



PROF MACKAY: Good morning and welcome to day 3 of the Independent Planning Commission's online Public Hearing into the state significant development application for the Tahmoor South Coal Project SSD8445. I am Professor Richard Mackay AM and I am the Chair of this Independent Planning Commission panel.

5 Joining me is my 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 participants from other

10 communities who may be 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.

20 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 within 12 weeks of receiving the final whole of government assessment

25 report from the Department of Planning, Industry and Environment. However, this timeframe has been extended to account for the holiday shutdown period and the revised target date is 19 April 2021.

30 In line with regulations introduced in response to the ongoing COVID-19 pandemic, this Public Hearing is being conducted online with registered speakers provided the 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

35 determine the development application as soon as possible noting that there may be a 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 and you can make a submission using the Have

40 Your Say portal on the Commission website or by email or post. We have many speakers on today's schedule. As such, I would ask everyone presenting today to please try and keep to your allocated speaking time and speakers will hear a bell when they have one minute of their allocated time remaining. As chair, I will seek to maintain these timeframes to ensure everyone receives their fair share of time.

45 However, I do reserve the right to allow extra time for the panel and counsel assisting to ask questions or to hear new information.

I would encourage presenters to avoid repeating or restating submissions previously made on this application noting that we will be particularly assisted by hearing your views on the department's assessment and/or the recommended conditions of consent. Thank you. It is now time to hear our first speaker. Mr Beasley.

5

MR BEASLEY: I think our first speaker is Dr Philip Pells. Dr Pells.

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

10

DR P. PELL: Good morning.

MR BEASLEY: Good morning. We can see and hear you, Dr Pells. So please go ahead.

15

DR PELL: Good. I have a PowerPoint presentation which is going to be running from your end and as soon as that comes up on your screen I will commence.

MR BEASLEY: It has come up now. Thank you.

20

DR PELL: I can't see it but anyway – all I can see is a picture of a sand dune. So maybe that's - - -

MR BEASLEY: We've got the front page of a document that refers to - - -

25

DR PELL: Okay. I've got it now. Thank you very much.

MR BEASLEY: Okay.

30

DR PELL: I can see it.

MR BEASLEY: Yes.

35

DR PELL: Just a bit of background: I'm a civil engineer by qualification specialising in groundwater engineering. I work as a senior lecturer at Sydney University, adjunct professor ..... I've been involved in Tahmoor ..... detail since about 2005. I have been paid by nobody and I am beholden to nobody. But over a period of about 10 years direct expenses and fees that I've been responsible for have ..... exceed a quarter of a million dollars. So my knowledge is reasonably detailed ..... as you are well aware, Thirlmere Lakes is ..... this slide of the presentation by the New South Wales Government and public about Thirlmere Lakes and there's no point in reading all of it but it's simply worth noting one sentence:

40

..... *have great scientific* .....

45

I will return to this ..... World Heritage towards the end but it's ..... and in relation to the Thirlmere Lakes and groundwater that my presentation is directed. I am terribly scientifically oriented and very ..... in my approach and facts ..... can I have the next one? I can't control this thing from my end. Can anybody hear me?

50

MR BEASLEY: Yes, we can. Thank you.

DR PELLIS: Okay. The slide before me now simply shows some factual information which is distances from the longwalls to Thirlmere Lakes and the process is 850 metres and those were longwalls mined between 1996 and 2001 and again in 2002 to 2003 and they are about up to a kilometre from Narrogorang, 850 metres from ..... next slide, please. Historically, there's [three(?)] different mining companies involved. I start with BHP and then the particular longwalls that are closest to the lakes are those by Austral Mining and the ones of particular interest, in terms of groundwater, are the ones I alluded to, which are closest to the lake ..... through to 21 between 1996 and 2003.

Next slide, please. The Tahmoor decline went in 1978 and this is a record of the inflows into the decline. That's what ..... Hawkesbury Sandstone and by the time they got to the base of the Hawkesbury Sandstone there were 22 litres per second flowing into the decline. Now, you wouldn't understand that's a lot of water but, to put it in a context, that's just [four (?)] garden hoses ..... going flat out ..... has decreased the time that has continued and the water is collected midway up the ..... that water came directly from the Hawkesbury Sandstone. Also found there were two shafts and the one on the left is number 3 shaft where there was significant inflows down at the lower levels of the shaft where the shaft intersected ..... both to the decline and the shaft there was substantial ..... undertaking to reduce the amount of water inflow.

Next slide, please. This shows historically the water pumped from the mine from 1995 to about 2005, I would say, and covers the longwalls that were closest to the Thirlmere Lakes. That's longwall 14 to longwall 21. The green line is a total discharge from the mine. Some water is supplied under ..... mine workings and that's shown by the purple squiggle in the latter years, where the data were available, but, in essence, the ..... water pump from the mine, under these records, started at about megalitres per day and then when used longwalls, that were closest to the lakes, went in, that inflow of the mine timed up to in excess of six megalitres per day.

Since then the total flow into the mine has more or less averaged four megalitres per day and, in accordance with the study provided for the present submission, they say that, in the last four to five year period, that water ..... has been steadily around three to four megalitres per day. But this ..... water has flowed into the mine from the groundwater system since 1995. That's 40 years. And it will continue at least until the completion of Tahmoor South because, as the submission says, the water collection system will remain as it is at the moment and the water will continue to be discharged into Bargo River.

Next slide, please. This is a west/east geological section that runs beneath Lake Narrogorang, Lake Werri Berri and over to the right is where the Tahmoor Colliery is. The two features of the lake are that they are lakes that they in a valley which is equal in size into the Hawkesbury Sandstone and then subsequently infilled with alluvium ..... important detail what – much as been made is the Bald Hill claystone, which is shown as that purple line, but that part is where I interpreted it would be

back in 2010 but, lastly, that ..... at Lake Narrogorang and the Bald Hill claystone is slightly deeper [than(?)] I thought it would be and the depth of settlement in Lake Narrogorang is slightly less or, sorry, the targeted depth is measured depth ..... is slightly less than was interpreted but it was very much unknown back in 2010.

5

A point I would like to make is that the Bald Hill claystone is not an [aquitard(?)]..... as has been implied in project after project for mining in the Southern Coalfields. In blue there is a quote from the Thirlmere Research Program Science Lab August 2020 from the University of New South Wales Water Research Laboratory and they say in summary at the bottom there:

10

*The observation ..... indicate that this claystone is not a regional [aquitard(?)]*

MR BEASLEY: Can you just explain the significance of that, Dr Pells?

15

DR PELL: The significance of that is that the argument ..... in the modelling for Tahmoor but it has been ..... all the longwall mining in the Southern Coalfields is that the Bald Hill claystone has acted as either an [aquitard(?)]..... so as to separate the groundwater system above the Bald Hill claystone - - -

20

MR BEASLEY: Yes.

DR PELL: - - - from that below the Bald Hill claystone. The argument being that, okay, the mining may depressurise the groundwater system below the Bald Hill claystone but it acts, if you like, a plastic sheet - - -

25

MR BEASLEY: A barrier?

DR PELL: ..... above there is independent ..... arguments have prevailed on this one over the years going right back to the Royal Commission on mining under stored waters, the Reynolds Commission, but I think the [realisation(?)]..... is finally coming home to the point that, no, the Bald Hill claystone is not this magic solution to mining issues.

30

MR BEASLEY: Does that mean there's a risk of or a great risk of contamination?

35

DR PELL: Well, there's a - I don't want ..... use the word "contamination" because I'm not a groundwater .....

40

MR BEASLEY: You use whatever word you - - -

DR PELL: There's a greater risk of connection.

MR BEASLEY: Yes. All right.

45

DR PELL: ..... water and the lakes and what happens underneath the Bald Hill claystone.

MR BEASLEY: Yes.

DR PELLIS: That's the point. It's not the separator into two distinct .....

5 MR BEASLEY: Yes. Understood. Thank you.

DR PELLIS: ..... you can see, Lake Narrogorang is – the base of the sediments in Lake Narrogorang are not very far above the Bald Hill claystone anyway. All right. Next slide, please. I've got another 10 minutes ..... about three years the historical  
10 records of the Thirlmere Lakes, up top there is Lake Werri Berri, in the middle is Couridjah, the bottom ..... Lake Narrogorang. We've been able to push the records back to about ..... although there is information earlier than that ..... continuous record and it's not a record where one has to do – estimate the levels by assessment in terms of ..... extensive coverage and so on. But there was a – there was considered to be an  
15 anomaly starting in about 1998 ..... by the residents in the area, long before anybody in the scientific field got involved in this where the lake level of Lake Narrogorang first dropped to be empty and has been empty for about a decade and then followed the other lakes.

20 Next slide, please. We have ..... right back to 1887, we've got the first record of Couridjah, next slide, 1884 ..... at that time, Couridjah provided water to the railways and in the photograph there you can see the pumping station for the railway line. That's ..... is still there. Next slide. Then 1884, and this is at the bottom of Couridjah towards Lake Baraba. Now, these are – before 1900, we only have a few  
25 records and so it's only after 1900 we can start putting together a time – a reasonable time period of water levels. Since 2013, next slide – sorry, next slide, please, there have been ..... and we have accurate water levels and accurate ..... the Department of Primary Industries installed a – this equipment and so now, for the first time since about 2014, and actually 2013 ..... there's accurate records of what ..... to rainfall,  
30 how the water levels come up and then how they drop ..... and water lost to the groundwater. So only in these latter years have we now had data we can do a detailed water balance study of the lake and that is what [has(?)]..... been done [by the(?)]..... New South Wales government under the research program.

35 Next slide, please. Of great concern to me, when I read the documentation for Tahmoor South, and, particularly, the section on the groundwater assessment, is a statement which I quote there. It says:

40 *..... mining activities, including historical ..... to Tahmoor mine have been ..... and quantified and assessed as being minor. This is supported by recent findings in the New South Wales Government ..... Research Program ..... which found no evidence ..... of longwall mining and the water balance below.*

45 Now, I'm a member of the expert review panel for TRLT and I've been involved in that for four years now. [The(?)] ..... above sentences [are(?)]..... untrue. There have been no findings of the research program published to date. The .....[findings(?)]..... have not been presented – have

been presented at public forums ..... and not integrated ..... manager, Dr Tim Prichard, and ..... what I'm saying is true.

5 MR BEASLEY: Dr Pells, sorry, that statement is taken from the groundwater assessment and the EIS, is it?

DR PELL: That statement is taken from the groundwater assessment EIS.

10 MR BEASLEY: Yes.

DR PELL: That statement, and variations of it, are repeated over and over and over in the proponent's groundwater and surface water reports and these are not true and they are not a valid basis for an argument put forward by the proponent. Next slide, please. On 15 February, the proponent showed the following slide and you will see the slide, it was presented to you, this is unreviewed, unendorsed by the 15 TRLT, it's contradicted by other ..... and should not be used as a basis of decision-making ..... DTI ..... on the expert review panel and I do know I'm talking about in this context.

20 Next slide, please. We've done a lot of work in terms of geological structures which may connect water from the lake to the rest of the world and the rest of the world doesn't have to be the coalmine, it could be the Nepean River off to the south and east. We, unfortunately, do not have geological information from the key longwall, the one shown in green there, with the longwalls 14 to 19. That was ..... of Austral 25 Mining and the records of geological structures ..... I could not access them. So the point about it is that geological structures ..... vertical, joint ..... would transmit water into the ..... and which actually have dominated some of the layout of the workings. So that longwalls 20, 21 deliberately avoided them and longwall 14 was originally stopped and restarted when it hit one of these structures. These structures are not ..... 30 in the ground wall assessment report. And that ..... is simply ..... on matters which may ..... groundwater but also water ..... owned by individuals.

Next slide, please. I've only got a few more minutes left. I will try and be quick. Section 2.8 of the groundwater assessment indicates that only two [bores(?)]..... have 35 been affected by Tahmoor Colliery. I personally interviewed the owners of five private [bores(?)]..... above Tahmoor Colliery who stated they had lost [(most(?))..... or all of their groundwater supply as mining ..... and passed under their property. This is the subject of ..... reports some years ago and I put this forward as simply additional evidence that longwall mining at Tahmoor ..... has impacted significantly 40 ..... significance of a function of particular ..... that's everything.

MR BEASLEY: Can I just ask you to pause there, Dr Pells, because, first of all, both of the Commissioners have a question for you but before we go to their questions, can I just ask you this: in the Department's assessment report it makes 45 reference to a report by Mr Middlemis from Hydrogeologic where they quote his opinion that, given the Tahmoor North longwalls closest to the lakes were mined more than 15 years ago and given that the proposed longwalls for this proposed

project for Tahmoor South are more than 3.5 kilometres from the nearest lake, the opinion is expressed that there's a relatively low risk of groundwater impact to the lakes; is that something you disagree with?

5 DR PELLs: No ..... as follows: the water which ..... straight into those longwalls  
closest to the Tahmoor – to the lakes, and that started in 1995 or thereabout ..... 40  
years ago, has continued to [flow into(?)]..... those longwalls which remain ..... and  
will continue to flow into them until such time as mining ceases. So Tahmoor  
Colliery should be taken as a whole, not as pieces. The Tahmoor South existence  
10 means that that groundwater drainage into those old longwalls will continue. They  
cannot block them off, they cannot allow them to backfill with water because it leads  
to an untenable situation for mine safety. So the continuation of Tahmoor into the  
south, or whether it was to the west or east, it doesn't matter, the point is that it keeps  
open all the old longwalls and keeps drainage into all the old areas of drainage. So  
15 - - -

MR BEASLEY: All right.

DR PELLs: - - - I will deal with that just in a moment but that's - - -  
20

MR BEASLEY: Yes.

DR PELLs: - - - my answer to that question.

25 MR BEASLEY: Thank you. I think Professor Fell just has a question.

DR PELLs: Sure.

30 PROF FELL: Dr Pells, I was interested to note that the updated groundwater  
models predict a very low impact on the Thirlmere Lake. I'm just wondering if, in  
fact, you're suggesting that the permeability used for the Bald Hill claystone in that  
model might be incorrect?

35 DR PELLs: I will deal with that in a slide in a moment because I think, when you  
say that the modelling indicates the impact to the lakes as minor, may not be what the  
modelling actually does show. And I will show that in a next slide or one – couple  
slides coming up ..... the map of how you express the results of that model but I will  
– I will explain that and then maybe be able to answer your question a bit better.

40 PROF FELL: Thank you.

MR BEASLEY: All right. Thank you.

45 DR PELLs: So if we can go to the next slide.

MR BEASLEY: Yes. Please continue.

DR PELLIS: And this is the answer to that ..... question. The calculations of the modelling done and presented in the groundwater assessment – they ..... two things: they talk about ..... level of water level and the ..... of the lakes as being trivial ..... that’s irrelevant. I could present you a little ..... experiment model to show that the  
5 ..... of the water level is quite irrelevant to what we’re actually talking about. What matters is what is the increased leakage from the lake? And that ..... calculations in the report on page 102, table 5.2, that the calculations of the leakage through the Tahmoor North and South – they give it in little numbers ..... what that means. I’ve converted those to increases – a percentage increase in leakage from the lakes due to  
10 Tahmoor North and South. And these are their numbers. It’s not my numbers.

They show it – depending on the water depth in the lakes, the increase in leakage above natural leakage changes. But let’s just look at ..... two metres deep, they predict a 525 percentage increase in leakage from that lake above what it would be  
15 under natural conditions. When it’s four metres deep, 380 per cent increase in leakage, and the figures have already been ..... now, these are their figures simply converted from the numbers that they did into percentage increases. And I’ve tried at the bottom there to explain the fundamental problem with Thirlmere Lake is that – I understand the impacted leakage in the water levels of Thirlmere Lake .....  
20 mathematically very difficult. This is due to a change in the difference between two big numbers. The big numbers of the ..... and the evaporation out. The difference in those two is quite a small number and we’re talking about what are the changes to the ..... score number? And that is very difficult to do scientifically in such a environment where permeabilities have to be assessed as best we can.

My calculation indicated that changes ..... of significant. Those increases in leakage rates from Couridjah, Narragorang and Werri Berri are significant. And ..... my final point is what do we mean by the word “significant”? Go to the last slide. The – “significant” is a matter of probability and consequence. The probability of us  
30 affecting the Thirlmere Lakes is a matter for you to make a decision about, my personal view is the probability that we have affected the lake since 1998 is significant to high. The question is what’s the consequence? The consequence is that we, Australia, have placed these lakes under World Heritage. We ..... have already made [changes(?)]..... to the lakes and not particularly [sure(?)]..... about  
35 what we see. They have – the following is quite ..... they will define ..... as heritage in danger and once they define an item as “heritage in danger”, they’re the consequences of what’s on the right-hand side of the slide.

Now, it’s a matter of politics, not just New South Wales but Australia politics .....  
40 how the country reacts to having something that we’ve placed on World Heritage has turned into heritage in danger. When that was suggested for the Great Barrier Reef, there was a fairly significant countrywide reaction to what’s going on there. I’m not a decision-maker. I don’t have to make this kind of thing. I’m just a scientist. But when I look at risk and consequences, I think, when you consider the consequences,  
45 you cannot ignore what Australia has claimed for the world. That’s my time, gentlemen. Thank you.

MR BEASLEY: Thank you, Dr Pells. I think Professor Mackay has a question for you.

5 PROF MACKAY: Yes. Two questions if I may, Dr Pells. Just quickly taking your last slide, could you just clarify for the Commission: are you suggesting that the conditions precedent in paragraph 180 of the Operational Guidelines to the World Heritage Convention are met by the fact that the longwalls have not been able to – the mined longwalls have not been able to refill?

10 DR PELL: Well, I can't answer such a broad question. What I can answer is a technical question that if we – if it is found reasonably probable that the lakes have been and are being affected by the longwalls in Tahmoor, there is no – there are only two ways of dealing with it: one is to artificially fill the lakes with water, and that's not a good idea because it changes the ecology completely, the second is that .....

15 some form of grouting ..... between the lakes and the mine, and that's doomed to failure, the third is to allow the ..... to fill and let the groundwater return to its natural level. Now, such filling of ..... is already ..... some of the mines ..... BHP mines that are finished down towards the coast. And that filling the mine would bring to an end impacts on the Thirlmere Lakes. That's technically .....

20 PROF MACKAY: Thank you for that. And I think, related to that then, could I just, from the point of view of clarity, taking that comment onboard and your earlier comments about some of the EIS documentation and published brochures, to be clear: has the Tahmoor Lakes Review Panel made any correlative findings that the lake levels are known to be affected by the relict mined Thirlmere North longwalls?

25

DR PELL: To answer that question, I checked with the subject director, Dr Tim Prichard, two days ago ..... two days ago, the answer is: no findings have been made yet of any kind.

30 PROF MACKAY: Thank you, Dr Pells. Thank you for that and for the presentation.

MR BEASLEY: Thank you. The next speaker is Jonathan Bolton, who should be on the phone. Mr Bolton.

35

MR J. BOLTON: Good morning, Mr Beasley, good morning, Professor Fell, good morning, Professor Mackay. Thank you for the opportunity today. Firstly, I would like to acknowledge the traditional custodians of this land and pay my respects to

40 elders past and present and emerging. My name is Jonathan Bolton. I'm a father of four, a husband and a mortgaged homeowner in the Wollondilly township of Bargo. I'm 54 years old and have recently been made redundant and remained unemployed. My family has lived in Bargo for eight years and we love living here. I want to say that I wholeheartedly support all of the objections that have been raised so far during

45 this hearing.

Now, when I read in the local newspaper of an amended proposal by Tahmoor Coal, I took an interest and decided to look at the Department of Planning's major projects portal for the Tahmoor South Coal project. Amongst the many documents on this portal I found a 432 page report titled Appendix B Subsidence Assessment. This is  
5 not an easy report for the [layperson(?)]..... however, within this report there are tables describing Tahmoor South Mine expansions predicted subsidence for every individual home in Bargo. [A copy(?)]..... of this report was originally posted in December 2018.

10 So I waded through this report and discovered that our family home is located directly above longwall 106B towards the northwest in an area of particularly dense contour lines. To understand what this means, should the proposal be approved, my home would be directly above coal extraction. It's the last longwall to be extracted. The report also predicts my home will encounter subsidence of 1050 millimetres,  
15 which is just over one metre. I was shocked by the extent of the predicted subsidence damage and inevitable destruction of some homes in this version of the mine's proposal and I think, in hindsight, I was just as shocked by what I had to do in order to discover this information about my home and the extent of the predicted subsidence to my neighbour's homes and the surrounding streets full of family  
20 homes.

I say this version of the mine's proposal is – unfortunately, further research has revealed that the mine has an intention to mine further coal domains in the future. This is explicitly expressed for Subsidence Advisory New South Wales in a publicly  
25 available minuted meeting of 3 September 2020. This can only mean further uncertainty for homeowners around the current proposal and further afield. Further revealed a study of the undermining of Tahmoor. This can only be described as a disaster. So much so that non-disclosure agreements had to be included clauses for accepting inadequate compensation and repairs. Non disclosure agreements can only  
30 be interpreted as covering up failure.

The mine may claim that is a Subsidence Board issue but the homeowners, those responsible for the issues, and the inadequate processes surrounding them, and the inadequate compensation for repair work are one and the same and invited anxiety.  
35 The consequences of these should not be a burden for homeowners. All of these documents and stories have been discovered [and(?)] shared by the community by spending their own time to research the true extent of the proposal. Information [from the(?)]..... mine has not [been(?)] voluntarily disclosed to us throughout this approval process. As a result of such secrecy I can no longer have any confidence in  
40 the statement and intentions of the mine towards the community. My community engagements throughout this approval process has been offensively sparse.

