



Thanks to Buxton Public School students  
who shared their experience in June 2019:  
2/3L: Blake, Beau, Jeremy, Poppy, Taleaha,  
Scarlet, Isaac, Katherine, Blake, Amelia L,  
Harry, Collin, Charlie M, Amelia M, Koby,  
Kate, Charlie N, Abby P, Matthew, Karley,  
Declan, Zack, Ethan, William T, Charlee, V.  
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William D, Lana, Claire, Eva-Mae, Alex, Lincoln,  
Bradley, Gracie, Abbey H, Hayden, Kobi, Hamish,  
Paige, Evie, Chelsea, Emma, Tory, Darcy, Victoria.  
With special thanks to:  
Friends of Thirlmere Lakes Jennie Wiles & Jan Darling,  
Environmental scientists Martin Krogh & Kirsten Cowley  
Simec Tahmoor Colliery for sponsoring

# THIRLMERE LAKES TRACK

THIRLMERE LAKES  
NATIONAL PARK

6 km LOOP  
MEDIUM GRADE  
2 hours

Special thanks to project partners  
for support and funding



**Bush Trackers**  
explore the bush  
with guides for kids by kids

## THIRLMERE LAKES WALKING TRACK • 6 km Loop • MEDIUM GRADE • 2 hours

### WHAT TO BRING IN YOUR BACKPACK

- a bottle of water.
- plenty of snacks.
- a raincoat.
- pencils for drawing.
- warm clothes in winter.
- small bag for rubbish.
- wear a hat, sunscreen and a small first aid kit could be useful.
- enclosed walking shoes.
- small torch.
- camera.

### BUSH TRACKER SAFETY

Safe Bush Trackers are prepared and

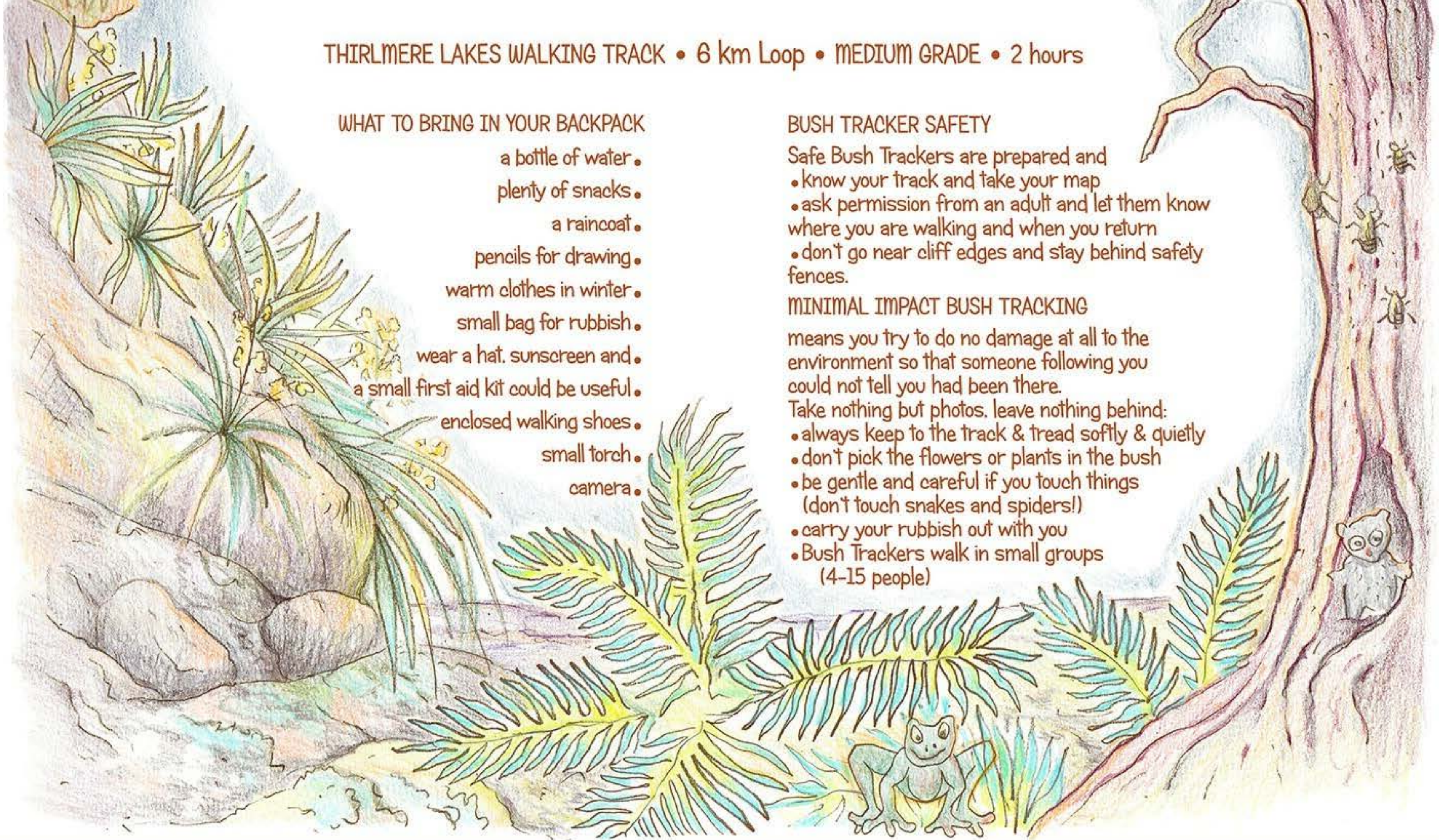
- know your track and take your map
- ask permission from an adult and let them know where you are walking and when you return
- don't go near cliff edges and stay behind safety fences.

### MINIMAL IMPACT BUSH TRACKING

means you try to do no damage at all to the environment so that someone following you could not tell you had been there.

Take nothing but photos, leave nothing behind:

- always keep to the track & tread softly & quietly
- don't pick the flowers or plants in the bush
- be gentle and careful if you touch things (don't touch snakes and spiders!)
- carry your rubbish out with you
- Bush Trackers walk in small groups (4-15 people)

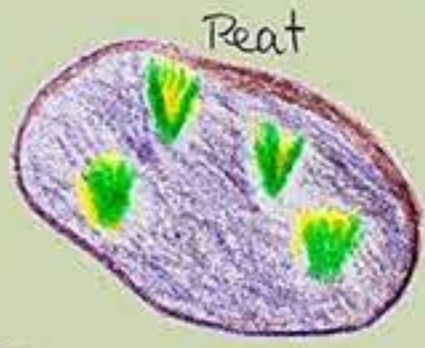


The Bush Trackers program helps engage children and families in nature. Bush Trackers helps create a child friendly community and grew from support of the Stronger Families Alliance ([www.strongerfamilies.net.au](http://www.strongerfamilies.net.au)). The Bush Trackers team worked with NSW National Parks and Wildlife Service Discovery Rangers to guide school kids aged 8-10 years old on a local bushwalk, enjoying nature play, learning about natural and cultural heritage and encouraging the kids to share their experience through words, poems, drawings and photos. PerformingDesign use these to create the map and guide to encourage other kids and families to safely enjoy the bush. For more information, tips and maps go to: [www.bushtrackers.com.au](http://www.bushtrackers.com.au); [www.wildwalks.com](http://www.wildwalks.com); [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au). We respectfully acknowledge the Traditional Custodians of this place.

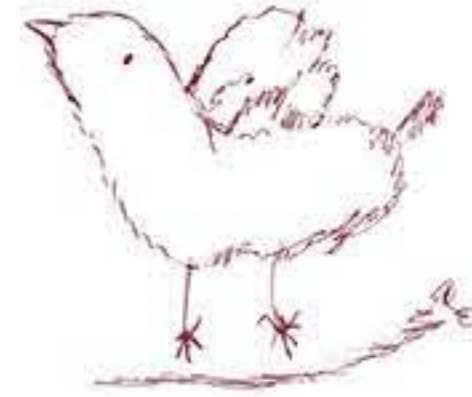
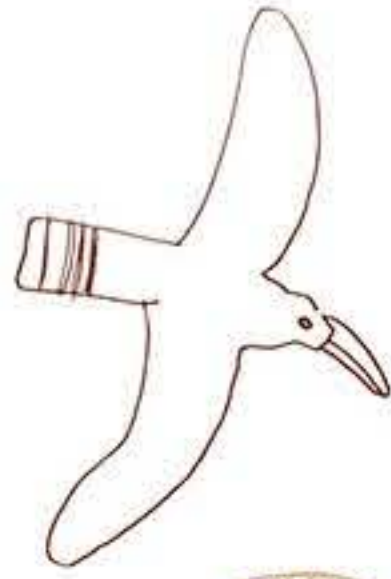
**Thirlmere Lakes Walking Track • Medium grade • 6km loop • 2 hours**

Thirlmere Lakes National Park is part of the Greater Blue Mountains World Heritage Area and has five freshwater lakes with changing water levels so they are sometimes dry. It is a perfect spot for enjoying picnics and barbecues, walking and birdwatching. Start your walking adventure at the Couridjah picnic area and follow the flat track that winds around three of the lakes to join Dry Lakes Road and return along Slades Road (be very careful of traffic). Be sure to investigate the Heritage Pump station, once used to water steam trains on the old southern railway line.

• Ssshhh! if you're quiet along this easy track, you might see some of the 140 birds that live here, including the white-faced heron, musk duck, and white-bellied sea eagle. Enjoy this pretty walk and admire the lovely ground orchids, wetland and woodland vegetation, as well as aquatic plants. Make a day of it and enjoy the nearby NSW Rail Museum at Thirlmere village only 5 kms away.



Reed



Look  
can you find  
these plants?



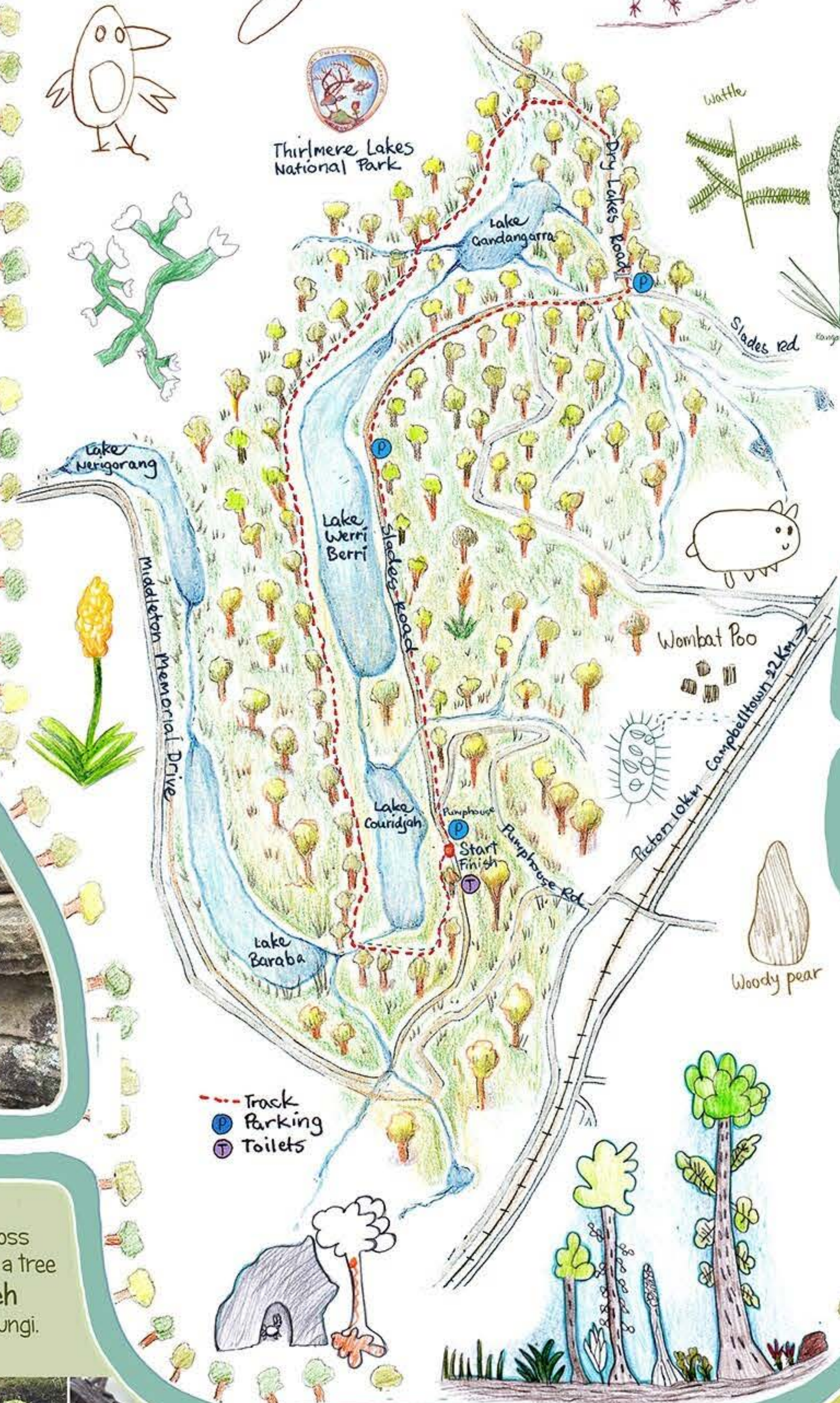
Feel the stone.  
is it warm or cool?



Touch  
bark, leaves, rocks, moss  
rushes and sedges. Hug a tree  
**Things not to touch**  
spider & snake holes, fungi,  
spiders, insects



Thirlmere Lakes National Park



--- Track  
P Parking  
T Toilets

Write words that  
describe what you  
see, hear or feel  
(adjectives)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Listen.  
how many  
different  
bird calls  
can you  
hear?



Can you guess who lives here?



Look: If you are  
quiet & look carefully  
you might see  
some creatures.



Find these  
and tick the box





UNSW  
SYDNEY

Australia's  
Global  
University

# Thirlmere Lakes Hydrology

Where has all the water gone in Thirlmere Lakes?



## What we know...

### Finding 1: The lakes are controlled by the climate

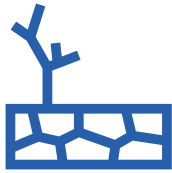


Thirlmere Lakes are sensitive to the climate, especially the rainfall and evaporation. Over the past 4 years, the evaporation has been much greater than the rainfall. When

this happens, the lakes lose water slowly and eventually dry out. Current evidence does not show that the lake water levels are influenced by changes in the deep groundwater table (or nearby longwall mines).

### Finding 2: The current drought is not unprecedented

The study has found evidence that the waterbodies have previously dried out, including during the World-War-II drought and in other historic periods. In recent times, these dry periods have been short-lived and eventually the lakes rewet.



### Finding 3: A vulnerable ecosystem



The water volume in Thirlmere Lakes is reliant on catchment rainfall.

