

As a home owner about to be directly impacted by Tahmoor Colliery longwall mining extension at Bargo, NSW I welcome this review of the Subsidence Compensation Act.

My home subsidence predictions according to the SIMEC extension proposal are 1.35m subsidence with a tilt of 7.5mm/m. My home has an estimated probability of being in the R5 damage category of 6.8% (amongst the highest on the extension plan).

I have done much research and spoken to many people with regards to the damages caused by the Tahmoor North longwall mining subsidence. I understand that there are a number of changes needing to be made to the Coal Mine Subsidence Compensation Act in order to be fairer for residents impacted by mine subsidence.

### 1. REBUTTABLE PRESUMPTION

The rebuttable presumption needs to be changed that in undermined homes, subsidence caused by mining is the number one cause of damage. At the moment the onus is on the householder to prove damage was caused mining.

If a home has been standing for years/decades with no building issues other than minor wear and tear as you would expect to see, then longwall mining occurs underneath that home and cracks start to appear, windows/doors no longer open/close, floors sink, foundations sink, etc. then it is obvious that longwall mining underneath that home has caused this damage. At the moment the Mine Subsidence Advisory has the power to refuse claims claiming unusual weather, ground movement, builders or tree roots caused this damage. It is my understanding that 40% of claims in Tahmoor North were rejected by Mine Subsidence Advisory. In no other industry would it be acceptable to destroy people's homes and simply claim to not be responsible for any damage. Home owners are left high and dry with no choice but to pay themselves for damages to be fixed or appeal. The mine is not paying for the real damage it is causing and residents have been thousands of dollars out of pocket through no fault of their own. The rebuttable presumption needs to be changed that in undermined homes, subsidence caused by mining is the number one cause of damage. Subsidence Advisory should have to prove that damages were not caused by longwall mining.

### 2. COMPENSATION CLAIM APPEAL PROCESS

The compensation claim appeal process needs to be handled by a completely independent body not affiliated with Subsidence Advisory or any mining company.

At the moment Subsidence Advisory NSW is able to deny a claim and then also handle the review of any appeal for that claim. The same person who denied the claim also gets to review the appeal??

### 3. INDEPENDENT BUILDING INSPECTORS/PROFESSIONALS

Building inspectors and other professionals should be of RESIDENTS CHOICE if a resident so wishes to exercise that choice. Qualified and independent, at the cost of the mine. Residents should not be restricted to use so called 'independents' contracted by the mine to carry out repairs or any other works. I have heard many stories of dodgy repairs.

#### 4. TRUE AND FAIR COMPENSATION

The compensation amount must be a true and fair cost to the home owner, with no out of pocket expenses to the home owner. I know a home owner who was offered less than half the market value to knock down and rebuild their home after it was destroyed by the mine. No where near enough for a replacement home. This home owner was left with no choice but to get a home loan to rebuild. This should never happen. The mine should replace what it destroys with no cost to the resident.

#### 5. REBUILDS

Any knockdowns/rebuilds should be a direct replacement of what was lost (at full cost of the mine) ie size, fit-out, style, etc. should be the resident desire.

There is talk that Subsidence Advisory NSW want to restrict future building to a level 4 Guideline, imposing restrictions to the size/style of any new build in Bargo. For example – if longwall mining destroys a 40 square double storey home beyond repair, they will restrict the new replacement home to a 26 square single storey.

If this should be the case, then: **1)** Many residents in Bargo will not even be able to rebuild their existing homes. The home they do build will have to be significantly smaller. **2)** Their asset will significantly decreased in value with a smaller home. Who will compensate them for their loss? **3)** They will have new limitations imposed upon them greatly restricting the style and size of any home through no fault or choice of their own... simply for the purpose of restricting any future possibility of claims for Subsidence Advisory NSW.

#### 6. LIFETIME GAG ORDERS

No gag orders on compensated residents. At the moment compensated home owners are required to sign a lifetime gag order. What is the purpose of this gag order? If Subsidence Advisory believe their compensation to be fair and just, then why prevent residents from ever discussing their experiences? The very people you are wanting to hear from in this review of the compensation act are not legally allowed to speak.

With only \$13.8M set aside for all repairs and acquisitions in the new Tahmoor Colliery Bargo mine extension, I fear many residents will be left high and dry with out of pocket expenses. Many of the homes about to be undermined are acreages worth over \$1M. \$13.8M is grossly inadequate. Subsidence Advisory NSW is, at the moment, judge, jury and the appeals process picking and choosing who to (and not to) compensate. If I have a car accident and am at fault I am required to pay for any and all damages, and rightly so. So too should mining companies pay for any and ALL damages caused by their longwall mining under people's homes. Our homes are our sanctuaries and our greatest asset. One Govt. department should not have such power. I believe the above changes need to be made to support subsidence effected residents, to ease the burden and stress at an extremely stressful time.