I'm grateful for the opportunity to object to this proposal today. My knowledge of these uncovered facts are only known to those who are technology aware enough to  
45 discover and share them and ..... countless community members, who are not internet users, who are likely still completely unaware of the existence of a proposal to mine directly beneath their home and their biggest life investment. My next point is the mine's compensation component. In the proposal's report of economic impact

assessment and the allocation for mine subsidence mitigation is \$13.8 million. Compared to the proposal to offer acquisition of 22 property owners, this figure of \$13.8 million is absurdly low. More so when including other repair and mitigation costs beyond acquisition offers.

5

One only has to look at the events of Tahmoor to see there is no history of generosity to individual homeowners undermined, only evidence for ..... demonstrating the opposite. There are many more points I could make in opposition to this proposal, however, time is limited. So I will conclude by pointing out that should Mr Gupta wish to transform his well-trained and loyal workforce to a green steel future, with all the promise of future employment that this brings, as he stated on day 1 of this hearing, I suggest he begin immediately and at his own expense, not at the emotional and financial expense of Bargo homeowners.

10

15 These are supposed to be the best years of my family's life together with my children growing up to adulthood at home. I should be able to spend this time without any doubts whatsoever about my family home. So, on behalf of my family, I urge you to reject this proposal. Thank you for your time.

20 MR BEASLEY: Thank you, Mr Bolton. Our next speaker is Professor Penny Sackett. Professor Sackett, are you there?

PROF P. SACKETT: Yes, I am. Can you hear me?

25 MR BEASLEY: We can. We can see you as well. Please go ahead.

PROF SACKETT: Good. Thank you. I'm speaking to you today from the historical lands of the Ngunnawal people. To give you a bit of background about myself: I'm currently chair of the ACT Climate Change Council, I'm a professor at the ANU Climate Change Institute and a previous Chief Scientist for Australia. I'm speaking in opposition today to the Tahmoor South Project on the basis of climate change and greenhouse gasses. I have five slides that I would like to show. When I put it in full screen, for some reason, it doesn't work but I believe I can share my screen, nevertheless. I'm going to try that now.

30

35

MR BEASLEY: Sure.

PROF SACKETT: Can you see that?

40 MR BEASLEY: We can. Thank you. So it has got:

*Rise and days hottest one per cent.*

45 PROF SACKETT: Perfect. Okay. So the first thing I just want to remind you, in a very graphic way, we could talk in dry scientific terms but I think this graph is one that shows you immediately how severely climate change is already affecting Australia. So this is a plot from 1900 to 2020 showing the number of days that are in

the hottest one per cent across all of Australia for that time of year and, as you can see, there has been a dramatic – a stunning rise in those extreme of extreme hot days across Australia as time has gone on with most of that increase occurring from 1980 to 2020.

5

So there is absolutely no doubt that even a change of 1.1 degree of average global warming, which is where we are today, has a huge increase – makes a huge increase on extreme hot weather days, and I could go on to show plots of drought and fire danger days, and so forth. But I would just like you to have this – I'm sorry?

10

MR BEASLEY: I'm not sure where that came from, Professor Sackett. Perhaps just ignore it and - - -

PROF SACKETT: Okay. Very good. Let's see if we can go on.

15

MR BEASLEY: Yes. Please go ahead.

PROF SACKETT: Okay.

20 MR BEASLEY: The point of that slide is, isn't it, that it's – we shouldn't be thinking in terms of a 1.5 degree C rise as being the difference between a 25 degree day and a 26.5 degree day. It's really the number of consecutive days that are extremely hot which is the prediction for at least south-eastern Australia in the future?

25

PROF SACKETT: Exactly. And this – and I will say that particularly applies to south-eastern Australia.

MR BEASLEY: Yes.

30

PROF SACKETT: And, as I said, I could – I could show other plots of fire danger, and so forth, but my time is - - -

35 MR BEASLEY: And that's predicted at almost a level of certainty now and would require the laws of physics to change if that's not going to occur?

PROF SACKETT: I'm afraid that's true.

MR BEASLEY: Yes. Thank you.

40

PROF SACKETT: And, in fact, if anything, the models of the past have underestimated what we're currently seeing now and so there's concern that they might underestimate what we will see in future as well. And now just another way to sort of get into your mind what these different temperatures that you often hear about average global warming mean, I remind you, again, that, at the moment, our average global warming is 1.1 degree above pre-industrial times. That temperature has brought us black summer. That average world temperature has brought us 98 – I'm sorry, 38

45

degrees Celsius in Siberia and already we're seeing the Great Barrier Reef moving toward a tipping point, that is to say, moving toward a condition in which it will be irrevocably damaged and lost.

- 5 Because of greenhouse gasses that have already been emitted and because of the inertia in the physical system, it is unavoidable that temperatures will rise another .2 – this is global average temperature – will rise to 0.2 to 1.3. That's unavoidable. That's already locked in because there is a delayed effect to greenhouse gasses. Now, another kind of baseline temperature that you've heard about is 1.5 degrees Celsius. Just to give you an idea of what that world would be like: the summer temperatures that we went through in 2019/2020, which we thought were extraordinarily hot – they were extraordinarily hot, they broke all records – that will be an average year. That will be an average summer if global warming climbs to 1.5.
- 10
- 15 If it should climb to 2.0, then the black summer that we experienced will become four times more likely than it would have been in 1900. Sydney, as well as Melbourne, and other places, will see 50 degrees during summer in the city and 99 per cent of all – at least 99 per cent, that's just the scientific caution there – 99 per cent of all world's coral reefs will be destroyed. So I just wanted to kind of paint a simple picture for you of what those – what happens at those temperature rises.
- 20

- Now, what's causing all of this climate change, it's no secret to you that it's greenhouse gasses and, in particular, those through fossil fuel. Here is from a recent study, 2020, by a Stockholm Environment Institute, and its collaborators, showing for coal, oil and gas trajectories of what the production of those quantities might look like in future. The plots go from 2015 to 2040 but I've put arrows to direct your attention at 2020 – actually, 2021, where we are now, and 2030. What you see in the red lines are what is the average – or I should say the cumulative effect of actual policies across the world, that gold line is what has been promised by governments, through the Paris targets – Paris Agreement, I should say, and then the light green and the light lavender show what would be required if we wanted to keep global warming to two degrees, you will remember how I described a world of two degrees, or keep it lower to a world of 1.5 degrees.
- 25
- 30

- 35 So the point of this slide is to show that there needs to be an immediate drop in coal production worldwide – and a very, very strong drop in coal production worldwide – in order to have really any hope of holding global temperatures to 1.5, even two degrees. So now if we compare that to the black coal production over time of New South Wales, we see this plot, this is from 1962. I think the last time the data were available in this form was 2018. You can see a rapid rise and then, in the past few years, a flattening but no decline at all. This is the black coal production.
- 40

- Now, I want – as that is background, I want to talk, in my last slide, about the EIS statement, this is appendix K in the EIS statement, about greenhouse gas emissions from the Tahmoor South Project. Now, in that document there's a table, 7.2. This table that you see in front of you is modelled after that table with slight changes, which I will explain. What I have done is simply taken from that document, on face
- 45

value, their calculations for Scope 1 and 2 emissions, that is, emissions directly from the mining operations and from electricity that they may use to perform those mining operations that Scope 1 and 2, that's at an annual rate over the 16 year lifetime of the project, of 0.84 megatons of CO2 equivalent.

5

Now, if we include an estimate, which they've done, for the emissions that would be released once that coal is burnt, wherever that may happen, in Australia, in China or India, you see that the emissions go up hugely by almost a factor of eight to 6.35 mega tonnes. Now, one - - -

10

MR BEASLEY: Professor Sackett, can I get your response to this: we've had some – the Commissioners have heard from a couple of presenters that have talked about the possibilities, at least in the future, for green steel, not just in reducing emissions but also economic opportunities, but they've also heard – and this is in the assessment report – that, yes, accepting we have to reduce global emissions, Australia and the world still need steel and you need coking coal to produce steel; what's your response to that sort of argument?

15

PROF SACKETT: Well, I'm not an expert in that area. So I'm not – I'm – you know, I'm not prepared to give expert evidence. Certainly, there are activities in various places around the world to produce green steel right now. That is happening. That's not a – that's not a possibility. That is happening.

20

MR BEASLEY: Yes. No, my question was more along the lines of: well, whatever we have to do, in terms of reducing GHG, and that might mean reducing thermal coal, but we still need the kind of coal from this project because we need it to make steel.

25

PROF SACKETT: I guess what – my answer to that would be: is what kind of world do you want to live in?

30

MR BEASLEY: Yes.

PROF SACKETT: And the fact of the matter is the atmosphere – I'm hearing some background - - -

35

MR BEASLEY: Yes.

PROF SACKETT: I'm not sure where from. The fact of the matter is that the atmosphere doesn't care whether it comes from coking coal or some other kind of coal and the previous plot I showed you about the dramatic drop that's required is for all coal.

40

MR BEASLEY: Yes.

45

PROF SACKETT: And so that's what I'm prepared to talk about here and I think that, you know, I could – I could say that I think we need to be looking at what the future is going to look like and not what the past has been.

5 MR BEASLEY: Yes.

PROF SACKETT: And, in fact, that brings me to sort of the next point that I would like to make – before I go on to that, I just want to stress that the Scope 3 emissions that would be emitted by this black coal, should it be mined and combusted, effect  
10 New South Wales climate every bit as much as a Scope 1 and 2 emissions do. There's no difference.

MR BEASLEY: Sure.

15 PROF SACKETT: Okay. So – and I know that a case has been put by the Department that the company proposing this project is not under control of those Scope 3 emissions but the fact that they're mining black coal does presume that [it(?)] will be burnt. I mean, they wouldn't be able to sell the coal if they didn't think it would be combusted. I think the question - - -

20

MR BEASLEY: The environment doesn't care who's burning the coal.

PROF SACKETT: Absolutely not.

25 MR BEASLEY: Yes.

PROF SACKETT: And so I think the question is whether – is whether this body, whether the New South Wales Government, and so forth, can, in fact, prevent these Scope 3 emissions from occurring and I think the answer to that is yes. Now, the  
30 other thing that I wanted to stress here was there was a statement in that appendix K – and I'm just going to pull this up so I read it properly – it makes note of the New South Wales Climate Change Policy Framework, that's a document that was published in 2016. It tries to summarise those in dot points and then says:

35 *Tahmoor Coal is an existing operation and is unlikely to affect the objectives of the New South Wales Climate Change Policy Framework.*

Well, I could hardly disagree more. I am surprised, in fact, that this document did not refer to the net zero stage 1 plan that has been now published by the New South  
40 Wales Government, which has placed targets – reduction targets on greenhouse gasses of 35 per cent on 2005 levels by 2030. This is something the New South Wales Government has already set as a target and has some plans in place to accomplish. Now, if we look at how much either the Scope 1 and Scope 2 emissions are or all three scopes are compared to the annual rate of New South Wales  
45 emissions, and we do that as a per cent, which their table did, my numbers vary for reasons that are small and absolutely immaterial to what I'm talking about, but you can see it looks – it looks like a small per cent, less than one per cent. So Tahmoor South would be less than one per cent of the annual rate for New South Wales emissions. This is true. Okay. This is true.

50

It's also true that if you include Scope 3 that it would be more like six per cent. I think for one project that's starting to really get up there. But, of course, this is now including Scope 3. But here's the point that I really want to make: and that is – and I hope you can now see that I've added some columns there to the right.

5

MR BEASLEY: Yes.

PROF SACKETT: Is that visible to everybody?

10 MR BEASLEY: Yes.

PROF SACKETT: Yes. Okay. The question is: how does the – what happens over the next 16 years? This project has a 16 year lifetime. New South Wales has said that they want to reduce all their greenhouse gasses by 35 per cent already by 2030, which would be about midway through this project, how much do the increased emissions – let's just consider Scope 1 and Scope 2, for the moment, how much does scope – the Scope 1 and Scope 2 emissions from Tahmoor South alone, how does that compare to the reduction that New South Wales has to make every year to make its own stated greenhouse goal emission targets? And the answer is: that Tahmoor South alone would be adding every year 29 per cent of the amount that New South Wales is actually trying to reduce.

So if New South Wales wants to meet its target it has to find that 29 per cent somewhere else. In the agricultural community, in transport, it has to find it somewhere else if it's going to meet its target. 29 per cent from one project alone, Tahmoor South, is huge. And if we include the Scope 3 emissions, that, in principle, New South Wales does have control over in the sense that this project could be denied, then this project alone would produce 220 per cent of the emissions that New South Wales is trying to reduce to protect its own environment.

30

So this is the primary point that I want to make: that, in fact, this – despite being regarded as a small fraction of the world's greenhouse gas emissions, the emissions from this project are substantial against what New South Wales is trying to do to protect its own environment and its peoples and, on that basis and on the previous information that I've shared with you, including what a 1.5 degree and 2.0 degree world would look like, it is my opinion that, in the interest of New South Wales environment and peoples, that this project should be denied. Thank you.

35

MR BEASLEY: Thank you, professor. The next speaker we have is Joe Fenning. Mr Fenning.

40

MR J. FENNING: Yes. Good morning, Commissioners.

MR BEASLEY: Yes. We can hear you. Go ahead, sir.

MR FENNING: My name is Joe Fenning. I'm an underground mine worker at Tahmoor Colliery. I've worked at the mine for 13 years and in the mining industry for 18 years. I started my mining career as a contractor initially throughout various other mines within the district. When the opportunity for me to work at Tahmoor as  
5 a full-time worker arose, I was glad to successfully – I was glad to be successful in my application and the final – finally work closer to home for my own safety and fatigue and less travel meant I could spend more time with my new growing family.

10 I'm a proud father of three children which attend a local primary school and are heavily involved in numerous sporting groups represent – representing Wollondilly and outer area events. Working at Tahmoor Colliery provides me with the opportunity to provide financially for my family and remain active within my family home and the children's sporting and schooling events. I strongly believe that if I do  
15 not have my employment at Tahmoor Colliery I would no longer be able to live this balanced lifestyle and to stay within the – and to stay within this industry I would have to be on a fly-in/fly-out rotation spending most of my time transitioning to and from work.

20 Without Tahmoor Colliery, working away from home would be – would be my only option and it will be asking my family to sacrifice a lot to move out of the community with me. I would be removing my children from a community to which not only them but I was also born and raised in. Furthermore, I have lived in the Wollondilly my entire life, being raised in Buxton. My family once owned a small  
25 business in the 1980s into the – sorry, from the 80s to the 90s. My immediate family has strong ties within the community which I have become part of today, not only as a coal miner but as a senior deputy of the local RFS fire brigade, to which SIMEC has remained a large supporter of all our local RFS brigade in the Wollondilly region.

30 I am sure you're aware that in 2019, 2020, we had one of the largest and most disastrous fire season in more than 10 years with a loss of life, community, properties. SIMEC was heavily involved in helping the Wollondilly area with financial resources. On the night of the 19<sup>th</sup> of 12<sup>th</sup> 2019, we suffered a huge loss  
35 with two lives being lost in my hometown of Buxton. Those two men come out of that area to help our local community. With – sorry. With the idea from a local brigade and a few community members, we came up with the idea of a memorial for the family of a fellow – fallen fellow members, a tribute to say thank you for the sacrifice made that night. This memorial may not have been successful without SIMEC's financial backing.

40 In my time working at Tahmoor Colliery, I've made and established many friendships. The men and women that are employed at Tahmoor are some of the most generous people and deeply caring for the Wollondilly and its people. We are always willing to assist in the Wollondilly and its people in time of these needs.  
45 These people make small substantial donations to many non-profit organisations within the Wollondilly. If proposed – if the proposed mine extension does not proceed, I and many others will be looking for new forms of employment. The roll-on effect would not stop at the gates of Tahmoor Colliery but continue down the road

of many other businesses in the Wollondilly area that either contract to the mine or supply goods and services.

5 I believe some businesses – that we are the main source of income. Instead of just closing the gates for one last time at Tahmoor, we should always – we should also be saying goodbye to many other industries, businesses that rely on their mine to keep their doors open every year. For me personally, I believe that it would be near impossible for me to stay within the industry and remain in the Wollondilly. As my family is important to me, I feel it would be – I would have no choice but to move  
10 my family wherever the opportunity was for employment. I am saddened by this as I was raised here and would ideally like my children to be here and support the community in the coming years.

15 If the extension were to be approached, I believe there would be continued support in the local community and businesses as it currently does. I also believe our community would benefit with the industry and economic contributions not only to the community but other industries and businesses keeping many more than just Tahmoor Colliery employees in a job. I'd like to say thank you for your time and that would be me finished.

20 MR BEASLEY: Thank you, Mr Fenning. Next speaker is Professor James Goodman. Professor Goodman.

25 PROF GOODMAN: Yes. Just screensharing.

MR BEASLEY: Sure.

30 PROF GOODMAN: Unfortunately, I don't think it's allowing me to do it so I'll just go ahead anyway because I know you don't have much time. Or I don't have much time. I'll send the PowerPoint in - - -

MR BEASLEY: Yes. Thank you.

35 PROF GOODMAN: - - - later. Maybe just take it for – so I'm speaking on Gadigal lands and though never seated, I'm a sociologist at the University of Technology where I have been involved in climate policy research. I've just published a book with Cambridge University Press on this issue. So I'm – what I want to address is the question of greenhouse gas emissions and energy transition in particular. You've heard, I know, from many people emphasising that the planning process is to focus  
40 on impacts, the impacts of the project and many have, I know, stressed the dire impacts of – of climate change and no doubt referred to the Rocky Hill decision where the phrase dire consequences was cited as a key reason for refusing the application.

45 There's no doubt that greenhouse gas impact should be considered under the mining set, of course but also in the light of the New South Wales net zero plan of minus 35 per cent by 2030. I would note there by way of the planned greenhouse gas emission

reductions worldwide now must triple to meet the area's target. They must rise by 300 per cent to meet that. So we're talking major – a major problem here with emissions that have major impacts. There is a dispute, of course, about Scope 3 and I note that in the February Dendrobium extension IPC, the statement of reasons  
5 accepted that all greenhouse gas emissions had to be assessed, noting that Scope 1, two and three were significant and needed to be appropriately addressed. In other words, the Dendrobium IPC accepted the argument that all greenhouse gas emissions had to be addressed.

10 Now, in contrast, of course, the Department insists they don't. The Department insists that the only negative impact of this mine, quite incredibly, is point one million dollars over the 16 years - that's about \$20,000 a year - due to greenhouse gas emissions. And through a variety of rather impressive acrobatic accounting, manages to suggest there is negligible financial impact from these emissions. This is  
15 really quite incredible. And I think you heard from the previous speaker – a couple of speakers ago about the actual emissions of 94 million tonnes, about 10 million tonnes annually if you include all emissions, amounts to about seven and a-half per cent of New South Wales emissions all up. This is very significant, particularly in the context of New South Wales now committed to reducing submissions.

20 The cost of that. Now, in the economic impact statement, the cost of a tonne of – the cost of abating a tonne of emissions is set at the – at \$13 point – at \$13.52 under – taking from the current emissions reduction fund. If you take that \$13.52 cost per tonne and you multiply it by 94 million tonnes, you arrive at a cost, an abatement  
25 cost for the mine, this mine over the period of its operations of one billion, 270 million. 1.27 million – sorry, 1.27 billion. This is double the claimed benefit of the project. So if you start to use the costings that are already there, then clearly the project – if you're taking seriously the emissions and you seriously put a price on – on abating those emissions, then the project is hugely costly to the community.

30 There is a question I want to finally end with. It's the question of no alternatives to coal power for – for - - -

MR BEASLEY: Steel.

35 PROF GOODMAN: Steel, yeah. In 2020, then the International Energy Agency said coal use is declining everywhere, virtually every sector. It predicts that 30 per cent of global steel making will be non-coal based by 2050. BHP is in alliance with a China-based company to achieve this. German companies have it in place for –  
40 plans in place and quite incredibly, of course, the Whyalla plans of the GFG. Whyalla plans, which are now going ahead next year to move in the first instance from coal to gas and – and by 2030 to be on hydrogen.

45 So the shift is happening now. The departments suggest it's way off into the future but the shift from coal for steel – the shift to green steel is happening now. And it is much better to plan for that, to plan for that and to deal with the impacts of this for the workers, the communities and the infrastructure that is going to be stranded by

this process. And I really think that should be the focus for this debate rather on trying to keep this industry open for yet another decade. So thanks.

MR BEASLEY: Thank you, Professor. Next speaker is Arthur Steed. Mr Steed.

5

MR STEED: Good morning, Commissioners. I'm addressing this matter from a personal aspect only, as a resident who would be adversely affected if the SIMEC Mining proposal is permitted to go ahead. My wife and I reside in Bargo. We moved here in 1998 after having our house built here by a project builder. Before the build, we were cleared by the Mine Subsidence Board to proceed with the erection of the house. At that time, we enquired about future mining plans of the local coal mine and we were advised that there would be no mining beneath our property. We were not made aware before we bought the property that in 1975, Bargo had been declared a mine subsidence district. We were very unhappy to be confronted with the prospect that mining could now occur beneath our property and that it could result in subsidence of the land of about 1.2 metres, with possible consequential damage to our house and other structures.

