. I will just show you, if I can – if I can share with you my screen, desktop – that one. Okay. Now I'm showing you ..... thing. That's handy. That one. Can you see that, Commissioners?

15 MR BEASLEY: We can. Yes. It has got a front cover of your property and a Kalinya venue guide.

MR BARNES: ..... just a basic outline. There's the main homestead. It's one of the – you know, it's one of the finest examples of colonial architecture and craftsmanship remaining in Australia, and it incorporates doors, windows and 10,000 metres of Oregon timber, white cypress board, etcetera, and it typifies the heart of estate living enjoyed by the wealthy graziers in the 19<sup>th</sup> century. As you can see there on the property, there's also – that's sort of the internal shots. I will just scroll down. There's also a lodge there which was the original – built in the 1880s originally. It was the nurse's – or medical cottage for the whole area.

And then there was also – I will just scroll down through a couple of pictures. There was also the barn, which was added to the estate around 30 years ago, and it has been repurposed as an entertainment haven. It has got a gym and it has got a squash court in it and it has got – there you go – the games centre and things like that, a piano bar, a piano you can see there and a home theatre or a gold class theatre you can see at the bottom right of your screen there.

I will just flick up back to the top. The property also features – sorry to do this to you, and we will stop in a second. The property, as you can see, also features acres of gardens, a repurposed carriage house to hold functions, a ceremonial gazebo in the middle for wedding ceremonies and luxury features and facilities like the large swimming pool in the middle there and the tennis court you see on the left. Look, the picture also shows right at the bottom that – I will just flick to it – our conference room – there it was – our conference room, and this was actually where we held a charity dinner for the firies – I think there were about 100 firies, 150 firies there – after the bushfires, and we organised at our estate to have a chef and entertainment and things like that for them in combination with one of our corporate clients. Anyway. Moving on.

45

So, look, we're very fortunate that our estate has recently been featured in the 2021 Macarthur Magazine in the weddings and functions edition, as well as in Highlife

Magazine this month, and we're also showcased on the Bachelorette franchise for its grand finale late last year and - - -

5 MR BEASLEY: You've just started to go downhill, Mr Barnes. Don't get to your rates yet. But no doubt you're going to come to what your views are about the mining proposal.

MR BARNES: I'm getting right – I'm just giving you the background of - - -

10 MR BEASLEY: Yes.

MR BARNES: - - - sort of where we sit in the marketplace for another one minute, and then we will get right to it.

15 MR BEASLEY: Right.

MR BARNES: And there's another reality show that will air next month that we're on as well. So in addition, over the last few months, or over the last few years, in fact, following the completion of the restoration works and the appointments that we  
20 did, Kalinya Estate has also received awards. It got the best overall business award in Wollondilly. It has also been awarded the best tourism and accommodation provider in Wollondilly, as well as the Wollondilly Garden Awards.

MR BEASLEY: The IPC is about to be booked in, but anyway, on to the mine.  
25

MR BARNES: That's all you want. All right. So my point is, in order to achieve this expansion of the business into the luxury market since around 2016, Mandy and I have had, of course, to invest a lot of money in completely restoring and upgrading the property, which obviously has left us with an amazing property, but also an  
30 equally breathtaking mortgage. So one of the arguments that has been advanced by the mine and the Department in supporting the application or recommending it is that Bargo was declared a mine subsidence district back in the 1970s, and therefore, you know, we should – all the residents should just accept that there should be mines.

35 But there's a bit more to that story, because the reality is that we only proceeded down the route that we've proceeded down around September 2016, after Glencore, the previous owners of the Tahmoor Colliery, had publicly announced a few months earlier that they would close the mine in 2019, reportedly due to, you know, financial unviability. So we discussed that announcement with mine representatives, who  
40 confirmed that's what was going to happen. And so having received that advice and heard the announcement, we recognised that we had the bones of amazing rural luxury accommodation venue. We were close to Sydney. And the foreshadowed closure of the mine, we sort of felt a responsibility to the community to assist with a pivot away from mining towards tourism and agri-tourism as the future of the area.

