**Attention: The Independent Planning Commission**

**Objection to: Russell Vale (RV) UEP (MP0-9\_0013)**

**Overview**

I have a recently graduated PhD on the Impacts of underground coal mining in the Southern Coalfields, which includes the Illawarra.[[1]](#footnote-1) I am a long serving member of a Community Consultative Committee, for another mining project in this coalfield, that has provided me with insights into how this project should be assessed, and is the basis for my **Objection** to the Russell Vale Project.

I urge you as the determining body, to deny a project approval based on the set of conditions recommended by DPIE. My experience suggests, they won’t work. And that should stand out as a moral challenge for this Panel.

**Examples of Flawed Conditions of Consent proposed by the DPIE**

* **Take the recommended Condition B15, with respect to water quality which reads**

*“The Applicant must ensure ….all surface discharges……comply with; (a) discharge limits (both volume and quality) set …… in any EPL or (b) relevant provisions of the POEO Act.”*

This is too generic; it reflects the water quality condition for the Bulli Seam Operations Project approval in 2011. (for ph, turbidity, EC & metals).[[2]](#footnote-2) I was on a joint Community, Corporate and EPA Working Party established to ensure that such a condition would be transformed into effective EPLs and PRPs to protect the upper Georges River from coal discharges. It took 8 years for the limits to be defined in an EPL, and in spite of it, mine water pollution continues above legal limits today. For example, the median salinity discharge into the Georges is more than four times the legal limit, irrespective of the licence, and thus is as bad now as it was in 2012.

So, based on this real experience, I would recommend a non-approval of this Russell Vale project, unless waste water discharge licences are specified with pollution limits[[3]](#footnote-3), **together with a water management regime to enable them, before any further coal extraction.**

Wollongong Coal, (WC) has demonstrated by past illegal discharges **into Bellambi Ck**, the high risks of any further Russell Vale approval. The EPA in 2018, noted 13 separate serious compliance breaches, before a previous public inquiry.[[4]](#footnote-4)

The Russell Vale revised PPR (Preferred Project Report) [[5]](#footnote-5), indicates that Wollongong Coal (WC) will ‘**investigate’ and ‘respond’** with a TARP when waste discharge from the Bellambi Gully outlet has turbidity exceeding 100 NTU’s, as though that is acceptable. I think it is appalling. The ANZECC standard is less than 30, and that is the licence limit in the EPL (2504) for the Appin mines, operated by South 32. Every coal mine in these coalfields should have the same pollution licence limits, in their respective EPLs, and I would hope you insist on that to avoid the perception of bias.

* **I have serious concerns also with the proposed conditions of B 17, 18 & 19, that relate to water balance, surface and groundwater impacts and the Adit (mine portal) water discharge problem. Those also need to be re-worked so as to set out explicit conditions, up-front of an approval.**

With respect to just one of those, as an example:

*B19 would allow mining to proceed, so long as the proponent submits an Adit Discharge WMP within 12 months of the commencement of mining. That plan would only need to* ***outline*** *treatment, discharge and beneficial re-use* ***options,*** *but not to* ***commit*** *or* ***deliver*** *them.*

The framing of that condition is a failure waiting to happen. The miner should be required to deliver what are sustainable, reasonable and moral actions, rather than canvas options. Water will only arrive into the pit bottom of the mine because it has been taken from the landscape and water catchment above. Water management must be a closed loop, involving treatment and re-use.

Here are 3 reasons for that:

1. WC modelling predicts that the Russell Vale mining void will fill with water then overflow for more than 160 years at escalating rates. That is a lot of unjustifiable water wastage. The future legacy issues involved in not nailing down commitments for WC to take responsibility for that are not acceptable.

2. WC has and will continue to have impacts on the Metropolitan catchment that is the water supply for the greater Macarthur and Wilton growth areas, where the projected increase in dwellings needing water supply by 2040 is a whooping 54,000 plus.[[6]](#footnote-6) So, WC needs to take pressure of the catchment supply source by making an alternative high-quality water product available through the treatment of its waste-stream. That is essential in order to protect drinking water supplies.[[7]](#footnote-7) A reasonable option may be to provide recycled water to both residential and industrial users in the region, for non-potable uses.

3. **Most importantly, other mines currently operating in the region, namely Tahmoor, Appin West and Appin North are being required to construct and operate Reverse Osmosis De-salination plants in order to treat their wastewater for beneficial re-use**. So, it is reasonable that the Russell Vale project only proceeds with the assurance of the same. Especially since the DPIE has flagged that this proposal is the precursor to a much larger expansion under Cataract Dam and further west. Another complication with the RV proposal is that poor water quality is likely to be exacerbated by the fact that WC proposes to re-inject its coal waste back into mining voids. When flooded and overflowing, this will add to the already high burden of salinity, turbidity and toxic metals into downstream receiving watercourses, if it isn’t captured and treated for re-use.