I'm now aged 77 years and my wife aged 74 years. Three years ago, I was confronted with the news that I had bowel cancer and as a consequence, was operated on and undertook a course of chemotherapy. I'm still receiving check-ups to ensure that I am free of the cancer. My wife received news in December that she is suffering from lymphoma for which she is now undergoing a course of chemotherapy which extends to June this year. We hope that this therapy is successful in curing her disease. She also suffers from osteoarthritis in the spine which causes her considerable pain.

Our property was one of many properties that suffered from the bushfires that went through the area in December 2019. We suffered the loss of two sheds and the rear of our property was devastated, leaving us with a lot of reconstruction and restoration which is still in process. Our health conditions and the event of the bushfire have caused considerable concerns to us which we have endeavoured to cope with. Now that we have been informed of SIMEC's intentions to mine beneath our property with very possible resulting damage and considerable loss in property value, creates a lot more stress for us. We do not need this. We do not understand why it is even being considered to allow SIMEC to mine under existing properties where the risk of consequential damage caused by subsidence is so high. Our understanding that if damages to buildings result from subsidence, we will have to live with those damages for a protracted period until subsidence settles.

40

We have heard reports on problems encountered by residents who have suffered damage from subsidence having to go through hoops to receive compensation which often is inadequate or to receive no compensation at all. Also, the process in making claims appears to be biased against the claimants who we understand are required to prove that any damages sustained are the result of mine subsidence. We believe that if the mining goes ahead, our property will be unacceptable to any prospective buyer for a lengthy period of time, perhaps 10 to 15 years from now. We are at the stage of

45

life where in the near future, we need to relocate because we are not physically able to maintain our property. We are self-funded retirees because we have always planned our finances to be independent. Our objective has been as we age to relocate and maintain a suitable standard of living. If the mining as proposed does proceed  
5 then we will immediately suffer a substantial drop in our property value and be faced with an increasing real estate market price, reducing our purchase options to relocate.

This situation also [applies to(?)]..... our neighbours who are in similar age brackets to us. All properties in our road will be affected by subsidence if the SIMEC  
10 planning goes ahead, which is involving 22 houses. We ask for a fair go in your considerations on this matter. We appreciate that mining does provide employment and helps the economy, both locally and federally. But at what cost? If the mining is allowed to go ahead, I believe that it should be limited to operate under open spaces and not under existing properties. SIMEC claim that it would not be a viable  
15 proposition but I think that needs further investigation.

So as it stands, what is ahead for us? We have suffered stress from both having cancer treatment, experiencing the trauma from the recent bushfire and now being  
20 confronted with the prospect from potential damages from subsidence and a drop in property value if the mining proceeds. After what we have been going through, we do not want to be faced with another problem. We are just asking for a fair go. Thank you for listening to me.

MR BEASLEY: Thank you, Mr Steed. The next speaker is Philip Purnell. Mr  
25 Purnell..

MR PURNELL: Good morning, Commissioners, and thank you for allowing me to present today. By way of introduction, my name is Philip Purnell. I'm a former  
30 resident of Wollondilly Shire for 41 years. I am a property developer - - -

MR BEASLEY: Sir, I think you might have your – something over your camera.

MR PURNELL: I can see - - -

35 MR BEASLEY: It's all right. It's okay, we can – we can see your presentation has come up on the screen now.

MR PURNELL: Okay. I'll start again.

40 MR BEASLEY: Yes. Thanks.

MR PURNELL: Okay. So good morning, Commissioners, and thank you for allowing me to present today. By way of introduction, my name is Philip Purnell. I'm a former resident of Wollondilly Shire for 41 years. I am a property developer  
45 that owns a property immediately above the proposed mine area. This particular property is dissected by long walls, 104B, 105B and 106B. From the outset, I think it's only fair to disclose I am not anti-coal mining, I am just anti a mine in an area

that is inappropriate. I have a vested interest in property development within the area and have done so for the past 25 years. Many of these developments have created local jobs on an ongoing basis.

5 Before I start with my objections to the planned expansion, I'd like to raise a point about the previous owners of Tahmoor Coal, Glencore Xstrata, who are one of the world's largest producers and exporters of seaborne traded ..... coal. Xstrata opted to sell the mine after undertaking extensive and comprehensive studies investigating the potential to mine the subject Tahmoor Coal's south project. This was announced in  
10 the market in 2016 that the coal mine was either closing or was going to be sold. The very simple question is why would a company of the magnitude and experience of Xstrata choose not to pursue expansion of the ..... [mine(?)] and reports undertaken by Xstrata by Xstrata's various consultants who outlined the many inherent issues, not limited to but including subsidence, ecology, environmental issues, water quality,  
15 etcetera. Xstrata chose not to pursue the expansion on sound technical advice and took a moral stance against unleashing absolute devastation on the town residences of Bargo. It's pretty simple that they had a bunch of [reasons(?)].....

My objection to the Tahmoor South project ought not proceed due to exclusions of  
20 matters necessary for planned consideration under the EPA Act 1979 Section 4.15 subsection (e) Public Interest. In my written submission, Commissioners, I will provide records that support my concerns for what has been or neglected to be disclosed in this field. The only clear adverse impacts of NCM, a director of subsidence advisor in New South Wales declared, and I quote:

25 *Future mining operations are likely to result in high risk of land subsidence and damage to property.*

Says:

30 *It is highly likely residential development would be impacted by subsidence [irrespective(?)].... of any designed criteria proposed. The extent of damage cannot be fully predicted.*

35 Well, I say the NCM can be investigated and can be predicted and should be fully disclosed to the public by the EIS. And this has simply not occurred. No one has mentioned non-conventional movement for NCM at all. These exclusions on excessive NCM impact must be disclosed for the ..... assessment as per the Section of the Act 4.15. Undeclared influence of additional coal seam extraction sterilises  
40 Bargo. EPI advise that the site or development should only be committed after completion of one ..... coal seam. There is an undisclosed intent to mine additional seams other than the below seam, having an influence on the extent of mine subsidence prediction.

45 SIMEC's EIS reports relate only to the below coal seam extraction. No reference to any other mine. Bargo sterilisation will continue way beyond the proposed 13 years, should the mine be ..... deeper .....

MR BEASLEY: Mr Purnell, are you meaning to show further slides on your presentation? Because all that's come up for the Commissioners at the moment is the front page.

5 MR PURNELL: I do apologise.

MR BEASLEY: : It's all right.

10 MR PURNELL: It's very basic; it just outlined what I was saying. But I will go to – I can't get this to work so I'll just leave this as it is - - -

MR BEASLEY: What you can do - - -

15 MR PURNELL: - - - and I'll .....

MR BEASLEY: - - - is you can mail – finish off what you want to say orally and you can mail in the presentation to the - - -

20 MR PURNELL: Yeah, I will anyway. Yeah, thank you for that.

MR BEASLEY: Yes.

25 MR PURNELL: The unjustifiable sterilisation of a township – the Coal Mine Compensation Act 2017 provides guidelines that are intended to balance the interest of property adders and mine proprietors. How is it balanced if it excludes residential construction in areas predicted by SIMEC's EIS? Subsidence lies within the guidelines of SA New South Wales building guideline 4. The adverse anticipated non-conventional movement has not been disclosed in SIMEC's EIS reports at all. There's been no mention of NCM whatsoever. SIMEC's EIS states that the  
30 community consultation that occurred between landowners – landowners and stakeholders.

35 I can confirm that five of the development sites that the EPIE were considering as planned proposal, which is a ..... application, the owners have never had any direct dialogue with any person from the coal mine. It's simply untrue in the ..... that they have engaged with developers, land owners and other people of interest. In my case, I approached the coal mines ..... to try and ..... agreement and this was at the request of the EPIE. I offered five different options over a 12 to 18 month period for a co-existence arrangement ..... each time it was rejected by the mine management. The  
40 mine has no intention of entering into any co-existence agreements or have – finding a balance between the workings of a coal mine and the growth of a town and the protection of a town.

45 And my summary points are quite simple. I'll answer them – I'll question and then make an answer as to what I believe needs to be raised. Point 1: why is NCM and even advisors a major concern to SA New South Wales over the past months? For many years, residents, developers, stakeholder have been in liaison with SA New

South Wales about working within the guidelines. Once this has been achieved and we've proven that and we've achieved a guideline that we can work within using the information from SIMEC's EIS, once we've done that, to work within the designing criteria, the issue of NCM is presented and raises a new barrier. My answer to that  
5 is: does the mine ..... SA New South Wales know that its predicted subsidence is not accurate, it is incomplete and it's not fully declared in their reports?

My second point – question is – and it's quite a – quite a pertinent point, I believe: why doesn't SIMEC's latest EIS report discuss the ..... coal scheme as a possible  
10 target of extraction ..... Tahmoor Coal Mining has confirmed in a recent TCCC meeting. His words are that anything is possible when asked about future expansions beyond the current scheme. They know what they're going to do and they have an idea what's happening. They should tell the truth. The answer is they don't want the public to know the truth.

15 PROF MACKAY: Mr Purnell - - -

MR PURNELL: .....

20 PROF MACKAY: Mr Purnell - - -

MR PURNELL: ..... yes.

PROF MACKAY: Mr Purnell, it's Richard Mackay here, the Chair of the panel.  
25 You have gone significantly over time. Could I ask you to conclude reasonably expeditiously, please, so - - -

MR PURNELL: Yes. I - - -

30 PROF MACKAY: - - - that I can enable the time allocated to ensuing speakers

MR PURNELL: I appreciate that. Yeah. Yeah, I've got one line to go. So while the DPIE mentioned the word seams in order to oppose construction in the report as opposed to the ..... my last point is, which is quite short: where is the balance  
35 between local residents and the intention of a coal mine when it comes to co-existing? And the answer is there's zero balance, that the coal mine and the ..... just want to protect the exposure of the mining company under the new changes to legislation of the Coal Mine Compensation Act ..... 2008. That basically allows the coal mine to be the judge, jury and the execute – executor. The mine decides who  
40 qualifies for compensation, who doesn't. That system is flawed from the outset and is ..... thank you for your time. Sorry about the time.

MR BEASLEY: Thank you very much, Mr Purnell. Next speaker is Raid Al Zakout. Sir, are you there?  
45

MR ZAKOUT: Yes, I am there. Good afternoon, actually. Look, what I am going to do just regarding the time, I'm going to read the ..... connected to the mining

regarding my ..... in my property in Douglas Park. And I have my sister-in-law Helen. Just because her English better than mine, she will read it last to you guys if that's all right.

5 MR BEASLEY: Sure. Please go ahead.

MR ZAKOUT: Yes, sure. Thanks, Helen.

10 MS ZAKOUT: Yes, hello. My name is Helen Zakout. I'm reading directly from the letter that Raid presented me with. It's – firstly, I have copied the honourable Nathan - Nathaniel MP into the correspondence with the consent of my client. I refer to the above matter saying reference TCLM20-00408 and note I last contacted your Honour 12 January 2020. I am yet to receive the response from you as to the following. Number 1, determination on the damage claim on the total value of the  
15 sewer system of the home. Two, a copy of the sewer diagram that you said you would send to me. The sewer issue, brief background, this property is in the direct impact zone of the long wall, 200 – 901, 902 and 903. As at 26 February 2020, your engineers ..... calculated the – the ..... at the home to be at least 310 millimetres from LW in 901 and 902. LW903 was expected to cause 175 millimetres of subsidence.  
20 In total, there was an estimate of 485 mm of subsidence.

Pre-mining inspections were performed in August 2015 which confirmed there was not any issue with the sewage system. In about August to December 2019, Mr Al Zakout reported that his sewage system was no longer functioning. He reported  
25 blockages, unpleasant odours, inability to flush toilets, regular saturation of ..... to the walls near the toilets at either end of the home and a number of rather undesirable effects. SANSW ..... providing services via its preferred plumbers to regularly flush the sewage system in accordance with its usual serviceability requests ..... responsibility. A short time later, SANSW made an offer to commence the process  
30 of acquiring a buyer of Mr Al Zakout's interest in the property. In February 2020, SANSW declined to further service – service the sewage system and alleged that failing – the failing of the sewage system is a result of poor workmanship when the plumbing system was constructed approximately 30 years ago.

35 Further ..... was issue. (a) despite there being no pre-mining problems with the sewer, (b) despite the fact that SANSW have admitted significant subsidence and, having carried out the ..... to the – to other aspects of the property in the past and (c) despite SANSW laying hundreds of tonnes of top soil to relevel the land surrounding the home itself as opposed to the property generally and (d) despite the fact that the  
40 sewer damage was noted – noted and reported at a time when mining was so close in proximity to Mr Al Zakout's home. The offer to acquire the property was also revoked. Since February 2020, Mr Al Zakout has been required to make living adjustments such as not flushing toilet issues. The undesirabilities of those adjustments do not require further elaboration.

45 Commencement of court proceedings. In July 2020, I commenced court proceedings on behalf of Mr Al Zakout to pursue the claim for, amongst other things, the damage

of the sewer system. By consent, the parties agreed to discontinue the legal proceedings so that Mr Al Zakout could lodge a further all-encompassing claim. The reason this was required was because SANSW stated that Mr Al Zakout did not formally lodge a claim through the SANSW website for the sewage damage. Despite  
5 SANSW carrying out a significant amount of work in connection with what Mr Al Zakout thought was a claim formally made, I also note Mr Al Zakout was never advised by SANSW to lodge a formal claim for the sewage system. Regardless, the agreed position following the discontinuance of legal proceedings was that SANSW would accept the claim as expeditiously as possible so that a resolution to this claim  
10 might be reached.

In response to the fresh claim lodged by Mr Al Zakout on 22<sup>nd</sup> of December 2020, aside from receiving confirmation the claim has been lodged, there has – there is no other correspondence from SANSW to confirm that, if anything it is doing to access  
15 the claim, nor has there been any inspections of the property to commence the claim process. The immediate problem in the telephone conference with me on the 12<sup>th</sup> of January 2020 was stated that SANSW would not assess the claims for damage to any aspect of the property until the estimated subsidence – what is it with that word?

20 MR BEASLEY: I think it's subsidence.

MS ZAKOUT: Subsidence. Thank you.

MR BEASLEY: We know what you're saying.  
25

MS ZAKOUT: Nothing's coming out with me.

MR BEASLEY: We know what you're saying.

30 MS ZAKOUT: Subsidence period was concluded. I request you to reissue the denial determination in respect of the claimed sewer damage so that my client will take the steps to have the sewer damage claim independently determined by way of delegates review and/or a judgment in the Land Environment Court. To date, no determination has been made on the claim by SANSW and this is despite the fact that  
35 you already have in your possession sufficient expert evidence to deny the claim. Again, the fresh claim was lodged on the 22<sup>nd</sup> of September 2020. Your inaction on the claim means that Mr Al Zakout is forced to remain in a house with his wife and three children without a functioning toilet or a sewer leaking from the pipes presumably into the ground.  
40

As I see, you have two options here. One, maintain the sewer system while you wait to issue your determination as per the usual safety and serviceability work or, two, issue a determination and allow Mr Al Zakout to pursue a course of legal .....

45 PROF MACKAY: Could I just intervene, please - - -

MS ZAKOUT: Yes.

MR BEASLEY: - - - Ms Zakout. The Commission is closely attentive to your submissions but you are well over time. So unless you're about to conclude very soon, could I request that you submit a copy of this letter and we will pay close attention to it perhaps through the document rather than continuing to go over time.

5

MR ZAKOUT: Yes ..... I hope only, like, two paragraph regarding my swimming pool, the one that's been locked and we're not using it because they locked it, actually ..... they did lock this one. The walls, other damages like to my property and yes, the suffering we're going through, like, me and my family because we cannot even fix anything. We cannot even, like, add anything of there ..... the value of the house is being dropped. Like, we're not against the mining. I know the mining is very good for the government here and for the country, it has an income. But, look, what happening to us, do you know what I mean. And mining underneath our property is causing a lot of damages like the ..... health issues, do you know what I mean. Especially with the sewage. I have 10 letter of my neighbours, actually they walk to my house with, like, man inside mask. And I will actually get – if you like me, I can email – I mail this one, like, to you guys.

10

15

20

MR BEASLEY: Yes. Why don't you – why don't you send in that letter into - - -

MR ZAKOUT: Yes.

MR BEASLEY: : As a form of submission, sir.

25

MR ZAKOUT: Yes, for sure. For sure.

MR BEASLEY: Thank you.

30

MR ZAKOUT: I would like, actually. And this letter coming from my solicitor and the mining ..... actually until now, it's caused me \$90,000 to my solicitor to go through, like, this ..... things. And something I don't have to go through.

MR BEASLEY: Well, feel free to send in those details as well.

35

MR ZAKOUT: Yes, for sure.

MR BEASLEY: Thank you.

40

MR ZAKOUT: Now, tell ..... something the address of what I'm going to mail this, like, letter.

MR BEASLEY: There's a – the Commission has a website.

45

MR ZAKOUT: Yes.

PROF MACKAY: Could you just stay on the phone, please. If you stay on the phone, someone will help you. Sorry.

MR ZAKOUT: Thank you.

PROF MACKAY: And we will ensure that it is easy for you to get that documentation to us.

5

MR ZAKOUT: Yeah, for sure. No problem at all.

PROF MACKAY: Thank you.

10 MR BEASLEY: Thank you. Next speaker is Frank Kozak. Mr Kozak.

MR KOZAK: Good morning, gentlemen. My name is Frank Kozak and I live [in(?)] Tahmoor New South Wales. I'd like to go through and describe to you our dealings with mine subsidence and the mine subsidence board. 37 years ago, we bought a block of land and built a house. It conformed to mine subsidence specification. This was an extra cost of 10 per cent to conform to the regulation and we were told that there will never be mining under our house because it was too built out and we have a railway line and shops. 26 years later, we received a letter from the mining company informing us that the long wall would be going under our property. In 2007, we had massive damage to our house and we lodged a claim with the MSB. They did temporary repairs and they told us they'd be back in a few years after subsidence had stopped.

In 2010, the MSB called their independent – so called independent engineers and they did an inspection of the property and stated it was just minor. We engaged our own engineers at the MSB's cost and the – our engineer discovered that all the foundations were cracked and twisted and the house was beyond repair. The MSB informed us that they would demolish the house and build a new one. During the course of construction with the MSB, we discovered a raft of corruption and we had no choice but to go to ICAC and they started Operation ..... and for 18 months, we were told to remain silent while the investigation proceeded. Public hearings went for four weeks and the evidence showed massive corruption and misconduct. Even after the ICAC found the MSB – after the findings, the MSB refused to make repairs to our new house which had about \$70,000 worth of faults. We refused to accept the house and so they took us to Spring Court and had us evicted from their property in ..... this left us no choice but to move back into our house that was sinking, cracking and had dangerous black mould, toxic black mould through most of it.

They offered us a sum of \$50,000 to repair the property ourselves. We initially rejected that but after we got evicted from ..... we had no choice but to move back to the house. We proceeded to spend \$67,000 repairing what was on the Mine Subsidence Board's list and within two months of completion, we noticed that all the faults were reappearing. So we went back to – at that stage, it was the Subsidence Advisory. After the ICAC's findings, the government decided to drop the Subsidence Act 1961 and bring out the new 2017. So we were now in possession of a house with the same faults as the house they demolished 14 years ago. And this has been going on now with the Subsidence Advisory backward and forth for many

years. The fact is that they state that the house was not damaged by subsidence but it was engineering and construction faults and they advised us to go back to the builder. When I informed them that they were the builder, I had no response after that. They just wouldn't talk to us.

5

So we're in a situation now where we can't sell it, we can't fix it, no builder's going to touch it for \$26,000. It's sunk 62 millimetres at the rear of the house and in the last 12 months, it's sunk a further 22. Now, Douglas Partners was a geotechnical firm eyed by public works and investigators and they have determined that the area around our property and around Tahmoor is still subsiding at a rate of 4.3 millimetres per year. But Subsidence Advisory stated no, everything's settled. And I find that hard to believe with three more claims in our street which are secondary and third contracts.

10

15 I don't want to talk too much on what's happened there but what's going to happen in Bargo. And I'll just read this: the compensation system states the claimants will not be out of pocket with the mine subsidence. This is not true. Our out of pocket expenses for the last 14 years are approximately \$200,000. Building in the mine subsidence area will cost you about 10 per cent more to meet the subsidence specifications. Clearly, this is a cost that should be paid by mining companies as its mitigation for further damage. Under the new act 2017, there is no compensation for stress, anxiety, for depression. No compensation claimed for travel expenses or time dealing with the Subsidence Advisory, their builders, tradesmen.

20

25 My point is at Bargo, the people in Bargo will be financially out of pocket. They will be under extreme stress, anxiety and they will experience signs of depression. No counselling is provided from the Advisory and I think this is a major issue. The Compensation Act has failed to deliver fair and reasonable compensation and timely compensation to the people of Tahmoor. And that's, I think, almost up to 2000 claims and it's still going. I don't believe we should be mining under Bargo until the effects of damage to Tahmoor has been repaired because they should learn from their mistakes. We were supposed to have minimal damage of 160 millimetres. We have 1.6 metres behind our property. So they can't be believed.

30

35 Now, I must point out I'm really annoyed with the way Peter Vale has treated us and the Mine Subsidence Board and Subsidence Advisory. I asked Peter Vale some time ago if he could help sort out our problems with Subsidence Advisory. He said, "Yes, we've got an expert team here that can assist you if wish." I wrote back to him and said, "By all means. I'd love to have their help." And then I received a letter, another letter declining said ..... between you and Subsidence Advisory. So they take no responsibility for – they don't care about the people in Bargo. They don't care about their workers. I mean, obviously this – this is just a ploy to get this extension and possibly put the place on market with the extra value it will be worth. But they're both – to ..... dig underneath the township of Bargo and 140-odd people being affected – sorry, that's not people, that's properties. That could be thousands of people. Depends on how many people live there. And those people have family in the area and they all can contribute to the economy, the local economy.