45 We therefore invested our time and money into transforming what we had into a high-end luxury accommodation venue which we hoped would be capable of

drawing thousands of people, well, thousands of wealthy guests, frankly, to Bargo each year to experience the resort, but also to be supported in their stay here by around 50 local businesses who over the years have come to supply both our own needs to sustain the property, as well as the guests' needs for food and drink and entertainment and things to do. More about that in a moment.

Of course, after we've ramped up our accommodation and accommodation-based events and offerings and commenced with our new business model, then Glencore sold the mine in 2018, a couple of years later, and instead of closing the mine, an announcement was made about a new plan to undermine Bargo, including directly under Kalinya Estate. Now, this was obviously – given all the money we had spent and given that we thought it was all going to be closed down, this was obviously very concerning to us. So what has happened now is, following the recent amendments to the mine plan to remove the longwalls 107B and 108B, we – I think we are now the most affected property of anyone by this project, and I will tell you why.

MR BEASLEY: Are you near – which longwall are you closest to?

MR BARNES: Yes. I'm about to send you to the diagram.

MR BEASLEY: Yes.

MR BARNES: Just one second. All right. Can you see that?

MR BEASLEY: We can, yes.

MR BARNES: All right. So our property is impacted by both of those longwalls. It's at the finishing ends of both longwall 105B, which is the top one, and 106B, which is the bottom one.

MR BEASLEY: Okay.

MR BARNES: And you will see there our property is literally – I don't know if you can see my cursor. We're right there.

MR BEASLEY: Yes, I can see it. Yes.

MR BARNES: Okay. So if you have a look at that, 105B will mine adjacent to our property and directly under it at the northeast corner here.

MR BEASLEY: Yes.

MR BARNES: And then 106B will mine under the rest of our property, effectively.

MR BEASLEY: Yes.

MR BARNES: And so as a result, our property is predicted to experience a range of subsidence. According to information we've received from the mine, it's likely to experience between 550 millimetres of subsidence on the northwest corner and 1100 on the western side near the settling dam. So the potential of damage to built  
5 features on our property is as follows. So the homestead is here; you will see the end of the mining wall is going straight through it. It's predicted to experience – to be about 900 millimetres of subsidence, and our builder has told us that level of subsidence will likely result in substantial damage to that heritage homestead.

10 Then the lodge, which is over here, that's likely – that's predicted to experience approximately 1000 millimetres of subsidence, and again our builders have told us that this level of subsidence will likely result in substantial damage to what's originally an 1800s-built lodge. The barn, which is at the back, has a large concrete base which is expected to be impacted. There's a tiled swimming pool you can see  
15 in the middle there, which is predicted to experience a tilt of approximately – well, at least six millimetres per metre, when the recommended construction for a pool is three.

And based on the Tahmoor impact, there's a strong likelihood it will be damaged and  
20 may need to be completely replaced, because other pools in similar circumstances were. There's the tennis court over here, which, again, is expected to experience a tilt towards Wellers Road. And there's a squash court in the barn at the back there that you saw, which, again, the floor is at risk. There's also a bore and a settling dam here, which has been listed as high-risk and likely to have – to require major repairs  
25 in the report. And there's the wedding - - -

MR BEASLEY: Can you tell me – you know the road just to the left of your property, what road is that?

30 MR BARNES: This road?

MR BEASLEY: No, the other road. The road that's going south to north. That road.

35 MR BARNES: This road. That is Remembrance – that's the railway. That's Remembrance Drive.

MR BEASLEY: Remembrance Drive. Thanks for that.

40 MR BARNES: So Great Southern Road, Remembrance Drive and Wellers Road are the three roads. So our property, unfortunately, basically has all of the elements that have been talked about in the report. So we don't just have one or two; we've got basically every single one, from groundwater in the settling dam to groundwater in the ornamental pond through to the bore, the court, the pool, the homestead, you  
45 know, everything. But worse than that, we've been told by the mine that due to the proximity of our property to two longwalls, as you can see, impacts may be

experienced directly from mining from those longwalls for a three-year period – a three-year period mining.

