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**TRANSCRIPT OF PROCEEDINGS**

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TRANSCRIPT IN CONFIDENCE

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O/N H-1383199

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH WOLLONDILLY SHIRE COUNCIL**

**RE: TAHMOOR SOUTH COAL PROJECT**

**PANEL:** PROFESSOR RICHARD MACKAY AM (CHAIR)  
PROFESSOR CHRIS FELL AO

**ASSISTING PANEL:** LINDSEY BLECHER  
KATE MOORE  
STEVE BARRY

**COUNCIL:** ALEXANDRA STENGL  
DAVID HENRY  
ROBERT KHAN  
MICHAEL BANASIK  
SIMON LANDOW

**LOCATION:** ONLINE

**DATE:** 10.04 AM, WEDNESDAY, 10 FEBRUARY 2021

PROF R. MACKAY: So good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, and I would also like to pay my respects to their elders past, present and emerging.

5 Welcome to this meeting today to discuss the application for the Tahmoor South Coal Project, State Significant Development 8445. My name is Professor Richard Mackay and with me is my fellow commissioner Professor Chris Fell AO, and we form the panel appointed to determine this application. Joining us from the office of the Independent Planning Commission are Lindsey Blecher and Kate Moore, and Steve Barry will also be observing for part of the meeting.

10 In the interest of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the commission's website. The meeting is one part of the commission's decision making process. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the commission will base its decision. The meeting has been requested by the commission's decision – by the commission panel to ensure that panel members can ask questions and clarify aspects of the application.

20 It's not an opportunity for any party to make a presentation, nor to make submissions to the panel. Submissions are welcome from any party, but through a separate process. Meeting participants are asked to keep any introductory remarks brief and to respond directly to the commissioners' questions. In addition to the pre-advised questions, the commissioners may ask additional questions of attendees, and if you're asked a question and are not in a position to answer, please feel free to take the question on notice and to provide any additional information in writing, which we will then put up on our website.

30 To ensure the accuracy of the transcript, I request that all members today introduce themselves before speaking, just by saying their name every time they wish to speak, and for all participants to ensure that they do not speak on top of one another. And we will now begin, but could I please invite colleagues from Wollondilly Shire Council to introduce themselves.

35 MS A. STENGL: So I'm Alexandra Stengl and I'm the manager of Environmental Outcomes at Wollondilly Shire Council, and I will probably be giving a brief address today and then hand over to my colleague David Henry.

40 MR D. HENRY: Yes. David Henry, environmental assessment planner.

MS STENGL: We've also got our elected body here – we've got our mayor.

MR R. KHAN: Yes. Robert Khan, mayor from Wollondilly.

MR M. BANASIK: Yes. Michael Banasik, deputy mayor of Wollondilly. I just wanted to let the commission know as well, I will be ..... a personal submission next week. I've registered for that.

5 PROF MACKAY: Thank you, councillor. That's very good to have that on the record.

MR S. LANDOW: Yes. Simon Landow, councillor of Wollondilly, and I too – like Councillor Banasik, I will also be speaking on a – in a personal capacity on the 16<sup>th</sup>  
10 as well during the – the meeting also.

PROF MACKAY: Thank you. So it's Richard Mackay, and could I begin by inviting the council to make any preliminary remarks that you would care to – to the commission, please.  
15

MS STENGL: Okay. Thank you. So it's Alex here. So what I will just briefly say, obviously you've received our previous submissions. Overall, council is in a position where we are positive and supporting the economic benefits of the mine – that is something that's been acknowledged for – for our LGA – our Local  
20 Government Area, and – but we also had some concerns regarding some environmental impacts around ground water and surface water, and we've made that representation in our submission.

Additionally, we had a separate submission in an operational nature, which is our  
25 landfill – Bargo Waste Management Centre. We had concerns – previously the longwall panels did not go underneath that facility, and now they directly go underneath the facility, and we made representations with regards to that. Mainly, for council there is a risk – a lot of the issues can be engineered and managed, but there is still a risk that if a pollution incident was to occur due to subsidence, council  
30 is still liable as the licence holder for that mitigation or correctional activity from the EPA, so they're subject to compliance action.