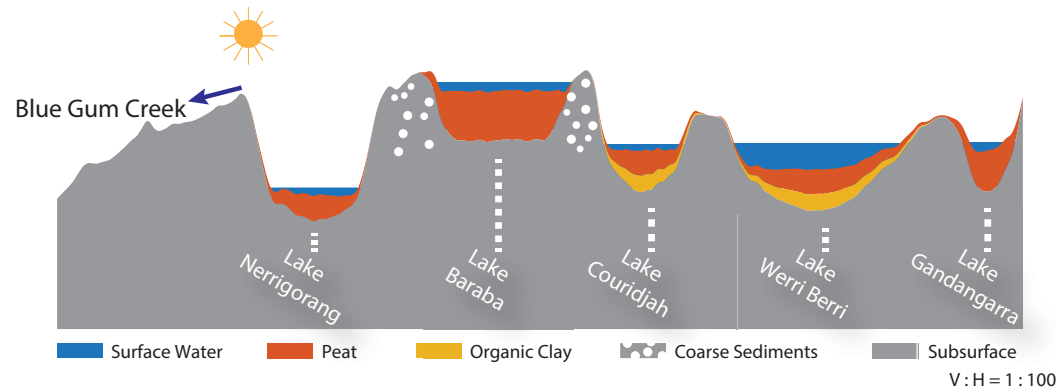
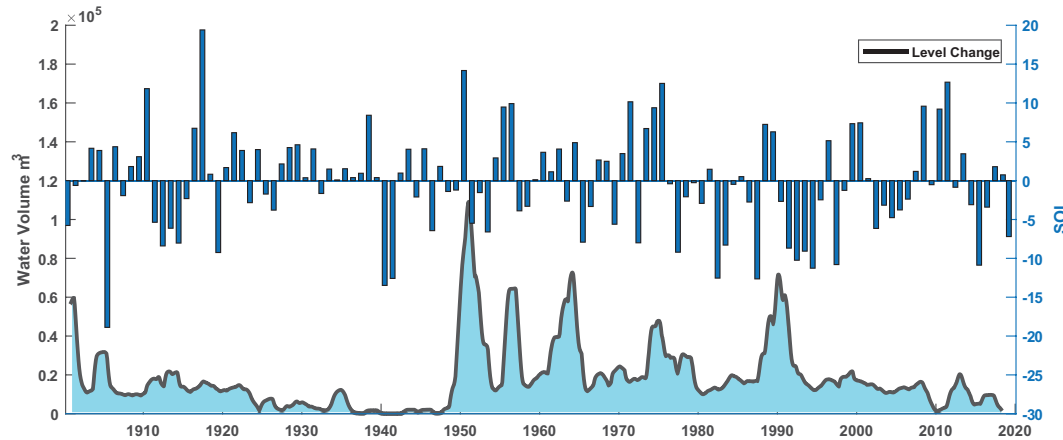
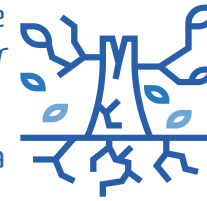
This is because:

- The lakes are at the top of the catchment and have limited inflows from the surrounding catchment;
- The lakes have a small catchment compared to the lake size;
- There is a limited connection to groundwater; and,
- The lakes are shallow, with a low resilience to the drought.

# Thirlmere Lakes Hydrology

Between 2017 and 2020, researchers at Thirlmere Lakes have been answering the community's question: "Where has the water gone in Thirlmere Lakes?"

Here is a summary of what we have learned and what remains a mystery.



For further information regarding this research, please contact:  
Associate Professor William Glamore | [w.glamore@wrl.unsw.edu.au](mailto:w.glamore@wrl.unsw.edu.au)

## What we still need to determine...

### Question 1: What is the process of rewetting after substantial rainfall?

Since 2016 the site has been in an extended drying cycle, influenced by the drought. As such, we do not have sufficient field data to confirm the lake filling-up process and if this rewetting process is similar across the different lakes.

### Question 2: What happens if the drought persists for several years?

If the current drought continues, what would the system look like? What is the worse-case scenario? Would the lakes be capable of holding large volumes of water again? How much water is needed to fill the lakes?

### Question 3: Is Thirlmere Lakes similar to other spots experiencing drought?

Across NSW, there are many other waterbodies experiencing prolonged drought and fire. Similar systems in NSW include Lake Cathie, Shellharbour, and the upland peat swamps in the Illawarra drinking water catchment. Have these swamps responded similarly or are the driving mechanism different in each location?

### Question 4: Will Thirlmere Lakes return to its former glory or has the climate shifted?

Historically, after a prolonged drought, the lakes bounce back when it rains. In the future, we are particularly interested in the influence of climate change on Thirlmere Lakes hydroclimate. For instance, how does the variation of total rainfall, temperature, and seasonality affect the long-term water balance?



# Water Research Laboratory

School of Civil and  
Environmental Engineering

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School of Civil & Environmental Engineering  
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[www.wrl.unsw.edu.au](http://www.wrl.unsw.edu.au)

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NSW Department of Planning, Industry and Environment (DPIE).





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MEMBER OF



# Resident Information Pack

## Western Domain Information Pack

### Longwall West 3 & Longwall West 4 | Information Booklet

Mining

## Resident Information Booklet

Tahmoor Coal Pty Ltd (Tahmoor Coal) is committed to ensuring the community is informed and up to date with our mining operations. Tahmoor Coal commenced mining in an area known as the Western Domain in November 2019.

The purpose of this Resident Information Pack is to help answer any questions you may have regarding mine subsidence and your property. The Information Pack contains the following information:

- Tahmoor Coal’s current mine plan.
- Information about longwall mining and subsidence management by Tahmoor Coal.
- How to arrange a pre-mining inspections (at no cost to the property owner) prior to mining impacts.
- An outline of the claims process for any potential damages that may have occurred due to longwall mining.
- Frequently asked questions.

Should you have any further questions a Tahmoor Coal representative would be happy to answer and discuss with you directly.

### Annual Production For Tahmoor Coal

2019 SALEABLE COAL

# 1.88 million tonnes

Our people



## Tahmoor Coal Operations

Tahmoor Coal Mine is an underground coal mine that began operations in 1979. The Mine has approval to produce up to three million tonnes of Run of Mine (ROM) coal per annum.

Coal is mined from within the Bulli seam, producing hard coal for steel production and minor thermal coal. Product coal is transported via rail to Port Kembla for Australian domestic customers and export customers. The current mining operations, in the Tahmoor North lease area, are forecast to continue until around 2022, when the mining operations will move to a new mining Domain (Tahmoor South) at Bargo.

Tahmoor Coal currently employs approximately 400 employees and contractors. The operation supports many local and regional businesses and services.

Tahmoor Coal is a proud supporter of local charities and service organisations through its sustainable development program and sponsorships.

## Longwall Mining

Coal is extracted at Tahmoor Coal by a longwall shearer and conveyed to the surface by a series of conveyors. A typical schematic diagram of longwall mining at Tahmoor Coal is shown on Figure 1.

The area immediately in front of the coal face is supported by a series of hydraulic roof supports, which temporarily hold up the roof strata and provides a working space for the shearing machinery and the face conveyor. After each slice of coal is removed, the hydraulic roof supports, the face conveyor and the shearing machinery is moved forward.

When coal is extracted using this method, the roof immediately above the seam is allowed to collapse into the void that is left as the face retreats. This void is referred to as the goaf. As the roof collapses into the goaf behind the roof supports, the overlying strata collapses and results in subsidence of the surface area above.

Western Domain Information Pack | 1

# Underground Coal Mining Terms

The coal mining industry has a number of mining specific terms and phrases that are commonly used. Below is a brief introduction to some of these common terms at Tahmoor Coal.

<b>Block</b>	A dimensional delineation of the mineral deposit; as in “a block of coal” or, “coal blocked out for extraction”.
<b>Coal face</b>	The current working place for coal extraction.
<b>Coal Preparation Plant (CPP)</b>	Processing plant where coal is sized, washed and prepared for the market.
<b>Coal seam</b>	Naturally formed underground layer of coal.
<b>Continuous miner</b>	The electric powered cutting machine used to remove coal from the active mining face and load it into the shuttle car.
<b>Conveyor</b>	The means of transporting coal from the coal face to the underground bin or surface. It consists of a belt being driven by a motor over a roller assembly.
<b>Cover depth</b>	The depth from the surface to the mine workings.
<b>Development</b>	The operations involved in preparing the coal seam for extraction.
<b>Downcast</b>	A shaft or other mine opening down to the underground workings in which fresh air from the surface passes.
<b>Drift</b>	An inclined access opening from the surface to the coal seam.
<b>Exploration</b>	The search for mineral deposits and the work done to prove or establish the extent of a mineral deposit.
<b>First workings</b>	The driving of headings (underground roadways) in the solid coal seam prior to the commencement of extraction.
<b>Gate Road</b>	An underground roadway leading to a working place in longwall mining.
<b>Goaf</b>	The underground area abandoned and left to collapse after the extraction of coal.
<b>Heading</b>	An underground roadway formed in the direction of a development panel.
<b>Longwall</b>	A system of mining coal in which the seam is extracted on a broad front or long face using a coal shearer and the roof is supported by hydraulic roof supports.
<b>Longwall Panel</b>	A block of coal to be mined by longwall defined by gate roads and coal seam thickness.
<b>Panel</b>	Underground workings are broken up into a number of panels which are working places for each mining crew.
<b>Run of mine (ROM)</b>	Raw coal production; the unprocessed mined coal that is conveyed to the CPP. ROM may consist of coal and rock.
<b>Shaft</b>	A vertical opening connecting the surface with the underground workings.
<b>Subsidence</b>	The vertical lowering or collapse of the ground surface following coal extraction.
<b>Uplast</b>	A shaft or other mine opening through which air returns to the surface after ventilating the underground workings.

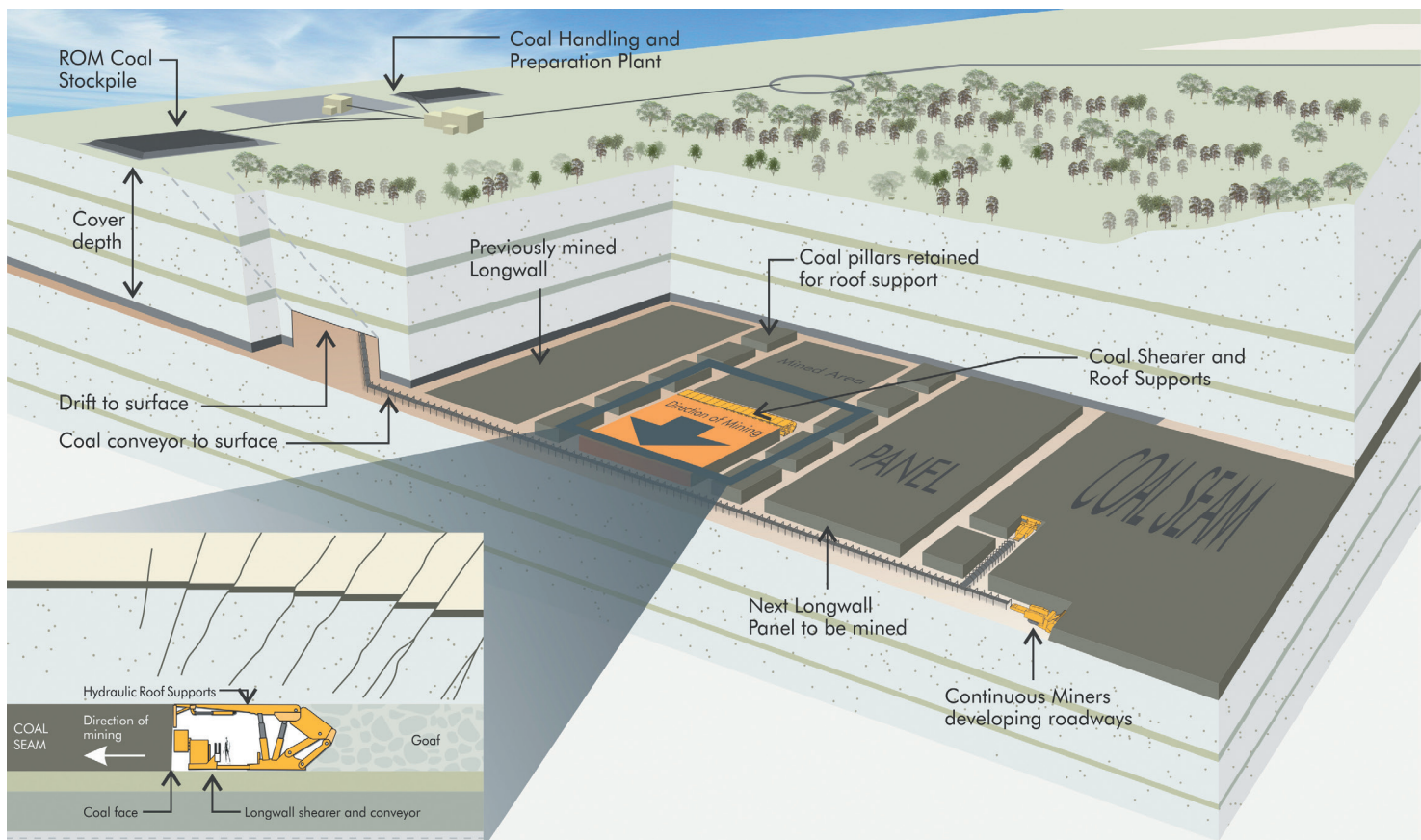


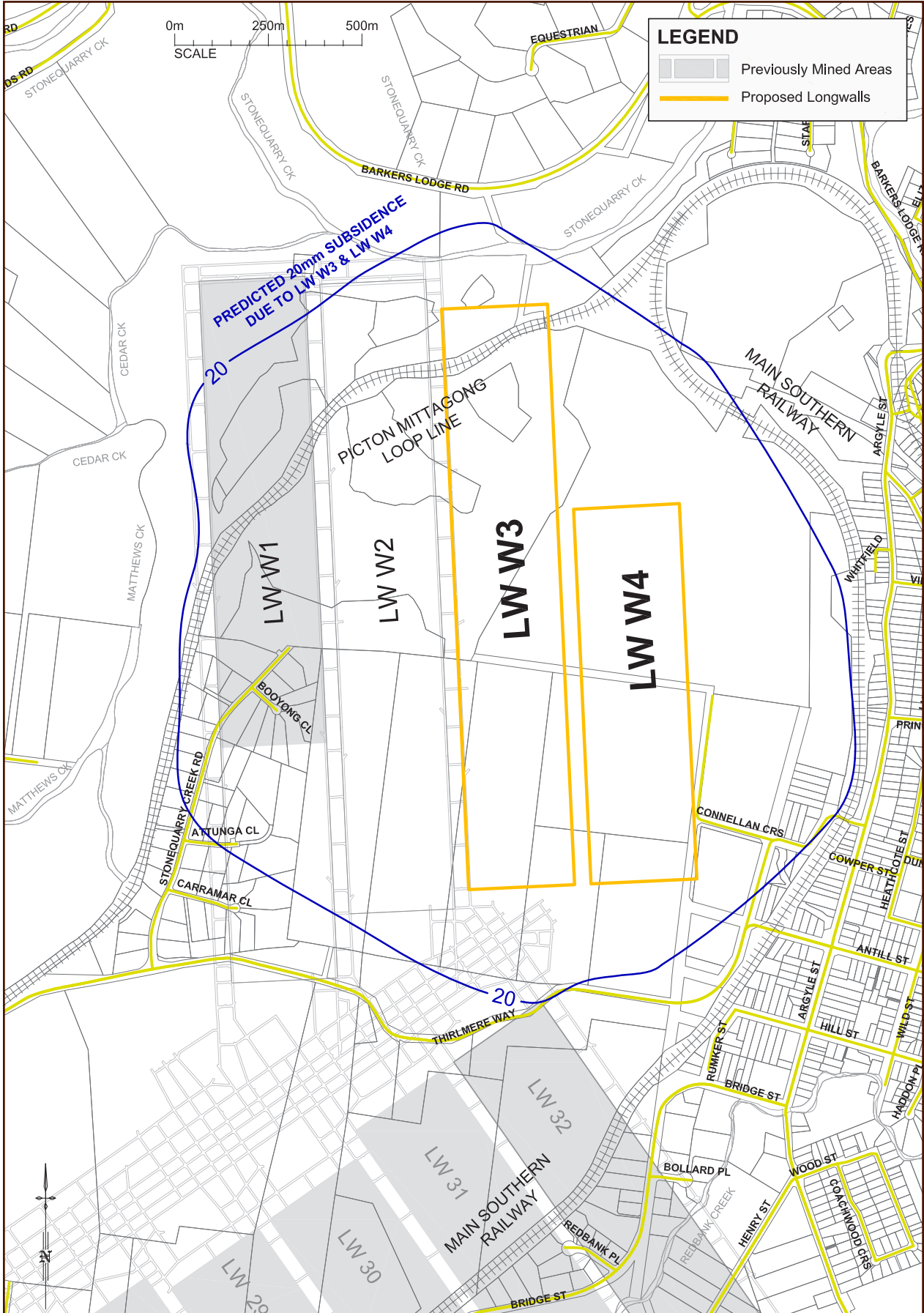
Figure 1: Schematic diagram of longwall mining



# Tahmoor Coal – Current Mine Plan

Figure 2 outlines the proposed final longwalls for the Western Domain. Longwall West 3 (LW W3) and Longwall West 4 (LW W4) are highlighted in yellow and the grey areas depict the previously mined areas. The predicted 20mm Subsidence Area outlines the area that may be potentially impacted by subsidence from the mining of LW W3 and LW W4. If you live within the predicted 20mm Subsidence Area (blue line in figure 2 below) please contact us to arrange a free pre-mining inspection.

