

Item	SA NSW Initial Comment	IMC Initial Response	OVERALL ISSUE SUMMARY SA NSW Residual Comment IMC Residual Response
1	Clarification on whether the estimated number of homes that will be damaged is inclusive of non-conventional subsidence risks from mining under steep “Wianamatta Shale” slopes and previous slope failures.	<p>The estimated number of houses assessed to be damaged considers the potential for non-conventional subsidence due to mining beneath steep slopes with Wianamatta Group shales. The ACARP method (Waddington, 2009) for assessing potential impacts on houses was developed based on experience of mining at several collieries including Appin, West Cliff and Tahmoor. These collieries include areas with steep slopes comprising of Wianamatta Group shales.</p> <p>Some areas of the topography associated with Razorback Range are more incised than these previous mining areas. However, the majority of the houses within the Study Area are located on Razorback Range. There are only eight houses (5 % of the total) located on the top of Razorback Range and above the longwall mining area; however, these houses are setback from the more incised areas (i.e., grades greater than 1 in 2) of the range. There are no houses located on the incised slopes associated with Razorback Range.</p> <p>The subsidence report (MSEC, 2021) states that “The natural grades in close proximity to the houses within the Study Area are reasonably similar to those where houses have been directly mined beneath elsewhere in the Southern Coalfield. The ACARP method for assessing impacts on houses should therefore provide a reasonable indication of the overall levels of potential impact for the houses within the Study Area”.</p> <p>The mining beneath Razorback Range could cause higher tensile strains to develop on the sides and top of the range. The eight houses located at the top of Razorback Range could therefore experience higher tensile strains compared with other houses located below the range. However, severe impacts to houses are predominately caused by compressive strain rather than tensile strain. The Property Subsidence Management Plans for these eight houses will include a framework for the implementation of monitoring and management measures for these potential higher tensile strains.</p> <p>Previous slope failures will be identified, monitored and managed in accordance with the framework provided by the Property Subsidence Management Plans for the eight houses located at the top of Razorback Range. Additional geotechnical assessment would be carried out based on site-specific conditions, allowing monitoring and management measures to be developed and implemented in a timely fashion prior to the first potentially influencing longwall.</p> <p>As the majority of houses are located near slopes with natural grades similar to previous mining areas with Wianamatta Shale, it is considered that the ACARP method should provide a reasonable assessment of the overall potential damage on the houses within the Study Area.</p>	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>Steep slopes that are located within the study area are analogous to the slopes that have been mined beneath by eleven longwalls of the Appin Area (AA7) and AA9 mining domains.</i> - <i>Observed impacts within AA7 and AA9 are generally within or less than the assessed impacts.</i> - <i>Eight houses located at the top of the Razorback Range may be subject to variability from the assessed ACARP model, however, these eight provide limited statistical impact to the overall assessment given the 175 properties located within the study area.</i> - <i>These eight houses have been subject to additional assessments that add to and supersede the global estimations for the study area.</i> <p>SA NSW do not consider this response to be adequate.</p> <p>The subsidence impact assessment includes a detailed analysis that summaries the likelihood of varying levels of damage to each individual structure within the extraction plan area.</p> <p>It predicts that between 12 and 19 houses will sustain substantial or extensive damage and that 4 to 5 houses will require a rebuild.</p> <p>MSEC have also identified eight (8) homes that are located on the top of razorback range could experience higher unquantified subsidence effects.</p> <p>MSEC stated in their report accompanying IMC’s project approval that there is limited experience in mining beneath Steep slopes in Wianmatta Shales and whilst Appin and Westcliff collieries have directly mined beneath Wianmatta Shale slopes, the grades are substantially less than those found under the Razorback Range.</p> <p><i>The subsidence assessment (MSEC404, Rev D), referred to above, that accompanied the project approval was finalised in 2009. This report is now dated and some of the statements are no longer valid. Since this time the Appin Mine has progressed the extraction of Longwalls 702 to 708 and 901 to 904. These eleven longwalls have provided experience of mining beneath the steep slopes of the Wianamatta Group shales associated with the southern and eastern foothills of the Razorback Range, with IMC managing this risk of these properties through increased monitoring.</i></p> <p><i>These encountered conditions are considered analogous to the steep slopes located within the study area.