5 And therefore the commencement of assessment of any potential compensation claim would at the earliest commence, you know, six months after completion of mining of the second longwall. That's at least three and a half years since the commencement of the first longwall you can see. So only safety and serviceability repairs would be undertaken during that period. That's a real issue for our business, and of course, simply requesting that the mine acquire our property is not a solution for us, because  
10 that also deprives us of the value of our – of running our business. So the worst thing, having spoken to the mine and the subsidence advisory - - -

15 MR BEASLEY: There's probably an emotional cost, too, isn't there, in relation to selling your business when you've invested a lot in it?

MR BARNES: Well, I think my wife would rather die than sell the business. Exactly right. She has invested everything into it, even more so than me. But even so, so we've rung the subsidence advisory and we've spoken to the mine, and there is such – there are so many grey areas in the compensation scheme. For instance, you  
20 know, in addition to just basic disputes about property damage and causing the damage, you know, things like will we be reimbursed for all the revenue from our business, from rent and events and weddings? Will our staff who were put out of work be reimbursed? You know, will our suppliers lose business and will they be reimbursed?

25 But even as simple as, if the pool is cracked and the pool is then emptied of water, and then there's scaffold and protections in it to keep it apart while it's all considered, we will lose every summer booking we have, we will lose every wedding booking we have, because all of those weddings take their photographs down in  
30 those areas. So even the – even quite a small damage to our property could be fundamentally problematic for the continuation of the business. Similarly with – you know, I mean, again, with the wedding building, with the wedding reception area, if any of those buildings, all of which are in perfect condition, you know, end up with large cracks through them, even in – you know, especially for three and a half years,  
35 our business would be absolutely destroyed.

And further, we've got the bore, which is, again, listed as high-risk, and we've got five acres, as you can see there, of heritage listed gardens. If the bore is damaged, the cost to water those gardens with town water would be astronomical. And how  
40 long that process would take and who would pay in the meantime to keep everything alive is another issue. So anyway, I'm pointing out that these are only some of the many grey areas in the compensation process, where you've got a more complicated business and property. I think I had 15 minutes, so I'm not sure that that bell was – all right. Anyway - - -

45 MR BEASLEY: It's a minute to go. Anyway - - -

MR BARNES: Of the 15 minutes?

MR BEASLEY: Yes.

5 MR BARNES: Anyway, there were only some of the – anyway, so Amanda and I  
are extremely concerned, both in relation to any damage and in relation to the income  
the property generates, that we would need to at least be put back in the same  
position as if the damage hadn't occurred in the first place with a minimum of fuss.  
And we've spoken to the mine and subsidence advisory, and no one has been willing  
10 to guarantee or provide even that basic assurance to us. Then we look at the  
forecasted figures of \$13.8 million to subsidence damage to the whole of the project,  
and I look around the property, and I know for our insurance the estimated  
replacement of building cost is over \$10 million just in relation to our property.

15 So, I mean, we would take up – if the worse came to worst and we were one of the  
20 per cent that was basically destroyed beyond repair, that would be a \$10  
investment for the mining company over however many years to rebuild that at  
minimum. So just turning away from the damage, so that's our problems with the  
compensation scheme and damage. There's also an economic point to raise, and that  
20 is our business is – the economic benefits of our business have so far been  
completely overlooked, as far as I can see. For instance, last year, over 52 weeks,  
Kalinya Estate hosted approximately 1700 guests across 80 groups, and those groups,  
you know, included bankers, business owners, lawyers, judges, billionaire  
entrepreneurs, you name it, who each were paying between \$3000 and \$7500 a night  
25 to stay in Bargo in the luxury accommodation, depending on what they booked.