So I guess that's one thing that's still – you know, I think we should acknowledge that particular issue, but overall we have been working with SIMEC – SIMEC, I'm  
35 not sure how you say it – but they have approached us and we've worked together to form a position, and through the conditions of consent we believe that we can work on that particular issue. But that – that last bit of risk is still one of those outstanding components, I guess, so that should be acknowledged. So that would be my – my overall broad statement.  
40

There has been some lobbying from residents regarding subsidence, and so there are real concerns about the impact to housing and – and subsidence to the community. That's probably been less felt by staff and more so – probably our councillors may speak to that, but there definitely has been representations that have come through to  
45 us in relation to that. I think that's probably about all – all I'll say. I'll hand over to David Henry, if you like, for some - - -

MR HENRY: .....

MS STENGL: Oh, did you want to go – yes. Did you want us to go through the – through to the councillors now about other issues or did you want to ask questions?

5

PROF MACKAY: Thank you. It's Richard Mackay. I would suggest, if we may, we might ask quite a small number of questions and - - -

MS STENGL: Sure.

10

PROF MACKAY: - - - hear some responses, and then at the end of the meeting I'll provide a further opportunity to any of the council representatives present who'd like to make a statement or put something on the record through the meeting process. You are, of course, as you're obviously aware, welcome to participate in the – the public hearings next week and to make further submissions up until the 24<sup>th</sup> of February. But if I may, just taking up some issues that were raised in those remarks, we would be very grateful to hear about council's position on the predicted subsidence, the associated impacts, both to the – the houses that are potentially affected and to the – the water, and the council's view on the applicant's approach to managing those impacts – I think – particularly with the benefit of what has occurred in relation to the operations at Tahmoor North.

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MS STENGL: David, did you want to speak?

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MR HENRY: Yes. So could I just speak about the water – potential impacts to water? Yes. I – I've been – I've primarily put the submissions together, with assistance from Alex ..... you know, so the – so the approach we've taken from the start with the environmental assessment was to advocate the community concerns – express community concerns regarding impacts to local waterways. And you mentioned Tahmoor North, so the council ..... in that respect, to advocate concerns ..... on Redbank Creek, which has been studied by – I'm not – Dr Ian Wright, who we put in a peer review that accompanied the submission.

30

PROF MACKAY: Yes.

35

MR HENRY: So that's the broad – broad approach ..... so the – so firstly, I guess, recognising the removal of the two longwalls ..... in a minor reduction ..... I noticed that the Department of Planning, Industry and Environment – I'll call it DPIE – has recommended a reduction ..... to reduce impacts to ..... waterways. So that's all – all positive, but we could still consider that the impacts are largely still there, in terms of surface water, based on issues raised in previous submissions, and consider other research agencies which .....

40

One – certainly, one big positive was ground water – and I – I think the approach is – is good with what DPIE has taken, in terms of requesting a more detailed ground water assessment post the Thirlmere Lakes Research Program, which council's had an involvement with. So I think that's – that's quite a good – quite a good approach.

45

That's – that's really positive. One issue, I suppose, is the interconnection between ground water and certain impacts to the ecological health of waterways, and that was something that was studied by Dr Wright at – at Redbank Creek, where he surmised that there was traction to – to lower – lower ..... impacts to water quality.

5

So that the – so what – basically, one – at the assessment stage we like to have – look at – have detailed assessments looking at what the impact is likely to be, as much as possible, recognising that you'd never get it accurate, and then recognising, in that regard, that there needs to be triggers in place, but then those triggers should have more scientific basis to – a more descriptive basis to then identify early on as to whether there is likely to be – yes – likely to be any – any impact. So – so that – so that's – that's the assessment stage.

10

In terms of managing – managing – so firstly, the – yes – the preferred outcome is to restore the watercourse to its former ecological health, and – and that's – that's the basic outcome put in the submission. So we put together some – we were provided a copy with the draft conditions by Department of Planning back in November and we gave some comment on them. I know that that hasn't been amended – the conditions provided to the IPC haven't been amended, and I'll – I'll certainly forward those comments on with our submission.