</i></p> <p>SA NSW require confirmation on the accuracy of the reported number of homes that could be damaged – given the variation in geology and identified areas of slope instability within the extraction plan area in comparison with the areas occupied by cases within the database used to make the assessment.</p> <p><i>The assessed impacts for the study area have been compared to observations to-date across the AA7 mining domain as per Attachment 1 which shows all location categories are within or below the assessed impact rates, except for one category, which shows an exceedance of 2-impacts. However, this can be attributed to the relatively small data pool of only 8 houses in AA7 in that locational circumstance.</i></p> <p><i>The existing slope instability features have been identified and, currently, there is minimal development on these existing features, and therefore mining conditions in the study area are considered analogous to recent experiences within AA7 (and AA9).</i></p> <p><i>Accordingly, we can confirm that the assessed impacts provide an accurate assessment of houses that could be impacted for the 95% of properties that are not located at the top of the Razorback Range escarpment due to the analogous conditions. For the eight houses at the top of the Razorback Range there may be some variability relative to the ACARP dataset, however, in the context of the 175 houses in the study area, its statistical effect is expected to be limited.</i></p> <p><i>Additional site-specific assessments have been completed for these eight houses, adding to and superseding the global estimations for the study area.</i></p>
2	That a full appraisal of the risk of landslides and slope stability impacting homes and other infrastructure be provided by a suitable industry leading expert.	The Land Management Plan includes a Landslide Risk Assessment appraised by two senior geotechnical engineers at GHD, who are industry leading experts with extensive experience in landside risk management and longwall mining (and associated subsidence management activities) in the NSW Southern Coalfield.	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>It is an established process that Extraction Plans, regulated by DPIE, provide an outline for how impacts will be managed through the provision of subsequent management plans that are regulated by the Resource Regulator.</i> - <i>This process has successfully been implemented for extraction to-date in the AA7 and AA9 mining domains.</i> - <i>Full assessments have been completed for the eight properties at the top of the Razorback Range.</i>

		<p>The study was completed by Andrew Leventhal, Senior Technical Director – Geotechnics (Project Director) and Jon Thompson, Technical Director – Geotechnics (Project Manager). Refer to attached Confirmation Letter dated 29 December 2021 for further details.</p> <p>Andrew has been an instrumental contributor to the introduction of Landslide Risk Management (LRM) in Australia since 1985. This has included involvement in the development of risk assessment guidelines and the introduction of the three seminal papers on LRM (1985, 2000 & 2007). He was the instigator and chair of the Australian Geomechanics Society’s Landslide Taskforce that developed the suite of guidelines (AGS 2007) that are now recognised LRM standard across Australia.</p> <p>Andrew’s experience over the past decade has extended to being a major contributor to subsidence management activities across the Southern Coalfield for both Illawarra Metallurgical Coal and Tahmoor Coking Coal Operations.</p> <p>Jon has over 40-years’ experience in geotechnical engineering within the Illawarra and Wollondilly regions, with a special focus on land risk management, providing technical advice to land developers, local councils, infrastructure / asset owners and other government agencies.</p> <p>Jon has extensive experience in residential development in hillside areas, including subsidence management activities in relation to private properties in the Douglas Park, Menangle and Razorback area. This work also includes baseline assessments of the Razorback Range across both the Appin Area 7 and Area 9 mining domains in collaboration with Dr Phil Flentje, Senior Research Fellow at the University of Wollongong.</p> <p>In relation to the Appin Mine, Jon and Andrew’s recent work has included the following mine subsidence management projects:</p> <ul style="list-style-type: none"> • The Razorback Range for Longwall 904, • The Nepean River gorges for Longwall 708B, and • Harris Creek Cliff Line for Longwalls 901 to 903. <p>Jon and Andrew have completed the full appraisal (LRM attached to the Land Management Plan) of the Extraction Plan Application Study Area at a regional level forming the framework, context and methodology for detailed property specific assessments. These detailed property specific assessments will be completed on a longwall-by-longwall basis in accordance with the Structures Management Plan covering the extraction of each longwall.</p> <p>This staged approach for property specific assessments is required to ensure detailed site assessments remain relevant and up-to date accounting for the current condition of the properties including naturally occurring and/or mining induced changes, updated for observations and experiences to-date as well as any new property developments landholders have undertaken.