From this revenue, of course, Kalinya Estate employs two managers, 14 cleaners,  
groundsmen, landscapers, linen providers, laundry service providers, pool service  
companies, builders, plumbers, service technicians, painters, handymen, even  
30 lawyers and accountants. And all of those people that we employ are locals. But in  
addition to just earning our revenue from our rental and event fees, which then does  
find its way into the local community, many of our guests also utilise the services of  
approximately 50 local businesses, many of whom, you know, come to site,  
including butchers, bakers, supermarkets, fresh food grocers, bottle shops, live  
35 musicians, bicycle hire companies, chefs, catering, corporate events, tennis, squash,  
golf coaches, yoga instructors.

I mean, basically you name it and we've got the – personal trainers, massage artists,  
everything you can – service stations, florists, all the wedding – hair and make-up,  
40 grazing tables, bar service providers, photographers, celebrants, all of it. So our  
guests whom our business – they're only in Bargo because of our business. Those  
same guests, in addition to paying our revenue, spend thousands and thousands of  
dollars every week in Bargo. And we know it's true, because most of them have my  
wife organise the things for them, and so she becomes the middle person or the  
45 concierge service. And we know they're spending all that money in Bargo, because  
we put them on to – well, not just Bargo, in Wollondilly – because we actually do the  
transactions for them, we go to the shops for them, and we work it out.

But in addition to just that, those same 1700 guests a year – and that number is growing – we send them off, and they say, “Well, what should we do?” And they go off to the train and rail museum at Thirlmere. When it was – once it’s rebuilt, they will go back to the wildlife sanctuary at Bargo, they will go to the George IV, the  
5 other restaurants, cafés and bars. They will go up to Mowbray Park to go horse riding, paintballing, skydiving, partying. These are all people with high disposable incomes, a lot of money to spend, who frankly had never heard of Bargo until they found our website or one of the other links to us and came down here. And without  
10 exception, they have all loved their experience. We’ve never had anyone say, “Well, we came to this place, and what a terrible town.” Quite the opposite. They’ve gone, “This is amazing.”

And that’s the economic benefit that we bring, and if our – if our property is – as I said to your before, even if our property is only damaged in what are perceived as  
15 small ways and we therefore can’t provide the facilities we provide, these high-end guests will not come. If there is no pool, three-quarters of our guests will not come. That is a fundamental thing that they want to see. I mean, it’s heated to 30 degrees all year; people want to come and use it. The same with the other facilities. So in recent years, look, particularly since 2016 when the mine announced it was closing  
20 down, there had been a real push towards tourism in the region. And in order to achieve that, you need all level of accommodation, and what we didn’t have prior to us was luxury accommodation. And the current mine plan, together with the extremely grey areas surrounding the appropriateness and adequacy of available compensation for a tourism and accommodation business like ours, puts the entire  
25 strategy at risk - - -

MR BEASLEY: Yes.

MR BARNES: - - - or at least puts it back a decade. You know, we are unique in  
30 the area. You know, we and the previous owners have together spent almost 50 years getting it to where it is now. There’s nothing else – there’s no other offerings like our property at all. So if the worst happens to us and we’re being mined under twice, what will be left in 10 years when the mine packs up and leaves? I mean, the figures indicate that there’s almost a one in five chance that our property is so badly  
35 destroyed that it’s all but irreparable. I think there was 22 out of 143 was suggested to be having to be acquired, and slightly more in the R3, R4 bands, where there was severe damage. I mean, that’s not - - -

PROF MACKAY: Mr Barnes - - -  
40

MR BARNES: Yes.

PROF MACKAY: - - - it’s Richard Mackay here, the Chair of the Panel. You’re  
45 just over five minutes over your allocated time, so I would be grateful if you could wrap. And you are very welcome to submit to us written representations which cover both what you’ve said or anything else that you would like to add.

MR BARNES: If I could have two more minutes – just two more minutes, if you can bear with me, and I will be done, maybe less. We just say, look, that’s not really an acceptable risk to our business. I mean, particularly considering all the potential grey areas with subsidence compensation legislation. And I note 40 per cent of  
5 subsidence claims have been rejected, according to the figures in the assessment. Look, we don’t want to spend the next 10 years building our business further and driving tourism in the area only to spend the 10 years after that rebuilding our business and fighting endlessly to be compensated for our losses. You know, Kalinya Estate is a lynchpin in the push to build tourism in the area, and it’s  
10 recognised that the way forward is tourism in our area – it has been well-represented – rather than coal mining.

