

Mr Andrew Rode
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Dear Mr Rode

The Department of Planning, Industry and Environment - Crown Lands has the following comments for the Tahmoor South Coal Project (SSD-8445) (Wollondilly Shire, Wingecarribee Shire) proposal.

Mine Plan (Longwalls)

As advised in the Tahmoor South Coal Environmental Impact Statement (EIS) Volume 1, dated 21-Dec 2018, approximately one third of the project area is Crown land.

The AECOM Tahmoor South Project Amendment Report February 2020 on Figure 2.1 shows comparison of the EIS Mine plan (2018) and the Amended Project Mine Plan (2019).

The 2019 plan shows the proposed locations of sub-surface longwalls, in the vicinity east of Bargo Township, extending below Crown land, other Government land and Freehold land. The mining activity in the Tahmoor South Project is governed by the Environmental Planning and Assessment Act 1979 and the NSW Mining Act 1992. Environmental matters are addressed under these acts and not the Crown Land Management Act 2016.

Crown Reserve lands over the proposed longwalls includes D 500432 Wirrimburra Sanctuary (45.03 ha) for Fauna and Conservation of Native Flora, managed by the National Trust; Lot 20 DP 751250) R90177 – 20.23 hectares under Licence to Wollondilly Shire Council for Environmental Protection, Environmental Rehabilitation).

Other Crown land portions managed by the Minister above the proposed longwalls include Lot 7009 DP 1124215 (R7972 for Water Reserve) – 91.3 hectares and Lot 131 DP 751250 (R88930 for Future Public Requirements) – 34.4 hectares.

As stated above, in relation to relevant legislation, it is not anticipated that the Crown land properties will be treated any differently to Freehold properties within the Tahmoor South project area, so Crown lands has no comments on this aspect of the EIS.

Reject Emplacement Area

Consolidated Coal Lease (CCL) 716 affords Tahmoor Coal surface rights to the Reject Emplacement Area.

The land of the Reject Emplacement Area is a Crown Reserve for Future public Requirements and is understood to support Shale Sandstone Transition Forest which is an Endangered Ecological Community.

Section 265 of the Mining Act 1992 provides for compensation arising under a mining lease, which will likely need to be addressed in this instance given that lots 233, 234 & 235 of DP751250, which are still relatively well-vegetated, will be lost to the reject emplacement stockpile.

Ventilation Shaft

For mining and mining related infrastructure on Crown land, where a Mining Lease has surface rights, a s265 Mining Act Compensation Agreement should be used to authorise access to Crown land.

The Mining Lease does not have surface rights in this location; hence the authorisation of the infrastructure is via s81 (as stated in the response).

For mining related infrastructure on Crown land, where a Mining Lease does not have surface rights, s81 Mining Act Consent should be used to authorise access to Crown land.

For exploration related activity on Crown land where there exists an Exploration Licence under the Mining Act, s141 Mining Act Land Access Arrangement should be used to authorise access to Crown land. Such a letter was recently issued by Crown Lands authorising Tahmoor Coal to undertake surface works on the same Land parcel Lot 219 DP 751250 (R751250 for future public requirements) off Charlies Point Rd, Bargo known as the TSC2 site.

Please note

That there has been one Aboriginal site recorded in or near this property in AHIMS. The mining company will need to consult with the NSW Office of Environment & Heritage, unless it has already done so, to ensure that this site is retained with a buffer to potential clearing on Lot 219 DP 751250.

A SIMEC Second Project Amendment Report prepared for Tahmoor Coal Pty Ltd, dated August 2020 puts forward some modifications affecting the Reject Emplacement Area with 11.06 hectares of the Shale Sandstone Transition Forest site previously proposed to be directly impacted to be avoided and there is a reduction in clearing at the TSC2 (Ventilation Shaft) site by 0.67 hectares.

P67 of this Report states that "The unavoidable impact to Shale Sandstone Transition Forest is 10.10 ha. Details regarding the biodiversity credits associated with the unavoidable impacted are provided in the biodiversity assessment report. "

If you have any more questions, please contact me on 9842 8327.

Yours sincerely

Stan Rees
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Greater Sydney and Commercial, Crown Lands
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