</p> <p>To-date this process has been successfully implemented with detailed assessments being completed for Gibraltar Drive properties ahead of Longwall 904 and the Menangle area for Longwall 709; whilst the assessments for Hawkey Road properties are currently underway for Longwall 905.</p> <p>Jon and Andrew will continue to contribute to subsidence management activities, through the development of the Structures Management Plan for each longwall and the actions of the SRG to the satisfaction of the NSW Resources Regulator under WHS legislation.</p>	<p>SA NSW do not consider this response to be adequate.</p> <p>It should be noted that the qualifications, expertise and relevant experience of the consultants are not being questioned.</p> <p>The assessment indicates that it is a preliminary first pass appraisal. Given the potential consequence of a subsidence induced slope failure, we consider that a more thorough assessment of the risk of slope stability impacts to each individual property should be carried out prior to IMC being granted approval.</p> <p>It is noted that IMC’s land management plan indicates that “while in most cases, impacts on steep slopes are likely to consist of surface cracks, there remains a low probability of large-scale downslope movements”. As such, the preliminary assessment supporting IMC’s application is considered inadequate.</p> <p><i>The landslides in the study area have been subject to appraisal (investigation and mapping) by Coffey in 2013. The mapping is shown by the GHD LRM. This study included infield testing and confirmation, analysis of available digital terrain model and input subsidence modelling predictions to provide a quality forecast of slope stability using accepted techniques.</i></p> <p><i>The eight houses at the top of the Razorback Range have been subject to detailed site assessments by GHD in 2020 ahead of Longwalls 904 and 905. The slopes associated with the Menangle area have been appraised for the previous Longwall 705-710 SMP application and have been recently reviewed and updated ahead of Longwall 709.</i></p> <p><i>IMC routinely undertake specific geotechnical assessments throughout the mining lifecycle to ensure the assessments remain up to date and are re-assessed based on continuous observations from each successive longwall. The geotechnical inspections conducted to date indicate that the site geotechnical issues are manageable through routine surveys, monitoring and ongoing landowner engagement. To date IMC has not been required to undertake any geotechnical mitigation works.</i></p> <p><i>Ultimately, in IMC’s experience this adaptive management approach is considered the most appropriate method managing these risks, on a longwall-by-longwall basis. It should also be noted that these risks will be managed to the satisfaction of the NSW Resources Regulator (RR) under WHS legislation; and the RR retains the right to issue stop work / prohibition notices should an unacceptable safety risk remain.</i></p>
3	The provision of copies of existing PSMP’s for all homes located within the extraction plan study area and confirmation that the	Property Subsidence Management Plans (PSMPs) are completed in accordance with WHS legislation, the BSO Project Approval and Extraction Plan Application approvals. IMC develop the PSMP documents prior to the impact of the first	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>Property Subsidence Management Plans (PSMPs) are completed in accordance with WHS legislation, the BSO Project Approval and Extraction Plan Application approvals.</i>

	<p>PSMP’s comply with both the Coal Mine Subsidence Compensation Act 2017 and SA NSW’s approved procedures.</p>	<p>longwall and includes landholder participation (where the landholder agrees to participate).</p> <p>The primary intent of the PSMP and its development process is to provide for two-way engagement and the development of a framework for the management of landholder safety and property during the mining process. Typically, this will include:</p> <ul style="list-style-type: none"> • Complimentary information to our landholder subsidence engagement campaigns; • Offers to complete Pre-Mining Structural and Geotechnical Inspections; • Implementation of identified mitigatory measures; • Offers to complete survey monitoring of private properties; • Offers to complete active mining monitoring and inspections when deemed required by the SRG; • Management details of other infrastructure and/or other natural features as required; • Process of reporting impacts and other landholder concerns to IMC through our 24-hour Community Call Line; and, • Details of the compensation processes once subsidence is complete for both built (with input from SA NSW) and natural features (managed by IMC in consultation with landholders and Government Agencies). <p>We note the Coal Mine Subsidence Compensation Act 2017, the SA NSW Claim Guidelines (Guidelines - Process for Claiming Mine Subsidence Compensation) and the recently introduced SA NSW Early Claim Settlement Policy are primarily concerned with effective claim management to ensure the fair, efficient and pragmatic provision of compensation to landholders whose properties’ improvements (built features) are adversely impacted by mine subsidence.