Figure 2: Tahmoor Coal Current Mine Plan



# What is Subsidence?

Mine subsidence refers to any surface ground movements associated with underground mining. Typically, mine subsidence refers to a vertical movement at a particular point. This occurs when material is removed from an underground mine and the earth above the mine adjusts to the altered landscape.

The amount of subsidence varies across the area mined beneath, with greatest subsidence occurring towards the centre of the mined area, and gradually reducing to outside the mined area. If subsidence occurs uniformly across an area, it is unlikely that any impacts would be noticed. However, differential subsidence results in tilting and bending of the ground. These differential movements can result in mine subsidence-related impacts to surface features.

Mine subsidence commonly also results in horizontal movements. Differential horizontal movement causes ground strain. Small horizontal movements may be experienced at points on the surface that are some distance away from the mining activity.

## Types of Subsidence

Mine subsidence movements can be described using the following parameters:

**Vertical Subsidence** – this is the lowering of the land and all surface infrastructure. If the infrastructure lowers by the same amount, it would have little or no effect on the structure, unless it is located in a flood prone area. Subsidence develops very gradually, and it is not readily apparent.

**Tilt** – a small change of slope on the surface arising from the surface lowering unevenly. Generally tilt does not lead to structural damage.

**Strain** – the tensile stretching or comprehensive squeezing of the land surface as it lowers to the new level, relative to the land surrounding it.

**Curvature** – the bending of the land surface as it lowers to the new level.

### What does this subsidence mean at the surface?

Subsidence can result in a change to surface and sub-surface conditions. The effects of subsidence may not be noticeable because the undulation of the natural surface is much greater and tends to mask subsidence movements.

The level of impact that can occur to surface and sub-surface features depends on the magnitude of movement that occurs, and the sensitivity of each feature to these movements. Movements that are sensitive to one feature might easily be accommodated by another. Some features, such as houses, can be sensitive to ground tilt, curvature and strain.

### Regulations

Mine subsidence is tightly regulated in NSW. During the assessment for the LW W3 and LW W4 longwalls, the potential impacts of subsidence on surface features are to be assessed,

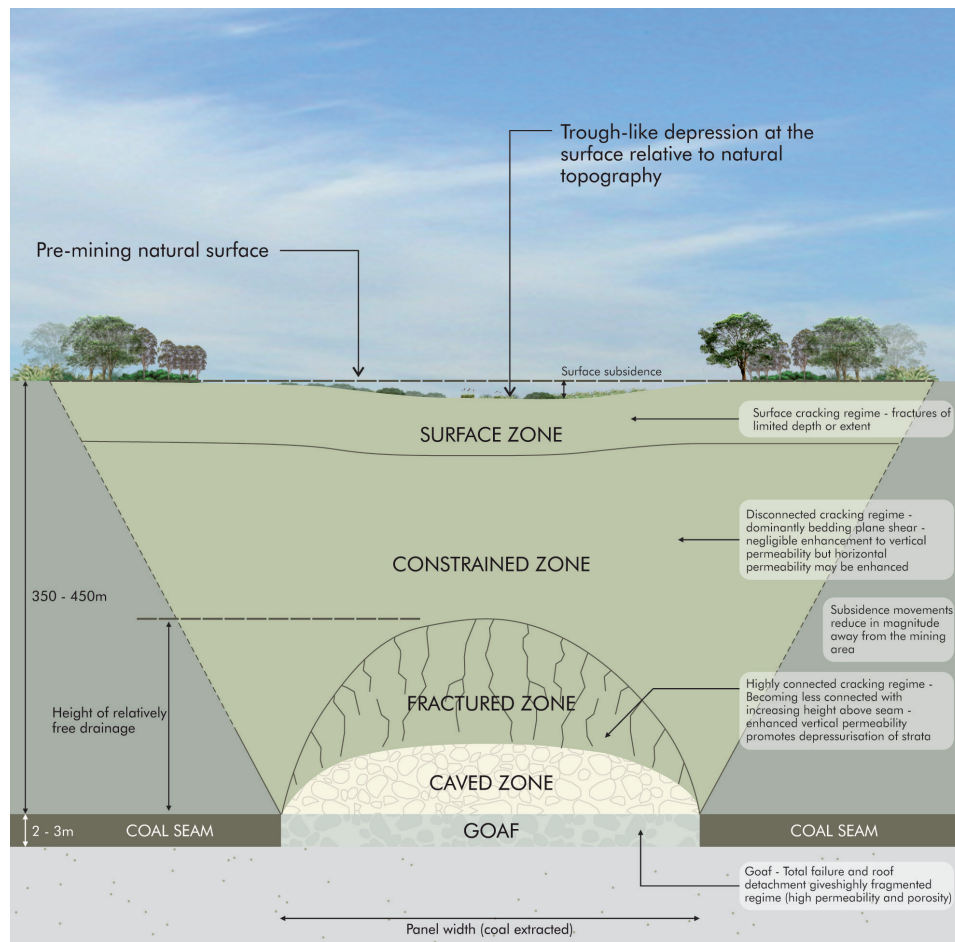


Figure 3: Cross view mine subsidence effects

including impacts on man-made features (e.g. buildings, pipelines, dams and bridges) and natural environmental features (e.g. rivers, cliffs, aquifers and ecosystems). Extraction Plans must be prepared and approved, outlining what management techniques will be used to keep impacts within acceptable levels.

Many government agencies are involved in the approval of an Extraction Plan including the NSW Department of Planning, Industry & Environment. This provides a whole-of-government approach, which allows all mine subsidence related issues to be considered in the process.

## Subsidence Management

Potential impacts from subsidence have been successfully managed by Tahmoor Coal for many years, including the Main Southern Railway, Picton Industrial Area, houses, shops, and infrastructure such as water, gas, power and telecommunications infrastructure. Subsidence can be managed in a number of ways, including;

- Mine Design;
- Pre-mining strengthening works;
- Monitoring during mining; and
- Post subsidence remediation works.

# Subsidence Impacts from Longwall West 3 & West 4.

Tahmoor Coal has previously mined longwalls 22 to 32 beneath the township of Tahmoor and Thirlmere, and observed subsidence impacts between 0.6m to 1.2m.

Tahmoor Coal is currently mining Longwall West 1 in the Western Domain. Mining of Longwall West 2 will commence in December 2020.

The predicted maximum subsidence for Longwall West 1 to West 4, in the Western Domain is between 0.475m to 1m. Extensive ground monitoring and surveys in the mined area has been undertaken during this time and will continue for the duration of the Western Domain mining.

## Possible Impacts on Houses & Other Structures

Vertical subsidence is the lowering of the land and the buildings on it. If a whole building lowers by the same amount, it has little or no effect on the building itself. Vertical subsidence varies from

very small amounts (less than 20mm) more than 250m away from a mining area, to a maximum of about one metre near the middle of a longwall. These changes result in slight tilting and bending of the land and the buildings on it, as well as stretching and compressing.

These changes develop very gradually over many weeks, and they are not readily apparent to the naked eye.

The variation in subsidence movements does, however, result sometimes in noticeable impacts to houses and other structures, mainly in the form of cracks. The way a structure has been designed and built (for example, wooden house on piers or double brick on a concrete slab) will determine what impact subsidence may have on a structure.

Figure 4: Typical cross section of longwall and mine subsidence

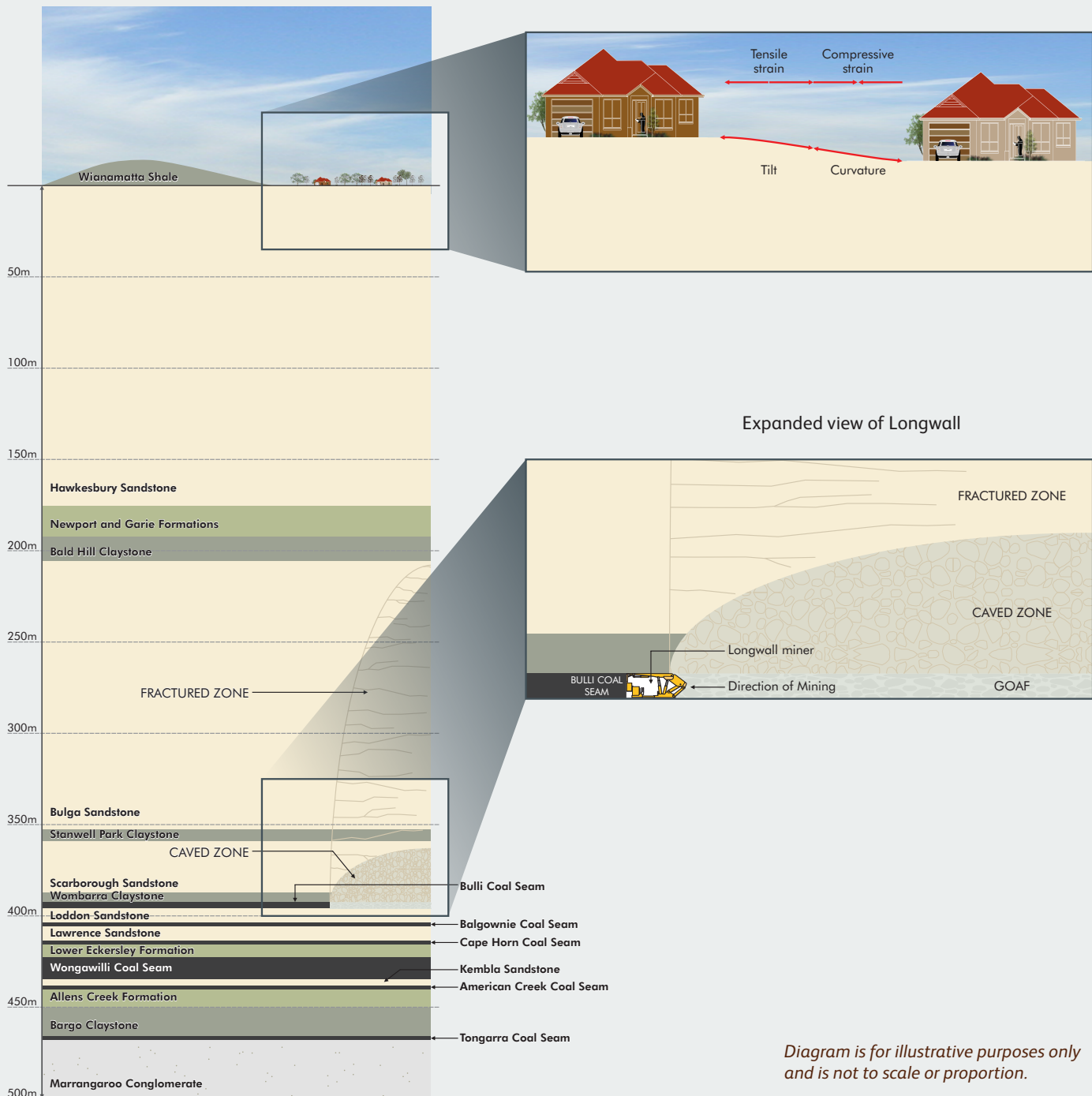


Diagram is for illustrative purposes only and is not to scale or proportion.

## Subsidence Advisory NSW

Subsidence Advisory NSW (SA NSW) is the NSW Government Agency responsible for administering the *Coal Mine Subsidence Compensation Act 2017*. SA NSW has two core functions:

1. To provide compensation or manage the provision of compensation where surface developments are damaged by mine subsidence following extraction of coal or shale in NSW; and
2. To regulate surface development within mine subsidence districts to reduce the risk of mine subsidence damage.

SA NSW provides expert advice to property owners, government departments, councils, community organisations and industries within coal mining areas of NSW. This advice aims to provide compatibility between surface development and underground mining.

### Changes to the Mine Subsidence Compensation Act 1961

Changes to the mine subsidence system in NSW took effect from 1 January 2018 following a review of the former *Mine Subsidence Compensation Act 1961*. The changes make the mine subsidence compensation processes easier for property owners and provide a more equitable model for mining.

### Pre-mining inspection

Tahmoor Coal encourages property owners in areas where underground mining is planned in the near future to have a Pre-Mining Inspection (PMI) carried out on their property. PMIs are free of charge and facilitate a straight forward claims process if a property is impacted by subsidence.

The purpose of a PMI is to determine the condition of a property prior to mining. PMIs are an added protection for property owners to ensure they receive adequate compensation to return their property to its pre-mining condition should it be impacted by subsidence.

The inspector undertaking the PMI will document the condition of the property using photographs and survey levels. Once completed property owners can request a copy of the PMI detailed report. This report can be used as a reference to identify potential damage once mining has occurred.

## How to request a pre-mining inspection and a Property Hazard Inspection

**To request a PMI and/or a Property Hazard Inspection simply contact Tahmoor Coal. An inspection time will then be arranged.**

### Property Hazard Inspection

The *Work Health and Safety (Mines) Regulations 2014*, in relation to subsidence, requires Tahmoor Coal to identify and control hazards that may cause harm to people from subsidence. Tahmoor Coal risk management process includes hazard identification via a preliminary risk screening process that involves visual inspection of each property within the active subsidence area from publicly accessible viewpoints and a more detailed property hazard inspection, where the consent of the property owner is provided.

Tahmoor Coal offers all property owners within the active subsidence area, a free property hazard inspection that will be undertaken by a qualified structural engineer.

### Subsidence Damage

The signs of mine subsidence damage to buildings and other structures can range from cracking to walls and jammed doors to more significant structural issues. Generally, buildings damaged by mine subsidence remain safe and serviceable until they are repaired.

The extent of damage will vary depending on the location of the building in proximity to the mine workings and other subsidence related factors.

### Duty to Disclose

Impacts to property improvements are covered by the *Coal Mine Subsidence Compensation Act 2017*, however, please consult with your insurance agency and mortgagee to determine if you have an obligation to disclose to them that mining will occur beneath your property.