15

So, basically, the comments request more performance based indicators for – for triggers, and also requested that there – that those – that those triggers will identify likely impacts to ecological health, and it also would then require that the – that the – the management, in terms of monitoring, also look at more ecological health issues as well, and also in terms of any connectivity happening between impacts to the – the shallow aquifers and – and the surface water.

25

And then – then moving on from that is the ..... the current process that the DPIE's recommended is to monitor, and then if there's any impacts, require remediation, and then if it's more significant, then they – they intend to get the Creek Restoration Action Management Plan. So that the – what we've been saying in the submission is that if – if those triggers are – are scientifically based – the extraction plans are more scientifically based to – to identify likely impacts, then – then that would significantly reduce the potential for impacts to waterways within Tahmoor South ..... with Tahmoor – Tahmoor North.

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So that – that's sort of a broad overview of the – carrying on from that, so we recognise that we certainly ourselves aren't the experts. There's a lot of other people that have expertise, such as the independent – Commonwealth Independent panel – Expert Scientific Committee, and the independent expert panel ..... and government agencies. So – so we – we've asked that these issues we raised be investigated in more detail by the IPC as part of its consideration.

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PROF MACKAY: It's Richard Mackay. Thank you. Just following up on a few of those comments, Mr Henry. Council is welcome to put in a subsidiary submission direct to the IPC that is just the reiteration of the council's comments on the draft

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consent conditions. I mean, we – we do have access to them, but as a result of this meeting if you want to put them directly in front of us, you're welcome to send them and we would simply post them on our website as part of the documents received.

5 The commission's had the benefit of inspecting part of Redbank Creek and looking at some of the remediation works in process in relation to the Tahmoor North subsidence impacts. Could I ask you or invite you, if you wish, to – to comment on whether council is comfortable with the nature of those remediation works, which I guess, to some extent, demonstrate the capacity of the applicant to remediate  
10 damaged watercourses post-subsidence.

MR HENRY: Well, I certainly – look, I view that there is some positives there – certainly positives, that it would appear that their work has been successful in holding water in those – in those pools. We are very fortunate we've got a – Dr Ian  
15 Wright in this – he works at Western Sydney University, who's done a lot of research studies. And so there's questions over whether that would translate into the pool – restoration of what it was prior to – prior to the undertaking of mining. So – and I – and I think as part of his research he's looking to try and have a look at what monitoring SIMEC do to see if that's achieved. So it's positive, but if – will it come  
20 back to its former ecological condition? Not quite sure.

MS STENGL: Sorry, it's – it's Alex. Sorry, just to interject.

MR HENRY: Yes.  
25

MS STENGL: What we could do is, we've got former resolutions about some of the issues of impacts. I don't think we've got a current status, like a contemporary resolution, on any of the - - -

30 PROF MACKAY: Yes.

MS STENGL: That – but I – we can certainly send the previous historical positions of council regarding some of the issues that we've experienced, but I think that more recently – David's right – I think there's been a greater undertaking and more  
35 successful remediation on some of the impacts than previously, but – but I don't know if the panel wishes to see that. We could forward that information.

PROF MACKAY: Thank you, Ms Stengl. I think it's – it's – it's a matter for council what it wants to put before the commission. I – I would simply ask that if  
40 you are sending us previous resolutions that are superseded by subsequent events, that they – they be provided in that context.

MS STENGL: Absolutely. Yes.

45 PROF MACKAY: But we would – we would welcome receipt of that, in terms of our understanding of the process, because clearly the track record – the previous track record is and success of the current works is relevant to our consideration of the

– the merits of the mitigation proposed with respect to the Tahmoor – Tahmoor South. Could I – could I also please ask, with respect to Tahmoor South, Mr Henry raised the – the question of the configuration of the longwalls, 1043 and – 103B and 104B, and their relationship to Dog Trap Creek. There’s been a lot of modification  
5 of this proposal since 2018. It is correct that the – the DPIE assessment suggests some shortening of longwall – I’ll get it wrong – 103B. Does council have a view about what would be appropriate in relation to Dog Trap Creek?