</p>	<ul style="list-style-type: none"> - <i>WHS Legislation and the RR provides clear direction that subsidence management and landholder/community safety is solely the responsibility of the mine proprietor only, not SA NSW.</i> - <i>The CMSC Act and Claim Guidelines are silent on the requirements for, or content of, PSMP’s.</i> - <i>IMC will provide SA NSW a copy of PSMPs as they are completed for each longwall (comments under process timing listed below) upon request.</i> <p>The BFMP indicates that impacts to houses will be managed through individual Property Subsidence Management Plans (PSMPs). It also states that individual PSMPs will be developed as required.</p> <p>IMC have stated that any existing management plans are commercially sensitive and have not been attached to the BFMP, though they state that they can be provided upon request.</p> <p><i>Point of clarification – Management Plans for commercial and public infrastructure are commercially sensitive. IMC can provide PSMP’s for private residences upon request.</i></p> <p>Whilst they have been requested, PSMP’s have not been provided to SA NSW. As such it is impossible to provide comment or oversight on how IMC will manage the subsidence impacts to individual dwellings on steep slopes given the elevated subsidence risk.</p> <p><i>Point of clarification – Subsidence is afforded Principal Mining Hazard Status under WHS legislation as regulated and enforced by the RR. SA NSW administers the CMSC Act, which in active mining areas, is primarily concerned with the independent management and provision of compensation to impacted landholders, not the regulation of subsidence impact management.</i></p> <p>SA NSW has not sighted a PSMP, and it is not possible for SA NSW to confirm whether they fully comply with our approved procedures under the Coal Mine Subsidence Compensation Act 2017.</p> <p><i>Property Subsidence Management Plans (PSMPs) are completed in accordance with WHS legislation, the BSO Project Approval and Extraction Plan Application approvals. WHS Legislation and the RR provides clear direction that subsidence management and landholder/community safety is solely the responsibility of the mine proprietor only, not SA NSW. Ultimately, PSMP’s are developed by IMC in conjunction with the landowner to manage the safe mining and subsidence of their individual properties.</i></p> <p><i>The CMSC Act and Claim Guidelines (“approved procedures”) are silent on the requirements for, or the content of, PSMP’s. IMC sought clarification from SA NSW on 1 March 2022 at our most recent quarterly meeting, however, no specific advice was provided in relation to SA NSW’s requested “requirements”.</i></p> <p><i>However, we note SA NSW are a stakeholder in relation to the management of impacts once subsidence is complete (or between subsidence events if subject to an early claim settlement). Accordingly, IMC can provide copies of completed PSMP’s for each longwall (comments under process timing listed below) upon request.</i></p>
4	<p>Details of the proposed survey type and frequency used to monitor subsidence contained in each PSMP. It is recommended that SA NSW be consulted when these survey plans are developed, and this survey data is provided to SA NSW as it is obtained in order to support the claims process.</p>	<p>Monitoring requirements for properties are risk-based determinations, governed by the Structures Management Plan and the activities of the SRG technical committee. This may include visual inspections and a variety of geotechnical and survey monitoring, determined on a risk-basis, to the satisfaction of the NSW Resources Regulator under WHS legislation.</p> <p>Site specific survey plans are typically governed by site specific constraints such as survey lines of sight and landholder preferences. Accordingly, survey plans typically cannot be finalised until the day of base survey and installation.</p> <p>Relevant data will be compiled and provided to SA NSW upon request under current arrangements to ensure all available data is considered as part of the SA NSW managed claim assessment process.</p>	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>IMC and SA NSW hold quarterly meetings to discuss mining plans, timeframes, and subsidence details, current impacts and claim settlements across the mining lifecycle. IMC sought feedback regarding this extraction plan application in June & October 2021 meetings.</i> - <i>Consultation with SA NSW is provided under the Structures Management Plan developed for each longwall.</i> - <i>IMC will provide relevant survey details upon request (comments regarding process timing and legislated survey requirements below).</i> <p>Our letter requested that IMC revise their various management and monitoring plans to ensure that Subsidence Advisory is suitably informed and consulted prior to during and following subsidence impacts to homes caused by the extraction of each longwall panel. We requested that the extraction plan documentation be updated to require consultation with our agency as described above.