## Subsidence Monitoring and Management

Tahmoor Coal has previously directly mined beneath or adjacent to more than 1,900 houses and civil structures, commercial and retail properties, the Main Southern Railway and local roads and bridges. Tahmoor Coal has implemented extensive measures prior to, during and after mining to ensure that the health and safety of people have not been put at risk due to mine subsidence. Management strategies for the successful mining beneath structures include:

- Regular consultation with the community before, during and after mining;
- Site-specific investigations for identified properties;
- Implementation of mitigation measures as suggested by specialist engineers;
- Ground surveys along streets; and
- Detailed visual inspections.

Tahmoor Coal has engaged a team of specialists to visually inspect, monitor and survey surface and below surface infrastructure to not only ensure there is no risk to public safety but also monitor change and discuss any concerns residents may have. Our dedicated team includes:

- Mine Subsidence Engineers;
- Structural Engineers;
- Geotechnical Engineers;
- Environmentalist;
- Surveyors; and
- Building Inspectors.

## Claiming compensation for subsidence damage

If your home or structure is impacted as a result of subsidence your rights are protected under the *Coal Mine Subsidence Compensation Act 2017*.

An overview of the claims process is shown in the Figure 5 below.

### Subsidence Advisory NSW's online portal

SA NSW has an online portal for end-to-end management of claims, building and subdivision applications.

You can use the portal to lodge, track and manage compensation claims for subsidence damage and applications to build or subdivide in mine subsidence districts. Find out more at [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)



Figure 5: Mine Subsidence Claims Process

Under the *Mining Act, 1992* Tahmoor Coal is responsible for providing compensation to property owners for compensable loss with the exception of compensation provided by the SA NSW. This means that Tahmoor Coal has the responsibility for providing compensation for impacts caused by mining within the Tahmoor Mining Leases upon property features that are not man-made. These features can include but are not limited to:

- Surface of the land;
- Crops, trees, grasses and other vegetation;
- Stock;
- Other business usage; and
- Surface drainage.

## Subsidence Advisory NSW

[www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)

### Picton Office

99 Menangle Street, Picton NSW 2571  
PO Box 40, Picton 2571

**Phone** 02 4677 6500

**Hours** 8.30am-4.30pm Mon - Fri

**24 Hour Emergency Call**  
1800 248 083

A free confidential counselling service is available for residents impacted by mining. For further details please contact Tahmoor Coal **1800 154 415**.

## Frequently Asked Questions

### How do I find out when mining is occurring near my property?

To receive regular mining updates please contact the Tahmoor Coal to be placed on our contact database.

### What if I am a tenant?

If you are a tenant, please make sure you keep your landlord or managing agent informed if you notice any changes to your property that may be from mine subsidence.

Alternatively, if you receive information regarding your property from either Tahmoor Coal or the SA NSW and you are a tenant please forward the information onto your landlord or managing agent.

It is important that not only the tenant receives information, but the owner and / or Managing Agent is also kept informed about mining operations.

### What are the advantages of a pre-mining inspection?

The purpose of a PMI is to determine the condition of a property prior to mining. PMIs are an added protection for property owners to ensure they receive adequate compensation to return their property to its pre-mining condition should it be impacted by subsidence.

### How do I arrange a pre-mining inspection?

To request a PMI simply contact Tahmoor Coal. An inspection time will then be arranged with you.

What if I don't have access to the internet or a computer to lodge a claim online?

SA NSW will continue to accept claims for compensation and development applications in hardcopy. You can lodge hardcopy applications with SA NSW over the counter at its Picton office or via post.

### Who manages my claim?

All claims are managed by a SA NSW Case Advisor who will provide property owners with focused support and a dedicated point of contact throughout the process.

## How to stay in touch & update to date with the latest information

Contact Us: 02 46400100 (within office hours)  
1800 154 415 (after hours)

Email: [tahmoorenquiries@simecgfg.com](mailto:tahmoorenquiries@simecgfg.com)

Web: [www.tahmoorcoal.com.au](http://www.tahmoorcoal.com.au)

### Tahmoor Coal Environment and Community team:

- Zina Ainsworth  
Environment & Community Manager
- Amanda Francis  
Community Liaison Specialist
- Dave Talbert  
Project Manager
- April Hudson  
Approvals Specialist
- Andrew Stuart  
Environmental Project Coordinator

## Emergency Numbers

**Fire 000**

**Ambulance 000**

**Police 000**

**Gas 131 909**

**Electricity 131 002**

**Sydney Water 131 090**

**Telstra 132 203**



T: (02) 4640 0100 E: [tahmoorenquiries@simecgfg.com](mailto:tahmoorenquiries@simecgfg.com) W: [www.tahmoorcoal.com.au](http://www.tahmoorcoal.com.au)

SIMEC Mining Site Address: 2975 Remembrance Drive, Bargo | Postal Address: PO Box 100, Tahmoor NSW 2573, Australia





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# Tahmoor Coking Coal Newsletter

Western Domain

February 2020 | Newsletter 3

## Mining Update

Tahmoor Coking Coal Operations (TCCO) has approval to mine two longwalls in the 'Western Domain' area - Longwall West 1 (LW W1) and Longwall West 2 (LW W2). Approval of the LW W1-W2 Extraction Plan was received from the Department of Planning, Industry and Environment on 8 November 2019.

TCCO commenced extraction of LW W1 on **15 November 2019** and has since progressed 320 metres (refer to **Figure 1** overleaf). Mining is progressing in a southerly direction at a rate of about 50 metres per week.

Any proposed additional longwalls in the Western Domain will be communicated by TCCO once confirmed.

## Community Information Session

The next Community Information Session for the Western Domain will be held on 20 February 2020 at the Picton Bowling Centre from **1pm to 6pm**.

This session has been recently advertised in the Wollondilly Advertiser, and the Macarthur Chronical and District Reporter.

Community Information Session  
Western Domain – Tahmoor Coking Coal Operations

Tahmoor Coking Coal Operations (TCCO) is currently mining in the Western Domain and is committed to keeping the community informed and updated.

Community members in the Western Domain area are welcome to come to the Picton Bowling Club and meet some of the team from the mine, as well as representatives from Subsidence Advisory NSW (SA NSW). They are on hand to provide information on:

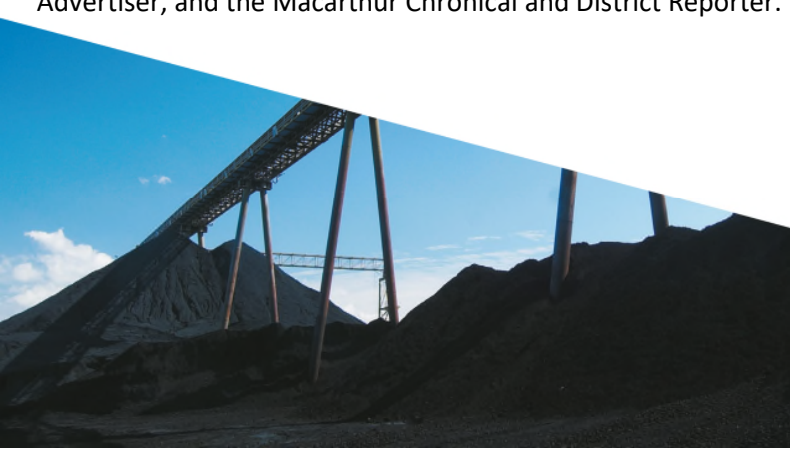
- SA NSW processes
- Mine Operations & Updates
- Community Donation Opportunities
- Discuss Modification 5 DA 67/98 for subsidence within Main Southern Rail and Picton-Mittagong Loop Line.

What: **Community Information Session**

When: **Thursday, 20 February 2020**

Where: **Picton Bowling Club, 10 Cliffe St, Picton**

For more information, you can call **1800 154 415** or email us at **Tahmoorenquiries@simecggf.com**



# Tahmoor Coking Coal Operations – Current Mine Plan

**Figure 1** highlights the locations of LW W1 and LW W2 in yellow, with the area predicted as likely to be impacted by subsidence from LW W1 and LW W2 mining indicated by the blue dashed line (predicted 20 mm Subsidence Area). Grey areas in the figure depict areas that have previously been mined, including the recently mined LW W1 area.

If your property is located within the predicted 20 mm Subsidence Area, please contact us to arrange a free PMI and installation of survey markers.

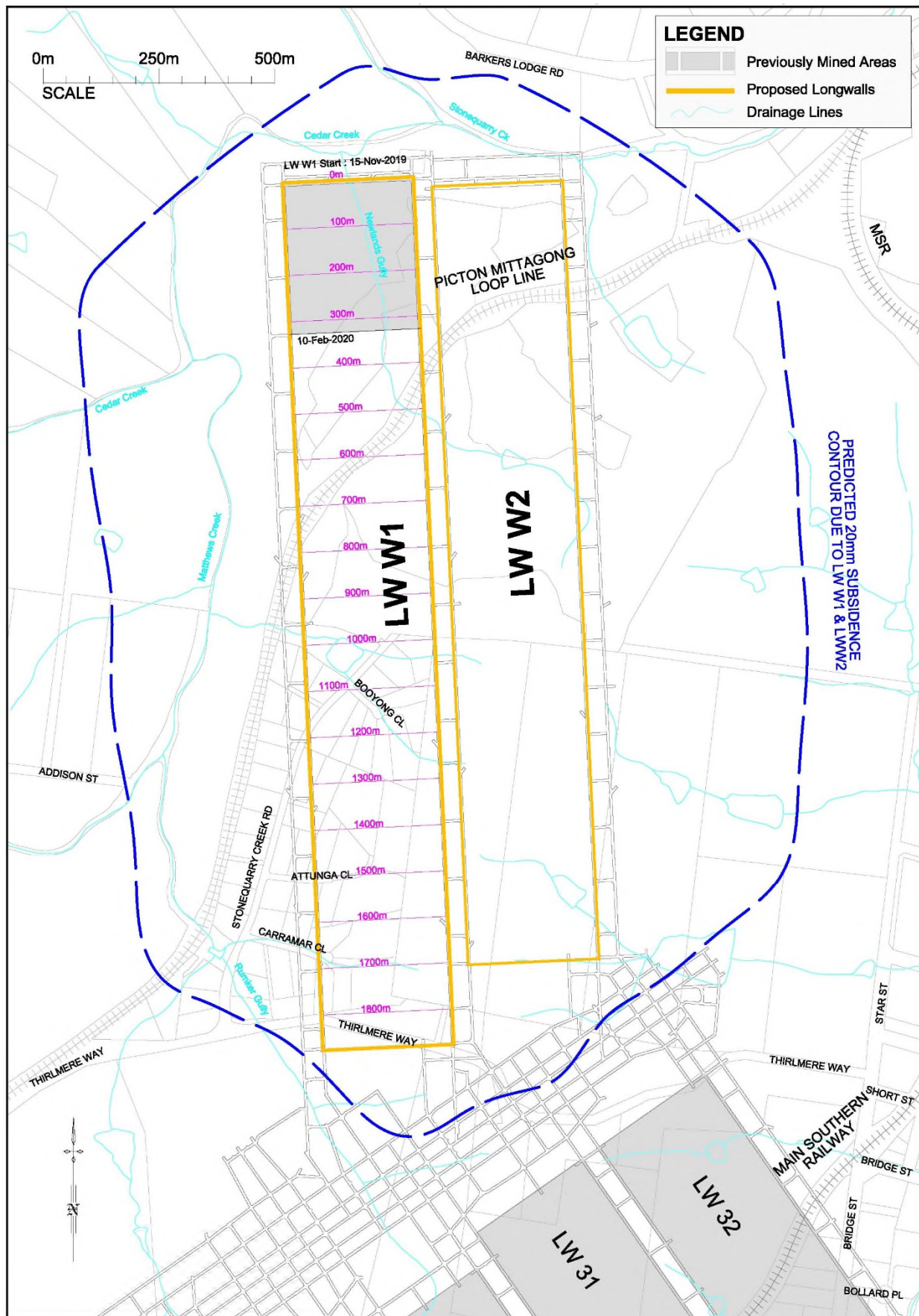


Figure 1: Tahmoor Coking Coal Operations Current Mine Plan



# Subsidence Monitoring and Management

TCCO has previously mined beneath or adjacent to more than 1,900 houses and civil structures, commercial and retail properties, the Main Southern Railway, and local roads and bridges. TCCO has implemented extensive measures prior to, during and after mining to ensure that the health and safety of people have not been put at risk due to mine subsidence. Successful management strategies for mining beneath structures have included:

- Regular consultation with the community before, during and after mining;
- Site-specific investigations for identified properties;
- Implementation of mitigation measures as suggested by specialist engineers;
- Ground surveys along streets; and
- Detailed visual inspections.

## Services offered prior to mining

### Pre-Mining Inspection

TCCO is offering a free Pre-Mining Inspection (**PMI**) for all residential structures within the 20 mm Subsidence Area. Thank you to the property owners who have assisted in the completion of their PMIs. PMI reports are now being issued by the Structural Engineer, and TCCO will be forwarding these reports on to property owners once available via email. Please ensure you check your junk mail folder in case the email containing your report has been incorrectly filed.

### Survey Markers and Land Access Agreements

TCCO is offering to place survey markers around all residential structures within the 20 mm Subsidence Area. Survey markers will measure subsidence and quantify movements in the event that a building or structure has been visually impacted by subsidence. Land Access Agreements are required prior to survey marker installation.

*If you have not requested a PMI or the installation of survey markers to date, please contact Amanda Fitzgerald on the details below to arrange a date and time.*

Email: [Amanda.fitzgerald@simecgfg.com](mailto:Amanda.fitzgerald@simecgfg.com)

Phone: **02 4640 0057**

## What's happening in your area?

Over the coming months, TCCO and specialised consultants will be conducting inspections and routine monitoring works in the Western Domain area.

Activities will likely include:

- PMI Inspections of residential buildings by JMA Consultants, as organized with property owners.
- Residential survey marker installation by SMEC Surveyors, as organized with property owners and subject to Land Access Agreements.
- Baseline surveys and the installation of monitoring equipment by SMEC Surveyors, ongoing till April 2020. White paint marks will be placed on kerbs to indicate the markers for the street surveys, which will be surveyed before, during and after active subsidence.
- Geotechnical investigations on dams and steep slopes by Geotechnical Engineers, to be conducted on a weekly (dams) or monthly (steep slopes) basis.

## Important Contact Information

### Tahmoor Coking Coal Operations

**General information (24hrs) hotline: 1800 154 415**

Email: [tahmooreenquiries@simecgfg.com](mailto:tahmooreenquiries@simecgfg.com)

Web: [www.tahmoorcoal.com.au](http://www.tahmoorcoal.com.au)

### Subsidence Advisory NSW

**24 Hour Emergency Hotline: 1800 248 083**

Picton Office phone: (02) 4677 6500

Email: [subsidenceadvisory@customerservice.nsw.gov.au](mailto:subsidenceadvisory@customerservice.nsw.gov.au)

Web: [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)





# Pre-mining Inspection Report Template

Reference: XXX

<Address>

<Date Inspected>



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Monday, November 30, 2020

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## INSPECTION REPORT



### <ADDRESS of RESIDENCE>

Description of the Improvement: Single-storey brick veneer structure on a reinforced concrete raft slab with a timber-framed roof clad with concrete tiles and a loft mezzanine bedroom and internal brick chimneys.

External structures include an attached garage structure of similar construction to the main dwelling, dry-stacked concrete block retaining walls, an inground swimming pool with surrounding powder-coated metal fence and gates, in-ground rainwater tanks, evapo-transpiration water treatment system, jointed concrete driveway slab and boundary timber post-and rail fences.