40

45

So just because some company gives you \$10,000 for ..... and builds a park, doesn't make up for the millions of dollars of damage that they have caused to Tahmoor North and will cause embargo. \$13.8 million, they can't buy 22 houses for that. That's impossible. So what are they going to do with the rest of the ..... and the  
5 secondary claims and the third claims? Are they just going to push us aside like Subsidence Advisory and say, "Look, if you don't like it, take us to court." Now, if you've taken court action, you'll know it will cost you hundreds of thousands of dollars and if you do lose, you're going to have to pay their costs. So there goes not only your house, but your life savings and your future. So I think I've ranted a bit too  
10 long but thank you very much for listening to me and I hope you see that it is a very emotional thing that we're dealing with. It's not just money. Thank you, gentlemen.

MR BEASLEY: Thank you. Next speaker before the break is Nicole Pearce.

15 MS PEARCE: Good morning. My name is Nicole Pearce and I'm a resident of Bargo. My husband and I moved out of Sydney southern suburbs to Bargo a few years ago, looking for a better lifestyle for our six kids. We found Bargo and fell in love with its little village. We were well aware it was a bushfire zone and well aware  
20 it was a mine subsidence zone. What we were not made aware of is how hard it actually is to get repairs to any mine damage accepted. The information that has been made available to the residents of Bargo is abhorrent. We all were inundated with leaflets from the mine which looked more like a prospectus that you would hand out to potential investors. I'm not interested in buying shares in the mine; I want  
25 information. There was no real information, risk or figures in these leaflets.

Bargo has a large elderly and also non-English reading population who are computer illiterate or not on Facebook and this is the only information they are receiving. Evidence of this lack of transparency and information was a post that Councillor Hennessey put up, stating that he had so many residents calling him and asking for  
30 information so he posted a map of the new proposed mine for Bargo. A number of residents were asking what the grey area was and had no idea how to read it. A lot of misleading information has been put out. We have had no real meeting other than a small, quickly put together meeting by Nathaniel Smith announced about four days before the meeting which the majority of Bargo didn't know about or go to.  
35

We all see the posts by certain Councillors on Facebook stating that anyone with mine subsidence will be repaired. You just need to have an inspection by the mines prior to them mining the area. Seems simple enough, right? But when I started  
40 looking further into the mine's own reports on their website, the information changes for the worse. Instead of everyone having their homes repaired, going from the mine's own figures in their reports of Tahmoor, only 60 per cent get approved. 60 per cent. Just over half. The other 40 per cent were rejected. When asking the Councillor why these 40 per cent were rejected, which went against his and other  
45 Councillors' original statements of all damage was repaired, his response was they were fraudulent claims. I'm in shock that he could think and publicly say 40 per cent of claims made were from residents committing fraud.

After posting on Facebook asking residents for information regarding damage and repairs for mine subsidence damage, I found a lot of people wouldn't openly comment but sent private messages due to non-disclosure contracts or from bullying from Councillors and mine workers saying they were whingers, they bought in a mine subsidence zone and should put up with it, which has been the norm for the last couple of months. We are not second class citizens. We believe in the great Australian dream. If you work hard, you get your own little piece of Australia. A home to call your own. The people of Tahmoor were made to sign a non-disclosure contract through ..... settlement and admitted that it was so hard to get any repairs done, that it was a long, drawn out process. That some repairs were made of substandard quality. That damage reappeared and the mines refused to repair. That they, their neighbours and friends, had given up fighting as it was too hard and were living in damaged properties.

A few were in court proceedings and out of pocket over \$100,000 and climbing. Others were four houses out of mine subsidence zones and therefore were not entitled to repairs. But if the mine's own report states that the damage is a prediction, is not the mine subsidence zone also a prediction? Shouldn't these zones be flexible depending on claims outside of the zone? When we know better, we can do better. We now know there is a big problem with getting any damaged properties back to the same standard as before mine subsidence damage. It's not a cash grab or wanting things for nothing; it's a general request that the towns of Tahmoor and Bargo be left in the same condition as they were before mining. The mine is aware it is going to damage properties, some so bad they will need to be totally knocked down.

The figure of 22 from the mines themselves, not including homes that will be – require minor to substantial repairs. That's 22 families that will have to look for alternative accommodation in the area, close to school, friends, medical specialists, work, shops, sporting and recreational teams. The mine is making money from the damage to residents' homes and devastating people's lives. It's time we had a guarantee that the residents of Tahmoor have their properties reassessed and any and all repairs or compensation paid to the residents before even thinking of mining in Bargo. We want the law changed so any damage is an assumption of mine subsidence damage and that Subsidence Advisory New South Wales has to prove otherwise. We want assurances and a guarantee from both the government and the mine that the whole Mine Subsidence Board will be overhauled, laws changed before ruining anyone else's house or lives. We're calling for a parliamentary inquiry into mine subsidence and we want an ombudsman from mine subsidence.

We all have an obligation to ourselves and future generations to protect our natural resources. We have seen waterways damaged in Tahmoor area and professionals have stated that it would take at least five years to repair the waterways. But really, he wasn't confident that it could ever be repaired. Not only have we lost our natural waterways, we have lost the ecosystems that go with them. When we know better, we can do better. Thank you for your time today.

MR BEASLEY: Thank you, Ms Pearce.

PROF MACKAY: Well, thank you to all of the presenters this morning. That concludes the initial session on today, day 3 of this Public Hearing. The  
5 Commission will now take a short break and we will reconvene online at 12.05 pm, that's 12.05 pm Sydney time. Thank you.

10 **ADJOURNED** [11.47 am]

**RESUMED** [12.06 pm]

15 PROF MACKAY: Well, good afternoon and welcome back to what will be the final session of day 3 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.

20 MR BEASLEY: The next speaker is Michael Williams. Mr Williams.

MR WILLIAMS: Yes. I'm online now.

25 MR BEASLEY: Yes, we can see and hear you, sir. Go ahead.

MR WILLIAMS: Thank you. I am against the mining under homes, creeks and any structure that may be damaged by mining. I know this firsthand. I had a pre-inspection in 2011 of my home. Our home was undermined in 2012 and as roads - and also under Redbank Creek. Mine Subsidence told me in writing that minor  
30 damage would result from the mining under my home. I asked what minor damage was. I was told tight doors and a window. That was lie number 1. Cracks appeared in plaster walls, brickwork, drains, ground. Tiles fall away from the walls and the floors. House moves, not level any more.

35 Pillar supports under the house move and don't support the floor. Gutters leaking. Outside, all dams and on neighbouring properties, leaking and leaking into my place. Heavy rain, ground utilating - not straight - due to mining, water running and flooding where it had never, ever been before. The house was built in 1980 and damage - it could never be the same unless the house was replaced. 2016, Mine  
40 Subsidence admitted some damage to my place, if their mine inspectors say it was mine subsidence damage. They pick what is mine-relative to what is mine damage. Remember I said at first I had a pre-inspection in 2011 for my property. It showed no damage.

45 You can choose one of their listed inspectors, or you can pay \$4000 out approximately for an independent inspector not on their list. Some of my neighbours did pay for inspections and they've only just been paid out for their homes last year.

Remember in 2015 ICAC was investigating corruption in the Picton Branch of the New South Wales MSB and that was over seven years. In 2016, longwall movement had stopped around longwall 26. Now, longwall 26 was where my home was first damaged. In 2017, Glenmore reported – that’s Glenmore Coal reported, Tahmoor Colliery – that horizontal movement from longwall 30 seen that back as far as longwall 26, my home; lie number 2.

So, in other words, any repairs that I did were – failed. So repairs carried out all failed. Put in another claim; claim refused 22 February 2018. Gareth Davies, project manager and estimator, “Damage is not relevant to mining”. Lie number 3. Repairs kept failing to movement. You can see why I feel the Mining Subsidence Board is still corrupt. These public hearings would not be taking place if Mine Subsidence or Site Subsidence New South Wales had been honest and up front when dealing with mine damage, though they would have to outlay millions of dollars more. Damage by mining at Appin, Douglas Park, Wilton, Tahmoor, Thirlmere and give some thought about Thirlmere Lakes, Redbank Creek, roads, etcetera, in the area.

What happens after mining? Does damage fall on the ratepayers? I would say so. There is no compensation for worry, stress which falls on victims of mine subsidence damage. Your home is the largest outlay families make. Conclusion: On what right should mines be allowed to knowingly damage homes so that not – so it’s not just like – it’s just like premeditated murder and is that not a crime? Is that it? How do repairs - - -

MR BEASLEY: You’ve got one minute to go, sir.

MR WILLIAMS: Sorry, I thought I was finished. Any repairs that have been done to your home are really cosmetic. And what I mean “cosmetic”, they’re just covered up and filled in. Your home will never be the same and, of course, it takes more than four or five years, as the Mine Subsidence people say for your home to settle. We also – I know up in Newcastle that places up there from 1920 mines that are stopped are still settling, and so look at the number of years. And I’m sure that around the Thirlmere area, Wilton area, Douglas Park, the grounds are still settling and people are still having trouble with the mine subsidence.

Now, the Mine Subsidence Board, I should think, should have a look at all the homes in the area that have not been paid out because they’re not all lies. 155 properties were knocked back in the Tahmoor area first up. Three-quarters in Newcastle had been knocked back when they complained about – put their form work in for mine subsidence. Now, the Mine Subsidence Board, as far as I’m concerned, affects – it affects us all when they – when it has damage. That’s about all I have to say or - - -

MR BEASLEY: Thank you very much, sir.

MR WILLIAMS: Thanks very much.

MR BEASLEY: The next speaker is Paula Zrilic.

MS ZRILIC: Yes. Hello everybody. Thank you. I'm good to start?

5 MR BEASLEY: Yes, you are. We can see and hear you.

MS ZRILIC: Hello everybody. Thank you for this opportunity to be here to express my support for SIMEC Mines. As a local business owner, as a local member of our community, their impact – and, first, I've got to respect all the cases and stories that  
10 are being presented today. I'm going to share my experience and my support for the organisation from my angle. I fled – about five years ago now I fled a domestic violence that I'd lived with for 20 years. That process of going from a very comfortable existence to literally sleeping on floors for three months with my children till I was able to afford second-hand beds, I thought I was alone. I didn't  
15 realise that in our community this is actually the second highest reported rate of domestic violence in our community. That's shocking. That's astounding.

My – I guess my avenue from there was I was actually introduced to what I would deem as food support services, and that food support service to help me rebuild  
20 opened my eyes up to a lot of things. But it also had me in a car park contemplating taking my own life because, as I said, the shame and the guilt to ask or help when you've come from a very, you know, comfortable working background to literally having to ask people for food is extremely hard. And when you're bringing children along with you, the shame and the guilt that, "Hey, I've done this to my children.  
25 I've taken them from a very comfortable, be it unsafe, existence to now we're struggling to eat".

What I learnt along the way was there was a massive, massive niche for the market that we work with. So my program is a food support service. It is very different to a  
30 food rescue service. We do not rely upon government funding. We do rely upon the support of our local communities and our members. What we do is we basically save food, household items, cleaning products, basically anything you can get into a grocery store, we save from landfill and we redivert and make it affordable and available for our communities. As an example, one of the things we do is a \$60 food  
35 hamper, which includes families meals to feed six, cleaning products. It includes fruit and veg, it includes dairy items, breads, all that. That \$60 investment is actually worth over \$300 worth of food in the store.

So we know the difference it makes to families that are struggling. You know, saving  
40 \$200 a week is a massive difference. We know the service that we run is what keeps roofs over heads and families in mortgages. It's what keeps a second vehicle on the road, which means a second partner can get to and from work. It's the thing that means that children get to stay in schools. They get to participate in sports activities which they normally wouldn't. It also means that kids are going to school with  
45 lunchboxes with healthy foods. Now, we know firsthand that prior to what we do, a lot of these families were struggling and on the edge. Come COVID, which has

impacted all of us, these families that were teetering on the edge would have otherwise lost their homes; no doubt about it.

5 Why is what we – why am I so passionate about what I do and how does that link me  
with SIMEC? We are a not-for-profit. We are registered and endorsed by ACNC.  
We do everything right. We do everything correct. We support over 4000 families  
in my community. So in a short time of three years, this project went from my little  
garage to a community hall, where I quickly realised I can't run this from a  
10 community hall. So we had to take the lease of a storefront, and none of that would  
have been possible without SIMEC. SIMEC has come on board and helped us with  
things like air-conditioners, with cool room installation, with labour. The impact that  
their work has had – their support has had in our business, which has the ripple effect  
it does in our community, is profound.

15 The return on investment for them, but also the social return within our community,  
is totally immeasurable. And if I can just share how I've come to those conclusions,  
of our membership base 80 per cent are families. These are families that are actually  
working in our community. Government statistics will show you at the moment that  
the link between home affordability and the cost of housing at the moment should be  
20 a 30 per cent bracket. So 30 per cent of the income coming into a house should be  
covering the costs of housing. That's including electricity, rates, water, costs of  
rental, mortgage – 30 per cent. I just hopped online this morning on realestate.com  
to see that a three-bedroom house in Bargo has just sold for \$899,000.

25 Rentals in the area? I rent a four-bedroom home. I pay \$545 a week for my family  
to have the privilege to live in this community. You look at the medium household  
income in Bargo at the moment - \$82,000. So I've just done the quick stats and  
worked out a weekly wage, take net, the cost of a \$600,000 mortgage, which, you  
know, if a house has just sold for 800,000 it means there's quite a substantial deposit  
30 has to be built in there, or a \$545 a week rent. We're looking at families in this  
community spending 45 to 47 per cent of the household income just to put a roof  
over their head. That is not including electricity, that is not including gas, water,  
food, child care, education costs, none of it; just a roof over their head.

35 I hate to think when I work that out what those 4000 families we're supporting, what  
it would mean to them. What would it mean if they – a service like ours that relies  
upon the support of organisations like SIMEC, what it would mean to them - a  
saving of \$200 a week. As I said, I know bills are paid, mortgages are paid, credit  
cards are paid off. We have families that are for the first time ever saving money.  
40 You know, to have families come in saying, "We live backwards every week. We're  
balancing credit cards to pay bills", who are now saying, "We've saving money ever  
week". We have families that are going on family holidays for the first time.

45 I had a family come in last week that said it was the first time they were ever able to  
give their children blueberries ever. I mean, that saddens me. We have families that  
will say Community Pantry is the reason they've kept the second car on the road,  
which means that a young adult in the community in their family can get to his

apprenticeship because we know that local transport is not easy public transport. People need vehicles in our community to get around. The support of SIMEC, as I said, I cannot express enough how much we have relied upon them, not just for the set-up and the growth, but now our future plans.

5

So we have – we’ve well and truly outgrown our space and we’re now looking for a warehouse to move into. SIMEC has automatically jumped on board and said, “We’re here to help”. So they’re here to help with moving. They’re here to help us with staffing and all the on-costs that we’ll be looking at to move into this facility.

10 What a larger facility - - -

PROF MACKAY: Ms Zrilic, it’s Richard Mackay speaking, the chair of the panel. You are significantly over the allocated time.

15 MS ZRILIC: Okay.

PROF MCKAY: So it would be appreciated if you could wrap up fairly soon, please.

20 MS ZRILIC: Yes. Sorry. I was waiting to hear the bell and I didn’t hear it. I guess what I want to do is actually thank SIMEC for their support for me and my family, the ripple effects that they’ve had, and allows us to continue to doing this work in the community. From a DV angle, fleeing – a woman fleeing, it takes eight years for her to ever be able to re-establish herself to that financial position that she was prior to  
25 leaving, throwing three children, and it tells you it takes a lot longer than eight years.

Well, in three years because of SIMEC I’ve been able to build a business that directly impacts in a positive way our community, that saves thousands upon thousands of kilos of food every year from landfill. It impacts the air that we all  
30 breathe that’s making an impact on our environment. Yes, I know that that support, that work that we do in the community, could not be possible without the support of SIMEC. So I actually would like them for what they do.

MR BEASLEY: Thank you.

35

MS ZRILIC: Thanks guys.

MR BEASLEY: The next speaker is Samuel Davis.

40 MR DAVIS: Afternoon. Can I first thank the Commission for this opportunity. I would like to declare that I’m a member of the Illawarra Coal Community Consultative Committee, that my presentation today is purely in a personal capacity. Given time constraints, I will get straight to the point. Mine subsidence is the issue. It is agreed by all parties that mine subsidence will cause substantial damage to  
45 homes and other built environment assets, as well as to the natural environment. How is it that the State permits profitmaking mining companies to cause such

damage? Perhaps a brief history will assist. Historically, coalmining used the bord and pillar system that did not cause any significant mine subsidence.

5 Certainly, there was no wilful predicted or intended mine subsidence. Mining leases under the Mining Act 1906, then 1973, and now 1992 required miners to “optimise recovery of the minerals that are subject of this mining lease to the extent economically feasible”. In the mid1980s, well after mining leases in the Bargo area were approved, longwall mining technology was introduced to optimise recovery of coal. It is the longwall mining process that causes mine subsidence. Coalmining, in particular for steelmaking, will diminish and end in the next decade or so. It was heartening to hear Sanjeev Gupta on Monday describe GFGs plans to move entirely to green steel.

15 Although I didn’t catch his precise words, I believe he intends Tahmoor South as transitional as we move completely away from coking coal over the next decade or so. I believe there to be general agreement with Sanjeev. So how to resolve the mine subsidence now? There is no longer a need to optimise recovery of coal. Throughout New South Wales we have enormous coal reserves that almost all agree will never be required. We can now minimise mine subsidence at the expense of optimising coal recovery. There are other methods of recovering coal that do not cause mine subsidence: a return to bord and pillar, such as will be used by Wollongong Coal’s recently approved Russell Vale project, for example.

25 The current proposed Tahmoor South panels could be mined using a single shearer to take parallel strips from the panel whilst leaving strips of the same width in place. Mining engineers advise leaving 50 per cent of the coal seam in this manner is sufficient to prevent collapse, hence no subsidence. I believe entrepreneurs such as Sanjeev Gupta and his family would be open to such methods. In addition, such methods would provide the required transition, allowing a slowdown of coking coal production and steady employment change over the ensuing decades whilst green steel processes grow. So why haven’t mining companies moved on these processes already?

35 In my experience, mining executives in Australia have been of the view their projects are so valuable to the economy they will always be supported, albeit with certain environmental conditions attached. This bravado leads them to brush aside mining processes that prevent mining subsidence. The recent Dendrobium rejection will make them think twice. If the project is approved, what conditions could the IPC impose? I suggest the Commission consider section 62(7) of the Mining Act 1992 in their deliberations. Paraphrasing that section, a mining lease must not be granted over land except subject to such conditions as the decision-maker considers sufficient to minimise damage to that surface.

45 This includes dwellings, gardens, all significant improvements. The decision-makers who approved the original mining leases had no way of anticipating longwall mining and its deliberate predicted wilful damage to surface improvements, let alone natural features. The IPC could recommend approval with conditions requiring mining

processes to prevent mine subsidence altogether. If this is not possible, then one must attend to the disastrous effects of mine subsidence. The Coal Mine Subsidence Compensation Act 2017 is flawed. To my knowledge, there is no other Act that permits profitmaking businesses, in most cases large multi-billion entities, to destroy  
5 people's homes and other assets and then simply pay replacement value.

Conditions must be imposed that compensate for inconvenience, pain and suffering, and you've heard plenty of examples of that during this hearing. I have been lobbying government for some years to amend the Act so it fairly compensates, and  
10 I'm pleased to have our current State MP Nathaniel Smith now engaged in this process. In a nutshell, conditions imposed by the IPC that I think should also be in the Act include: (1) a presumption that damage in an area within or close to mining was caused by the mine. The mine must prove otherwise beyond reasonable doubt; (2) a percentage based levy on the agreed cost of rebuilding or restoring property to  
15 its pre-mining state. I propose a 100 per cent levy.

However, many residents I know who have gone through the mine subsidence mess would not have been content until this levy approached 1000 times or 1000 per cent. It is simply un-Australian for mining companies to profit from the misery they inflict  
20 on those above their mines. Those who suffer from mine subsidence can, at the very least, share in some of these profits. Thank you for your time.

MR BEASLEY: Thank you, Mr Davis. Next speaker is Jason Gavin. Mr Gavin.

25 MR GAVIN: Good afternoon, Commissioners.

MR BEASLEY: Please go ahead.

MR GAVIN: My name is Jason Gavin. I work at Tahmoor Colliery as a longwall  
30 operator. I have worked at Tahmoor for 10 years and hope to work here for many more to come. I have the pleasure of working with five of my family members at Tahmoor, my son and daughter, my brother-in-law and nephew, and my cousin. I get great satisfaction working with my family. Tahmoor Colliery is a family orientated workplace and an equal opportunity employer. I enjoy working at  
35 Tahmoor because it's like one big family group working and looking out for each other whilst at work. Not only is Tahmoor Colliery a great place to work, it is surrounded by a great community.

If the Tahmoor South extension is rejected, there would be massive job losses and it  
40 would be a devastating effect on my family's lives, the local community, and it would suffer dramatically. Tahmoor Colliery injects millions of dollars annually into the local community. My family and I would no longer be able to spend at the shops, petrol stations, cafés, etcetera. This would be the same effect for all the other employees at the colliery. Without spending in the community, the community  
45 would lose jobs. I would be heartbroken to see my son, daughter, nephew and cousin, and all the other young people who work at the mine lose their jobs and move out of the area in search of alternative work.