So, look, in conclusion, the Department acknowledges that the current project is likely to result in subsidence impacts to a significant number of houses and other  
15 built features. Whilst the original plan has been amended twice, the fundamental problem remains: mining beneath homes and businesses and the devastating impact of the expected levels of mine subsidence will have on them and ours. When the heralded reduction in home impacts has only been achieved by reducing the number of homes to be mined under and damaged in the first place, I mean, that doesn’t  
20 reduce the risk to the remaining homes which are still being mined under. Indeed, it begs the question that, given the damage is so certain that the mine plan was amended to avoid the plan, why is the plan still to mine under 143 houses at all?

So I don’t support any proposal which involves mining beneath family homes. Even  
25 leaving aside the grey areas about compensation mentioned, my three closest neighbours will be 80 when the mine goes under their properties. I moved to Bargo years ago to retire for lifestyle reasons. Any project which requires them to live with uncertainty for years, them to fight for compensation at that sort of age, I don’t think is a balanced proposal. And that’s my primary position.

30 And if you will bear with me for 30 more seconds, if, however, that argument is rejected and the mine is to go ahead, then we implore you at least to protect Kalinya Estate from direct undermining, which is discussed above. It’s certain to cause damage and may destroy our business. It’s only the extent of damage that’s not  
35 known. So if the mine is permitted to go ahead, at the very least, we propose that longwalls 105B and 106B, the ones in our picture there, be reduced in length so that Kalinya Estate is not undermined and a substantial buffer zone of at least 600 metres is identified and created around it to protect the estate and the business it generates for the community. As you have seen, we are right at the end of those two longwalls  
40 - - -

PROF MACKAY: Mr Barnes, Mr Barnes, we really do need to draw a line. You asked for two minutes; you’ve taken more than three. You asked for 30 seconds; you’ve taken more than a minute. Please finish - - -

45 MR BARNES: I literally have 37 seconds to go, I think. I’m sorry. Could I just touch – I’ve almost finished. So I mean, this is basically our main point, too. If it’s

to go ahead, longwalls 107B and 108B have already been removed. The Department required the removal of 103B or reduction of 400 metres. We're submitting there's no reason that a similar requirement can't be placed on the longwalls impacting us and the longwall which impacts the heritage-listed bridge next to us. And so if you  
5 are minded to approve the development, at least place conditions on it so that sufficient protections are placed to protect the estate and future tourism in the area with the walls. The last point is the risk needs to be balanced. Under the current proposal, it feels like the benefits go to the mine and the risk goes to us, and that's not a proposal that should be accepted without amendment. And that's all I have to  
10 say.

MR BEASLEY: Thank you, Mr Barnes. Thank you. Please feel free to drop in a written submission.

15 PROF MACKAY: Well, that brings us to the end of day 2 of this public hearing. Thank you to everyone who presented today for your thoughtful presentations. A transcript of today's proceedings will be made available on our website in coming days. And I would repeat the often made invitation to those who have presented to send in their notes or presentation material to the Commission, which will also be  
20 published on our website. The Commission will accept written submissions on the Tahmoor South Coal Project up until 5 pm on Wednesday, 24 February 2021.

It is particularly helpful to us if you can comment in your submissions at this stage on the assessment report for the project prepared by the Department of Planning,  
25 Industry and Environment and/or the associated proposed draft conditions. You can submit comments using the "have your say" portal on the Commission website, or by email or post. We will be back tomorrow morning at 10 am for day 3, the final day of this public hearing. Thank you again for your participation today from all of us at the Commission. Enjoy your evening and good night.

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**MATTER ADJOURNED at 4.56 pm UNTIL  
WEDNESDAY, 17 FEBRUARY 2021**