**Date of Inspection:** <Insert Date of Inspection>

**Inspector Name:** John Matheson

**Persons Present:** John Smith (owner)

**Client Name:** Tahmoor Coal Pty Ltd

**Manager Name:** Zina Ainsworth

**Contact phone number:** 4640 0100

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## Introduction

A pre-mining inspection report has been conducted to record pre-existing structure damage and finished floor levels throughout the interior of the main dwelling and around the exterior of the dwelling including external walls and eaves, external paths, stairs. External structures have been inspected and information may be recorded where pre-existing damage or movement is identified during the inspection.

The main dwelling has been inspected and observations recorded, room-by-room, in the pattern indicated in Figure 1. Finished floor levels have been recorded throughout the dwelling relative to a datum level, typically taken to be the finished floor level just inside the entry door.

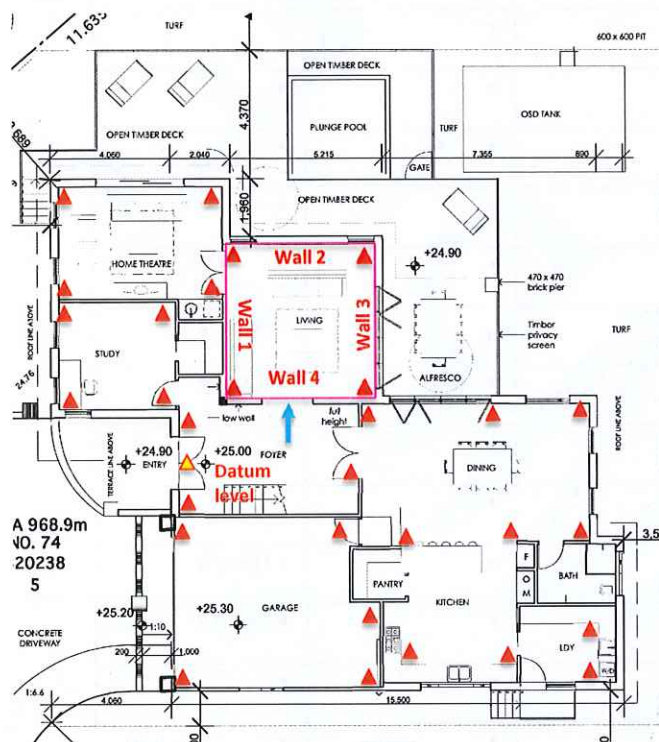


Figure 1 Indicative layout plan of a residential dwelling showing location where datum finished floor level is typically measured (yellow-filled red triangle) and other locations throughout the dwelling where finished floor level could be measured (red triangles). The order in which the walls are inspected around a room is shown indicatively in the living room (bounded by a magenta rectangle) based on the assumption that the room is entered in the direction shown by the blue arrow.

## Pre-mining Damage Assessment

Table 1 Internal Damage of main dwelling observed during the pre-mining inspection:

Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
Front Entry	Wall 1	• Crack at top left-hand corner of front entry & gap along timber cover strip above the door, refer to.	•	• Figure 3 and 3A
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T&G, NVD	•	•
	Floor	• Tile, NVD	•	•
	Other	• NA	•	•
Rumpus Room	Wall 1	• NVD	•	• Figure 8 & 9
	Wall 2	• NVD	•	• Figure 9
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T&G, NVD	•	• Figure 9
	Floor	• Tile, NVD	•	• Figure 9
	Other	• NA	•	•
Master Bedroom	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T&G, NVD	•	•
	Floor	• Carpet, NVD	•	•
	Other	• NA	•	•
Ensuite	Wall 1	• NVD	•	•

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Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
	Wall 2	• NVD	•	• Figure 10
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T&G, NVD	•	• Figure 10
	Floor	• Tiles, NVD.	•	• Figure 10
	Other	• Ped pan fast	•	•
WIR	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• NVD	•	•
	Floor	• Carpet, NVD	•	•
Kitchen	Other	•	•	•
	Wall 1	• NVD	•	• Figure 2 & 5
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T&G, NVD	•	• Figure 2 & 5
	Floor	• Tile, NVD.	•	• Figure 2 & 5
Dining	Other	• NA	•	•
	Wall 1	• NVD	•	• Figure 4
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•

Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
	Ceiling	• Timber T & G, NVD.	•	• Figure 4
	Floor	• Tile, NVD.	•	• Figure 4
	Other	• NA	•	•
Lounge	Wall 1	• NVD	•	• Figure 3 & 7
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Timber T & G, NVD.	•	• Figure 3 & 7
	Floor	• Tile NVD	•	• Figure 3 & 7
	Other	• NA	•	•
Bedroom 2	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	• Figure 13
	Wall 3	• NVD Face brick	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Plasterboard, NVD	•	• Figure 13
	Floor	• Carpet, NVD	•	• Figure 13
	Other	• NA	•	•
Bedroom 3	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	• Figure 14
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• NVD	•	• Figure 14
	Floor	• Carpet OK	•	• Figure 14
	Other	•	•	•

Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
Bedroom 4	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD Face brick	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Plasterboard, NVD	•	• Figure 11
	Floor	• Carpet OK	•	• Figure 11
	Other	• NA	•	•
Art room	Wall 1,2	• NVD	•	•
	Wall 3,4	• NVD	•	•
	Wall 5,6	• NVD Face brick	•	• Figure 11
	Wall 7,8	• NVD	•	• Figure 11
	Ceiling	• Plasterboard, NVD	•	• Figure 11
	Floor	• Carpet, NVD	•	• Figure 11
	Other	• NA	•	•
WC (near bedrooms)	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Shiplap timber, NVD	•	•
	Floor	• Tile, NVD	•	•
	Other	• Ped pan fast	•	•
Bathroom	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	• Figure 12
	Wall 3	• NVD	•	•



SOLUTIONS

Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
	Wall 4	• NVD	•	•
	Ceiling	• Shiplap cedar lining boards, NVD	•	• Figure 12
	Floor	• Tile, NVD	•	• Figure 12
	Other	• NA	•	•
Laundry	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Shiplap timber, NVD	•	•
	Floor	• Tile, NVD	•	•
	Other	• NA	•	•
Laundry WC	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Plasterboard, NVD	•	•
	Floor	• Tile, NVD	•	•
	Other	• Ped pan fast	•	•
Laundry Store	Wall 1	• NVD	•	•
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• Plasterboard, NVD	•	•
	Floor	• NVD	•	•

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Internal	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
	Other	• NA	•	•
Bedroom 5 Loft	Wall 1	• NVD	•	• No images
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• NVD	•	•
	Floor	• Carpet, NVD	•	•
	Other	• NA	•	•
Garage	Wall 1	• NVD	•	• No images
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• NVD	•	•
	Floor	• NVD	•	•
	Other	• NA	•	•
Garage Store	Wall 1	• NVD	•	• No images
	Wall 2	• NVD	•	•
	Wall 3	• NVD	•	•
	Wall 4	• NVD	•	•
	Ceiling	• NVD	•	•
	Floor	• NVD	•	•

Table 2 External Damage of main dwelling and external structures observed during the pre-mining inspection:

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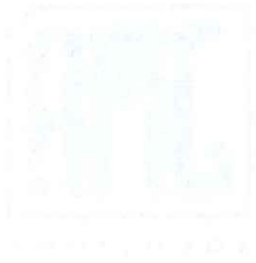
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External	Element	Pre-existing damage; NVD = no visible damage	Damage classification to AS2870: 2011	Figure (or image)
Western façade wall	Brickwork	<ul style="list-style-type: none"> <li>• NVD</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
Northern façade wall	Brickwork	<ul style="list-style-type: none"> <li>• NVD</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
Eastern wall	Brickwork	<ul style="list-style-type: none"> <li>• NVD</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
Southern wall	Brickwork	<ul style="list-style-type: none"> <li>• NVD</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
Swimming Pool	Lining	<ul style="list-style-type: none"> <li>• Lining has become detached from pool shell</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Figure 15</li> </ul>
Driveway	Slab	<ul style="list-style-type: none"> <li>• Root jacking has caused significant difference in level between adjoining slab panels around the northern side of the driveway loop.</li> <li>• differential displacement between adjoining slab panels elsewhere around the access loop is slight and could possibly be a response to compressive ground strain.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Figure 16 and 17</li> </ul>



## Appendix A: Photographs



Figure 2: DSC\_(8)



Figure 3 and 3A: DSC\_(9 and 9A)

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Figure 4: DSC\_(10)



Figure 5: DSC\_(11)





Figure 6: DSC\_(12)



Figure 7: DSC\_(14)



Figure 8: DSC\_(15)

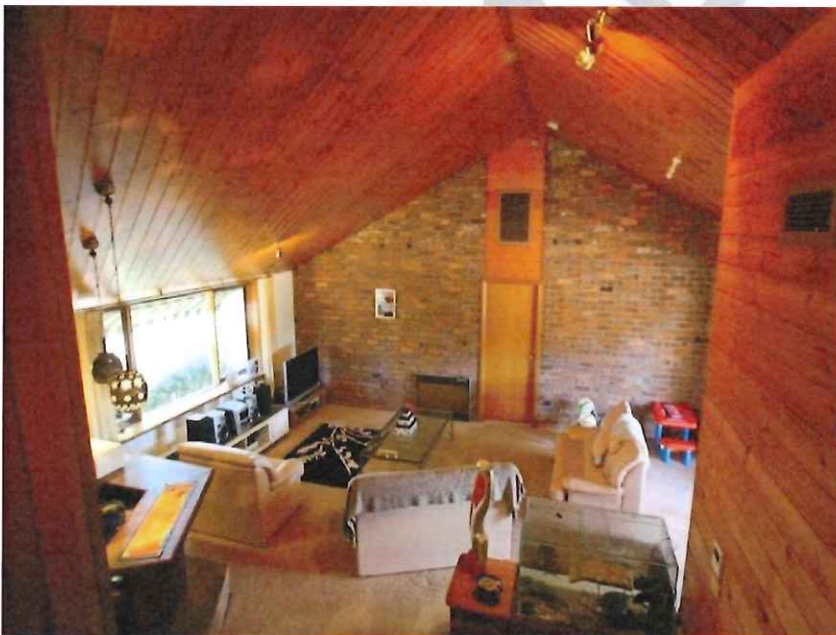


Figure 9: DSC\_(16)



Figure 10: DSC\_(17)



Figure 11: DSC\_(18)

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Figure 12: DSC\_(19)



Figure 13: DSC\_(20)



Figure 14: DSC\_(21)



Figure 15: DSC\_(22)



Figure 16: DSC\_(23)



Figure 17: DSC\_(24)

## Appendix B: Room Layout & Floor Levels



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Figure 17 Ground floor wall layout plan, chimney not shown on ground floor plan with Datum level 00mm at front entry and levels as measured throughout the dwelling



Figure 18 Loft Bedroom 5 layout plan





SAMPLE

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# Guidelines - Process for Claiming Mine Subsidence Compensation

Requirements, information and guidance on the process for  
seeking compensation for property damage from mine subsidence.

SUBSIDENCE  
ADVISORY NSW

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## 2 Introduction

Subsidence Advisory NSW (SA NSW) is the NSW Government organisation responsible for regulating and administering the mine subsidence compensation system in NSW.

SA NSW has developed this document, 'Guidelines – Process for Claiming Mine Subsidence Compensation' (guidelines) to support, inform and guide claimants, Mine Proprietors, Local Councils and other stakeholders involved in the subsidence compensation framework.

These guidelines explain what claimants and Mine Proprietors must do in relation to claims under the following legislation:

- *Coal Mine Subsidence Compensation Act 2017* (the Act)
- *Coal Mine Subsidence Compensation Regulation 2017* (the Regulation).

Specific sections of the Act place obligations on stakeholders and provide guideline making powers. These guidelines are an approved procedure under Section 14 of the Act.

These guidelines commence on 1 January 2018. Accordingly, from this date, these guidelines apply to all new claims and replace any existing guidelines issued by SA NSW (formerly the Mine Subsidence Board).

SA NSW will consult key stakeholders should it propose any substantive changes to these guidelines.

### 2.1 Information for the reader

Words defined in the Act or the Regulations have the same meaning in these guidelines.

References to 'Mine Proprietors' means "proprietor" of a coal mine as defined in the Act.

References to applicable legislative provisions are made throughout the guideline; instructions on where further information can be obtained is also included.

References to 'days' should be read as calendar days, unless otherwise stated.

References to 'guidelines' should be read as approved procedures in accordance with the Act.

### 2.2 Role of SA NSW and Mine Proprietors

SA NSW is responsible for managing all claims for compensation for mine subsidence damage from start to finish. All claims are assigned a SA NSW Case Advisor to support property owners and provide them with a dedicated point of contact throughout the claim process. Technical assessments are coordinated centrally by SA NSW.

SA NSW compensates property owners whose properties have been impacted by subsidence from non-active coal mines using the Coal Mine Subsidence Compensation Fund (the Fund).

SA NSW also facilitates Mine Proprietor involvement in the claims process where the damage is in the zone of an active coal mine. Mine Proprietors are responsible for compensating the costs of mine subsidence damage arising from their operations and providing timely input through SA NSW at key stages of the claims process.

## **2.3 Mandatory compliance**

SA NSW, claimants and Mine Proprietors are obliged to fully comply with the Mine Subsidence Compensation legislation and these guidelines.

## **2.4 SA NSW services and advice**

SA NSW provides all case management services to claimants and Mine Proprietors through its dedicated claims and community team.

SA NSW can answer queries or assist claimants to navigate the compensation claim process. SA NSW can also help answer queries about these guidelines.

More information can be found at [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au). Alternatively, SA NSW can be contacted on (02) 4908 4300.

## **2.5 Online portal for end to end case management services**

SA NSW has an online portal for the end to end management of claims for compensation (portal). The portal facilitates a straightforward claims process and provides key stakeholders, including claimants and Mine Proprietors, with oversight of claims.

### **2.5.1 Claimants access to portal**

Claimants are to lodge claims for compensation for mine subsidence damage via SA NSW's centralised portal. The portal is accessed via SA NSW's website at [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au).

Claimants log in to the portal using their Service NSW username and password. If a claimant does not have a Service NSW account, the portal will direct them to create an account in the first instance.

Claimants can access the portal at any time to view the status of their claim, update their details, respond to requests for further information and access all claim documents in a central location.

In situations where a claimant is not able to access the portal, SA NSW will facilitate contact with the claimant via their preferred method as nominated on a hard copy claim form.

### **2.5.2 Mine Proprietor access to portal**



Mine Proprietors also have access to SA NSW's portal to view and manage claims relating to their operations.

Each levy paying Mine Proprietor in NSW has an account for SA NSW's portal. SA NSW manages these accounts and will consult Mine Proprietors on their preferred log in details. SA NSW will provide the log in details to the Mine Proprietor.

SA NSW will share any relevant information, including claim evaluation reports, with the Mine Proprietor via the portal.

Mine Proprietors are to use the portal to provide input at key stages of a claim, including the initial allocation, review of reports and at the claim determination within set timeframes. The portal includes alerts to ensure Mine Proprietors are aware of the date of their required input for each claim.

Mine Proprietors can also request further information from SA NSW about a claim via the portal.

### 3 Emergencies

SA NSW operates a 24 hour emergency hotline – 1800 248 083 – for the public to report mine subsidence issues presenting immediate safety, security or health risks.

In the event of an emergency, immediate actions are required where the damage may cause danger to a member of the public. This may include situations such as a pothole surfacing, broken pipes (e.g. gas), or, an unsecure property as result of mine subsidence. SA NSW will respond to the emergency within 24 hours of receiving contact, to undertake the immediate actions required and determine subsequent repairs.