10 MR HENRY: David Henry. No. It wouldn’t have a precise position on that ..... position just – just in line with what I previously said about – about looking to minimise ..... in a manner that would minimise impacts to – to those ..... recognising that it’s not always feasible, so in association with appropriate scientific based triggers.

15 PROF MACKAY: Thank you. It’s Richard Mackay. Before we move on to the Bargo Waste Management Centre, is there anything else that the council representatives in the meeting would like to say in relation to subsidence?

20 MR HENRY: So could I just quickly – I – David Henry. I forgot one issue – the discharge from the facility. That was an issue raised and ..... recognised that the EPA is working with SIMEC to put a new plant in, so hopefully that comes through with improved discharges from the facility. It’s got implications – because we have a recreation destination downstream, so that’s another issue that was raised. Sorry.

25 PROF MACKAY: Thank you. It’s Richard Mackay. Thank you, Mr Henry. So was there another – and – and – and noted that. The recreation facility downstream, is that the - - -

MR HENRY: Mermaids.

30 PROF MACKAY: Mermaid Pools?

MR HENRY: Yes.

35 PROF MACKAY: Thank you. So was there another comment from council in relation to subsidence?

MR BANASIK: Only one general comment, perhaps it’s not - - -

40 PROF MACKAY: Sorry, could you just identify yourself, please?

MR BANASIK: Oh, yes. Sorry. Yes. Yes. Michael Banasik, deputy mayor.

45 PROF MACKAY: Thank you.

MR BANASIK: Yes. One general comment and feedback from residents, recent changes and times to people putting claims in relation to mine sites – as you’d be

aware, used to be the Mine Subsidence Board, and now we've got this Mining Advisory Committee, and speaking to some residents, there seems to be more complaints with the – with the new system. I know we haven't formally brought it up at council, but I'm sure we will. We will try lobby to get the ..... the local  
5 member to – to make some changes there to make it easier for residents to ..... claims. It's my understanding with the current system that they put in a claim in and then they can review it, but the – the same person that decides the claim was passed – yay or nay – then does the review, which doesn't seem very, you know – you know, right, in a sense, to residents.

10 I don't know – I don't think that's in the brief here for you – you to – you good people to decide, but it would be – be good if recommendations be made to the government to look at changing – you know, to make it easier for residents for claims. If – if they're not happy with those claims, then they'd have to go to the  
15 Land and Environment Court, which – which is very hard for residents. And, of course, [REDACTED], so that sort of, – you know, you'll get residents hit you with – with that next week with their stories, and there's some horrendous stories – right – and – [REDACTED], so those bad – those bad cases have sort of got  
20 out on social media, etcetera, you know, so a lot of people are scared. So that's – that's only my general comment in that regard.

PROF MACKAY: Thank you, Mr Banasik. I mean, we – we would certainly welcome any specific examples being drawn to our attention, either through the  
25 public hearing process or a submission, particularly as they relate to experience at Tahmoor North since 2017. Could I just clarify if there's anything – oh, Professor Fell, you had a question.

PROF C. FELL: Just a comment. We must remember that any submissions are  
30 made public.

PROF MACKAY: Yes. Yes. So we are mindful of the privacy issues, but our process is a – an open and transparent - - -

35 MR BANASIK: Yes.

PROF MACKAY: - - - process.

MR BANASIK: Can I just quickly – and I know – just to follow-up, a couple of  
40 those people are – I saw the list yesterday for speakers ..... so they'll – they will tell their stories.

PROF MACKAY: Thank you. It's Richard Mackay. Could I just clarify if there are any other comments from council or those present in relation to subsidence?  
45 Great. In which case – Richard Mackay – we note that there is – has been some direct engagement between SIMEC and council regarding the Bargo Waste Management Centre arrangements. We are very conscious of what was outlined in



Ms Stengl's earlier comments about the ultimate responsibility liability for the facility, but I think what we would appreciate is, ultimately, advice as to whether council regards the proposed arrangements as developed through that process as appropriate.