</p> <p><i>IMC and SA NSW hold quarterly meetings to consult and discuss mining (plans, timeframes and subsidence details), current impacts and claim settlements throughout the mining lifecycle. This process addresses this requested consultation with both parties contributing to the agenda. We note we have sought feedback regarding this extraction plan application at the two previous meetings (June & October 2021), however, no comments were provided [Note – SA NSW cancelled the December 2021 meeting]. Additionally, the Structures Management Plan, developed for each longwall, already provides for the consultation with SA NSW as impacts occur. Ultimately, the requested consultation is addressed under current arrangements.</i></p> <p><i>In relation to the requested survey details, IMC will provide relevant details upon request. However, it should be noted that the surveying of private properties, subject to landholder access, is driven on a risk-basis, rather than for legal compliance or for compensation purposes.</i></p>
5	<p>The provision of a list and a plan identifying homes within the</p>	<p>PSMP’s are completed prior to the first impacting longwall, subject to landholder participation.</p>	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>Refer to previous discussion regarding regulation of PSMP process. This is simply a minor process issue.</i>

	<p>extraction plan study where a PSMP does not exist and the provision of documentation outlining timeframes for PSMP development that includes a summary of the type and frequency of monitoring proposed for each home.</p>		<ul style="list-style-type: none"> - <i>IMC will complete PSMPs based on the study area for each longwall to ensure they remain current, and allow the implementation of continuous improvement processes accounting for current experiences and continually increasing knowledge.</i> - <i>Completing PSMP's too far in advance of mining risks landholder fatigue, landholder turn-over and additional development that ultimately reduces the effectiveness of risk management activities for each property.</i> <p>(See further comment regarding monitoring below under point 7). PSMPs and a list and a plan identifying homes where one does not exist have not been provided, even though longwall extraction was meant to commence in December 2021. Given the elevated risks associated with mining under the Razorback Range. SA NSW can see no sufficient reason as to why PSMPs have not been completed. As such SA NSW recommends that all PSMPs are completed prior to IMC being granted extraction plan approval.</p> <p><i>PSMP's will be completed based on the study area for each longwall, subject to landholder involvement. This pragmatic approach ensures the plan remains an accurate reflection of current property condition, incorporates any recently constructed improvements and provides an opportunity to ensure the plan accounts for current experiences and continually increasing knowledge.</i></p> <p><i>This allows an adaptive management approach to be easily implemented that facilitates continuous improvement without risking engagement or inspection fatigue which can reduce the effectiveness of any risk management activities.</i></p> <p><i>As per previous comments, we note SA NSW are a stakeholder in relation to the management of impacts once subsidence is complete (or between subsidence events if subject to an early claim settlement). Accordingly, IMC can provide copies of completed PSMP's for each longwall upon request.</i></p>
6	<p>Subsidence damage may cause considerable stress and anxiety for homeowners who may be required to live in damaged houses for a number of years before their claims can be resolved. In situations where a house has sustained significant damage, these effects on homeowners are exacerbated.</p> <p>SA NSW recommends that IMC include within their extraction plan, the following requirements:</p> <ul style="list-style-type: none"> • Offer property acquisition when the house reaches damage category R4 or R5 and/or • Offer property acquisition when the house reaches damage category R3 or more and has/will be impacted by more than two longwalls as outlined in both the extraction plan for LWs 709 to 711 and 905. This should be inclusive of previously approved and planned longwall panels as outlined in IMC's project approval. 	<p>IMC acknowledges the impact of our operations upon communities in which we operate and aim to minimise this as far as reasonably practical. In relation to subsidence management above the Appin Mine we have implemented a community engagement campaign consisting of landholder meetings, information packs, routine and regular correspondence, phone calls at the commencement of active subsidence and provision of the 24-hour Community Call Line to report landholder concerns. In our experience, by providing upfront subsidence education, building on-going relationships and keeping landholders informed with regular updates assists in minimising the effect of subsidence impacts to effected landholders.