If the Tahmoor Colliery South extension was to go ahead, it would be a great thing for the company, all its employees, and the community. It would secure my family's and all my workmates' futures for years to come. On a personal note, I have made lots of friendships inside and outside of work and would like that to continue. I  
5 would like to finish my working career here at Tahmoor Colliery. The south extension would enable me to do so. Thank you for your time.

MR BEASLEY: Thank you, Mr Gavin. The next speaker is Peter Rub. Mr Rub.

10 MR RUB: Thank you, Commissioners. Thank you for your time today and the opportunity to voice my opinion and concern. I would like to begin by acknowledging the traditional land – the owners of the lands which we discuss today. I would also like to pay my respects to elders past and present. I am a newbie to Bargo, only five years. I moved to Bargo due to the relaxed country lifestyle, peace  
15 and quiet and, five years later, we can say it was the best decision ever. We love living here. In my opinion, the proposed revised expansion of the Tahmoor Mine should not go ahead as planned.

I understand that this would mean the eventual loss of mining jobs directly, along  
20 with some associated industry jobs, and for that I really, truly feel for all involved as there will be no winners and losers across this. My reasons are environmental, along with both the impact of property and the people of Bargo. Many locals are against the expansion, however, are not speaking up as they feel that the decision is already made and they are not sure on what they could say, other than what I'm going to say,  
25 as many more have said before me. Firstly, I'm not against mining. I am all for a responsible and environmentally approach and, unfortunately, history dictates that this has not happened.

An example, Redbank Creek, and the many homeowners, some who we've heard  
30 from here, and the heartache and the trauma that they continue to endure. Yes, Bargo is a mine subsidence area. However, for many years it said the mine would never go under Bargo. Approximately five years ago, the mine was going to close down by 2019 as it was not a viable proposition. What is to say that in the future it will no longer be viable again? I also understand a lot of businesses and community  
35 groups have benefited over the years from the mine and that has been appreciated by the community. But as it was said yesterday, there is no such thing as a free lunch.

Times are changing, attitudes are changing, and the environment is today more  
40 important than ever to look after and, in addition to the environment, the cost to the community will be far greater if the mine expansion proceeds. The revised proposal still indicates they would mine under approximately 143 homes and that 22 homes will be damaged beyond repair with many more receiving some damage, reports of subsidence being 1.2 metres above the longwall: I ask you to imagine living in the area not knowing when and if your home, your hard work and your life savings, will  
45 start to crack and fall down around you.

Think of the mental health issues, the stress of not knowing if it will be you or not and, if it does happen to you, the stress of having to deal with the inconvenience over the years where your home will not be as it was, not repaired, not being able to sell at what was once market value as your home is now mine subsidence affected. We  
5 have heard over the last few days many examples of this, the stress and the heartache. I have known people that have had their homes damaged, had to fight for repairs. However, in one case they were lucky. They won the fight, but then they had to move everything they owned and move out for over a year. Then they had to move it all back. They sold soon after the repair as they did not want a repeat of the  
10 issues.

But they had to declare their home had been affected by the mine subsidence and that cost them as well. So I ask what is the real cost to the people of Bargo? As stated by a few before, no mining should take place under a township and people's homes  
15 regardless where it may be and definitely not Bargo. People have said, "Should we lose the mine, we will be forced" – they will be forced out of town. I believe that due to the mine, we have lost the opportunity for local development. Development means more jobs, improved infrastructure, shops, cafés, more families and, again, more jobs. Sydney, technically, is moving closer and Bargo is a wonderful place to  
20 live, close enough, but far enough away.

Wollondilly is a tourist haven yet to be discovered. And should the mine close, let's switch our focus to enjoying the environmental and historic riches this region has to offer. In closing, please, please do not mine under our homes, our creeks and our  
25 waterways. Haven't we damaged it enough already? Thank you for your time.

MR BEASLEY: Thank you, Mr Rub. Next speaker is Jack Twist. Mr Twist.

MR TWIST: Hello, can you hear me?  
30

MR BEASLEY: Yes, we can hear and see you. Go ahead, sir.

MR TWIST: Hi, my name is Jack Twist. I'm 30 years old. I have lived in the Wollondilly my whole life, and in Tahmoor itself up until the age of 27. Thank you  
35 for allowing me to share my views on why I support the Tahmoor South Project. Given the various stances on the approval of the Tahmoor South Project, I feel as though I am in a unique position to comment on many of these through personal experience. I'm currently employed at Tahmoor Colliery as a mechanical fitter. I started and completed my apprenticeship at Tahmoor Colliery. I'm also one of the  
40 owners and managing directors at J&J Back Proprietary Limited. We do work for coalmines in New South Wales and Queensland, including Tahmoor Coal.

I develop properties within the Wollondilly and surrounding local areas, and I also have lived in two homes that have been affected from mine subsidence from the  
45 Tahmoor operation. I began my apprenticeship in 2007 at the age of 16. Adam Richardson and I were the first lot of apprentices to go through the new program. The apprenticeship leader at the time, Steve Thomas, as well as Peter Vale and the

rest of the Tahmoor senior management team, saw the importance of investing in Tahmoor's future. During our apprenticeships, we were given opportunities to go out and experience our fields entirely. We were moved around to different mines, workshops and worksites to ensure we would get the full exposure of our specific trades.

Our apprenticeship program involved us doing at least one major community project annually. They included the Picton Anzac Memorial upgrades, works at Buxton Primary School, a pergola at the Queen Victoria Memorial Hospital in Thirlmere, upgrades to the Wollondilly Men's Shed, upgrades to the miner's hut in Thirlmere Park, and countless barbeques at charity events, school fetes, and fundraisers. Tahmoor is a great, supportive place to work. I feel very lucky to have had Tahmoor take the chance on me all those years ago, and would advise any young person seeking a career that Tahmoor Coal is an excellent choice with endless opportunity and support.

J&J Back Proprietary Limited: I started this company in 2014 with my cousin, Jay. We build mining equipment for underground coalmines in New South Wales and Queensland. All of our products are locally fabricated and we source all of our supplies through local suppliers. When starting our business, one of our goals was to develop Australian products and, where we could, keep the money within our local communities and our country, and we can proudly say that we are achieving this. We currently sponsor various sporting communities within the Wollondilly, Shoalhaven and Wollongong areas. Without the support and business from places like Tahmoor Coal, sponsorships like these would not be possible.

Tahmoor Coal itself makes several contributions to support the local community. Some worth mentioning are the bushfire donations last year, the support in building the Buxton Memorial Park, and the tens of thousands of dollars worth of grants given to local schools such as the one granted to Buxton Public School to afford the students iPads to use in the classroom, an opportunity they would have otherwise missed out on. I completed my first investment property in 2009 and have completed several since. I have developed blocks of land in the local subsidence areas. Each time it has clearly been conveyed to me through the contracts of sale that the land may be subject to subsidence. Each time I've agreed to those terms within the contract, as I can only assume anyone else that purchased in these areas needed to.

I've been directly involved in houses that have been affected by subsidence caused from Tahmoor Coal Mine, one being the family home, and the other being a home I built in Tahmoor. Both homes were either repaired or a payout figure was agreed upon to cover the repairs by the Subsidence Board. I was happy with the process and the outcome in each case. I do not dismiss there was subsidence concerns, or damage caused by subsidence. These need to be addressed and there is a process involved. However, the process is with Subsidence Advisory New South Wales. If there is a breakdown with the process, then that is what needs to be addressed, not the potential expansion of Tahmoor Colliery.

Subsidence Advisory New South Wales and Tahmoor Coal are two separate entities, which I think sometimes get branded as one and the same by the general public. I've also developed properties locally that are not in subsidence areas. Almost every home built in our local area will show signs of cracks in cornice or architraves at  
5 some point in their existence. This is because in our local area we are building on clay. Clay will expand when wet and shrink when dry. I think some people can mistake these natural occurrences for subsidence and, unfortunately, in the public eye Tahmoor Coal received the blame.

10 In summary, if the approval of the Tahmoor South Project does not go ahead, you will see the collapse and closure of many local businesses, a decline in the local residential market as the need to live here diminishes, along with the community's employment opportunities. We would be removing the largest employer from our area and over \$130 million from our local community over the life of the project with  
15 nothing to replace it with. We have heard it here from the experts themselves during this hearing, saying green steel solutions are not yet viable and won't be until at least 2030. We are living in a time where our economy has taken a massive hit.

Let's not remove yet another source of its income without first having something to  
20 replace it with. My fellow 400-plus workmates and I all have mortgages, young families and futures we look forward to building in our local community. This is our home. This is where we live, too. We want to take care of it just as much as everyone else who is part of our proud community. As my boss, Sanjeev Gupta stated, we are on a mission to be carbon neutral by 2030. Please allow the Tahmoor  
25 South Project and the Wollondilly community to be an integral part of this mission as we work together toward a green steel and energy future for our country. Thank you for your time.

MR BEASLEY: Thank you, Mr Twist. The next speaker is Kirsty Meikle. Are you  
30 there?

MS MEIKLE: I would like to, firstly, thank the Commissioner for allowing me the time today to express my concerns for my family, my property and for the town of Bargo regarding the Tahmoor South mine expansion. Hello, my name is Kirsty  
35 Meikle. I am a homeowner, a resident of Bargo, and a mother of four children. I have a partner who runs our company which is based at our home. I work from home as the only office administration for our company. We have worked hard all our working life so far to have the home that we have. I'm against the Tahmoor South mine expansion. Can I ask everyone just to imagine their own home, how  
40 much you love being there and the memories that you have created there.

Now imagine what it would be like to have that home damaged in the way of a fire, flooding or mine subsidence. It would be devastating, would it not? Well, I may have the trifecta. In 2019, my home was threatened by the Wattle Creek fire. Less  
45 than two months after evacuating my family and animals from the threat, my home was inundated with floodwater on a Sunday night and my four children had only our lounge that they could try to sleep on because every bedroom had water go straight

through every one of them. It was an incredibly stressful time and heartbreaking time as I did not think that anything was going to any better. But we just got on with what we needed to get done. We had to.

5 It took a month of having blowers and dehumidifiers in my home to dry it out. We had to move out as every part of our flooring had to be replaced, plus more repairs needed to be done. My home is still to this day not back to the way it was. We're still trying to finish getting repairs done. My concerns are that now with the proposed Tahmoor South Project, if it gets approved, what is in store for my home  
10 then. I have been informed that the expected subsidence will be 1.2 metres with a tilt, as well, but it may not fully happen for 10 years. My home is on a concrete slab. I know the mine has been in Tahmoor for many, many years. I drive past every day and I can definitely hear it both day and night.

15 I'm not for people losing their jobs, but I am against people having their homes damaged or destroyed from this proposal. Everyone knows the saying, "Every man's house is his castle". Well, my home is my castle and I don't think I could mentally handle having it destroyed or damaged by this proposed mine. I do not believe the compensation amount that has been put forward is anywhere near what is needed,  
20 and we will end up with the homeowners being stuck with either having to live in their damaged homes or foot the bill to have their homes repaired, which neither is fair. I feel let down by the local council as we have not had much support from them at all.

25 And to know that they are for this proposal to go ahead is a kick in the guts for residents. I would also like to mention the lack of transparency by the mine in regards to the proposal. We have not had very much information about what the proposal was, nor what may happen to our homes. I had to contact the mine and ask what they believe was going to happen to my home. They also stated that they  
30 would be contacting homeowners to let them know more about the proposal after it was approved. People need the information before, not afterwards.

It seems to me that both the local council and the mine are more concerned about the loss of mining jobs in Tahmoor than the welfare of the residents and families who  
35 live in Bargo. In finishing, I again thank you for your time to express my concerns, and I trust that they were heard and did not fall on deaf ears like it did with the council. I want to thank Nathaniel Smith for supporting the residents of Bargo. It means a lot to feel as if you have someone on our side in this incredibly stressful and scary uncertain time, especially with everything that has happened in our community  
40 in the last 14 months. There has been a lot to deal with. Thank you.

MR BEASLEY: Thank you, Mrs Meikle. Our next speaker is Allan Bell. Mr Bell.

45 MR BELL: Thank you. This is a submission from Allan Bell to the Independent Planning Commission regarding the Tahmoor South Public Hearing to consider an extension of longwall mining under the township of Bargo. Up front, I submit that the IPC reject the proposal to extend the mining operations under the township of

Bargo. Some background. My name is Allan Bell and I'm a 35 year resident of Bargo. I purchased the land in 1980 and I built my family home in 1985. When I purchased the land in good faith and built my home in the 1980s, I, like I'm sure lots of other Bargo residents, gave little regard to the possible mine subsidence issues.

5

I expected a quiet, safe place to live and raise a family where I could enjoy a quiet life in a rural setting. I must declare that my self interest in all of this is that of a property owner concerned about the possible effects of land subsidence from the proposed longwall mining, both for my fellow landowners in the Bargo community, and also on my own personal property. The possible effects of the proposal include potential economic loss – that's the value of your property – concern and anxiety regarding possible subsidence damage over a period of time that may or may not occur, the potential inadequacy of the reparation and compensation process when and if subsidence might occur.

15

My reasoning: there are a number of stakeholders to this proposal: the State Government, the New South Wales economy, the mining company, local businesses and local community, the miners as employees, the local council, and, of course, local landowners and property owners. The proposal to extend the mine appears to benefit all of the stakeholders I've mentioned with the exception of the last group of stakeholders, that is, the local property owners. That is, the local property owners appear to be carrying all the risks, but do not enjoy any of the direct benefits. Conversely, the government, the mining company, the council, the miners have got everything to gain from the proposal and very little exposure to negative consequences.

25

I have to say that there has been a clear lack of information and guidance regarding the possible impact on Bargo properties, including my property, that happen to be outside the area of the 140-odd identified properties that are located directly under the proposed mining. It's as if the proposed mining extension may well have no current or future effect on those properties outside of the 140 properties mentioned. I also have a concern about the possibility of future additional applications to further extend mining operations once the proposed shafts would be exhausted. Much has been made of the proposal being about the retention or even possible increase in local employment at the mine.

30

35

The reality is that over the 200 years of colonisation in Australia mining operations have come and gone on the basis of the sustainability of mines. As ore gets exhausted, the mines close down. It's certainly not an intergenerational occupation that's guaranteed to occur in one area or one location. As someone who has been redundant three times during my working life, employment permanency, whether it be in government or private business, simply doesn't exist. Notwithstanding that, I've got no wish to see any miner lose their jobs.

40

45

There have been a significant number of horror stories from property owners in the surrounding district that have already been subject to subsidence issues, and have found the whole conversation process through the Mine Subsidence or Advisory

Board to be less than satisfactory in terms of both equity, financial adequacy, response, timeliness, emotional impact, and in the management of that. As a risk mitigation strategy, I would have to describe the conversation process as either ineffective, inconsistent, or weak. A risk assessment of mine subsidence caused by the proposal: the likelihood of land subsidence and consequent damage to existing properties would be, by the Applicant, that is, the mining company's own information, be considered extremely likely.

And the potential consequence would be rated as significant or catastrophic to some impacted landowners. This would give the overall risk rating for land subsidence due to the proposal to be high or extreme. The only mitigation being offered for this is the conversation process post occurrence of damage, and that has a history of not being very effective. It's a bit like closing the gate after the horse has bolted, and you might not get your horse or, in fact, your house back. The application: presumably, mining under Bargo is not the only location for a potential coalmining extension.

It must be said that the Applicant, the mining company, presumably on a financial bottom line basis finds it less expensive to extend the current existing mining operations where they are, rather than relocating to an area that does not impact upon landowners. So this is clearly a dollar-driven decision by the mines, not about necessarily ensuring that miners keep their jobs. Despite the original proposal being amended from an initial 570 potential affected properties to 140, really, one affected property is one too many. It really does undermine the good faith in the planning process.

In summary, as a matter of policy, a matter of planning policy, proposals to longwall mine under existing approved, authorised housing developments are high risk, potentially impacting existing occupants and, therefore, should simply not occur. In summary, I simply ask that the IPC reject the mining extension proposal based on unacceptable subsidence risks to the local property owners. I thank you very much for the opportunity to express my opinion.

MR BEASLEY: Thank you, sir. Next speaker is Bruce Beard.

MR BEARD: Yes. Can you hear me and see me?

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

MR BEARD: Okay. Hello to the Commissioners and the like experts at your disposal in the background. Thanks for your time. I indeed hope you have good judgment and can stand up for what is right, just and fair. Also, I shout out to all the ladies and gentlemen in the online audience, who obviously have an invested interest in the Public Hearing for the Tahmoor South Coal Mine Project. From myself, there will be no video or PowerPoint presentation. I'm reading straight from my notes, including my observation noted good or bad from others speaking in the Public Hearing in

the last few days, if time permits. I would like to indicate that I oppose the project Tahmoor South Coal Mine from Applicant SIMEC.

5 I'm not just doing this for myself and my family of five. I'm getting upset. I'm  
doing this for all of Bargo. I will try to compose myself, which I've already lost it,  
which is a bit annoying, when presenting this as the proposed project and expected  
subsidence flow-on effect is causing considerable pain, sleepless nights, and concern  
already, even heartbreak and despair. I've been upset many times in the past – with  
10 the past cases of stories heard and the warnings and the prospect to my – to me and  
my family about going through the same experience, and it's only the early days for  
Bargo.

We all, including the New South Wales Government, the Department of Planning, all  
15 need to learn from history and not repeat the same mistakes over and over again.  
There are so many issues with this proposed project. Even the IPCs own  
recommendations are not enough. We even have people presenting the issues giving  
past advice and sad experiences and standing up for Bargo, even though not  
physically located on the new proposed project. Everyone with common decency  
and social and moral properties see they are trying to help, so this does not happen to  
20 more and more people again to another town. Obviously, my views of this matters  
and other people and experts in their own fields support my view.

The New South Wales Department of Planning and the EPI have not covered it all.  
25 We know that, not covered it all, this project, and their reports and their findings,  
rulings and regulations fall way short of what is expected of them. We do need an  
independent commission like yourself to check for everything like quality control to  
see that all is well, correct and just to make sure that the New South Wales  
Department of Planning has got it right, the reports are accurate and up to date,  
because we've seen they're not, and the whole project application fits in and  
30 conforms with New South Wales legislation and defined measures and  
considerations of public expectations.

There are definitely inconsistencies in these reports, and the project does not conform  
to the above. Even though you're not necessarily a watch dog for the public to use,  
35 say, we can see there is a lot of factual evidence against the project that has been  
ignored by the DPIE of very high quality, and I'm very highly concerned locally in  
Bargo there is a chance of the project being improved by the DPIE pending on the  
IPC view of things. First of all, I want to point out that I'm a Bargo resident,  
obviously, for the last 20 years, within the 20 millimetre science contour on the main  
40 road, but not currently directly over a listed longwall at the moment.

We are likely to have subsidence as per the map within the 20 millimetre contour, I  
estimate only two to 300 metres from longwalls that you see proposed. But that can  
change drastically any time as SIMEC intend to mine three Tahmoor South coal  
45 mining domains now and in the future, as indicated in the documents in the meetings  
of the Tahmoor Colliery community, consultative community meeting in September.  
Thus, most likely my home as part of Bargo will incur incurable damage, not to

mention my health and wellbeing, which has already been affected, also that of my family, local friends and neighbours. My home is constructed on piers, which I heard can fall over from previous examples, with other slabs which can split in half, the barn and garage.

5

We have an inground swimming pool, that I heard can pop out. From past experiences, I've heard that happened before at other sites; many outbuildings. I have a septic system that has a line of flow that has to flow out. You don't want it flowing back into your house. Fruit trees, paving, retaining walls, established gardens. To understate it, all of these may well be ..... . It's a huge concern with the carnage to come. I don't want ..... , no matter what the compensation, no matter what the money. It wouldn't be enough. There is also a large dam next door to us. What will happen to that? I've heard so many of them being broken.

15

It's been a hard year or Bargo, known as shaky ground to the indigenous people. And Wollondilly, known as water running over rocks. Well, that water doesn't run over the rocks down at ..... . Shaky ground, yes, it's going to be even more shakier. It has suffered already. The drought, then the bushfires, and localised flooding, then Corona virus. Do you really want to put us through more hardship? When the bushfires that ravaged Bargo and Wollondilly, we saw the priority was to save lives, first of all, then houses and property. Even firefighters died doing this. So why is it now a proposal that the houses of Bargo are expendable? It's rubbish. It's unbelievable.

25

At first, I really did not know where to start with my presentation because there are so many things wrong with this proposed project. I'd put so much together ..... 3 o'clock in the morning putting to together. It's unbelievable. In the last few days watching the IPC meeting, so many people like experts against the project point out specific reasons why it should not be approved using words like "on this alone, it should not be approved". Then they use an example. They had enough grounds, enough weight on that point now that the project should be rejected. Then they list another reason and another reason. How many reasons do we need, seriously?

30

35

During 2020, we were not able to attend the public meeting or protest the proposed mine because Corona set us back months and pushed the timeline because we were applying the process and gather evidence on SIMEC's failures. For example, see the next one. SIMEC's own newsletter, April 2020, the question was answered. Section ..... , last paragraph: "Does the mine discharge water into local creeks?" They skirt around the question and go on about water quality testing instead of answering the word, "Yes, they do". Then they give that crap answer. How can we trust them when they got caught out in the same month, April 2020, by independent testing at Teatree Hollow by the WSU, and again in March.

