

DH:DH:1148-3#1151

Mr A Rode  
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Energy, Resources & Compliance Division (Planning & Assessment Group)  
Department of Planning, Industry and Environment  
Locked Bag 5022  
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29<sup>th</sup> April 2020

Dear Mr Rode

Thank you for the opportunity to provide more formalised comments regarding the Tahmoor South Project Application (Project Application), to Council's e-mail correspondence dated 12<sup>th</sup> March 2020.

This correspondence outlines residual concerns held in regard to this Project following a review of the Response to Submission Report (RtS) and a recent meeting held with SIMEC Mining regarding the Project Application. As a broad comment, the Department of Planning, Industry and Environment (DPIE), is requested to note that this meeting did not result in any alterations to residual concerns held by Council. This correspondence also requests a meeting with DPIE staff to discuss residual concerns and issues associated with the State Significant Development Framework (SSD framework), as outlined in Council's submission.

### **Response to issues raised in Council's concerns**

#### Previous raised issues where residual concerns remain

Potential impacts on the condition of both surface and groundwaters as a result of longwall operations is a major concern to Council and the local community. The key identified shortcomings of the Application detailed in Council's submission are:

- Key aspects of the EIS and associated specialist reports have not been updated to reflect scientific research and studies, in particular in regard to the impacts associated with subsidence on water sources.
- The groundwater assessment is not considered to include a detailed geological analysis and modelling that would identify the likely interaction of mining induced fracturing with both surface and groundwaters at the Application Stage (based on received specialist advice).

The DPIE is requested to formally record Council's residual concerns regarding potential impacts to surface and groundwater sources as the Response to Submission Report is viewed as not adequately responding to issues raised and requested amendments in Council's submission.

It is noted that agencies and research organisations with technical expertise raised and expanded on similar issues regarding potential impacts to surface and groundwaters

contained in Council's submissions. The resolving of issues raised by these agencies and research organisations such as the Division of the Environment, Energy and Science Branch (EES) and the Independent Expert Scientific Committee (IESC) respectively would be consistent with Council resolutions and is requested.

Issues where no or part residual concerns remain

(a) Bargo Waste Management Centre

Council's submission expressed concern over the Bargo Waste Management Centre experiencing full subsidence and requested consultation and greater analysis. Council officers from the Waste Management Section have expressed satisfaction at the response by SIMEC to these expressed concerns. Clarification is however requested over whether the rehabilitation of any impacts to the facility identified as being attributable to mine subsidence will be funded in accordance with the *Coal Mine Subsidence Compensation Act 2017*.

(b) Disposal of coal wash waste and expansion of the emplacement area

A key issues raised in Council's submission was the need for investigation of options to reduce the volume of coal wash waste generated. A further key related issue was the (considered) high area of vegetation clearance for the expansion of the current Emplacement Area and associated impact on threatened species in total. The EES are noted to have raised similar issues regarding biodiversity impacts in its submission.

The modification of the proposal to achieve a reduction in vegetation clearance and impact on threatened species is viewed as positive. The intended 23.57 ha of clearance and removal in total of 500 threatened species plants is however continued to be viewed with concern. Further investigations to reduce the required area of clearance for the expansion of the Emplacement Area facility is consequently requested.

**Issues associated with the State Significant Development framework and progression of the Application**

I understand that there is consideration over the DPIE rather than an Independent Planning Commission being the determining authority under the amended framework, as a result of less than 50 written objections being received. It is requested to be noted that this approach would be inconsistent with Council's resolution at its meeting on 18<sup>th</sup> March 2019 that the "*Project application be investigated in detail by the Independent Planning Commission*". The holding of a forum, (in appropriate format), and approval for Council to participate in such a forum as part of this investigation is requested.

In a related matter, the covering letter to Council's submission on the Project Application requested a meeting with DPIE staff to discuss issues raised in its submissions including concerns regarding the SSD framework. The holding of such a meeting, (preferably utilising Microsoft TEAMS), as soon as practically possible, is also requested.

Please contact Council's Environmental Assessment Planner, David Henry, on (02) 4677 9687 or via e-mail at [david.henry@wollondilly.nsw.gov.au](mailto:david.henry@wollondilly.nsw.gov.au) for any enquiries regarding this correspondence and to arrange a meeting with Council staff.

Yours faithfully



Alex Stengl  
Manager Environmental Outcomes