Urgent repairs may be required to ensure the continued serviceability of a property, e.g. inoperable bathroom, broken water pipes. SA NSW will respond to urgent repairs within 14 days of receiving contact.

Temporary repairs may be required where damage has been caused by mine subsidence and further subsidence is likely to occur e.g. repairs to a bump that has surfaced in a driveway. Reasonable requests made by the claimant must be considered by the Mine Proprietor.

SA NSW will notify the Mine Proprietor of any emergency actions undertaken and subsequent repairs, urgent repairs or temporary repairs within 24 hours of inspection.

For emergencies, urgent repairs and temporary works, SA NSW may:

- a) carry out repairs on behalf of the Mine Proprietor. Repair costs incurred by SA NSW will be compensated by the Mine Proprietor.
- b) instruct the Mine Proprietor to carry out repairs. Repairs considered an emergency and/or urgent are to be addressed in less than **14 days**.

Relevant provisions and requirements are contained in Section 27 of the Act.

SA NSW will consult the relevant regional office of the Roads and Maritime Services (RMS) and the relevant Local Council in relation to proposed works on public roads.

Mine Proprietors have the right to request a review by the Secretary, Department of Finance, Services & Innovation (DFSI) on SA NSW's decision to issue a direction regarding temporary actions (see Section 28 of the Act).

## 4 Pre-mining inspections

### 4.1 What is a pre-mining inspection?

The purpose of a Pre-Mining Inspection (PMI) is to determine the condition of a property prior to mining. PMIs are an added protection for property owners to ensure they receive adequate compensation to return their property to its pre-mining condition, should it be impacted by mine subsidence.

PMIs provide clarity on the pre-existing condition of the property via photos and survey levels, which enables a clear comparison to any differences after mining. A PMI results in a clearer and more timely claims process in the case that a property is impacted by mine subsidence. It is highly recommended that PMIs are undertaken. PMIs are free to property owners.

The Mine Proprietor must complete a PMI or arrange and ensure that a PMI is completed prior to a property being influenced by mine subsidence.

### 4.2 Responsibility of pre-mining inspections

It is the responsibility of the Mine Proprietor to identify properties that have the potential to be impacted by mine subsidence from underground mining in the future. The Mine Proprietor must provide this information, including likely timing of any mine subsidence, to SA NSW.

The Mine Proprietor can coordinate the process of seeking property owner's permission to undertake PMIs and subsequently undertake PMIs. Alternatively, the Mine Proprietor can forward information to SA NSW to undertake this work. It is recommended the Mine Proprietor provide SA NSW details on future properties that may be impacted annually for the upcoming three years to inform the PMI forward work program.

PMIs should be planned and scheduled well in advance of mine subsidence potentially impacting a property. PMIs may be incorporated into existing processes of the Mine Proprietor, e.g. Development of Property Subsidence Management Plans and Built Features Management Plans.

### 4.3 Carrying out pre-mining inspections

The Mine Proprietor (or SA NSW if applicable) must seek permission from the property owner (residential, commercial and industrial) to undertake PMIs in the zone of subsidence influence.

With the property owner's consent, the Mine Proprietor can choose to undertake PMIs in one of the following ways:

- Mine Proprietor to directly undertake PMI
- Engage a suitably qualified contractor (i.e. with building qualifications)
- Engage a suitably qualified contractor from the Technical Panel
- Engage SA NSW to undertake PMIs (for a fee and subject to availability).

This will involve a qualified professional from the SA NSW Technical Panel or qualified SA NSW employee inspecting the property and providing a report prior to mine subsidence taking place.

The fee charged to Mine Proprietors will be the cost of the PMI carried out by the technical assessor (or qualified SA NSW employee) plus 10% of the cost of the PMI (additional overhead charge to cover SA NSW administration costs).

Where consent is not granted or no response is received from the property owner, SA NSW has statutory powers to undertake an external PMI of residential properties (where it is safe to do so) on behalf of the Mine Proprietor. SA NSW charges a fee for mandatory external PMIs as listed in the schedule of rates for the Technical Panel.

#### **4.4 Commercial and infrastructure pre-mining inspections**

SA NSW has statutory powers to carry out a full internal and external pre-mining inspection of any infrastructure or commercial property on behalf of the Mine Proprietor. SA NSW may commission a suitably qualified and experienced person to conduct this process.

Where other pre-mining requirements are required of the Mine Proprietor such as a Built Features Management Plan, the Mine Proprietor can integrate the PMI within these requirements.

#### **4.5 Pre-Mining Inspection reports**

PMI reports must document the condition of any buildings, structures and improvements on the land prior to an active subsidence period. The reports must include extensive photos of buildings, structures and improvements (including driveways, sheds, fences), internal floor levels, pool levels, functionality of water boreholes and dams. The extent of all existing damage must be illustrated using a tape measure. Details of the damage must be highlighted (e.g. a 3mm crack in northern kitchen gyprock wall and 1m length).

A copy of the PMI report must be provided to the Mine Proprietor, the property owner and SA NSW.

#### **4.6 Notice and timing of pre-mining inspections**

PMIs are to be conducted prior to the active subsidence period. Efforts are made to co-ordinate a mutually convenient time to both the property owner and assessor. In the event of a mandatory external PMI, notice of **14 days** (or shorter if reasonable to all parties), must be given to the property owner prior to the PMIs being carried out. SA NSW and/or the Mine Proprietor must consider any reasonable requests from the property owner to accommodate an inspection, e.g. requests for inspections outside of business hours.

## 5 Claims management process

### 5.1 Overview of Claims Process

The claims management process is summarised into a number of stages as outlined below:



### 5.2 Lodging a claim

#### 5.2.1 How to lodge a claim

Claims for compensation for mine subsidence damage are to be lodged through SA NSW's portal which can be accessed at [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au).

Once a claim is lodged, the claimant will receive an automatic response via email from SA NSW acknowledging receipt of the claim and providing further information on the claims process.

The property owner may return and log into the portal at any time to track the status of their claim, view all claim documents in a central location, and access dedicated SA NSW advisory services.

If a property owner is not able to access the portal to lodge a claim, they may complete and lodge a hardcopy claim form at a SA NSW office. SA NSW staff will enter the claim details, including a scanned copy of the claim form, into the portal, on behalf of the claimant.

## 5.2.2 Who can lodge a claim

Claimants must be the property owner or an authorised representative of the property owner. Proof of authority to represent the property owner must be provided in the form of a Statutory Declaration or Power of Attorney before SA NSW will proceed with a claim.

SA NSW will not accept claims for compensation made by tenants. However, tenants are able to report mine subsidence issues presenting safety, security or serviceability issues via SA NSW's 24-hour emergency hotline on 1800 248 083. Refer to [Emergencies](#) for further information.

## 5.2.3 What information is needed to lodge a claim

SA NSW requires property owners to provide the below information when lodging a claim:

<b>Claimant details</b>	<ul style="list-style-type: none"><li>•Name, address, email and telephone number of the claimant and each owner of the property/asset subject of the claim and relevant proof of authority</li></ul>
<b>Property details</b>	<ul style="list-style-type: none"><li>•The address of the property subject to the claims</li><li>•Lot and DP of the property (if available)</li></ul>
<b>Damage details</b>	<ul style="list-style-type: none"><li>•Detailed description of the damage</li><li>•Photos of damage (if available)</li><li>•The date the damage was first observed by the claimant</li></ul>

The portal will prompt claimants to provide the above information. In some circumstances, SA NSW may contact the claimant for further information after receiving the claim.

Refer to **Appendix 1** for clarification on items that can be claimed under the Act.

## 5.2.4 Time restrictions on claims for compensation

Section 11 of the Act requires claims for compensation to be lodged within **12 months** after the day on which the subsidence damage became known to the property owner. The earlier the claim is lodged, the easier it will be to determine the exact cause of damage and potentially prevent further damage.

SA NSW may grant property owners an extension of time for lodging claims in exceptional circumstances. Property owners who have not lodged a claim within 12 months of becoming aware of the damage should contact SA NSW on (02) 4908 4300 regarding next steps.

## 6 Preliminary assessment

### 6.1 Overview of preliminary assessment

Following receipt of a claim, SA NSW will undertake a preliminary assessment to confirm:

- the claimant's ownership of the property
- that the damage is consistent with, or could be attributable to, mine subsidence
- if the subject property is in the zone of influence of active or non-active underground mines
- if mine subsidence is still underway for claims in active mining areas.

The findings of the preliminary assessment will determine how the claim is progressed.

SA NSW will conduct a land and property title search to confirm the claimant's ownership of the property.

SA NSW will allocate a Case Advisor to the claim within **3 days** of the claim being lodged.

### 6.2 Review to confirm claim location in proximity to mine workings

SA NSW will undertake an initial desktop assessment to review the location of the claim in proximity to underground mine workings.

If the claim is outside the zone of influence of any active or non-active coal mine, SA NSW will not accept the claim. The claim will be closed within **14 days** of being lodged. Refer to [Claim Determinations](#) for further information.

SA NSW will progress claims identified as 'within the zone' of underground mine workings to the next phase of assessment, to determine whether it is in an active or non-active mining area.

### 6.3 Assessment on whether claim is in an active or non-active mining area

SA NSW maintains comprehensive mapping records of all non-active coal mines and active coal mines. SA NSW will review these records in relation to the claim to assess whether it is in the zone of influence of an active or non-active coal mine. In some areas of active mining, SA NSW may request further information from the relevant Mine Proprietor before making a determination.

There may be occasions where a claim is lodged in an area where there are both active mining operations and non-active mine workings. In this situation, SA NSW will notify the relevant Mine Proprietor. Further investigations will be carried out during the course of the claim to identify if mine subsidence has occurred and, if so, whether it was caused by an active coal mine, non-active coal mine or a combination of both.

Active and non-active coal mines are defined in the Act and the Regulation.

## 6.4 Mine Proprietor notification and acceptance

SA NSW will notify Mine Proprietors via the portal after making a determination that a claim is within the zone of influence of their mining operations. SA NSW is to notify the Mine Proprietor within **7 days** of the claim being lodged with SA NSW.

Within **7 days** of being notified of a claim, the Mine Proprietor is to either acknowledge that the claim is within the zone of their operations or submit a request for further information from SA NSW decision via the portal.

### 6.4.1 Mine Proprietor requests for information

Prior to accepting that a claim is within the zone of their operations, the Mine Proprietor may submit a request via the portal for SA NSW to provide additional information in relation to the claim, including:

- details of past claims at the property
- building compliance.

SA NSW is to provide the requested information (if available) to the Mine Proprietor within **7 days** of the request. In this situation, the timeframe for the Mine Proprietor to either acknowledge or contest that the claim is in the zone of their operations is extended to within **7 days** of receiving the information from SA NSW.

### 6.4.2 Mine Proprietor disagrees claim is in the zone of their operations

In instances where the Mine Proprietor disagrees with SA NSW's assessment that a claim is within the zone of their operations, pursuant to section 12 of the Act, the Mine Proprietor may request a review within **21 days** of the date on which the claim was forwarded to them.

## 6.5 Meetings with claimants

Throughout the claims process, SA NSW may arrange meetings with the claimant to further explain information, such as the claims management process, technical reports and letter of compensation offer. All meetings between SA NSW and the claimant will be coordinated centrally by the relevant SA NSW Case Advisor.

Claimants may have representation of their choice at any meetings.

### 6.5.1 Mine Operator involvement in claimant meetings

For claims in active mining areas, SA NSW will endeavour to facilitate a constructive relationship between the Mine Proprietor and claimant so that claims can be resolved in a fair and timely manner. The SA NSW Case Advisor will extend an invitation to the Mine Proprietor to attend meetings with the claimant.



In the situation that a Mine Proprietor and claimant arrange to meet, the Mine Proprietor must make SA NSW aware of the meeting at least **2 days** in advance (where practicable). SA NSW may exercise its discretion to attend the meeting.

## **6.6 Continuing mine subsidence and/or ongoing ground movement**

In active mining areas, mine subsidence impacts can occur from one or a number of longwalls, due to the extraction of underground coal. It is possible that a property that is impacted by mine subsidence may sustain further damage from subsequent longwalls.

For claims received in an area where mine subsidence is ongoing, the full claim assessment will be deferred until mine subsidence is complete. This ensures properties do not sustain further damage once repairs have been completed, except in the case of temporary repairs, as referred to in Section 3.

### **6.6.1 Postponing claim assessments where mine subsidence is ongoing**

If the claim involves ongoing mine subsidence and/or ongoing ground movement, SA NSW may postpone a full claim assessment until ground movements are within nominal seasonal movement levels.

The Mine Proprietor is to advise SA NSW when mine subsidence is likely to cease. SA NSW will then advise the claimant of the estimated timeframe when the claim can progress to the full assessment.

Emergency works related to a claim will not be postponed, even if mine subsidence is not yet completed. Refer to [Emergencies](#) for further information on emergency works.

### **6.6.2 Mine Proprietor responsibilities for mine subsidence monitoring**

Mine Proprietors are responsible for advising SA NSW when mine subsidence has ceased.

Mine Proprietors are responsible for undertaking ground level surveys to determine the extent of movement from their mining operations. A Subsidence Monitoring Plan is required to detail the survey location and frequency prior to (typically 1 year) and post mining (typically 5 years) relevant to residential structures.

The Subsidence Monitoring Plan may be incorporated into existing plans that the Mine Proprietor has developed. The aim of the plan is to fully understand the ground movements as close as possible to the improvements (i.e. dwellings, buildings, roads) that may potentially be impacted by mine subsidence.

SA NSW may also request a Mine Proprietor to undertake further survey work to inform the claim inspection process.

Further reporting requirements are prescribed in the Regulation.

## 7 Claim assessment

### 7.1 Assessment of claims in non-active mining areas

For claims arising from non-active mines, the assessment and determination process is to conclude within **3 months** of the property being inspected.

Claims for mine subsidence damage in non-active mining areas are assessed by an SA NSW Project Manager/Estimator with expertise in mine subsidence damage.

Where necessary, an independent specialist from SA NSW's technical panel, such as a geotechnical engineer, may also be engaged to assess the claim.

### 7.2 Assessment of claims in active mining areas

For claims arising from active mines, the assessment and determination process is to conclude within **3 months** of the property being inspected (unless otherwise approved by SA NSW, e.g. where mine subsidence is ongoing, a property owner might seek an extension of time due to personal reasons such as ill health, etc).

Claims for mine subsidence damage in active mining areas are assessed by an independent specialist from a technical panel of assessors managed by SA NSW.

### 7.3 Technical Panel

SA NSW has established a technical panel of independent specialist assessors (Technical Panel) to carry out assessments as part of the claims process. Appointment to the Technical Panel requires demonstrated technical experience and relevant certified qualifications in relevant fields.

The specialist assessors provide professional, objective, consistent and independent assessment of claims. The Technical Panel includes:

- geotechnical engineers
- structural engineers
- quantity surveyors
- property valuers
- other suitably qualified professionals, including building assessors and builders.

SA NSW manages the appointment of specialists to the panel. SA NSW also undertakes annual reviews of panel assessors.

SA NSW oversees the assessment process and sets conditions for report templates, inspection processes and reporting requirements.

### **7.3.1 Selection of an assessor from the panel**

For active mining areas, and instances where a specialist is required to assess a claim in a non-active mining area, SA NSW will randomly select the relevant assessor from the Technical Panel to carry out the claim investigation inspection.

SA NSW will determine the type of assessor required to investigate the claim, e.g. some claims may necessitate a geotechnical engineer whereas others will require an assessment by a structural engineer.