</p> <p>Landholders are not required to live with property damage for a number of years before resolving their impacts or claims. IMC has a track record of proactively working with effected landholders to progressively resolve impacts to properties, including:</p> <ul style="list-style-type: none"> • Four (4x) claims settled early; • One (1x) claim settlement being brought forward; • Two (2x) additional requests for early settlement to SA NSW; and, • Completion of fifteen (15x) sets of repair projects. <p>Additionally, in 2019, IMC hosted a workshop with SA NSW where we requested 'early' settlement of a further seven (7x) claims under the former Mine Subsidence Compensation Act 1961 due to the nominal gap of approximately two-years between the discrete subsidence events associated with Longwalls 708A and 709, with IMC assuming direct financial liability for any future impacts under the Coal Mine Subsidence Compensation Act 2017. As such, IMC has a demonstrated responsible management of subsidence impacts to private properties, including minimising the effect of our operations on landholders and the wider Douglas Park community. In this context, IMC considers property acquisition on a case-by-case basis in consultation with effected landholders as appropriate to their personal circumstances, extraction timeframes, subsidence impacts and any likely future impacts.</p> <p>We note R3 impacts include the loss of bearing in isolated walls, piers, columns or other load-bearing elements, or loss of stability of isolated structural elements. Under application of SA NSW's requested acquisition rights, an R3 impact such as a settled pier (or "dropped stump") would be eligible for property acquisition despite having repair cost of less than \$5k.</p>	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - <i>IMC considers the provision of property acquisition rights to be beyond the scope of the secondary extraction plan process where no acquisition rights have been granted in the primary development consent.</i> - <i>IMC has committed to resolving any issues associated with Longwall 709 following this incremental subsidence event, acknowledging the 2-year delay until Longwall 710B is extracted. IMC has requested a workshop with SA NSW to discuss claim management for the consolidated AA7 mining domain.</i> - <i>IMC takes a collaborative approach to managing claims that seeks landholder buy-in and builds consensus with the best management approach to suit their circumstances.</i> - <i>SA NSW advised in October 2021 that they would only acquire under "extenuating circumstances or where the damage is so severe that a business case can be made that determines acquisition to be a viable option". As such, SA NSW recommended approach is contrary to their own procedures. IMC would work with landholders and consider acquisition on a case-by-case basis.</i> <p>SA NSW do not consider this response to be adequate.</p> <p>The potential case highlighted by IMC is considered to be highly unlikely. The theoretical R3 damage case described by IMC is more consistent with localised impacts caused by sinkhole subsidence in historical mining areas such as Lambton near Newcastle. The theoretical R3 case is inconsistent with the conventional ground movements predicted in IMC's EIS. It could occur if the home was subject to non-conventional subsidence impacts, however in such a case, it is unlikely that the damage would be limited as described by IMC. Should this theoretical case outlined be correct, then SA NSW would question whether the method used by IMC to classify damage in their EIS should be revised.</p> <p><i>Point of clarification – IMC considers the provided example to have been taken out of context, where a triggering R3 impact may not be particularly severe or expensive to repair, and in such a case, the most efficient settlement method would be to simply undertake the repairs rather than going through an acquisition process, which can be lengthy to finalise.</i></p> <p><i>We note recent examples include 100 McWilliam Drive, Douglas Park (triggering event included a settled masonry pergola column) and 55 McWilliam Drive, Douglas Park (triggering event included undulations in floor level associated with the bearers-and-joist foundation system and minor vertical mortar joint cracking in hexagonally laid brickwork). These two examples did not contain substantial structural issues and were able to be simply settled through SA NSW's early settlement policy upon IMC request.</i></p> <p><i>Additionally, we note another example at 25 Wrightson Way, Douglas Park where a settled pier was noted prior to any mining influence. This example highlights that building / construction issues of a R3 level are often discovered by IMC irrespective of mining influence.</i></p> <p>SA NSW does not agree with IMC's position. A clear and transparent process that describes instances where property acquisition would be offered would provide more certainty and comfort to the community.</p>

		<p>Ultimately, we do not consider the provision of arbitrary acquisition rights to be an effective or reasonable subsidence management tool for effected landholders, nor an economically viable impact settlement strategy.</p>	<p><i>The IMC approach of collaboration with effected landholders, seeks their buy-in and builds consensus with the best management approach to suit their circumstances, such as the implementation of progressive repairs or the completion of early settlements. We consider this approach to provide the best-practice impact management for the communities in which operate. Additionally, we note this exceeds the minimum requirements under the CMSC Act (not-withstanding the Early Claim Settlement Policy) which generally requires landholders to wait until the completion of subsidence for any impacts to be assessed and compensated.