40

45

In fact, from their information – the informative water presentation, I've seen in the last few months the water treatment process is 11 years overdue by the Tahmoor Coal Mining Company ..... on their interim process. So they're 11 years behind. Like, they're not bidding by the rules at all. I don't mean to be rude and waste time

now in my presentation because I won't get through it in time. If we get stuck on the points I'm about to raise, I ask the following to be noted. I ask the Commissioners to find out, and make public following, where are the three SIMEC Tah Mine – let me start again. Where are the three SIMEC – three Tahmoor South mining domains going to be?

This is of public interest and will show more homes will be affected, note more homes. What are the boundary leases – lease boundaries on the mine plan image? We also know that Tahmoor North was modified five times for the benefit of the mines. So what chance has Bargo got – and nearby towns – got to survive when they can change things after getting their initial approval? Why can they change it after? I don't understand. We see that SIMEC Mine has removed two longwalls from the original proposal and, of course, they started off with an unacceptable grab of a high number of longwalls and extra width and height of the longwalls to maximise profitability, otherwise it probably wouldn't have been profitable.

Why also are they doing this? To make a profit. It is not about jobs. They've shown they can't be trusted. They don't even care – they don't care about Bargo at all. All they're – it's their intent to mine all of Bargo. This is what we need to understand, all of Bargo, and this is just the start, no matter the damage they cause or leave behind. We seem to be talking only about the 143 houses directly above longwalls. This is a disaster in its own right. It's called inappropriate mining. Mining under an established town, not just the town centre. You've got to remember Bargo is not just the town centre. You know, there's – all right? So we're not talking just about the town centre.

There's others have all sat down. Don't kid yourself. The 800-plus houses from the previous longwalls that are now removed are still next to existing longwall proposals. They are still affected – they will still be affected by subsidence. So all they have done is lower the risk associated with these 800 homes. It is a sleight of hand by SIMEC PR divisions to take out 800-plus figure from homes to make them look better. In fact, 143 is really bad, but 800-plus cannot be counted out when it comes to subsidence. SIMEC will likely do two longwalls later under them anyway. We need a written guarantee that they won't even touch these. Like, you know, this is just the start of it.

The house figures effect by site will only get worse if the proposed project is approved because of SIMECs three domains in Bargo. How many more Bargo homes will be affected if the project is approved? I looked up 1608 homes as per the 2016 census. This only indicates private dwellings. It does not include other amenities and buildings like churches, schools, business, sport fields. The list goes on and on and on. I see in the local paper The District Reporter reported January 29 2009, as quoted:

*Matt Johnson, spokesman for SIMEC Mines, said the current coking coal will be exhausted in 18 months, which means if Tahmoor South is not approved we can no longer mine in the area.*

How true is this, or is this another misleading bit of information from the SIMEC people? I would like to, and probably all of Bargo, hold Mr Johnson to his word on this statement that we can no longer mine in the area. I note the old project of the Maldon Cement Works in Picton. This project got approval and was to create  
5 hundreds of jobs. I see today the site is run by 10 onsite staff due to automation processes. How long is it before the mining company SIMEC replace all their staff with cheap automation options? How far are we from this? I know it firsthand. In another Queensland mining company they used automation to steer the huge massive dump trucks, or whatever they call them, that run around the open-cut mine.

10 This technology is over five years old. All of us at Bargo prefer not to have to decide this, no matter – no one wants this anywhere. Even the miners say it’s unfortunate, which is a gross understatement. It’s more than unfortunate. It’s devastating. It’s a disaster. This will be the worst level of subsidence ever seen in the New South  
15 Wales southern coalfields. Commissioners, don’t let the mine start here. Even the basic definition in Wikipedia talks about – in subsidence – concludes – and this is just the layman person can look up Wikipedia, “What does subsidence mean?” When mine activities plan, mine induced subsidence can be successfully managed if there is cooperation from all the stakeholders. This is accomplished through a  
20 combination of careful planning.

Now, what are we looking at now at the moment? Careful planning. And take preventative measures and carry out all repairs post-mining. They make it sound so simple, don’t they, yet there’s a big “if” on the first line - all stakeholders including  
25 the government and the mine play their roles in careful mine planning, preventative measures and carry out repairs. We can see this is not occurring on this proposed project and the past project at Tahmoor Coal. I don’t have enough time to cover the subject of subsidence damage and the faulty claim processes by the previous Subsidence Board or the current Mining Subsidence Advisory Board.

30 This has been pointed out many times in the last few years; heartbreaking, many lives – real stories, horrific stories and injustice that those people had to endure. I’ve shed many a tear over this and it makes me so upset, so sad. It’s so unfair. This is not careful mining. Think about the words “careful”. The IPC need to step in and not approve this mine project. SIMEC is putting forward inappropriate mining. I  
35 cannot stress this too much, inappropriate mining. There are plenty other options to get coking coal elsewhere, even on Crown land. Remember the mining was going to close anyway – right – a few years back. The miners had plenty of time to adjust to this if this happened. They’ve known since 2016, 2018 the mine was going to close  
40 anyway. I’ve had three retrenchments in my life, working life, and adapted, and have after the last one changed careers to another sector. It is ludicrous to suggest from the supporting mining people that still production will come to a grinding halt because Tahmoor South Project will be – is rejected and the mine closes. All right. That’s ludicrous.

45 The current miners may have to travel further for their employment opportunities, like the Illawarra. I know – I know of one, but not personally, a Tahmoor resident,

he's a family man, he works in the Hunter Valley. It must – it must pay enough for him to travel there; right? So this – they want the high-paying money, they have to travel. I've had to travel all my life to work. From listening from the miners the last few days, they are more highly skilled than myself. Here are electrical engineers and  
5 electricians, etcetera, etcetera, and in my opinion should have no issue finding another similar job. I also disregard one of the mining supporters to indicate that the area will turn into a ghost town if the mining people leave. That's absolute rubbish, seriously. The place will just start expanding, people want to be living in too – even more.

10 Tahmoor is a great place to live and is growing. It's affordable compared to Sydney suburbs and where I live is only one minute from the freeway, the main motorway, and has as easy access as the preferred Wilton location from the freeway but even cheaper to buy land and house here. Preventative measures – talking about the fact  
15 that Wikipedia is one of the things that – don't mine under established towns, don't mine under houses. Don't just monitor them and hope for the best. If the mine does this – sorry, the mine does this, they shut their eyes and just keep mining. You know, they don't care. Carry out repairs post-mining is another thing that we talk about, how it's been successful.

20 If only this were the case. It's a quagmire of events with delays built in. Where is the money to cover this? 13.8 million does not cover it. Compared to Tahmoor, we know Bargo is going to be 40 per cent more, like, damaged, with subsidence up to 1.605 metres. All right. Less budget allocated for repairs, worse subsoil in Bargo.  
25 We know the claims of repair processes don't work. See this in failed cases of Picton, Tahmoor, Douglas Park, etcetera, all underestimated and not fully compensated while other claims are rejected. For example, 40 per cent of – 43 per cent of claims from August 2016 to 2017 were rejected.

30 Even all the miners and the CFMMEU ..... in their own presentation agreed there is an issue with the claims process and a shortfall with the compensation, and there should be an overhaul of the Mine Subsidence Board. Even two councillors said there needs to be an in-between person to mediate, like an ombudsman, say. In the  
35 Picton area, the most current longwall issue – which is currently the last one we heard of because ..... delay – 30 per cent of all the Picton industrial businesses have put in a claim. Over one-third affected so far. See SIMEC's own mining minutes for that.

40 PROF MACKAY: Mr Beard.

MR BEARD: They've got no - - -

PROF MACKAY: Mr Beard. Mr Beard, could I just - - -

45 MR BEARD: Yes.

PROF MACKAY: - - - interrupt for a moment. It's Richard Mackay speaking, the Chair of the panel.

MR BEARD: Yes.

5

PROF MACKAY: You are already somewhat over the additional time that you requested earlier today, so could you please conclude expeditiously.

MR BEARD: Yes. I've got - - -

10

PROF MACKAY: And the Commission would be happy to receive any written submissions you would like to provide to us.

MR BEARD: Yes. Okay. Yes. Yes. I see no benefit if the mine is to go ahead.

15

My family and all – just heartache and despair, including no subdivision. There goes my retirement plan or a chance to sell my property to downsize. You know, in 10 years I'll be wanting to downsize. You, we – you and we need to preserve our natural assets, environment and waterway, groundwater dams, the Great Artesian Basin, food security, forests, farms, indigenous culture, heritage and values, flora and fauna, koala. As you can see, I don't trust SIMEC and the mining to do the right thing and in reality the facts prove the truth. Please see news articles and reports, just to name a few.

20

They don't even look after their own staff. In March 6th last year, job cuts, contractors were cut out. While announcing a mine expansion, they actually got rid of people, and even with regulations in place, environmental breaches for the EPA in Bargo River April 2020. I've talked about the subsidence claims, 40 per cent. I've seen a leaflet about the koala impact and I'm no greenie but it sounds really bad for the koalas. Long-term mining effects at Thirlmere Lakes, never filled up in so much rain. Even ..... can see that they caused the problem there at the lakes, and then they're pumping out more since they got close to it.

25

30

Benefits are highly overstated. Oxford review crushes Ernst & Young figures. Out of the hundreds of millions of leading calculations by Ernst & Young, the Department of Planning had eight months to work out these benefits and change their reports. Even when they were highlighted to them, they still haven't changed them. Peter Vale uses the words "balanced outcome". Right. I don't think it's balanced outcome. You can't put tilt meters on houses like you put on industrial equipment and if they alarm, then realign them, re-level them in the same way.

40

PROF MACKAY: Mr Beard. Mr Beard, we really do need to wrap this presentation there.

MR BEARD: Yes. I'm - - -

45

PROF MACKAY: We are happy for you to put in a document but - - -

MR BEARD: Yes, I know. This is important because this is talking about the people that own the – SIMEC people use the words lately “friendly and fair”. They say best version of themselves. Just alone with the water issue, let alone subsidence ones, they should be ashamed of themselves in what they have done before and what  
5 they will do if the project is approved. They should hang their head in shame and apologise to the people, a massive long list of victims. Also, how do you apologise to the poor platypus that died in the - - -

MR BEASLEY: Mr Beard, I’m not sure you’re helping now in relation to  
10 these - - -

MR BEARD: I’ve got a few seconds, please. Please, sir.

MR BEASLEY: Some of these submissions.  
15

MR BEARD: I’m one of the last ones to talk and I’m right at the end, so – okay.

MR BEASLEY: Yes. How much longer have you got, sir?

MR BEARD: I’ve got a minute. Okay. Sorry.  
20

MR BEASLEY: Well, we’ll give you 60 seconds.

MR BEARD: Yes. All right. I have not seen any mining staff say they live in  
25 Bargo. It was worked out at the presentation there’s less than 93 miners live in Wollondilly. I can’t believe that one building inspector that the mine gives work to said words of disruption when he’s talking about subsidence. That’s very dismissive and very arrogant. Sanjeev Gupta ..... family owned and important to his family. What about the Bargo families, you know? I hope that Mike Young and Steve  
30 O’Donoghue from the – are watching the presentations, and the unnecessary carnage coming to Bargo, the serious social effects, the damaged environment, the list goes on. Shame, shame, shame.

I have an analogy. Just because there’s water in the dam, doesn’t mean you just go  
35 and use it all. Okay. Same for mining. Obviously there’s no funds and the New South Wales legislation should not have got changed to allow recent mining under Bargo. I thank the Commissioners for their time.

MR BEASLEY: All right. Thanks. Please send that in, it will be considered.  
40 Thank you. Next speakers are Charlie Wheatley and Zina Ainsworth from SIMEC. Hello, the Commissioners have some questions for you. Thank you for attending.

MR WHEATLEY: Thank you.

MR BEASLEY: Thank you. Thank you, Mr Wheatley and Ms Ainsworth, and  
45 could I please explain that the Commission has requested the Applicant to return to the Public Hearing in order to answer some specific questions directly related to

matters that have come up during the Public Hearing, so I'll just ask you to stick to answering the questions, if you wouldn't mind, please. The first question is, the Commission has heard from a number of presenters expressing concerns about their experience of the subsidence remediation and compensation process, including  
5 protracted timing.

During the Commission meeting with the Applicant – a transcript of which is on the Commission website already – it was suggested that Tahmoor Coal would take extra measures to address and redress subsidence impacts. Could you please outline  
10 whether and, if so, how the proposed process for this Application would differ from the Guidelines – Process for Claiming Mine Subsidence Compensation document that has been submitted to the Commission and the current statutory route that's available through Subsidence Australia, please.

15 MR WHEATLEY: Yes. So happy to talk through that process. I would like to begin by acknowledging the Tharawal people, traditional custodians of this land from which I meet with you today, and pay my respects to their elders past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander peoples here today. My name is Charlie Wheatley. I'm the project director for the Tahmoor  
20 South project, and with me today I have Zina Ainsworth, who is the environment and community manager.

So we've prepared a couple of summary slides that we will just share with you as we talk through the steps and the processes. So in order to answer the question, I'll take  
25 you through an overview of the practices that Tahmoor Colliery has employed and will continue to employ, so that property owners within a subsidence-affected zone are aware of the mining process, the mitigation works that we do, and the monitoring and rectification practices that are undertaken before, during and after mining to manage subsidence effects from our mining operations. These practices will be  
30 applied to the Tahmoor South extension project.

I will start by stepping you through pre-mining engagement processes. A fundamental part of our preparatory work we undertake prior to mining is the work done by our community and engagement team led by Zina. This process includes a  
35 range of engagement and communication practices which I will take you through now. Firstly, prior to mining taking place, the Tahmoor Colliery environment and community team will make contact with every individual landholder in the active subsidence area to explain the mining process. This is generally done through face-to-face meetings commencing at least a year prior to mining.  
40

As part of this communication, a resident information package is provided to all landholders, either in person or via post, which explains the mining process, how subsidence works, how the individual landowner may be affected, how we measure subsidence, with the process of lodging a claim with Subsidence Advisory New  
45 South Wales should there be any effects from mining. The information pack also includes a 24-hour contact number for the mine. Community information days are

also held approximately six months and three months prior to mining, similar to the ones that we have held on this project at the Bargo sportsground.

5 This is another opportunity for property owners to speak to the mine in person about their questions and concerns regarding upcoming mining. These community information days are advertised in the local newspapers each week for at least three weeks prior to the meeting. The process for obtaining a free pre-mining inspection – which can be requested through either Subsidence Advisory New South Wales or the mine – is explained and offered to property owners. We continue to encourage all  
10 property owners in the subsidence study area to have a pre-mining inspection carried out.

The inspection is not compulsory, however, it is highly recommended to form a  
15 baseline of the pre-mining condition of the built features of their property. The pre-mining inspection report contains a number of photos, levels and other information relating to the condition of the property and the report is provided to the landholder. With respect to our current mining area, more than 70 per cent of the property owners requested a free mining inspection.

20 I will now explain the mitigation measures that are undertaken. As a result of the pre-mining inspection, mitigation measures may be recommended in order to make structures more resilient to mine subsidence prior to mining. With the permission of the landholder, works are undertaken at no cost to the landholder. For example, this could include additional bracing for a veranda, additional support in a roof truss, or  
25 additional piers. In many cases, the mitigation works involve rectifying issues with the built structures.

As some speakers have already alluded to, the mine also offers landholders the  
30 opportunity to have survey markers installed on their houses or other structures prior to mining. These markers enable subsidence to be accurately measured on the structure and hence better understand the subsidence movements during mining. Substantial surveying of the land in the general area is undertaken prior to mining. This forms a baseline for the pre-mining condition. When mining commences, monitoring is undertaken on a more frequent basis, down to weekly or less in the  
35 active subsidence zone, in order to understand the way the land is responding to mining.

In particular for houses, a licensed building inspector completes weekly inspections on all houses where access has been permitted. During this time, we maintain  
40 contact with landholders in the active subsidence area through a variety of methods. As in the example provided during the hearing on Tuesday, we remain in regular contact with individual landowners, as well as more broadly through community information sessions at a local venue and regular newsletters that are mailed out to residents and posted on our notice board at the local shopping centre.

45 Heritage and more sensitive structures have an additional measure in the form of an individual property subsidence management plan. During active subsidence, a

structures response group meets weekly. This group consists of a structural engineer, licensed builder, subsidence engineer and Tahmoor Mine representatives to discuss the monitoring results and, if required, proactively engage with property owners. I will now explain the subsidence management process and our role in it. Where  
5 effects from mining have been identified, a claim is lodged through the independent government agency Subsidence Advisory New South Wales, which manages the process through legislated timeframes.

10 Again, this process is provided and explained to property owners during the pre-mining engagement with our team and also if any effect from mining has occurred. It is important to note that the legislation regarding subsidence compensation claims changed in 2018 with the new 2017 Coal Mine Subsidence Compensation Act. The previous legislation was introduced in 1961. Significant  
15 changes were made to the new Coal Mine Subsidence Compensation Act to make the process fairer, faster and more community responsive. There were no designated timeframes in the old Subsidence Compensation Act, under which the majority of claims for Tahmoor North were processed.

20 Subsidence Advisory assigns a case manager to each claim to support the property owners and ensure they are treated fairly. The case manager oversees the claim management process, coordinates the independent assessment of damage, and facilitates mine operator involvement at key points of the claims process where damage is a result of an active mining operation. Subsidence Advisory New South  
25 Wales assesses if there are immediate safety and serviceability items to be dealt with, such as sticking doors, sticking windows or water draining in the wrong direction in a bathroom. Tahmoor Mine is committed to responding to these types of matters as quickly as possible.

30 Subsidence Advisory has a 24-hour call line that residents are able to call if they need assistance with subsidence. The mine also has a 24-hour call line for residents to call for assistance. When subsidence is complete, based on monitoring data from a subsidence engineer, Subsidence Advisory New South Wales coordinates an assessment from a panel of expert assessors. This may involve geotechnical studies, structural engineer assessment and a quantity surveyor assessment. The timeframe  
35 for this assessment is legislated to be three months.

40 When the treatment is – when the assessment is completed, a compensation amount will be calculated based on the values from this independent assessment. Some claims have unique circumstances and Tahmoor Mine takes these into consideration in the claim assessment. Tahmoor Mine has and will continue to do as much as possible to assist the property owner. By way of example, the property owner is the claimant and the recipient of the claim outcome, which is similar to an insurance  
45 claim. Under the legislation, there is no process for compensation of tenants within a dwelling. Despite this, Tahmoor Mine has recently offered significant rent compensation and temporary relocation to assist a tenant in order that they were able to relocate whilst repairs were undertaken.

As part of the process, there are avenues for review by the property owner and the mine. In some cases, an agreement is reached between the two parties. If required, the property owner is able to seek an independent review undertaken by the secretary of the Department of Customer Service. This is at no cost to the property owner and  
5 is to be completed within the legislated timeframe of three months. The property owner simply states the issues that they are seeking to review, with no requirement for additional information or studies by the property owner. Should the property owner be dissatisfied by the secretary of customer service's binding determination, the final step for claim resolution is the Land and Environment Court.

10 In closing on this, in its assessment report, the Department of Planning, Industry and Environment states it is satisfied that the Subsidence Advisory New South Wales process is:

15 *A well-established mechanism supported by legislation which is effective in maintaining and restoring structures to a condition equal to or better than their pre-mining state at no financial cost to owners.*

20 We also believe this to be the case. We understand the effect our mining has on people and their homes. We are committed to managing and, where possible, mitigating the effects before, during and after mining. We always listen to community feedback and look at ways to finetune our processes.

25 We have an experienced and dedicated community engagement team who work with individual property owners to apply the processes I have outlined today, so that the effects of mining are dealt with as efficiently and effectively as possible. Thank you.

MR BEASLEY: Thank you. I think Mr - - - go on.

30 MR BEASLEY: I think Professor Fell has a question.

PROF FELL: Yes. Thank you for that presentation. We were told earlier that subsidence shows up about three to six months after roof support for a longwall section is removed. You mentioned active subsidence in your presentation. I'm just  
35 wondering what that means and how soon do you actually do the repair work.

MS AINSWORTH: Sure. It's Zina here. So the active subsidence period is approximately a period of three months. So it's the area above the longwall, 150 metres above the – before the longwall face and 450 behind, so it depends how  
40 fast mining is occurring on what that timeframe is but it's predominantly around a three-month timeframe to be in that active subsidence zone.

PROF FELL: Well, we heard reports of up to five years being given for subsidence still occurring and people's homes had to be almost continuously repaired over that  
45 period. Is that a common situation?

MS AINSWORTH: It depends where the property is located with relation to the longwall. So, for example, properties on the last longwall would have subsidence from a lesser – few number of longwalls. So, yes, it is a dependent thing where the property is located in relation to the longwall.

5

MR BEASLEY: Sorry, that means it does happen – that period of time does happen for some homes or some buildings.

MS AINSWORTH: It could, depending on the location.

10

MR BEASLEY: Right. Yes.

PROF MACKAY: Thank you. During this Public Hearing some concerns have been expressed about challenges for community members in actually receiving information and participating in this process. Could you – and there's also been mention of the Community Consultative Committee. Can you please just outline briefly how the Community Consultative Committee for Tahmoor South Mine operates or for Tahmoor Mine operates?

15

20

MS AINSWORTH: Sure. We have an independent chair that facilitates the meeting. The meeting is made up of representatives from Tahmoor Mine and community representatives. We have a terms of reference that we abide to. The minutes are available on the website. We meet quarterly at the mine site and it's an opportunity for two-way communication between the mine site and the representatives of the community.