In conclusion, regarding conditions of consent, it is very important that Wollongong Coal is not permitted to use a “hardship “excuse to avoid delivering at the same level of performance with respect to environmental performance, as every other coal producer in the Southern Coalfields. **The competitive playing field should be level, if WC cannot compete, government agencies and regulators must not prop them up with legislative leniency.**

**Project Alternatives**

The DGR’s require a consideration of Project Alternatives. The revised PPR presented by

WC considered 4 Project alternatives. The last of those is the one that I support, and believe it to be supported by the vast majority of the knowing public, (except for coal vested interests)

That alternative is:

*That WC should withdraw the UEP application and close Russell Vale Colliery.*

This is both feasible and reasonable because

1. Bord and pillar mining is just not profitable enough, and if used is most likely to compound the financial unviability of this business.[[8]](#footnote-8)
2. There is so much ‘other’ coal and more efficient operations in the southern Coalfield. Other mines have richer coal seams that are more readily accessible and where the more efficient longwall technique can be deployed. Those other mines do not have to resort to risky multi seam mining. Their pit tops do not sit in the heart of densely settled suburbs, as is the case with Russell Vale.
3. Alternative extraction areas are located outside the drinking water catchment, and thus avoid that intractable conflict between coal and drinking water.

Again, by way of illustration South 32 are currently expanding coal exploration into a new, huge field to the north and west of its current operations based at Appin and Douglas Park (EL4470) and outside the drinking water catchments. The exploitation of this field would be, in a wider strategic sense, much better than approving Russell Vale.

**Corporate strategies that avoid the ‘sharing’ of wealth**

Even if Wollongong coal is financially viable, its local flow on benefits can be manipulated and limited. It is part of a vertically integrated transnational corporation. As recognised in the literature, such operations have the capacity to use transfer pricing and profit shifting practises to maximise global profits at the expense of local economic and social benefits.[[9]](#footnote-9) To put that in context, the local operator Wollongong Coal is a subsidiary of Jindal Steel, the parent company, that can pay an artificially low price for the raw coal product in Australia, so as to minimise local revenue, to avoid paying tax in Australia, and to minimise royalty benefits.

Wollongong Coal is not well regarded, arguably they do not deserve or have a social licence, and their Russell Vale proposal is too risky in every sense. Sadly, if an approval is granted, the reputational integrity of the IPC too could be compromised.

**A Final ‘personal’ Note**

Perhaps it something to do with the Covid \_9 crisis: I detect amongst and beyond my networks, there is a re-think going on. There seems an emerging understanding that, slower growth isn’t all that bad, and perhaps this is the time to re-set priorities. Whilst in future we need employment, this current setback gives us time to think about the type of jobs we might prefer. The kinds of jobs that destroy things that really matter like clean air and water, like those generated by this project, may not be worth the social and environmental costs.

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1. S. Cullis, Fractured Landscapes and Narratives: Controversy in the Southern Coalfield, Australia, UNSW, 2020.

Additionally, my personal interest is that we have a family home in the northern suburbs of Wollongong, and our drinking water comes from the Metropolitan catchments already impacted by longwall mining. We object to any further impacts, as represented by this proposal. Any incremental impacts are unacceptable, as represented by this proposal. The cumulative impacts, of this on top of those of other projects like the Dendrobium operation, and legacy issues of all of these projects into the future, are ill defined, unaddressed and of particular significance. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. In accordance with ANZECC guidelines <https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000> [↑](#footnote-ref-3)
4. <https://www.illawarramercury.com.au/story/5325881/wollongong-miner-cant-handle-coal-pollution-says-epa/>

<https://wastemanagementreview.com.au/nsw-epa-fines-coal-mine-30000-dirty-water-discharge-bellambi-gully/> [↑](#footnote-ref-4)
5. Umwelt, Russell Vale, Revised Underground Expansion Project, p.80 [↑](#footnote-ref-5)
6. <https://s3.ap-southeast-2.amazonaws.com/dpe-files-production/s3fs-public/dpp/297943/Greater%20Macarthur%202040%20Interim%20Plan.pdf>

<https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Wilton/~/media/8192077B4BEF49C8BECF08ADFF0E7D45.ashx>

Also, in the last drought, before this predicted urban expansion expansion, Cataract Dam fell to less than 29% [↑](#footnote-ref-6)
7. This is on top of an additional risk that WC imposes its that their triple seam mining has with unknown risks. They have proven their predictive incompetence in the past, with a subsidence exceedance nearly 5 timers their estimate for LW 4. The stakes, associated with any such further incompetence, are too high, as they wish to mine under the Cataract dam catchment but also up to the very edge of the dam storage, and this can involve greater water losses [↑](#footnote-ref-7)
8. Bord and Pillar mining recovers only 30% of the coal, whereas longwall mining more than 80% [↑](#footnote-ref-8)
9. <https://www.investopedia.com/terms/t/transfer-pricing.asp>

<https://heinonline.org/HOL/LandingPage?handle=hein.kluwer/intrtax0044&div=45&id=&page=>

<https://www.christianaid.org.uk/sites/default/files/2017-08/transfer-pricing-november-2010_0.pdf> [↑](#footnote-ref-9)