### **7.3.2 Subsequent assessments**

The assessor should typically be a geotechnical or structural engineer with an understanding of mine subsidence. Subsequent assessors may be required from the Technical Panel to provide specific expertise, e.g. a pool specialist. If the Technical Panel does not have the expertise, other specialists may be engaged using the same selection process for the Technical Panel.

## 7.4 Inspection of the damage

The formal assessment process commences with an inspection of the damage by the assessor. The purpose of the inspection is for the assessor to determine if the damage claimed is attributable to mine subsidence. The inspection is to occur within **4 weeks** of mine subsidence ceasing (active mine) or lodgement of a claim (non-active mine). This timeframe can be extended at the discretion of Chief Executive Officer, SA NSW.

### 7.4.1 Arranging the property inspection

The SA NSW Case Advisor will oversee the assessment process and facilitate all interactions between the claimant, assessor and Mine Proprietor where applicable.

The SA NSW Case Advisor will contact the claimant and assessor to confirm availability and arrange a suitable time for the inspection. SA NSW is to provide the claimant and Mine Proprietor with reasonable notice, e.g. **5 days** prior to the inspection.

The SA NSW Case Advisor, and the Mine Proprietor where applicable, may attend the inspection.

### 7.4.2 Assessment methods

The methods to carry out a claim assessment will vary depending on the type of mining and extent of the damage. As part of the assessment, the assessor may:

- carry out level survey of improvements, e.g. survey internal floor levels and walls
- request survey data from the Mine Proprietor
- carry out testing of soil with a dynamic cone penetrometer
- carry out an underfloor and/or roof cavity inspection of the property
- test site for presence of fill
- inspect water bores and dams
- check adequacy of footings
- carry out any other appropriate tests or checks
- consider past claims
- consider pre-mining inspection reports (if available)
- consider Council approvals.

## 7.5 Claim Evaluation Report – Scope of damages for repair

Following the inspection, the assessor will prepare a Claim Evaluation Report (CER). The CER will detail:

- whether the damage is attributable to mine subsidence
- supporting data (e.g. survey levels, photos)
- scope of works to repair if applicable
- cost estimate for scope of works if applicable.

If further clarification is required to determine the cause of damage, SA NSW will engage alternate specialists.

If the assessor determines that the damage is the result of mine subsidence, they will prepare a detailed scope of works and cost estimate as part of the CER. The scope of works must provide sufficient detail to enable a third party to fully understand the works.

## 7.6 SA NSW / Mine Proprietor review of draft reports

Prior to finalising the CER, the assessor will provide their report to SA NSW (in non-active mining areas) or provide to SA NSW to forward to the Mine Proprietor (in active mining areas) for consideration, comment and clarification before finalisation.

The CER is to be provided within **2 weeks** of the site inspection. Response from the Determining Body is required within **7 days**, with a counter response from the assessor within **7 days**.

### 7.6.1 Dispute of report findings

For procedural fairness, if the Mine Proprietor or SA NSW (in non-active mining areas) disagrees with the scope and/or content of the reports, there is an option for an alternative assessor to carry out a desktop peer review of the existing reports.

Mine Proprietors are to lodge a request for a peer review of the reports by another assessor with SA NSW via the portal within **4 weeks** of receiving the draft report. The Mine Proprietor has the right to nominate the expert peer reviewer from the Technical Panel. The Peer Review report is to be received within **2 weeks** of engagement. The Mine Proprietor is unable to request a third assessment and is required to determine the claim in accordance with the CER and cost estimate.

## 8 Determination of claim

The process for determining claims is the same for active and non-active coal mines. For the purposes of this guideline the 'Determining Body' is as follows:

- SA NSW – where mine subsidence is caused by non-active coal mines
- The relevant Mine Proprietor – where mine subsidence is caused by active coal mines.

Hence, the term 'Determining Body' referred to in this Guideline is either SA NSW or the Mine Proprietor, as appropriate.

The Determining Body must determine the claim in accordance with the CER. Out of pocket allowances may be applicable as indicated in **Appendix 1**.

### 8.1 Accepted claims

If the Determining Body accepts the claim, they are to prepare an offer of fair and reasonable compensation in accordance with the CER and any other eligible compensation. The offer determined must not be less than the cost estimate in the report. The scope of works accepted and the details of settlement are to be included in the offer.

The compensation is to allow the property owner to coordinate repairs. The compensation must be based on the assessment of damage to the property using a ['like for like' principle](#).

The monetary compensation model enables claims to be settled quickly and also benefits claimants by providing them with increased flexibility in choosing their preferred repairer and timeframe for repair.

In certain circumstances, alternatives to monetary compensation may be considered by the Determining Body. Refer to [Appendix 2](#) for further information.

### 8.2 Claims not accepted

If the CER confirms that the claimed damage was not the result of mine subsidence, the Determining Body is not able to accept the claim. The Determining Body is to prepare a letter to the claimant advising that the claim has not been accepted and the reasons why.

### 8.3 Discrepancies between claim assessments and determination

If the Mine Proprietor fails to respond to a claim in accordance with this guideline, including determining the claim in accordance with the CER, SA NSW may step in and deal with the claim, including determining the claim.

In accordance with section 18 of the Act, prior to taking such action, SA NSW will notify the Mine Proprietor of the proposed course of action and provide them with **21 days** to make a submission regarding the proposed action.

## 8.4 Notifying the claimant of the determination

If the Determining Body is the Mine Proprietor, they must provide their determination and offer of compensation if applicable to SA NSW via the portal, within **4 weeks** of receiving the draft CER.

The SA NSW Case Advisor is to provide the letter of determination, offer of compensation, Deed of Release (if appropriate) and all reports to the claimant via the portal within **3 days**. The Case Advisor is to contact the claimant directly to notify them that the information is available.

## 8.5 Claimant response to determination

The claimant is to formally respond to the determination within **3 months** of receiving notice. SA NSW may extend this timeframe under exceptional circumstances e.g. bereavement, ill health, mental incapacity or overseas travel/posting.

The claimant may respond by accepting the determination or requesting an independent review.

If the claimant does not respond within **6 weeks** of the determination being provided, SA NSW will telephone the claimant to follow up on the offer. If a response has not been received within **3 months**, SA NSW will issue a reminder letter and telephone the claimant again. If the claimant does not respond within **4 months** of receiving notice, the SA NSW Case Advisor will place the claim on hold and notify the claimant in writing and over the phone that the claim is on hold pending contact from the claimant. SA NSW will also the Mine Proprietor in active mining areas.

### 8.5.1 Claimant agrees with determination and compensation offer

If the claimant accepts the outcome of the claim and the amount of compensation offered, the claim will progress to settlement.

### 8.5.2 Claimant disagrees with amount of compensation offered

The claimant may disagree with the compensation offer by notification to SA NSW. In this instance, SA NSW and, where applicable, the Mine Proprietor seek to fully understand the nature of the concern. Alternative pathways may be considered such as reassessing certain aspects of the claim or further consideration of the issues raised.

The Determining Body may revise the determination or alternatively confirm the original determination. The Determining Body prepares a letter within **14 days** of notification and SA NSW forwards this to the claimant within **3 days**.

If the claimant accepts the determination, the claim will progress to [settlement](#). If the claimant still disagrees they can request an independent review of the claim by the Secretary of the Department of Finance, Services & Innovation (DFSI) or their delegate. The

Secretary's determination is binding and enforceable. Refer to [Dispute Resolution](#) for further information.



### **8.5.3 Claimant disagrees with decision in relation to the claim**

If the claimant disagrees with the decision in relation to the claim and seeks reassessment by the Determining Body, the Determining Body must respond to the claimant within **14 days**. If there is no change to the determination, the claimant may request an independent review of the claim by the Secretary of DFSI or their delegate within **3 months** of the determination in accordance with section 15 of the Act. Refer to the Act and [Dispute Resolution](#) section of the Guidelines for further information.

## 9 Claim settlement

### 9.1 Deed of Acknowledgement, Release and Indemnity

If the claimant accepts the determination of the claim, the Determining Body may prepare a Deed of Acknowledgement, Release and Indemnity for it to enter into with the claimant. The Deed should cover:

- Releases and indemnities
- Requirement to disclose the claim and compensation to future purchasers
- Confidentiality
- Clear definition of what damage is being compensated for.

Claims for future damage or unclaimed damage that was not known to the claimant at the time of the claim must not be prevented by the deed.

#### 9.1.1 Executing the deed

If the Determining Body is the Mine Proprietor, they are to provide the deed to SA NSW via the portal with the letter of determination and an Electronic Funds Transfer (EFT) form.

SA NSW will provide the deed, along with the EFT form, to the claimant for review and acceptance. Claimants are able to seek legal advice in relation to the deed (refer to Section 13.1.4 regarding out of pocket expenses for legal advice).

Claimants are to return the signed deed and completed EFT form to SA NSW. If the Determining Body is the Mine Proprietor, SA NSW will forward the signed deed and EFT form to the Mine Proprietor within **7 days** of receipt.

The Determining Body is to execute the deed within **14 days** of receipt and progress to paying compensation.

### 9.2 Paying compensation

SA NSW will provide the Determining Body's EFT form to the claimant at the same time as providing the letter of determination and the deed. The claimant is to complete the EFT form nominating an account for the compensation to be paid into and return the form to SA NSW with the signed deed.

The Determining Body is to pay the compensation to the account nominated by the claimant on the EFT form within **21 days** of the deed being executed (or other mechanism approved by SA NSW).

#### 9.2.1 Option for staged compensation payments

In instances where the mine subsidence damage necessitates the demolition and rebuilding of a dwelling, the Determining Body may elect to pay compensation in stages. Staged

payments provide claimants with sufficient funds to commission a new home while providing incentive for mine subsidence damage to be dealt with appropriately.

The details of any staged payments are to be included in the deed of release. An example of staged compensation payments could be providing 25% of the payment upon execution of the deed and providing the remaining 75% once confirmation is received that the damaged property has been demolished.

## 10 Dispute resolution

Dispute resolution pathways are available for the claimant. Dispute resolution for mine subsidence claims comprise of a binding review by the Secretary of DFSI (the Secretary or their delegate) and appeal rights to the Land and Environment Court.

Reviews may be requested of the Determining Body's determination:

- a) as to whether damage has arisen from mine subsidence;
- b) the scope of repairs or amount of compensation; or
- c) the means of compensation.

The claimant has **3 months** from the date of determination to accept the claim determination or seek an independent review.

### 10.1 Independent review process

#### 10.1.1 Requesting a review

Claimants can lodge request for independent review with SA NSW via the portal. SA NSW will notify the Secretary and Mine Proprietor (where applicable) of the request for review within **7 days** of receipt.

The SA NSW Case Advisor will gather information relating to the claim being:

- any previous compensation received in relation to mine subsidence to the subject property;
- copies of the prescribed claims information that were submitted, and copies of any advice received from the Determining Body in relation to the claim.

As part of the independent review, both the claimant and Determining Body are to prepare a position statement detailing the reasons for requesting the review/making the claim determination.

#### 10.1.2 Claimant position statement

Upon receiving a request for an independent review, SA NSW will advise the claimant to provide a position statement. The claimant must provide the position statement within **30 days** of receiving notification by SA NSW.

The claimant's position statement must:

- Specify the name and contact details of the claimant and preferred means of contact;
- Outline the nature of the dispute including:
  - the aspects of the determination or proposed compensation which the claimant does not accept;
  - a brief summary of the reasons why the claimant does not accept the determination or compensation;
  - the compensation which the claimant proposes as acceptable, whether in monetary or non-monetary (e.g. repair works) form and how it has been determined.
- Include other information supporting their position such as the:
  - nature and author of any specialist reports and the reasons for reliance on the reports (including the relevance of the report to the issues which the claimant believes will arise in the review);
  - details of previous claims and correspondence;
  - other information to support their position.

The claimant is to provide their completed position statement to SA NSW to progress the review. If the Determining Body is the Mine Proprietor, SA NSW will forward the claimant's position paper to the Mine Proprietor for response via the portal.

If the claimant does not provide a position statement to SA NSW within 30 days of the request by SA NSW, the independent review process is terminated and the original determination stands.

### **10.1.3 Determining Body's position statement**

Once the claimant's position statement has been received, SA NSW will provide this to the Determining Body and the Determining Body is to prepare a position statement in response within **14 days**.

The Determining Body's position statement is to:

- specify the name and contact details of the Determining Body and preferred means of contact;
- provide a detailed description of the mining activity that is being carried out under or in proximity to the property, including a map showing the mine in relation to the property;
- specify the compensation which the Mine Proprietor proposes (whether in monetary or non-monetary (e.g. works) form, or both and how it has been determined);
- nature and author of any expert reports and the reasons for reliance on the reports (including the relevance of the report to the issues which the Determining Body believes will arise in the review);
- provide a summary of the correspondence with the claimant, including a timeline and any relevant documentation;
- include other documentation as appropriate.

If the Determining Body is the Mine Proprietor, they are to provide their position statement to SA NSW to progress the review.

Once the Determining Body has completed their position statement, SA NSW will forward a copy to the claimant within **7 days** for their reference.

## 10.2 Settlement prior to Secretary determination

Upon receiving a claimant's position statement, the Determining Body may reconsider and revise their determination. If the claimant accepts the revised determination, the claimant can settle the claim by entering into a deed of release with the Determining Body prior to the determination of the Secretary or their delegate. Refer to [Claim Settlement](#) for further information.

If the Determining Body does not reconsider its determination, the matter will progress to the Secretary for an independent review and determination.

## 10.3 Secretary's determination

SA NSW will provide both the position statements of the Determining Body and the claimant to the Secretary (or their delegate) along with any other relevant information.

The Secretary will review the position statements and documents from the assessment of the claim, including the CER, cost estimate, desktop analysis, preliminary assessment and any other investigations conducted. Further investigations and information may also be requested by the Secretary.

The Secretary will provide a determination within **3 months** of receiving notice of the claimant's request for review. The determination will include a written summary of the reasons for the decision which will be provided to the claimant and Determining Body.

In accordance with section 15 of the Act, the Secretary's determination is binding. This means all parties are bound by the Secretary's determination. E.g., if the Secretary determines that the amount of compensation is less than the Determining Body's original determination, the claimant is unable to revert to the original offer. However, both the claimant and Mine Proprietor can appeal the Secretary's decision in the Land and Environment Court (LEC) in accordance with section 16 of the Act.

### 10.3.1 Costs associated with the independent review

The Secretary will make a determination on the costs associated with the independent review process. The Secretary may determine that costs are to be paid by the Mine Proprietor or met by the Fund or require a contribution from the claimant.

## 10.4 Appeals to the Land and Environment Court

Section 16 of the Act allows claimants and Mine Proprietors to appeal against the Secretary's determination to the LEC within **3 months** of the Secretary's determination date (post independent review).

Appeals can be made to the LEC against the Secretary's decision on the following grounds only:

- a) whether damage has arisen from subsidence
- b) the amount of compensation
- c) where a claim for preventative or mitigative works has been rejected.

Further information on the LEC is available at [www.lec.justice.nsw.gov.au](http://www.lec.justice.nsw.gov.au).

# 11 Administration

## 11.1 Record keeping

SA NSW will store information on claims and act as a repository for data on claims, costs and compensation outcomes.

In active mining areas, the Mine Proprietor is required to upload all documentation in relation to the final compensation to the portal. Alternatively, the Mine Proprietor may provide this information to the SA NSW Case Advisor.

## 11.2 Reporting

SA NSW will report internally on a number of aspects of the claims management process to ensure these guidelines are being adhered to.