25

PROF MACKAY: And how is it accessible to community members, please?

MS AINSWORTH: So people can apply to be members on that Committee.

30

PROF MACKAY: But for a member of the community who wants the Committee to consider something, what is the mechanism, please?

MS AINSWORTH: Sure. So a question could be put forward to the chair or any of those representatives on the Committee.

35

PROF MACKAY: Thank you. And in relation to the subsidence remediation and compensation, a number of presenters have expressed concerns that if for any reason the mine were to cease to operate within its projected lifespan, or even as envisaged, there's actually an insufficient resource allowance available to cover the likely claim for compensation for subsidence damage. Could you please comment on what would happen to any claims that would post-date mine closure?

40

MS AINSWORTH: So irrespective of – so – yes. Tahmoor Mine will cover the costs required to compensate properties impacted by subsidence.

45

PROF MACKAY: And if the mine has closed – so if market conditions were to change such that the mine closed or the mine is fully mined out in accordance with an approval, and the claim arises subsequently, how does that process operate, please?

5

MR WHEATLEY: We'll take that question on notice, Commissioner, and provide a response to that in our submission.

PROF MACKAY: Thank you, that would be much appreciated and that response will be published on the Commission website.

10

MR WHEATLEY: Yes.

PROF MACKAY: I think Commissioner Fell has one final question.

15

PROF FELL: Perhaps even two but if you'll forgive me. The building standards were changed some time back. I just wonder to what extent they actually give proof of how a house responds to subsidence. In other words, if the building - - -

MS AINSWORTH: So Subsidence Advisory has – sorry.

20

PROF FELL: Please, if you're building in an area that's known to have mining subsidence, you have to adopt slightly different building standards. I'm wondering to what extent they actually give you a measure of proof against subsidence from longwall mining.

25

MS AINSWORTH: Sure. There are a number of guidelines set by Subsidence Advisory regarding the building standards and they are three different sets of subsidence that they cover. I don't know the numbers off the top of my head but it is for different levels of subsidence and the building standards relate to those three separate guidelines. So we can provide those guidelines, if that's helpful.

30

PROF FELL: That will be helpful, thank you. Give me a moment.

PROF MACKAY: Look, thank you. Thank you for returning to the Public Hearing to answer those questions related to matters that arose, and as I said a moment ago, when we receive further answers or material from the Applicant we will publish those on the Commission website. So thank you again for your re-attendance.

35

MR WHEATLEY: Thank you for the time, Commissioners.

40

MS AINSWORTH: Thank you.

PROF FELL: Thank you.

45

MR BEASLEY: All right. I think we now have – to answer some questions from the Commissioners we have Mr Young and Mr O’Donoghue from Department of Planning, Industry and Environment back. We’ve got Mr Young on the screen.

5 MR YOUNG: Yes. Yes, good afternoon, Commissioners.

PROF MACKAY: Thank you, Mr Young, and, look, thank you for returning to the Public Hearing. As was the case with the Applicant, the Commission would like to take the opportunity to ask some supplementary questions that arise from matters raised during the Public Hearing, please. The first of them relates to the net present benefit value calculations. The Commission received a presentation from Mr Roderick Campbell from The Australia Institute and in this presentation Mr Campbell expressed concerns at some aspects of the economic modelling relating to this application, in particular drawing attention to the peer review by Oxford Economics which suggests that benefits to workers amounting to more than \$264 million should be omitted from the cost benefit analysis.

Now, in net present value terms this would have a material impact on the assessed benefits to New South Wales. The Department’s assessment report notes this suggestion but has nevertheless included that benefit in the predicted net present value benefits to New South Wales of just under \$665 million. Could the Department please comment on the basis for this decision and calculation method?

MR YOUNG: Sure. Thank you, Commissioners, and I’m assisted by Steve O’Donoghue, Director of Resource Assessments in my team, but I’ll kick off in regard to the issue around the cost benefit analysis. We’re certainly aware of the concerns around – that have been raised by The Australia Institute and note that the economic impact assessment was done in accordance with the guidelines but also the notes of Oxford Economics in regard to those benefits, in terms of the workers and also the greenhouse gas issue. We certainly in our report agreed or noted those findings of Oxford Economics, and regardless of whether you include them or don’t include them – and I guess there’s different arguments about whether you ought to – the net economic benefit is still substantially positive, I think in the order of about \$448 million - - -

35

PROF MACKAY: Yes.

MR YOUNG: - - - instead of the quoted figure in our report. So even with those things taken into consideration, we were satisfied that from an economic efficiency point of view – and I know it’s not necessarily the determinative factor but one factor to consider in the assessment process – that it was fundamentally positive and therefore economically efficient in accordance with the economic impact assessment guidelines that Treasury has published.

45 PROF MACKAY: So if I understand that reply, the basis that the Department has used is the New South Wales Treasury guidelines, notwithstanding the alternate expressed by Oxford Economics.

MR YOUNG: That's correct, and if one assumes a zero worker benefit and takes off, you know, \$270 million and a proportion also for greenhouse gas emission costs, you're still in a very substantial net positive NPV for New South Wales, even taking those factors into consideration.

5

MR BEASLEY: I think Oxford - - -

MR O'DONOGHUE: Mike, just one – just there, one point too. It's not just the Treasury guidelines or the earlier guidelines, it's the - - -

10

MR YOUNG: Sorry, the updated ones that the New South Wales government published in 2015. Yes, I apologise.

MR BEASLEY: Yes. I think another thing Mr Campbell raised – and I'm sure the Commissioners would be interested to hear your views on this. I think the Oxford report – independent report you had, Commission – says if greenhouse gas emissions were assessed at the global level, then they said net benefit is about 417 million in NPV terms, but one of the things that Mr Campbell raised was that there hasn't been sufficient factoring in, in his view, about the uncertainty about the long-term demand for coal and perhaps the precarious nature for the demand for coal. I know this is coking coal but he raised that as an issue, so I'm sure the Commissioners would be interested to hear your response in relation to that.

MR YOUNG: Yes. We've certainly in our assessment report and supporting documents looked at, I guess, the – looked at the strategic context, in terms of Australian and international demand for coking coal in particular, and I think you've also heard from the company that they've obviously got a number of key customers, both in Australia and potentially overseas, that would be potentially interested in the coking coal for – to purchase that, should the mine proceed and produce coal for those markets.

But it's clear that in the strategic statement for coal that was released late last year by the New South Wales Government that whilst we are moving towards a renewable energy future and transitioning away from coal both in Australia and arguably overseas as well at various rates, depending on which country you're talking about, that the forward demand or forecast is still strong for both, in fact, thermal and coking coal, and, if anything, more certain for coking coal, given its role in steel making.

I would – I don't pretend to be an expert in these matters but, for example, you know, BlueScope Steel is proposing to spend a significant amount of money refurbishing its blast furnace at Port Kembla to be used using coking coal as the primary fuel, and whilst there may be pilot-scale projects and a gradual transition to hydrogen to produce so-called green steel, those investments and those changes would be many years off and well beyond the 10 or 12 years that we're talking about in terms of the scope of this particular project.

The other thing I would say is in terms of the economic efficiency and the application of the guidelines, and my understanding is that certain sensitivities were included in that NPV estimation around coking coal demand and particularly in regard to prices within the market, and that even within that sensitivity analysis, it was still found to be a significantly positive economic proposition to proceed with the project. But, clearly, at the end of the day, Mr Beasley, I would say that, well, if the demand is not there and the price is not right, then the project won't be developed.

10 MR BEASLEY: Yes.

MR YOUNG: Or it will be – or it will cease earlier than expected.

MR BEASLEY: Yes. Yes. I think Professor Fell has a question.

15

PROF FELL: A question in a different area. You mention in your assessment report that the Department feels there is a sound mechanism for compensating homeowners whose properties are damaged by mine subsidence. Over the last couple of days we've heard quite a few homeowners who've been affected by this, who are not entirely satisfied with the process. Any comments on that?

20

MR YOUNG: Yes. Look, thank you - - -

PROF FELL: I realise you haven't had the benefit of listening to them all but if I can simply say - - -

25

MR YOUNG: We've certainly – no, we have been listening. Either myself or people from the team have been listening throughout, so we're certainly – and I guess I'd preface my response to that, Professor Fell, to say that, look, we certainly – having been involved in these sorts of issues for many years, and I'd certainly take the point that if I was a person living in those areas, you know, I'd obviously be very concerned, and particularly if people are quoting anecdotal evidence around, you know, issues - - -

30

35 PROF FELL: Yes.

MR YOUNG: - - - historically with how these things are managed. Now, I think what the Department's position is, that – I guess, that – firstly, that, you know, this is in an area where there is a mine subsidence district declared and a mining lease and a resource identified for potential extractions, subject to detailed assessment and so forth, that houses and other infrastructure, including State Heritage items, if we come to that – the Wirrimbirra Sanctuary – have been undermined for many years and there has been a process of compensation and repair and so forth.

40

45 But I think the government did recognise that reform was needed and the process needed to be improved, which is why there was those legislative amendments in 2017 and the establishment of Subsidence Advisory New South Wales, as opposed to

the old Mine Subsidence Board. And there's various changes and statutory timeframes and so forth that were articulated by the company in the previous presentation, but I would – I don't propose to go through all of that detail again that clearly the company has gone through in some detail, however, you know, the mine –  
5 Subsidence Advisory New South Wales does have very clear guidance, very clear processes to manage these things.

I think the difficulty that the Commission has and, indeed, we have in assessing the project is as opposed to, say, dust and noise, it's very difficult to precisely identify  
10 the house in question prior to – you can make a stab at it but prior to the actual impacts occurring and the nature and extent of those impacts will depend on the subsidence, the tilts and strains, the – whether it's affected by a number of longwalls, and also the nature of the building itself. So it is one of those things that the nature and extent of those impacts doesn't emerge until closer to the time, which I  
15 understand provides a significant amount of uncertainty.

Now, what we have attempted to do in the absence of being technically able to identify the houses that may be significantly impacted, is that I guess we've used – in addition to the statutory regime that is in place and I guess endorsed by the  
20 Parliament of New South Wales – that we have also used the planning recommended conditions to overlay an additional element of certainty or additional element of compensation, such that those houses that are identified within a certain category – being R5, 4 or 5, or indeed R3 if it's impacted by more than one longwall, which goes to that point about the duration of the impact – that we would seek to provide  
25 those landowners with acquisition rights, which I think is only fair and reasonable.

That if they don't want to go through this repair and rebuilding or monitoring process and independent reviews by engineers, and all those sorts of things, that we think it's  
30 only reasonable that they be able to put up their hand and go through a different process that would enable them to be compensated and bought out, and be able to move on with their lives, notwithstanding the fact that we realise that is still a very significant impact on people who live in and around the proposed mine footprint.

PROF FELL: Thank you for that clarification.  
35

MR YOUNG: Steve, did you have anything to add there?

MR O'DONOGHUE: No. And I think the important point, Mike, about the acquisition process – and that – within our discussions with Subsidence Advisory  
40 New South Wales, the process – that process can be managed through their regulatory regime as well.

PROF FELL: Thank you.

45 MR YOUNG: And I certainly took the point about the ombudsman, and I guess I would argue that the independent review process through the Department of Customer Service, I guess in some ways acts as a kind of an independent reviewer

slash, you know, ombudsman to have a fresh look at some of these issues, should the mine, the landowner and Subsidence Advisory New South Wales fail to reach a satisfactory outcome for the landowner involved.

5 PROF FELL: Thank you.

PROF MACKAY: Perhaps moving on to another area that arose during the Public Hearing, there were concerns expressed about the eventual mine closure, whether that be after full mining or because of market forces, and the legacy impacts. You know, particularly the long-term position with the Bargo Waste Management facility and the REA site, for example. Should the Commission be of a mind to approve this application, would there be any additional considerations or perhaps potential conditions related to mine closure that it would be appropriate for the Commission to consider? Things that might be layered in, in additional to existing arrangements related to the current approval, please.

MR YOUNG: Yes. Sure, Commissioner. I guess it's important to note a few things in regard to those mine closure and rehabilitation issues, both during and, arguably, post-mining. And obviously the Commission is aware of the current arrangements with the resource regulator under the Mining Act and the need for mining bonds, and the fact that whilst mining may cease at a particular time, the company's not in a position or able to relinquish its mining lease unless and until it's signed off by government that all its rehabilitation and closure responsibilities have been undertaken.

And that can often take a number of years because those are not trivial exercises, and the government holds a rehabilitation bond against the fulfilment of those obligations, so even if the mine is insolvent, those obligations could still be implemented by the government. And I know there's concerns about the nature and how those are costed, and so forth, but that's really a matter for the Resource Regulator, and I know that they've updated and strengthened their position regarding increasing those bonds for mining companies.

In regard to, I guess, additional things on top of the existing regulatory arrangements, firstly, I'd say in regard to the rejects emplacement areas that, I guess, that is already there and the proposal is to obviously increase the size of it but – you know, particularly in regards to its height and some aerial extent, but the nature and extent of the aerial increase in the size of that rejects emplacement area has obviously changed through some of the amendments to the project. And obviously with mining, you know, 30 per cent less coal, there's obviously going to be less material that would need to be emplaced over time.

The other thing I would say is that it's – that we would include a range of conditions where the company would have to describe how it would rehabilitate that site, what management measures would be put in place, and that would have to be approved by the secretary in consultation with the resource regulator and other, you know – other government agencies such as DPIE Water and council. But happy to circle back to

that question, in terms of the rejects emplacement, if that's not what you're looking for, but in terms of the Bargo Waste Management facility, clearly that's a ..... licence. You know, class 2 landfill licensed by the EPA. There have been some ongoing issues there with discharge of leachate and so forth into the adjacent creek over time.

5 There's been some implementation of some temporary or interim management measures, and I understand council's proposing to implement more significant measures as that landfill is progressively closed and rehabilitated in the relatively near future.

10 And in addition to that, we have recommended that a technical committee be established – which is something that we would not normally do – that would have relevant representation from council and the company, and also technical representation, in terms of geotechnical engineers and other sorts of experts, to provide advice to the department and to the mine and, indeed, other stakeholders  
15 such as council about how the sorts of issues in terms of long-term – any issues during mining and any subsidence impacts can and should be managed, including things like strengthening or augmenting any of the proposed leachate capture system and treatment system, and/or address any impacts that may occur once mining has ceased.

20 Although, as we've heard, the subsidence impacts do tend to occur, you know, relatively quickly and I would argue that in the case of those facilities, the impacts of subsidence would be experienced, you know, well before any mining lease or any other obligations were relinquished by the state government, and so the mining  
25 company would be obliged to address those issues under its consent and, indeed, under its mining obligations. So that's, I guess, something in addition to what we'd normally require for an underground mine, given the sensitivities around the waste management facility in particular. But, Steve, was there something there else that you wanted to mention?

30 MR O'DONOGHUE: Well, just in relation to the waste facility. Certainly the way the conditions are working, a concern of council was the investigation costs into doing those studies, including monitoring – groundwater monitoring and geotechnical aspects – as part of it. So we've certainly incorporated in – you know,  
35 the longwall mining won't be ready till about 2024, so there's a period of time to do a number of investigations to feed into, you know, what controls and measures can be put in through the technical committee and, you know, to be funded, you know, by the company to do that. Probably the only other - - -

40 MR YOUNG: Recognising that it would be eventually undermined - - -

MR O'DONOGHUE: That's right.

45 MR YOUNG: - - - if the project proceeds. Yes.

MR O'DONOGHUE: And then there would be the ongoing monitoring costs that would be, you know, funded by the company as well to look at the controls, the

effectiveness of the controls, and whether any further remediation was required. Probably just in terms of overall rehab, I guess the other important point, apart from the rejects emplacement area, the entire service infrastructure side and ventilation shafts would also be incorporated into the rehabilitation and rehabilitation bond. So  
5 even though they're covered under earlier consents, this consent for a lease for the surface infrastructure area would be – the rehabilitation bonds would be covered into the one consent.

PROF MACKAY: Thank you. Thank you. Again, if I might switch subject matter.  
10 The Public Hearing has heard a number of presentations and submissions about greenhouse gas, and in relation to greenhouse gas emissions, the presentation from Mr Floro from the EDO proposed that if the Commission were of a mind to approve the application – and that would be despite all the other concerns that the EDO expressed – then they were of the view that the Scope 1, 2 and 3 greenhouse gas  
15 emissions should be fully offset. Could the Department please comment on the merits of requiring any offsets for greenhouse gas emissions, please?

MR YOUNG: Yes, thank you, Commissioner. It's Mike Young. Yes, it's a  
20 common issue raised by the EDO and other stakeholders concerned about the greenhouse emissions, particularly from coalmining in New South Wales and elsewhere, and certainly the Department has for many years assessed the potential greenhouse gas emissions Scope 1, 2 and 3 from coalmining proposals. However, the position of the New South Wales Government is that things like overall  
25 greenhouse gas emission and NDCs and international agreements, and so forth, are really a matter that is managed globally, so to speak, and nationally, and that it's not – there's no policy in place, either at the state or federal level, to specifically regulate or restrict greenhouse gas emissions from individual projects.

That being said, in regard to this particular project as an underground coalmine, and  
30 recognising that it is relatively gassy, so to speak, compared to some other mines, that it is actually one of the few mines that has a system in place that obviously is going to continue, should it be approved and continue, to capture 99 per cent of the gas drainage or the gas that's emitted from the mine in the form of methane, and to either flare or use that for power generation. So I think that question was put to us  
35 earlier in the week and in this situation, actually a very large percentage – in fact, I'm advised 99 per cent is actually captured for that purpose.

Now, there's obviously a small percentage then that is a fugitive, so to speak, and as  
40 I'd indicated on Monday, there's no technology that we're aware of that can fully capture or address or burn, so to speak, or use that for power generation, because there is a level of fugitive emissions that's just going to occur through those ventilation processes that are needed for OH&S reasons and so forth. However, my  
- - -

45 MR BEASLEY: That's - - -

MR YOUNG: Yes.

MR BEASLEY: You're talking about minimising though, aren't you, not offsetting?

MR YOUNG: Yes. Well, I was getting to the reason as to why I think offsetting  
5 may in this particular case – I guess two things. One is that there's no policy for  
offsetting at either the state or federal government for coalmines or, indeed, other  
major projects. There's no policy basis for that, and I guess what I'm saying is that  
the company has a number of things already in place and is proposing to continue  
10 those, that are not in place at other coalmines to minimise the greenhouse gas  
emissions from the project. And my understanding is that that abatement or that  
minimisation is substantial and that the abated versus unabated, you're talking about  
something in order of an 80 per cent reduction in overall greenhouse equivalent or  
CO2-equivalent tonnages emitted by the mine, so they're not trivial undertakings.

15 And I guess in terms of getting to your particular question, Mr Beasley and  
Commissioners, as I'd indicated, that the Mining SEPP does require the consent  
authority – the IPC in this case to consider greenhouse emissions and including  
downstream emissions. In this case, clearly, Scope 1 and Scope 2 greenhouse gas  
emissions are within the control of the company, and I guess what I've outlined in  
20 addition to normal practice in the mining industry is that this company is proposing  
some additional measures or has in place additional measures to minimise those.

Secondly, I would say that in regard to Scope 3 emissions, that those emissions may  
25 occur either within Australia – if it's used in steelmaking in Australia – or, indeed,  
overseas, but that the New South Wales Government has a clear policy that those  
emissions are accounted for either at those facilities within Australia or, indeed,  
accounted for by the relevant countries to which those – that material is exported and  
then utilised. It's obviously something that we need to consider and we have, but we  
30 don't think that – I guess we're pointing to the fact that there is no policy that  
requires those particular emissions to be offset, but the Mining SEPP does require us  
to look at ways to minimise and I guess what I've outlined is that this particular  
proposal does include some concrete measures to minimise.

I would also say that in regard to the things like the New South Wales climate  
35 change policy framework and the more recent Net Zero Plan which has been issued  
by – released by the New South Wales Government as the first stage in getting to  
that 2050 net zero emission target, that clearly in that policy document that it  
recognises the importance of the mining sector and its importance to state and  
regional economies. And that the – any action on climate change shouldn't  
40 undermine, you know, mining or communities or businesses relying on these  
operations.

MR BEASLEY: Just on that, though – and please feel free to take this on notice  
45 because it's something that came up this morning from Professor Sackett, and if the  
Commissioners are interested, they might want to phrase this question more  
eloquently than I will because it came up. But I think one of the things – I'm sure  
the Commissioners would be interested in your views on this. One of the things

Professor Sackett said was, well, look, there's – okay. The Scope 1 and Scope 2 for this mine are about 0.65 per cent or whatever it is of New South Wales emissions, and if you throw in Scope 3 as well it goes up to just over five per cent.

5 And there are people that think that's – despite the percentages, it's still 90-odd million tonnes of CO2 and that's too much, but she made this point that, okay, they're the percentages but if you factor in, if this is approved, how we wind back to get to the net zero by 2050, it becomes really hard if you approve GHG-intensive projects like this. So I think – and as I said, feel free to take it on notice but that was  
10 the tenor of her submission about if you approve this, it's not just a question of looking at the tonnage figures or the percentages. You've got to look at how do we in the end achieve 2050, and it becomes really hard if projects like this get approved. So I think probably it's better to take it on notice and if the Commissioners want to tidy up how that question's phrased, having looked at Professor Sackett's submission  
15 in detail, that can be done. But if you want to make a comment now, please feel free to - - -

MR YOUNG: Thank you, Mr Beasley, and I fully – and I guess some of my previous comments went to that question, and happy, of course, to take anything  
20 specific on notice, but fundamentally, you know, we agree obviously that one of the significant impacts of coalmining is greenhouse gas emissions, be they Scope 1, 2 or 3. It all contributes to global climate change. I guess what I'm saying is that the clear policy framework at both the Commonwealth and state level don't require consent authorities or don't expect consent authorities to be managing those global  
25 wholistic emissions through decisions on individual DAs within individual states within Australia.