</i></p> <p><i>It should also be noted that in our experience, the majority of landholders do not wish to relocate, and in these circumstances alternative arrangements would need to be applied. Again, we have requested a workshop with SA NSW to consider an appropriate strategy to manage subsidence impact timeframes associated with the consolidated AA7 mining domain.</i></p> <p><i>In relation to the provision of acquisition rights, these matters are defined in the primary development consent, and the Bulli Seam Operations Project Approval (MP 08-0150) is silent on the matter of acquisition rights for subsidence impacts. Accordingly, we consider the provision of acquisition rights to be beyond the scope of the secondary Extraction Plan process.</i></p> <p><i>We note this matter of property acquisition was discussed recently at our October 2021 meeting, with SA NSW advising: “Decision to purchase the property is generally only made under extenuating circumstances or where the damage is so severe that a business case can be made that determines acquisition to be a viable option.”</i></p> <p><i>In this context where SA NSW has not been operating under this basis of undertaking routine property acquisitions for residual claims under the 1961 Act, and in-light of IMC’s proactive track record, we request the Department reconsider imposing any such conditions, unless there are extenuating landholder circumstances, or the impacts have reached an R5 impact level (consistent with SA NSW’s advice in October 2021).</i></p>
7	<p>Proposed mining sequence and claim timeframes SA NSW notes there are properties that will be impacted by Longwalls 709, 710A and 711. This will result in active subsidence periods of approximately three and half years. Therefore, it is likely several homeowners will be living in damaged properties for a number of years. Others may require relocation where their properties require extensive repairs or rebuilding.</p> <p>Due to the significant period of time between the extraction of these longwalls, SA NSW would anticipate progressing claims for subsidence damage resulting from Longwall 710A at the completion of this longwall. The owners of properties impacted by subsidence from subsequent longwalls would then be eligible to lodge further claims under the Coal Mine Subsidence Compensation Act 2017.</p>	<p>Clarification of Extraction Sequencing</p> <p>IMC would like to take the opportunity to clarify extraction sequencing and IMC’s proposed subsidence management strategy that was discussed at the most recent meeting with SA NSW on 14 October 2021.</p> <p>Extraction sequencing is planned to occur in the following order:</p> <ol style="list-style-type: none"> 1. Longwall 904 & Longwall 709 extracted concurrently. 2. Longwall 905 & Longwall 709 extracted concurrently. 3. Longwall 709 remaining extraction to be completed. 4. Longwall 710A – located to the west of the Douglas Mains, with extraction focused in the Razorback area. 5. Longwall 710B – located to the east of the Douglas Mains, with extraction focused in the Menangle area. 6. Longwall 711 – marking the commencement of the consolidated Appin Area 7 mining domain. <p>We note extraction and associated subsidence within the Appin Area 9 mining domain will conclude within the next 12- months, representing a relatively short remaining impact timeframe.</p> <p>In the assessment of acceptable impact timeframes, the total subsidence timeframe should be used for background context only, in accordance with section 3.1.4 of SA NSW’s Early Settlement Policy which references typical timeframes for subsidence to cease in an active mining area of three to five years, beyond which alternative measures, such as an early settlement should be considered.</p> <p>IMC Requested Settlement Point Following LW709</p> <p>In application to the proposed extraction sequencing timeframes referenced by SA NSW, Longwall 709 (located to the east of the Douglas Mains) will commence in December 2021. However, Longwall 710B (located to the east of the Douglas Mains) will not commence until March 2024, representing a forecast delay in the commencement of discrete incremental subsidence events of 28 months.</p> <p>Accordingly, as consistent with the discussion at the 14 October 2021 meeting, IMC will be requesting SA NSW facilitate the settlement of any claims that arise from the extraction of Longwall 709 accounting for the delay between subsidence events of over 2-years. Any future impacts from Longwall 710B (or subsequent longwalls) will be managed as new claims under the Act.</p> <p>This approach is consistent with section 3.1.4 of SA NSW’s Early Settlement Policy, accounting for the non-sequential extraction (i.e. LW709 > LW710A (West of Douglas Mains) > LW710B) to the east of the Douglas Mains until the consolidated Appin Area 7 mining domain is embedded.