Claimants can also provide feedback to SA NSW on any aspect of the mine subsidence claims management process. The SA NSW Case Advisor will send an online claim feedback survey to the claimant and Mine Proprietor seeking feedback on the claim process within **7 days** of a claim being finalised. Information from these surveys is reviewed and acted upon accordingly to ensure continuous improvement.

## 11.3 Compliance and enforcement

SA NSW will monitor compliance with these guidelines as part of SA NSW's commitment to provide a fair and efficient compensation scheme, and eliminate danger to the community from mine subsidence related events.

In the event of non-compliance, the appropriate level of enforcement will be taken in accordance with SA NSW's *Compliance and Enforcement Policy*.

In accordance with section 18 of the Act, if the Mine Proprietor does not deal with the claim in accordance with the Act, including determining the claim in accordance with this guideline, SA NSW may exercise its powers to step in and determine the claim.

If SA NSW determines the claim and pays compensation due to the Mine Proprietor's failure to do so, SA NSW will take steps to recover the compensation and any other costs associated with the claim from the Mine Proprietor.

## 12 Summary of timeframes

The table below summarises the main actions and associated timeframes under the subsidence compensation process. References to 'days' should be read as calendar days.

Those timeframes in **red** are statutory timeframes under the Act.

ACTION	TIMEFRAME
<b>EMERGENCIES</b>	
Claimant contacts NSW if there is an emergency subsidence incident	<b>Immediately</b>
SA NSW to respond to emergency subsidence incidents	<b>Within 24 hours of receiving notification</b>
<b>SA NSW to notify Mine Proprietor of emergency actions undertaken and subsequent, urgent</b> or temporary repairs	<b>Within 24 hours of inspection</b>
Work determined to be 'urgent', will be addressed and completed by Mine Proprietor or SA NSW on their behalf	<b>Within 14 days of claim being determined urgent</b>
<b>LODGEMENT</b>	
Claimant lodges a claim in the SA NSW subsidence claims portal for compensation	<b>Within 12 months of the damage becoming known</b>
SA NSW to advise claimant if claim is not accepted due to the property being outside the mining area of influence	<b>Within 14 days of claim lodgement</b>
SA NSW to respond to claimant and advise the Mine Proprietor of claim	<b>Within 7 days of claim lodgement</b>
Mine Proprietor requests Secretary review on SA NSW's decision that the claim is attributable to their operations	<b>Within 3 weeks after the date on which claim was notified</b>
<b>ASSESSMENT</b>	
Claim assessment process completed and offer of compensation provided (when ground movements have ceased)	<b>Within 90 days of site assessment</b>
Claimant accepts or refuses the determination	<b>Within 3 months of receiving the determination</b>
<b>INDEPENDENT DETERMINATION</b>	
Claimant requests Secretary review	<b>Within 3 months of determination</b>
SA NSW notifies the Secretary and the Determining Body of the request	<b>Within 7 days of receiving the request</b>
The claimant provides Position Statement to Secretary	<b>Within 30 days of receiving the notification</b>
Determining Body provides a Position Statement to Secretary	<b>Within 14 days of receiving the Claimant's position statement</b>



Secretary determination completed and provided to Claimant and Determining Body

**Within 90 days of receiving the notification**

**APPEAL TO LEC**

Either the Mine Proprietor or claimant lodges an appeal in the LEC

**Within 3 months of receiving notification of the Secretary's decision**

**TIMEFRAME FOR CLAIM PROCESS – ACTIVE and NON-ACTIVE MINING AREAS**

Reference: Section of Guidelines	Process Step	Timeframe
4.6	SA NSW to provide property owner with notice of mandatory external PMI	14 days (2 weeks) prior to inspection unless all parties agree to a shorter notice period
6.1	SA NSW to allocate a Case Advisor to a claim	Within <b>3 days</b> of claim lodgement
6.2	SA NSW to advise Claimant if claim is refused due to the property being outside the mining area of influence	Within <b>14 days</b> (2 weeks) of claim lodgement
6.4	SA NSW notifies Mine Proprietor claim lodged in their area of influence	Within <b>7 days</b> (1 week) of claim lodgement
6.4	Mine Proprietor acknowledges claim is within the zone of their operations or requests further information	Within <b>7 days</b> (1 week) of claim notification or receiving additional information requested from SA NSW
6.4.1	SA NSW to respond to Mine Proprietors request for information	Within <b>7 days</b> (1 week) of Mine Proprietors request
6.4.2	Mine Proprietor requests independent review of decision that a claim is within the zone of their operations	Within <b>21 days</b> (3 weeks) of being notified
6.5	Mine Proprietor to advise SA NSW of meeting with claimant	At least <b>2 days</b> prior to meeting
7.1 and 7.2	Determination of claim for active/non-active mining areas	Within <b>3 months</b> of the site investigation (unless otherwise approved by SA NSW)

<b>7.4</b>	Technical Assessor to <b>inspect property</b>	Within <b>28 days</b> (4 weeks) of claim lodgement (non-active mines) or subsidence ceasing (active mines)
<b>7.4.1</b>	SA NSW to provide claimant and Mine Proprietor with notice of property inspection	At least <b>5 days</b> prior to inspection unless otherwise agreed by all parties
<b>7.6</b>	Assessor to provide <b>draft CER to SA NSW</b>	Within <b>14 days</b> (2 weeks) of site inspection
<b>7.6</b>	SA NSW / Mine Proprietor to provide comments on report to assessor	Within <b>7 days</b> (1 week) of receiving the draft report
<b>7.6</b>	Assessor to address Mine Proprietor / SA NSW comments	Within <b>7 days</b> (1 week) of receiving the comments
<b>7.6.1</b>	If the Mine Proprietor disagrees assessment, they can request a desktop peer review of report	Within <b>28 days</b> (4 weeks) of receiving the draft report
<b>7.6.1</b>	Assessor carrying out desktop peer review to provide report	Within <b>14 days</b> (2 weeks) of engagement
<b>8.4</b>	Mine Proprietor to provide <b>determination and Letter of offer/refusal</b> to SA NSW	Within <b>42 days</b> (6 weeks) of receiving all information
<b>8.4</b>	SA NSW to <b>forward letter of offer/refusal</b> to claimant and follow up with a phone call	Within <b>3 days</b> of receiving all information
<b>8.5</b>	Claimant to <b>accept or refuse</b> offer / determination	Within <b>3 months</b> of receiving letter
<b>9.1.1</b>	SA NSW to forward signed Deed and EFT form to Mine Proprietor for active mines	Within <b>7 days</b> (1 week) of receipt
<b>9.1.1</b>	Determining body to execute (counter-sign) Deed	Within <b>14 days</b> (2 weeks) of receipt
<b>9.2</b>	<b>Determining body to pay compensation</b> to claimant	Within <b>21 days</b> (3 weeks) of the Deed being executed i.e. counter-signed by Determining body
<b>8.5.2 / 8.5.3</b>	Claimant may seek clarification or reassessment of determination or compensation offer	Within 3 months of receiving determination / compensation offer
	Determining body to respond to claimant request for clarification or reassessment	Determining body to prepare response within 14 days (2 weeks) of notification

		SA NSW to forward response to claimant within <b>3 days</b> of receipt
	If no response received from Claimant, Case Advisor to <b>follow up with claimant</b> to touch base with phone call	After <b>6 weeks</b> of letter of offer
	If no response received, Case Advisor to <b>follow up with claimant</b> with phone call and letter	After <b>3 months</b> of letter of offer
<b>8.5</b>	If no response received to follow up letter, SA NSW to <b>follow up with claimant</b> with phone call and reminder letter advising the claim has been put on hold and awaits instruction from the claimant.	After <b>4 months</b> of letter of offer
11.2	SA NSW to send <b>feedback survey</b> sent to claimant and Mine Proprietor	Within <b>7 days</b> (1 week) of claim being finalised

## 13 Appendix 1: Items eligible for compensation

Legislation provides for compensation for “improvements” and “goods” damaged by mine subsidence.

Goods are defined as “any fittings or fixtures within the property” (e.g., carpets, curtains, light fittings) Household effects do not include fridge, motor vehicles, boats or aircraft, etc.

Improvements are defined as “any building or work erected or constructed on land”.

Compensation for damaged goods should provide adequate compensation to return the household effect to its pre-existing condition. Where this is not possible, refer to the section entitled “How to Determine Fair Compensation – Like for Like”.

Compensation extends to any damage or defects sustained as a result of repairs that are project managed on behalf of the claimant. Reasonable variations are paid by the Determining Body. In the case of SA NSW project managing repairs on behalf of the Mine Proprietor, and the Mine Proprietor does not agree with the variations, they are able to seek determination by the Secretary.

Reasonable out of pocket expenses associated with the claim are also compensated as detailed below.

### 13.1 Out of Pocket Expenses associated with Mine Subsidence Claims

Typical out of pocket expenses that may be eligible for compensation are detailed below. Cost estimates for these items are undertaken by the assessor from the Technical Panel, with the exception of a legal allowance.

#### 13.1.1 Relocation expenses

Where applicable, a provision for relocation expenses should be made to the claimant, taking into account the volume of goods and distance to relocate.

#### 13.1.2 Temporary accommodation expenses

Where claimants are required to relocate from their property for repairs to be undertaken, a provision for temporary accommodation expenses is provided. Fair compensation is based on guidance from the CER indicating the length of time for repairs to be undertaken. A cost estimate takes into consideration an equivalent sized property within the local area and minimum lease periods available.

Fair compensation is considered for other reasonable expenses incurred with a relocation, such as temporary storage of household effects that may not be accommodated in the new property.

### **13.1.3 Utility connection and disconnection fees**

A provision is provided to the claimant for the disconnection and reconnection of utilities while the claimant is relocated out of their home.

### **13.1.4 Legal expenses**

A provision for legal expenses is applicable where claimants are required to sign a Deed of Acknowledgement, Release and Indemnity. A provision of \$1,000 + GST is recommended so the claimant can seek independent legal advice. This amount can be reviewed on merit.

For all claims where a property is being acquired, a provision of \$6,000 should be provided to the claimant to cover conveyancing costs and other miscellaneous costs associated with the sale, such as mortgage discharge costs, pest and building reports. This amount can be reviewed on merit.

### **13.1.5 Other expenses relevant to property acquisition**

A provision for stamp duty, equivalent to the purchase price of the sale, should be provided to the claimant where a property is being acquired.

### **13.1.6 Loss of rent for investment properties impacted by subsidence**

Where a damaged property is used as an investment property and becomes uninhabitable due to mine subsidence damages, an amount equivalent to the rent which would have been payable should be provided to the claimant. The Technical Assessor determines if the property is uninhabitable.

Tenants are not claimants, and are therefore ineligible for compensation under the Act.

### **13.1.7 Compensation for other reasonable costs associated with the claim**

Claimants should not be adversely impacted by mine subsidence damage, therefore, compensation should be considered for other reasonable requests (e.g. respite care for a disabled family member, extra storage for antique vintage cars, kennelling of dogs with a dog breeding business where yard space is reduced due to repairs).

Consideration of additional requests for compensation will require evidence such as receipts/quotes from the claimant.

### **13.1.8 Items ineligible for compensation**

Items that are not damaged by mine subsidence, but could potentially be used in the repair process may be salvaged and therefore are considered an item ineligible for compensation.

E.g. A house requiring demolition may include salvageable items that could be used in the rebuilt home. Salvageable items may include solar panels, bathroom fittings, kitchen appliances, hot water systems and bespoke items, etc. Compensation may be required to store salvageable items during the rebuild process.

Other items ineligible for compensation under the Act include; time off work, phone bills and intangible items such as emotional distress.

## 13.2 How to determine fair compensation

Legislation requires that damaged land or improvements are restored to a condition as practicably equivalent to that in which such land or improvements were, before the damage arose. To ensure claimants are fairly compensated, a 'like for like' principle for the provision of compensation is adopted.

### 13.2.1 Determining 'like for like'

The overriding factor in determining what constitutes 'like for like' is the budgeted cost of the replacement property/repair work to return the property to its condition prior to being damaged by mine subsidence. This includes landscaping, fit out, window furnishings and similar finishes.

The 'like for like' principle means that the size, inclusions or quality of finishes to a replacement dwelling or repairs, must be equivalent to that which was damaged. However, the Determining Body has discretion to accommodate minor modifications requested by the claimant where the project remains within the overall budget.

Where 'like for like' is not available, the closest reasonable solution or modern equivalent should be adopted. E.g. where a bathroom is damaged and the specific tiles requiring repair are no longer available, compensation for similar quality tiles should be provided.

Compensation or replacement for older items should be of the same functionality and quality, but not necessarily the same costs associated when it was new. E.g. in a demolition and rebuild - a top of the range oven that is 30 years old should be replaced with a new oven with the same quality and functionality when it was damaged.

## 14 Appendix 2: Alternatives to monetary compensation

The preferred mechanism for compensation provided to the claimant relating to damaged improvements is monetary compensation, and is the basis of this guideline.

There may be circumstances where the Determining Body may exercise its discretion to offer the claimant alternatives to monetary compensation to settle a claim. Such alternatives include:

- project managing repairs or property demolition and rebuild
- purchasing a property.

Circumstances where these options might be applicable include extensive damage to the property or extenuating circumstances such as elderly people, ill health, etc.

## 14.1 Project Management of repairs

In circumstances where the repairs are being project managed by the Determining Body or delegate, the CER or Quantity Surveyors report on the original home should be considered as the budget for compensation. If a cheaper solution has been agreed between the claimant and Determining Body, the costs associated with 'like for like' should be considered as part of the overall settlement. Reasonable upgrades to original fixtures should be considered in good faith, provided they are within the overall budget.

The claimant must not have any direct agreements with contractors for repair/rebuilding works. All agreements with contractors must be through the Project Manager. Refer to SA NSW's procurement policies and procedures for further information.

## 14.2 Claimant contributions for additional inclusions

There may be instances where a claimant requests to self-fund the inclusion of an additional component in the rebuild/repair of a property, if it exceeds the approved budget/funding. Where such an inclusion would not have any material impact, the Determining Body may use its discretion to accommodate the claimant's request. Likewise, if the request were to significantly alter resource requirements or timeframes, the Determining Body may refuse the request.

Where the Determining Body agrees for the claimant to self-fund the inclusion of an additional component, the claimant must pay the required amount to the Determining Body or delegate, prior to any work commencing.

## 14.3 Purchase of property

In appropriate circumstances, such as extensive damage, the Determining Body may consider purchasing a property that has been damaged by mine subsidence. The purchase offer is based on market value of the property, without damage by mine subsidence.

Should the claimant not be satisfied with the purchase price offer, the claimant can seek an independent review and determination (refer to Dispute Resolution).

## 14.4 Other mechanisms for compensation

Compensation should not be provided for items that can be claimed under different legislation.

Part 13 of the *Mining Act 1992* contains wide ranging compensation provisions to ensure that landholders are not financially disadvantaged by mining or prospecting operations.

Further information relating to landholders' rights, access arrangements and compensation under the *Mining Act 1992* can be obtained from the Department of Planning and Environment <http://www.resourcesandenergy.nsw.gov.au>.

# 15 Code of Ethics

All activities must be conducted in an ethical and transparent manner and comply with the values, principles and articles in the DFSI Code of Ethics and Conduct and equivalent Code, of the Mine Proprietor.

SA NSW staff will ensure they are not, or are not perceived to be, in a conflict of interest with any claimant or supplier. Those staff that have, or may be perceived to have, a vested interest in the outcome of a decision or purchase will:

- disclose any conflict to their manager
- discuss whether they should exclude themselves from the claim process
- record the conflict of interest in the Conflicts Register.

Refer to DFSI [Code of Ethics & Conduct](#) for the process on how to disclose a conflict of interest.