There are far larger policy frameworks in place, be they international, national or indeed within the state, and indeed at the corporate level, that are going to be looking  
30 at addressing that. And clearly New South Wales has a clear policy to transition towards renewables as coal-fired power stations gradually close, but I would also make the point that this is steelmaking coal, and so I think the long-term use of that coal for steelmaking, given BlueScope's – the commentary I made around BlueScope but, indeed, internationally – is that there's likely to be strong demand.  
35

Certainly within the time that this proposal is expected to operate, for that demand to continue, and therefore unless those economic sectoral changes are made within that time period, I think that that demand will be there and there's no policy at this stage to be making decisions on individual DAs on the basis of the fact that they would  
40 emit greenhouse gas emissions. Now, obviously coalmining is a particular concern but there are many other developments that also use fossil fuels, you know, in the industrial and manufacturing arrangements and, you know, I don't think those decisions on those development applications are being made in the context of whether or not they emit greenhouse gas emissions, notwithstanding that I recognise  
45 or the Department fully recognises the importance of minimising and abating and encouraging that transition.

And just on a personal note, you know, I'm also involved in the assessment and consideration of renewable energy projects throughout New South Wales, and there have been a large number of those applications that have been approved and those developments that are now being built, clearly signalling that we are transitioning  
5 towards that renewable energy future. So I'm happy to answer things on notice, of course.

MR BEASLEY: Sure.

10 MR YOUNG: But I guess that's a summary of the Department's reflection on the current policy framework.

MR BEASLEY: Yes. I'll leave it with the Commissioners, if they want to put something in writing to you about what I just raised.

15

MR YOUNG: Sure, yes.

PROF MACKAY: Thank you, Mr Young. Both during our meeting with the Department last week – which is transcribed on the Commission website – and in the  
20 first day of this Public Hearing on the 15th of February, the Department took some questions on notice. Would the Department like to take this opportunity to answer and close off any of those matters now or, indeed, to provide information that might address other matters raised during the course of the Public Hearing or that could not be covered during the Department's initial presentation on the 15th?

25

MR YOUNG: Yes. I think that's a great opportunity, Mr Chair, and I think – in the interests of efficiency, I think we'd like to go through those, and please interrupt us if we're taking too long and you'd prefer to wind things up and have things in writing. And obviously we're prepared to supplement our comments today in writing but –  
30 and in no particular order and be guided by you, but the first matter that I'd like to just quickly discuss is the potential impacts and undermining of the State Heritage-listed sanctuary. The Wirrimbirra Sanctuary which is within – or directly above several of the longwalls that are proposed to be extracted.

35 So with your permission, I'll make some commentary around that. I think in particular you asked whether there are other examples of State Heritage-listed either buildings or other infrastructure that has been undermined in the past. And just by looking at – indeed, at Tahmoor North and the Bulli Seams Operation, so very locally, there's a number of examples – and we're happy to provide those in writing  
40 – of particular heritage items that have been undermined. For example, at Tahmoor House, Queen Victoria Gardens, some relics in Bridge Street in Thirlmere, the Upper Nepean water supply system canal which is to do with Sydney's drinking water, and a place called Beulah. Now, of all of those four out of those five had no observed impacts and one of those had some minor cracking that was then repaired through the  
45 process. So, I guess, I just wanted to give you some examples of the fact that these – it would not be unique or even highly unusual for underground mining to be located beneath heritage items, including those listed on the State Heritage Register.

In terms of the impacts on the Wurrimbirra Sanctuary, and I don't propose to go through this in huge detail, but the impact assessment indicates that there might be some minor structural impacts on some of the existing facilities there: some cottages, the visitor centre, and some other structures, but they are expected to be  
5 very minor and either would need to be repaired or, indeed, so minor that they don't actually need to be repaired and obviously that would be handled through the Subsidence Advisory NSW process. In terms of other sorts of impacts we wouldn't expect that there would be any significant impacts on vegetation or creeks or aquatic environments within the sanctuary. Certainly there's no evidence of very significant  
10 cracking proposed or expected.

If there was any cracking it would be very localised and either would self-repair or could be repaired relatively easily and this is, again, not to, you know, diminish the concerns of the owners of that sanctuary or, indeed, protecting the heritage values,  
15 and they would need to be carefully managed. In terms of not proceeding or excluding that area and not allowing the longwalls beneath that I guess we did touch on that on – I think in our discussion last week that the sanctuary does fall, really, directly within the middle of the proposed longwalls and I think it's clear that any exclusion zone around the sanctuary would effectively sterilise such a significant  
20 volume of coal that I suspect that the project would be unlikely to proceed, but in terms of consultation with heritage – the NSW Heritage Council - the New South Wales, or Heritage NSW recommended that the proposed longwalls not be located beneath the sanctuary and, clearly, that's in line with their statutory obligations to protect heritage listed items.

But as I've said essentially that would involve removing a large number of the longwalls and, I guess, on balance our view was that the nature and extent of the impacts, the fact that there is a history of potentially undermining these sorts of – so there's no prohibition in statute or in practice of not allowing mining beneath  
30 heritage listed items, but the nature and the extent of the impacts were not so significant that it would impact – significantly affect those values or, indeed, you know, interfere with the operation of that facility going forward. So happy to answer any questions on that, but that's our, I guess, follow up to that question asked of us last week.

35  
PROF MACKAY: Thank you. I think if we could accept your offer to just send us in writing the heritage – specific heritage items to which you are making reference, but thank you for that answer.

40 MR YOUNG: Sure. I will do that. Steve, I might hand it over to you, but maybe talking about the arrangements around the existing consents and the surrender of those consents because that's quite a complicated - - -

MR O'DONOGHUE: Yes.

45 MR YOUNG: - - - proposition in the case of this particular project.

MR O'DONOGHUE: Yes, sure. Sure, Mike. There's – there's six different development consents currently in place over various parts of the North Tahmoor mine covering the longwall mining operations, but also the surface and structure area and the reject emplacement area. So we've – we've done a detailed review of, I  
5 guess, those existing consents and what elements should come into the – into the proposed recommended conditions for the – for Tahmoor South but, I guess, it's predominantly within the surface of structure area and reject emplacement area that the intention that all elements of the surface and restructure, you know, ventilation shafts and the reject emplacement area, would be – would come fully into the new  
10 consent over time.

With the consents covering the Tahmoor North area, because since they're out where the longwall mining is occurring and infrastructure there, given that it's outside the development application area those – the mining that would still be undertaken, the  
15 consents that cover that would still need to be active until the mining is ceased, and any rehabilitation undertaken including, you know, under subsidence management plans and extraction plans, you know, until that works have been completed and the opportunity to surrender consents in the future when there's no more work to do on them. I guess, a key one which links in, I guess, a bit more to the South Tahmoor  
20 consent is the 1994 consent where there's potential for water storage in the underground workings in Tahmoor North, so there's still – I guess, one of the options there in discussion in our report is a modification may be required to permit that storage of water in those underground workings.

25 There would still be a need to keep that consent alive as part of that – as part of that process. Probably just the other relevant, too, is that from a noise impact point of view and the way we've structured the conditions the 1994 consent does include noise limits that would still be active, I guess, in regulating the pit type area for a couple of years until the noise mitigation works are done and prior – around the time  
30 the secondary extraction occurring the new consent, you know, if the project proceeded the noise limits would kick in at that point, noting also that there are noise limits for specific destruction activities at the ventilation shaft side that would apply from commencement of the project.

35 MR YOUNG: So, Steve, just in summary because that's – it's a very complicated situation - - -

MR O'DONOGHUE: Yes.

40 MR YOUNG: - - - could I offer the following summary and then correct me if it's not right that of the six existing development consents one of the oldest, the 1975 one, can just be immediately retired or surrendered because it's not doing any work so to speak, that there's four consents that should and can be surrendered relatively quickly once the particular activities under those consents are completed, that the '94  
45 consent would continue to do work both in terms of the surface facilities and operating in regard to noise limits and also that – is that that same consent then that

would need to operate – remain active to allow potential storage of water in those underground workings?

5 MR O'DONOGHUE: Look, that would be – it's the '99 consent.

MR YOUNG: Sorry, the '99 consent. Yes.

MR O'DONOGHUE: Yes, for that one. So that one would still - - -

10 MR YOUNG: Yes.

MR O'DONOGHUE: - - - require potentially some modification and stay active for, I believe - - -

15 MR YOUNG: So essentially within – relatively quickly you will have four consents retired and the majority of the – and obviously the south operation operating under any new consent. You would then have the '94 operating for a couple of years before that gets surrendered in regard to noise and then you would have an overlapping '99 consent that would have work to do potentially if there was proposed  
20 underground storage of mine water.

PROF MACKAY: Thank you. And would - - -

25 MR YOUNG: Is that correct?

MR O'DONOGHUE: Yes.

30 PROF MACKAY: Thank you. Would there be any conditions that could be included in a consent for Tahmoor South which would either be necessary or facilitate that transition? Noise being - - -

MR YOUNG: I will let Steve - - -

35 PROF MACKAY: Noise being an obvious example.

MR YOUNG: Yes. We've certainly included that but Steve can explain how that operates.

40 MR O'DONOGHUE: Yes, look, well, certainly we have got a condition in there, you know, referencing for the water storage point of view that water transfers can take place but it is subject to future planning modification or approval, so that we provide details on that. I will just bring up the consent condition if you want a reference.

45 MR YOUNG: Well, my understanding is that there's a clear statutory ability or pathway for consent authorities to require the surrender of consents and our conditions require the surrender of those initial consents followed by the surrender of

the '94 consent after two years and then – then the '99 consent would remain in place, but as Steve has said that would only have any work to do in the longer term if there was any underground storage of water from the treatment facility and that would be subject to a separate planning approval process or assessment process.

5

MR O'DONOGHUE: And, I guess, the – I mean, the water balance done indicates that would be towards the – further into the mine life and ongoing review of that may indicate it may not be required.

10 MR YOUNG: So in particular I draw your attention to conditions, recommended conditions A20 and A21, that clearly stipulate the obligations in terms of surrender and also reference the relevant parts of the EP and A Act about how that surrender needs to take place.

15 PROF MACKAY: Thank you. Now, is there anything further that the Department would like to - - -

MR YOUNG: Sorry. Yes. There are a couple of things just for the interest of efficiency, Commissioners. I will just get my notes up again. There was – we  
20 wanted to, I think, talk about Thirlmere Lakes and biodiversity, I think, are the final two, Commissioners, and perhaps, Steve, if you want to talk about Thirlmere Lakes and then I will talk about the biodiversity side of things.

MR O'DONOGHUE: Okay. Well, just – the query was really about the, I guess,  
25 the advice from the Independent Expert Scientific Committee deep/high water and biodiversity conservation science about the modelling. I guess, Thirlmere Lakes, you know, it's identified as a high priority ground water dependent ecosystem so very important aspect in the, you know, potential subsidence and drawdown impacts that there was a lot of investigation in. I guess, one – one important point to make is  
30 that the Tahmoor North longwalls, you know, mined in that area in the late 1990s to early 2000 they were located as close as 650 to 750 metres from the lake itself.

The Tahmoor South project is located approximately 3.5 kilometres, you know, from  
35 the nearest longwall to the lake, so it's a significant distance, you know, compared to the mining operations that have already – have already occurred. I guess, the impacts of mining have been stated extensively. There's a Thirlmere Lakes inquiry that's, sort of, discussed in the EIS and in our report. I guess, the reviews found that there's – while there is evidence to suggest that mining may have contributed to changes in groundwater tables and hydraulic gradients, I guess, the data or the  
40 research shows it's not possible to say whether it's temporary or long lasting and, I guess, the research is continuing and, further that, trying to differentiate whether the impacts are from mining or from private bore take or from natural climate change is still, I guess, subject to further research that's occurring.

45 I guess, in terms of the modelling that was done certainly the IESC and deep/high water raised concerns about the modelling, particularly with the uncertainty analysis that was undertaken for the EIS. I guess, as part of the response to that in the

response to submissions there was more extensive work done with the model being revised and re-run to address the concerns and additional sensitivity analysis was done. Our independent groundwater expert, Mr Middlemis, he looked at, I guess, the – he looked at the additional sensitivity analysis that was undertaken and he was  
5 satisfied that he had appropriately identified the key uncertainties and it was appropriate to use conservative assumptions that would tend to overestimate predicted impacts around the project and on Thirlmere Lakes.

10 So, I guess, some of the things that were looked at in the sensitivity analysis was, you know, increasing the height of fracturing, treating faults as transmissive, increasing conductivities in overburden and it also including third pumping bore in the analysis ..... it seems quite a lot of detailed work done. There was also a modelling of a hypothetical situation where a map length of a fault line, a T2 fault line, was connected from the mine workings to the alluvium and that also changed hydraulic  
15 conductivity parameters to look at the sensitivity around that and the – I guess, the model results showed that it wasn't sensitive to that scenario.

Mr Middlemis was satisfied with the information and reports presented by Hydro Simulations, and just noting, as we did, I can say that briefing that Mr Middlemis  
20 was one of the authors on the uncertainty analysis guidelines for the IESC, so he has got a lot of experience in that area as well. So, I guess, the – in the end with input from Mr Middlemis we were satisfied that the modelling predictions were satisfactory and acceptable and, you know, we could use that to make recommendations for conditions moving forward.

25 MR YOUNG: Can I just take over there, Steve, if you - - -

MR O'DONOGHUE: Yes.

30 MR YOUNG: - - - don't mind? Just quoting Mr Middlemis:

35 *Given that the Tahmoor North longwall was closest to Thirlmere Lakes when mined under approval more than 15 years ago and the nearest Tahmoor South proposed longwalls are more than 3.5 kilometres from the nearest lake there appears to be relatively low risk impact context to the proposed Tahmoor South project.*

40 However, he did recommend some more sensitivity analysis and some revisions of the model which is standard and typical for all underground and, indeed, open cut mining proposals and so we have recommended that the model be rebuilt and recalibrated within two years of any approval, that those – the modelling, or the revised modelling and additional monitoring that we've required to be installed at and near the Thirlmere Lakes is fed into that process and provided to the Thirlmere  
45 Lakes research program, and I would finally add that in our performance management conditions that we've required that there's negligible impacts on Thirlmere Lakes.

And so we would have a compliance or a regulatory lever to - if there were any unexpected impacts on the Lakes and as a result of any mining at Tahmoor South we would be able to address that through enforcement and compliance action either – you know, including even stopping the mine or changing layouts of longwall panels through an extraction plan process or through direct enforcement or compliance action. So just moving on, unless there's any questions on that, then in the interests of time - - -

10 PROF MACKAY: Yes. Yes, I do.

MR YOUNG: Yes. Sorry.

15 PROF MACKAY: Thank you for that clear and logical explanation. In a presentation this morning, it was a personal presentation but from Dr Philip Pells who is also a member, I think, of the Thirlmere Lakes Review Panel, he put the position to us that the very act of continuing mining at Tahmoor, be it an extension to the south or ongoing longwalls to the north, meant that it was necessary to continue to de-water the longwall panels that were mined 15 years ago closer to Thirlmere Lakes and that this, he postulated, had a draining negative effect on the Thirlmere Lakes. So the Commission feels it needs to, certainly, turn its mind to that. What he was putting to us is that the very active continuing mining is preventing the recovery because of the de-watering.

25 MR YOUNG: Yes, the ongoing de-watering and possibly primarily at Tahmoor North - - -

PROF MACKAY: Yes.

30 MR YOUNG: - - - in terms of its proximity to the Lakes. Yes. Look, I mean, we would obviously be happy to seek further technical advice on that submission from Professor Pells if the Commission would like some further advice on that because, clearly, that's obviously a highly technical matter.

35 MR O'DONOGHUE: Look, just one thing to add, Mike, is that - - -

MR YOUNG: Yes.

40 MR O'DONOGHUE: - - - the modelling is cumulative impact modelling, so it does include, you know, the Bulli Seam Operations plus the Tahmoor North operation, so certainly the modelling itself it predicts the – you know, any drawdown or recovery assuming – assuming the completion of Tahmoor North, but also Tahmoor South and recovery of the whole system, you know, after mining is completed at Tahmoor South, so the predictions do include – it's a cumulative impact assessment and we have – one of the conditions we have put in is for a long term water strategy, you know, to look at, I guess, across both the Tahmoor North and Tahmoor South mines and monitoring that - you know, particularly monitoring around that and any modelling should be undertaken on that basis.

MR YOUNG: But certainly if the Commission feels it's a question that it would like further technical advice happy to get a short letter or confirmation or comments from Mr Middlemis if that would be of assistance.

5 PROF MACKAY: Thank you for that offer. The Commission might take that on notice and come back to the Department formally with a request for that additional advice from Mr Middlemis, Dr Middlemis, if we feel it's appropriate. Thank you.

MR YOUNG: Sure. Thank you. And just finally, and probably relatively quickly,  
10 just in regard to biodiversity impacts. In particular, I think, the concern about the clearing of, I think, up to 10 hectares of the – of a critically endangered ecological community, the Shale/Sandstone Transition Forest, EEC - - -

PROF MACKAY: Yes.

15 MR YOUNG: - - - my understanding of the advice I've received, and I think some of this is in our report and, certainly, in the assessment documentation, is that we're aware that under the draft Cumberland Plain Conversation Plan from 2020 the extent of this particular endangered community within that area is something in the order of  
20 12,500 hectares, so the clearing of 10,000 – sorry – 10 hectares in that context – it needs to be put in that context. I also understand that – and we've talked about the reduction of the clearing through the changes to the project, notwithstanding that 10 hectares of residual clearing is still significant, but that clearly any vegetation in that mapping process there are areas within that 10 hectares that are more – that are in  
25 better condition or higher quality than in others and in terms of the classification of the condition I understand around four hectares of the 10 hectares is said to be in good condition.

In terms of further advice or feedback from the Biodiversity Conservation Division,  
30 or now the Biodiversity Conservation and Science Division, within the Department it considers that some of those impacts will be occurring as a result of installation of transmission lines and infrastructure associated with the mine, and that they would hope and consider and, indeed, we require through the conditions further  
35 consideration around micro sighting to limit, further limit, those impacts so that the 10 hectares becomes a worst case scenario rather than a given, and we would expect that to be undertaken through the biodiversity management plan and, in fact, I think condition 37(e)(1) which I draw your attention to – sorry – B37(e)(1) requires the biodiversity management plan to describe the measures to be implemented to  
40 minimise the amount of vegetation clearing in particular by micro sighting because things like transmission lines and so forth you can look at how you would place the poles and other infrastructure to minimise the impacts.

B37(f)(6) also requires that plan to describe the measures to protect vegetation,  
45 fauna, habitat outside of the approved disturbance areas to ensure that there's no unexpected or unforeseen clearing and, I guess, the final thing I would say, subject to any questions, Commissioners, is that, of course, in the area – in all of the clearing, be it 10 hectares or less through the final design process and the micro sighting process,

will have to be fully offset in accordance with the legislated regime, the Biodiversity Offset Scheme, under the Biodiversity Conservation Act and we've done some further investigation to – that indicates that the credits that would be required to be offset under that scheme are available in the local area where there are - a credit  
5 supply register as of 9 February 2021 showed that there were three sites within the area that have the potential to generate the necessary credits to retire that liability for the mining company should the project be approved in accordance with our requirements in the conditions. So hopefully that provides you with some context and some further advice from, or clarification from, the Biodiversity Conservation  
10 Division within the Department.

PROF MACKAY: It does. Thank you. Well, look, I think – can I thank both of you for re-joining the Public Hearing. I think it has been helpful to provide the Department with the opportunity to address some of the matters that were raised  
15 during the public submissions and, I think, it's also convenient, all around, to have some of the questions on notice closed off through this process, so we're appreciative of the information, the advice and the assistance that the Department has provided to our assessment process. No doubt we will be in touch with some more information requests as our assessment work proceeds, but for now, thank you.

20

MR YOUNG: Thank you very much.

MR O'DONOGHUE: Thank you, Commissioners.

25 PROF MACKAY: And I think absent any questions from Commissioners or counsel that actually brings us to the end of this online Public Hearing into the Tahmoor South Coal Project. Thank you to everyone who has participated in this important process. Professor Fell I particularly appreciated your input and thank you Mr Beasley.

30

It's not too late to make representations to the Commission on this application and a number of presenters have been particularly invited to forward us their presentation material or their notes. To do so you can simply click on the Have Your Say portal on the Commission website or can send us communications via email or post. The  
35 deadline for written comments is 5 pm on Wednesday, 24 February 2021.

In the interests of openness and transparency we will be making a full transcript of this Public Hearing available on our website in coming days. At the time of determination the Commission will publish its statement of reasons for its decision  
40 which will outline how the panel took the communities views into consideration as part of its decision making process. I would finally like to thank all of those who have been involved behind the scenes and particularly including the staff of the Independent Planning Commission Secretariat, and thank you to everyone who has participated online for your valuable contributions. From all of us here at the  
45 Commission enjoy the rest of the day and I declare the Public Hearing closed.

**RECORDING CONCLUDED**

**[2.31 pm]**