5

MS STENGL: So it's Alex Stengl again. I – yes. Look, I think our – our current understanding with the meetings that we've held with SIMEC are that we can – well, we feel that we can address the majority of the issues working together in the proposed strategy – which I think we did outline, potentially, in our submission to DPIE, but I'm happy to forward that information to yourselves.

10

We – yes, we – we basically – I think one of the initiatives was to form a technical committee, including subsidence engineers and geotechnical engineers and any additional personnel as required, to have regular meetings and obviously to engage those – those expertise when we are putting our final leachate management system together so we can obviously do as much as we can in the engineering to, I guess, try to – to avoid the impact from any subsidence and causing a rupture to any leachate or gas collection systems. So that was quite an open discussion and I feel quite comfortable with that.

15  
20

I think the – the issue with the risk – it's one of those things, a little bit like driving a car, I guess, there's always that element of risk, no matter how much you can foresee something. So there is that – that grey area where no one can really guarantee if there's a – an unfortunate discharge to waters or air in a pollution event, ultimately, council, as the licence – you know, post-closure licence holder, we'll potentially be at risk to – you know, exposed to some compliance action, so I guess it's whether we're comfortable in working through this process.

25

So at this point in time I think that we can see that we could definitely work towards that being the case. I guess one of the comments for us in the conditions of consent, was just making sure that there's some provisions in there for council to – you know, should something happen that we haven't foreseen, that we've got an appropriate pathway for us to pursue, in either modifying something – you know, either the design layout or reduce the impact or – obviously you can't just stop a longwall from progressing, but I guess that's just for – for council, you know, in the future for us to protect our organisation and our – our residents from any potential claim.

30

35

PROF MACKAY: It's Richard Mackay. Thank you, Ms Stengl. That's clear and helpful. And council would be welcome to suggest specific consent conditions or amendments to us, and we would need to receive that by 24 February, and that would be also published on our website. Could I just check if there are any other questions or comments from the – from either Professor Fell or the secretariat officers about the waste management facility or, indeed, the reject emplacement area.

40

PROF FELL: No. Thank you, gentlemen. I'm happy with the discussion that's occurred.

45

PROF MACKAY: Right. And anything further from council on those matters?

MS STENGL: No, I don't think so.

5 UNIDENTIFIED MALE: No.

MS STENGL: Thank you.

10 PROF MACKAY: Thank you. I've – I've only got one other question that we wish  
to raise with council, please, and it's a general question, in that, obviously this mine  
is located within the Wollondilly Shire area. We've had the benefit of the social  
impact assessment. We're very conscious of the – the local issues, the employment  
and economic implications of this application, and we would like to provide an  
15 opportunity for council, should it wish, to express a view on the – on the social  
impact of the application.

MR HENRY: David Henry. Just a quick – quick comment. The – I have the social  
impact assessment reviewed by – by our ..... they were quite supportive of it. I think  
they just raised an issue – a potential implication with traffic movements through the  
20 Bargo area, but that was all the comment I had on – on social issues within the  
submission. I'll just hand over to any councillor and see if they want to make any  
comments.

MR LANDOW: Simon Landow, councillor. I'll have the exact figures for you next  
25 week, but, roughly, SIMEC itself employs 400 people at the mine, and then we've  
got another contractor, RStar Mining, which also is directly – supports the mine,  
where they can have – on any given day or week, depending on longwall  
movements, can have anywhere between 50 to 250 additional employees there. So at  
any one time Tahmoor itself could have 650 people onsite. Not to mention, there is  
30 63 local businesses – and these are local Wollondilly businesses, that directly support  
Tahmoor Mine. So the employment that just directly supports this mine is – is huge.

Some very – and they're only very rough figures, but very rough figures from  
SIMEC yesterday was 45 per cent of their workforce of 400 actually resides in  
35 Wollondilly, but, you know, the – the – the 60-odd per cent, they still live locally –  
Wollongong and Wingecarribee local government areas too, where they are still  
coming through Wollondilly to be utilising all the shops and service stations and  
cafes and mechanics. So the flow-on effect from that mine is massive. So for me,  
personally, in a – as a – as a representative and speaking to a lot of people and a lot  
40 of miners, they are very concerned about if they do not get this extension, that the  
mine will cease in – in 18 months and potentially there we could have, you know,  
1000 people out of a job. So to me that is, you know, frightening, for one of the  
largest employers in Wollondilly, if this place is to close.

