

Our Reference: 13795#28

The Director
Resource Assessments, Development Assessment
Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124

7th March 2023

Dear Sir/Madam

SUBMISSION ON THE TAHMOOR SOUTH COAL MODIFICATION SSD-8445-Mod-2

Thank you for the opportunity to provide comment on the Modification Application lodged by SIMEC for the transfer and disposal of approximately 690 megalitres (ML) of brine over the life of the Tahmoor South Project into the historical Tahmoor North and Western Domain mining areas (Modification Application).

Council is recognised as not having statutory or regulatory responsibilities in relation to the operation and monitoring of operations associated with the Tahmoor Project. In addition, the Application is recognised as having potential socio/economic merit such as avoiding increased truck movement carrying Brine through the village of Bargo. However, the following outlines the concerns of Council staff over potential long-term legacy risks of the proposal in terms of management of local watercourses as well as concerns over the level of consultation associated with the application. The recording of this correspondence as a submission from Wollondilly Shire Council (Council) is requested.

1) Adequacy of consultation

The potential risks of mining operations to the condition of water sources (both groundwater and surface) and associated community concern have been dominant issues raised by Council's submissions. The DPE is requested to note the strong view of Council staff that a fourteen-day exhibition period for responses as being inappropriate given these raised concerns as well as the complexity of the document. The DPE is requested for further note that this timeframe has prevented a sufficient level of review and consultation required to provide a response that adequately addresses these concerns. **The expansion of the public exhibition period and significantly enhanced community engagement procedures than the current notification is consequently strongly requested.**

2) Appropriateness of the lodgement of a Modification Application

The lodged Application is noted to state in relation to this matter *"given the proposed modified activities are ancillary to the use of the site as a coal mine and negligible environmental impacts predicted, it is considered the Tahmoor South Project SSD 8445 development will remain substantially the same development as originally approved and*

can be assessed and approved under Section 4.55(2) of the EP&A Act". The adequacy of this statement from a statutory context is questioned by staff in part given that the Tahmoor South Project and its approval would appear to not contain reference to the transfer of brine into abandoned mine areas within the Tahmoor North Project Area. **The DPE is requested to apply the Precautionary Principle and review this matter in detail prior to consideration of any Determination. It is further requested that a new Application with accompanying exhibition period be undertake subject to the outcome of this review. The provision of a response of this review as soon as practically possible is requested.**

3) Potential environmental risk associated with the proposal

The Application is recognised by staff as involving transfer of groundwater previously extracted as part of mining operations associated with the Tahmoor Colliery. However, staff have the following concerns over the potential long-term risks to watersources including Stonequarry Creek that flows through Picton and noted high importance to the local community:

- The adequacy of baseline and scientific data supporting the modelling within the Application.
- Viewed inconsistencies of the Application with Council's Integrated Water Management Strategy which requires no adverse impact of development on the condition of waterways.
- Viewed inadequate analysis and supporting baseline data to identify potential short and long-term risks to watersources following the predicted (by the modelling within the Application) upward migration of the plume into the more porous Hawkesbury Sandstone.
- Council's submissions on the Tahmoor South Project requested a detailed geological model that identifies the likely interaction of fractures (natural and a consequence of mining), with the modelled groundwater environment in accordance with current research documents that is noted as not being required by the Determination. There is viewed as potential for an upward migration pathway of the plume through the fracture system, potentially impacting water sources whilst recognising the conclusions of the Tahmoor South application regarding this matter. Staff consequently have concern over the apparent absence of the analysis viewed as highlighted by Limitation Statement in the Report *"There is inherent uncertainty about the hydraulic parameters assigned to goaf area and fault lines in the calibrated flow model"*.

The DPE is requested to require an independent Peer Review of both the application which considers the above concerns of Council staff regarding potential legacy risks to local watersources by a suitably qualified person. The DPE is further requested to investigate viable options to address this risk on environment/social and economic grounds in collaboration with the applicant and applicable stakeholders. A suggestion provided to Council staff by such a stakeholder is to identify a deep locality with sufficient size to accommodate the identified required brine that is suitably enclosed to prevent external migration in the short and long-term.

Please contact Council's Acting Team Leader Environmental Services, David Henry on (02) 4677 9687 or via email David.henry@wollondilly.nsw.gov.au for any enquiries regarding this correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Corey McArdle', with a stylized, cursive script.

Corey McArdle
Manager Waste and Environmental Services