</p> <p>SA NSW Proposal</p> <p>SA NSW’s proposal of settling Longwall 709 claims after Longwall 710B is not supported due to the return to a conventional extraction sequence, with an</p>	<p>OVERALL ISSUE SUMMARY:</p> <ul style="list-style-type: none"> - IMC considers this issue to be resolved. - IMC has committed to resolving any issues associated with Longwall 709 following this incremental subsidence event, acknowledging the 2-year period until Longwall 710B is extracted. - IMC has requested a workshop with SA NSW to discuss claim management for the consolidated AA7 mining domain. - IMC has addressed this historic survey issue by offering landholders survey monitoring of their residential structures, with take-up rates routinely now exceeding 90%. <p>SA NSW supports IMC’s request to compensate claimants following the completion of LW709.</p> <p>SA NSW has not confirmed the accuracy of the claim assessment timeframes outlined by IMC. We note that numerous claims managed by SA NSW are not supported by adequate survey data and pre-mining inspection reports for claims made within IMC’s lease.</p> <p>Accurate survey and pre-mining inspection reports that are completed in a timely manner are key to ensuring a rapid and timely assessment. SA NSW is continually improving our claims response timeframes. As stated above, to ensure that this is occurring, SA NSW recommend that IMC revise their various management and monitoring plans to ensure that Subsidence Advisory is suitably informed and consulted prior to during and following the impacts of subsidence to each individual residence. In order to meet our claim assessment timeframes, SA NSW requires a prompt response from Mine Proprietors when Survey or other data is requested.</p> <p>IMC considers this item to be resolved.</p> <p>We have committed to resolving any issues following Longwall 709 due to the proposed 2-year period until the next subsidence event associated with Longwall 710B; and reinforce our request to hold a workshop with SA NSW to consider an appropriate strategy to manage subsidence impact timeframes associated with the consolidated AA7 mining domain.</p> <p>In relation to the commentary regarding site specific survey data, this refers to an historic matter where IMC’s surveys were typically limited to infrastructure survey lines, or where specific property hazards were identified. This has now been resolved, whereby IMC now routinely offers survey monitoring of residential structures to all affected landholders. We note landholder take-up rates now routinely exceed 90%. IMC is now able to provide prompt responses to requests for survey data where landowners agree to property access for survey purposes.</p>

		<p>estimated timeframe in the order of 12-months between the conclusion of the Longwall 710B subsidence event and the commencement of the Longwall 711 subsidence event.</p> <p>IMC raises concern this timeframe is inadequate to reasonably have completed any repair works. For example, based on SA NSW's Claim Guidelines & Early Settlement Policy, out of the 12-month period up to 346 days are consumed:</p> <ul style="list-style-type: none"> • 90x days – SA NSW to manage the claim assessments to allow IMC to determine the claim. This does not include additional steps such as a peer review or the inclusion of engineering design work. • 3x days – SA NSW to forward determination to landholder. • 3-months – landholder review period to obtain independent legal advice and accept or dispute (request Secretary Review) the determination. • 90x days – Secretary of Customer Service to provide a determination. • 42x days – IMC to provide finalised settlement documentation based on Secretary's Determination to SA NSW. • 3x days – SA NSW to forward documentation to landholder. • 3-months – landholder to lodge appeal to Land & Environment Court (if applicable). • 7x days – assumed landholder acceptance, returning the settlement documentation and EFT form within 7-days. • 21x days – IMC to pay landholder. <p>In IMC's experience over 50% (7 of 13 to-date) of landholders, with claims for damages to their dwellings, request a Secretary Review. Assuming the landholder accepts the Secretary's Determination within 7x days, a nominal timeframe of just 20x days would be left to allow the landholder to coordinate repairs prior to the Longwall 711 subsidence event.</p> <p>As such, IMC considers SA NSW's proposal to be impractical and ultimately, unviable without impinging on landholders' rights of review.</p> <p>IMC Requested Workshop</p> <p>In relation to the consolidated Appin Area 7 mining domain, each longwall is forecast to take 18-months to extract, with a nominal period of 12-months between cessation of and the commencement of the next discrete active subsidence event. As illustrated by the timeframes above, this represents an inadequate timeframe to practically and fairly settle any impact claims and allow the landholder to coordinate repairs.</p> <p>As the Appin Mine moves further to the north-west within Area 7, the depth of cover increases, resulting in a wider influence area (angle of draw effects). It is expected that dwellings may be subject to subsidence movements of up to</p> <p>~five longwalls, resulting in nominal start to finish timeframes of up to ~7.5 years.</p> <p>This exceeds the "acceptable" 3 to 5-year on-hold limit referred to under section 3.1.4 of SA NSW's Early Settlement Policy.</p> <p>Accordingly, as per our request at the most recent meeting on 14 October 2021, IMC reinforces the request to SA NSW for a workshop (or other meeting) to consider alternative measures to minimise our impact on the communities in which we operate.</p>	
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