45 So – yes, socially that would just be, you know, terrible, and we've seen the effects  
of a mine closure already in the Burragorang Valley – Oakdale, how that just  
decimated that town when – when the Burragorang Valley was over. So I certainly

would not like to see that happen to Tahmoor and – and Picton and Bargo itself. So that's social – that would be the big social impact there, it's just – it is a massive employer for the area. Thank you.

5 PROF MACKAY: Thank you, Mr Landow. Is there any other related comment from the council participants in the meeting?

MR BANASIK: Yes. Yes. Michael Banasik, deputy mayor. Just to follow-up on Council Landow, the – I won't go into the job numbers, I think he's – he's spot on  
10 there, but the – the small business effect is massive. I know a local plumber that, you know, 30 or 40 per cent of their – their trade is – comes through the mine, which is massive, for a number of jobs. And also the effect on small business, in a previous  
15 life I used to own Bargo Newsagency and I know how much that – that business depended on the mine, if the mine was closed for – for strike or breakdown, it was potentially a – a third of my trade, you know. That was a long time ago, so I don't  
know if that conflicts, so to speak, you know, but that was – so – and I know the local bakeries, takeaways, etcetera, benefit greatly from the mine.

Another thing – I'm not sure if this is social, but it never gets pointed out enough, I  
20 feel – perhaps it's environmental as well, is all the – all the coal from this mine is transported by – by rail. Right. So it has basically very minor effect on – on council's local infrastructure. If you look at other mines, usually they have large B-double trucks go on roads, so that can have strong – strong negative effect on local  
25 infrastructure. So having it all by coal, it could be argued that's an environmental plus, in a sense. Right. So – yes. So they're the only other two things I wanted to add in relation to – to social.

PROF MACKAY: Thank you, Mr Banasik. Could I just ask whether Professor Fell or the commission officers have any other comments. Yes, Professor Fell?  
30

PROF FELL: No. I'm happy with what I've heard, thank you.

PROF MACKAY: Mr Blecher?

35 MR L. BLECHER: Nothing from me either. Thank you, Professor Mackay.

PROF MACKAY: Ms Moore? And could I then perhaps finally invite council to make any final concluding comments that you would like to.

40 MR BANASIK: Oh, only – yes. Michael Banasik, deputy mayor. My last general comment is the general public don't seem to understand that they live in a mine subsidence area. It's – it's on their land titles. Right. So a – a lot of people sort of complain when suddenly ..... but, yet, it's been on their land titles, you know, when they bought the property, etcetera. That – that's not to say there shouldn't be  
45 safeguards, I've already said that to you – right – but I just wanted to – to point that out. People just don't seem to understand what that means.

PROF MACKAY: All right. Thank you for that comment. Is there any final – other final comment?

5 MS STENGL: No, thank you. I think it's – I think we're all – we're fine. Thank you very much for your time today and we appreciate that we can make some final submissions through – over the next few weeks. And we hope to be speaking next week, but, again, I think – I think we've covered off everything we ..... speak to you today anyway – pretty much.

10 PROF MACKAY: Right. Well, thank you all for that. Just in terms of the time and motion, as you aware, the public hearing is taking place 15, 16, 17 February. In so far as council might choose to provide us with further comments or submissions, if you would like them to be available before the public hearings, then we'd obviously need them this week. The final deadline for such submissions is the 24<sup>th</sup> of February.  
15 As I indicated in my opening remarks, it is very helpful to have this meeting. We're very grateful for your attendance and your responses to our questions. And this meeting is part of a – a much larger process that will ultimately inform the commission's determination. So in conclusion, thank you all very much for your - - -

20 UNIDENTIFIED MALE: Thank you.

PROF MACKAY: - - - contributions and I'll declare the meeting closed.

25 **RECORDING CONCLUDED**

**[10.40 am]**