

Mr Andrew Rode
Senior Environmental Assessment Officer
Resource Assessments Planning Services
Department of Planning and Environment
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Dear Mr Rode

Tahmoor South Coal Project (SSD 8445)

I refer to the Second Project Amendment Report (**the report**) for the Tahmoor South Coal Project proposal (SSD 8445) lodged via the Department of Planning, Industry and Environment (**DPIE**) portal on 3 August 2020.

Subsidence Advisory NSW (**SA NSW**) has reviewed the report and notes the mine plan has been amended with the removal of Longwalls 107B and 108B since the Response to Submissions.

Predicted impacts to residential structures

SA NSW notes the removal of Longwalls 107B and 108B results in a significant reduction in the predicted subsidence impacts for residential structures as shown at **Table 1** and **Table 2**.

The report estimates a 76% reduction in the number of dwellings that will require major repair with damage classifications of R3 in comparison to the original Environmental Impact Statement (**EIS**) and a 67% reduction from the Response to Submissions.

There is also an 85% reduction in dwellings with projected final tilts of greater than 6mm/m compared to the EIS and a 74% reduction from the Response to Submissions.

Table 1

Submission	Damage Classification			Reduction in houses impacted (R3-5)	
	No Houses R1-2	No Houses R3-4	No Houses R5	Compared to original EIS %	Compared to 1 st Amendment Report %
Original EIS submission (December 2018)	296	115	28	N/A	NA
1st Amendment Report (February 2020)	234	86	20	26% (37 houses)	NA
2nd Amendment Report (August 2020)	108	28	7	76% (108 houses)	67% (71 houses)

Table 2

Submissions	Number houses with final tilt			Reduction in houses impacted (Tilt 6 mm/m and over)	
	Tilt 4-6 mm/m	Tilt 6-10 mm/m	Tilt >10 mm/m	Compared to original EIS %	Compared to 1st amendment report %
Original EIS submission December 2018	266	190	184	N/A	N/A
1st Amendment Report (February 2020)	105	193	21	42% (160 houses)	N/A
2nd Amendment Report (August 2020)	29	56	0	85% (318 houses)	74% (158 houses)

Management of subsidence claims

Property owners whose homes are damaged as a result of mine subsidence can claim compensation through SA NSW under the *Coal Mine Subsidence Compensation Act 2017* (the Act).

SA NSW manages the claim process, including coordinating independent assessment of claims, ensuring mine proprietors pay fair and reasonable compensation in accordance with the Act and associated procedures. Tahmoor Coal will be required to pay compensation costs for subsidence damage resulting from the Tahmoor South project.

In the report, Tahmoor Coal has also committed to the early settlement of claims for properties predicted to be impacted for significant periods due to time delays between the extraction of longwalls influencing a property. These property owners would then be able to lodge new claims under the Act should further subsidence damage occur.

Recommended additional protections for homeowners

SA NSW notes Tahmoor Coal supports the option for property acquisition as a reasonable safeguard for the community and acknowledges the preferred means for compensation may vary between landowners. SA NSW reiterates its recommendation to include the following provisions in the Development Consent for Tahmoor South:

1. Offer property acquisition when the house reaches damage category R4 or R5
and/or
2. Offer property acquisition when the house is in tilt of greater than 10mm/m
and/or
3. Offer property acquisition when the house reaches damage category R3 or more and has/will be impacted by more than two longwalls.

Property acquisition should occur in accordance with the provisions of the *Coal Mine Subsidence Compensation Act 2017*.

Impacts on future surface development

The revised mine plan will result in both conventional and non-conventional ground movement. The location and magnitude of non-conventional ground movements cannot be accurately predicted and

it is not possible to mitigate these impacts through practical engineering design.

Subdivision and rezoning proposals

To ensure that future land purchasers are not adversely impacted, SA NSW is not likely to support an increase in density of development in areas predicted to be impacted by the proposed mining at Tahmoor South.

Subdivision applications in mine subsidence districts are assessed in accordance with SA NSW's Subdivision Assessment Policy. Should the Tahmoor South project be approved, applications to subdivide land in the mining area will likely not be approved until subsidence is complete.

SA NSW is also a referral body that is consulted in the land use rezoning process under the *Environmental Planning and Assessment Act 1979*.

Development on existing parcels of land

Development on existing parcels of land within the proposed mining area will generally be limited to allow property owners to build a single residential dwelling on their property consistent with the relevant subsidence development controls.

Review of draft development consent

As noted in SA NSW's response to the Response to Submissions, SA NSW requests the opportunity to review of the draft development consent conditions prior to finalisation and granting of any development consent.

Contact

Please contact me on (02) 4908 4300 or at Matthew.Montgomery@customerservice.nsw.gov.au if you have any questions or wish to discuss.

Yours sincerely



Matthew Montgomery
Manager, Claimant Outcomes – South, Subsidence Advisory NSW

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