

# Presentation by Deidre Stuart on Wollongong Coal Ltd's' proposed Russell Vale Underground Expansion Plan (MP09\_0013) to IPC.

October 2020 *Note written, more formal detailed submission, referred to below, submitted separately.*

Good Morning Commissioners, and Counsel,

I am speaking to you today representing my family. We reside in Wollongong, and we desire a long-term, safe and prosperous future living in this region.

I understand that it is your duty to make a decision on this project, that is consistent with the NSW Environmental Planning & Assessment Act, which means consistent with the intent of the Act, as outlined in its objects in Section 1.3.

**I ask you to REJECT this project on the grounds that it will fail several of these objects.**

**NSW Planning's Assessment Report spends less than one page (in Appendix D, page A16) discussing this project against the Act's relevant objects.**

**Their assessment is not only very limited, it is also very biased with misleading framing.**

**For example, their assessment mostly compares the current proposal against earlier proposal versions, rather than against no ongoing coal mining at Russell Vale.**

**Given my 5-minute limit, I draw your attention to only, the first two listed objects in the Act:**

**The first object is:**

*(a) to promote the social AND economic welfare of the community AND a better environment by the proper management, development and conservation of the State's natural and other resources,*

I point out to you, the use of the word AND rather than OR.

What this means is that even if you consider that the project promotes the social and economic welfare of the community – and I do not accept this at all - the first object also means that your decision should be consistent with promoting a better environment.

Presumably, trying to address the “better environment” requirement of this first object, Planning's assessment report writes that the project

*would involve substantial improvements to the surface facilities operations to minimise noise and air impacts on the community*

But this compares this proposal only to earlier proposal versions – clearly false framing as I mentioned earlier.

When more appropriately compared to no-coal-mining situation, this proposal cannot be argued to promote a better environment since among other adverse impacts, it would contribute to global heating, perpetuate fossil-fuels use, and further damage the water catchment and ecosystems.

So this proposal **fails** to meet the first object.

## The second object is

(b) to **facilitate** *ecologically sustainable development* by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The Australian National Strategy for Ecologically Sustainable Development defines ESD as:

*using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased*

And some generally accepted principles of ESD include:

- Integration principle,
- A long-term perspective,
- A global perspective,
- Intra-generational and inter-generational equity,
- Conservation of biological diversity and ecological integrity,
- Harm prevention,
- Precautionary principle,
- Internalising externalised costs.

I argue in my written submission in more detail that this proposal is **utterly inconsistent** with ESD principles, in contrast to Planning's statement that it is consistent.

Planning does not even bother to assess the project against each principle of ESD in an attempt to demonstrate its consistency. That is really NOT OKAY.

I listened to proceedings yesterday and heard Counsel say repeatedly that you cannot consider whether the proponent WCL is fit and proper. I say to you instead, today, that the Australian Commonwealth, State and Local laws and institutions designed to protect our environment – that is, our public environmental governance systems – are not fit for purpose. Clearly they are not up to the task of protecting our environment or ensuring compliance with development approvals. This was evident in what you heard yesterday about this mine, and it is evident in the damning interim findings of the second review of the EPBC Act. **This is the real world we live in.** And this is the reality that you also need to include in your decision making about this project. This reality is as real as any estimate of jobs or emissions. There can be no **facilitation of ESD** without good governance.

But I also wondered, and so I ask you Commissioners this:

If the Law's object is to **facilitate** ESD, then does that require that approved projects should be consistent with ESD principles only, or does it require that approved projects are consistent with ESD principles **and also facilitate** ESD?

When I considered this question, I could not imagine a project that I considered was consistent with ESD principles that did not also facilitate ESD in some ongoing way.

In the context of this RV proposal, I find that not only does this project not comply with ESD principles, this project also does not facilitate ESD in any way. Rather, the proponent has already made clear they intend to exploit further coal seams – leading to further adverse social and environmental impacts. This is not a pathway to a sustainable future. Everyone here knows this.

SO this proposal **fails** the second object as well.

I ask, Commissioners, that your decision will be consistent with the objects of the NSW EP&A Act. And that you reject this proposal.

Thank you for your time.

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### **Principles of Ecological Sustainability**

AUSTRALIAN MAINSTREAM ENVIRONMENT GROUPS PRINCIPLES OF SUSTAINABLE DEVELOPMENT	
<b>Inter-generational equity</b> The present generation should ensure that the next generation is left with an environment that is at least as healthy, diverse and productive as the one the present generation experiences. Owing to the massive and irreversible rate of loss of species and habitats at present, we have an additional responsibility to give the highest priority to conserving the world's natural environment and species.	will need to be limited by the capacity of the environment to both supply renewable resources and assimilate wastes.
<b>Conservation of biodiversity and ecological integrity</b> Conservation of biodiversity and the protection of ecological integrity should be a fundamental constraint on all economic activity. The non-evolutionary loss of species and genetic diversity needs to be halted and the future of evolutionary processes secured.	<b>Qualitative development</b> Increases in the qualitative dimension of human welfare and not the quantitative growth in resource throughput is a key objective.
<b>Constant natural capital and 'sustainable income'</b> Natural capital (e.g. biological diversity, healthy environments, freshwater supplies, productive soils) must be maintained or enhanced from one generation to the next. Only that income which can be sustained indefinitely, taking account of the biodiversity conservation principle, should be taken.	<b>Pricing environmental values and natural resources</b> Prices for natural resources should be set to recover the full social and environmental costs of their use and extraction. Many environmental values cannot be priced in monetary terms and hence pricing policies will form part of a broader framework of decision making.
<b>Anticipatory and precautionary policy approach</b> Policy decisions should err on the side of caution, placing the burden of proof on technological and industrial developments to demonstrate that they are ecologically sustainable.	<b>Global perspective</b> A global perspective is needed to ensure that Australia does not simply move its environmental problems elsewhere.
<b>Social equity</b> Social equity must be a key principle to be applied in developing economic and social policies as part of an ecologically sustainable society.	<b>Efficiency</b> Efficiency of resource use must become a major objective in economic policy.
<b>Limits on natural resource use</b> The scale and throughput of material resources	<b>Resilience</b> Economic policy needs to focus on developing a resilience to external economic or ecological shocks. A resource-driven economy is unlikely to be resilient.
	<b>External balance</b> Australia's economy needs to be brought into balance. External imbalance creates pressure to deplete natural capital and could undermine the prospect for an ecologically sustainable economy.
	<b>Community participation</b> Strong community participation will be a vital pre-requisite for effecting a smooth transition to an ecologically sustainable society.

### **REFERENCES**

- *Environmental Planning and Assessment Act 1979 No 203.*  
<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#frnt-lt>
- NSW Government DPIE (2020) Russell Vale Revised Underground Expansion Project: Planning Secretary's Final Assessment Report. <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2020/08/russell-vale-underground-extension-project/referral-from-the-department-of-planning-industry-and-environment/dpie-final-assessment-report.pdf> Assessment of proposal against EPA Act objects appears in Appendix D, page A16, which is page 95/110 when trying to find it quickly in the PDF
- Hare, W.L. (Ed.) 1990. *Ecologically Sustainable Development*. Australian Conservation Foundation, Fitzroy. As cited in Beder, S. (1996). *The nature of sustainable development*. (2<sup>nd</sup> ed). (p5). Newham, Australia: Scribe Publications.
- Australian Government (1992) National Strategy for Ecologically Sustainable Development – Part 1 Introduction. <https://www.environment.gov.au/about-us/esd/publications/national-esd-strategy-part1#WIESD>